

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN.

SERVICE APPEAL NO. 1456/2013

Date of institution ... 27.09.2013

Date of judgment ... 25.07.2017

Rehmatullah S/o Missal Khan,
R/o Mohallah Khurian Wala Near Zearat Pir Sabir Shah,
City Tank (Sub-Engineer).

... (Appellant)

VERSUS

1. The Secretary, Government of KPK Communication & Works Department, Peshawar.
2. The Chief Engineer, Communication & Works Department Khyber Pakhtunkhwa, Peshawar.
3. The Superintending Engineer, C&W, D.I.Khan.
4. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
6. The Executive Engineer C&W Tank Division, Tank.
7. The Deputy Commissioner (Representative in-interest of D.C.O), Tank.

... (Respondents)

M. Amin
25.7.2017

Service Appeal Under Section-4 Of The Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order No. 6594/Acctt. Dated 06.11.2008, passed by the then District Coordination Officer, Tank now Deputy Commissioner, Tank (Representative-in-interest of D.C.O) Respondent No. 7 vide which the appointment orders of the appellant as Sub-Engineer and one Sanaullah, Road Inspector employees of Works & Services Department Tank were cancelled and they were terminated from their services, as a result of letter No. SOE-1/W&SD/2-6/2008 dated 29.09.2008 issued by the Respondent No. 1 at the behest of the Respondent No. 4.

Ms. Muhammad Saeed Bhutta, Advocate.
Mr. Farhaj Sikandar, District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Our this judgment

shall dispose of the aforesaid appeal as well as appeal No. 1457/2013 titled
"Rizwanullah Versus Secretary, Government of KPK Communication & Works

Department, Peshawar and others as common question of law and facts are involved in both the appeals.

2. The aforesaid appeals have been filed against the order dated 06.11.2008 passed by District Coordination Officer whereby he cancelled the appointment order of the appellants Rehmatullah Sub-Engineer and Rizwanullah Sub-Engineer with immediate effect. The appellants also challenged the same through departmental appeals on 10.11.2008 but the same were not responded hence, the present appeals.

3. Facts of the cases as per memo of the appeals are that the appellants were appointed as Sub-Engineers (BPS-11) vide order dated 02.04.2008 by the District Coordination Officer Tank on the recommendations of Departmental Selection Committee. However, their appointment order was cancelled by ^{a district} Deputy Coordination Officer Tank vide order dated 06.11.2008 on the basis of letter No. SOE-1/W&SD/2-6/2008 dated 29.09.2008 issued by Section Officer. The appellants also filed departmental appeals on 10.11.2008 against the aforesaid impugned order but the same was not responded. It is also pertinent that the appellants also filed Civil Suit in the court of learned Civil Judge Tank against the aforesaid cancellation order of appointments and after conclusion of the trial civil suit was partially decreed vide judgment dated 07.01.2012. The respondents challenged the aforesaid judgment passed by the civil judge Tank through appeal in the court of District Judge Tank. The appeal of the respondent-department was accepted by the District Judge Tank vide detailed judgment dated 23.02.2013 and the suit was dismissed. The appellants challenged the said judgment of the District Court in the worthy Peshawar High Court Bench D.I.Khan through revision petition and the worthy High Court also dismissed the revision petition vide detailed judgment dated 19.08.2013, thereafter the appellants filed the present service appeals.

4. The respondents were summoned who contested the appeals by filing written reply/comments.

5. Learned counsel for the appellants contended that the appellants were appointed as Sub-Engineers (BPS-11) by the competent authority after observing all the codal

M. Amin
25.7.2017

formalities as proper Departmental Selection Committee was constituted and Departmental Selection Committee recommended the appellants for appointment. It was further contended that the impugned order is against law and rules as it has been passed without providing opportunity to the appellants. It was further contended that the appellants have also instituted Civil Suit against the cancellation order of their appointments which was partially decreed however, on appeal the District Judge set-aside the judgment of the trial court and dismissed the suit and later on the appellants challenged the judgment of the District Judge in the worthy High Court through revision petition but the same was also dismissed, therefore, the appeals are within time and the appellants have also filed application for condonation of delay in this respect. It was further contended that one Sanaullah was also appointed by District Coordination Officer Tank as Road Inspector (BPS-6) and later on his appointment order was also cancelled by the District Coordination Officer Tank vide order dated 06.11.2008. It was further contended that the said Sanaullah also filed service appeal against the impugned order and the said appeal was accepted by the Service Tribunal and the same was also maintained by the Supreme Court of Pakistan. It was further contended that the cases of the present appellants are at par with the case of Sanaullah, therefore, prayed for acceptance of appeal.

6. On the other hand, learned District Attorney Mr. Farhaj Sikandar opposed the contentions of learned counsel for the appellants and contended that the appointment order of the appellants was passed by incompetent authority as the post of Sub-Engineer (BPS-11) falls within preview of Rule-3 of Khyber Pakhtunkhwa Public Service Commission (Functions) Rules, 1983. It was further contended that the post of Sub-Engineer (BPS-11) is not a district cadre but the said post is a provincial cadre post which is evident from the facts that the seniority list of Sub-Engineers is issued on provincial level. It was further contended that proper inquiry was conducted regarding illegal appointment of the appellants and the inquiry officer found that as per Notification No. SOR-VC(E&AD)2-7/2003 dated 17.11.2005 the Departmental Selection Committee at District Level for Posts of BS-11 to BS-15 shall consist of

i. District Coordination Officer

Chairman

M. Amin
25-7-2017

- | | |
|--|--------|
| ii. EDO concerned | Member |
| iii. One member to be nominated
by the Admn: Deptt: concerned | Member |
| iv. One member to be nominated by the Appointing
Authority. | Member |

It was further observed by the inquiry officer that the departmental selection, promotion and appointment committee on whom recommendation the above appointments have been made was not in accordance with the notification and was consisted of the following officials

- | | |
|---|----------|
| i. District Coordination Officer Tank | Chairman |
| ii. Executive District Officer Finance Tank | Member |
| iii. Deputy Director Works & Services Tank | Member |

It was further contended that the said inquiry was conducted by the Executive District Officer Works & Services Department D.I.Khan against the illegal appointment order of the appellants and it was observed by the inquiry officer in inquiry report that the appointment of the appellants as Sub-Engineers is quite violation of the said notification dated 17.11.2005. It was further contended that the said inquiry officer also stated in the inquiry report that the recruitment to post in BPS-16 & above as well as the post of Assistant Sub-Inspector of Police, Naib Tehsildar, Zilladar & Sub-Engineers will continue to be made through NWFP Public Service Commission as per Government of NWFP S&GA Department (Regulation Wing) No. SOR-1(S&GAD) 1-117/91 dated 01.02.1993. It was further contended that the appellants had filed departmental appeals before the Commissioner but the appellants have not arrayed the said Commissioner as a party in the service appeal. It was further contended that the cases of the present appellants are not at par with the case of Sanaullah Road Inspector as he was appointed as Road Inspector (BPS-6) while the appellants were appointed as Sub-Engineers (BPS-11). It was further contended that the appellant had filed departmental appeal on 10.11.2008 but they have filed the service appeal in September 2013, therefore, the appeals are also time barred.

M. Anwar
25.7.2017

7. We have heard the arguments on both side and gone through the record available on file.

8. Perusal of the record reveals that the appellants were appointed as Sub-Engineers BPS-11 vide order dated 02.04.2008. The record further reveals that the Executive District Officer Works & Services Department D.I.Khan conducted inquiry against the aforesaid appointment on the office letter No. SOE-1/W&SD/2-6/2008 dated 17.07.2008 issued by the Secretary Government of NWFP Works & Services Department Peshawar and it was found by the inquiry officer in inquiry report that:-

“The appointment of Sub-Engineer at serial No. 1 & 2 is quite violative to the notification No. SOR-VC(E&AD) 2-7/2003 dated 17.11.2005 wherein the departmental selection committee at District level for post of BPS-11 to BPS-15 is reconstituted as under:-

- | | | |
|------|---|----------|
| i. | District Coordination Officer | Chairman |
| ii. | EDO concerned | Member |
| iii. | One member to be nominated
by the Admn: Deptt: concerned | Member |
| iv. | One member to be nominated by the Appointing
Authority. | Member |

The departmental selection, promotion and appointment committee on whom recommendation above appointments have been made is not accordance with the notification and comprises of the following.

- | | | | |
|-----|------------------------------------|------|----------|
| iv. | District Coordination Officer | Tank | Chairman |
| v. | Executive District Officer Finance | Tank | Member |
| vi. | Deputy Director Works & Services | Tank | Member |


It is also pertinent to point out that the recruitment to post in BPS-16 & above as well as the post of Assistant Sub-Inspector of Police, Naib Tehsildar, Zilladar & Sub-Engineers will continue to be made through NWFP Public Service Commission as per Government of NWFP S&GA Department (Regulation Wing) No. SOR-1(S&GAD) 1-117/91 dated 01.02.1993.”

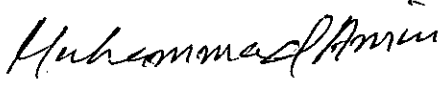
M. Amin
25.7.2017

9. Meaning thereby that the appointments of the appellants were not made in accordance with the rule and law. Moreover the case of the appellants are not at par with the case of Sanaullah Road Inspector as the appellants were appointed as Sub-Engineers (BPS-11) while Sanaullah was appointed as Road Inspector (BPs-6). Furthermore, the appellants have filed departmental appeal on 10.11.2008 they were required to file service appeal within one month after expiry of ninety days from department appeal, but they have filed the present service appeal in September 2013.

10. As such both the appeals have no force which are hereby dismissed with no order as to costs. File be consigned to the record room.


ANNOUNCED
25.07.2017


(GUL ZEB KHAN)
MEMBER
CAMP COURT D.I.KHAN


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

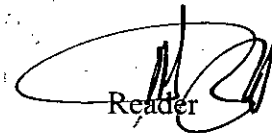
21.02.2017

Counsel for appellant and Mr. Farhaj Sikandar, Government Pleader for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for arguments on 28.03.2017 before D.B at Camp Court D.I.Khan.


(ASHFAQUE TAJI)
MEMBER
Camp Court D.I.Khan

28.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 26.07.2017.


Reader

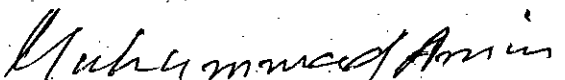
25.07.2017

Appellant with counsel present. Mr. Abdur Rashid Tareen, Administrative Officer alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of six pages placed on file, the appeal has no force which is hereby dismissed with no order as to costs. File be consigned to the record room.

ANNOUNCED

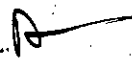
25.07.2017


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN


(GUL ZEHRA KHAN)
MEMBER
CAMP COURT D.I.KHAN

23.05.2016

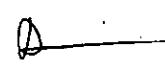
Junior to counsel for the appellant, Mr. Abdul Rashid Tareen, AO and Waheedullah, XEN(C&W) Tank alongwith Mr. Farkhaj Sikandar, GP for respondents present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 24.10.2016 at camp court D.I. Khan.


Member


Member
Camp Court D.I.Khan

24.10.2016

Counsel for the appellant and Mr. Abdur Rashid Tareen, Administrative Officer alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. AT the very outset learned GP pointed out that the instant appeal is barred by time. Learned counsel for the appellant requested for adjournment to produce case law to justify the delay in failing of the appeal. Request accepted. To come up for arguments on 23.01.2017 before D.B at Camp Court D.I.Khan.


Member


Member
Camp Court D.I.Khan

23.01.2017

Appellant in person and Farhaj Sikander, Government Pleader for respondents present. Due to non-availability of D.B the appeal is adjourned to 21.02.2017 for same as before.


Reader

27.03.2015

Counsel for the appellant and Mr. Usman Ghani, Sr. GP for the respondents present. Since the appeals pertains to ~~DistRICT~~ ~~D.I. Khan~~, therefore, as per decision of the Worthy Chairman, the appeal should be heard at ~~DistRICT~~ ~~D.I. Khan~~, hence be placed for appropriate order.



Member



Member

27.10.2015

Appellant with counsel and Mr. Farhaj Sikandar, GP for the respondents present. The Bench is incomplete, therefore, case to come up for arguments at camp court, D.I.Khan on 22.2.16.



MEMBER
Camp court, D.I.Khan

22.2.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Ghulam Qadar, SDO for the respondents present. Counsel for the appellant requested for adjournment. Therefore, case to come up for arguments on 23.5.16 at Camp Court D.I.Khan.



MEMBER



MEMBER

Camp Court, D.I.Khan

28-10-14.

Present as before on 29-9-14. Reply not received. To come up for reply on 27-1-15 at Camp Court, D.I. Khan. I.O.

Le July
Registrar
Camp Court, D.I.K.

27-1-2015

Counsel for the appellant and G.P. for respondents present. Reply received, copy whereof is handed over to appellant for rejoinder, if any. To come up for rejoinder on 24-2-15 at Camp Court, D.I. Khan.

§
Member
Camp Court, D.I.K.

24-2-15.

Counsel for the appellant and Noman Bashir S.D.O. for respondents with G.P. present. Rejoinder received, copy whereof is handed over to G.P. for arguments. Counsel for the appellant requested for Transfer of this case at Principal Seat Peshawar. The case is transferred to Diary of Final Bench-II and fixed on 27-3-2015 for arguments.

§
Member
Camp Court, D.I.K.

28-2-14,

present as before on 25-2-14.
written reply not received. G.P. requested
for time to file reply. To come up for
reply on 26-5-2014 at Camp Court, D.I.K.

Member
Camp Court, D.I.K.

26-5-2014

Appellant with counsel and Mubal
Shahid, XEN for respondents with G.P. present.
The representative of respondents again requested
for time to file reply. To come up for written
reply on 24-6-14 at Camp Court, D.I.Khan.

Member
Camp Court, D.I.K.

24-6-14,

present as before on 26-5-14. Reply not
received. Last chance is given for submission
of written reply. To come up for written reply on
29-9-2014 at Camp Court, D.I.Khan.

Member
Camp Court, D.I.K.,

29-9-14,

Counsel for the appellant and G.P. for
respondents present. Case adjourned to 28-10-2014
for written reply at Camp Court, D.I.K.

Registrar
Camp Court, D.I.K.,

24-2-2014
 no one is present on behalf of appellant,
 Mr. Mahid Shahid XEN for respondents No. 2 & 6 and
 Shiekh Fahim Assistant for respondent No. 3
 with G.P. for respondents present. Due to strike
 of the Bar Council, the case is adjourned for
 tomorrow i.e. 25-2-2014 for further preliminary

hearing at Camp Court, D.I. Khan
 Member
 Camp Court, D.I. Khan

25.02.2014 Counsel for the appellant and Muhammad Shahid XEN for respondents No. 2 & 6 and Shiekh Fahim Assistant for Respondent No. 3 with G.P. for respondents present.

The Learned Counsel for the appellant contended that appellant has not been treated in accordance with law and no opportunity of personal hearing was provided to the appellant before the withdrawal/impugned order. Similarly, no notice was served on the appellant before passing the impugned order which was mandatory under the law. On the other hand, Learned G.P submitted that the appeal is hopelessly time bared and the same may be dismissed on this ground alone. L/Counsel for the appellant clarified that the impugned order was passed in utter violation of law. Therefore, limitation would not run against void order.

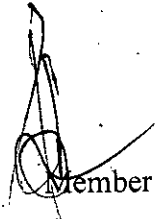
Points raised need consideration. Admit. Security & Process Fee in 10 days, thereafter, notices be issued to the respondents for submission of written reply on 28.04.2014 at Camp Court D.I. Khan

MEMBER
 Camp Court D.I. Khan

Appellant deposited Security and Process Fee in the State Bank of Pakistan

26.12.2013

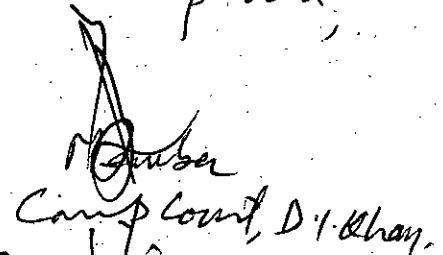
Counsel for the appellant present and requested for adjournment. He also submitted an application for condonation of delay. To come up for preliminary hearing at camp court D.I. Khan on 31.12.2013.


Member

31-12-2013

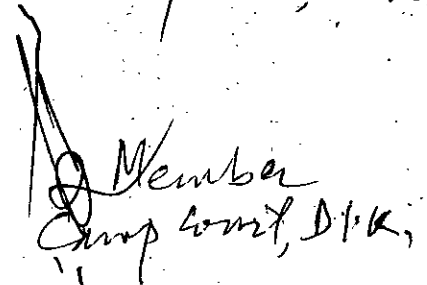
Counsel for the appellant present and heard. The counsel contended that appointment of appellant has been cancelled and terminated his service without observing all codal formalities.

Pre-admission notices be issued to G.P./respondents to assist this Honible Tribunal on 27-1-2014, fixed for further preliminary hearing at Camp Court, D.I. Khan,


Member
Camp Court, D.I. Khan.

27-1-2014

Appellant in person and Mubd Shaid Xen for respondents no. 2 & 6 and Sheikh Fahim Assistant for respondent no. 3 with G.P. for official respondents present. Appellant requested for adjournment due to non-availability of his counsel. To come up for further preliminary hearing on 24-2-14 at Camp Court, D.I.K.


Member
Camp Court, D.I.K.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1456/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/10/2013	<p>The appeal of Mr. Rehmatullah resubmitted today by Mr. Muhammad Saleem Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	26-11-13	<p>This case is entrusted to <i>[Signature]</i> for preliminary hearing to be put up there on <u>26-12-2013</u> at 10:00 AM. Notice be issued to the appellant and his Counsel.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Rehmatullah son of Missal Khan r/o Mohhallah Khuraian Wala received today i.e. on 26.09.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The law under which the appeal is filed is not mentioned.
- 2- Address of the appellant is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 3- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 4- Three more copies/sets of the appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1356 /S.T,

Dt. 27/9/2013.

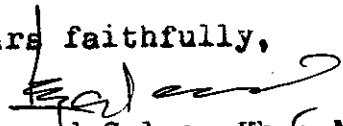

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Saeed Bhutta Adv.
Dera Ismail Khan.

Sir,

With due respect above mentioned objections has been
fullfiled as per office direction.

Yours faithfully,


Muhammad Saleem Khan Marwat
Advocate High Court.

Dated. 1 /2013.

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1456/2013
Rehmatullah(APPELLANT)

VERSUS

The Secretary, Govt: of KPK Communication & Works
Department, Peshawar etc. **RESPONDENTS**

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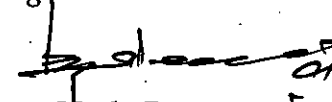
S. No.	Particulars of documents	Annexure	Page
1.	Grounds Service Appeal with C.M		1-10
2.	Memo of address.		11
3.	Copy of advertisement	"A"	12
4.	Copy of letter Dated. 20.03.2008	"B"	13-13-A
5.	Copy of Minutes of meeting.	"C"	14 To 14-A
6.	Copy of recommendation letter.	"D"	-15-
7.	Copy of order dated 02.04.2008.	"F"	16-16A
8.	Copy of letter dated.29.09.2008	"G"	(17)
9.	Copy of impugned order dated06.11.2008.	"H"	(18)
10.	Copy of ground of departmental appeal	"I"	(19)
11.	Copy of judgment dated 07.01.2012	"J"	20-29
12.	Copy of decree sheet.	"K"	(30)
13.	Copy of grounds of appeal	"L"	31-38
14.	Copy of judgment dt.23.02.2013.	"M"	39-44
15.	Copy of decree sheet.	"N"	(45)
16.	Copy of judgment dt.19.08.2013	"O"	46-51
17.	Copy of Inquiry Report.	"P"	52-55
18.	Copy of order dt. 12.11.2008	"Q"	(56)
19.	Wakalatnama		(57)

Appellant



Rehmatullah
Through Counsel

Dated. .09.2013


Advocate, High Court
D.I.Khan

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1456/2013

Rehmatullah s/o Missal Khan
R/o Mohallah Khurian Wala Near Zearat Pir Sabir Shah,
City Tank (Sub Engineer)
Cell # 0300-909-0165

.....(APPELLANT)

1409
26/9/13

VERSUS

1. The Secretary, Govt: of KPK Communication & Works Department, Peshawar
2. The Chief Engineer, Communication & Works Department Khyber Pakhtunkhwa, Peshawar.
3. the Superintending Engineer, C & W, D.I.Khan.
4. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
6. The Executive Engineer C & W Tank Division, Tank.
7. The Deputy Commissioner, (representative-in-interest of D.C.O), Tank.

..(RESPONDENTS)

Service Appeal u/s 4 of KPK Service Tribunal Act, 1974,
against the order No. 6594/Acctt. Dated 06.11.2008;
passed by the then District Coordination Officer, Tank
now Deputy Commissioner; Tank (Representative-in-
interest of D.C.O) Respondent No. 7 vide which the
appointment orders of the Appellant as Sub-Engineer and
one Sanaullah: Road Inspector employees of Works &
Services Department: Tank were cancelled and they were
terminated from their Services; as a result of letter
No.SOE-1/W&SD/2-6/2008 dated 29.09.2008; issued by
the Respondent NO. 1 at the behest of the
Respondent No. 4.

Submitted to
and filed,

30/10/13

PRAYER:

On acceptance of the instant service Tribunal appeal to set aside the impugned orders of the Respondent Nos. 1-4 and 7 and to re-instate the Appellant in Service as Sub-Engineer BPS-11 in Works & Services Department, Tank with all back benefits.

