

ground that they are not registered as "professional engineers and consulting engineers" with Pakistan Engineering Council even though they were otherwise by reasons of their seniority etc eligible for promotion to Grade-18. While referring to the case of MUHAMMAD AZIM JAMALI AND 11 OTHERS VS GOVERNMENT OF PAKISTAN THROUGH SECRETARY CHAIRMAN, MINISTRY OF RAILWAYS AND 33 OTHERS (PLJ 1992 Karachi 1) = (1992 PLC(CS) 637), where split decision was given by two Hon'ble Judges of Sindh High Court and ultimately it was referred to a Referee Judge for his opinion. This Court in dealing with the case before it relied upon the conclusion reached by the Referee Judge and quoted the same in the judgment as follows :

"16. The conclusion of the learned Chief Justice was expressed as follows:

"A careful reading of subsections (1) and (2) of section 27 of the Act will show that the penalties prescribed in the section are attracted only against those persons who are not registered under the Act but undertake any professional engineering work as defined in the Act. Similarly, the person who employs a person who is not registered under the Act, on a professional engineering work, is equally liable for punishment under the Act. The above provisions are wide enough to include the cases of those persons who may be employed in any private or Governmental organization and are called upon to undertake any professional engineering work. The provisions of the Act, regarding registration of professional engineer and consulting engineer, therefore, in my view, would not be applicable to the persons serving as engineer with the Railways, as in course, of their such employment they neither act as 'professional engineer' nor as 'consulting engineer'. However, if such persons undertake any professional engineering work as defined under the Act, then the provisions regarding registration under the Act will be attracted and they could also be punished in accordance with the provision of section 27 of the Act for violating the provision of the Act."

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15. On the basis of such conclusion of the Referee Judge, this Court proceeded to make its own observation, which is as follows:

17. The above judgment of the High Court was not challenged either by the qualified engineers who held degrees from recognized Institutions of Pakistan nor by the diploma-holders but only by the Pakistan Engineering Council (which was one of the respondents in the Constitution Petition filed in the High Court). According to the Pakistan Engineering Council, the provisions of the Pakistan Engineering Council Act had not been correctly interpreted because the judgment of the majority in the High Court, it appeared to the Council had laid down that the Act applied to engineers engaged in professional engineering works in the private sector whereas the application of provisions of the Act according to them, could not be restricted only to the private practitioners alone.

18. We on the other hand after hearing Mr. Abid Hassan Mintu learned Advocate for the appellant at considerable length consider that this is not a correct interpretation of the judgment of the High Court. The High Court has clearly stated that the provisions of the Act were wide enough to include cases of those persons engaged in professional engineering works whether employed in any private or Governmental organization, if they are called upon to undertake any professional engineering work, as defined under the Act. In fact in the connected case C.A.No.31 of 1992 a Committee of Secretaries constituted by the Punjab Government correctly summed up the true position obtaining in the Act as follows:--

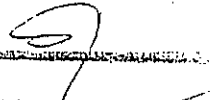
"The Committee was of the view that the Government could appoint a non-graduate engineer to a post in any grade but if the post involved performance of professional engineering work such appointment would attract penalties prescribed in the Act.

The finding of the Referee Judge in this case is to the same effect and in our opinion this finding is quite correct."

16. The next case in line is a judgment of five member bench of this Court in the case of FIDA HUSSAIN V/S THE SECRETARY, KASHMIR AFFAIRS AND NORTHERN AFFAIRS DIVISION, ISLAMABAD & ANOTHER (PLD 1995 Supreme Court 701). In this case facts were that petitioner was appointed as Overseer/Sub-Engineer in northern area PWD in

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1971. The Federal Government, in order to encourage the diploma holders to improve their academic qualification resolved to prescribe courses namely B.Tech (Pass) and B.Tech (Hons). The later was treated as equivalent to B.Sc. (Engineering) and Bachelor of Engineering for the purpose of promotion. Petitioner having passed B.Tech (Pass) and B Tech (Hons) was denied promotion in BPS-17 for the reasons that B.Tech (Hons) was not recognized by Pakistan Engineering Council as equivalent to B.Sc. (Engineering) Degree. Petitioner filed Service Appeal, which was dismissed. The Appeal filed by the petitioner before this Court was also dismissed. The petitioner then applied for review, which was allowed and the judgment dismissing the Civil Appeal was recalled and his appeal was allowed with directions to consider the petitioner's case of promotion to BS-17. The Court while allowing relief to the petitioner observed as follows:

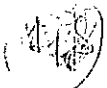
"9. In this regard, we may point out that it is the domain of the Government concerned to decide whether a particular academic qualification of a civil servant/employee is sufficient for promotion from one Grade to another higher Grade and whereas it is in the domain of the Pakistan Engineering Council to decide, as to whether a particular academic qualification can be equated with another academic qualification, but it has no power to say that the civil servants/employees holding particular academic qualification cannot be promoted from a particular Grade to a higher Grade. The main object of the Act as pointed out by one of us (Ajmal Mian, J.) and Saidduzzaman Siddiqui, C.J. (as he then was) in the above High Court judgment is to regulate the working of professional engineers and consulting engineers and not to regulate the qualification or the working of the engineers in the Government or semi-Government departments. The definitions of the terms "professional engineer" and "professional engineering work" given in clauses (j) and (k) of section 2 of the Act are to be read together and, therefore, as a corollary to the same, it must follow that the term "professional engineering work" as defined in clause (k) of section 2 of the Act is to be performed by a professional engineer as defined in clause (j) thereof, which is evident from section 8 of the Act, which defines the functions of the Pakistan Engineering Council as under:-

8. Functions of the Council.--- The following shall be the functions of the Council, namely:--

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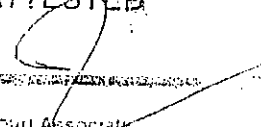


- (a) maintenance of a Register of person qualified to practice as professional engineers and consulting engineers;
- (b) recognition of engineering qualifications for the purpose of registration of professional engineers and consulting engineers;
- (c) removal of names from the Register and restoration to the Register of names which have been removed;
- (d) laying down of standards of conduct for the members;
- (e) safeguarding the interest of the members;
- (f) promotion of reforms in the engineering profession;
- (g) management of the funds and properties of the Council;
- (h) Promotion of engineering education and review of courses of studies in consultation with the Universities;
- (i) levy and collection of fees from applicants for registration or temporary licences and members;
- (j) exercise of such disciplinary powers over the members and servants of the Council as may be prescribed;
- (k) formation of such committees as may be prescribed; and
- (l) performance of all other functions connected with, or ancillary or incidental to, the aforesaid functions."

A perusal of the above quoted section shows that the Pakistan Engineering Council is vested with the functions to regulate the persons qualified to practice as professional engineers and consulting engineers and not persons who are employed in the Government or semi-Government organisations. If the Government employs a professional engineer as defined in the Act for performing professional engineering work as envisaged by the Act in above clause (k) of section 2, the provisions of the Act would be attracted and not otherwise.

10. Reverting to the merits of the present case, as pointed out hereinabove, that the petitioner pursuant to the above decision of the Government of Pakistan dated 26.10.1973 passed his B.Tech (Pass) in 1977 and B.Tech (Honours) in March, 1981, from the NED University Karachi, and, therefore, acted upon the above representation of the Government. In this view of the matter, it is not just and fair not to consider the petitioner

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for promotion to BPS-17 keeping in view the admitted fact that a number of other civil servants/employees in the same department in the same position have been promoted by the departments/organisations concerned. In this behalf, it may be pertinent to refer to the case of Mukhtar Ahmad and 37 others v. Government of West Pakistan through the Secretary, Food and Agriculture, Civil Secretariat, Lahore and another (PLD 1971 SC 846). The fact of the above case were that the persons possessing the qualifications mentioned in Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963 were not available. The Government launched a scheme for training of Assistant Agricultural Engineers, whereunder 46 Graduates in B.Sc. Agriculture were to be selected for appointment as Assistant Agricultural Engineers after their successful completion of two years' diploma course at an Agricultural University. The above scheme was discussed by the government with the Public Service Commission. The candidates selected by the Public Service Commission, who were about to complete their training of two years, were informed by the government that they would have to appear again before the Public Service Commission to be selected for appointment to the posts of Assistant Agricultural Engineers (Class-II). The candidates asserted that after the completion of their training they were entitled to be appointed as Assistant Agricultural Engineers (Class-II) in terms of the offer made to them and they could not be required to appear again before the Public Service Commission for such appointment. On the other hand, the Government contended that the candidates did not possess the qualification prescribed by Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963, for appointment to such posts. The matter came up for hearing before this Court in the form of an appeal with the leave of this Court filed by the candidates against the judgment of a Division Bench of the erstwhile High Court of West Pakistan. The same was allowed and inter alia the following was concluded:--

"The offer of the Government and its acceptance by the appellants constituted a valid agreement and they Governor's order dated the 1st July, 1965 provided the authority for such an agreement. This agreement is capable of being enforced in law. The Government was both competent and obliged to implement that agreement. When the Governor's order, dated the 1st July, 1965, provided a special authority for recruitment to the 46 posts of Assistant Agricultural Engineers, rule 7 of the Recruitment Rules was not applicable in this case."

11. The above case supports the petitioner's stand. Another aspect which escaped notice of this Court in the judgment under review is that some of the other civil servants/employees placed in the same position as the petitioner was had been considered for promotion to BPS-17 and in fact were promoted, whereas the petitioner was

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denied the above benefit which amounted to violation of inter alia Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. In this regard, reference may be made to the case of I.A. Sherwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041).

12. The judgment of this Court in the case of Muhammad Siddique Masim (supra) relied upon by the Tribunal is distinguishable for more than one reason, firstly, in the above case the notification of the Government of Punjab dated 8.2.1961 equivalising B.Tech (Honours) with B.Sc Engineering degree was withdrawn on 15.03.1985, whereas the petitioner received degree of B.Tech (Honours) in June, 1985, i.e. after the withdrawal of the notification whereas in the present case, admittedly the petitioner passed his B.Tech (Honours) in March, 1981, before the Pakistan Engineering Council through its Registrar's above letter dated 24.4.1984 stated that there was typographical error in the above-quoted portion of its Registrar's letter dated 30.01.1981. Secondly, in the judgment in the case of Pakistan Diploma Engineers Federation (Registered) through its Chairman (supra), this Court affirmed the majority view of the High Court of Sindh in the case of Muhammad Azim Jamali (supra), in which it has been held that the provisions of the Act are applicable only to professional engineers and consulting engineers who are in practice and not to the persons working in the Government departments, autonomous bodies, local authorities and private firms or companies.

13. We may again observe that it is exclusively within the domain of the Government to decide whether a particular qualification will be considered sufficient for promotion from a particular Grade to a higher Grade and it is also within the domain of the Government to change the above policy from time to time as nobody can claim any vested right in the policy. However, it cannot abdicate its power to decide the above question in favour of a corporate body which is not in its control nor it can act in a manner which may be violative of Article 25 of the Constitution on account of being discriminatory. It is still open to the Government for future to provide that academic qualification of B.Tech (Honours) will not be considered sufficient for promotion from BPS-16 to BPS-17 if the same does not violate the above principle."

17. Next case is a judgment of two members bench of this Court in the case of MUHAMMAD YOUNUS AARAIN V/S PROVINCE OF SINDH THROUGH CHIEF SECRETARY, SINDH, KARACHI & 10 OTHERS (2007 SCMR 134). The case before the Court was of promotion to BS-20 by a Diploma holder employee. The Court dealt with the subject and observed as follows:

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7. The basic qualification for a professional engineer under the law is B.Sc. degree in engineering from a recognized institution in Pakistan and diploma in engineering is not a recognized qualification for a professional engineer in terms of PEC Act, 1976. The service rules governing the service of the petitioner (SCUG Service Rules, 1982) and the promotion policy of the Government of Sindh, would neither override the provisions of the above Act nor relax the requirement of basic qualification of professional engineer for a promotion to BPS-20 in the engineering branch of Government of Sindh. The relevant provision of SCUG Service Rules, 1982, is reproduced hereunder:--

"V-Engineering Branch.

1. Grade 20 By selection on merit from among the members of the service in Grade-19 of the Engineering Branch with at least 17 years experience as such in Grade-17 and above."

8. The above rule envisages clearly that a person can be considered for promotion to BPS-20 in the Engineering Branch of Government of Sindh, subject to fulfilment of the condition of basic qualification of a professional engineer prescribed under Pakistan Engineering Council Act, 1976 and a diploma holder being not a professional engineer in terms of PEC Act, 1976 cannot hold a post carrying responsibilities of a qualified professional engineer. The eligibility of a person for promotion from BPS-19 to BPS-20 in the Engineering Department of Government of Sindh is subject to the fulfilment of the requirement of basic qualification with requisite experience as provided in SCUG Service Rules, 1982 in the relevant field therefore, neither any concession could be given to the petitioner in the matter of his eligibility to hold the post in BPS-20 nor the requirement of basic qualification could be relaxed by the Court or by Selection Board. The careful examination of rules on the basis of which petitioner asserted the claim of promotion to BPS-20 against the post carrying responsibilities of a professional engineer, would show that his claim was without any substance and that a diploma holder on the basis of his experience alone, would stand at par to a person registered as professional engineer with Pakistan Engineering Council."

18. The other case is a judgment of three members bench of this Court in the case of NAZIR-UL-HASAN & 2 OTHERS V/S SYED ANWAR IQBAL & OTHERS (2014 SCMR 1827). In this case, respondent No.1 was working as an Assistant Director BS-17. The petitioners were senior to him and were promoted to BS-18 despite the fact that petitioners were holding qualification of Diploma whereas respondent

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No.1 was Bachelor of Engineering (Electrical). The respondent No.1 challenged the promotions of petitioners in the High Court. The High Court set aside all promotions of petitioners on the ground that they did not hold valid engineering degree. This Court in the reported judgment has dealt with the matter and observed as follows:-

"6. Admittedly the petitioners were Assistant Directors in the respondent Authority with at least 5 years service in the relevant field and hence in our opinion they fulfill the requirement. It would be seen that when the petitioners were considered for promotion in 2012 the rules in force were the Pakistan Standards Institution Recruitment Rules for class one posts wherein per rule 5 the post of deputy Directors to be filled in by promotion could be done from amongst Assistant Directors category one with at least 5 years service in the Institution. Nowhere in the said rules was it provided that they would be professional engineers or for that matter even diploma holders. If fact such condition is prescribed in rule 6 which provides for direct appointments whereby per the schedule to the same an Assistant Director must hold a Master's Degree in Science or Bachelors Degree in Engineering in the specified field from a recognized university with at least 3 years experience in that field etc. Admittedly, the petitioners were appointed by promotion and hence in our opinion no such condition can be placed upon them as in the case of a direct appointees. Insofar as the case of Muhammad Younus Aarain (supra) is concerned, the same is distinguishable on facts as therein it was found that under Sindh Council Unified Grades Services Rules the basic qualification for promotion to BS-20 was that the candidates should have B.Sc. Degree in Engineering. As observed above this is not the case in the present matter. It would further be seen that now per section 26 of the Pakistan Standards and Quality Control Authority Act, 1996 rules have been framed which have been notified in the official gazette on 15th May, 2013. Under Rule 5 promotion to the post in BS-1 to 19 shall be made on the basis of seniority-cum-fitness etc. and he or she should also fulfil the conditions contained in schedule to the rules according to which for promotion to the post of Deputy Director Technical the eligible person would be an Assistant Director Technical and he should have 5 years experience in BS-17 in technical matters. Nowhere has it been prescribed that he or she should be a qualified engineer.

7. In the circumstances, we find that the impugned order has unnecessarily been influenced by the comments of the Pakistan Engineering Council that no post carrying any Engineering responsibility could be entrusted to non-engineering graduates. In our opinion, it is for the department/institution itself to determine as to whether the persons in its service are fit to hold a particular position. In the present case it has been done by the

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authority and rules have been framed thereunder which have been followed by the promoters/petitioners. Consequently the impugned order is set aside and the promotion of the petitioners is upheld."

19. On examination of above case law, we note that nowhere in the judgments, the government power to prescribe for qualification and other conditions of service for promotion to a post has been assailed nor the judgments have put any sort of embargo on the government in prescribing the qualification and other conditions of service for a post for the purpose of promotion. Having said this, the judgments as discussed above, have rather focused on the government power in this regard to be unfettered to the extent that it is not in derogation of any law or provisions of the Constitution.

20. Further, the main principle that is deductible from the above judgments of this Court is that it is the domain of the Government to decide whether a particular academic qualification of a civil servant/employee is sufficient for promotion from one grade to another higher grade and whereas it is in the domain of the Pakistan Engineering Council to decide whether a particular academic qualification can be equated with another academic qualification but it has no power to say that the civil servants/employees holding particular academic qualification cannot be promoted from a particular grade to a higher grade. Thus on the basis of above pronouncements of this Court, it is clear that the notification dated 19.03.2014 cannot be validly or justifiably challenged on the ground that it impinges or infringes upon any of the provisions of PEC Act, 1976 and thus would be ultravires. No such finding can justifiably be recorded in that as it has been laid down quite emphatically that the government exercises its own power under the domain of law with regard to promotion of civil

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servants/employees under Sindh Civil Servants Act, 1973 and Rules made thereunder while PEC Act does not overreach or put an embargo upon the government in the matter of prescribing of qualification and other conditions of service of civil servants/employees for their promotion to higher grade. Yet again, we note that although the vires of notification dated 19.03.2014 has been challenged but we observe that this very notification has been issued under sub-rule (2) of Rule 3 of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, which rules have been made under section 26 of Sindh Civil Servants Act, 1973. Neither rule 3(2) of said rules nor section 26 of the Act, 1973 have been challenged nor their vires called in question before us. Thus from this also it is quite apparent that the petitioner does not challenge the government power for prescribing qualification and conditions of service of civil servants/employees for their promotion to higher grade. In any case, we note that the provisions of PEC Act nor the rules and regulations made under it will operate as bar on government to prescribe for qualification and other conditions of service of civil servants/employees for promotion to higher grade.

21. The PEC Act as its preamble itself shows so also reading of the whole Act shows that it essentially deals with regulations of engineering profession in it, *inter alia*, it prescribes for qualification of professional engineers, maintenance of register of professional engineers and accrediting of engineering universities etc and not as a regulator of employment be that be of government service or in the private service. The reasons for it could be found that all sort of engineering work could not be and may not be a professional engineering work for performance of which professional engineers are required. For example, technician, mechanic, draftsman, foreman,

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supervisor and overseer etc at best could be a skilled workman who may work independently or under the supervision of professional engineer and for such technician, mechanic, draftsman, foreman, supervisor and overseer ^{etc} the employer may not require holding of professional engineering degree. However, if the person is required to perform any of professional engineering work as defined under the PEC Act, the provisions of this Act will come into operation for ensuring as the work of professional engineer can and only be performed by professional engineer as recognized by PEC Act. The professional engineering work has been clearly defined under section 2(xxv) of the PEC Act which has already been reproduced above and lays down in sufficient details the works which are noted to be as professional engineering works and such works as mandatorily required by the PEC Act to be performed by a professional engineer possessing accredited engineering qualification from accredited engineering institutions in Pakistan and abroad with experience and passing of test of the Council and no other person is allowed to perform professional engineering works be that be a diploma holder or B.Tech. degree holder. This aspect of the matter has been substantially addressed by the PEC Act itself when making provision of section 27(5A) that "no person shall unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work." Thus professional engineering work can only be performed by a person who is registered as registered engineer or professional engineer and both registered engineer and professional engineer in terms of the PEC Act are by law required to possess accredited engineering qualification as prescribed by the PEC Act from accredited engineering institution.