Respectfully Sheweth,

1. That the Respondent No. 7 got published a proclamation in daily Express dated 17.03.2008 whereby the invited applications from the deserving Candidates for their appointments as Sub-Engineer BPS-11 and Road Inspector BPS-06 in the Works & Services Department Tank likely to reach in his offices on or before 19.03.2008. Copy of the Newspaper clipping is enclosed as ANNEXURE "A".
2. That in pursuance of their application for their appointment as Sub-Engineer BPS-11 the Respondent No. 7 through his office letter No. 1263/Tank dated 20.03.2008 directed the Appellant and others to attend his office on 24.03.2008 and to bring alongwith them their original qualification documents for scrutiny by the Departmental Selection Committee. The copy of which is enclosed as ANNEXURE "B".
3. That the Appellant alongwith others on 24.03.2008 appeared before the Departmental Promotion/Selection/Appointment Committee for interview/test whereby it was held that the Appellant has obtained 65/100 in the Said interview as is evident from the minutes of the Meeting of the said committee dated 24.03.2008. Copy of which is enclosed as ANNEXURE "C".

4. That the Committee Constituted for the purpose recommended the Appellant for the appointment as Sub-Engineer BPS-11 in Works & Services Department Tan. The copy of the recommendation letter is enclosed as ANNEXURE "D".
5. That on the recommendation of the Departmental Selection/Promotion and Appointment Committee the Respondent No. 7 through his office order No.1657 dated 02.04.2008 ordered for the appointment of the Appellant as Sub-Engineer BPS-11 in the office of the Deputy Director Works & Services Tank. The copy of which is enclosed as ANNEXURE "E".
6. That in compliance with their above mentioned appointment order the Appellant assumed the charge of his duties and started to serve properly when the Chief Secretary Government of Khyber Pakhtunkhwa Peshawar (Respondent No. 4) addressed a Letter No.SOE-1/W&SD/2-6/2008 dated 29.09.2008 to the District Coordination Officer, Tank (Respondent No.7) and directed him to cancel the appointment order of the Appellant being illegal. The Copy of which is enclosed as ANNEXURE "F".
7. That the District Coordination Officer Tank (Respondent No. 7) thereafter vide his office order No. 6594/Actt. Dated 06.11.2008 cancelled the appointment order of the Appellant and one Sanaullah Road Inspector to ensure compliance of the aforesaid order dated 29.09.2008 of the Respondent No. 4. The copy of the order is enclosed as ANNEXURE "G".
8. That dissatisfied with the order No.6594/ Acctt. Dated 06.11.2008 of the District Coordination Officer Tank the Appellant alongwith one Sanaullah Road

Inspector filed a departmental appeal before the Divisional Commissioner, D.I.Khan Division D.I.Khan on 10.11.2008 but in visin. The copy of the memorandum of the appeal is enclosed as ANNEXURE "H".

9. That the Appellant alongwith one Sanaullah Road Inspector filed a Civil suit for the redressal of his grievances which was finally decided on 07.01.2012 by the learned Civil Judge-III Tank whereby their suit was partially decreed in his favour and it was declared that their appointments were valid and proper and that their appointments were made on merits after adopting all the legal formalities by the competent authority viz. District Coordination Tank (Respondent NO 7) but their prayer for grant of perpetual injunction for restraining their Respondents from cancellation of their appointment was refused. The copies of the judgment and decree are enclosed as ANNEXURE "I & J" respectively.
10. That it is worth mentioning to point out that the learned Civil Judge-III, Tank while deciding the issue No. 2 about the jurisdiction of Court held that as per section 2 of the Civil Servants Act 1973 the Appellant was not Civil Servant and therefore he cannot approach Service Tribunal u/s 4 of the Service Tribunal Act for the redressal of his grievances.
11. That dissatisfied with the judgment and decree dated 07.01.2012 of the learned Civil Judge-III, Tank the Executive Engineer C & W Tank (Respondent No. 6) filed an appeal before the learned District Judge, Tank which was accepted vide judgment and decree dated 23.02.2013 and after setting aside the judgment and decree of the learned Trial Court it was held that the

Appellant is Civil Servant and the subject matter is related to the terms and conditions of Civil Servants and therefore u/s 4 of the Service Tribunal Act Civil Court has got no jurisdiction. The record of the case was sent back to the learned Trial Court with the direction to return the plaint alongwith its enclosures to the Appellant for presenting the same before the proper forum if so desired. The copies of the memorandum and grounds of appeal judgment and decree are enclosed as ANNEXURE "K, L & M" respectively.

12. That feeling aggrieved with the decree and judgment dated 23.02.2013 of the learned lower Appellate Court the Appellant filed a revision petition in Peshawar High Court, Bench D.I.Khan, whereas a counter revision petition was also filed by the contesting respondents which was entered as C.R No. 31/2013.
13. That Peshawar High Court, D.I.Khan Bench, hearing the arguments dismissed both the revision petition vide its single judgment dated 19.08.2013. The copy of judgment is enclosed as ANNEXURE "N".
14. That Peshawar High Court, Bench, D.I.Khan in its judgment dated 19.08.2013 clearly observed that the Appellant is Civil Servant and that Civil Court has got no jurisdiction to decide the issue in dispute which falls under the domain of Service Tribunal as contemplated under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 read with section 4 of the Service Tribunal Act.
15. That the Appellant is left with no other adequate remedy but to approach this Hon'ble Service Tribunal for the redressal of his grievances by way of present

appeal for declaring the impugned order No. 6594/Acc: dated 06.11.2008 of the District Coordination Officer Tank now Deputy Commissioner Tank (Representative-in-interest of D.C.O) Respondent No. 7 as well as the order No.SOE-1/W&SD/2-6/2008 issued by the Respondent No. 1 at the instant of Respondent No. 4 as illegal void arbitrary and of no legal effect against the rights of the Appellant may please be reinstated in their service as Sub-Engineer BPS-11 in Works & Services Department Tank with all back benefits on inter alia on the following grounds:-

GROUNDS:

- A.** That the impugned order of the Respondent No. 7 and 1 issued under the directions of Respondent No. 4 is illegal void, arbitrary and perverse and is therefore liable to be set aside.
- B.** That the only ground which found favour with the Respondents No. 1 to 4 for terminating the services of the Appellant and canceling his earlier appointment order 1657 dated 02.04.2008 that his appointment was illegal due to non-observations of Codal formalities is highly misconceived and incorrect. The perusal of the record would show that the appointment of the Appellant was made purely on the recommendations of the Departmental Selection/Promotion/Appointment Committee after observing the all Codal Formalities in accordance with law and no illegality was ever committed.

- C.** That the allegations that in order to verify the geniuses or otherwise of the appointment of the Appellant the E.D.O Works & Services Department D.I.Khan had conducted an inquiry under the order of the worthy Chief Secretary Government of Khyber Pakhtunkhwa Peshawar whereby it was said that the appointment of the Appellant was illegal and was made without observing the Codal formalities are totally incorrect and wrong.
- D.** That in fact the alleged inquiry was conducted behind the back and without the knowledge of the Appellant and they were not associated with its proceedings. It was nothing but a mere one sided show. The copy of the said inquiry repot is enclosed as ANNEXURE "O".
- E.** That it stands established from the material brought on record that in response to the advertisement the Appellant was properly interviewed by the Departmental Selection Committee which he qualified and thereafter on the recommendation of the said Committee his appointment order was issued by the competent Authority.

In wake of the above submissions it is respectfully prayed that on acceptance of this appeal; the impugned order of the Respondents No. 7-1 & 4 may very kindly be set aside and the Appellant be reinstated in his Service as Sub-Engineer BPS-11 in Works & Services Department Tank with retrospective effect with all back benefits.

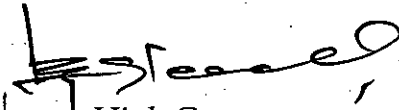
Appellant



Rehmatullah

Through Counsel

Dated. .09.2013



Advocate, High Court
D.I.Khan

0.9

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

C. M No. _____/2013

In

Service Appeal No. _____/2013

Rehmatullah(APPELLANT)

VERSUS

The Secretary, Govt: of KPK Communication & Works
Department, Peshawar etc.

.....RESPONDENTS

APPLICATION FOR GRANT OF AN URGENT INTERIM
RELIEF

Respectfully Sheweth,

1. That Appellant has filed the above titled appeal in this Hon'ble Service Tribunal today.
2. That prima-facie the Appellant has very good case in his favour and the Appellant is quite sanguine for the success of his appeal, where as balance of convenience is also in favour of the Appellant.
3. That the District Coordination Officer, Tank/Respondents No. 7 vide his office order bearing endorsement No.6711-18/Acctt. Dated 12.11.2008, had withdrawn his earlier office order bearing endorsement No. 6595-3/Acctt. Dated 06.11.2008, whereby the appointment of the Appellant was made till the final decision of the case by the learned Court, therefore, the Appellant is getting his monthly salary regularly. The copy of the order is enclosed as ANNEXURE "H"

- 10.
4. That in the attending circumstances it is necessary that the Respondents may be directed to continue the payment of his monthly salary to the Appellant till the final decision of the above titled appeal and status quo is ordered to be maintained.

In wake of the above submissions it is respectfully prayed that on acceptance of this application status is ordered to be maintained till the final decision of the above titled appeal and the respondents may please be directed not to stop payment of his monthly salary to the Appellant till the final decision of the controversy in issue by this Hon'ble Service Tribunal.

Appellant



Rehmatullah

Through Counsel

Dated. .09.2013



Advocate, High Court
D.I.Khan.

AFFIDAVIT

I, Muhammad Saleem Khan Marwat Advocate, High Court D.I.I.Khan counsel for the Appellant, do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. _____/2013

Rehmatullah(APPELLANT)

VERSUS

The Secretary, Govt: of KPK Communication & Works
Department, Peshawar etc.

.....RESPONDENTS

MEMO OF ADDRESSES OF THE PARTIES

.(APPELLANT)

Rehmatullah s/o Missal Khan
R/o Mohallah Khurian Wala
City Tank (Sub Engineer)

RESPONDENTS

1. The Secretary, Govt: of KPK Communication & Works Department, Peshawar
2. The Chief Engineer, Communication & Works Department Khyber Pakhtunkhwa, Peshawar.
3. the Superintending Enineer, C & W, D.I.Khan.
4. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
6. The Executive Engineer C & W Tank Division, Tank.
7. The Deputy Commissioner, (representative-in-interest of D.C.O), Tank.

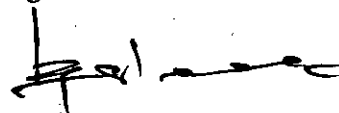
Appellant



Rehmatullah

Through Counsel

Dated. .09.2013



Advocate, High Court
D.I.Khan

A

(12)

یہ سے کہ دظاہر علی کہہ لی جہاں کے لئے وقت میں صرف ایک دن جہاں کے لئے بارہ وقت کے لئے کا ہر مظاہر کرنا چاہئے

ذرائع آمدنی کے متعلق معلومات

مگر وہ کسی اینڈ سرورسز تک میں درج ذیل خالی آسامیوں کیلئے سکولس کی پالیسی کے مطابق کنٹریکٹ کی بنیاد پر صرف ایک مبلغ سے دو مہاں کے حامل ان افراد سے درخواستیں مطلوب ہیں جو ہر آسامی کے سامنے درج ذیل کی صورت پر پورا اترتے ہیں۔

سرشار	نام آسامی	تعداد	مہر کی حد
1	ایس ایگزیکٹو (BPS-11)	02	30۴۱8 سال
2	روڈ ایجنٹ (BPS-6)	01	ایسا

شرائط: (1) امیدوار اپنی درخواستیں معہ تصدیق منقول متعلقہ دستاویزات لبر و کھلی کے دستاویزات جنڈالہ دائرہ و ضلع میں جو 19 مارچ 2008 تک کوئی جانیں جبکہ اصل دستاویزات نمینس انٹرویو کے دن پیش کرنے ہوتے (2) صرف شہادت لکھنا امیدوار ان کو نمینس اور انٹرویو کیلئے بذریعہ کال لبر لایا جائے گا (3) تربیت یافتہ اور تجربہ کار افراد کو ترجیح دی جائے گی (4) ان افراد کیلئے سرکاری پالیسی کے مطابق عمر میں رعایت برقرار رکھا جائے گا (5) درخواستوں پر عمل پندہ اور جانچوں پر ذرائع آمدنی کے متعلق (6) سرکاری ملازمین کیلئے کسی کی توصلے سے درخواست ارسال کریں (7) نمینس انٹرویو کیلئے کوئی فی اسے ڈی اسٹیکس دیا جائے گا۔

ATTESTED

0963-510200

17/06/2008
2008

Alleged
to be the True.

Handwritten signature and mark.

OFFICE OF
THE DISTRICT COORDINATION/
CHAIRMAN/DEPARTMENTAL
PROMOTION /SELECTION
/RETIREMENT COMMITTEE
TANK DISTRICT.

NO. 1263 /TANK

DATED. 20/3/08

EX-PW/1
(Two Sheets)
Sd/-
Sd/-
Sd/-

To,

1. Mr. Saleem Khan S/O
Haleem Khan R/O Andari
District Tank.
2. Mr. Gohar Zaman,
S/O Gul Zaman R/O Kotkat
District Tank.
3. Mr. Javed Ahmed Shah,
S/O Alam Shah R/O Mulazai
District Tank.
4. S. Imran Shah S/O
Muhammad Rafique Shah Village
Mulazai Distt: Tank.
5. Mr. Rizwan S/O Abdul Rashid
Village Kot Kat Distt: Tank.
6. Mr. Rehmatullah S/O Muhammad Misal Khan
Moh: Sheikhan Wala Tank City.
7. Mr. Niaz Malook S/O Shah Malook,
R/O Gul Imam Distt: Tank
8. Mr. Samiullah S/O Hayatullah,
R/O Gomal Distt: Tank.

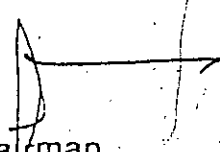
ATTESTED
20/03/08
EXAMINER
District & Session Court
Tank.

Attested
Sd/-

9. Mr. Sanaullah S/O Ghulam Muhammad,
R/O Kot Azam Distt: Tank
10. Mr. Atta Muhammad S/O Gul Zaman
Moh: Sakhi Abad Tank City.

SUBJECT:- APPOINTMENT AS SUB ENGINEER.

You are directed to attend the office of the undersigned on 24.03.2008 against existing vacancy as advertised in the "Daily Express" dated 17.3.2008. Also bring the original qualification documents for scrutiny by the committee.


Chairman
District Coordination officer
Tank

ATTESTED
26.3.13
EXAMINER
District & Session Court
Tank.

Attested
by

(73) C. 14
**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION/
SELECTION/ APPOINTMENT COMMITTEE HELD ON 24.03.2008.**

The following persons attended this office in connection with interview/test for the post of Sub Engineer, the marks obtained for the said post are as under:-

S.No.	Name and Address	Total Marks	Marks Obtained
1.	Mr.Saleem Khan S/O Haleem Khan R/O Andari	100	48
2.	Mr.Gohar Zaman, S/O Gul Zaman R/O Kotkat Distt: Tank	100	50
3.	Mr.Javed Ahmed Shah, S/O Alam Shah R/O Mulazai District Tank	100	46
4.	S.Imran Shah S/O Muhammad Rafique District Tank	100	40
5.	Mr. Rizwan S/O Abdul Rashid Village Kot Kat Distt: Tank.	100	60
6.	Mr. Rehmatullah S/O Muhammad Misal Khan Moh: Sheikhan Wala District Tank	100	65

Attested
[Signature]

ATTESTED
2/6-3-13
EXAMINER
District & Session Court
Tank.

(14) A

7.	Mr. Niaz Malook S/O Shah Malook, R/O Gul Imam Distt: Tank	100	40
8.	Mr. Samiullah S/O Hayatullah, R/O Gomal Distt: Tank.	100	35
9.	Mr. Sanaullah S/O Ghulam Muhammad, R/O Kot Azam Distt: Tank	100	52
10.	Mr. Atta Muhammad S/O Gul Zaman Moh: Sakhi Abad Tank City.	100	38

1) Chairman

District Co-ordination Officer,
Tank.

2) Member

Executive District Officer,
Finance Tank.

3) Member

Deputy Director,
Works & Services Tank.

Attested
[Signature]

ATTESTED
2/8.3-13
EXAMINER
District & Session Court
Tank.

D
15

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION/
SELECTION/ APPOINTMENT COMMITTEE HELD ON 24.03.2008.

Two Nos posts of Sub Engineers were vacant due to transferred. To fill-up the aforesaid post meeting has been scheduled on 24.03.2008

Following persons have been considered for the appointment against the vacant posts of Sub Engineer.

The Committee constituted for the purpose have made the following findings/recommendation.

<u>S.No.</u>	<u>Name/Father Name</u>	<u>BPS</u>	<u>Designation</u>	<u>Remarks</u>
1.	Mr. Rizwan S/O Abdul Rashid R/O. Kot Kat Distt: Tank.	11	Sub Engineer	Against the vacant, post
2.	Mr. Rehmatullah S/O Muhammad Misal Khan Moh: Sheikhan Wala Tank	11	Sub Engineer	-do-

1) Chairman

EX: Pw/1
8/2/07
Suj. Tank
27.3.10

District Co-ordination Officer,
Tank.

2) Member

Executive District Officer,
Finance Tank.

3) Member

Deputy Director,
Works & Services Tank.

Attested
by

ATTESTED
27/3/10
EXAMINER
District & Session Court
Tank.

(123)

E

OFFICE OF THE,
DISTRICT COORDINATION OFFICER,
TANK.

NO. 1657 / 1
DATED 02 / 04 / 2008.

(16)

To,

Mr. REHMAT ULLAH,
S/O Muhammad Misal Khan,
Mohallah Shiekhan Wala Tank City.

Subject: - APPOINTMENT AS SUB ENGINEER

As recommended by the Department Selection, Promotion and appointments committee you are hereby offered the Post of Sub Engineer BPS-11 (Contract Bases) @ Rs 3430.230-10330-PM with Plus usual allowances as admissible under the rules.

If accept the post on the following condition you should report arrival for duty in the office of the Deputy Director Works & Services Tank.

- (i) Your appointment is purely on temporary basis & can be terminated at 14 days (Fourteen Days) notice at any time without assigning any reason irrespective of the that you may be holding a post offer than the one to which you were originally appointed or on the payment of 15 days pay to lien of notice.
- (ii) In case you wish to resign at any time 14 days notice shall be necessary otherwise 15 days pay shall be forfeited.
- (iii) You will join duty at you own expenses.
- (iv) You will have to produce Medical Fitness Certificate on reporting for duty.

Attested

District Coordination Officer,
Tank.

Copy to the: -

- 1) Executive District Officer Finance & Planning Tank.
- 3) District Accounts Officer Tank for information.

ATTESTED

[Signature]
EXAMINER
District & Session Court
Tank.

District Coordination Officer,
Tank.

(60)

E

OFFICE OF THE,
DISTRICT COORDINATION OFFICER,
TANK.

NO. 1657 / 1

DATED 02 / 09 / 2008.

To,

Mr. REHMAT ULLAH,
S/O Muhammad Misal Khan,
Mohallah Shiekhan Wala Tank City.

EX-PWT
Sub Tank
SCT 27-3-10
16 A

Subject: - APPOINTMENT AS SUB ENGINEER

As recommended by the Department Selection. Promotion and appointment committee you are hereby offered the Post of Sub Engineer BPS-11 (Contract Bases) @ Rs. 3430.230-10330-PM with Plus usual allowances as admissible under the rules.

If accept the post on the following condition you should report arrival for duty in the office of the Deputy Director Works & Services Tank.

- (i) Your appointment is purely on temporary basis & can be terminated at 14 days (Fourteen Days) notice at any time without assigning any reason irrespective of the that you may be holding a post offer than the one to which you were originally appointed or on the payment of 15 days pay to lien of notice.
- (ii) In case you wish to resign at any time 14 days notice shall be necessary otherwise 15 days pay shall be forfeited.
- (iii) You will join duty at you own expenses.
- (iv) You will have to produce Medical Fitness Certificate on reporting for duty.

Attested
ms

District Coordination Officer,
Tank.

Copy to the: -

- 1) Executive District Officer Finance & Planning Tank.
- 2) Deputy Director Works & Services Tank.
- 3) District Accounts Officer Tank for information & necessary action.

District Coordination Officer,
Tank.

ATTESTED
EXAMINER
District & Session Court
Tank.

F

(17)

GOVERNMENT OF NWFP,
WORKS & SERVICES DEPARTMENT.

No. SOE-I/W&SD/2-6/2008

Dated Peshawar, the September 29, 2008

To

The District Coordination Officer,
Tank.

Subject:- ILLEGAL APPOINTMENT OF SUB ENGINEER AND ROAD COOLIES

I am directed to refer to the subject noted above and to state that the Competent Authority (Chief Secretary NWFP) has been pleased to order the cancellation of the illegal appointment orders of the following officials immediately:-

1. Rizwan Khan, Sub Engineer.
2. Rehmatullah, Sub Engineer.
3. Sanaulah, Road Inspector.

2. I am, therefore, directed to cancel the appointment orders of the above mentioned officials under intimation to this department immediately.

(ANWAR-UL-HAQ)
SECTION OFFICER (ESTT-I)

Endst No. & Date even

Copy is forwarded for information to the:-

1. PS to Chief Secretary, NWFP Peshawar.
2. PS to Secretary Establishment Department.
3. Executive District Officer W&S Tank with the direction to intimate the position of Coolies illegally appointed by EDO W&S Tank as pointed out by the Inquiry Officer.
4. Deputy Director W&S Tank.
5. PS to Secretary W&S Department.