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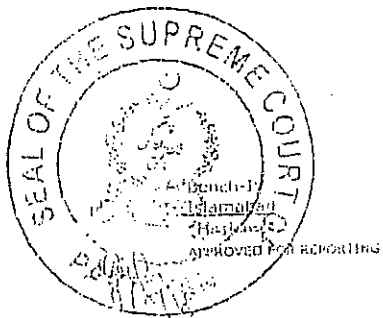
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22. We may further observe that section 27 of the PEC Act provides for penalty for a person who undertakes any professional engineering work: if his name is not borne on the Register but it also makes the employer who employs for any professional engineering work any person whose name is not, for the time being, borne on the Register to perform professional engineering work, shall also be liable for penalty as prescribed in the PEC Act itself. Thus both civil servant/employee and their employer would be liable to penalty as provided under section 27 if they undertake or allow a person to undertake professional engineering work whose name is not borne on register under PEC Act.

23. The net result of above discussion is that this petition fails. It is dismissed and leave refused, however with note of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act, who does not possess accredited engineering qualification from the accredited engineering institution and his name is not registered as a registered engineer or professional engineer under the PEC Act.



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Supreme Court of Pakistan
Islamabad

Announced in open Court on 03-10-2018

CR No: 6689/18 Civil/Criminal
 Date of Presentation: 24/10/18
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 Date of Commencement: 27/10/18
 Date of delivery: 01-11-2018
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 Received by: [Signature]

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ANNEXURE "07" (07)

Government Of Khyber Pakhtunkhwa
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT
LOCAL COUNCIL BOARD.

Dated Peshawar, the 13th July 2016

NOTIFICATION

NO. LC/577/2016. The Provincial Government of Local Government
has decided to amend the bye-laws with approval of the Board attached as an annexure
to this notification. It is directed to amend the criteria provided under Rule 2 (1)(b) of the
Local Government (Amendment) Rules, 1983 for the LCS PUG (Reg. Code) Form 10 (2-A) as
under:-

AMENDMENT

The column No. 5 of S#2 as under:-

shall be read: "By election amongst from among persons and firms named
herein in column (5) of sub-rule (1) of rule-2 with at least one female member."

The following table shall be inserted:-

1. Male	20%
2. Female	20%
3. Firms	60%

SECRETARY,
LOCAL GOVERNMENT DEPT.,
KHYBER PAKHTUNKHWA

For the Secretary:-

Copy forwarded to:-

- 1. Director, Local Govt Dept., Khyber Pakhtunkhwa.
- 2. Deputy Secretary, LGB, Khyber Pakhtunkhwa.
- 3. Chief Engineer, LGB, Khyber Pakhtunkhwa.
- 4. District Officer (L.G.), FCE/RO, Khyber Pakhtunkhwa, Peshawar.
- 5. All District Local Municipal Officers in this Province, for information and compliance.
- 6. All District Local Councils.
- 7. All District Local Councils, Khyber Pakhtunkhwa.
- 8. All District Local Councils, Peshawar.
- 9. All District Local Councils, Khyber Pakhtunkhwa.
- 10. All District Local Councils, Peshawar.

22/7/16
17/7/16

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT
LOCAL COUNCIL BOARD.

Dated Peshawar, the 13th May, 2016.

Notification.

ICB/ESTT/ 2-B/2016. The Provincial Government in Local Government & Rural Development Department, with approval of the Board accorded in its meeting held on 1/3/2016, is pleased to amend the criteria provided under Rule-9 (i) (c) of the Khyber Pakhtunkhwa LCs-PUGF (Service) Rules, 1981 for the LCs-PUGF(Eng. Cadre) BPS-18 (S#2) as under;

AMENDMENT

In Column No. 5 of S#2 as under:-

After the words "by selection on merit from among persons and in the manner specified in clause (e) of sub-rule(1) of rule-9 with at least five year service in BPS-17" the following words shall be included:-
as per following formula:-

- | | |
|------------------|-------|
| (a) B.Sc BE | = 70% |
| (b) B.Tech(Hons) | = 20% |
| (c) D.A.E | = 10% |

CHAIRMAN,
LOCAL COUNCIL BOARD,
KHYBER PAKHTUNKHWA

Ends: of even No. & date.

Copy forwarded to the:-

1. Director, Local Fund Audit, Khyber Pakhtunkhwa.
2. All Deputy Secretariat, LCB, Khyber Pakhtunkhwa.
3. Chief Engineer, LCB, Khyber Pakhtunkhwa.
4. Section Officer(Estab.), LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
5. All Town/Tehsil Municipal Officer in this Province, for information and circulation amongst all PUGF Engineers.
6. PS to Secretary, LGE & RDD, Khyber Pakhtunkhwa.
7. PA to Add Secretary, LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary, LCB, Khyber Pakhtunkhwa.
9. Officer notifications/

DEPUTY SECRETARIATE
LOCAL COUNCIL BOARD
KHYBER PAKHTUNKHWA


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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT
Dated Peshawar, the April, 2017

NOTIFICATION

No. SO(Estt)/PHED/1-9/2016-17: In pursuance of the provisions contained in sub-rule (2) of rule J of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this Department's Notification No. SO(Estt)/PHED/1-9/2010, dated 05-03-2010, 06-12-2010, 31-07-2013 and 01-03-2016, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix:

- (i) Against serial No.3, in column 5, for the existing entry, the following shall be substituted, namely:
"By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Engineers/Assistant Design Engineers/SDOs (BPS-17), who possesses Degree in B.E/B.Sc Engineering/B.Tech(Hons) from a recognized University with five years' service as such and have passed the departmental professional examination."
- (ii) Against serial No.4, in column 5, for the existing entry, the following shall be substituted, namely:
 - a. 5% by promotion, on the basis of seniority-cum-fitness, from amongst the Direct Graduate Sub Engineers who possessed Degree of B.E/B.Sc Engineering Civil (at least 2nd division) from a recognized University with five years' service as such;
 - b. 3% by promotion, on the basis of seniority-cum-fitness, from amongst the In-Service Graduate Sub Engineers who possessed Degree of B.E/B.Sc Engg: Civil (at least 2nd division) from a recognized University with five years' service as such;
 - c. 8% by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess degree of B.Tech (Hons) with at least 2nd division from a recognized University with five years' service as such;
 - d. 20% by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Diploma in Civil/Electrical/Electronics/Mechanical Technology with ten years' service as such and have passed the departmental examination;
 - e. 1% by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possessed degree of B.Sc Engg./B.E in Electronics with at least 2nd division from a recognized university with five years' service as such; and
 - f. 63% by initial recruitment in the following manner:
 - (i) 56% by initial recruitment having Degree in B.E/B.Sc Engg: (Civil) with least 2nd division;
 - (ii) 5% by initial recruitment having Degree in B.E/B.Sc Engg: (Mechanical) with at least 2nd division;
 - (iii) 2% by initial recruitment having B.E/B.Sc Engg: In Electronics/Electrical with at least 2nd division;

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Provided that if no suitable candidates are available for promotion against the quota at a, b, c, d & e then the vacancy shall be filled in by way prescribed at (f) i.e. by initial recruitment.

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

"Diploma of Associate Engineering in Civil/Electrical/Electronics/
Mechanical Technology from a recognized Technical Board."

(17) Against serial No. 5, in column 5, for the existing entry, the following shall be substituted, namely:

- (a) Eighty percent by initial recruitment having Diploma of Associate Engineering (Civil) from a recognized Technical Institution;
- (b) Thirteen percent by initial recruitment having Diploma of Associate Engineering (Electrical/Electronics) from a recognized Technical Institution;
- (c) Three percent by initial recruitment having Diploma of Associate Engg: (Mechanical) from a recognized Technical Institution;
- (d) Three percent by transfer, from amongst the Chartermen having Diploma in Civil Technology from a recognized Board with at least five years' service as such;
- (e) One percent by promotion from amongst the Work Superintendents having Diploma in Civil/Mechanical/Electrical/Electronics Technology from a recognized board with five years' service as such; and
- (f) Five percent by promotion from amongst the Tracers having Diploma in Civil/Mechanical/Electrical/Electronics Technology from a recognized board with five years' service as such.

Provided that if no suitable candidates are available for promotion against the quota at (d), (e) & (f) then the vacancy shall be filled in by way prescribed at (a), (b) & (c) i.e. by initial recruitment.

(18) Against serial No. 10, in column 5, for the existing entry, the following shall be substituted, namely:

- (a) Seventy-five percent by promotion on the basis of seniority-cum-fitness from amongst the Accounts Clerks with at least five years' service as such;
- (b) Twenty-five percent by initial recruitment.

(19) Against serial No. 13, in column 5, for the existing entry, the following shall be substituted, namely:

- (a) Thirty-seven percent by promotion, from amongst the Dattari, Record Lifter, Daffadar, Barkandaz, Hali Qasids and Chowkidars, who have passed Secondary School Examination and have at least five years service as such; and
- (b) Sixty-seven percent by initial recruitment.

Note: For the purpose of promotion, the department shall maintain a joint seniority list of Dattari, Hali Qasids, Chowkidars, Record Lifter, Daffadar and Barkandaz based on the date of regular appointment to the post or that of acquiring the SSC whichever is later; provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.

22/11/2020
23/11/2020
24/11/2020

(20) Against serial No. 25, in column 3, for the existing entry, the following shall be substituted, namely:

"Secondary School Certificate with at least 2nd Division"

(21) Against serial No. 26, in column 5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Research Officer (Water Quality)/Research Officer (Hydro-geologist) with 20 years service in BPS-17 as such.

Note: A joint seniority list of Research Officer (Water Quality)/Research Officer (Hydro-geologist) shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular


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- (iii) Against serial No.26 and 27, in column 3, for the existing entry, the following shall be substituted, namely:
 "At least Second Division M.Sc in Micro-biology/Chemistry or B.S Medical Lab Technology (MLT) (4-years Program) or equivalent from a recognized University."
- (ix) Against serial No.31, in column 3, for the existing entry, the following shall be substituted, namely:
 "At least Second Division M.Sc in Hydro-Geology or B.Sc (Civil/Agriculture Engineering) with two years relevant experience or Second Division M.Sc (Water Resources/ Civil Engineering) or equivalent from a recognized university."
- (xii) Against serial No.32, in column 3, for the existing entry, the following shall be substituted, namely:
 "At least Second Division M.Sc in Hydro-Geology or B.Sc in Civil/Agriculture Engineering or Second Division M.Sc in Water Resources/Civil Engineering or equivalent from a recognized university."
- (xiii) Against serial No.34, in column 3, for the existing entry, the following shall be substituted, namely:
 "At least Second Class Master's Degree in Social Sciences or equivalent from a recognized University."
- (xiv) Against serial No.35, in column 3, for the existing entry, the following shall be substituted, namely:
 "At least Second Class Master's Degree in Environmental Sciences/Environmental Engineering or equivalent from a recognized University."
- (xv) Against serial No.37, in column 3, for the existing entry, the following shall be included, namely:
 "At least 2nd class Secondary School Certificate from a recognized Board with one year Certificate Course in relevant field from a recognized institution/ Board."
- (xvi) Against serial No.37, in column 5, for the existing entry, the following shall be substituted, namely:
 - (a) 50% by initial recruitment;
 - (b) 50% by promotion, on the basis of seniority-cum-fitness, from amongst the Pipe Fitters, with five years' service as such.

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The following shall be inserted at serial No. 17 shall be inserted in the following manner:

S. No	Designation of post	Minimum qualification required for initial appointment	Age Limit	Method of recruitment
17	Senior Revenue Officer			By transfer or deputation from amongst SPS-10 officers of Federal/Provincial Governments or Corporation/Corporate Body/Autonomous Body/Statutory Body/Authority under the federation or province, having M.A./M.Sc in Economics/Statistics or Master in Business Administration (Finance)/ Commerce (Finance/ Accounts) from a recognized University and preferably Degree in Engineering.

SECRETARY PHED
 District Peshawar, the April 2017

- Copy forwarded to (14):
- 1) All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 - 2) Secretary to Governor Khyber Pakhtunkhwa.
 - 3) Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
 - 4) Accountant General Khyber Pakhtunkhwa.
 - 5) Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
 - 6) Chief Engineer (North South) PHE Khyber Pakhtunkhwa Peshawar.
 - 7) Secretary Public Service Commission Khyber Pakhtunkhwa Peshawar.
 - 8) Registrar Peshawar High Court / Services Tribunal Peshawar.
 - 9) All Superintending Engineers PHE Circles / NEIs PHE Department.
 - 10) Manager Government Stationery & Printing Department.
 - 11) PS to Chief Secretary Khyber Pakhtunkhwa Province.
 - 12) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
 - 13) PA to Deputy Secretary (Admin) PHE Department Khyber Pakhtunkhwa Peshawar.
 - 14) Office Order etc.

SECTION OFFICER (ESTT)

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 District Peshawar

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EXISTING / PROPOSED SENIORITY RULES OF THE DEPARTMENT

Sl. No.	Name of the post	No. of posts	Method of recruitment	Method of recruitment
Senior Engineers				
1	Chief Engineer		By promotion on the basis of educational merit, from the posts of Senior Deputy Engineers/Deputy Engineer/Deputy Chief Engineer at least seven years' service in EPS-17 & above, possessing Degree in B.E/B.Tech from a recognized University.	By promotion on the basis of selection in the written examination amongst the Senior Deputy Engineers/Deputy Engineer/Deputy Chief Engineer with at least seven years' service in EPS-17 & above, and should have successfully completed the Senior Management Course.
2	Superintendent Engineer/Director of Planning & Reporting		By promotion on the basis of seniority-comparative from amongst the Executive Engineers/Design Engineers/Technical Officers with twelve years of service in EPS-17 and above possessing Degree in B.E/B.Tech Engineering from a recognized University.	By promotion on the basis of seniority-comparative amongst the Executive Engineers/Design Engineers/Technical Officers with twelve years of service in EPS-17 and above, and should have successfully completed the Mid Career Management Course.
3	Executive Engineer/Deputy Engineer/Technical Officer (EE-15)		By promotion on the basis of seniority-comparative from amongst the Assistant Engineers/Assistant Design Engineers/SDO (EPS-17), who possess Degree in B.E/B.Tech from a recognized University with five years' service in such and have passed the departmental professional examination.	By promotion on the basis of seniority-comparative from amongst the Assistant Engineers/Assistant Design Engineers/SDO (EPS-17), who possess Degree in B.E/B.Tech Engineering/Architecture from a recognized University with five years' service in such and have passed the departmental professional examination.

APPROVED
 Director
 Engineering Department

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MINUTES OF THE STANDING SERVICE RULES COMMITTEE (SSRC) MEETING REGARDING AMENDMENTS IN THE EXISTING SERVICE RULES OF IRRIGATION DEPARTMENT HELD ON 29TH APRIL, 2021 UNDER THE CHAIRMANSHIP OF SECRETARY IRRIGATION

A meeting of the Standing Service Rules Committee (SSRC) was held on 29TH April, 2021 at 11:30 A.M under the chairmanship of Secretary Irrigation Department. The following attended the meeting:-

1	Secretary Irrigation	Chairman
2	Engr. Sahibzada Muhammad Shabir, C E (South)	Member
3	Muhammad Yousaf Khan, BS (R-III) Estt. Deptt.	Member
4	Mr. Wasil Khan, Additional Secretary Irrigation Deptt.	Secretary/Member
5	Mr. Niamat Khan, SO(SR-III), Finance Department	Member

2 The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The following agenda items were placed before the committee for consideration:-

Agenda Item No. 01
AMENDMENTS IN THE SERVICE RULES OF DRAWING ESTABLISHMENT (DRAFTSMAN BS-11) IN IRRIGATION DEPARTMENT

Agenda Item No. 02
AMENDMENTS IN THE SERVICE RULES FOR PROMOTION OF FIELD CHOWKIDAR TO THE POST OF GAUGE RADER

Agenda Item No. 03
AMENDMENTS IN THE SERVICE RULES FOR RECRUITMENT OF SECURITY OFFICER

Agenda Item No. 04
AMENDMENTS IN THE SERVICE RULES OF IRRIGATION DEPARTMENT FOR PROMOTION OF ASSISTANT ENGINEER (BS-17) TO THE POST OF EXECUTIVE ENGINEER (BS-18)

Agenda Item No. 1

The Chief Engineer (South) Irrigation Department presented the agenda item and submitted that the present service rules notified in 2011 for promotion of Draftsman at Sr. No.26 (part-V) of appendix is as under:-

- a. 50% by initial recruitment.
- b. 25% by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having certificate of Civil Draftsman course of two years duration from a recognized Board of Technical Education with three years service as such and
- c. 25% by promotion on the basis of seniority-cum-fitness, from amongst the tracer who have qualified the prescribed Department Examination of Draftsman and having three years service as such.

Note:- If no suitable candidate is available for promotion against the quota at (b) then the vacancy shall filled in by the way as prescribed at (c) and Vice Versa.

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He clarified that the fresh recruits, though having Civil Draftsman Course are not so capable to handle the related issues rather than the Tracers having practical experience in the department. After detailed discussion by the committee the following decision was taken:-

- a 30% by initial recruitment.
- b 70% by promotion on the basis of seniority-cum-fitness, from amongst the tracer who have qualified the prescribed Examination of Draftsman and having three years service as such.

Agenda Item No. 02

AMENDMENTS IN THE SERVICE RULES FOR PROMOTION OF FIELD CHOWKIDAR TO THE POST OF GAUGE READER

The Chief Engineer (South) Irrigation presented the Agenda Item No. 2 that Under Sr. No. 60 of Appendix to the notification No. SO(E)IRR/23-5/73, dated 20.12.2006 the recruitment criteria for Gauge Reader BS-7 in Irrigation Department is as under:-

- 1 Minimum Qualification SSC or equivalent qualification from recognized Institute or Board.
- 2 Age Limit 18-30 year.
- 3 Method of recruitment
 - i). 50% by initial recruitment.
 - ii). 50% by promotion on the basis of seniority cum fitness from amongst the male, Regulation Beldar and Beldars having SSC qualification and ten years service in the Circle.

He clarified that Beldars, Chowkidars having SSC or higher qualification are also performing duties at various Gauge Station looking after the Gauges and assisting the Gauge Readers at sites and familiar with job but due to non existing of field Chowkidars promotion in the present Service Rules and requested the SSRC that the field Chowkidar may be included in the Service Rules for promotion of Gauge Reader. The committee unanimously recommended the proposed amendment.

Agenda Item No. 03

AMENDMENTS IN THE SERVICE RULES FOR RECRUITMENT OF SECURITY OFFICER

The Chief Engineer (South) Irrigation has submitted that under Sr. No. 39 of Appendix to the notification No. SO(E)IRR/23-5/73, dated 20.12.2006 the appointment criteria for appointment of Security Officer is as under:

Security Officer	Retired Armed/Civil Armed Forces at least in the rank of Subedar with SSC qualification	18-30 years	By initial recruitment
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He requested the forum that at the age of 30 years the subedar is retired from Armed/Civil Armed Forces and requested the SSRC to enhance the age for recruitment of Security Officer from 18-30 years to 30-45. The committee unanimously agreed with the proposal with the addition that the word subedar may be replaced with Junior Commission Officer (JCO).

Agenda Item No. 04.

AMENDMENTS IN THE SERVICE RULES OF IRRIGATION DEPARTMENT FOR PROMOTION OF ASSISTANT ENGINEER (BS-17) TO THE POST OF EXECUTIVE ENGINEER (BS-18)

The Section Officer (Estt) Irrigation Department has submitted that following criteria is adopted for promotion of Assistant Engineers/Sub Divisional Officer/Assistant Directors (BS-17) to the post of Executive Engineer/Deputy Directors/Technical Officer (BS-18).

Executive Engineer/Deputy Director/Technical Officer (BS-18)	By promotion, on the basis of seniority-cum-fitness from amongst the Sub Divisional Officer, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the professional or Revenue Examination under the prescribed rules.
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The B. Tech (Hons) Degree Holder Sub Divisional Officers (BS-17) have submitted a joint application for reservation of 20% quota for promotion to the post of BS-18, as the present service rules does not allow them to be promoted to the post of Executive Engineer (BS-18).

He further informed the forum that the B.Tech (Hons) degree holders have also submitted a joint application to the Chief Secretary, Khyber Pakhtunkhwa. Establishment Department has examined their joint application and vide letter dated 21st April, 2021 advised the Irrigation Department to place the matter before the Standing Service Rules Committee (SSRC).

Therefore, the matter is placed before the SSRC to consider their request. The committee, after detailed discussion recommended the following amendments in the existing Service Rules:-

- i. 80% By promotion, on the basis of seniority-cum-fitness from amongst the Sub Divisional Officer, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the professional or Revenue Examination under the prescribed rules.
- ii. 12 % By promotion, on the basis of seniority-cum-fitness from amongst the Sub Divisional Officer, Assistant Engineers and Assistant Directors possessing Degree in B. Tech (Hons) from a recognized University, with at least five years service as such, and have passed the professional or Revenue Examination under the prescribed rules.


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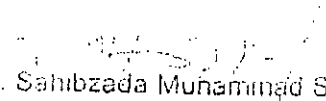



- ii 08% By promotion, on the basis of seniority-cum-fitness from amongst the Sub-Divisional Officer, Assistant Engineers and Assistant Director possessing Diploma of Associate Engineering from a recognized Board, with at least five years service as such, and have passed the professional or Revenue Examination under the prescribed rules.

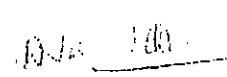
Note. Separate seniority lists of all the three categories of the Sub-Divisional Officer/Assistant Engineers and Assistant Directors shall be maintained.

The meeting ended with a vote of thank from and to the chair.


Muhammad Tahir Orakzai
Secretary Irrigation Department
(Chairman)


Engr. Sahibzada Muhammad Shabir
Chief Engineer (South) Irrigation
(Member)


Mr. M. Yousaf Khan
Deputy Secretary (R-III) Estt Deptt
(Member)


Mr. Niamat Khan
Section Officer (SR-III), Finance Department
(Member)


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IN THE HIGH COURT OF SINDH AT KARACHI

C. P. NO.D-4235/2012

**PRESENT: MR. JUSTICE FAISAL ARAB, &
MR. JUSTICE SALAHUDDIN PANHWAR**

Petitioner : Mehar Ali Dayo,
through Mr. Yawar Farooqui advocate.

Respondents : The Province of Sindh and 4 others,
Mr. Muhammad Nawaz Shaikh advocate for
respondents No.4 and 5.

: Ms. Sadia Shaheen advocate, associate of
Mr. Masood A. Noorani, advocate for Intervenors.

Syed Shah Hussain, Deputy Secretary, Works &
Services Department, Government of Sindh.

Date of hearing : 04.10.2013.

JUDGMENT

SALAHUDDIN PANHWAR, J. Succinctly, relevant facts are that petitioner was appointed as Sub-Engineer (Civil) BPS-11 in the M&R department, Education Works Department, Government of Sindh. Petitioner is a diploma holder in civil field; after required departmental examination he was promoted from BPS-11 to PBS-16; thereafter

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promoted as Assistant Engineer (Civil) in BPS-17, petitioner has worked as Assistant Engineer since 1997, but thereafter was not considered for promotion due to condition that he was diploma holder. Pursuance to the Sindh Local Government Ordinance 2001 the petitioner's department i.e. Education Works Department was merged into Communication Works Department hence joint seniority list was prepared and issued by the Works and Services Department.

2. By notification dated 18.06.2001 issued by the Education Department, Electric Engineers holding diploma were accorded consideration for promotion on 20% quota reserved; in the year 2005 Irrigation and Power Department, Government of Sindh vide notification dated 25.02.2005, extended promotion to the Assistant Engineer (BPS-17) (diploma holder) on same quota in various departments and such policy is in existence and many Assistant Engineers possessing qualification of diploma were accorded promotion in Grade-18; the petitioner appeared in departmental promotion examination in the year 2012; for promotion from BPS-17 to BPS-18 and succeeded the same therefore he is entitled to be promoted according to the policy as 20% quota is allocated for such category. Thereafter departmental promotion committee held meeting on 21.11.2012 and considered seniority list whereby the petitioner was not promoted. Rest of the candidates falling within 80% quota were 36 candidates however in the category of 20% quota the petitioner was alone who was seeking promotion but he was declined such promotion. Petitioner submitted representation to the Chief Secretary/competent authority but still they have not passed any


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order thereon. Therefore he prayed that recommendation of the departmental promotion committee referred to above may be declared as ab-initio void and without lawful authority and further seeks direction to the respondents for considering him from BPS-17 TO BPS-18.

3. In contra, respondents No.1 and 2 in their comments have contended that existing recruitment Rules are related to the defunct Communication and Works Department and after regrouping with Works and Services Department, recruitment Rules were required to be updated. Respondent No.1 while deciding departmental appeal of the petitioner has directed respondent No.3 to consider the promotion of the petitioner for EXN (BPS-18) on seniority-cum-fitness basis against 20% quota fixed for diploma holders but after regrouping of Works and Services Department such policy has become redundant as such no amendment has so far been made in the recruitment Rules which are required to be amended at par with other Engineering Departments of the government.

4. Respondents No.4 and 5 (Engineers) in their counter affidavit have taken stance that petitioner is diploma holder and can not be given the status of professional engineer as defined under section 2-A of the Pakistan Engineering Council Act 1976 and it is settled law by apex Court that diploma holder can not be treated at par with Engineers having recognized degree registered with Pakistan Engineering Council.

5. Learned counsel for petitioner while reiterating the same contentions as contended in the petition and in support relied upon


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case of Abdul Sattar & others decided in C.P. No.D-2682/2012, C.P. No.D-184/2009 and (Abdul Sattar Shaikh & others vs. Province of Sindh and others).

6. Conversely, counsel for respondents while reiterating the contentions as appended in the comments, has relied upon PLD 1996 Supreme Court 182 (Muhammad Sadiq and others Vs. University of Sindh and another), 2007 SCMR 134 (Muhammad Younus Aarin Vs. Province of Sindh and 10 others), 1994 SCMR 1807 (Pakistan Diploma Engineers Federation Vs. Federation of Pakistan and 9 others), 2008 PLC (C.S.) 1219 (Muhammad Asghar Zardari and others Vs. C.D.A. and others), 1999 SCMR 1689 (Dr. Muhammad Tahir Achakzai and others Vs. Government of Balochistan and others) and 1999 SCMR 1696 (Mst. Ume Kalsoom Vs. Zahid Bashir through legal heirs and another).

7. Learned APG assisted by Deputy Secretary, argued that matter is pending for amendment in policy. According to him it is suggested that petitioner and others falling in such category are entitled for promotion but summary is yet to be approved after that proper action will be taken.

8. Learned counsel for intervenor has pleaded that it is settled law that the diploma Engineer can not be treated at par with a professional Engineer recognized by Pakistan Engineering Council, hence petitioner is not entitled for promotion. In support of his contention he has relied upon PLD 1996 SC 182 (Muhammad Sadiq and others Vs. University of Sindh and another), 2007 SCMR 134 (Muhammad Younus Aarin Vs. Province of Sindh and 10 others),


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2008 PLC(C.S) 1219 (Muhammad Asghar Zardari and others Vs. C.D.A. and others).

9. After careful consideration of contention raised by respective counsel and meticulous examination of available record and case law, we are of the view that the moot question involved in instant petition is that whether petitioner, being diploma holder is entitled for promotion, according to the policy laid down by the Government in other departments. Before responding this question, it would be conducive to examine the ratio settled by this court as well as apex court in almost similar circumstances.

10. In case of Abdul Sattar & others, and other two petitions (CPD 184/2009, 368/2007, 823/2009, were decided by common order. In one petition, petitioners were claiming promotion on the basis of B.Tech (diploma), while in another, petitioners were claiming that they were possessing B.E degree, thus B.Tech is not equivalent hence they were not entitled for promotion as Engineer. This Court did not debar the petitioners, who were claiming promotion on B.Tech, but declared that ratio of fixed quota for promotion as arbitrary, and thus directed government to re-fix the ratio.

11. In case of Muhammad Sadiq and others Vs. University of Sindh and another, reported in PLD 1996 SC 182; petitioners were B.Tech degree holders, claimed promotion, but same was refused by this court, hence they assailed the same before apex court, where leave was granted, but they did not pursue their case, however, Honourable Supreme Court while referring case of Fida Hussain, reported in PLD 1995 SC 701, held that the Government had the


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exclusive domain to decide, whether any particular qualification would be considered sufficient for promotion from any particular grade to a higher grade and that government is vested with the power to change such policy from time to time, whereas Pakistan engineering counsel has exclusive domain to decide, as to whether a particular qualification could be equated with another academic qualification but it has no power to say that a civil servant/employee holding a particular academic qualification could not be promoted from a particular grade to a higher grade.

12. In case of Muhammad Younus Aarin Vs. Province of Sindh and 10 others, reported in 2007 SCMR 134(DB) petitioner was diploma holder, his services were governed by SUGR 1982, was claiming promotion in grade 20, for particular post, his petition was dismissed by this court with observation that *"it is evident from para-wise comments filed that the post in question required performance of such function. The petitioner, therefore, could not be conceded [considered] eligible. Indeed this would not affect his eligibility for being considered for promotion under rules for any post not requiring such functions to be performed for the foregoing reasons, we find no merit in this petition and dismiss the same".*

This verdict was assailed, Honorable apex Court while dismissing petition held that:

"The careful examination of Rules on the basis of which petitioner asserted the claim for promotion to BPS-20, against the post carrying responsibilities of a professional engineer, would show that his claim was without any substance and learned counsel for the petitioner has not been able to satisfy us that a diploma holder on the basis of

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his experience alone, would stand at par to a person registered as professional engineer with Pakistan Engineering Council."

Further held that

"The Government having the domain to frame the policy of promotion and appointment can also by law, provide the qualification for appointment against such a post through promotion or otherwise, cannot be claimed without fulfillment of the criteria and the requisite qualification."

13. In case of Pakistan Diploma Engineers federation (Regd)

Vs. Federation of Pakistan reported in 1994 SCMR 1807, held that:

"A graduate engineer can be appointed against a non-professional position but if the assignment involves professional engineering work, the appointment would be essentially subject to the fulfillment of the requirements of Pakistan Engineering Council Act 1976."

14. Similarly in case of Muhammad Asghar Zardari, reported in 2008 PLC (C.S) 1219, Islamabad High Court and in case of Eijaz Ahmed Shah v. Federation of Pakistan and others reported in PLD 2010 K 309 it is held that:

"Any appointment of non-qualified engineers into professional engineering work was a clear violation of law and violator could be punished under the same law".

Thus, what has been made clear in the above case laws and is no more disputed, could well be summarized as:

i) Diploma holder on the basis of his experience alone, would not stand at par to a person registered as professional engineer with Pakistan Engineering Council;


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ii) *B.Tech holder is not equivalent to that of BE degree holder recognized by Pakistan Engineering Council Act 1976;*

15. However, what was required to be worked at on part of the respondents or quarter concerned is that the policies regarding promotions are made in such a manner and fashion that the same shall not prejudice to the following:

i) *A graduate engineer can not be appointed / promoted against a position/post, requiring professional engineering work unless he / she fulfills the requirements of Pakistan Engineering Council Act 1976 but this should not prejudice to the principle of civil service law that a civil servant / employee, holding a particular academic qualification, could be promoted from a particular grade to a higher grade;*

ii) *No appointment of non-qualified engineers into professional engineering can be made;*

But it has been the undeniable tragedy of our system that procedure, policy, rules and laws are allowed to be violated on account of favoritism. Things are obtained and achieved through the backdoor which not only result in placement of incompetent persons to positions but also seriously result into a cause of frustration rather harassment to eligible. The Law and Court (s) have made it clear to all that *what one cannot obtain / achieve directly he cannot legally obtain / achieve the same indirectly*. We cannot deny that it is the merit alone which could justify an action or omission on part of an authority hence all actions, regardless of its nature and purpose, should base on merit and merit alone because it is the merit which


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gives a due to deserving while a sense of satisfaction to rival / opposite. We shall add that a system shall surely collapse where the due is not given and distinction is not made on basis of **merit** but things are weighed on basis of colour, cast, position and creed. The **Judiciary** is the ultimate guardian of the rights and obligations of individuals and can competently direct proper framing of the policies.

These have been the causes and reasons, which were considered by the Honourable Supreme Court of Pakistan in deciding the C.P.No.22 of 2013 "Re- Orya Maqbool Abbasi Vs Federation of Pakistan through Secretary Establishment & others" and held that:

(i)The Government shall also undertake exercise to outline the objective criteria for promotion to make the civil servant an honest officer and free from political pressure as has been noted hereinabove.

16. In view of above settled principles we would revert to the merits of the case in hand but before discussing the merits of the case, it is necessary to add here that ***promotion is not a right, but a civil servant who is fully qualified for promotion has a right to claim that his case must be considered for promotion strictly following the eligibility criteria laid down by the Government.*** It is not the case of the petitioner that he has not been considered for promotion but his grievance is that since he was alone falling within meaning of 20% quota, reserved for promotion fixed for diploma holders, therefore, he should have been promoted. Such contention of the petitioner cannot be accepted in view of the above settled


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principles particularly in view of the submission of the Respondent No.1 that while deciding departmental appeal of the petitioner the respondent No.3 was directed to consider the promotion of the petitioner for EXN (BPS-13) on seniority-cum-fitness basis against 20% quota fixed for diploma holders but after regrouping of Works and Services Department such policy has become redundant as such no amendment has so far been made in the recruitment Rules which are required to be amended at par with other Engineering Departments of the government. (underlining is for emphasis).

17. Since it is clear that after regrouping there exists no policy regarding promotion on account of 20% quota, reserved for promotion fixed for diploma holders as exists in other Engineering Department of the Government but same is pending process. In absence of such a policy the claim of the petitioner cannot be accepted because the right to claim on basis of policy shall only be available when such a policy (law) exists and not in absence thereof for simple reason that it would be the law (policy) only which will give a right to claim the promotion. To frame policy is the domain of the government but the government cannot keep such matter hanging for indefinite period particularly when such policy exists in other Engineering department. Thus we dispose of this petition while holding that:

- (i) The Government shall also undertake exercise to frame the policy in Works and Services Department keeping in view the fact of existence of certain


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percentage of quota, reserved for promotion in other Engineering department;

- (ii) The respondent / quarter concern shall ensure that no unqualified person holds a post / job which requires special skills of professional engineering, as provided by *Pakistan Engineering Council*;
- (iii) any person posted on such post will be deemed illegal and such persons shall be removed from such posts without further delay;

18. The quarter concerned shall ensure compliance of these directions within a period of three (03) months and shall submit compliance report thereof.

19. Hence, instant petition is dismissed in the above terms.

JUDGE

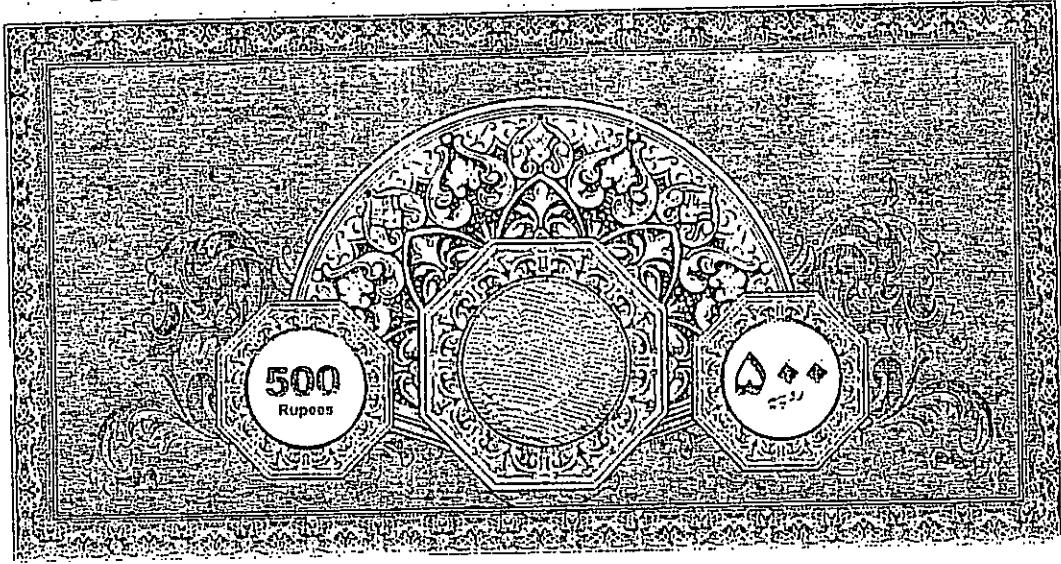
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JUDGE


ATTESTED

166

156984



PAKISTAN COURT FEE

Government of KP



Shah & others

Shaukat Ullah

ll
ATTESTED

167

PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET

Date of Order or Proceedings 1	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary 2
08.07.2021	<p><u>WP No. 2707-P/2021.</u></p> <p>Present: Mr. Mubashir Manzoor, advocate for the petitioners.</p> <p>Syed Qaiser Ali Shah, Addl. AG on behalf of respondents.</p> <p>*****</p> <p>Respondent No.4 be put on notice to appear in person before the Court. The learned Addl. AG is also directed to assist the court on the issue raised in the petition on the next date of hearing. Adjourned to 15.07.2021.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

Yaqub Jan P.S.




DC, Mr. Justice Lal Jan Khattak, PJ & Mr. Justice Shabbaz Ahmed, PJ.