Attested
[Signature]
[Signature]
EXAMINER
District & Session Court
SECTION OFFICER (ESTT-I) Tank.

G

(18)

OFFICE OF THE DISTRICT COORDINATION OFFICER TANK

(126) No. 6594 / Acctt: Dated Tank The 06 / 11 / 2008.

OFFICE ORDER.

In pursuance of the Section Officer (Estt:I) Govt: of NWFP, Works & Services Department Letter No.SOE-I/W&SD/2-6/2008 dated 29th September 2008, the appointment orders of the following officials in Works & Services Department Tank are hereby cancelled with immediate effect.

- 1- Rizwan Khan, Sub Engineer.
- 2- Rehmatullah, Sub Engineer.
- 3- Sanaullah, Road Inspector.

[Handwritten Signature]

DISTRICT COORDINATION OFFICER
TANK.

No. 6594 / 03

06.11.2008

- 1- PS to Chief Secretary, NWFP, Peshawar..
- 2- PS to Secretary Establishment Department, NWFP, Peshawar.
- 3- District Accounts Officer Tank.
- 4- EDO Works & Services, Tank
- 5- Deputy Director Works & Services, tank.
- 6- PS to Secretary Works & Services, NWFP, Peshawar.
- 7- Section Officer (Estt:I) Works & Services, Deptt: Peshawar w/r to above.
- 8- Officials Concerned.

[Handwritten Signature]

DISTRICT COORDINATION OFFICER
TANK

[Handwritten Signature]

ATTESTED
6-3-13
EXAMINER
District & Session Court
Tank.

H

(19)

Be fore The Divisional Commissioner D.I.Khan

Subject:

Departmental Appall against the D.C.O Tank Order
Dated 6-11-08 Vide notification No. 6594/ACCT vide which

the

The Department were pleased Cancelled the appointments of
The Petitioners.

Respectfully Sir,

1. That the Petitioners were appointed by the competent authority on the Post of
 1. Rizwan Khan (Sub Engineer)
 2. Rehmat Ullah (Sub Engineer)
 3. Sana Ullah (Road Inspector) (Copy Attached)
2. That the Petitioners According to law and as procedure appointed on merits by the competent authority took there charge and join the office (Copy Attached)
3. That now without any cogent reason there appointments were canceled (Copy Attached.)
4. That the appointments were according to law and all the requisite formalities were followed. But the instant order / notification is un law full and totally on political basis
5. that according to the golden principle of natural justice that no one should be condemned unheard

it is there fore most humbly prayed that the Petitioners should be adjusted and the D.C.O Tank may be directed that the order should be recalled with immediate effect

Dated: 10-11-08

Attested
[Signature]

Petitioners

1. Rizwan Khan Sub Engineer [Signature]
2. Rehmat Ullah Sub Engineer [Signature]
3. Sana Ullah Road inspector. [Signature]

9

(20)

IN THE COURT OF MUHAMMAD ASGHAR ALI
CIVIL JUDGE-III, DISTRICT TANK.

Civil Suit No.....74/01 of 2011
Original date of Institution:..... 05.11.2008
Date of Transfer to this Court.....22-11-2011
Date of Decision:.....07.01.2012

Rehmat Ullah and two others.

.....(Plaintiffs)

Versus

Govt. of NWFP through Chief Secretary NWFP and nine others

.....(Defendants)

JUDGMENT
07.01.2012

Allen
[Signature]

The Plaintiffs through instant suit seek decree for declaration to the effect that appointment of Plaintiffs No. 1 & 2 as Sub-Engineer and that of Plaintiff No. 3 as Road Inspector by the District Co-Ordination Officer (DCO), Tank is valid, proper, after adopting all legal formalities, on merit and by competent authority, and they were entitled for appointment on said posts.

They further seek declaration to the effect that secret inquiry conducted against them and cancellation of their appointment order No. SOE-1/W&SD/2-6/2008 dated 29-09-2008, issued on the basis of said inquiry might be declared as illegal, be

[Signature]
07.1.12

[Signature]
[Stamp]

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cancelled and the same is ineffective upon the rights of the Plaintiffs.

The Plaintiffs also prayed for grant of perpetual injunction restraining the defendants from cancellation of their appointment and appointment of other candidates on said posts.

The Defendants on being summoned put appearance and contested the suit by filing Written Statement, raising therein various legal and factual objections. From the divergent pleadings of the parties, following issues were framed by the then learned Senior Civil Judge, Tank.

1. Whether the Plaintiffs have got any cause of action?
2. Whether the court has got jurisdiction?
3. Whether the appointments of the Plaintiffs were not made according to law?
4. Whether the inquiry against the Plaintiffs were not conducted according to law?
5. Whether the letter No. SOE-1/W&SD/2-6/2008 dated 29-09-2008, issued by Defendant No. 6 for cancellation of the Plaintiff appointments order is liable to cancellation and ineffective upon the rights of the Plaintiffs?
6. Whether the Plaintiffs are entitled to decree as prayed for?
7. Relief?

[Handwritten signature]

07-1-12
Muhammad Asghar Ali
Civil Judge - III Judicial Magistrate

[Handwritten signature]
Alleged

The Plaintiffs in support of their claim produced six witnesses. A short resume of the Plaintiff's evidence is as under:

[Handwritten signature]
15-13
of the District
Tank

11

22

Rehmat Ullah Khan, Reader to DCO Tank appeared as PW-1 and produced record relating to appointments of the Plaintiffs including their appointment orders, advertisement in newspaper regarding test/interview of the candidates, their results, minutes of the meetings etc as Ex PW-1/1 to Ex PW-1/16.

Fateh Ullah, Sub Engineer, C&W Tank appeared as PW-2 and produced letter (Ex PW-2/1) through which the Inquiry Officer requisitioned record of the appointments, arrival reports of the Plaintiffs as Ex PW-2/2 to Ex PW-2/4.

The Plaintiffs appeared as PW-3 to 5 respectively and almost narrated the same facts as are given in the plaint.

Abdul Majeed Khan Ex District Naib Nazim appeared as PW-6 and supported the claim of the Plaintiffs by saying that their appointments were made as per rules while the subsequent orders for cancellation of the appointments were politically motivated.

Aljeda

The Defendants were once placed exparte and the suit decreed exparte on 04.09.2010, however during the course of Appeal, learned District Judge Tank was pleased to set aside the exparte judgment and remanded the case back to the trial court through her judgment dated 10.02.2011. After remand, the proceedings were initiated and the Defendants were asked to produce their evidence, but they failed and their right to produce evidence was struck off on 23.07.2011, by learned Senior Civil Judge, Tank and the suit was decreed. Again appeal was preferred, which was accepted by learned District Judge, Tank through her Judgment dated 16.11.2011 and this court was directed to provide

07.1.12 Assigned
Muhammad
Civil Judge - II Tank

17-03-13
Judge
of the Bench &
Civil Judge Tank

12

23

last opportunity to the Defendants for production of evidence and then decide the case on merits. On receipt of case file the proceedings were registered, and on 22.11.2011 the Defendants were provided last opportunity, as per direction of learned Appellate Court, to adduce their evidence, but they failed. On 07.12.2011, in the interest of justice another opportunity was extended to the Defendants for leading evidence along with notice under Order XVII rule 3 of the Code of Civil Procedure, but again they could not avail the opportunity. Resultantly, this court vide order dated 12.12.2011, struck off the right of the the Defendants for production of evidence.

Finally arguments were heard and record gone through. Issue wise findings of this court are as under:

Issue No.2

This issue pertains to jurisdiction of this court.

As per appointment orders (Ex PW-1/1 to Ex PW-1/3) of the Plaintiffs, they were appointed on contract and purely on temporary basis, and thus as per section 2 of the Civil Servants Act, 1973, they are not civil servants and since they are not civil servants, therefore, they cannot approach Service Tribunal under section 4 of Service Tribunal Act, for redressal of their grievances. This court in this situation has got jurisdiction in the matter. Issue decided in affirmative.

Alleged
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Civil Judge - III / Judicial Magistrate
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Issue No.3

The basic objection of the defendants is that District Co-Ordination Officer (DCO) was not authorized and competent to appoint the Plaintiffs as Sub Engineer and Road inspector, and the vacancies were required to be filled through Public Service Commission. Ex PW-1/6 is a notification dated 02-11-2002, issued by Government of NWFP, Establishment and Administration Department, which is regarding amendments in NWFP Public Service Commission Ordinance, 1978, and clarifies the posts required to be filled through Public Service Commission. According to amendment in rule-3 of the Ordinance, recruitment in BPS-11 to 15 in Services and Works Department and others (specified therein Ex PW-1/16) are to be made through Public Service Commission, except the District Cadre Posts. So, only those posts in PBS-11 to 15 were required to be filled through Public Service Commission which were not District Cadre posts. The posts of Sub Engineer BPS-11 and Road Inspector BS-06 were infact District cadre posts and not the provincial, therefore, not to be filled by Public Service Commission. There is available on main file at page 120, a letter No.1/ Budget-9-A dated 23-09-2006, issued from the office of Chief Engineer, Works and Services Department, NWFP, Peshawar, which contains a reference of notification of Secretary W&S Department bearing No.SO(E) W&S/13-1/77 dated 22-03-2005, wherein all the provincial cadre posts upto BPS-15 were declared as District Cadre Posts and thus it has been established that posts of Sub Engineer and Road

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[Signature]
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 Muhammad Aslam
 Civil Judge - III
 District Magistrate

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 07-1-12
 District Magistrate

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Inspector were District Cadre posts and there existed no question of recruitment upon the posts through Public Service Commission.

It would not be out of place to mention here that there is available on main file at page 118 though not exhibited however not disputed, it and helps this court in arriving at a proper conclusion. As per this notification No. SOS.POOL(E&AD)1-10/2002 dated 26.08.2006, it was suggested to Secretary, to Government of NWFP, Works and Services, Department that posts of Sub Engineers (BPS-11) do not come with in the purview of NWFP Public Service Commission, and requisition from Public Service Commission might be withdrawn, which requisition was later on withdrawn through letter No. SOR-V(E&AD)1-368/2005(SE) dated 02.05.2007. (Copy available at page 119 of the main file). These letters further shows that the posts of Sub Engineers were not to be filled through Public Service Commission.

Now comes the question, whether the District Co-Ordination Officer (DCO) was competent and authorized to make appointments on these posts? The answers to this query in the light of notification (Ex PW-1/14) issued by Secretary to Government of NWFP, Local Government, Elections and Rural Development Department, is in affirmative. Vide this notification amendment in Sub rule (b) of rule 6 of NWFP Local Government Ordinance, 2001, was made, and the District Co-Ordination Officer (DCO) was authorized to make appointments in BPS-11 to 15 and the same reads as under:

Muhammad Agha
07-1-12
Muhammad Agha
Civil Judge - III
Tank

Ali

06-03-13
Secretary
Govt of the Punjab
Civil Judge Tank

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(b) "the District Co-Ordination Officer shall have the powers of the appointing authority in respect of officials in basic scales 11 to 15 in the respective devolved departments and the concerned Offices of the District Co-Ordination Officer and the District Revenue Officer."

The DCO was competent to make appointments of the Plaintiffs but another issue arises, whether he made appointments as per legal procedure? During the course of arguments, learned defense counsel produced copy of disputed inquiry (placed on file), wherein the Inquiry Officer suggested that constitution of Departmental Selection Committee (DSC) was not in accordance with notification No.SOR-VC(E&AD)2-7/2003 dated 17-11-2005, therefore, the appointments of the Plaintiffs were made in violation of the prescribed rules. According to him the DSC should consisted of the following:

- | | | |
|----|---|----------|
| 1. | District Co-Ordination Officer | Chairman |
| 2. | EDO concerned | Member |
| 3. | One member to be nominated by the Administrative Department concerned | Member |
| 4. | one member to be nominated by the the appointing authority. | Member |

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Muhammad Asghar A.P.
Civil Judge - II / Justice
Tank
07-1-12

As against the above Selection Committee, the Committee constituted by the District Co-Ordination Officer consisted of following:

- | | | |
|----|---|----------|
| 1. | District Co-Ordination Officer | Chairman |
| 2. | Executive District Officer, Finance, tank | Member |
| 3. | Deputy Director Works & Services Tank | Member |

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of the District
Tank

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Except this objection, no illegality in appointment could be brought on record. The posts were duly advertised in newspaper, tests and interviews were also conducted, marks obtained by the candidates appeared for test/interview are also available on file as Ex PW-1/8 and Ex PW-1/11, so in this scenario, the lacuna in the constitution of the Selection Committee, in view of this court, is a mere irregularity because, there is a difference of only one member to be nominated by the appointing authority, the DCO. In the light of above discussion, it has been established that the DCO was competent to appoint the Plaintiffs, and he did so, though in a bit irregular manner. Issue decided in negative.

Issue No.4 & 5

Both the issues being interlinked are taken jointly for discussion.

The Plaintiffs have impugned herein the present suit, the inquiry conducted against them and notification (Ex PW-1/13) vide which the Chief Secretary NWFP cancelled their appointments.

Alleged

The DCO had appointed the Plaintiffs through appointment orders Ex PW-1/1 to Ex PW-1/3. As per terms and conditions of the Service, before terminating the services of the Plaintiffs a fourteen days prior notice was necessary, but the record is totally silent about giving any such notice to the Plaintiffs before termination of their services.

07-1-12
Muhammad Asghar
Civil Judge - III
Faisalabad

The inquiry report is silent about giving any show cause notice to the Plaintiffs. Similarly, there is nothing on record to suggest that the Chief Secretary, before terminating the services of the Plaintiffs, had ever given them the opportunity to

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Civil Judge - III
Faisalabad

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defend them or asked about the allegations against them, which omissions are a total violation of rules and procedure. The appointment of the Plaintiffs was cancelled without serving them the fourteen days mandatory notice and all the proceedings were conducted behind their back and they were condemned unheard. So, the orders issued for cancellation of the appointments of the Plaintiffs were totally illegal and ineffective upon therein rights. Issue No. 4 is decided accordingly while issue No. 5 in affirmative in favour of the Plaintiffs.

Issue No. 1

The services of the Plaintiffs were terminated with out giving them any notice as agreed in their terms and conditions of service, which fact created a genuine cause of action in favour of the Plaintiffs. Issue is decided in affirmative.

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Issue No. 6

As per findings of this court on above issues, the Plaintiffs have established their case to the extent of relief of declaration, however, so far as relief of permanent injunction is concerned, in view of this court that cannot be granted because the service of the Plaintiffs is temporary and they cannot be kept in service forever. Issue decided accordingly.

[Signature]
Mohammad Asghar Ali
Civil Judge - II
District Court
Faisalabad

RELIEF

The outcome of the above findings of this court is that the Plaintiffs have successfully proved their case. Hence the suit to the extent of relief of declaration is decreed with costs, while to the extent of relief of perpetual injunction it is dismissed. Impugned

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Secretary
Court of the District
Faisalabad

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notification No. SOE-1/W&SD/2-6/2008 dated 29-09-2008 is declared as unlawful and ineffective upon the rights of the Plaintiffs. However, this judgment shall not operate as bar for the Defendants to cure their irregularities. File be consigned to record room after completion.

PRONOUNCED AT DISTRICT TANK IN OPEN COURT AND GIVEN UNDER MY HAND AND SEAL OF THE COURT ON THIS 07th DAY OF JANUARY, 2012.

(Signature) 07-1-12
(Muhammad Asghar Ali)
Civil Judge-III, Tank

CERTIFICATE

Certified that this judgment consists of Ten (10) pages. Each page of which has been dictated and signed by me after making necessary correction therein.

(Signature) 07-1-12
(Muhammad Asghar Ali)
Civil Judge-III, Tank

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07-03-13
Seal of the District
Civil Judge-III, Tank

plaintiffs are present with counsel. Mr. Noman Bashir, SDO, acts for defendants. Vide my detailed judgment of suit placed on file, instant suit to the extent of declaration is decreed with costs, while to the extent of perpetual injunction, it is dismissed. Impugned order No. SOE-1/W & SD 12-6/2008 dated 29-9-2008 is held as unlawful and ineffective upon the rights of plaintiffs. However, this judgment shall not operate as a bar for the defendants to whose cases their irregularities, be consigned to P.R. after completion.

Muhammad Asghar Ali
Civil Judge - III / Judicial Magistrate
Tank

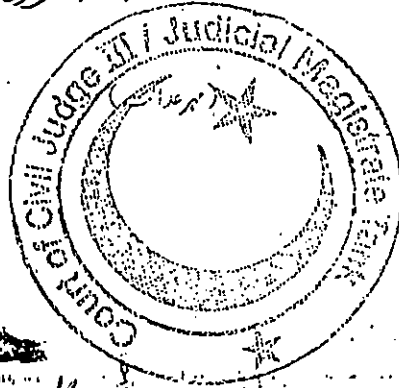
07/11/12

خرچہ تالیف

پے	مذعا علیہ	روپے	پے	مذی
	۱- اسٹامپ وکالت نامہ			۱- اسٹامپ وکالت نامہ
	۲- اسٹامپ رجسٹرڈ سوال			۲- اسٹامپ وکالت نامہ
	۳- حکمانہ وکیل بابت روپیہ			۳- حکمانہ رجسٹرڈ
	۴- خوراک کراچی			۴- حکمانہ وکیل بابت روپیہ
	۵- ٹیس ایل کیشن			۵- خوراک کراچی
	۶- اجراء حکم نامہ			۶- ٹیس ایل کیشن
	۷- متفرق			۷- اجراء حکم نامہ
				۸- متفرق
	میران			میران

آج تاریخ 7 صوری 2012ء یہ شہادت دستخط میرے اور میری عدالت کے جاری ہوا۔

Muhammad Asghar Ali
Civil Judge - III / Judicial Magistrate
Tank



07/11/12
Secretary
Magistrate
Tank

لجالات ضاب ڈسٹرکٹ جج صاحب تحصیل و ضلع ٹانک

اللہ نیکو اکبر سے اینڈ ڈپٹی ڈیپارٹمنٹ تحصیل

وضلع ٹانک (ایپلانٹ)

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(11) رحمت اللہ ولد متل خان مکہ سے ٹانک

(12) رضوان خان ولد عبدالرشید مکہ کوٹک

(13) ثناء اللہ ولد غلام محمد مکہ کوٹک اعظم تحصیل

وضلع ٹانک (اصل ریسائڈنس)

(14) سیکرٹری سے اینڈ ڈپٹی ڈیپارٹمنٹ صوبہ خیر

پختون خواہ لٹاوا

(15) چیف انجنئر سے اینڈ ڈپٹی ڈیپارٹمنٹ صوبہ

خیر پختون خواہ لٹاوا

(16) سیرٹیفکٹ انجنئر سے اینڈ ڈپٹی ڈیپارٹمنٹ

حکومت

(17) صوبہ خیر پختون خواہ نذرانہ چیف سیکرٹری

صوبہ خیر پختون خواہ لٹاوا

(18) چیف سیکرٹری صوبہ خیر پختون خواہ لٹاوا

(19) سیکرٹری اسٹیشن ڈیپارٹمنٹ صوبہ خیر

پختون خواہ لٹاوا

(20) سیکشن آفیسر اسٹیشن صوبہ خیر پختون خواہ

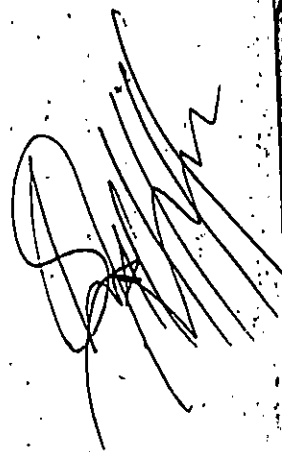
لٹاوا

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13-03-13
Secretary
Ministry of the Interior
Islamabad, P.W.

(11) سيف الرحمن انلوائری آفیس / ایگزیکٹو ڈسٹرکٹ آفیس
 سے انڈر ڈپلومیڈیاریٹ ڈیرہ اسماعیل خان
 ڈسٹرکٹ کوارڈینیشن آفیس (DCO) ضلع مانگ
 (12)

(تربیتی ریسیارڈنس)

ایمیل بنا، افضل حکم / ضمیمہ / ڈگری مورخہ 12-01-07 و حکم مورخہ
 11-12-12 صدرہ نامہ عدالت مانت سوال 3 ضلع III
 ضلع مانگ جسکی رو سے دعوی در بیان / اصل ریسیارڈنس ڈگری
 صادر کی گئی ہے اور درخواست گزار بہت رگے جانے کے شہادت
 سے علیہ مورخہ 11-12-12 کو ہارنے کے حکم صادر فرمایا ہے



استدعا کے ایمل معنوی رہی ایمیل صفا و مشورہ
 فرماتے جانے حکم فاضل عدالت مانت سوال 3 III
 ضلع III ضلع مانگ مورخہ 12-01-07 و خازن ٹریکے جانے
 دعوی در بیان / اصل ریسیارڈنس ہارنے فرمایا جانے اور درخواست
 ایملڈنٹ / درما علم ریماز فرما کر / مشورہ فرما کر ایملڈنٹ کو
 شہادت پیش کرنے کا / انلوائری کا موقع دیا جانے ہو زیارڈری
 17 رول 3 ضابطہ دلوائی کے تحت شہادت ایملڈنٹ / درما علم
 حکم کی ہے -

نوٹ جانے ضروری

- (1) یہ کہ ایمیل صفا اور درما علم
- (2) یہ صدقہ نقل صرفہ دیکھی لفظ ہے
- (3) یہ کہ صدقہ نقول حکم / ڈگری / ایگزیکٹو ڈگری مورخہ 12-01-07
 و درخواست برکے عدالت حکم مورخہ 11-12-12 لفظ ہے

13-06-13
 Justice
 of the District
 and Judge, Dera

حکومت (4) بیان حلقہ والی ایمل لف ہے
آر) وکالت نام لف ہے

نوٹ - ایمل ٹریڈ سے تودر ان ایملوں پر
وجوہات ایمل!