ATTESTED

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PESHAWAR HIGH COURT, PESHAWAR




ORDER SHEET

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
15.07.2021	<p><u>W.P.No.2707-P/2021.</u></p> <p>Present: Mr. Mubashir Manzoor, Advocate, for the petitioners.</p> <p>Mr. Rab Nawaz Khan, Addl. A.G, for the respondents.</p> <p>*****</p> <p>Comments be called from the respondents, so as to reach this Court within a fortnight.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> ATTESTED</p>

169

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
30.07.2021	<p><u>W.P No.2707-P/2021</u></p> <p>Present: Mr. Mubashir Manzoor, Advocate, for the petitioners.</p> <p>*****</p> <p>Vide order sheet dated 08.07.2021, the respondent No.4 was put on notice to appear in person before the Court. Mr. Khalid Rehman, AAG present in Court in some other case, was put on notice, who accepted the same and was directed to inform the respondent No.4 for his appearance before the Court on the next date of hearing and also file their parawise comments. Adjourned to 03.08.2021.</p> <p><u>INTERIM RELIEF.</u></p> <p>Notice for the date fixed.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: center;"> ATTESTED</p>

SCANNED

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PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order or Proceedings	Order/Proceedings with Signature of Judge.
03.08.2021	<p><u>WP No.2707-P/2021 with IR</u></p> <p>Present:</p> <p>Mr. Mubashir Manzoor, Advocate, for the petitioners.</p> <p>Mr. Rab Nawaz Khan, AAG, for the respondents.</p> <p>****</p> <p>The former vehemently argued that despite notice, respondent No.4 is not in attendance. Learned AAG submitted that the comments are ready and assured that same will be filed within three days. We, therefore, absolve respondent No.4 from personal appearance and adjourned the case to 10.08.2021.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">ATTESTED</p>

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PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
21.10.2021	<p><u>CM No. 2100-P/2021 in W.P No. 2707-P/2021</u></p> <p><u>Present: -</u> Mr. Mubashir Manzoor, Advocate for the petitioners.</p> <p>Sardar Ali Razal, Addl. AG for respondents.</p> <p>***</p> <p><u>ROOH-UL-AMIN KHAN, J.</u> As the main writ petition of the applicant has already been fixed for 27.10.2021 hence, this CM has lost its efficacy which is dismissed. Office is directed not to delete the main writ petition on the date fixed and also to place it at senior part of the cause list.</p> <p>Announced 21.10.2021</p> <p><i>Rooh-ul-Amin Khan</i> Senior Puisne Judge</p> <p><i>Syed Arshad Ali</i> JUDGE ATTESTED</p>



M.Fiaz

D.B

Hon'ble Mr. Justice Rooh-ul-Amin Khan, Senior Puisne Judge
Hon'ble Mr. Justice Syed Arshad Ali, J

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

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Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
18.11.2021	<p><u>W.P. 2707-P of 2021.</u></p> <p>Present: <i>Petitioner in person.</i> <i>Mr. Atif Ali Khan, AAG for the respondents.</i></p> <p>****</p> <p>At the very outset of hearing, the learned AAG produced a copy of Notification dated 07.09.2021, whereby a Committee has been constituted by the Provincial Government in order to address the issue of B.Sc / B.Tech Engineers. He is directed to provide the outcome of the said Committee on the next date of hearing. Adjourned to 24.11.2021. Be taken up alongwith Writ Petition No.1539-P/2021.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

Amjad Ali Steno


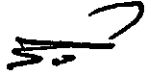

(D.B) Mr. Justice Ijaz Anwar, & Syed Arshad Ali, Hon'ble Judges.


ATTESTED

173

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
24.11.2021	<p data-bbox="626 550 1284 583"><u>C.M.No.1476-P of 2021 in W.P.No.2707-P of 2021.</u></p> <p data-bbox="626 613 1211 682">Present: Qazi Jawad Ehsanullah, advocate for the applicants.</p> <p data-bbox="626 745 1354 849">Notice of this application to the writ petitioners 21.12.2021.</p> <p data-bbox="1214 817 1385 941"> JUDGE</p> <p data-bbox="1235 981 1385 1106"> JUDGE</p> <p data-bbox="971 1896 1211 2021"> ATTESTED</p>

174

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET


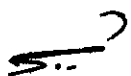

Date of order.	Order or other proceedings with the order of the Judge
21.12.2021	<p data-bbox="613 543 1279 575"><u>C.M.No.1476-P of 2021 in W.P.No.2707-P of 2021.</u></p> <p data-bbox="613 610 1031 642">Present: Petitioner in person.</p> <p data-bbox="776 675 1349 742">Mr.Muhammad Inam Yousafzai, AAG for the Provincial Government.</p> <p data-bbox="613 807 1349 1009">As the lawyers' community is observing strike on the call of Khyber Pakhtunkhwa Bar Council, therefore, the case is adjourned to 11.01.2022.</p> <p data-bbox="1230 1056 1338 1089">JUDGE</p> <p data-bbox="1230 1218 1338 1250">JUDGE</p> <p data-bbox="971 1834 1214 1891">ATTESTED</p>

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1

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
09.02.2022.	<p><u>W.P No. 2707-P of 2021 with C.Ms No. 1476-P of 2021 and 229-P of 2022.</u></p> <p><u>Present: -</u> Mr. Abdul Rauf Rohaila, Advocate for petitioners.</p> <p>Mr. Rab Nawaz, AAG for respondents.</p> <p>***</p> <p>In pursuance of the order dated 18.11.2021, the respondent No.3 shall provide the outcome of the SSRC on the next date of hearing. Adjourned to a short date in office.</p> <p> SENIOR PUISNE JUDGE</p> <p> JUDGE</p> <p> ATTESTED</p>



Zia/*

D.B*

Hon'ble Mr. Justice Rooh-ul-Amin Khan, Senior Puisne Judge
Hon'ble Mr. Justice Syed Arshad Ali, J.

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
02.03.2022	<p><u>W.P No. 2707-P/2021 with IR with CMs No. 1476, 1772 of 2021 and 229 of 2022</u></p> <p><u>Present: -</u> Junior of Abdul Rauf Rohaila, Advocate for petitioner.</p> <p>Shakir Ullah and Niamat Gul representative for official respondents.</p> <p>Junior of Qazi Jawad Ehsanullah, Advocate for private respondents.</p> <p>***</p> <p>Vide directives contained in order dated 09.02.2022, the respondent No. 3 was directed to provide outcome of SSRC. Since, learned counsel for petitioner is not available and the learned Addl. AG is also not present before the court therefore, he is reminded of the directives, which shall be positively made available before the next date of hearing to be fixed for 24.03.2022.</p> <p style="text-align: right;">  JUDGE  JUDGE </p>

(M.Fiaz)

D.B


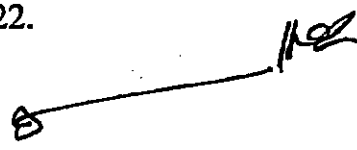

Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice Ijaz Anwar, J


ATTESTED

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PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
02.03.2022	<p><u>W/P No. 2707-P/2021 with IR with CMs No. 1476, 1772 of 2021 and 229 of 2022</u></p> <p><u>Present: -</u> Junior of Abdul Rauf Rohaila, Advocate for petitioner.</p> <p>Shakir Ullah and Niamat Gul representative for official respondents.</p> <p>Junior of Qazi Jawad Ehsanullah, Advocate for private respondents.</p> <p style="text-align: center;">***</p> <p>Vide directives contained in order dated 09.02.2022, the respondent No. 3 was directed to provide outcome of SSRC. Since, learned counsel for petitioner is not available and the learned Addl. AG is also not present before the court therefore, he is reminded of the directives, which shall be positively made available before the next date of hearing to be fixed for 24.03.2022.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  ATTESTED </div> <div style="text-align: center;">  JUDGE  JUDGE </div> </div>

(M.Fiaz)

D.B

Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice Ijaz Anwar, J

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Judgment Sheet

**PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.**

W.P.No.2707-P/2021

**Shaukat Ullah Shah and another
Versus
Govt: of KPK through Chief Secretary and others.**



Date of hearing 24.03.2022

**Mr. Abdur Rauf Rohaila, advocate for petitioners.
M/S Muhammad Sohail, AAG and Qazi Jawad Ehsanullah,
advocate for respondents.**

JUDGEMENT

IJAZ ANWAR. J:- By this single Judgement, we propose to decide this as well as the connected **Writ Petition No.1539-P/2021 "Niamat Gul and others Vs Govt: of KPK through Chief Secretary and others"** as both these petitions have been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 involving similar controversy. The following prayer has been made in the instant writ petition.

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**EXAMINER
Peshawar High Court**

“On acceptance of this writ petition:

**A. Direct Respondent No.4
(Secretary
Communication & Works
Department, Government
of Khyber Pakhtunkhwa
being the Chairman of
SSRC to convene SSRC
meeting at the earliest in
accordance with law**

**B. Grant any other relief that
this honourable Court
deems fit and appropriate
in the facts and
circumstances of the
case.”**

2. In essence, petitioners holding B.Tech (Hons) Degree and serving the respondent department as Sub Divisional Officers (BPS-17) seek issuance of direction to the respondents for reservation of 20 % quota for promotion of B.Tech (Hons) Degree holder SDOs (BPS-17) to the post of XEN BPS-18.

3. Comments were called from the respondents which were accordingly submitted

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ATTESTED
EXAMINER
Peshawar High Court

wherein they have opposed the issuance of the desired writ.

4. Arguments of counsel for the parties heard and record perused.

5. The main emphasis of the learned counsel for petitioners is that earlier the respondents have initiated process for amendment in the recruitment rules for providing specific quota to the B.Tech Degree Holders, however, no progress is made so far and his only prayer is that the Standing Service Rules Committee shall convene its meeting to decide this issue once for all.

6. It is pertinent to mention here that on an earlier date, the learned AAG had produced a Notification dated 07.9.2021 whereby a Committee was constituted by the Provincial Government in order to address the issue pertaining to the B.Ss/B.Tech Engineering

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EXAMINER
Peshawar High Court

Degree Holders and their respective promotion quota. This Court vide order dated 18.11.2021 directed the learned AAG to provide the outcome of the meeting of the said Committee.

7. Today, learned AAG produced the relevant minutes of the meeting wherein this issue has been discussed with detail, however, it was decided that certain record be obtained from the associations of both the categories so that the same could be further discussed in the forthcoming meeting of the Committee.

8. Learned AAG as well as learned counsel for the added respondents have objected on the maintainability of this writ petition on the ground the issue in hand relates to the terms and conditions of service and as such, this issue can only be adjudicated by the Provincial Service Tribunal. We are in complete agreement with the learned AAG and learned counsel representing


ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

the respondents to the effect that where the matter relates to the terms and conditions of service of a civil servant, the Service Tribunal has the exclusive jurisdiction and the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, however, in the instant matter, petitioners have merely sought direction of this Court for expediting the matter pending with the Standing Service Rules Committee, because presently the matter in hand is premature particularly for the purpose of filing appeal before the Service Tribunal.

9. We have noted that vide Notification dated 07.9.2021, the Chief Secretary constituted a Committee with certain TORs. It being relevant is reproduced below:

"TORs of the Committee

- To consider various aspects of the issue in the prevailing


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ATTESTED
EXAMINER
Peshawar High Court

circumstances of B.Sc/B.Tech Engineers.

- To look into the various Courts judgements passed with regard to B.Sc/B.Tech Engineers as per merits of the case.
- To consider the issue in the light of available Service Rules.
- To consider any other issue pertaining to the subject matter.
- The committee shall finalize its recommendations with viable proposals for perusal of the competent authority within 30 days."

10. Pursuant to the notification above referred, the meeting was convened on 21.12.2021 and this issue was discussed at considerable length, however, for certain clarification, this matter was further to be deliberated in the forthcoming meeting of the Committee.

11. We, therefore, direct the Committee so constituted vide Notification dated 07.9.2021 to abide by the said notification because one of its TORs was *"The Committee shall finalize its recommendations with viable proposals for*

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

perusal of the competent authority within 30 days.", albeit despite lapse of about 8 months, the matter has not yet been finalized. Accordingly, the Committee is directed to finalize its recommendations within 60 days positively.

12. This and the connected Writ Petition No.2707-P/2021 are disposed of in the above manner.

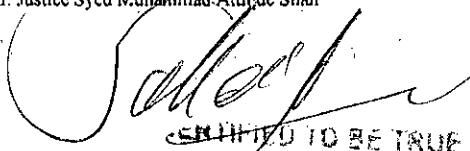


Judge


Judge

Announced on;
Dated. 24.03.2022

D.B. Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Syed Muhammad Attique Shah



ENTITLED TO BE TRUE COPY

EXAMINER
GENERAL HIGH COURT, PESHAWAR
AUTHORITY TO SIGN SECTION 67 OF
THE SUPREMACY ACT, 1973

23 AUG 2022

47222
Date of Presentation of Application: 23/8/2022
No of Pages: 16
Copying fee: 60/-
Total: 60/-
Date of Preparation of Copy: 23/8/2022
Date of Delivery of Copy: 23/8/2022
Received By: M. I. Qureshi


ATTESTED

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H/2

IN THE PESHAWAR HIGH COURT, PESHAWAR
(Contempt jurisdiction)

COC No. 350 -P/2022
In Writ Petition No. 2707-P/2021



Shaukatullah Shah,
Communication and Works Department, Peshawar.
..... Applicant

Versus

1. Ejaz Hussain Ansari,
Secretary, Communication and Works Department,
Government of Khyber Pakhtunkhwa, Peshawar.
2. Zulfiqar Ahmed,
Secretary, Establishment Department,
Government of Khyber Pakhtunkhwa, Peshawar.
3. Flt. Lieutenant, Iftikhar Ahmed Shahoo,
Former Secretary, Establishment Department,
Government of Khyber Pakhtunkhwa, Peshawar.
..... Respondents

**APPLICATION UNDER ARTICLE 204 OF CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH
SECTION 3 AND 5 OF CONTEMPT OF COURT ORDINANCE, 2003**

Respectfully Sheweth:-

The applicant humbly submits as under:-

ATTESTED
EXAMINER
Peshawar High Court

1. That the applicant holds B. Tech (Honos) Degrees and serving in Communication and Works Department, as Sub-Divisional Officers, filed Writ Petition No. 2707-P/2021 in this honourable court seeking directions the official respondents for reservation of 20% quota for promotion to the post of Executive Engineer BPS-18.
2. That a glance at the documents filed by the applicant and parawise comments will reveal that matter is lingering on due to malafide and highly objectionable attitude of official respondents who have deliberately been delaying the completion of amendment in the recruitment rules allocating quota for the b. Tech Degree Holders.

3. That Writ Petition filed by the applicant and WP No. 1539-P/2021 finally came up for hearing on 24-3-2022 and this honourable court decided the same. Paragraph No. 11 of the judgment is reproduced hereunder for ready reference:-

II. We, therefore, direct the Committee so constituted vide Notification dated 7-9-2021 to abide by the said notification because one of its TORs was "*The Committee shall finalize its recommendations with viable proposals for perusal of the competent authority within 30 days*". Albeit despite laps of above 8 months, the matter has not yet been finalized. Accordingly, the Committee is directed to finalize its recommendations within 60 days positively.

4. That a meeting of high level Committee was held on 20-4-2022 and after lengthy discussions, the committee unanimously recommended that C&W Department may review its existing rules by providing opportunity of promotion to B-Tech (hons) degree holders in line with rules of other departments including Irrigation, Energy and Power, PHE Department.
5. That it is matter of record that it was proposed to hold meeting of SSRC meeting to be held on 29-7-2022 and it was postponed to 5th August, 2022 and again adjourned with no date for holding SSRC meeting whereas this honourable through order dated 24-3-2022 has categorically directed to decide the matter within 60 days.
6. That the applicant will be retired on 28-8-2022 whereas Provincial selection Committee has been scheduled in the first week of September, 2022 whereas as per seniority list, the applicant is at serial No. 2 of the seniority list of B. Tech (Hons) but efforts and persuasion for promotion is hanging since 2017.

~~ATTESTED~~
EXAMINER
Peshawar High Court

7. That the applicant has personally visited the respondents to comply with the orders and judgment of this honourable court dated 24-3-2022 but the matter is being delayed on one pretext or other. Almost more than 5 months (150) days have elapsed but still the respondents have no attention to implement the judgment and directions issued by this honourable court.
8. That the refusal of the respondents is in clear derogation of the specific orders passed by this honourable court on 24-3-2022, therefore, the respondents have exposed themselves to be proceeded under the provision of Article 204 of the Constitution of Islamic Republic of Pakistan, 1973 read with section 3 and 5 of the Contempt of Court Ordinance, 2003.
9. That since the stance, attitude and conduct of the respondents is in clear violation of the specific order of this honorable Court. The respondents in the circumstances have tried to disregard and intentionally violated the implementation of orders passed by this honorable Court.
10. That the respondents in the present application are pretending to be above the law and do not bother to act upon the clear directions of this honorable Court passed on 24-3-2022.

It is therefore most humbly prayed that on acceptance of this application, the respondents may be summoned, charged sheeted and sentenced for committing the offence of Contempt of Court in accordance with Article 204 of Constitution of Islamic Republic of Pakistan, section 3 and 5 of the Contempt of Court Ordinance, 2003.

Any other appropriate remedy not specifically mentioned may also be granted deem appropriate in the circumstances.

Applicant,
through

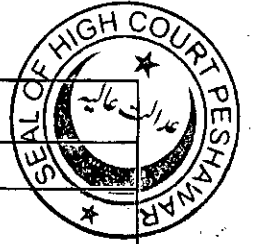
Abdul Rauf Rohaila,
Senior Advocate Supreme Court.



ATTESTED
EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR**ORDER SHEET**


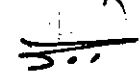
Date of Order or Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
12.12.2022	<p><u>COC No.350-P/2022 in WP No.2707-P/2021</u></p> <p>Present: Mr. Abdul Rauf Rohaila, Advocate, for the petitioner. Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p>*****</p> <p><u>SHAKEEL AHMAD, J.</u>- It appears from the record that in the earlier round of litigation, the petitioner had brought a Constitutional Petition No.2707-P/2021 for the following relief: -</p> <p><i>"On acceptance of this writ petition:</i></p> <p>A. Direct Respondent No.4. (Secretary Communication & Works Department, Government of Khyber Pakhtunkhwa being the Chairman of SSRC to convene SSRC meeting at the earliest in accordance with law.</p> <p>B. Grant any other relief that this honorable Court deems fit and appropriate in the facts and circumstances of the case."</p> <p>2. After providing opportunity of hearing to the learned counsel for the parties, the writ petition was disposed of in the following manner: -</p> <p>"We, therefore, direct the Committee so constituted vide Notification dated 07.09.2021 to abide by the said notification because one of its TORs was "The Committee shall finalize its recommendation with viable proposals for perusal of the competent authority within 30 days." albeit despite lapse of about 8 months, the matter has not yet been finalized. Accordingly, the Committee is directed to finalize its recommendations within 60 days positively.</p> <p>This and the connected Writ Petition No.2707-P/2021 are disposed of in the above manner."</p>




ATTESTED
EXAMINER
Peshawar High Court

3. Pursuant to the judgment of this Court, referred to above, the respondents have amended the relevant rules through Notification No. SOE/C&WD/8-12/2022 dated 25.11.2022. No useful purpose would be served if contempt of Court proceedings is initiated against the respondents as judgment of this Court has already borne fruit, if petitioner is still aggrieved of the amended notification, we leave it to open to him to file "Fresh Constitutional Petition for redressal of his grievance, if so desired.

4. In view of the above, the instant COC is dismissed having achieved its purpose. However, the petitioner shall be at liberty to challenge the vires of the Notification dated 25.11.2022 issued by the Provincial Government of Khyber Pakhtunkhwa, if he is still aggrieved of the same.


 JUDGE

 JUDGE


 CLERK TO BE TRUE COPY
 Registrar
 Provincial Court, Peshawar
 constituted under Article 87 of
 the Constitution of Pakistan
 19 DEC 2022

No. 63640
 Date of Presentation of Application 19/12/2022
 No of Pages 5-9
 Copying fee 0/-
 Total 0/-
 Date of Preparation of Copy 19/12/2022
 Date of Delivery of Copy 19/12/2022
 Received By [Signature]

(Ayub GS) (DB) Hon'ble Mr. Justice Shakeel Ahmad
 Hon'ble Mr. Justice Syed Arshad Ali.