فتاویٰ عالی!

ایملٹ حسب ذیل لفن پر دار فیس

(1) یہ کہ حکم و فیصلہ ڈرگ اور 12-1-07 صدرہ سول ج III بحیل
وضاحت نامت خلاف قانون و حالات رو افعات و رد نیار
مثل الصاف ہے و حکم مور 11-12-12 خلاف قانون ہے
ایمل قابل مسوئی ہے

(2) یہ کہ عدالت ماتحت نے ریکارڈ پر مثل مقدم کا هیچ موازنہ / ملاحظہ
نہیں کیا ہے اور فیصلہ و حکم ڈرگ سے مدعو ہے

Misreading / Non-reading کے مترادف ہیں جس میں وجہ فیصلہ و حکم ڈرگ
مدعو ہے قابل مسوئی ہے یہ

(3) یہ کہ ماضی عدالت ماتحت نے نتیجہ غیرے میں سے فیصلہ
بے سے اہم قانون غلطی ہے اور صرف EXPW کا

EXPW پر اکتفاء کیا ہے اور مدعیان کی تقریری درست
قرار دی ہے حالانکہ مدعیان اصل ایمل ایسٹرنٹ کی تقریری (Contract)

میں purely on temporary basis پر سوٹ جس دراصل وہ

Civil Servants کے زمرے سے آتے ہیں اور ان کی تقریری
Regular نیاروں پر کی گئی ہے کیونکہ مدعیان Post
نیاروں پر ہوئی ہے اور ان کو ایمل نیاروں کی وجہ

REGISTERED
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of the State
Judge, ...

9) کہہ چکا کہ کام سروس سے یہ طرف کے احکامات ہیں مدعیان کی توہین کا
عارف اور Contract بنانے سے ان کو قانوناً کسی بھی دعوے کا
As a right نہیں لے جا سکتے کیونکہ ان کی توہین خلاف صالحہ
claim

اور خلاف پالیسی ہوئے ہیں مدعیان اپنی رٹ کے حکم کو کسی بھی
عدالت میں چیلنج نہیں کیا جا سکتا عدالت کے یہ الفاظ
are not Civil servants therefore, they cannot approach
Service Tribunal

علاقہ ترقی کی ہے کیونکہ حکم سے ایڈ ریٹرو کا تعلق Provincial
Government سے ہے اور اسے ایڈ ریٹرو کے تمام ملازمین Civil
Servants کے رتبے میں آتے ہیں کیونکہ مدعیان بھی صوبائی حکومت

سے حکم سے ایڈ ریٹرو سے ملانے شروع ہوئے ہیں اس لیے اس کے
لے بار فورم Service Tribunal ہے عدالت دلواری کو حق قدر

قدر کا اختیار سماعت حاصل نہیں ہے اس لیے دریں وجہ
فصلہ درج کی عدالت مانتے ہوئے 12-01-07 قابل مشورہ ہے

(6) نیز کہ حاصل عدالت مانتے نتیجہ تیسری دفعہ سے فصلہ رٹ
میں اہم قانون غلطی ہے اور مدعیان کی درخواست تریک ٹریٹ

پیش رٹ شہادت ہوئے 12-12-01 علاقہ سے اور اپیلرٹ
کو شہادت پیش رٹ سے شروع ہے ہیں حالانکہ مدعیان اصل

ریسائیڈنس کی توہین خلاف قانون غلطی و میرٹ کے لیے
کیونکہ عدالت مانتے آرڈر بالکل غلط اور Misreading

کے مترادف ہیں کیونکہ عدالت مانتے کے لیے فصلہ سے
Ex PW 1/6 نوٹیفیکیشن مور 02-11-02 غلط تحریر ہے

Director
Secretary
Office of the
Special Judge

حالاتہ Ex PW 1/6 کی سی او ایس ایف 1263
 20-3-08 کے متعلق ہے اس کے ذریعے اور ثابت طریقوں کے
 تقریر کے حجاز اتھارٹی میں سے حد بیان / ایساڈانس کے تقریر
 سیاسی اثر و رسوخ کی بنیاد پر کسی بھی سے کیونکہ حد بیان کی تقریر
 پبلک سروس کمیشن سے ہونے میں کیونکہ 11 Grade تا 15 Grade
 کی تقریر کے ذریعہ پبلک سروس کمیشن و سلیکشن سے ہونے میں
 کیونکہ سب اہلیت و غیرہ کے پوسٹ رنگولر پوسٹ میں اور
 سب اہلیت سے جیو سیکرٹری تک Promotion میں عدالت

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ثابت کے Ex PW 1/6 میں یہ الفاظ That through
 Public Service Commission accept the district
 cadre post. So only those posts in PBS
 11 to 15 were required to be filled through
 Public Service Commission which are not District
 Cadre Post اس کے ساتھ ساتھ Ex PW 1/6 میں اس

معنی یہ ذکر موجود اس کے اس کے ذریعے اور حد بیان کی حجاز
 اتھارٹی میں یہ ملکہ حجاز اتھارٹی چیف سیکرٹری ایساڈانس سے
 اس کے حکم عدالت مانتے قابل نہیں ہیں۔

یہ کہ عدالت مانتے ایبلڈنٹ ادرعا علم کی درخواست مورف
 12-12-11 غلط طور پر خازن کی ہے اور آرڈر 17 جول 11

صالح دلوانی کے تحت ایبلڈنٹ کی شہادت حکم کی ہے
 الاثنہ مقدم ہوا سے بوقت درخواست عدالت کے حکم کے

Official stamp and signature of the District Judge.

سی اینڈ ریبلو / ایلس سے اینڈ ریبلو رشید خان سے

کہ منتقل ایلس سے اینڈ ریبلو ڈیہ اسماعیل خان کا تھا لیکن محکمہ

سی اینڈ ریبلو سے ایلس محمد شقیق کے suspend موت کی وجہ

سے رشید خان کو Duel charges سے اینڈ ریبلو ثابت کرنے

فے کی طرف سے نمائندہ معززہ تقا اور عدالت فائٹ میں حاضر ہونا

فقا حضرت دوران رشید خان ایلس سے اینڈ ریبلو ان جگہ منتقل

ایلس سے اینڈ ریبلو آرڈر موت فے عدالت ثابت کو منتقل

ایلس سے منتقل ضمنی / inform کرنا تھا کیونکہ منتقل ایلس سے

مطالبہ انجمن لیسر ایلس ڈی اور ان جگہ اور ایلس ڈی اور کو لفظوں

مطالبہ لفظوں شہادت پیش کرنے معززہ کرنا تھا جو کہ ایلس سے

منتقل مورخ 12-12-11 کو رہتا وہ میں موجود تھا اسلئے درخواست

فذا غلط اور غیر قانونی طور پر خارج کرنے اور حوالہ علم /

اپیلنٹ کو سماعت کا موقع نہیں دی ہے حالانکہ قانوناً کسی کو

معدی unheard کسی ہونا چاہیے جو کہ Natural justice کا

تقاضا ہے سماعت کا موقع دیا جائے اسلئے حکم مورخ

11-12-12 عدالت حالت قابل مشورہ ہے

106-03-13
Secretary
of the District
Police Station

Ex PW 1/3 غلط اور غیر قانونی طور پر درست قرار دینے سے

حصہ اول

(37)

(12)

7

حالانکہ مدعیان / رلیبانڈ ٹرس کی توہین غلط اور بالکل غیر قانونی طور پر
کے گئے ہیں حالانکہ مدعیان / رلیبانڈ ٹرس کو کوئی 'Locus standi' تک حاصل نہیں
ہے بلکہ یہاں تک عدالت مانتی و مدعیان / اصل رلیبانڈ ٹرس کی توہین غلط
اور یہ زیادہ ہے اسلئے ٹرس بنام مدعیان / رلیبانڈ ٹرس ضروری نہیں ہے اور
غیر قانونی آرڈرز کی روٹ بھی حکم دے جائسکتے ہیں اسلئے حکم عدالت
مانت قابل منظور ہے -

(7) یہ کہ قاضی عدالت مانتی تصحیح نہیں کی تو مانت میں ترمیم کیے ہیں
اسم قانون غلط ہے کیونکہ مدعیان / رلیبانڈ ٹرس کی کوئی 'Cause of
Action' اور 'Locus standi' تک حاصل نہیں ہے ثبوت موجود ہے
اسلئے حکم عدالت مانت قابل منظور ہے اسلئے 'Relief'
میں عدالت مانت کے یہ الفاظ 'That the Plaintiffs have
Successful proved their case. غلط اور غیر قانونی طور پر
پہنچائیے حالانکہ مدعیان / رلیبانڈ ٹرس کی کوئی ایسا دعویٰ
کوئی 'Locus standi' تک حاصل نہیں ہے اگرچہ وہ واقعہ
اور ثبوت موجود ہے حکم عدالت منسوخ فرمایا جائے اور درخواست
اپیلرینٹ مورخ 11-12-12 منظور فرمایا جائے -

13-03-06
Secretary
Office of the Deputy
Commissioner

اسلئے حکم
تصویر / ڈگری مورخ 12-01-07 و خانہ رقم کے حکم
دعویٰ مدعیان / اصل رلیبانڈ ٹرس حکم صادر فرمایا جائے اور درخواست
مورخ 11-12-12 اپیلرینٹ / حویا حکم منظور فرمایا جائے فرما کر

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ایڈوائس کو شہادت پیش کرتا حکم کیا جائے
اور حکم مورخ 11-12-12 کو جاری کرتا حکم
صادر فرمایا جائے -

مورخ

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ایکس پی ایچ ڈی ڈیو ڈی

OFFICE
Office of the District
Session Judge, Feroze

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IN THE COURT OF MOHAMMAD YAQOOB KHATTAK,
DISTRICT JUDGE, TANK

RCA # 16/13 of 2012

Date of Institution: -----23.01.2012

Date of Decision: -----23.02.2013

Executive Engineer, C&W Department Tehsil & District Tank.

(Appellant)

Versus

Rehmat-Ullah son of Missal Khan, Resident of City Tank and Eleven (11) other respondents.

(Respondents)

JUDGMENT

- I. This appeal has been preferred by Executive Engineer, C&W Department, District Tank, against, interlocutory order dated 12.12.2011, vide which right of appellant to produce evidence was struck off under order- XVII rule 3 CPC and judgment, order and decree dated 07.01.2012, vide which suit of respondents No.01 to 03 was accepted with the request that interlocutory order dated 12.12.2011, and judgment, order and decree dated 07.01.2012, be set aside and the suit of respondents No.01 to 03 be dismissed.
- II. Facts in brief are that vide orders No.1657, No. 1658 dated 02.04.2008 and order No.1659 dated 02.04.2008, Rehmat-Ullah, Rizwan Khan and Sana-Ullah were appointed by District Co-ordination Officer, Tank on recommendation of District Selection Committee, Tank, in consequence of their recruitment they assume their duty, however, vide Government NWFP Works and

2013-13
 District Judge, Tank

23.2.2013
 DISTRICT JUDGE
 TANK

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 Alleged
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Services Department No.SOE-1/W&SD/2-6/2008, dated 29.09.2008, the appointment of the respondents No.01 to 03 were declared illegal and the District Co-ordination Officer, Tank was directed to cancel their appointment orders. This action was questioned by respondent No.01 to 03 in the Civil Court by instituting suit for declaration etc.

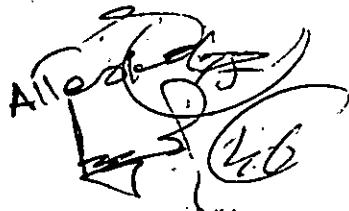
III. Vide written statement defendants except defendant No.01 contested the suit of Rehmat-Ullah etc and the pleadings of the parties were summarized under the following issues:-

- a. Whether the plaintiffs have got cause of action?
- b. Whether this Court has got Jurisdiction?
- c. Whether the appointments of the plaintiffs were not made according to Law?
- d. Whether the inquiries against the plaintiffs were not conducted according to Law?
- e. Whether the Letter No.SOE-1/W&SD/2-6/2008 dated 29.09.2008, issued by defendant No.06 for cancellation of the plaintiff appointments orders is liable to cancellation and ineffective upon the rights of the plaintiff?
- f. Whether the plaintiffs are entitled to decree as prayed for?
- g. Relief?

29.09.2008
 29.09.2008
 of the District
 Tank


IV. The parties were then put on the track of evidence. Evidence as adduced by Rehmat-Ullah etc were recorded but right of defendants to produce evidence was struck off under XVII rule 3 CPC, the learned lower Court after hearing the arguments then passed the impugned orders judgment and decree.

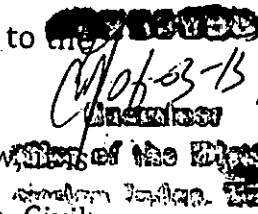
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- V. After admitting the appeal for full hearing, respondents were summoned. Respondent No.01 to 03 attended the court whereas the rest of the respondents despite of proper service did not, therefore, they were proceeded against ex-parte. Arguments twice as advanced at the bar heard and record gone through.
- VI. Before entering into discussion on other merits, in my opinion the material issue in the instant case to be decided first is the question of jurisdiction of Civil Courts regarding subject matter of the suit.
- VII. Issue No.02 has been framed by the lower Court in this regard, the learned lower court while deciding this issue held in the impugned judgment that since as per Section 2 of Civil Servant Act, 1973, Plaintiffs/respondents No.01 to 03 are not Civil Servant, therefore, the matter in issue does not fall within the jurisdiction of Services Tribunal and the Civil Court has jurisdiction to adjudicate upon the issue and dispute between the parties having general jurisdiction under Section 9 CPC.
- VIII. Under Section 9 CPC, Civil Courts had general and overall jurisdiction to try all suits of civil nature except its cognizance is expressly or impliedly barred by any special law.
- IX. Section 4 of Services Tribunal Act, expressly ousts the jurisdiction of Civil Courts in the matter related to the terms and condition of Civil Servant.
- X. In view of the above referred provision of law, it is to be seen whether respondents No.01 to 03 are Civil Servants or not, if they are Civil Servants then since the matter is related to the terms and conditions of their services as such under section 4 of Services Tribunal Act, Civil Court would have got no jurisdiction.


 23.2.2013
 DISTRICT JUDGE
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- XI. In this view of the matter, the foremost question is that whether respondents No.01 to 03 are Civil Servants or not.
- XII. Learned counsel for respondents No.01 to 03 when were asked during course of arguments, they while hesitating stated at the bar that respondents No.01 to 03 are contract employees but his contention on behalf of respondents No.01 to 03 does not appear to be fair and correct. Ex: PW-1/1 to Ex: PW-1/3 are the copies of appointment orders of respondents No.01 to 03. In consequence of these appointment orders, the three respondents then submit their arrival reports, assumed their duty/charge and since then up till now they are working on respective posts.
- XIII. Perusal of Ex:PW-1/1 to Ex:PW-1/3 show that no where it has been mentioned that the service of respondents No.01 to 03 were on contract basis as defined in Section 2 of Civil Servant Act, 1973, there is no explanation with regard to the nature of their service except that they were appointed in BPS-11 and BPS-06 on temporary basis subject to condition mentioned in the orders. It will be undisputed that appointments on contract basis is always for specific and definite period, the respective orders as well as the recommendations of District Selection Committee, Tank are completely silent that appointments of respondents No.01 to 03 were on contract basis. It is also settled principle that all initial appointments are either temporary or on probation. The respective appointment orders suggest that the same were on temporary basis. No evidence has been brought by the respondents No.01 to 03 to show even prima facially that their appointment was on contract basis.

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 9/5/2013
 District Judge, Tank

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XIV. Otherwise too, after promulgation of the North-West Frontier Province (now KPK) Civil Servant (Amendment) Act, 2005, followed by rules and regulations for the administration of recruitment of regular posts, now all appointments on regular posts are made on contract basis but status of Civil Servant has been given except for the purpose of pension. In other words, under the present law and rules the appointments are being made on all regular posts on contract basis and they are given the status of Civil Servant with the exception that such appointee shall not be entitled to the benefit of pension, otherwise he is Civil Servant.

XV. There are two categories of regular posts/vacancies. For one category of regular posts/vacancies Public Service Commission is the competent authority and for the other category of posts/vacancies, District Selection Committee is the competent authority. In the instant case, the appointment of respondents No.01 to 03 have been recommended by District Selection Committee, Tank, the posts on which respondents No.01 to 03 have been appointed are undisputedly regular posts/vacancies. It is the claim of respondents No.01 to 03 that the posts on which they have been appointed fall within the category of District cadre and that the District Selection Committee was the competent forum, this aspect of the case on behalf of respondents No.01 to 03 is undisputed.

XVI. It is evident from the record that posts were accordingly advertised, application were invited, respondents were called upon by the respondents for interview etc, and they were then found suitable for the posts and were recommended to be appointed, apparently proper procedure has been followed and adopted. The

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DISTRICT JUDGE
TANK

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of the District
Judge, Tank

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posts are regular in nature, charge has already been assumed by the respondents, since the date of assuming charge till the impugned order rather up till now respondents No.01 to 03 are performing duty. The rules and the policy for the time being is that all regular appointment has to be made on contract basis, however, they got the status of Civil Servant and in view of these facts, I am of the view and hold that respondents No.01 to 03 are Civil Servant, the subject matter of the lis is related to the terms and condition of the service of Civil Servants, therefore, under Section 4 of the Services Tribunal Act, Civil Court has got no jurisdiction.

XVII.

As such I whole holding that Civil Courts has got no jurisdiction, hereby accept the appeal, set aside the impugned judgment, order and decree of the learned lower Court being without jurisdiction. Since to me the matter does not fall within in the jurisdiction of civil Courts, therefore, all other issues are left upon to be decided by the competent forum. Parties shall bear their own costs. Record be returned to the learned lower court with the direction to return the plaint alongwith its enclosure to respondents No.01 to 03 accordingly for presenting the same before proper forum if desire so and consigned the record to record room accordingly. File of this court be consigned to Record Room.

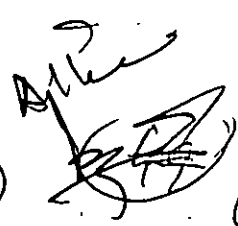
DATED:
23.02.2013

(MOHAMAMD YAQOOB KHATTAK)
DISTRICT JUDGE, TANK

MOHAMAMD YAQOOB KHATTAK
23-02-13
District Judge, Tank

Certified that my this judgment consists of 06 pages.
Each page has been signed by me after necessary corrections, if required.

(MOHAMAMD YAQOOB KHATTAK)
DISTRICT JUDGE, TANK

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The original suit coming upon for hearing on the 23rd day of January-2012 before me in the presence of Mr. Obaidullah, Advocate for the Appellant and Mr. Muhammad Zahid Khan, Advocate, Muhammad Saeed Amjid, Advocate for respondents, Abdul Rashid Khan, Advocate for respondent No.03 and Pir Amjid Ali Shah, Advocate for respondent No.01

It is ordered:-

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23-02-2013

Presence as before. Vide my judgment of today consists of 06 pages and placed on file. It is held that Civil Court has got no jurisdiction, therefore, the impugned judgment, order and decree of the learned lower Court is hereby set aside being without jurisdiction. The appeal in hand is disposed off accordingly. Record be returned to the learned lower Court with the direction to return the plaint to respondents No.01 to 03 alongwith its enclosures and consigned the record to Record Room. Parties are left to bear their own costs. File of this court be consigned to Record Room.

Dated
23-02-2013

(Muhammad Yaqoob Khattak)
District Judge, Tank

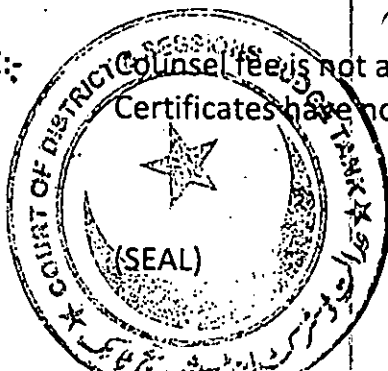
DISTRICT JUDGE
TANK

COST OF APPEAL

Appellant	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. NIL	Stamp for power	Rs. NIL
2. Stamp for power	Rs. NIL	Stamp for petition	Rs. NIL
3. Stamp for processes	Rs. NIL	Stamp for processes	Rs. NIL
4. Pleader's fees on Rs.	Rs. NIL	Pleader's fee on Rs:	Rs. NIL
5. Miscellaneous.	Rs. NIL	Miscellaneous.	Rs. NIL
TOTAL	Rs. Nil		Rs. Nil

NOTE:-

Counsel fee is not allowed to the parties as the Prescribed. Certificates have not been filled.