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

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Dated Peshawar, Nov 25, 2022

NOTIFICATION:

No.SOE/C&WD/8-12/2022: In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and Finance Department, hereby notify that in this Department's Notification No.SOE/C&WD/8-12/2009, dated March 25, 2010, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX, under the heading "Engineering Service", for Serial No. 3, the following shall be substituted namely;

Sl. No.	Nomenclature of the Post	Method of Recruitment
1	2	5
"3	Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer/ Deputy Director Technical/ Senior Engineer (Survey/ RMU) (BPS-18).	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officer, Assistant Engineer, Junior Engineer and Assistant Research Officers with at least 05 (five) years service as such and have passed the Professional Examination as prescribed in West Pakistan Buildings and Roads Code".

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Department
5. Managing Director PKHA Peshawar
6. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
7. All Superintending Engineers C&W Circles
8. Superintending Engineer Maintenance Peshawar
9. Superintending Engineer C&W Circle North Waristan at Bannu
10. Superintending Engineer Mega Projects
11. All Executive Engineers C&W/Building/Highway Divisions
12. Section Officer (R-V) Establishment Department, Peshawar
13. Section Officer (Policy) Establishment Department, Peshawar
14. Deputy Legislation Officer-IV, Law Department, Peshawar
15. Managing Printing Press for publication in the issue of next Govt gazette
16. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
17. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
18. PS to Secretary, C&W Department, Peshawar
19. PA to Addl: Secretary, C&W Department, Peshawar
20. PA to Deputy Secretary (Admn), C&W Deptt, Peshawar
21. Office File

ATTESTED

(IAZ KHAN)
SECTION OFFICER (Estb) 25/11/22



191

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-12/2022
Dated Peshawar, the Sept 22, 2022

To

The Secretary to
Govt of Khyber Pakhtunkhwa
Law Department, Peshawar

Subject: MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD
ON 16.09.2022

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of Minutes of the SSRC meeting held on 16.09.2022 along-with draft Notification regarding amendments in the existing Service Rules, 2010 of C&W Department for vetting, please.

Yours' faithfully

SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Section Officer (Policy) Establishment Department, Peshawar
2. PS to Secretary C&W Department, Peshawar
3. PA to Additional Secretary C&W Department Peshawar
4. PA to Deputy Secretary (Admn) C&W Department Peshawar

SECTION OFFICER (Estb)

ATTESTED



192

8-12/SEV
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SO(POLICY)/E&AD/2-69/2022
Dated Peshawar, the September 19, 2022

To

1. The Secretaries to Government of Khyber Pakhtunkhwa
Communication & Works Department.
2. The Additional Secretary,
Law, Parliamentary Affairs & Human Rights Department.
3. The Additional Secretary (Regulation),
Finance Department.
4. The Director,
Khyber Pakhtunkhwa, Public Service Commission.

Diary No: 9086
Date: 20-9-22
Secretary C&W Dept

Members of the
Standing Service
Rules Committee.

Subject:- MINUTES OF THE MEETING OF STANDING SERVICE RULES
COMMITTEE HELD ON 16.09.2022

Dear Sir/Madam,

I am directed to refer to the subject and to enclose herewith a copy of approved minutes of Standing Service Rules Committee meeting held on 16.09.2022 under the Chairmanship of Special Secretary (Regulation), Establishment Department, for information and necessary action, please.

Yours faithfully,

MMS 19/9/22
SECTION OFFICER (POLICY)

Encl: as above;

ENDST: NO. & DATE EVEN;

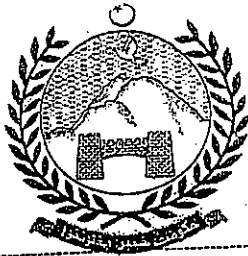
Copy forwarded to:

1. PS to Special Secretary (Regulation), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PA to Deputy Secretary (Policy), Establishment Department.

MMS 19/9/22
SECTION OFFICER (POLICY)

ll
ATTESTED

*the up draft
notification to
send it to
25/9/22*



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

193

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
16.09.2022 AT 1500 HOURS

Meeting of the Standing Service Rules Committee was held on 16.09.2022 at 1500 hrs under the chairmanship of Special Secretary (Regulation), Establishment Department in his office to discuss amendments in the services rules of C&W Department. Following officers attended the meeting:

Sr.	Name of officer	Designation	Department/Office
1.	Ms. Tabassum	Addl. Secretary (Admn)	Law Department
2.	Mr. Saeedullah	Additional Secretary	Establishment Department
3.	Muhammad Sohail	Dy. Secretary	C&W Department
4.	Mr. Noor ul Haq	Dy. Secretary (Policy)	Establishment Department
5.	Muhammad Saeed	Dy. Director	Khyber Pakhtunkhwa, Public Service Commission.
6.	Hamid Hussain Shah	Section Officer	Finance Department.

2. The chair welcomed all the participants of the meeting. Opening the discussion the chair asked the representative of the Administrative Department to brief the forum regarding the agenda item. Rep. of C&W Department stated that in compliance with the High Court orders as well as directions of the High Level Committee under ACS P&D and to pave way for promotion of B.Tech and Diploma Holders Assistant Engineers of C&W Department, on the analogy of other technical departments, C&W Department has drafted the instant rules.

3. Representative of C&W Department further apprised the forum that one Mr. Shaukatullah Shah, Retired Assistant Engineer C&W Department filed COC (by name) before Peshawar High Court, Peshawar against Engr. Ejaz Hussain Ansari, Ex-Secretary, C&W Department and Mr. Zulfiqar Ali Shah, Secretary, Establishment Department. The PHC has directed C&W Department to amend the service rules for giving right of promotion to the B.Tech and Diploma holders Assistant Engineers of C&W Department.

4. The draft rules were discussed threadbare. The representatives of Law and C&W Departments opined that as all BS-18 posts of C&W Department are filled 100% by promotion hence there is no need of mentioning qualification in column-3 in the proposed service rules. The forum agreed upon the proposal due to the fact that since joint seniority is being maintained for promotion of Assistant Engineers possessing BSc Engineering degree, B.Tech degree and Diploma holders to the post Executive Engineer BS-18 and other posts and every incumbent can avail promotion according to his inter-se-seniority.

5. After threadbare discussion the forum unanimously approved the proposed service rules as per Appendix-I.

The meeting ended with vote of thanks.

[Signature]
ATTESTED

Nomenclature of Post & BPS			Qualification			Age			Method of Recruitment		
Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer.	Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer/ Deputy Director (Tech)/ Senior Engineer (Survey/RMU)	---	---	---	---	--	--	---	By promotion on the basis of seniority-cum-fitness from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers possessing degree in B.E/B.Sc Engineering (Civil/Mechanical/ Electrical/ from a recognized University, with at least (05) years service as such, and have passed the Professional Examination as prescribed in B&R code.	By promotion on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/ Assistant Engineers/Junior Engineers/Assistant Research Officers with at least (05) years service as such and have passed the Professional Examination as prescribed in B&R Code.	In the light of Peshawar High Court Peshawar judgment dated 24.03.2022 in Writ Petition No. 2707-P/2022] and on the recommendations of the committee constituted under the chairmanship of Additional Chief Secretary, P&D Department, the Communication & Works Department has proposed amendments in the service rules in order to provide promotion chances to B.Tech (Hons) and Diploma Holders SDOs (BS-17) for promotion to the post of Executive Engineer (BS-18).

ATTESTED

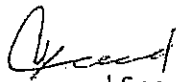
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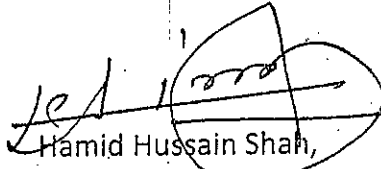
194

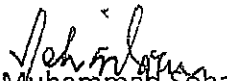
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)


195

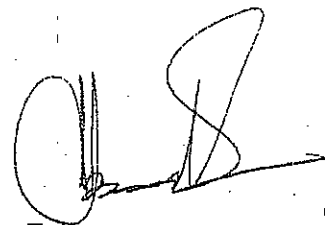
MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON 16.09.2022

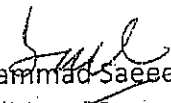

Muhammad Saeed
Deputy Director,
Public Service
Commission
*For SSRC held on
16-9-22.*

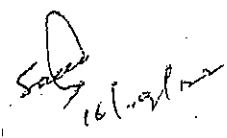

Hamid Hussain Shah,
Section Officer,
Finance Department


Muhammad Sohail
Deputy Secretary,
Communication &
Works Department


~~Mr. Noor ul Haq~~
Deputy Secretary
(Policy), Establishment
Department


Ms. Tabassum
Additional Secretary,
Law, Department


Muhammad Saeedullah
Additional Secretary
(Reg-II), Establishment
Department


Mr. Akhtar Saeed Turk
Special Secretary (Reg),
Establishment
Department.


ATTESTED



196
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, Sept 21, 2022

NOTIFICATION:

No.SOE/C&WD/8-12/2022: In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and Finance Department, hereby notify that in this Department's Notification No.SOE/C&WD/8-12/2009, dated March 25, 2010, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,

Against Serial No. 3, in Column No. 2 & 5, for the existing entries, the following shall be substituted namely;

Sl. No.	Nomenclature of the Post	Method of Recruitment
1	2	5
3	Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer/ Deputy Director (Technical)/ Senior Engineer (Survey/ RMU).	By promotion, on the basis of seniority-cum fitness, from amongst the Sub Division Officers/ Assistant Engineers/ Junior Engineers/ Assistant Research Officers with at least 05 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Department
5. Managing Director PKHA Peshawar
6. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
7. All Superintending Engineers C&W Circles
8. Superintending Engineer Maintenance Peshawar
9. Superintending Engineer C&W Circle North Waristan at Bannu
10. Superintending Engineer Mega Projects
11. All Executive Engineers C&W/Building/Highway Divisions
12. Section Officer (R-V) Establishment Department, Peshawar
13. Section Officer (Policy) Establishment Department, Peshawar
14. Deputy Legislation Officer-IV, Law Department, Peshawar
15. Managing Printing Press for publication in the issue of next Govt gazette
16. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
17. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
18. PS to Secretary, C&W Department, Peshawar
19. PA to Addl: Secretary, C&W Department, Peshawar
20. PA to Deputy Secretary (Admn), C&W Deptt, Peshawar
21. Office File


ATTESTED

SECTION OFFICER (Estb)

197

IN THE PESHAWAR HIGH COURT, PESHAWAR

CM No. 2030 -P/2022

In

COC No. 350 -P/2022

ShaukatUllah Shah

Versus

Ejaz Hussain Ansari and Others

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2.	Affidavit	22-10-2022	2
3.	Notification No. SOE/C&WD/8-12/2014	14-10-2014	3
4.	Notification No. SOE/C&WD/8-12/2014	26-03-2018	4
5.	Notification SO/E&P/5-1/S.M/E.I/2016	14-09-2018	5 & 6
6.	Notification AO.III/LCB/2-56/2019	15-07-2019	7 to 9
7.	Notification SO(E-1)/E&AD1-1/2020 (V)	09-04-2020	10
8.	Notification SOR-V(E&AD)7-1/2021	07-09-2021	11
9.	Appendex (Electric Inspectorate NWFP)	09-09-2021	12
10	Copy of Judgment in CP#3455 of 2022	01-12-2022	13 to 19
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14.	Notification SO(E-1)/E&AD/1-537/2022	21-07-2022	37
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16.	Minute of Meeting of SSRC with Appendix-I	19-09-2022	41 to 44
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18	Letter to Chief Secretary		46 to 48

Deputy Registrar

22 OCT 2022

Applicant

Through

Abdul Rauf Rohaila,
Senior Advocate Supreme Court,
Sammad Hasnain,
Advocate High Court, Peshawar
#0321-9290960

ATTESTED

Scanned USB Received
22 OCT 2022
Signature

Handwritten signatures and initials, including 'SY' and '10/20/22'.

IN THE PESHAWAR HIGH COURT, PESHAWAR

198

CM No. 2030 -P/2022

In

COC No. 350 -P/2022

ShaukatUllah Shah

Versus

Ejaz Hussain Ansari and Others

APPLICATION FOR PLACING ON
FILE THE RELEVANT DOCUMENTS

Respectfully Sheweth:-

The applicant humbly submits as under:-

1. That the above noted COC is pending for the implementation of order of this Honourable Court passed in WP# 2707-P/2021.
2. That during the pendency of the above noted COC some important documents are to be placed on file in order to reach ends of justice.

PRAYER:-

It is therefore most humbly prayed that on acceptance of this application the attached documents may be placed on file and be considered at the time final hearing of above noted COC.

FILED TODAY
Deputy Registrar
22 OCT 2022

Sceno

RE-FILED TODAY
ATTESTED
22 OCT 2022

Applicant

Through

Abdul Rauf Rohaila,
Senior Advocate Supreme Court,
SammadHasnain,
Advocate High Court, Peshawar

199

IN THE PESHAWAR HIGH COURT, PESHAWAR

CM No. _____ -P/2022

In

COC No: 350 -P/2022

ShaukatUllah Shah

Versus

Ejaz Hussain Ansari and Others

“AFFIDAVIT”

I, ShaukatUllah Shah son of Syed Yaqoob resident of Assistant Engineer Civil & Works Department, Government of Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the attached application are true and correct to the best of my knowledge and belief and nothing contain therein is false

Shaukat Ullah Shah

SHAUKATULLAH SHAH

Identified by
Advocate

DEPONENT

CNIC: 11201-0376771-9 ✓

Cell No. 0333-9125822

ATTESTED

FILED TODAY
Deputy Registrar
22 OCT 2022

21356
Certified that the above was verified on solemn affirmation before me in office on this 21 day of Oct 2022 Shaukat Ullah Shah who was identified by Syed Yaqoob Peshawar self
Commissioner
Peshawar



200

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the October 14, 2014

NOTIFICATION:

No.SOE/C&WD/8-12/2014: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department Notification No.SOE/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

In the Appendix, against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by initial recruitment;
- (b) twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;
- (d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and
- (e) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"

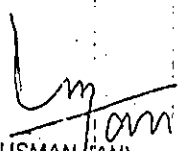
Note: The seniority in all cases shall be determined from the date of initial appointment

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) W&S Peshawar
6. Chief Engineer EQAA, Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department Peshawar
11. Assistant Legal Drafter-I, Law Department Peshawar
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14. PS to Secretary C&W Department Peshawar
15. PA to Addl: Secretary C&W Department Peshawar
16. PA to Deputy Secretary (Admn) C&W Department Peshawar
17. Office File


(USMAN JAN)
SECTION OFFICER (Estb)


ATTESTED

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

201

Dated Peshawar, the October 14, 2014

NOTIFICATION:

No. SOE/C&WD/8-12/2014: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with Establishment Department and the Finance Department, hereby directs that in this Department Notification No. SOE/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

In the Appendix, against serial No. 4, in column No. 5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by Initial recruitment,
- (b) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) Eight percent (8%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Department Professional Examination with 05 (five) years service as such;
- (d) Three and half percent (305%) by promotion, on the basis of seniority-cum-fitness, form amongst the Sub Engineers who acquired Degree of B.E or B.Sc. engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such' and
- (e) Three and half percent (305%) by promotion, on the basis of seniority-cum-fitness, form amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"

Note: The Seniority in all cases shall be determined from the date of initial appointment

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. CHIEF-Engineer (FATAO W&S Peshawar
6. Chief Engineer EQAA Abbotabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department Peshawar
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15. PA to Addl: Secretary C&W Department Peshawar
16. PA to Deputy Secretary (Admn) C&W Department Peshawar
17. Office File.

ATTESTED

(USMAN JAN)
SECTION OF OFFICE (Estb)

ATTESTED



Dated Peshawar, the March 26, 2018

202

NOTIFICATION

No. SOE/C&WD/8-12/2014. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department Notification No. SOE/C&WD/8-12/2009, dated 25th March, 2010, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix -

ii. against serial No. 4, in column No. 5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by initial recruitment;
- (b) sixteen and half percent (16.50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;
- (d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such, and
- (e) ten percent (10%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers having Degree of B.Tech. (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such.

iii. against serial No. 26, in column No. 5, for the existing entries, the following shall be substituted, namely:

"By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars and Barkandaz having qualification of Secondary School Certificate with at least three years service as such."

Note: A joint seniority list of Naib Qasids, Chowkidars and Barkandaz shall be maintained for the purpose of promotion.

iii. after serial No. 28, the following new serial shall be inserted, namely:

29	Barkandaz	Preferably literate	18 to 45 years	By initial recruitment
----	-----------	---------------------	----------------	------------------------

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W, Peshawar
5. Chief Engineer (FATA) W&S, Peshawar
6. Chief Engineer (East) C&W, Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department, Peshawar
11. Assistant Legal Drafter-I, Law Department, Peshawar
12. Manager, Printing Press for publication in the issue of next Govt gazette. He is requested to provide 25 printed copies of the Notification, preferably gazetteed copies, when published to this Department along with the details of the gazettee in which they are published.
13. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
14. PS to Secretary C&W Department, Peshawar
15. PA to Addl. Secretary C&W Department, Peshawar
16. PA to Deputy Secretary (Admn) C&W Department, Peshawar
17. Office File

(ABDUR RASHID KHAN)
SECTION OFFICER (ES16)

ATTESTED

ATTESTED

92 97
5

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT**

NOTIFICATION

Peshawar, dated the 14-09-2018

No. SO(E)/ESP/S-1/S.M/E.I/2016/Vol-II:- In pursuance of the provisions contained in sub-rule(2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1985, the Energy & Power Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SOG(ESP)/S-10/Electric Inspector/2009, dated 16-10-2010, the following further amendment shall be made, namely:

In the Appendix, after Serial No. 1A, the following new entries shall be inserted, in the respective columns, namely:

AMENDMENT

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment
1.	2.	3.	4.	5.
1B.	Deputy Electric Inspector (Technologist) (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Electric Inspectors with five (05) years service as such, having qualification of B.Tech (Hon).

ATTESTED



ATTESTED

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT

203

GOVERNMENT OF KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT
0
NOTIFICATION

Peshawar dated the 14.09.2018

No. SO(E)/E&P/5-1/5.M/EI/2016/Vol-II: In pursuance of provision contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989. the Energy & Power Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Departments Notification No. SOG(E&P)/S-10/electric Inspector / 2009, dated 16.10.2010, the following further amendment shall be made namely:

In the appendix, after serial No. 1A, the following new entries shall be inserted, in the respective columns of namely:

AMENDMENT

S.NO.	Nomenclature Of The Post	Minimum qualification for appointment by initial recruitment	Age limit	Method of recruitment
1	2	3	4	5
1B	Deputy Electric Inspector (Technologist) (BPS-18)			By promotion on the basis of seniority cum fitness, from amongst the assistant electric inspectors with five (5) years service as such, having qualification of B.Tech (Hons)

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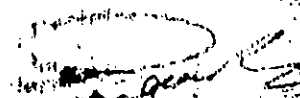
2
Endst. No. SO(E)/ESP/5-1/S.M/E.I/2016/Vol-II

Copy forwarded to the:

11/11/18; 14-09-2018

1. Secretary to Govt. of Khyber Pakhtunkhwa, Estab.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance
3. Secretary to Govt. of Khyber Pakhtunkhwa, Law Dept.
- ✓ 4. Electric Inspector, Electric Inspectorate, Khyber Pakhtunkhwa
copies of the Notification when published in the Govt. Gazette
5. Manager Government Printing & Stationery Department
6. PS to Secretary, Energy & Power Department

to provide ten


Officer (Establishment) 24/9/18

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Endst No. SO (E) E&P/5-1/S.M/E.1/2016/Vol-II,
Copy forwarded to:

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department
2. Secretary to Govt of Khyber Pakhtunkhwa finance Department
3. Secretary to Govt of Khyber Pakhtunkhwa Law Department
4. Electric Inspector, Electric Inspectorate Khyber Pakhtunkhwa.
Copies of the notification when published in the government
5. Manager Government Printing & Stationary Department.
6. PS to Secretary Energy & Power Department.