District Judge,
DISTRICT JUDGE
TANK

M

DECREE IN APPEAL

(Order XIII, Rule 35 of the Code of Civil Procedure)

In the Court of MUHAMMAD YAQOOB KHATTAK

District Judge, TANK

1) Executive Engineer, C&W Department, District Tank

(Appellant)

VERSUS

- 1) Rehmat Ullah son of Misal Khan, resident of City Tank.
- 2) Rizwan Khan son of Abd-ur-Rashid, resident of Kot Kat District Tank
- 3) Sana ullah son of Ghulam Muhammad, resident of Kot Azam, District Tank
- 4) Secretary C&W Depart: KPK, Peshawar
- 5) Chief Engineer, C&W Depart: KPK, Pesahwar
- 6) Superintendent Engineer, C&W Depart: Govt:
- 7) Provincial Government of KPK through Chief Secretary, KPK, Peshawar.
- 8) Chief Establishment Department, KPK, Peshawar
- 9) Secretary Establishment Department, KPK, Peshawar
- 10) Section Officer, Establishment -I, KPK, Peshawar
- 11) Saif-ur-Rehman, Inquiry Officer/Executive District Officer, C&W, Department Dera Ismail Khan.
- 12) District Coordination Officer, District Tank

(Respondents)

Suit No. 74/01 of 2008

Date of presentation of plaint in first Court:- 05/11/2008 & 22-11-2011

Date of decision of plaint in first Court:- 07/01/2012

MEMORANDUM OF APPEAL

07-11-11
07-01-12
Signature of the District Judge

اپیل نمبر 74/01 حکم / فیصلہ / ڈگری مورخہ 07/01/12 و حکم مورخہ 12/12/11
صدر عدالت ماضی عدالت مولیٰ جی صاحب III کی جانب سے دہلی مدعیانہ /
اہل رہنمائی ڈپارٹمنٹ ڈگری صادر کی گئی ہے اور درخواست گزار عدالت سے
جانے پرانے شہادت بردار علیہ مورخہ 12/12/11 کو جاری کر کے حکم صادر فرمایا ہے

Xen, C&W
Rehmat Ullah etc

(Plaintiff)
(Defendant)

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)



C.R. No. 31-D of 2013

JUDGMENT

Date of hearing 19-8-2013

Appellant-petitioner Rahmatullah by Mr. Rustam Khan
+ another Kundi Advocate.

Respondent Secretary Works & Communications (Tank) by
Mr. Samanullah Shauin DAG

ABDUL LATIF KHAN, J.- Through this single judgment, I propose to dispose of C.R.No.31/2013 and C.R.No.39/2013 as both the revisions are the outcome of one and the same judgment dated 23.02.2013 passed by learned District Judge, Tank vide which the appeal filed by Executive Engineer, C&W Department, Tank was accepted, judgment and decree dated 07.01.2012 of learned Civil Judge-III, Tank was set-aside and suit of the petitioners was dismissed.

2. Facts leading to the instant revision petition are that the petitioners/plaintiffs filed a suit for declaration to the effect that their appointment is valid, proper, after observing legal formalities, on merits and by the competent authority. They sought further declaration to the effect that cancellation of their appointment orders on the basis of secret inquiry being illegal is ineffective upon

ATTESTED

EXAMINOR

Peshawar High Court
D.I. Khan Bench

12/9/13

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their rights and liable to cancellation. They further sought perpetual injunction restraining the respondents/defendants from canceling their appointment orders.

3. The suit was contested by the respondents/defendants by filing their written statement. The learned trial Court framed issues arising out of the pleadings of the parties. The petitioners/plaintiffs produced their evidence whereas defence of the respondents/defendants was struck off. After hearing the arguments, the learned trial Court partially decreed the suit of the petitioners/plaintiffs vide judgment and decree dated 07.01.2012.

Attested
[Signature]

4. Aggrieved of the judgment and decree dated 07.01.2012, the Executive Engineer, C&W Department, Tank preferred an appeal which was accepted, judgment and decree dated 07.01.2012 of learned Civil Judge-III, Tank was set-aside and suit of the petitioners was dismissed, hence the instant revision petition.

[Signature]

5. Learned counsel for the petitioners contended that the status of the petitioners is that of contract employees until and unless their services are regulated through an express order by the competent authority. He argued that cancellation of orders amounts to exercise of powers not vested in the respondents. He contended that

ATTESTED

EXAMINOR

High Court

12/9/13

being contract employees, the remedy against the impugned order lies with civil Court and the learned appellate Court has wrongly observed about the jurisdiction of civil Court. He argued that the Executive Engineer was not competent to file the appeal without prior and formal permission from the department. He contended that the findings of appellate Court are without lawful authority and amounts to non-exercise of jurisdiction vested in it.

Amended
K.S.

6. The learned D.A.G argued that being employees of Government department, the petitioners are civil servants and their remedy lies with the Service Tribunal and the civil Court has got no jurisdiction. He supported the judgment of the appellate Court.

DM

7. I have given my anxious consideration to the arguments of learned counsel for the parties and perused the record with their valuable assistance.

8. Perusal of the appointment reveals that petitioners Rehmatullah and Rizwan were appointed as Sub Engineer whereas petitioner Sanaullah was appointed as Road Inspector by the D.C.O, Tank on the recommendation of Departmental Selection Committee in BPS-11 with usual allowances as admissible under the rules on contract basis. The appointment was purely on

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EXAMINOR

Shawar High Court
Khan Bench

12/9/13

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temporary basis, in accordance with the procedure adopted for appointment of civil servants, which was later on cancelled as illegal appointment and after observing all codal formalities, the petitioners were removed from service, against which a civil suit was filed by the petitioners for declaration, questioning the order of their removal from service. The issue with regard to the jurisdiction of civil Court was framed which was decided in affirmative by the learned civil Court and the suit of the petitioners was decreed to the extent of declaration, however, the relief of perpetual injunction was refused. The appellate Court reversed the findings of the trial Court on the ground of lack of jurisdiction and set aside the judgment of trial Court being without jurisdiction. None of the other issues were considered by the appellate Court on the ground of lack of jurisdiction, however, the plaint was returned with the direction to be represented before the proper forum.

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9. Section 9 C.P.C is reproduced below for ready reference:-

"Courts to try all Civil Suits unless barred....The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred."

WITNESSED

EXAMINOR

D. K. Sharma
High Court

12/9/13

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Civil Court has got ample power to try all suits of civil nature unless expressly or impliedly barred.

10. Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 read with section 4 of the Service Tribunal Act expressly bar the jurisdiction of any Court including civil Court regarding the matter relating to the terms and conditions of service.

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11. Section 2(1)(b) of Civil Servants Act, 1973 has defined the term civil servant which includes a person who is (i) a member of All Pakistan services or (ii) is a civil servant of the Federation or (iii) holds a civil post in connection with the affairs of the Federation including any such post connected with defence but does not include the persons mentioned in sub-clauses (i) and (ii) to the above clause (b) whereas section 5 of Civil Servants Act, 1973 provides that the appointment to the above three categories of the persons shall be made in the prescribed manner by the President or by a person authorized by the President in that behalf. The appointment orders of the petitioners were made on regular basis after adopting all the formalities by the Departmental Selection Committee and on the recommendation of the committee, the competent authority has appointed them. On the promulgation of Khyber Pakhtunkhwa Amendment Act, 2005 and Rules framed thereunder, all the appointments

ATTESTED

EXAMINOR

High Court

D/I Khan Bench

12/9/13

(51)

on regular posts are made on contract basis but status of civil servant has been given except for the purpose of pension i.e. those appointments made on regular posts on the basis of contract are given the status of civil servants with the exception of benefit of pension but for all practical purposes, they are civil servants employed in government department against vacant posts, recommended by the Departmental Selection Committee and appointed by the D.C.O, undisputedly against regular posts. The advertisement was made and after interview, they were found suitable for the posts and recommended in regular manner and thereafter they assumed the charge and performed the duties and any subsequent act including the cancellation comes in terms and conditions of civil servants and jurisdiction of civil Court being expressly barred, cannot be invoked in such circumstances. The appellate Court has rightly observed about lack of jurisdiction of civil Court:

Attested
by

12. For the reasons mentioned above, both the revision petitions being bereft of any merit are hereby dismissed.

Sd- Abdul Latif Khan

Announced.
Dt:19.8.2013.

9/9/13

ATTESTED
EXAMINOR
12/9/13

G.R.No. 1911
Application Received on 22-8-13
Copying Fee deposited Rs
No of Papers 6
Copying fee
Urgent fee
Total Fee
Copy ready for delivery 12-9-13
Copy delivered on 12-9-13
Signature of Examiner
12/9/13

Certified to be true copy

EXAMINER

Peshawar High Court Bench D I Khan
Authorised Under section 97 of
Qanoon-a-Shahadat-Act.

12/9/13

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OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
WORKS & SERVICES DEPTT: D.I.KHAN

NO. 1069 12-E

DATED: 8/08/2008

Place in file
22/12/08
Shah
M

To

The Secretary
Govt. of NWFP
Works & Service Department
Peshawar..

Subject: ILLEGAL APPOINTMENTS OF SUB ENGINEER AND ROAD COOLIES.

Reference: Your Office letter No. SOE-1/W&SD/2-6/2008 dated 17/7/2008.

As desired the requisite report on the subject cited inquiry conducted by the undersigned is submitted herewith for your kind perusal and further necessary action please.

(Signature)

EXECUTIVE DISTRICT OFFICER
Works & Services Department
D.I.Khan

o/c

Copy to the Section Officer (Estt: -1) Works & Services Department Peshawar for information with reference to above:-

EXECUTIVE DISTRICT OFFICER
Works & Services Department
D.I.Khan

(Signature)
20/08/08
D.I.Khan

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INQUIRY REPORT
ILLEGAL APPOINTMENTS OF SUB-ENGINEER AND ROAD COOLIES

TERM OF REFERENCE

In connection with appointments of the following personnel, the undersigned has been appointed as enquiry Officer to enquire the illegal appointments of Sub-Engineers without completing codal formalities and road inspector, Road Coolies against the dying cadre posts.

1.	Rizwan Khan S/o Abdul Rashid	Sub Engineer
2.	Rehmatullah S/o Muhammad Missal Khan	Sub Engineer
3.	Sanaullah S/o Ghulam Muhammad	Road Inspector
4.	Muhammad Suhail S/o Haibat Khan	Cooly
5.	Ikramullah S/o Mirawas	Cooly
6.	Arifullah S/o Pir Ghulam	Cooly
7.	Ishaq S/o Lal Ghani	Cooly
8.	Israr S/o Zafar Abbas	Cooly

FINDINGS

1. In this connection the Deputy Director Works & Services Tank was requested to provide relevant record by 26.07.2008 to finalize the enquiry vide this office No. 1033/2-E dated 23.07.2008. In response thereto the Deputy Director Works & Services Tank asked this office to intimate particular names of Officials appointed illegally vide his No. 9191/Tank, dated 24.07.2008. The requisite information was provided to him vide this office No. 1040/Enquiry dated 26.07.2008 with a request to provide the requisite record by 23.7.2008. Meanwhile the Executive District Officer Works & Services Department Tank was requested to provide the requisite record by 28.07.2008 vide this office No. 1041/Enquiry dated 26.07.2008, and the Distt. Coordination Officer Tank was also simultaneously requested to provide the requisite record vide this office No. 1042/Enquiry dated 26.07.2008.
2. The Executive Distt. Officer Works & Services Tank provided the Photo copies of the order issued in favour of Coolies at Sl No. 4,5,6,7 and 8 above containing No. 572/E.3, 571/E.3, No. 567/E.3, No. 568/E.3, No. 569/E.3 dated 21.05.2008 respectively vide his No. 820/G-01 dated 28.7.2008.
3. On receipt of the above mentioned orders it was observed that on the recommendation of departmental selection, promotion and appointment committee these orders were issued by the Executive District Officer Works & Services Tank, he was therefore asked to supply the said minutes of the committee constituted for the purpose vide this office No. 1044/2-E dated 28/07/2008. OR a certificate to the effect that these minutes are not available in his office. In turn he intimated that the minutes of the departmental committee are not available in his office record vide his No. 821/G-1 dated 28/07/2008.
4. Meanwhile the Deputy Director Works & Services Tank informed this office that no record except appointment orders issued by the competent authorities are available, however photo copies of the appointment orders of all the above named Eight persons provided with his letter No. 9200/6-E dated 28.07.2008 with the remarks that:-

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28/07/2008

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- a. The appointments of Sub-Engineers at Serial No.1 & 2 and Road Inspector at Serial No. 3 has been made by District Coordination Officer Tank. Whereas appointments of Coolies at Serial No. 4 to 8 were made by the Executive District Officer Works & Services Tank.
- b. The arrival reports of the newly appointed Coolies at SI No. 4-8 (above) were not accepted due to non-availability of vacant pots.
- c. Regarding the incumbents appearing at SI No. 1-3 (above) they have paid their Salaries upto 30.6.2008 drawn from Distt: Accounts Officer District Tank, which obviates the validity of the appointment orders.
- d. One Mr. Abdul Momin has lodged a Civil Suit in the Court of Civil Judge Tank against these appointment Orders, while Mr Rehmatullah has also lodged a Civil Suit against the said Enquiry.

DOF
 20.12.11
 Alland
 [Signature]

5. The District Coordination Officer Tank was again requested vide T/O No. 1047/5-E dated 29.7.2008 to provide the record regarding illegal appointments of Sub Engineers & Road Inspector specifically the minutes of the meeting by 2.8.2008 positively to proceed further into the case, but nothing heard till due date. However DCO Tank provided photo copies of requisite record in favour of appointments of Sub-Engineer at Serial No. 1 & 2 and Road Inspector at Serial No. 3 vide his No. 44/GB dated 5/8/2008 stating that the same has been provided by the concerned department.

6. Based on the allegations, record has been perused thoroughly and it is found that:-
 1. The appointments of Sub-Engineer at serial No. 1 & 2 is quite violative to the notification No. SOR-VC(E&AD) 2-7/2003 dated 17/11/2005 wherein the departmental selection committee at District level for post BPS-11 to BPS-15 is reconstituted as under:-

- | | | |
|------|---|----------|
| i. | District Coordination Officer | Chairman |
| ii. | EDO Concerned | Member |
| iii. | One member to be nominated by the Administrative Department concerned | Member |
| iv. | One member to be nominated by the appointing authority. | |

The departmental selection, promotion and appointment committee on whome recommendation above appointments have been made is not accordance with the notification and comprises of the following.

- | | | |
|------|---|----------|
| i. | District Coordination Officer Tank | Chairman |
| ii. | Executive District Officer Finance Tank | Member |
| iii. | Deputy Director Works & Services Tank | Member |

[Stamp]
 [Signature]
 [Signature]
 [Signature]

7. It is also pertinent to point out that the recruitment to post in BPS-16 & above as well as the post of Assistant Sub-Inspector of Police, Naib Tehsildar, Zilladar & Sub-Engineers will continue to be made through NWFP Public Service Commission, as per Govt. of NWFP S&GA Department (Regulation wing) No. SOR-I(S&GAD) 1-117/91 dated 1.2.1993

3

55

3

As para 4(c) the drawal of pay of incumbent at serial 1-3 from the DAO office Tank upto 2008 does not authenticate the appointments as legal.

9. According to the letter No. B-1/1-70/2003-04/FD dated 12.4.2004 from Govt. of NWFP Finance Department the Posts of Road Gang Staff i.e. Coolies, Mates & Road Inspector as & when become vacant due to retirement or death of a incumbent would stand abolished being dying cadre posts and according to standing policy of the Govt. therefore the appointments of the Road Inspector at SI No. 3 and the Coolies at SI No. 4-8 (mentioned above) stand quite illegal, however as intimated by the Deputy Director Works & Services Tank, the arrival reports of coolies was not accepted as such their emoluments were not entertained. The drawal of pay of Road Inspector at SI No. 3 is quite irregular and would have not been entertained by the Distt. Accounts Officer Tank being a dying Cadre Post.

Copies of correspondence and references annexed as Annexure (1 - 14).

CONCLUSION AND RECOMMENDATION

Based on above facts, it is concluded that appointments of Sub-Engineer have been made without codal formalities and Road Inspector, Road Coolies against the dying cadre posts.

DOF
22.12.11
R. Ullah
13

~~Signature~~
Incharge
Office of the Engineer
Works & Services Tank

Signature
SAIF-UR-REHMAN
Inquiry Officer / EDO
Works & Services Department
D.I.Khan

127

OFFICE OF THE DISTRICT COORDINATION OFFICER TANK

No. _____ / Acctt: Dated Tank The 12 / 11 / 2008.

OFFICE ORDER.

The cancellation orders of the following officials in Works & Services Department Tank, issued vide this office order Endst: No.6595-03 / Acctt: dated 06/11/2008 are hereby withdrawn with immediate effect till the final decision of the case by the learned Court.

- 1- Rizwan Khan, Sub Engineer.
- 2- Rehmatullah, Sub Engineer.
- 3- Sanaullah, Road Inspector.

} included 16/09

Bernor

DISTRICT COORDINATION OFFICER
TANK.

No. 6711-18 / Acctt:
Copy to the :-

- 1- PS to Chief Secretary, NWFP, Peshawar..
- 2- PS to Secretary Establishment Department, NWFP, Peshawar.
- 3- District Accounts Officer Tank.
- 4- EDO Works & Services, Tank.
- 5- Deputy Director Works & Services, tank.
- 6- PS to Secretary Works & Services, NWFP, Peshawar.
- 7- Section Officer (Estt:1) Works & Services, Deptt: Peshawar w/r to above.
- 8- Officials Concerned.

All seen
[Signature]

Copy. W/S/3/11.	
Date. No.	16.250
	19-11
(6)	

Bernor

DISTRICT COORDINATION OFFICER
TANK

ATTESTED

2/63-13

EXAMINER

District & Session Court
Tank.

[Handwritten marks]

کوٹ فیس		قیمتی ایک روپیہ
------------	--	--------------------

عدالت بعد از صلح

مخائب سال
 نام شہزادہ شہناز شاہ
 دعوی یا جرم
 تفصیل دعوی یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کے پیش یا تغیر مقدمہ بنام
 شہزادہ شہناز شاہ
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ کو برو عدالت حاضر ہونا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
 پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
 کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذکری
 نظر ثانی اپیل عمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر جانش یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مقررہ نظر ثانی اپیل و عمرانی و برآمدگی مقدمہ یا منسوخ ذکری یک طرفہ یا درخواست حکم اتہامی یا قرتی
 یا گرفتاری قبل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادا جکی علیحدہ جتا بیرونی کا اختیار ہو گا اور تمام ساختہ برداشتہ صاحب موصوف مثل کردہ
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بھارت درخواست نظر ثانی
 اپیل عمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں وہی اور اپنے
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ اتواء پڑے گا وہ صاحب موصوف کا حق ہو گا تمام
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بروائی کرے اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

موزعہ _____ ماہ _____
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1456 of 2013

Rehmat ullah S/o Misal Khan, R/o Mohallah Khurian Wala, City Tank

(Petitioner)

Versus:-

Government of Khyber Pakhtunkhwa, Peshawar and others.

(Respondents)

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENT NO.1, 2, 3,4,5,6 & 7

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is not maintainable and incompetent
3. That the appellant is estopped due to his own conduct.
4. That the appellant has got no cause of action and locus standi.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the appeal is bad for misjoinder/non-joinder of necessary parties.
7. That the appellant has concealed the material facts from Honourable Tribunal.
8. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.

RESPECTFULLY SHEWETH

ON FACTS.

Para.1 In response to Para No.1 it is submitted that the then DCO tank advertised some posts of Sub-Engineers BPS_11 and Road Inspector BPS_6 in the Works and Services Division tank. As per government of Khyber Pakhtunkhwa notification dated 01-02-1993, recruitment against the post of Sub-Engineers falls within the preview of Public Service Commission; hence DCO tank has got no authority to advertise the posts of Sub Engineers. Hence the said act is void ab-initio against law and without jurisdiction.

As regard advertisement / application is against the post of Road Inspector BPS-6 is concerned, the same is dying cadre post and according to Finance Department circular letter No B-1/1-70/2003-04/FD Dated 12-04-2004 the post of Road Inspector is and when become vacant, due to retirement or death of an incumbent, would stand abolished. Therefore in this score too, the appointment of Road Inspector as well as Sub-Engineers are illegal, void and without jurisdiction.

It is further added that even the department selection committee, on whom recommendation, the appointment have been made is not in accordance with the notification No SOR-VC(E&AD) 2-7/2013 Dated 17-11-2005 that neither the Administrative Department i.e. C&W department was approached for their nominee / representative nor department representative participated in the appointment procedure.

- Para.2 It also does not concern with the respondents. The post of Sub-Engineer is not a district cadre post; hence, the department selection committee was not constituted as per rules. It is worth to mention that the appellant is a nephew of the member of departmental selection committee.
- Para.3 Incorrect, All the appointments were made in clear violation of the criteria/ procedure laid down in rules. The department selection committee, so constituted for the purpose, is illegal and based on malafide, as the post of Sub-Engineers falls within Public Service commission.
- Para.4 Incorrect, The Departmental Selection/Promotion committee was not the appointment authority for the post of Sub-Engineer in Communication & Works department. The posts of Sub-Engineer can only filled on the recommendation of Public Service Commission.
- Para.5 Incorrect hence denied. The Departmental Selection Committee was not authorized to recommend to the appellant for the post of Sub-Engineers as per rules. An enquiry has been also conducted on the directions of Chief Secretary by the Executive District Officer, works and services department, DIKhan in connection of illegal appointments of the Sub Engineers etc without completing codal formalities. (Enquiry report attached)
- Para.6 Correct to the extent that chief secretary has taken serious notice of the matter and accordingly directed to immediately cancel the appointment orders.
- Para.7 Correct, in pursuance of direction contain in the letter of C&W department the appointment order of the appellant has been cancelled.

- Para.8 Incorrect, No appeal, what so ever, has neither been made to the answering respondent nor the same was presented to the respondent, rather it was tendered to the Commissioner DIKhan and the same was not impleaded in the respondents being necessary party.
- Para.9 No comments. Pertains to record
- Para.10 The order of the Civil Judge was set aside by the appellate Court, District Judge, Tank.
- Para.11 No comments. Pertains to record
- Para.12 No comments. Pertains to record
- Para.13 No comments. Pertains to record
- Para.14 Incorrect, The revision petition was dismissed by the Peshawar High court Bench, DIKhan being bereft of merit.
- Para.15 Incorrect, In fact the appellant has exhausted his remedies available to him under the law. He filed suit followed by appeal before the district judge and finally revision petition before the Honorable High Court but to no avail. The petitioner filed service appeal at a belated stage after the laps of about 6 years, which badly time barred and not maintainable before this honorable tribunal.

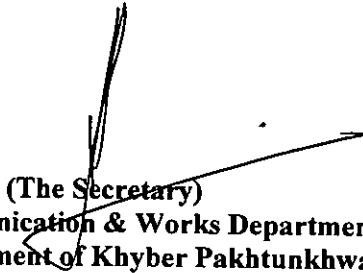
GROUND.

- Para. A Incorrect, since the appointments were made in violation of rules without observing codal formalities, hence the same were declared void orders and accordingly cancelled.
- Para. B Incorrect, Reply has been given in supra paras.
- Para. C. Incorrect, as laid ~~that~~ in pursuance of enquiry report wherein it was pointed out that appointments were made in violation of rules / criteria for selection to the post and based on malafide and nepotism were declared void and resultantly cancelled.
- Para. D. Incorrect, as ~~laid~~. In fact the enquiry was conducted with regards to the procedure adopted by the then DCO, departmental committee and their competent in the appointments.

Para. E. Incorrect hence denied. The reply has been already given in above paras.


PRAYER

It is, therefore, most humbly prayed that on acceptance of this Para-wise comments, the appeal being devoid of legal footings and merit may graciously be dismissed with cost.



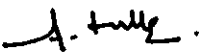
(The Secretary)
Communication & Works Department,
Government of Khyber Pakhtunkhwa Peshawar

Respondent No 1 & 4



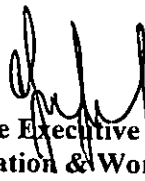
(The Chief Engineer)
Communication & Works Department
Government of Khyber Pakhtunkhw Peshawar

Respondent No 2




(The Superintending Engineer)
Communication & Works Department
C&W Circle, D.I.Khan

Respondent No 3



(The Executive Engineer)
Communication & Works Department
C&W Division Tank


Respondent No 6



(The Secretary)
Government of Khyber Pakhtunkhawa
Establishment Department Peshawar
Respondent No 5



(The Chief Secretary)
Government of Khyber Pakhtunkhawa
Respondent No 8



(The Deputy Commissioner)
District Tank

Respondent No 7

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No.1456/2013

Rehmat Ullah Vs: Govt. of K.P.K. etc

Service Appeal

**PARA-WISE REPLY/REJOINDER TO THE
COMMENTS OF RESPONDENTS**

S#	PARTICULARS OF DOCUMENTS	ANNEXURE	PAGE
1.	Rejoinder	A.	i-iv along
2.	Copy of the notification showing the post of Sub Engineer as District Cadre Post	R	with relevant records

Yours Humble Appellant

35 pages

*(Rehmat Ullah)
Through Counsel*

Dt. ____/02/2015


**Muhammad Salim Khan Marwat
Advocate High Court, D.I.Khan.**

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No.1456/2013

Rehmat Ullah Vs: Govt. of K.P.K. etc

Service Appeal

**PARA-WISE REPLY/REJOINDER TO THE
COMMENTS OF RESPONDENTS**

Respectfully Sheweth,

PRELIMINARY

1. Misconceived and incorrect. Initially, the appellant had called in question the vires of impugned letter by way of filing civil suit which stood decreed in favour of the appellant. However, in appeal from the Department, the decree granted by the Civil Court was set aside by the District Court and thereby the plaint was returned to appellant with the direction to approach the proper forum. The Appellant then filed revision petition before the Honourable Peshawar High Court, D.I.Khan Bench. The Revision Petition was also dismissed and the appellant was directed to approach the Service Tribunal. Accordingly the appellant preferred present appeal which, from the date of decision of Honourable Peshawar High Court, D.I.Khan Bench, is within time.
2. Incorrect. The appeal in had is very much competent which has been filed before this Honourable Court upon the directions of Honourable Peshawar High Court, D.I.Khan Bench.
3. Incorrect. There is no element of estoppel on the part of appellant.
4. Incorrect, thus denied.
5. Incorrect and is denied as such.
6. Incorrect. All necessary parties have been impleaded in the appeal.
7. Incorrect. No material facts has been concealed from this Honourable Tribunal.

8. Incorrect. This Honourable Tribunal has got jurisdiction to entertain present appeal as envisaged u/s 4 of K.P.K. Service Tribunal Act, 1974,

ON FACTS:

1. Incorrect, misconceived and denied as such. The DCO had powers to make appointments of officials in BPS-11 to 15 in the departments. The DCO being appointing authority of officials in BPS-11 to 15 validly advertised the posts and then made appointment of appellant. Moreover, abolishment of the post of Road Inspector is having no adverse effect upon the post of Sub Engineer.

It is pertinent to mention here that the meeting of Department Promotion/Selection/Appointment Committee was convened on 24/03/2008 which was Chaired by the DCO Tank, and EDO Finance Tank and Deputy Director Works & Services Tank were members of the said committee. Minutes of the said meeting are available on the file. The said committee was competent enough to make appointments of officials in BPS-11 to 15.

2. Incorrect, hence denied. The post of Sub-Engineer is a District Cadre Post and notification in this regard are enclosed as **Annexure R.**
3. Incorrect, misconceived and is therefore denied. The DCO being competent appointing authority and sub-engineer being a District Cadre post, Departmental Selection Committee was validly, rightly and properly convened.
4. Incorrect, thus denied. The detail reply has been given in the above Paras.
5. Incorrect and thus denied. The detail reply has been given in para No.1 to 3 above. Moreover no inquiry was conducted according to

the law nor appellant was given opportunity of hearing. The alleged inquiry is not worth reliance.

6. Incorrect, hence, denied. The appellant has been victimized on political basis by manoeuvring the legal order of appellant as illegal.
7. In reply to this Para, it is submitted that letter of C&W Department was malafidely issued.
8. Incorrect. The departmental appeal was made before the competent forum.
9. Needs no reply.
10. Needs not to be replied.
11. Needs no reply being matter of record.
12. Needs no reply being matter of record.
13. Needs no reply being matter of record.
14. Incorrect. The Revision Petition was dismissed with the direction to appellant to approach the Service Tribunal.
15. Incorrect and misconceived, thus denied. In-fact the appointment of appellant was cancelled and therefore, the appellant moved to Civil Court by way of civil suit which stood decreed, however, in appeal the District Judge directed that the matter pertains to Service Tribunal which was upheld by the august Peshawar High Court, D.I.Khan Bench. The appellant was vigilantly pursuing his case therefore, there was no fault on the part of plaintiff. Had the civil suit returned to appellant at the time of its institution, the service appeal would have been filed much earlier.

GROUND:

- a) Incorrect thus denied. The appellant was legally and validly appointed by a competent authority.
- b) As above.
- c) Incorrect. The detailed reply has been given in above Paras.

- d) Incorrect. No inquiry was conducted according to law.
- e) As above.

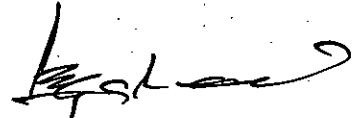
It is, therefore, respectfully prayed that the Service Appeal may please be accepted as prayed for.

Yours Humble Appellant



(Rehmat Ullah)
Through Counsel

Dt. ____/02/2015



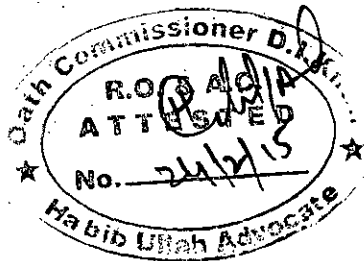
Muhammad Salim Khan Marwat
Advocate High Court, D.I.Khan.

AFFIDAVIT:

I, the appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this **Reply/Rejoinder** are true & correct to the best of my knowledge, belief and information and that nothing has been deliberately concealed from this Honourable Court.



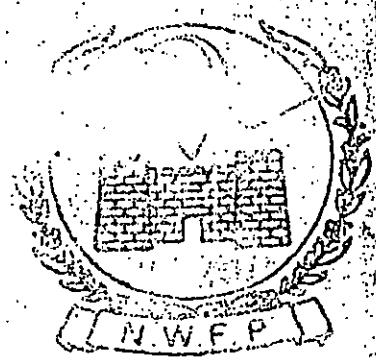
Deponent:



5

GOVERNMENT OF N.W.F.P.

Public Officer



THE NORTH-WEST FRONTIER PROVINCE
DISTRICT GOVERNMENT
RULES OF BUSINESS 2001.

PRINTED BY LOCAL GOVERNMENT BOARD N.W.F.P.

6

5. "convenor" means the Convenor of the Council concerned;
6. "Federal Government" means the Government of the Islamic Republic of Pakistan;
7. "financial year" means the year beginning from the 1st day of July and ending on the 30th day of June next following;
8. "Government" means the Government of the North-West Frontier Province;
9. "Governor" means the Governor of the North-West Frontier Province;
10. "Ordinance" means the North-West Frontier Province Local Government Ordinance, 2001 (NWFP Ord. XIV of 2001);
11. "Schedule" means a Schedule to these rules;
12. "Secretariat" means the Secretariat of a Council; and
13. "section" means a section of the Ordinance.

(2) Words and expressions used in these rules but not defined shall have the same meanings assigned to them in the Ordinance, the North-West Frontier Province Government Rules of Business, 1985, or any other Provincial law for the time being in force.

3. **Composition of Councils and allocation of Business.**— (1) The composition of Councils and groups of offices shall be the same as provided in section 14 of the Ordinance read with the First Schedule thereof, and may be varied in accordance with the provisions of the aforesaid section.

(2) The business of the offices shall be distributed amongst the Departments in accordance with Schedule-1:

Provided that any particular subject or matter of an office may be transferred from, or reallocated to an office, in accordance with the section 14.

(3) A Zilla Nazim shall be assisted by the District Coordination Officer.

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT
DEPARTMENT

NOTIFICATION

Dated Peshawar the 30th October, 2001

No. ADMN(LGVDG/1)(28)-2001.— In exercise of the powers enforced by section 191 of the North-West Frontier Provincial and Local Government Ordinance, 2001 (N.-W.F.P. Ord. XIV of 2001) read with section 31 thereof, the Government of the North-West Frontier Province is pleased to make the following rules, namely:-

THE NORTH-WEST FRONTIER PROVINCE DISTRICT
GOVERNMENT RULES OF BUSINESS, 2001.

PART A
GENERAL

1. **Short title and commencement.**— (1) These rules may be called the North-West Frontier Province District Governments Rules of Business, 2001.

(2) It shall come into force at once.

2. **Definitions.**— (1) In these rules, unless the context other-wise requires,-

1. "body corporate" means a body having perpetual succession and a common seal, with power to sue and be sued;
2. "budget" means an official statement of income and expenditure for a financial year;
3. "business" includes all work done by a local government;
4. "component" means the offices mentioned in column 2 of Schedule I to the Ordinance;

(7)

(b) the District Coordination Officer shall have the powers of the appointing authority in respect of the officers/officials in BPS-1 to BPS-15:

Provided that no vacancies are to be filled in by way of direct recruitment or transfers and the officers/officials of the surplus pool are to be absorbed/adjusted against the vacancies:

Provided further that even after the said period ban on recruitment shall continue till it is lifted by Government in the Finance Department.

(2) No civil servant shall be transferred from his post in a district except under the orders of the Government:

Provided that the District Coordination Officer, or as the case may be, the Executive District Officer, may, suo moto or on the initiation of the Nazim, initiate disciplinary proceedings against a civil servant for his inefficiency or malpractices and submit the outcome of the proceedings to competent authority for decision.

(3) In the case of officers in BPS-19, the District Coordination Officer, in the case of officers in BPS-16 to BPS-18, shall refer the cases to the competent authority for decision under the North-West Frontier Province Removal from Service (special Powers) Ordinance 2000 (N.-W.F.P. Ord. No. V of 2000), through the administrative Secretary concerned.

7. General procedure for disposal of business.— (1) The channel for obtaining or transmitting the orders of the Zilla Nazim is the Executive District Officer or an officer specifically authorized in this behalf by the District Coordination Officer.

(2) All orders shall be passed in writing, where a verbal order is given, it should be reduced to writing at the earliest opportunity by the officer receiving it.

4. **Organization of Offices.**— (1) The Organization of various offices shall be the same as provided in the Ordinance or, where the Ordinance has not so provided, as determined by Government.

(2) The Executive District Officer shall, by means of standing orders, distribute the work of the office among the officers subordinate to him.

(3) The cases enumerated in Schedule II shall be submitted to the Zilla Nazim before issuance of orders.

(4) Reports on any of the matters specified in Schedule III shall be submitted to the Zilla Nazim for his information.

5. **Secretariat of District Government.**— (1) There shall be a secretariat of the District Government headed by the District Coordination Officer and comprising of the decentralized departments or groups of departments as shown in the First Schedule to the Ordinance.

(2) Each decentralized group of departments shall be headed by an Executive District Officer appointed or nominated by the Government for the purpose.

(3) Each Executive Officer shall be responsible to Zilla Nazim through the District Coordination Officer and shall channelize his correspondence through him.

6. **Deputation of civil servants and power of District Coordination Officers.**—

(1) The civil servants posted in the decentralized departments shall continue to be civil servants for all intents and purposes of the relevant civil servants laws and the rules framed thereunder with the modification that—

(a) all civil servants in BPS-16 to BPS-20 shall be appointed by Government or the Federal Government, as the case may be, and posted in decentralized Departments from time to time.

8

SCHEDULE - IV

(See Rule 25)

S. No.	Officers	Authority
1.	2.	3.
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government.
3.	Other Officer in BPS-16 and below posted in the District.	Provincial Government in consultation with Zilla Nazim.
4.	Official in BPS-16 and below.	Executive District Officer in Consultation with District Coordination Officer.

(IFTIKHAR ALI SHAH)
SECRETARY, LOCAL GOVERNMENT,
NORTH-WEST FRONTIER PROVINCE.

P-136

GOVERNMENT OF NWFP
WORK AND SERVICES DEPARTMENT

(9)

W&S/NOTIFICATION/2006,
Peshawar the August 2, 2006

1. The Officer,
Work and Services,
Peshawar.

2. The Managing Director,
Frontier Highway Authority,
Peshawar.

3. The Managing Director,
Abaseen Construction Corporation,
Peshawar.

SUBJECT: NOTIFICATION

I am directed to enclose herewith a copy of Notification bearing
NO:SO(LG-13-196/EM/CS, Dated:25.07.2006 received from Local Government,
Elections & Rural Development Department, Peshawar for information and further
necessary action.

MUHAMMAD SYAR
SECTION OFFICER (GENERAL)

END OF LINE NO. & DATE

Copy forwarded to:-

1. The Section Officer (Enrolment), Local Government Elections & Rural
Development Department with reference to the letter quoted above.
2. P.A. to Deputy Secretary (Admin), W&S department.

SECTION OFFICER (GENERAL)

26-8

AD

506
4/8/06
cl
AD

N/163

(10)

OFFICE OF THE CHIEF ENGINEER
WORKS & SERVICES DEPARTMENT
N.-W.F.P PESHAWAR.

No. 1017 /26-E/CE/W&S

Dated Peshawar the 10 /08 2006.


To

All Executive District Officers,
Works & Services Department,
In NWFP.

Subject: NOTIFICATION

I am directed to enclose herewith a copy of Notification No. SOG/W&S/Notification/2006 send through Section Officer General Works & Services Department Peshawar from Local Government Elections and Rural Development Department Peshawar for information and further necessary action at your end please.

Encls: As Above


ADMINISTRATIVE OFFICER

Copy to Section Officer (General) Works & Services Department Peshawar with reference to his letter No quoted above for information.


ADMINISTRATIVE OFFICER

*Amendment clear
copy should be taken
File*

9280297

(u)

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 25th July, 2006

No. SO(LG-1)3-196/E.M/05 - In exercise of the powers conferred by section 31 of North-West Frontier Province Local Government Ordinance, 2001 (N.W.F.P. Ordinance No. XIV of 2001), the Government of North-West Frontier Province is pleased to make the following amendment in the North West Frontier Province District Government Rules of Business, 2001:-

AMENDMENT

In rule 6, in sub rule (b) for clause (b) except the provisions thereunder, the following clauses shall be substituted, namely:

W

- (b) the District Coordination Officer shall have the powers of the appointing authority in respect of officials in basic scales 11 to 15 in the respective devolved departments and the concerned offices of the District Coordination Officer and the District Revenue Officer;
- (c) the Executive District Officer shall be the appointing authority in respect of officials in basic scales 1 to 10 in the concerned department of the District; and
- (d) the Assistant Coordination Officer and the District Revenue Officer shall be appointing authority in respect of officials in basic scales 1 to 10 in the concerned offices of the District Coordination Officer and the District Revenue Officer respectively.

SECRETARY TO GOVERNMENT OF NWFP, Local Govt. & Rural Devt. Deptt.
LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

Reg. No.	11673
Date	27-7-06
Secy	
Asst. Secy	
Off. Secy	
Asst. Off. Secy	
Asst. Commr.	
Asst. Dir. (W)	
Asst. Dir. (R)	
Asst. Dir. (E)	
Asst. Dir. (M)	
Asst. Dir. (S)	
Asst. Dir. (T)	
Asst. Dir. (O)	
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Asst. Dir. (U)	
Asst. Dir. (V)	
Asst. Dir. (W)	
Asst. Dir. (X)	
Asst. Dir. (Y)	
Asst. Dir. (Z)	

Indst. No. SO(LG-1)3-196/E.M/05 Dated Peshawar, the 25th July, 2006

Copy is forwarded to:-

1. The PS to Chief Minister, NWFP, Peshawar.
2. The PS to Senior Minister, NWFP, Peshawar.
3. All the Provincial Minister in NWFP.
4. The PS to Chief Secretary, NWFP, Peshawar.
5. The Senior Member Board of Revenue, NWFP, Peshawar.
6. All the Administrative Secretaries in NWFP.
7. All Heads of the Attached Departments in NWFP.
8. All the District Coordination Officers in NWFP.
9. The Manager, Government Printing Press, NWFP, Peshawar for publication in the official gazette. He is requested to provide 100 printed copies of the said notification for official use to this Department.
10. The Section Officer (General), LG & RDD.

M. Muhammad

27/7

(M. MUHAMMAD)
SECTION OFFICER (ESTABLISHMENT) SO LG

Pl. to include in all. forward with 2004-05

(12)

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

A.C./A.A.

NOTIFICATION

Dated Peshawar, the 7th October, 2005

No. SO(LG-I)3-196/E.M/05.- In exercise of the powers conferred by section 31 of North-West Frontier Province Local Government Ordinance, 2001 (N.W.F.P. Ordinance No. XIV of 2001), the Government of North-West Frontier Province is pleased to make the following amendment in the North-West Frontier Province District Government Rules of Business, 2001:

AMENDMENT

In rule 6, in sub-rule (1) (b), except the provisions thereunder, the following shall be substituted; namely:-

"(b) The District Coordination Officer shall have the powers of the appointing authority in respect of officials in BPS-11 to-13 in all the devolved departments, while the Executive District Officer shall be the appointing authority in respect of officials in BPS-1 to BPS-11 in the concerned department."

SECRETARY TO GOVERNMENT OF N.W.F.P.,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Enclst. No. SO(LG-I)3-196/E.M/05 Dated Peshawar, the 7th October, 2005

Copy is forwarded to:-

1. The PS to Chief Minister, N.W.F.P., Peshawar.
2. The PS to Senior Minister, N.W.F.P., Peshawar.
3. All the Provincial Ministers in N.W.F.P.
4. The PS to Chief Secretary, N.W.F.P., Peshawar.
5. All the Administrative Secretaries in N.W.F.P.
6. All Heads of the Attached Departments in N.W.F.P.
7. All the Administrators/Districts Coordination Officers in N.W.F.P.
8. The Manager, Government Printing press, N.W.F.P., Peshawar publication in the official gazette. He is requested to provide 100 print copies of the said notification for official use to this Department.

Fil Muhammad
(DIL MUHAMMAD)
SECTION OFFICER (ESTAB.)

R No. 13599

15/10/05

Handwritten signature/initials

No. 7122/Dec

GOVERNMENT OF WEST BENGAL
ESTABLISHMENT ADMINISTRATION DEPARTMENT
(REGISTRATION WING)

File No. SO (E) 1017/2006
Dated: 11/11/2006
November 2006

- 1. The Senior Member, Registration Wing
- 2. All Administrative Secretaries in NWFP
- 3. All Heads of Attached Departments in NWFP
- 4. All District Coordination Officers in N.W.F.P.

SUBJECT: CONSTITUTION OF DISTRICT SELECTION / PROMOTION COMMITTEES

Dear Sir,
I am directed to refer to the subject noted above and to state that due to amendment in Sub rule 1(b) of Rule-6 of District Government Rules of Business 2001 notified vide Local Government Elections and Rural Development Department No. SO (LG-I) 3-196/E/05 dated 25-07-2006, the Departmental Selection/Promotion Committees at District levels are reconstituted as under:

A) DEPARTMENTAL SELECTION/PROMOTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-11 TO BS-15

- DCO
 - EDO concerned (DRO/ACO for Revenue Dept. and office of DCO respectively)
 - One member to be nominated by the Admn. Dept.
- Chairman
Member
Member

B) DEPARTMENTAL SELECTION/PROMOTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10

- EDO concerned
 - One member to be nominated by the DCO
 - One member to be nominated by the Admn. Dept.
 - District Officer concerned
- Chairman
Member
Member
Member

II. SELECTION/PROMOTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10 IN THE OFFICE OF THE DCO.

- i. Chairman
 - ii. Member
 - iii. Member
- One Member to be nominated by the DCO.
One Member to be nominated by the Admn. Deptt.