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Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural Dev. Department
LOCAL COUNCIL BOARD
Building: # 33, St: 13, Sector E-8, Phase-7, Hayatabad, Peshawar.
Tel: 091-9219043 Fax: 091-9219097
Email: localcouncilboard@gmail.com

Dated Peshawar the 15th July, 2019

NOTIFICATION

No.AO.III/LCB/2-56/2019. In pursuance to approval of the Local Council Board, dated 20/5/2019, the competent authority in exercise of the powers conferred upon him, is pleased to order the following amendments in Khyber Pakhtunkhwa (Provincial Unified Group of Functionaries) Service Rules, 1981, with immediate effect and in the best public interest:-

AMENDMENTS

In Khyber Pakhtunkhwa (Provincial Unified Group of Functionaries) Service Rules, 1981;

The appendix to Rule 9 of the Khyber Pakhtunkhwa Service Rules (PUGF) 1981 shall be substituted for the purposes of filling up of all posts of PUGF in BPS-11 to BPS-19 as indicated in revised appendix attached to the notification below.

Secretary to Govt. of Khyber Pakhtunkhwa,
LGE&RDD/Chairman Local Council Board

Endst. of Even Number & Date.

Copy of information and further necessary action forwarded to the:

- 1) Secretary Law, Human Rights and Parliamentary Affairs, Government of Khyber Pakhtunkhwa.
- 2) Secretary Establishment, Government of Khyber Pakhtunkhwa.
- 3) Secretary Finance, Government of Khyber Pakhtunkhwa.
- 4) Director General, LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 6) Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 7) All Deputy Secretaries of Local Council Board,
- 8) Director, Local Governance School, Hayatabad, Peshawar.
- 9) Section Officer (Estb.), LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
- 10) PS to Minister, LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
- 11) PS to Secretary, LGE&RDD, Khyber Pakhtunkhwa, Peshawar.
- 12) Manager Govt. Printing Press for publication in the official gazette.


SECRETARY

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S. No.	Nomenclature of posts with BPS	Minimum qualification for appointment by initial recruitment	Method of Recruitment
	2	3	4
ENGINEERING CADRE			
1	Engineering Cadre BS-20	---	By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-19 and having at least 17 year service against posts in BS-17 and above, possessing Degree in B.E/ Bsc (Engineering) and have undergone advance training course from Local Governance School.
2	Engineering Cadre BS-19	---	By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-18 and having at least 12 year service against posts in BS-17 and above and have undergone advance training course from Local Governance School.
3	Engineering Cadre BS-18	---	By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-17 with at least five year service and have undergone prescribed Departmental training course from Local Governance School as per following quota : a) 70% from amongst holding the prescribed qualification of B.Sc Bachelor Engineering; and b) 20% B.Tech (Hons); and c) 10% D.A.E.
4	Engineering Cadre BS-17	(i) At least 2 nd Division BS Degree in Civil Engineering from a recognized University; (ii) Age Limit as per Government Policy (iii) Both male and female can apply (iv) Zonal & Reserved Quota as per Government Policy	(1) Fifty (50) percent by initial recruitment through Provincial Public Service Commission. (2) Thirty (30) percent by promotion of EPS-16 BSc (BE)/B-Tech degree holders with 10 year service. (3) Twenty (20) percent by promotion from amongst the officers in EPS-16 on the basis of seniority-cum-fitness
5	Engineering Cadre BS-16	Degree in Civil Engineering from a recognized university	By promotion, on the basis of seniority-cum-fitness, from amongst the official of BS-11 who have passed the prescribed competitive exams through agency/organization to be nominated by the competent authority.

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S.NO.	Nomenclature of posts with BPS	Minimum qualification for appointment by initial recruitment	Method recruitment
1	2	3	4
1	Engineering Cadre BS-20	By promotion on the basis of seniority cum fitness, from amongst the officers holding posts in BS-19 and having at least 17 year service against posts in BS-17 and above possessing degree in B.E/B.Sc (Engineering) and have undergone advance training course from local governance school.	
2	Engineering Cadre BS-19	By promotion on the basis of seniority cum fitness, from amongst the officers holding posts in BS-18 and having at least 12 year service against posts in BS-17 and above and have undergone advance training course from local governance school.	
3	Engineering Cadre BS-18	By promotion on the basis of seniority cum fitness, from amongst the officers holding posts in BS-18 and having at least 12 year service against posts in BS-17 and above and have undergone prescribed departmental training course from local school as per following quota a. 70% from amongst holding the prescribed qualification of B.Sc Bachelor Engineering and b. 20% B.tech (hons); and c. 10% DAE	
4	Engineering Cadre BS-17	(i) At least 2 nd division bs degree in civil engineering from a recognized university (ii) age limit as per government policy (iii) both male and female can apply (iv) zonal & reserved quota as per government policy. 1. fifty (50) percent by initial recruitment through Provincial Public Service Commission 2. thirty (30) percent by promotion of BPs-16 BSC (BE)/B each degree holders with 10 years service. 3. twenty (20) percent by promotion from amongst the officers in BPS-16 on the basis of seniority cum fitness.	
5	Engineering cadre bs-16	By promotion on the basis of seniority cum fitness, from amongst the official of BS-11 who have passed the prescribed competitive exams through agency / organization to be nominated by the competent authority.	

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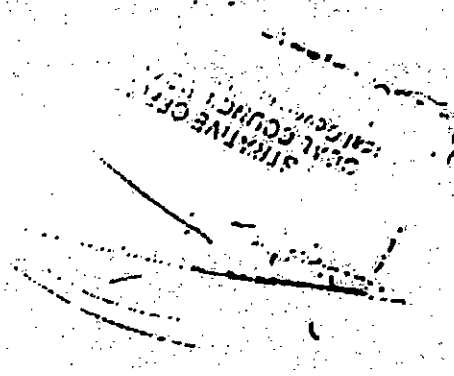
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Method of Recruitment

5. Introduction of posts with BPS	Minimum qualification for appointment by initial recruitment
<p>Engineering Cantt BS-11</p>	<p style="text-align: center;">ENGINEERING CADRE</p> <p>(1) Eighty Five (85) percent by initial recruitment through any credible recruiting agency i.e. ETEA, NTS or any other notified by the competent authority. (2) Fifteen (15) percent quota reserved for employees of various local councils in grade 5 to 11, with exp. for NJGF, provided that no employee can opt unless he possess the following conditions :-</p> <p>(a) DAE Civil (2nd Division Minimum) (b) Competitive Exams through credible agency/organization i.e. ETEA, NTS or other to be nominated by the competent authority. (c) 5 years continuous service experience in BS-11 (d) PERS of Last 5 years.</p>

[Signature]
 SECRETARY
 LOCAL COUNCIL BOARD
 KHYBER PAKHTUNKHWA



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[Signature]
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Recruitment in Govt. Sides for PSCS through PSCS

S.NO.	Nomenclature of posts with BPS	Minimum qualification for appointment by initial recruitment	Method of recruitment
1	2	3	4
1	Engineering cadre BS-11	At least 2 nd division diploma in associate engineering in civil technology from recognized institute. (ii) age limit as per government policy (iii) both male and female can apply (iv) zonal & reserved quota as per government policy.	<p><u>ENGINEERING CADRE</u></p> <ol style="list-style-type: none"> 1. Eighty Five (85) percent by initial recruitment through any credible recruiting agency i.e. ETEA/ NTS or any other notified by the competent authority. 2. Fifteen (15) percent quota reserved for employees of various local councils, in grade 5 to 11, who opt for PUGF, provided that no employee can not unless be possess the following conditions. <ol style="list-style-type: none"> a. DAE Civil (2nd division minimum). b. Competitive exams through credible agency/ organization i.e. ETEA, NTS or either to be nominated by the competent authority. c. 5 years continuous service experience in BS-11. d. PERs of last 5 years.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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(19)

Dated Peshawar April 9, 2020

NOTIFICATION

NO. SO(E-I)/E&AD/1-1/2020 (V) The Competent Authority is pleased to transfer Engr. Ejaz Hussain Ansari (BS-20), Chief Engineer (Centre) C&W and post him as Secretary, C&W Department, against the vacant post, on deputation basis, in the public interest, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Peshawar.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government of Khyber Pakhtunkhwa
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa
8. All Deputy Commissioners in Khyber Pakhtunkhwa
9. Director General, Information & P.Rs Khyber Pakhtunkhwa.
10. Chief Engineer (Central)/CE (North)/CE (CDO)/CE (EQAA) C&W
11. CSO to Chief Secretary, Khyber Pakhtunkhwa.
12. PSO to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Establishment/PS to Secretary Administration Departments.
15. PS to Special Secretary (E)/ D.S.(Admn), D.S. (Estt./ SO(Secret)/SO(HRD-I)/SO(E-I)/DD(IT) and ACSO Cypher E&AD.
16. Officer concerned.
17. Manager, Govt. Printing Press Peshawar.


SECTION OFFICER (ESTT. I)
PH: # 091-9210529

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

Dated Peshawar, the 07th September, 2021

NOTIFICATION

No.SDR-V(E&AD)7-1/2021: In order to address the issues of B.Sc/B.Tech Engineers, the competent authority is pleased to constitute a Committee comprising of the following:-

- | | |
|--|----------|
| i. Additional Chief Secretary P&D Department | Chairman |
| ii. Principal Secretary to Chief Minister Khyber Pakhtunkhwa | Member |
| iii. Secretary, Establishment Department | Member |
| iv. Secretary, Law Department | Member |
| v. Co-opted Member as deemed by the Committee | Member |

TORS of the Committee

- To consider various aspects of the issue in the prevailing circumstances of B.Sc/B.Tech Engineers.
- To look into the various Courts judgments passed with regard to B.Sc/B.Tech Engineers as per merits of the case.
- To consider the issue in the light of available Service Rules.
- To consider any other issue pertaining to the subject matter.
- The committee shall finalize its recommendations with viable proposals for perusal of the competent authority within 30 days.

Chief Secretary
Khyber Pakhtunkhwa

Encls. No. & Date even:

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department.
4. Secretary to Govt of Khyber Pakhtunkhwa Law Department.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary, C&W Department.
7. PS to Secretary, Irrigation Department.
8. PS to Secretary, IWE Department.

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DEPUTY SECRETARY (REG-III)

ATTESTED

**APPENDIX
(ELECTRIC INSPECTORATE NWFP. PESHAWAR)**

1	Nomenclature of Post	Minimum Qualification for appointment by initial recruitment	Minimum qualification for appointment by promotion	Age limit for initial recruitment	Method of recruitment
	2	3	4	5	6
1	Electric Inspector	a. Bachelor Degree in Electrical Engineering from a recognized university with Seven (07) Years relevant Experience in the relevant field OR Master Degree in Electrical Engineering with 5 years' experience in the relevant field; and b. Registered as Professional Engineer with Pakistan Engineering Council.	Bachelor Degree in Electrical Engineering from a recognized University	32-40 Years	By Promotion on the basis of seniority cum fitness from amongst the Assistant Electric Inspectors (BPS-17) with 5 years service as such; or If no suitable person is available for promotion then by initial recruitment.
2	Assistant Electric Inspector (BPS-17)	a. Bachelor Degree in Electrical Engineering from a recognized university; and b. Registered with Pakistan Engineering Council	22-26 years	a) Fifty Percent by Initial recruitment; and b) 50% by promotion from amongst the Electric Sub-Inspectors on the basis of Seniority Cum-Fitness with Seven (07) years service as such; or in case no suitable person is available for promotion, then by initial recruitment.

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PRESENT

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE MUHAMMAD ALI MAZHAR

(AFK)
CIVIL PETITION NO. 3455 OF 2020
(Against the judgment dated 12.10.2020
Islamabad High Court, Islamabad in
W.P.No.3200/2013)

Capital Development Authority through its
Chairman, Islamabad and others.

...Petitioners

VERSUS

Shabir Hussain and others

...Respondents

For the Petitioners: Hafiz Arfat Ahmad, ASC
Raja Abdul Ghafoor, AOR

For Respondents: N.P.

Date of Hearing: 01.12.2021

JUDGMENT

MUHAMMAD ALI MAZHAR, J.: This Civil Petition is brought to challenge the judgment dated 12.10.2020, passed by learned Islamabad High Court in Writ Petition No.3200 of 2020, whereby the writ petition was allowed and the impugned order dated 02.08.2013 issued by CDA for cancelling/withdrawing the promotions of the respondents was set aside.

2. The transient facts of the case are that the respondents No.1 to 7 are the regular employees of CDA. On recommendation of DPC, they were promoted to the post of Assistant Director (BS-17) in Engineering Cadre on acting charge basis vide order dated 13.02.2012. However vide order dated 14.3.2013, they were promoted on regular basis but after some

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time, the order of promotion was withdrawn vide office order dated 02.08.2013. Being aggrieved, the respondents filed a Writ Petition in the Islamabad High Court which was allowed and impugned order was set aside.

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3. The learned counsel for the petitioners argued that the learned High Court failed to consider that the promotion of the respondents was not legal as the posts were to be filled through direct recruitment after written test and interviews and not through promotion and when the competent authority came to know about the illegal promotions, the same was withdrawn/cancelled. The learned counsel for the CDA in support of his contention also cited a judgment rendered by this Court in the case of Maula Bux Shaikh and others Vs. Chief Minister Sindh and others (2018 SCMR 2098) and argued that the petitioners are in process of amending their service rules/regulations commensurate to the law laid down in the above case.

4. Heard the arguments. Consistent with Section 51 of the Capital Development Authority Ordinance, 1960, the Authority may make Regulations and publish it in the Official Gazette. Section 37 of the aforesaid Ordinance germane to powers of the Authority to appoint officers, experts or consultants on such terms and conditions as it may deem fit, whereas under Section 38, it is the responsibility of the Authority to lay down the procedure for the appointment of its officers, servants, experts and consultants and terms and conditions of their services. In exercise of aforesaid powers conferred on the Authority, the Capital Development Authority Employees (Service) Regulations 1992 were enacted. It is distinctively visible from Regulation No.4.03 that it stipulates three methods of appointment such as (a) by initial appointment in accordance with Part-II; (b) by promotion in accordance with Part-III; and (c) by transfer in accordance with Part-IV. In order to appraise and dwell on the cases of nominated persons for promotion and forwarding recommendations to the competent authority, the Departmental Selection Committees/Departmental Promotion Committees are constituted under Regulation No.4.04 with its composition as described and enunciated in Regulation No.4.05. Part-III

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Basic Pay Scales (BPS) and the procedure for promotion is set forth under Regulation No.4.17. In unison, Regulation No.4.18, commands that an employee possessing such minimum qualification and length of service and fulfilling other conditions specified shall be eligible for promotion to a higher post. So far as the yardstick or touchstone to fulfill the condition of length of service, Regulation No.4.20 spells out in simple terms that no promotion shall be made to the post in BPS-18 and above unless the employee has completed minimum length of service for such promotion and according to the table jot down in this Regulation for promotion to the post in BPS-18, five years of service in BPS-17 was required; whereas for promotion to a post in BPS-19, the threshold of twelve years of service in BPS-17 and above was to be completed and for promotion to the post in BPS-20, seventeen years of service was required in BPS-17 and above.

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5. Undoubtedly, the respondents are regular employees of CDA. They were considered for promotion on the basis of their seniority. Their promotion to the post of Assistant Directors in BS-17 was recommended by DPC after due consideration of credentials and ACRs and the Competent Authority, vide office order dated 13.02.2012, approved the promotion of respondents to the post of Assistant Director (BS-17) in Engineering Cadre on acting charge basis with immediate effect. The record reflects that the promotion of the respondents was actualized vide office order dated 14.03.2013 but the said office order was withdrawn/cancelled vide another office order dated 02.08.2013 without assigning any reason or notice.

6. As a rule, the Departmental Promotion Committee is constituted by the Competent Authority to consider promotion and making recommendations. The promotions of employees/civil servants are generally decided on the basis of recommendations made by the Departmental Promotion Committee which is entrusted an onerous and arduous task to judge the suitability of officers for promotions to selection and or non-selection posts after assessment of performance, conduct, aptness and qualification with certain guidelines to standardize and synchronize the assessment benchmarks of all contenders in a fair, unbiased and transparent manner keeping in view the "dossier" (detailed

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of documents concerning a particular person or matter) or working paper including ACRs of every individual officer/employee.

7. This was not the case that some illegality was committed by DPC members or they did not consider the credentials or antecedents of the each contender prudently and forwarded the recommendation in a slipshod manner for approval. Once the recommendations of DPC were acted upon and respondents were promoted, a vested right was created in their favour which could not have withdrawn in such a inconsiderate and casual manner. In the case of Chairman, Central Board of Revenue and another vs. Muhammad Malook and 11 others (1999 SCMR 1540), this Court in nutshell held that once a person was recommended for promotion by the Departmental Promotion Committee after having found him fit and the recommendation of the D.P.C. was accepted by the competent Authority, a right was created in his favour. Similarly, in the case of Province of Sindh through A.G., Sindh, Karachi vs. Kazi Siraj Ahmad (2002 SCMR 862), again this court held that the Departmental Promotion Committee recommended the case of the respondent for promotion and Senior Member, Board of Revenue being the competent authority issued the notification which was not in violation of any rules, so the Service Tribunal had rightly considered the case of the respondent while allowing the appeal. In the instant case, on the face of it, neither any fault or defect of respondents was pointed out by CDA nor any oversight or error on the part of DPC members or its composition or jurisdiction which could result an unceremonious withdrawal of promotion order after considerable period. In these set of circumstances, the doctrine of vested right is quite applicable which conserves that once a right is lawfully created, its existence should be recognized and acknowledged, therefore the benefit of promotions earned on DPC recommendations have become an undeniable and incontrovertible right of the respondents which could not be cancelled or withdrawn. Another shortcoming and unlawfulness is that no prior notice or justification was even shown in the cancellation letter which is flagrant violation of well settled principle of natural justice which is firmly established and deep rooted in the judicial conscience to be entrenched and embedded in every decision making function either judicial, quasi-judicial or administrative which is a fundamental rule of law that no decision must be taken affecting the right of any person without first being informed of the case

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and affording an ample opportunity of defence. In the likewise context and perception, due process is also a prerequisite that needs to be respected at all stratum. In our Constitution, right to fair trial is a fundamental right under Article 10-A which constitutional reassurance envisaged the standards that courts must uphold in order to protect peoples fundamental rights of fair trial and due process of law. This Court in the case of Warid Telecom (Pvt.) Limited vs. Pakistan Telecommunication Authority, (2015 SCMR 338) has held that whenever adverse action was being contemplated against a person a notice and/or opportunity of hearing was to be given to such person. Said principle is a fundamental right under Article 10-A in the Constitution. However, both the requirements of a notice and providing an opportunity of a hearing may also be dispensed with in certain type of cases e.g. where such requirement would cause "more injustice than justice" or it was not in the "public interest". The Indian Supreme Court in the case of Karnataka Public Service Commission vs. B. M. Vijaya Shankar (AIR 1992 Supreme Court 952) stated that, when meeting the requirement of notice and providing an opportunity of hearing will cause "more injustice than justice" or it is not in the "public interest" the same may be withheld. In the case of Muhammad Amin Muhammad Bashir Limited vs. Government of Pakistan through Secretary Ministry of Finance, Central Secretariat, Islamabad and others (2015 SCMR 630), this Court held that the exercise of any discretionary power must be rational and have a nexus with the objective of underlying legislation. Section 24A of the General Clauses Act, 1897, reiterates the principle that statutory power is to be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment and further clarifies that an executive authority must give reasons for its decision. Any action by an executive authority which is violative of these principles is liable to be struck down.

8. The existing Rules or Regulation if amended and notified by CDA will obviously come into field prospectively and not retrospectively. No such ground or reason was assigned in the withdrawal/cancellation order, albeit, the alleged intention or idea to amend the rules or regulation could not justify to undo or withdraw the promotion orders of the respondents under the garb of future amendments of rules/regulation which are non est. If Rules are amended, the CDA would not be

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able to upset or disturb the past and closed transaction. It is not the case of CDA that promotion was accorded to the respondents due to some misunderstanding, error, misconception of law or without sanction of competent authority therefore, the principle of locus poenitentiae is also attracted to ameliorate and ventilate the sufferings of the respondents.

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9. Though the learned counsel for the petitioners also articulated that the promotion was withdrawn in view of the judgment of Maula Bux Shaikh and others vs. Chief Minister Sindh and others (ibid). In the above case, the petitioner Maula Bux Shaikh in Service Appeal challenged a Notification to be ultra vires to the Pakistan Engineering Council Act, 1976 (PEC Act) on the ground that his chance for promotion as Executive Engineer BS-18 was diminished for the reason that said notification provided 13% promotion quota to Diploma holders and 7% promotion quota to B.Tech (Hons.) Degree holders for the post of Executive Engineer BS-18. This Court held that it is exclusively within the domain of the Government to decide whether a particular qualification will be considered sufficient for promotion from a particular Grade to a higher Grade and it is also within the domain of the Government to change the above policy from time to time as nobody can claim any vested right in the policy. Though the petition was dismissed but with a note of caution that Government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act, who does not possess accredited engineering qualification from the accredited engineering institution and his name is not registered as a registered engineer or professional engineer under the PEC Act. The judgment in the Maula Bux Shaikh's case (supra) does not suggest or permit in any way to withdraw promotion orders unceremoniously as done by CDA in this case but the premise of the case was altogether different and does not support the contention of CDA in this case. As a matter of fact the above petition was dismissed with a note of caution in the larger public interest that Government shall not allow or permit any person to perform professional engineering work unless he possess accredited engineering qualification and registered as engineer or professional engineer under the PEC Act.

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10. In view of what has been discussed above, we are not persuaded to take a view different from the one taken by the learned High Court. Accordingly, this Civil Petition is dismissed and leave refused.

Sd/- CJ
Sd/- J



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Certified to be True Copy

ISLAMABAD
1st, December, 2021
Not approved for reporting

Senior Court Associate
Supreme Court of Pakistan
Islamabad



CR No: 1198/22 Civil/Criminal
Dt. of Presentation: 19/11/22
2022/06/14/22-15 Rawalpindi-Punjab-22
No. of Words: 2/00
No. of Pages: 1/00

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GOVERNMENT OF PUNJAB
PUBLIC HEALTH ENGINEERING DEPARTMENT
Punjab, Pakistan, the December 22, 2021

TERRITORY SENIORITY LIST OF P. JALALI/JOINT/FORMAL/ADVA HIGHER ASSIGNMENT ENGINEERS
SUN DIVISIONAL OFFICER (REG-17) PUBLIC HEALTH ENGINEERING DEPARTMENT, PUNJAB, PAKISTAN
AS ANNOUNCED BY P. J. 23.12.2021

Seniority No	Name	Academic Qualification	Date of Birth	Qualifica	Date of 1 st Entry in the Govt. Service	Date of appointment in present grade	Remarks
1.	Syed Zeeshan Hussain Kozani	B. Tech (Hons)	11-10-1971	Administrative	20-02-1993	25-10-2013	
2.	Muhammad Yousaf	B. Tech (Hons)	10-04-1963	Admin	27-03-1993	25-10-2013	
3.	Sajid Ali	D.A.E (Civil)	01-03-1962	Swathi	09-09-1984	13-02-2015	
4.	Imtiaz Hussain	D.A.E (Civil)	18-09-1963	Rozal	05-04-1981	07-01-2017	
5.	Muhammad Khan	D.A.E (Civil)	08-02-1963	Punjab	20-11-1984	04-01-2018	
6.	Latif Khan	D.A.E (Civil)	18-04-1963	Udham	30-11-1984	25-04-2019	
7.	Muhammad Younis	D.A.E (Hons)	20-09-1964	O.I. Khan	08-01-1985	25-04-2019	
8.	Muhammad Ali	DAE (Civil)	21-01-1964	Swathi	26-12-1985	15-12-2020	
9.	Muhammad Ijaz	DAE (Civil)	01-01-1965	Swathi	10-13-1985	15-12-2020	
10.	Shahid Saeed	DAE (Civil)	26-08-1965	Administrative	23-17-1985	15-12-2020	
11.	Aamir Khan	D.A.E (Civil)	08-04-1965	Swathi	19-07-1985	15-12-2020	
12.	Hayat Muhammad	B.Tech (Hons)	01-05-1965	Swathi	20-08-1985	15-12-2020	
13.	Muhammad Usman	D.A.E (Civil)	02-02-1965	Swathi	09-02-1986	13-07-2021	
14.	Khuda-Us-Shan	D.A.E (Civil)	10-03-1964	Swathi	18-03-1987	13-07-2021	
15.	Muhammad Shafiq Shah	DAE (Civil)	01-05-1963	Swathi	20-10-1987	10-07-2021	
16.	Muhammad Aslam	DAE (Civil)	09-09-1963	Swathi	11-10-1987	10-07-2021	

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SECTION OFFICER (REG-17)

22.12.2021

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Reviewed with Care

TENTATIVE SENIORITY LIST OF ASSISTANT ENGINEERS/SDOs BS-17
COMMUNICATION AND WORKS DEPARTMENT As Stood On 20.01.2022

Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/Promotion in Present Grade
(1)	(2)	(3)	(4)	(5)	(6)	(7)
01	Nadia Bashir	B.Sc (Civil)/ MS (Transportation)	29/01/1986	Abbottabad	24/12/2010	24/12/2010
02	Muhammad Imran	B.Sc/M.Sc (Civil)	20/08/1985	Swat	24/12/2010	24/12/2010
03	Muhammad Asad	B.Sc (Civil)	24/12/1963	Kohat	07/12/1990	24/01/2012
04	M. Ikramullah Khan	B.Sc (Mech)	14/02/1989	S.W. Agency	06/03/2013	06/03/2013
05	Salih Dar	B.Sc (Civil)	15/02/1980	Dir	22/04/2013	22/04/2013
06	Fawad Bilal	B.Sc (Civil)	18/04/1988	Dir Upper	22/04/2013	22/04/2013
07	Muhammad Ayaz	B.Sc (Civil)/MS (Constrn/Management)	10/04/1989	Malakand	22/04/2013	22/04/2013
08	Ahmad Ali	B.Sc (Civil)	09/05/1989	Mansehra	22/04/2013	22/04/2013
09	Umer Hayat	B.Sc (Civil)	02/03/1975	Karak	22/04/2013	22/04/2013
10	Khalid Usman	B.Sc (Civil)	02/02/1978	F.R. Kohat	30/04/2013	30/04/2013
11	Hayatullah Noor	B.Sc (Civil)	19/04/1979	N.W. Agency	30/04/2013	30/04/2013
12	Hayatullah Jan	B.Sc (Civil)	03/03/1965	Lakki Marwat	12/12/1990	03/07/2013
13	Zahoor Ellahi Baig	B.Sc (Civil)	07/01/1964	Haripur	16/03/1988	03/07/2013
14	Shahid Nawaz	B.Sc (Civil)	01/08/1964	Peshawar	19/02/1990	19/05/2014
15	Muhammad Asghar Khan	B.Sc (Civil)	30/12/1964	Swabi	17/03/1988	19/05/2014
16	Sher Bahadar	B.Sc (Civil)	03/05/1965	Dir Lower	19/12/1990	13/10/2015
17	Muhammad Ghazanfarullah	B-Tech (Hons)	04/05/1964	Bannu	21/10/1986	04/11/2016

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
18	Shaukat Ullah Shah	B-Tech (Hons)	28/08/1962	Lakki Marwat	14/03/1988	04/11/2015	
19	Faizan Akbar	B.Sc/M.Sc (Civil)	20/04/1990	Swabi	10/05/2017	10/05/2017	
20	Muhammad Junaid	B.Sc (Civil)/M.S (Trans)	17/02/1991	DIKhan	10/05/2017	10/05/2017	
21	Iftikhar Qayum	B.Sc (Civil)	01/05/1992	Karak	10/05/2017	10/05/2017	
22	Nasir Iqbal	B.Sc (Civil)/M.S (Trans)	18/07/1989	Malakand	10/05/2017	10/05/2017	
23	Wasim Akbar	B.Sc (Civil)	06/05/1988	Abbottabad	10/05/2017	10/05/2017	
24	Muhammad Ishaq	B.Sc (Civil)	10/01/1991	FR Peshawar	14/07/2017	14/07/2017	
25	Khushdil Khan	B.Sc (Civil)	01/06/1992	Lakki Marwat	10/05/2017	10/05/2017	
26	Abdullah	B.Sc (Civil)	15/03/1985	Swabi	10/05/2017	10/05/2017	
27	Umair Ahmed Jan	B.Sc (Civil)	26/10/1994	Mansehra	10/05/2017	10/05/2017	
28	Akbar Mehboob Khattak	B.Sc (Civil)	01/01/1990	Nowshera	10/05/2017	10/05/2017	
29	Imran Khan	B.Sc/M.Sc (Civil)	01/04/1989	Orakzai Agy	14/07/2017	14/07/2017	
30	Ali Rehman	B-Tech (Hons)	12/11/1964	Malakand	13/03/1988	04/01/2018	
31	Muhammad Idrees Afizai	DAE (Civil)	01/06/1962	DIKhan	16/12/1981	04/01/2018	
32	Waseem Shah	B.Sc (Civil)	01/01/1994	Malakand	26/08/2019	26/08/2019	
33	Tariq Murtaza	B.Sc (Civil)	08/10/1991	Peshawar	26/08/2019	26/08/2019	
34	Bilawal Hussain	B.Sc (Civil)/MS (Geo)	03/08/1993	Swabi	26/08/2019	26/08/2019	
35	Sahibzada Fahad Noor	B.Sc/MS (Civil)	07/12/1990	Peshawar	26/08/2019	26/08/2019	
36	Jawad Ali	B.Sc (Civil)	04/03/1991	Mohmand agy	26/08/2019	26/08/2019	
37	Zia Ullah	B.Sc (Civil)	15/01/1994	Shangla	26/08/2019	26/08/2019	
38	Abdur Rehman	B.Sc (Civil)	08/05/1994	Mardan	26/08/2019	26/08/2019	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Ist Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
39	Saleem Khan	B.Sc (Civil)	18/01/1990	Swat	26/08/2019	26/08/2019	
40	Jehan Zeb	B.Sc (Civil)	11/09/1990	Khyber Agy	26/08/2019	26/08/2019	
41	Zia-ur-Rehman	B.Sc (Civil)	15/04/1986	Karak	26/08/2019	26/08/2019	
42	Danish Ali	B.Sc (Civil)	01/09/1995	Haripur	26/08/2019	26/08/2019	
43	Mahrugh Naseem	B.Sc (Civil)	18/08/1993	Peshawar	26/08/2019	26/08/2019	
44	Manzoor Ellahi	DAE (Civil)	20/09/1962	Peshawar	18/02/1982	07/10/2019	
45	Saeedullah	B-Tech (Hons)	13/07/1964	Kohat	14/03/1988	07/10/2019	
46	Muhammad Jamshid	B-Tech (Hons)	15/04/1967	Swabi	14/03/1988	07/10/2019	
47	Sher Ali Khan	B-Tech (Hons)	31/12/1962	Malakand	19/03/1988	07/10/2019	
48	Niamat Gul	B-Tech (Hons)	12/01/1963	Malakand	19/03/1988	07/10/2019	
49	Ajmal Anwar	B-Tech (Hons)	06/09/1966	Mardan	19/03/1988	07/10/2019	
50	Faisal Saeed	B-Tech (Hons)	02/11/1962	Mardan	28/03/1988	07/10/2019	
51	Aurangzeb-I	B-Tech (Hons)	21/05/1964	Peshawar	13/05/1987	07/10/2019	
52	Jehanzeb	B-Tech (Hons)	15/04/1962	Bannu	16/12/1990	07/10/2019	
53	Farhat Ali	B-Tech (Hons)	02/04/1965	Peshawar	12/12/1990	07/10/2019	
54	Muhammad Humayun	B-Tech (Hons)	31/08/1965	Lakki Marwat	06/12/1990	07/10/2019	
55	Muhammad Najeeb	DAE (Civil)	15/04/1962	Abbottabad	18/05/1982	21/04/2020	
56	Iftikhar Khan Babar	DAE (Civil)	22/02/1962	Peshawar	14/03/1985	21/04/2020	
57	Nasim Ahmad Shah	DAE (Civil)	10/12/1963	Peshawar	19/05/1985	21/04/2020	
58	Nasrullah Khan	B-Tech (Hons)	05/01/1966	Dir Lower	22/12/1990	21/04/2020	
59	Azhar Ali	B-Tech (Hons)	28/10/1966	Peshawar	15/12/1990	21/04/2020	
60	Abdul Baqi	B.Sc (Civil)	19/11/1995	Buner	03/06/2021	03/06/2021	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
61	Muhammad Zuhair	B.Sc (Civil)	30/03/1996	Charsadda	03/06/2021	03/06/2021	
62	Allah Yar Khan	B.Sc (Civil)	01/08/1996	Mansehra	03/06/2021	03/06/2021	
63	Naveed Mehmood	B.Sc (Civil)	19/11/1995	Malakand	03/06/2021	03/06/2021	
64	Hassan Sardar	B.Sc (Civil)	01/05/1996	Charsadda	03/06/2021	03/06/2021	
65	Babar Saleem	B.Sc (Civil)	18/08/1993	Peshawar	03/06/2021	03/06/2021	
66	Abbas Khan	B.Sc/M.Sc (Civil)	02/02/1995	Swabi	03/06/2021	03/06/2021	
67	Hidayat Ullah	B.Sc (Civil)	12/09/1994	Karak	03/06/2021	03/06/2021	
68	Hassan Zahid	B.Sc/M.S (Civil)	15/06/1993	Mansehra	03/06/2021	03/06/2021	
69	Shams-ur-Rehman	B.Sc (Civil)	15/01/1990	Lakki Marwat	03/06/2021	03/06/2021	
70	Muhammad Ismail Afridi	B.Sc (Civil)	17/12/1996	Khyber Agy	03/06/2021	03/06/2021	
71	Zahid Mehmood	B.Sc (Civil)	16/04/1991	F.R. Tank	03/06/2021	03/06/2021	
72	Uzma Bibi	B.Sc (Civil)	20/03/1996	Dir Lower	03/06/2021	03/06/2021	
73	Maham Tariq	B.Sc (Civil)	16/09/1997	Peshawar	03/06/2021	03/06/2021	
74	Aziz Ullah	B.Sc (Civil)	15/03/1993	S.W. Agency	03/06/2021	03/06/2021	
75	Labiha Imtiaz	B.Sc (Civil)	16/05/1998	Abbottabad	03/06/2021	03/06/2021	
76	Ram Chand	B.Sc (Civil)	05/07/1996	Buner	03/06/2021	03/06/2021	
77	SHIVA	B.Sc/M.S (Civil)	05/03/1988	DIKhan	03/06/2021	03/06/2021	
78	Ashbeel	B.Sc (Civil)	15/11/1996	Charsadda	31/08/2021	31/08/2021	
79	Nouman Nasir	B.Sc (Civil)	07/09/1997	Charsadda	31/08/2021	31/08/2021	
80	Mushtaq Ali	DAE (Civil)	30/09/1964	N.W.Agency	08/11/1986	20/01/2022	
81	Saif-ur-Rehman	DAE (Civil)	18/11/1962	Kohat	03/08/1987	20/01/2022	
82	Yaqoob Khan	DAE (Civil)	19/03/1962	N.W.Agency	13/03/1988	20/01/2022	
83	Shahzad Hassan	DAE (Civil)	05/04/1962	Peshawar	13/03/1988	20/01/2022	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
84	Muhammad Javed	DAE (Mech)	02/09/1962	D.I.Khan	13/03/1988	20/01/2022	
85	Sameeullah	DAE (Civil)	01/06/1963	Kohat	13/03/1988	20/01/2022	
86	Abdul Waheed	DAE (Civil)	30/08/1963	D.I.Khan	13/03/1988	20/01/2022	
87	Muhammad Sajjad	DAE (Civil)	21/04/1966	Peshawar	13/03/1988	20/01/2022	
88	Syed Nawazish Ali Shah	DAE (Elect)	06/03/1962	Mansehra	14/03/1988	20/01/2022	
89	Sadiq Ullah	DAE (Civil)	15/03/1963	N.W.Agency	14/03/1988	20/01/2022	
90	Fazal Rehman	DAE (Civil)	27/03/1965	D.I.Khan	14/03/1988	20/01/2022	
91	Ahmad Ali	DAE (Civil)	11/04/1965	N.W.Agency	14/03/1988	20/01/2022	
92	Shad Muhammad Khan	DAE (Civil)	16/04/1965	Mansehra	14/03/1988	20/01/2022	
93	Salah-ud-Din	DAE (Civil)	28/06/1965	Mansehra	14/03/1988	20/01/2022	
94	Nihar Gul	DAE (Civil)	07/01/1963	Mardan	15/03/1988	20/01/2022	
95	Muneeb Khan	DAE (Civil)	16/04/1964	Mohmand Agy	15/03/1988	20/01/2022	
96	Syed Azmat Ali Shah	DAE (Civil)	15/12/1963	Mansehra	16/03/1988	20/01/2022	
97	Mashal Khan	DAE (Civil)	02/02/1964	Lakki Marwat	16/03/1988	20/01/2022	
98	Shabir Ahmad	B.Sc (Civil)	31/03/1964	Swat	20/12/1990	20/01/2022	
99	Tariq Afzal	B.Sc (Civil)	01/04/1968	N.W.Agency	20/04/1995	20/01/2022	
100	Aurangzeb-II	B.Sc (Civil)	30/03/1966	Malakand	14/03/1988	20/01/2022	
101	Muhammad Rafiq Shinwari	B-Tech (Hons)	15/04/1964	Malakand	12/12/1990	20/01/2022	
102	Shujaat Ali	B-Tech (Hons)	20/02/1963	Charsadda	12/12/1990	20/01/2022	
103	Mumtaz Alam	B-Tech (Hons)	01/06/1964	Malakand	23/12/1990	20/01/2022	
104	Naqeebullah Khattak	B-Tech (Hons)	02/01/1971	Karak	27/06/1994	20/01/2022	
105	Muhammad Farooq	B-Tech (Hons)	01/01/1973	Mardan	23/04/1995	20/01/2022	
106	Niamatullah Khan	B-Tech (Hons)	06/05/1967	S.W.Agency	27/04/1995	20/01/2022	