III. DEPARTMENTAL SELECTION/PROMOTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10 IN THE OFFICE OF THE DRO.

- i. Chairman
 - ii. Member
 - iii. Member
 - iv. Member
- One Member to be nominated by the DCO.
Deputy District Officer Revenue concerned.
One Member to be nominated by the Admn. Deptt.

The DCO shall act as appointing authority in respect of officials in BS-1 to BS-10 of the devolved departments in which the post of EDO does not exist (other than DRO and the ACO) and head the respective Selection Committees.

All instructions issued earlier in this behalf shall be considered as cancelled.

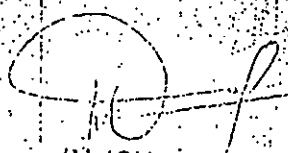
Yours faithfully,


(MUZALIM D'AKBAR KHAN)
Deputy Secretary (Reg-II)

End of even No. & Date

Copy forwarded to

Secretary/Section Officers in the Establishment & Administration Department, NWFP.


(MUSHARAF KHAN)
SECTION OFFICER (Reg-V)

(14)

Feb 16, 2005
166
9-12

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the March 22, 2005

W&S/12-1/77: The competent authority is pleased to order
declassification of provincial cadre posts of BPS-1 to BPS-15 of the
Services Department as district cadre posts with immediate
effect on the following terms and conditions:-

- 1) Permanent transfer to the districts will be made on domicile and seniority basis.
- 2) In case the personnel of that particular district being more than the sanctioned strength, the deployment will be on the basis of seniority and the junior most over-flow will be posted temporarily to the other districts of the province till such time vacancies occur in the districts of their domicile.
- 3) All such employees of the above status working in FATA but belonging to settled districts will be adjusted as per their seniority in the relevant cadre and the over-flow will continue working in FATA till such time vacancies occur in their districts of domicile.
- 4) The domicile of the female officials will be counted under the wedlock policy and such employees will be given one time, irreversible choice to opt for the districts of their spouse or their own. In case of spouse being a government employee and his transfer to another district, inter-district transfer of the female officials will be allowed subject to availability of vacancy in the desired district.

Subsequent to the permanent transfer of all BPS-15 and below staff to the districts, further transfers and service matters including appointments, within the districts, shall be made by the District Government in light of the District Government Rules of Business, 2001.

- 6) All cases of transfers from one district to another will be decided and ordered upon by the Secretary W&S Department as per rules & policy.
- 7) Seniority for the purpose of promotion to the posts of provincial cadre will be maintained at Secretariat level.

It is further to mention here that the district
authorities will deal with the cases of these employees as per
provisions of District Government Rules of Business. They (the
authorities) will also adopt a mechanism in such a manner that
seniority is not affected.

SECRETARY

(Signature)

Distt. PESHAWAR
Tehsil PESHAWAR
I was born at Village/Mohallah
in North-West Frontier Province having been born in this Province.

- 1) Accountant General NWFP
- 2) Secretary to Chief Minister NWFP
- 3) Chief Engineer, Works & Services (FATA)
- 4) All District Coordination Officers in NWFP
- 5) Chief Engineer (FATA), W&S Peshawar
- 6) All Executive District Officers in NWFP
- 7) PS to Secretary W&S Department
- 8) O/O File

Shafiq Shah
(SHAFIQ SHAH)

ADMINISTRATIVE OFFICER (ESTD-II)

OFFICE OF THE CHIEF ENGINEER (FATA) W&S DEPTT. PESHAWAR.

No. 5/9-E / Dated Peshawar the / 03 / 2005.

Copy of the above is forwarded to All Executive Engineer Dev./Mainten: Cell Works & Services (FATA) for information.

Shafiq
ADMINISTRATIVE OFFICER

Shafiq

②

16

Registered/Immediate

OFFICE OF THE CHIEF ENGINEER
WORKS & SERVICES DEPARTMENT
N.W.F.P. PESHAWAR

No. 19-E/ 90 /CEW&SD

Dated Peshawar the 28 /02/2009

To

The Executive District Officer,
Works & Services District Tank.

SUBJECT: APPOINTMENT ORDER

Reference: Your memo No. 15/3-E dt. 20/12/2008

I am directed to refer to the above noted subject and to say that the advice since tendered vide this office memo No. 19-E/665/CEW&SD dt. 15-12-2008 holds good which may ever be considered the same as both the cases of appointments of Junior Clerks are of identical nature.

Further the District Coordination Officer in districts are not empowered for such appointment, the District Coordination Officers are to deal with the appointment for posts in BPS-11 to BPS-15 under the instructions on DPC/DSC issued by the Establishment Department in 11/2006.


Please note the above said instructions for strict compliance.


(AMINULLAH KHAN)

ADMINISTRATIVE OFFICER

Copy to the: -

- 1- Section Officer (E-I), Works & Services Department Peshawar.
 - 2- Section Officer (E-II), Works & Services Department Peshawar.
 - 3- District Coordination Officer District Tank.
- For information and further necessary action.


ADMINISTRATIVE OFFICER

(17)

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

AC-1/1

NOTIFICATION

Dated Peshawar, the 7th October, 2005

D.S. 01

No. SO(LG-I)3-196/E.M/05.- In exercise of the powers conferred by section 31 of North-West Frontier Province Local Government Ordinance, 2001 (N.W.F.P. Ordinance No. XIV of 2001), the Government of North-West Frontier Province is pleased to make the following amendment in the North-West Frontier Province District Government Rules of Business, 2001:

AMENDMENT

In rule 6, in sub-rule (1) (b), except the provisions thereunder, the following shall be substituted; namely:-

"(b) The District Coordination Officer shall have the powers of the appointing authority in respect of officials in BPS-11 to 15 in all the devolved departments, while the Executive District Officer shall be the appointing authority in respect of officials in BPS-1 to BPS-10 in the concerned department."

SECRETARY TO GOVERNMENT OF N.W.F.P.
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endsl. No. SO(LG-I)3-196/E.M/05 Dated Peshawar, the 7th October, 2005
Copy is forwarded to:-

1. The PS to Chief Minister, N.W.F.P., Peshawar
2. The PS to Senior minister, N.W.F.P., Peshawar.
3. All the Provincial Ministers in N.W.F.P.
4. The PS to Chief Secretary, N.W.F.P., Peshawar
5. All the Administrative Secretaries in N.W.F.P.
6. All Heads of the Attached Departments in N.W.F.P.
7. All the Administrators/Districts Coordination Officers in N.W.F.P.
8. The Manager, Government Printing press, N.W.F.P., Peshawar publication in the official gazette. He is requested to provide 100 print copies of the said notification for official use to this Department.

Dil Muhammad
(DIL MUHAMMAD)
SECTION OFFICER (ESTAB.)

RNo. 1399

15/10/05

~~AD (LG-I) / ADD W-595~~

For information

No. 7122-100

10/10/05

S.A
18

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT DEPTT.
NO.SOS.POOL(E&AD)I-10/2002
Dated 26.8.2006

To

The Secretary to Govt. of NWFP,
W & S Department, Peshawar.

Subject:

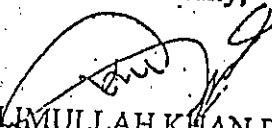
ADJUSTMENT OF SUB ENGINEERS IN W&S DEPTT NWFP

Dear Sir,

I am directed to refer to your letter No. SOE.I/W&SD/1-268/2006 dated 21.7.06 on the subject noted above and to draw your attention to Rule of the NWFP Public Service Commission Ordinance, 1978 (copy enclosed), whereunder the post of Sub Engineer (B-11) does not come within the purview of NWFP Public Service Commission. It is not known as to why requisition for these posts was placed with the NWFP Public Service Commission. Moreover, these facts were discussed and considered in detail in a meeting held on 26.6.2006 in Establishment Deptt, NWFP and decisions made. In the said meeting, it was decided that, in order to implement the judgment/order of Supreme Court of Pakistan, the W&S Deptt should withdraw the requisition from the NWFP Public Service Commission through the Establishment Deptt, NWFP which is also covered under the Public Service Commission Ordinance, 1978.

2. I am, therefore, directed to forward herewith a copy each of Local Govt Deptt NWFP Notification No. SO(LG-I)3-323/03 dated 10.11.2005 and dated 16.12.2005, containing names of 22 surplus Sub Engineers with the request that judgment of Supreme Court of Pakistan may be implemented in letter and spirit and adjustment orders of these surplus Sub Engineers against the posts of Sub Engineer (B-11) lying vacant in W&S Deptt, NWFP, may please be issued immediately after withdrawal of requisition from the Commission and under intimation to this Department.

Yours faithfully,


(KALMULLAH KHAN BALOCH)
Section Officer (S.Pool)



GOVERNMENT OF N.W.F.P.
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)1-369/2005(SE)
Dated Pesh: the 2nd May, 2007.

To

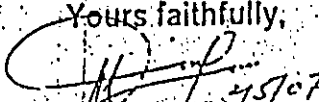
The Secretary,
NWFP Public Service Commission,
Peshawar.

SUBJECT:- REQUISITION FOR FILLING IN THE 20 VACANT POSTS OF SUB-ENGINEERS (B-11) IN THE WORKS & SERVICES DEPARTMENT.

Dear Sir,

I am directed to refer to the letter of Works & Services Deptt: bearing No.SOW&S/11-268/2005 dated 26-09-2005 (copy enclosed) on the above cited subject and to state that the requisition made by the Works & Services Department for filling in the above captioned 20 posts of Sub-Engineers (BS-11) may kindly be considered as withdrawn.

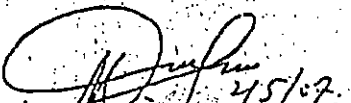
Encls: (As-above).

Yours faithfully,

(MUSHARAF KHAN)
SECTION OFFICER (Reg-V).

Encls: of even No & Date.

Copy for information is forwarded to:

1. Secretary to Govt. of NWFP Works & Services Department, Peshawar.
2. Addl: Secretary (Estt), Establishment Deptt: Government of NWFP.


SECTION OFFICER (Reg-V).

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT AND REVENUE DEPARTMENT

NOTIFICATION

Dated Peshawar the 2nd November, 2002

No. SOR (E&AD)-9973 (Vol. IV) In exercise of the powers conferred by section 10 of the North-West Frontier Province Public Service Commission Ordinance, 1978 (N.W.F.P. Ord. No. XI of 1978) the Government of the North-West Frontier Province is pleased to direct that in the North-West Frontier Province Public Service Commission (Functions) Rules, 1983 the following amendments shall be made, namely:

71
76
(Annual of
civil laws)

AMENDMENTS

For rule 3, the following shall be substituted, namely:

3. Function of the Commission:- The Commission shall

- (a) conduct all examinations for recruitment of person to
 - (i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent; and
 - (ii) posts in basic pay scale 11 to 15 or equivalent specified in the following Departments (except the District cadre posts):
 1. Civil Secretariat (through Establishment Department);
 2. Board of Revenue;
 3. Police Department;
 4. Prison Department;
 5. Services and Works Department;
 6. Irrigation Department;
 7. Industries, Labour and Manpower Department;
 8. Health Department;
 9. Education Department;
 10. Local Government and Rural Development Deptt.
 11. Excise and Taxation Department;
 12. Food Department;
 13. Physical Planning and Environment Department including Urban Development Department; and
 14. Organisations, except autonomous bodies, under the Health and Education Departments;

5/5/E

[Handwritten signature]
8/11/02

E. Wk. Dept.
1886
8/11/02

Est. Secy
8/11-2002

- (b) advise the Governor:
 - (i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a)
 - (ii) on the principles to be followed in making:
 1. initial appointments to the services and posts referred to in clause (a);
 2. appointments by promotions to posts in BPS-17 and above; and
 3. transfer from one service to another; and
- (c) deal with any other matter which the Governor may refer to the Commission.

(20)

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

2. For rule 4, the following shall be substituted, namely:

“4. **Exception:**— Notwithstanding anything to the contrary contained in rule 3, recruitment to the following posts shall be outside the purview of the Commission:

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

3. The schedule shall be deleted.

SECRETARY TO GOVT. OF NWFP
ESTABLISHMENT & ADMN.
DEPARTMENT

Emdst: No. SOR.(E&AD)1-99/73(Vol.IV) Dated Peshawar the 2.11.2002
Copy forwarded to :-

1. All Administrative Secretaries to Govt. of NWFP.
2. Secretary to Governor, N.W.F.P.
3. All Heads of Attached Departments in NWFP.
4. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
5. All District Coordination Officers/Political Agents in NWFP.
6. The Registrar Peshawar High Court Peshawar.
7. All District and Session Judges in NWFP.
8. The Secretary, NWFP Public Service Commission, Peshawar.
9. The Director Anti-Corruption Establishment, Peshawar.
10. The Secretary, Board of Revenue, NWFP, Peshawar.
11. The Registrar, NWFP Service Tribunal, Peshawar.

(MOSSAIN SHAH)
DEPUTY SECRETARY(REG.I)

Emdst: No. SOR.(E&AD)1-99/73(Vol.IV) Dated Peshawar the 2.11.2002
Copy forwarded to :-

1. Director, STI, E&A Department
2. All Additional Secretaries in E&A Department.
3. All Deputy Secretaries in E&A Department.
4. All Section Officers in E&A Department
5. Private Secretary to Chief Secretary NWFP.
6. Private Secretary to Secretary Establishment.
7. Librarian E&A Department.

(GHIAZANFAR ALI)
SECTION OFFICER(REG.I)

22

Registered/Immediate

OFFICE OF THE CHIEF ENGINEER
WORKS & SERVICES DEPARTMENT
N.W.F.P. PESHAWAR

No. 19-E/90/CEW&SD

Dated Peshawar the 28/02/2009

To

The Executive District Officer,
Works & Services District Tank.

SUBJECT:- APPOINTMENT ORDER

Reference:- Your memo No. 15/3-E dt: 20/12/2008

I am directed to refer to the above noted subject and to say that the advice since tendered vide this office memo No. 19-E/665/CEW&SD dt: 15-12-2008 holds good which may ever be considered the same as both the cases of appointments of Junior Clerks are of identical nature.

Further the District Coordination Officer in districts are not empowered for such appointment, the District Coordination Officers are to deal with the appointment for posts in BPS-11 to BPS-15 under the instructions on DPC/DSC issued by the Establishment Department in 11/2006.

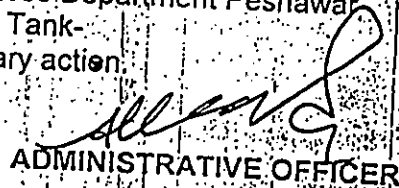
Please note the above said instructions for strict compliance!


(AMINULLAH KHAN)

ADMINISTRATIVE OFFICER

Copy to the:-

- 1- Section Officer (E-I), Works & Services Department Peshawar
 - 2- Section Officer (E-II), Works & Services Department Peshawar
 - 3- District Coordination Officer District Tank
- For information and further necessary action


ADMINISTRATIVE OFFICER



**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES

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

¹ Issued vide S&GAD letter No.SOR.I (S&GAD)1-117/91(C), dated 12.10.1993.

² The Post of Assistant has now been placed in BS-14 universally.

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- (v) **Cooperative Societies:**
 - (1) Inspector (B-11)
 - (vi) **¹Communication and Works Department:**
 - (1) Assistant Architectural Draftsman(B-14)
 - (2) Senior Draftsman(B-13)
 - (vii) **²Public Health Engineering Department:**
 - (1) Motivation Officer(B-15)
 - (2) Assistant Motivation Officer(B-14)
 - (3) Lady Health Educator (B-12)
 - (viii) **Electric Inspectorate:-**
 - (1) Sub-Inspector(B-11)
 - (ix) **Food Department-**
 - (1) Assistant Food Controller(B-8)
 - (2) Food Grain Inspector(B-6)
 - (x) **Directorate of Archives and Libraries-**
 - (1) Preservation Assistant (B-11)
 - (2) Cataloguer / Classifier (B-11)
- (c) Initial recruitment to posts in BPS-15 and below other than the posts in the purview of the Public Service Commission, in all the departments shall continue to be made in accordance with Rule 10,11 and 12 (Part-III) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules,1989, the criteria as laid down in S&GAD letter No.SORI(S&GAD)4-1/75,dated 11.2.1987 and the zonal allocation formula contained in S&GAD Notification NO.SOS.III(S&GAD)3-39/70, dated 2.10.1973 as amended from time to time.
- (d) No ad hoc appointment against any post in any pay scale shall be made.
- N.B: [ad hoc appointment is now allowed under the NWFP Public Service Commission Ordinance 1978 and the NWFP (Appointment, Promotion & Transfer Rules 1989 for a period of six months which is being enhanced to one year]
- (e) ³[.....]
- (f) The Regional/Zonal quota if not filled will be carried forward till suitable candidates are available from the Region/Zone concerned. No "Substitute" recruitment shall be made. Existing backlog, if

¹ Now merged with PHIE Department to form Works & Services Department
² Now merged with C&W Department to form Works & Services department
Sub para-e and other entries under it relating to age relaxation were superseded by the NWFP Initial Appointment to Civil Posts (Relaxation of upper Age Limit) Rules, 2008.

any, in respect of any zone will not be carried forward and the Commission shall take a fresh start in respect of all posts under its purview. However, this condition will not be applicable in respect of posts which have already been advertised by the NWFP Public Service Commission.

¹In case female candidates with prescribed qualification do not become available in Zone-I after advertising at least three times, such vacancy/vacancies shall be advertised fourth time for Merit Quota.

(g) The vacancies in all the Departments shall be advertised in leading newspapers on ²(Sunday). The advertisement in electronic media should be to the extent of drawing attention of all concerned to the relevant newspapers in which the vacancies are advertised.

(h) Initial Recruitment to all the vacant posts shall be made on regular known periodic intervals in February and August each year after proper advertisement through electronic and national/regional media. After advertisement, a minimum period of 30 days should be allowed for receipt of applications. ³[]

(i) (Deleted).

⁴(j) i) 2% quota for disabled persons already fixed shall stand and should be enforced strictly.

ii) 10% quota has also been fixed for female candidates in all the Provincial services which are filled up through initial recruitment in addition to their participation in the open merit. However, it shall not be applicable to cadres exclusively reserved for females. The vacancies reserved for women for which qualified women candidates are not available shall be carried forward and filled by women.

iii) The above orders shall also apply to initial appointments in all autonomous/semi-autonomous bodies/ corporations etc which are administratively controlled by the Provincial Government.

iv) The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall intimate the quota for the women in the Requisition Form accordingly.

v) The above reservation shall not apply to:-

➤ *the percentage of vacancies reserved for recruitment on the basis of merit.*

¹ Entry added at the end of sub-para (f) vide No SOR-I(S&GAD)1-117/91 (C), 23-05-2000.

² The words "Friday" substituted in para-1(g) by Notification No. SOR-I(S&GAD)1-117/91 (C), 22-11-97

³ Last sentence of sub-para (h) deleted vide circular No. SOR-VI (E&AD)1-10/05 (IV), dated 31-12-2008. It read as follows: "A waiting list of eligible candidates shall be maintained for a period of six months".

⁴ Sub-Para-J substituted vide circular No. SOR-VI (E&AD)1-10/05 (IV), dated 25-07-2007.

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- *Short term vacancies likely to last for less than six months; and*
- *Isolated posts in which vacancies occur only occasionally.”*

¹(JJ) 0.5 per cent quota has been fixed for candidates belonging to minorities in all the Provincial services which are filled in through initial recruitment in addition to their participation in the open merit. However, this reservation shall not apply to:

- *the percentage of vacancies reserved for recruitment on the basis of merit;*
- *Short term vacancies likely to last for less than ²[six months]; and*
- *Isolated posts in which vacancies occur only occasionally.”*

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

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

³The competent authority has decided that henceforth all the Government Departments/Offices shall ensure that requisitions are sent to the NWFP Public Service Commission complete in all respects and should reflect not only all the existing vacant posts but also posts likely to become vacant during the next eighteen months on account of retirement etc falling to the initial recruitment quota under the rules.

¹ Sub- Para-JJ added vide circular No. SOR-VI (E&AD)1-10/(Min)05 (IV), dated 18-11-2008.
² Period of six months replaced with "one year" in the NWFP (Appointment, Promotion & Transfer) Rules 1989 vide Notification No. SOR-VI(E&AD)1-3/2008, dated 6th January, 2009.
³ Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008.

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اور وہ کسی آسامیوں پر مقامی باشندوں سے بھرتی کرنی چاہیے۔ عہدہ نگار کے مراسلہ نمبر SORI(S&GAD)4-1/75 مورخہ ۱۹ افروری ۱۹۸۷ء کے مطابق سکیل ایک تا چار پر بھرتی کا کوئی مخصوص معیار (Criteria) متعین نہیں اور مختلف عہدہ نگاروں کے مراسلوں میں معیار مقرر کرے۔

- (iv) سول سروسٹ ایکٹ نمبر ۱۹۷۳ء کی ترمیم شدہ سیکشن ۱۹ کے مطابق مورخہ ۲۳ جولائی ۱۹۷۵ء کے بعد باقاعدہ آسامیوں پر بھرتی باقاعدہ ذیلی درجوں پر ہوگی تاہم ایسے ملازمین پیشین کے حقدار نہیں ہوں گے۔ پیشین کے بجائے انہیں شراکتی کفایت شعاری فنڈ (C.P.Fund) ملے گا۔
- (v) نسلی حکومت کے قواعد انصرام کارمچر یا ۶۰۰ء کے قاعدہ ۶ ذیلی قاعدہ (b)(1) کے مطابق مختلف ایگزیکٹو نسلی افسر (EDO) بنیادی سکیل ایک تا دس کی نسلی آسامیوں پہلے اور نسلی راجہ افسر بنیادی سکیل تیارہ تا پندرہ پہلے عام تقرر دی (Appointing Authority) ہے اور ان ہی کی سربراہی میں نسلی چناؤ کمیٹیاں (DSCs) بھی قائم کی گئی ہیں۔

دو چہارم کی آسامیوں پر کوٹہ

(i) سول ملازمین کے (بھرتی مرقی و تبادلہ) کے قواعد نمبر ۱۹۸۹ء کے قاعدہ (4) 10 کے مطابق دوران ملازمت وفات پا جانے والے ملازم کے کسی ایک بچے کو یا اگر بچوں میں سے کوئی بھی مطلوبہ نمبر کو نہ پہنچا ہو تو اس کی بیوہ کو سکیل ایک تا پندرہ میں سے کسی بھی آسامی پر تعینات کیا جاسکتا ہے بشرطیکہ وہ مطلوبہ قابلیت کے حامل ہوں۔ یہ تعیناتی case to case بنیاد پر ہوتی ہے۔ قاعدہ نمبر (4) 10 کے تحت تفریقی کو پہلے ہی بھرتی پر پابندی اور سرٹیفیکٹ پول کی (NOC) این اوی سے مستثنیٰ قرار دیا جا چکا ہے۔ اسی طرح دوران ملازمت فوت ہونے والے ملازم کے بچے بیوہ کی بھرتی کی ایک جامع پالیسی پہلے ہی جاری کی جا چکی ہے۔

(ii) سو باقی حکومت کی پالیسی کے تحت حیرانہ سانی یا معذوری (Superannuation or invalidation) کے باعث سکندوش ہونے والے کا اس فوراً سکیل ایک تا چار کے ملازمین کے بچوں پہلے کا اس فوراً یعنی سکیل ایک تا چار کی آسامیوں پر 25% کوٹہ پیش ہے۔ اس کوٹہ پر تعیناتی پہلے سرٹیفیکٹ پول کی این اوی (NOC) کی ضرورت نہیں۔ عہدہ نگار کے مراسلہ نمبر SORI(S&GAD)4-1/80 Vol.III مورخہ ۲۳ مئی ۱۹۸۰ء کے ذریعے مفصل طریقہ کار (criteria) پہلے ہی جاری کیا جا چکا ہے۔

آسامیاں خالی ہیں

29

دفتر ایگزیکٹو ڈسٹرکٹ آفیسر فنانس اینڈ پلاننگ دیرپائیس میں مندرجہ ذیل آسامیوں کیلئے سطح دیرپائیس کے کوئی امیدواروں سے درخواستیں مطلوب ہیں۔ درخواستیں

جمع کرنے کی آخری تاریخ 13-02-2010 ہے۔

نمبر شمار	نام آسامی	سکیل	تعداد	تعلیمی قابلیت	عمر	تجربہ
1	سب انسپکٹر	BPS-11	1	گورنمنٹ کی منظور شدہ ڈیگنٹیکل بورڈ سے تین سالہ ڈپلومہ آف ایجوکیشن (سول ٹیکنالوجی)	30±18 سال	مختلہ نیا میں 3 سے 5 سال تک۔
2	جوئینر کلرک	BPS-7	5	تسلیم شدہ بورڈ سے سبک دہی کے ذریعہ ہونے والے پانچ سپیشل 35 الفاظ کی منت	30±18 سال	--

شرائط:

- 1- سرکاری ملازمین حکمانہ توسط سے اپنی درخواستیں ارسال کریں۔
- 2- صرف شہریت لیسڈ امیدواروں کو انٹرویو کیلئے بلایا جائے گا۔
- 3- امیدواروں کو دوران انٹرویو اپنے اصلی اسناد پیش کرنے ہوں گے۔
- 4- ٹیسٹ اور انٹرویو متعلقہ حکمانہ ریگولیشنز کے مطابق کیے جائیں گے۔
- 5- ٹیسٹ/انٹرویو کیلئے کوئی T.A, D.A نہیں دیا جائے گا۔
- 6- امیدواروں کو اپنی درخواستوں کے ساتھ ایک عدد رنگین تصویر شہریت کی کارڈ، تعلیمی اسناد اور ڈوکیومنٹس کے مصدقہ نقول، نیز گورنمنٹ سرٹیفکیٹ منسلک کرنا لازمی ہے۔ بھرتی ہونے والے صرف CP فنڈ کے حقدار ہونے اور رینٹیشن اگر بھرتی کے حقدار نہ ہوں گے۔
- 7- سیریل نمبر 2 کے امیدواروں میں کمپیوٹر کا تجربہ رکھنے والوں کو ترجیح دینی جائے گی۔

خواہشمند حضرات مورخہ 20/02/2010 بوقت 10:00 بجے صبح دفتر زیر دستخطی بمقام تھر گرہ برائے ٹیسٹ حاضر ہو۔

(شوکت علی)

ایگزیکٹو ڈسٹرکٹ آفیسر،

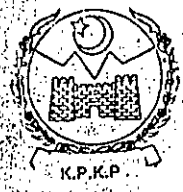
فنانس اینڈ پلاننگ دیرپائیس۔

فون نمبر: 0945-9250141

Executive Dist. Offc.
Finance & Planning
Dir Lower.

317

30



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Nd. SOE/C&WD/4-2/91
Dated Peshawar, the June 08, 2010

TO

- 1) All Chief Engineers
Khyber Pakhtunkhwa
C&W, Peshawar
- 2) All Superintending Engineers
Khyber Pakhtunkhwa,
C&W Circles
- 3) All Executive Engineers
Khyber Pakhtunkhwa,
C&W Divisions

FATA

Subject: MINUTES OF THE MEETING HELD ON 27.05.2010 AT 11:00 HOURS TO DISCUSS THE MATTER REGARDING RECONSTITUTION OF DISTRICT SELECTION/PROMOTION COMMITTEES OF C&W & PHE DEPARTMENTS

I am directed to refer to subject noted above and to forward herewith a copy of Establishment and Admn Department letter No.SOR-V(E&AD)/15-3/2010 dated 02.06.2010 alongwith copy of minutes of the subject meeting held on 27.05.2010 at 10:00 hours under the chairmanship of Special Secretary Regulation Establishment & Admn Department for necessary action and strict compliance please.

(Signature)
(RAHIM BADSHAH)

SECTION OFFICER (ESTT)

Endst of even No. & date

(Signature)
10/6/10

FATA W&S Deptt:	Copy forwarded to the:
182	1 Section Officer (R-V) Establishment & Admn Department w/r to his referred above.
10-6-2010	2 PS to Secretary C&W Department
5/9/10	

SECTION OFFICER (ESTT)

30



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

No.SOR-V(E&AD)/15-3/2010.
Dated Pesh: the 2nd June, 2010.

To

- 1. The Secretary to Govt: of Khyber Pakhtunkhwa, Communication & Works Department.
- 2. The Secretary to Govt: of Khyber Pakhtunkhwa, Law Department.
- 3. The Secretary to Govt: of Khyber Pakhtunkhwa, Local Govt. & Rural Dev: Department.
- 4. The Secretary to Govt: of Khyber Pakhtunkhwa, PHE Department.

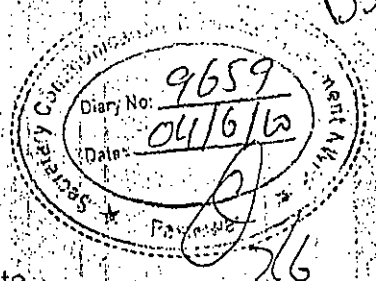
SUBJECT: MINUTES OF THE MEETING HELD ON 27.05.2010 AT 1100 HOURS TO DISCUSS THE MATTER REGARDING RE-CONSTITUTION OF DISTRICT SELECTION / PROMOTION COMMITTEES OF C&W AND PHE DEPARTMENTS.

Dear Sir,

I am directed to refer to the subject noted above and to enclose a copy of the minutes of the subject meeting held on 27.05.2010 at 1000 hours under the Chairmanship of Special Secretary (Regulations), Establishment Department for perusal and further necessary action.

Yours faithfully,

Encls: (As-above)



(MUHAMMAD JAVED SIDDIQI)
Section Officer (Reg-V).

Endst: of even No & Date

Copy forwarded for information to:

- 1. P.S to Spl: Secretary (Regulations) Estt: Deptt.
- 2. P.A to Deputy Secretary (Reg-III) Estt: Deptt.

Section Officer (Reg-V).

Handwritten notes:
Pl Circulate among the staff & others
25/6/10
21/6/10

MINUTES OF THE MEETING HELD ON 27.05.2010 AT 1000 HOURS TO DISCUSS THE MATTER REGARDING RE-CONSTITUTION OF DISTRICT SELECTION / PROMOTION COMMITTEES OF C&W AND PHE DEPARTMENTS.

A meeting was held on 27.5.2010 at 1000 hours under the Chairmanship of Special Secretary (Regulations) to discuss the matter regarding re-constitution of District Selection / Promotion Committees of C&W and PHE Departments. List of participants is at (Annex-I).

The Special Secretary (Regulations) after welcoming the participants informed that the PHE Department has moved a request for re-constitution of District Selection / Promotion Committees. The matter was examined and it was felt that on bifurcation of defunct Works & Services Department into two separate departments and change of nomenclature of the posts of Executive District Officer / Director & Deputy District Officer, the already notified committees at district level require some changes.

Since the newly established C&W Department was also involved therefore, in order to get consent of both the departments and advice of the Local Govt. & Rural Dev. Department and Law Department in the matter, the instant meeting was convened to develop consensus, so that the matter could be processed further to obtain approval of the competent authority for re-constitution of proposed committees at district level.

After threadbare discussion, the participants of meeting unanimously agreed to reconstitute the Selection / Promotion Committees for the staff in BPS-1 to 15 of the C&W and PHE Departments at District level as under:-

- A). Departmental Selection / Promotion Committee at District level for posts in BS-11 to BS-15.
 - i. District Co-ordination Officer concerned. Chairman
 - ii. Superintending Engineer concerned. Member
 - iii. One member to be nominated by the Administrative Department. Member

- B). Departmental Selection / Promotion Committee at District level for posts in BS-1 to BS-10.
 - i. Superintending Engineer concerned. Chairman
 - ii. XEN concerned. Member
 - iii. One member to be nominated by the DCO. Member

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Registered/Immediate

OFFICE OF THE CHIEF ENGINEER
WORKS & SERVICES DEPARTMENT,
N.W.F.P. PESHAWAR.

No. 19-E / 90 /CEW&SD

Dated Peshawar the 28 /02/2009

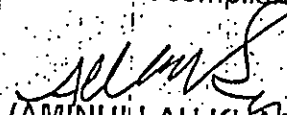
To
The Executive District Officer,
Works & Services District Tank.

SUBJECT:- APPOINTMENT ORDER
Reference: Your memo No. 15/3-E dt: 20/12/2008

I am directed to refer to the above noted subject and to say that the advice since tendered vide this office memo No.19-E/665/CEW&SD dt: 15-12-2008 holds good which may ever be considered the same as both the cases of appointments of Junior Clerks are of identical nature.

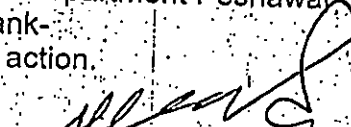
Further the District Coordination Officer in districts are not empowered for such appointment, the District Coordination Officers are to deal with the appointment for posts in BPS-11 to BPS-15 under the instructions on DPC/DSC issued by the Establishment Department in 11/2006.

Please note the above said instructions for strict compliance.


(AMINULLAH KHAN)
ADMINISTRATIVE OFFICER

Copy to the:-

- 1- Section Officer (E-I), Works & Services Department Peshawar-
- 2- Section Officer (E-II), Works & Services Department Peshawar-
- 3- District Coordination Officer District Tank-
- For information and further necessary action.


ADMINISTRATIVE OFFICER

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WITH A
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SECRETARY
DISTR

34

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

ACC-1/A ✓

NOTIFICATION

Dated Peshawar, the 7th October, 2005

Dr. Malik ✓

No. SO(LG-I)3-196/E.M/05. In exercise of the powers conferred by section 31 of North-West Frontier Province Local Government Ordinance, 2001 (N.W.F.P. Ordinance No. XIV of 2001), the Government of North-West Frontier Province is pleased to make the following amendment in the North-West Frontier Province District Government Rules of Business, 2001:

AMENDMENT

In rule 6, in sub-rule (1) (b), except the provisions thereunder, the following shall be substituted; namely:-

"(b) The District Coordination Officer shall have the powers of the appointing authority in respect of officials in BPS-11 to 13 in all the devolved departments while the Executive District Officer shall be the appointing authority in respect of officials in BPS-1 to BPS-10 in the concerned department."

SECRETARY TO GOVERNMENT OF N.W.F.P.,
LOCAL GOVT., ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endst. No. SO(LG-I)3-196/E.M/05 Dated Peshawar, the 7th October, 2005
Copy is forwarded to:-

1. The PS to Chief Minister, N.W.F.P., Peshawar.
2. The PS to Senior minister, N.W.F.P., Peshawar.
3. All the Provincial Ministers in N.W.F.P.
4. The PS to Chief Secretary, N.W.F.P., Peshawar.
5. All the Administrative Secretaries in N.W.F.P.
6. All Heads of the Attached Departments in N.W.F.P.
7. All the Administrators/Districts Coordination Officers in N.W.F.P.
8. The Manager, Government Printing press, N.W.F.P., Peshawar for publication in the official gazette. He is requested to provide 100 printed copies of the said notification for official use to this Department.

Dil Muhammad
(DIL MUHAMMAD)
SECTION OFFICER (ESTAB.)

R.No. 1399
15/10/05

~~MAJ. GEN. / DDO W.S.S.~~
For signature

No. 7/22/Dec

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No. 6700 /GB. Dated Tank The 12/11/2008

To:- The District Accounts Officer,
Tank.

Subject:- NATURE OF POST OF STENO-TYPIST (BPS-12) IN THE
OFFICE OF DEPUTY DIRECTOR WORKS & SERVICES
DEPARTMENT, TANK.

Memo.
It is to inform you that the post of Steno-typist (BS-12) in the
office of Deputy Director Works & Services, Tank is of District cadre not of
Provincial cadre.


DISTRICT COORINATION OFFICER
TANK.

5/20/2008

لبالت جناب خیر پختونخواہ سروس ٹریڈینگز لیسٹاؤر

سروس اپیل

رحمت اللہ نام گورنمنٹ خیر پختونخواہ

اپیل

درخواست براد لاء فرائیڈ جانے
اپیل خود اجت بقام لرنسپیل سیٹ
بقام لیشاؤر

ذیل کے مسائل حسب ذیل عرفی مسائل ہیں

1۔ اپیل خود لرن سماعت عدالت خیر پختونخواہ
جس میں امروز تا رنغ پیشی فقور ہے۔

2۔ در مسائل نے آج اپیل خود امیں - REJOINER جمع کر دیا
ہے۔ اور اب اپیل خود البرائے پخت لیشاؤر میں رو برو
بنج لسانی مطلوب ہے۔

لکھنؤ اسٹریٹ لاء اپیل خود کو لبرائے
پخت لیشاؤر میں لاء فرائیڈ جانے
من 015-2-24

مسائل

رحمت اللہ

بزرگ عدالت خود

مسائل



**GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMN. DEPARTMENT
(REGULATION WING)**

No.SOR-V(E&AD)2-7/2003.
Dated Pesh: the 17th November,2005.

To
All District Coordination Officer,
in N.W.F.P.

SUBJECT:- COSTITUION OF SELECTION BOARD.

Dear Sir,

I am directed to refer to this Department letter bearing No.SOR-V(E&AD)1-2/03 dated 30-7-2003 on the subject noted above and to state that due to amendment in Rule-6 in sub rule 1(b) of District Government Rules of Business 2001 notified vide Local Government, Elections and Rural Development Department No.SO(LG-I)3-196/E.M/05 dated 7-10-2005, the Departmental Selection Committees at District level are reconstituted as under:-

**A) DEPARTMENTAL SELECTION COMMITTEE AT
DISTRICT LEVEL FOR POSTS IN BS-11 TO BS-15.**

- | | | |
|------|--|----------|
| i. | DCO. | Chairman |
| ii. | EDO concerned. | Member |
| iii. | One member to be nominated by the Admn:
Deptt: concerned. | Member. |
| iv. | One member to be nominated by the Appointing
Authority. | Member. |

**B) DEPARTMENTAL SELECTION COMMITTEE AT
DISTRICT LEVEL FOR POSTS IN BS-1 TO BS-10.**

- | | | |
|------|---------------------------------------|-----------|
| i. | EDO concerned. | Chairman. |
| ii. | One member to be nominated by the DCO | Member. |
| iii. | District Officer concerned. | Member. |

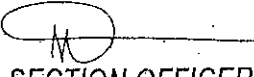
Yours faithfully,


(MUSHARAF KHAN)
SECTION OFFICER (R-V).

Endst: of even No & Date.

Copy forwarded to:-

All Administrative Secretaries to Govt. of NWFP.


SECTION OFFICER (R-V)

RUSTAM KHAN KUNDI
Advocate High Court
6c-09-0903
Date of issue: 07-06-2014
Valid upto: 07-05-2017



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[Signature]

وکالت نامہ

کورت نمیں
ایک روپیہ قیمت

بعد الت جناب دلچیب الحقیر کے پی کے کے ڈسٹری بیوٹل (پشاور)
منجانب رضوان - ایڈووکیٹ -

رضوان
نام حکومت لائیگو -

دعوی یا مجرم

تفصیل دعوی یا مجرم STA no 1457/2013

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی درجہ اولیٰ برائے پیشگی یا ایضاً مقدمہ بمقام *[Signature]*
کے جسٹس ذیل شرائط پر درجہ اولیٰ پر خود یا ذریعہ اختیار کیا گیا اور عدالت حاضرہ کو تاویل کا اور ہر وقت چاہے جانے مقدمہ میں صاحب
موصوف کو اطلاع دیکر عدالت کی طرف سے عدالت کی طرف سے عدالت کے خلاف ہو گیا ہے اس صاحب موصوف
اس کے کسی طرح ذمہ داریوں کے نیز وکیل صاحب موصوف عدالت میں کیے گئے عدالت کی جگہ یا پھر عدالت سے پہلے یا پیچھے یا عدالت کے کرنے کے
ذمہ داریوں کے نیز وکیل صاحب موصوف عدالت میں کیے گئے عدالت کے خلاف ہو گیا ہے اس صاحب موصوف
ہوں گے اور مقدمہ صدر کی عدالت اور عدالت کے خلاف ہو گیا ہے اس صاحب موصوف
دار یا اس کے واسطے کی معاوضہ کے ادا کرنے یا بخواندہ میں کرنے کے بھی موصوف عدالت میں کیے گئے عدالت کے خلاف ہو گیا ہے اس صاحب موصوف
ذات خود منظور قبول ہوگا اور صاحب موصوف کو مرضی ہوگی یا اجاب دہنی یا اجابت اسی کے ذریعہ نظر ثانی کی جائے اور اس پر درخواست پر منظور ہونے کے
نئی اختیار ہوگا اور کسی قسم یا ذریعہ کرانے اور ہر قسم کا دیکر وصول کرنے اور یہ دیکر اس کے بیان سے اور اس پر پابندی یا اس کا معاوضہ
حلف کرنے یا قابل دعویٰ کا بھی اختیار ہوگا اور اس صورت پر عدالت کی تاریخ پیشی مقدمہ کو روک دینا اور ہر قسم کے مقدمہ کو نظر ثانی اور اس کے معاوضہ
مقدمہ یا اس کے خلاف اور درخواست تسلیم نامہ یا یا قریبی یا گرفتاری کیس اور اجراء کیے گئے عدالت کی طرف سے اس کا معاوضہ دینا اور اس کے
اور تمام معاوضہ پر ادا ہو اس صاحب موصوف کی عدالت کو منظور ہونے اور اس صورت میں صاحب موصوف کی عدالت کو منظور ہونے کے لیے اس کے
کیا قانونی یا صورت درخواست نظر ثانی کی جائے یا عدالت کو منظور ہونے کو روک دینا اور اس کے معاوضہ دینا اور اس کے معاوضہ دینا اور اس کے
بھی ہر امر میں وہی اور یہی اختیار حاصل ہوں گے، جیسے صاحب موصوف کو مل جائے، اور دوران مقدمہ میں جو کچھ ہر جات التوا پر ہوگا وہ صاحب
موصوف کا حق ہوگا مگر وہ جب موصوف کو پوری ایس تاریخ پیشی سے پہلے ان کے عدالت کے اس صاحب موصوف کو ہر اختیار ہوگا اور مقدمہ کی بیرونی نہ کریں اور اس کی
صورت میں ہر کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

ہذا وکالت نامہ گھنٹہ ہر ایک کے ساتھ ہے
تاریخ 21 فروری 2013
مخبر وکالت نامہ من من لیا ہے اور اس کی تاریخ بحوالہ ہے اور منظور ہے۔

العبد رضوان
العبد *[Signature]*
العبد *[Signature]*
Accepted *[Signature]*
Admitted *[Signature]*