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TENTATIVE SENIORITY LIST OF EXECUTIVE ENGINEERS BS-18
COMMUNICATION AND WORKS DEPARTMENT As Stood On 20.01.2022

Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domlclic	Date of 1st Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
01	Muhammad Tariq	B.Sc. (Civil)	03/06/1964	DIKhan	12/11/1989	15/03/2011	
02	Azmatullah	B.Sc (Civil)	05/01/1979	N.W.Agy	28/05/2007	09/12/2014	
03	Muhammad Asif Imran	B.Sc (Civil)	15/12/1979	Bannu	28/05/2007	18/09/2015	
04	Mushtaq Ahmed	B.Sc (Civil)	15/10/1968	SW Agency	24/04/1995	28/03/2017	
05	Khurshid Iqbal	B.Sc (Civil)	21/08/1977	Mansehra	28/05/2007	28/03/2017	
06	Mohammad Shahid	B.Sc (Civil)	05/08/1980	DI Khan	14/06/2007	28/03/2017	
07	Amir Jamal	B.Sc (Civil)	28/02/1978	Mansehra	14/06/2007	28/03/2017	
08	Amir Jan	B.Sc (Civil)	01/04/1965	Lakki	13/12/1990	21/11/2019	
09	Adnan	B.Sc (Civil)	28/02/1978	Mohmand Agy	02/04/2008	28/03/2017	
10	Inayatullah	B.Sc (Civil)	15/05/1975	FR Tank	02/04/2008	28/03/2017	
11	Tufail Ahmad	B.Sc/MS (Civil)	15/08/1981	Mardan	02/04/2008	28/03/2017	
12	Sajjad Haider Jan	B.Sc (Civil)	11/05/1970	Swat	23/04/1995	28/03/2017	
13	Muhammad Ali Khan	B.Sc (Civil)	15/02/1978	Lakki Marwat	30/12/2008	14/11/2017	
14	Muhammad Zubair	B.Sc (Civil)	05/04/1985	N.W.A.	30/12/2008	14/11/2017	
15	Abdus Salam	B.Sc (Civil)	04/10/1972	N.W.A.	03/07/1994	18/05/2018	
16	Shafeeq-ur-Rehman	B.Sc/M.Sc(Civil)	14/04/1983	Abbottabad	17/03/2009	14/11/2017	
17	Muhammad Arif	B.Sc (Civil)	20/04/1965	Peshawar	11/12/1990	18/05/2018	
18	Shahab Ahmad	B.Sc/M.Sc (Civil)	10/04/1984	Peshawar	21/10/2010	08/10/2018	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
19	Abdul Samad	B.Sc (Civil)	01/01/1986	Swat	21/10/2010	08/01/2019	
20	Ghulam Moin-ud-Din	B.Sc (Civil)	22/02/1986	Peshawar	24/12/2010	08/01/2019	
21	Naveed Khan	B.Sc (Civil)	05/04/1986	Peshawar	24/12/2010	08/01/2019	
22	Sami Ullah	B.Sc/M.Sc (Civil)	15/04/1986	Tank	24/12/2010	08/01/2019	
23	Fawad Ahmad Abbasi	B.Sc (Civil)	12/07/1986	Abbottabad	24/12/2010	08/01/2019	
24	Zeeshan Ahmad	B.Sc/M.Sc (Civil)	10/05/1985	Mohmand Agy	24/12/2010	08/01/2019	
25	Arsalan Zeb	B.Sc (Civil)	17/04/1986	Swabi	24/12/2010	08/01/2019	
26	Shaukat Ullah	B.Sc (Civil)	12/10/1969	S.W.Agency	24/12/2010	08/01/2019	
27	Muhammad Irfan	B.Sc/M.Sc (Civil)	01/07/1978	Karak	24/12/2010	08/01/2019	
28	Shahab Khan	B.Sc (Civil)	01/01/1981	DIKhan	24/12/2010	08/01/2019	
29	Muhammad Shoaib	B.Sc /M.Sc(Civil)	23/05/1985	Kohat	24/12/2010	08/01/2019	
30	Waqas Ali Shah	B.Sc (Civil)	01/04/1987	Peshawar	24/12/2010	10/05/2019	
31	Zarak Farooq	B.Sc (Civil)	16/12/1987	Nowshera	24/12/2010	10/05/2019	
32	Abdul Wadood	B.Sc (Civil)	14/08/1984	Karak	24/12/2010	10/05/2019	
32	Azam Amir	B.Sc (Civil)	05/09/1985	Peshawar	24/12/2010	10/05/2019	
32	Riaz Wali Shah	B.Sc (Civil)	11/03/1981	Chitral	24/12/2010	10/05/2019	
34	Muhammad Kamal	B.Sc (Civil)	20/04/1983	Lakki Marwat	24/12/2010	09/10/2019	
35	Muhammad Riaz Khan	B.Sc/M.Sc (Civil)	10/12/1978	N.W.Agency	24/12/2010	09/10/2019	
36	Waqas Arshad Tanoli	B.Sc (Civil)/PhD	23/01/1988	Abbottabad	24/12/2010	05/08/2021	
37	Babar Majeed	B.Sc (Civil)	18/02/1984	Peshawar	24/12/2010	05/08/2021	
38	Safeer Gul	B.Sc (Civil)	10/04/1984	Mansehra	24/12/2010	24/12/2010	
39	Rafi Ullah	B.Sc (Civil)	05/04/1985	Lakki Marwat	24/12/2010	05/08/2021	
40	Fareeha Malahat	B.Sc/M.Sc (Civil)	24/11/1985	Peshawar	24/12/2010	05/08/2021	
41	Muhammad Naeem	B.Sc (Civil)	05/02/1986	Haripur	24/12/2010	05/08/2021	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
42	Inayat-ur-Rahman	B.Sc/M/Sc (Civil)	20/04/1986	Mardan	24/12/2010	05/08/2021	
43	Fazli Wahab	B.Sc (Civil)	09/05/1987	Malakand	24/12/2010	05/08/2021	
44	Muhammad Bilal Afzal	B.Sc (Civil)/MS (Envt)	20/01/1988	Abbottabad	24/12/2010	05/08/2021	
45	Syed Hakim Shah	B.Sc (Civil)	13/06/1977	UDA Hazara	24/12/2010	05/08/2021	
46	Muhammad Riaz	B.Sc (Civil)	07/04/1980	Hangu	24/12/2010	05/08/2021	
47	Aamir Javaid	B.Sc (Civil)	03/06/1987	Peshawar	24/12/2010	05/08/2021	
48	Mehdi Raza	B.Sc (Civil)	10/02/1985	Kurram Agy	24/12/2010	05/08/2021	
49	Waqas Khan	B.Sc (Civil)	15/12/1985	Nowshera	24/12/2010	10/01/2022	
50	Muhammad Afaq Khalid	B.Sc (Civil)	18/03/1987	Hangu	24/12/2010	05/08/2021	
51	Muhammad Zahid	B.Sc (Civil)	10/03/1987	UDA Mansehra	24/12/2010	05/08/2021	
52	Abid Ali	B.Sc/MS (Civil)	30/06/1978	Mohmand Agy	24/12/2010	05/08/2021	
53	Khalid Mehmood	B.Sc (Civil)	01/03/1983	S.W.Agency	24/12/2010	05/08/2021	
54	Muhammad Umair Anwar	B.Sc (Civil)	30/06/1987	Battagram	24/12/2010	05/08/2021	
55	Mohsin Zafar	B.Sc (Civil)	16/09/1982	Peshawar	24/12/2010	05/08/2021	
56	Sifat Ullah Khan	B.Sc (Civil)	02/02/1983	FR Bannu	24/12/2010	05/08/2021	
57	Sayad Nasir Jehan	B.Sc/MS (Civil)	24/06/1984	Buner	24/12/2010	05/08/2021	
58	Farman Ullah	B.Sc (Civil)/ M.Sc (Geo Tech Engg)	06/03/1985	Karak	24/12/2010	05/08/2021	
59	Azmat Ullah	B.Sc/MS (Civil)	04/04/1986	S.W.Agency	24/12/2010	05/08/2021	
60	Zia-Ul-Islam	B.Sc (Civil)	02/02/1987	N.W.Agency	24/12/2010	05/08/2021	
61	M.Usman Yousaf Shinwari	B.Sc(Civil)/ MS (Engr. Mang)	25/06/1987	Kohat	24/12/2010	05/08/2021	
62	Shahab-ud-Din	B.Sc (Civil)	02/05/1977	Nowshera	24/12/2010	05/08/2021	

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Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
63	Ahmad Zeb Khan Afridi	B.Sc (Civil)	12/08/1984	Peshawar	24/12/2010	05/08/2021	
64	Abdul Tahir Jamil	B.Sc/MS (Civil)	27/01/1985	Swabi	24/12/2010	05/08/2021	
65	Muhammad Nissar Khan	B.Sc (Civil)	05/04/1985	S.W.Agency	24/12/2010	05/08/2021	
66	Imad Ahmad	B.Sc (Civil)	01/04/1988	Peshawar	24/12/2010	05/08/2021	
67	Maqbool-e-Azam	B.Sc (Civil)	08/02/1976	Chitral	24/12/2010	05/08/2021	
68	Javed Iqbal Khan	B.Sc (Civil)	13/06/1977	N.W.Agency	24/12/2010	05/08/2021	
69	Shah Nawaz Khan	B.Sc/MS (Civil)	07/04/1980	Malakand	24/12/2010	05/08/2021	
70	Farman Ullah	B.Sc (Civil)	25/03/1987	Hangu	24/12/2010	05/08/2021	
71	Abid Khan	B.Sc (Civil)	04/04/1980	Malakand	24/12/2010	05/08/2021	
72	Nouman Bashir	B.Sc (Civil)	14/08/1978	DIKhan	24/12/2010	05/08/2021	
73	Haseeb-ur-Rehman	B.Sc (Civil)	04/11/1985	Abbottabad	24/12/2010	05/08/2021	
74	Inham-ul-Haq	B.Sc (Civil)	30/03/1987	Abbottabad	29/10/2011	05/08/2021	
75	Yasir Mehmood	B.Sc (Civil)	01/09/1984	Haripur	29/10/2011	05/08/2021	
76	Javairia Naseem Goira	B.Sc (Civil)	23/12/1987	Mansehra	29/10/2011	05/08/2021	
77	Javeria Taimur	B.Sc (Civil)	06/09/1986	Peshawar	29/10/2011	05/08/2021	
78	Rabia Hanan	B.Sc (Civil)	23/03/1988	Peshawar	29/10/2011	05/08/2021	
79	Shahana Mujeeb	B.Sc/M.Sc (Civil)	30/09/1987	Peshawar	29/10/2011	10/01/2022	
80	Afzal Khan	B.Sc (Civil)	27/09/1963	Charsadda	12/12/1990	10/01/2022	
81	Mian Iqbal Shah	B.Sc (Civil)	10/04/1963	Nowshera	16/12/1990	10/01/2022	

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2-31

Sl. No.	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
82	Allah Nawaz	B.Sc (Civil)	05/06/1965	DIKhan	11/12/1990	10/01/2022	
83	Obaidullah	B.Sc (Civil)	01/04/1963	Karak	12/12/1990	10/01/2022	
84	Wajid Ali	B.Sc (Mech)	13/01/1966	Charsadda	24/12/1990	10/01/2022	
85	Shah Faisal	B.Sc (Civil)	21/02/1964	Kohat	14/03/1988	10/01/2022	
86	Hamraz Khan	B.Sc (Civil)	10/04/1964	Karak	15/03/1988	10/01/2022	
87	S.Mujtaba Hussain	B.Sc (Civil)	02/01/1989	Kurram Agcy	30/04/2013	10/01/2022	
88	Wahidullah	B.Sc/MS (Civil)	10/12/1981	F.R.Tank	07/05/2013	10/01/2022	
89	Saud Khan	B.Sc (Civil)	14/08/1985	Swabi	22/04/2013	10/01/2022	
90	Najm-ud-Din	B.Sc (Elect)	12/01/1987	Dir Lower	06/03/2013	10/01/2022	
91	Shahroon Khalil	B.Sc (Mech)	01/03/1989	Peshawar	06/03/2013	10/01/2022	
92	Zahid Hussain	B.Sc (Elect)	25/03/1986	Kurram Agcy	06/03/2013	10/01/2022	
93	Tahira Gul	B.Sc (Civil)	03/05/1989	Haripur	22/04/2013	10/01/2022	
94	Shahzad Naseer	B.Sc (Civil)	09/07/1986	Mardan	22/04/2013	10/01/2022	
95	Muhammad Irshad	B.Sc (Civil)	03/07/1978	Nowshera	22/04/2013	10/01/2022	
96	Shariq Pervez	B.Sc (Civil)	06/07/1989	Peshawar	22/04/2013	10/01/2022	

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**TENTATIVE SENIORITY LIST OF SUPERINTENDING ENGINEERS BS-19
COMMUNICATION AND WORKS DEPARTMENT As Stood On 20.01.2022**

Sl No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry Into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Shakir Habib	B. Sc. (Civil)	30/03/1964	Kohat	26/05/1988	05/06/2015	24.3.24
2.	Ahmad Nabi Sultan	B. Sc. (Civil)	30/01/1964	Swat	26/09/1987	01/09/2016	29.1.24
3.	Muhammad Nawaz	B. Sc. (Civil)	15/02/1962	Mohmand	26/05/1988	21/11/2019	14.02.22
4.	Muhammad Tariq-I	B. Sc. (Civil)	12/01/1964	Malakand	26/05/1988	09/10/2018	11.01.24
5.	Jamil Ahmad	B. Sc. (Civil)	20/11/1962	Malakand	16/09/1987	22/01/2019	19.11.22
6.	Muhammad Adil	B. Sc. (Civil)	05/08/1964	Peshawar	16/09/1987	25/01/2019	04.08.24
7.	Syed Yousaf Shah	B.Sc. (Civil)	03/03/1963	Mansehra	22/09/1987	11/08/2021	2.03.23
8.	Luqman Shafi Khattak	B.Sc. (Civil)	10/11/1962	Karak	09/01/1988	11/08/2021	9.11.22
9.	Amin-ul-Khalig	B.Sc/M.S(Civil)	08/12/1962	Dir	11/10/1989	11/08/2021	7.12.22
10.	Zulfiqar Ali	B.Sc. (Civil)	27/06/1963	Peshawar	05/03/1990	11/08/2021	26.06.23
11.	Shahzad Afzal Khan	B.Sc (Civil) MS (Envt)	01/08/1964	Peshawar	05/03/1990	11/08/2021	31.7.24
12.	Ejaz Ahmad	B.Sc/M.Sc (Civil)	14/04/1967	Charsadda	12/11/1989	11/08/2021	13.04.27
13.	S.Raffaqaat Shah	B.Sc (Civil)	08/04/1966	Abbottabad	01/07/1991	11/08/2021	07.04.26
14.	Jalal-ud-din Mahsud	B.Sc (Civil)	17/03/1967	S.W.Agency	01/07/1991	11/08/2021	16.03.27
15.	Muhammad Ali	B. Sc (Civil)	27/09/1965	Peshawar	01/07/1991	11/08/2021	26.09.25
16.	Mansoor Qadir	B. Sc. (Civil)	31/08/1970	Karak	03/12/1995	11/08/2021	30.08.30
17.	Jamshid Ali Khan	B. Sc. (Civil)	04/09/1971	Karak	03/12/1995	11/08/2021	03.09.31
18.	Naveed Iqbal	B. Sc. (Civil)	13/02/1971	Kohat	03/12/1995	11/08/2021	12.02.31

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Sl No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry Into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
19	Muhammad Istar	B. Sc/M.Sc (Civil)	12/04/1963	Peshawar	03/12/1995	11/08/2021	11.04.23
20	Noor Sahib Khan	B. Sc. (Civil)	01/01/1967	N.W.A.	03/12/1995	11/08/2021	31.01.27
21	Khalid Muhammad Wazir	B.Sc. (Civil)	24/12/1969	F.R. Bannu	15/01/1994	11/08/2021	23.12.29
22	Muhammad Arif Khan	B.Sc. (Civil)	20/10/1965	Malakand	03/12/1995	11/08/2021	19.10.25
23	Muhammad Sajid	B.Sc. (Civil)	25/09/1968	Malakand Agy	03/12/1995	10/01/2022	24.09.28
24	Imran Hussain	B.Sc (Civil)	03/10/1980	Mardan	28/05/2007	11/08/2021	2.10.40
25	Asad Ali	B.Sc (Civil)/M.Sc (transp)	01/04/1980	Kurram Agy	28/05/2007	11/08/2021	31.03.40
26	Sohail Idrees	B.Sc (Civil)	13/10/1976	Swabi	28/05/2007	10/01/2022	12.10.36
27	Qudratullah Khan	B.Sc (Civil)	25/01/1974	Bannu	28/05/2007	10/01/2022	24.01.34
28	Abid Ali	B.Sc (Civil)	02/04/1981	Peshawar	28/05/2007	11/08/2021	1.04.41
29	Muneer Khan	B.Sc (Civil)	11/10/1964	Malakand	02/05/1995	10/01/2022	10.10.24.

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**TENTATIVE SENIORITY LIST OF CHIEF ENGINEERS BS-20
COMMUNICATION AND WORKS DEPARTMENT As Stood On 20.01.2022**

Sl No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Muhammad Uzair	B.Sc/MS (Civil)	16/04/1963	Malakand	16/09/1987	28/05/2018	15.04.23
2.	Muhammad Tariq	B. Sc/MS (Civil)	10/04/1963	Malakand	16/09/1987	28/05/2018	9.04.23
3.	Ejaz Hussain Ansari	B. Sc. (Civil)	22/07/1962	D.I.Khan	26/05/1988	28/05/2018	21.07.22
4.	Shahid Hussain	B. Sc/MS(Civil)	03/04/1962	Peshawar	26/05/1988	12/10/2018	2.04.22
5.	Noor-us-Saeed Shah	B.Sc. (Civil)	02/03/1962	Mardan	26/05/1988	17/08/2021	01.03.22
6.	Amer Nadeem Durrani	B.Sc. (Civil)	28/04/1962	Peshawar	26/05/1988	17/08/2021	27.04.22
7.	Rafi-ud-Din	B. Sc. (Civil)	01/05/1962	Abbottabad	26/09/1987	17/08/2021	30.04.22
8.	Hamid Ajmal Khan	B. Sc. (Civil)	01/08/1962	Abbotabad	26/05/1988	17/08/2021	31.07.22
09	Bakht Rawan	B. Sc. (Civil)	05/03/1962	Malakand	26/05/1988	12/01/2022	04.03.22
10	Munir Hussain	B.Sc/M.S. (Civil)	10/04/1962	Mansehra	26/05/1988	12/01/2022	09.04.22

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EXTRAORDINARY
GOVERNMENT



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REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 07th FEBRUARY, 2022

GOVERNMENT OF KHYBER PAKHTUNKHWA PUBLIC HEALTH ENGINEERING DEPARTMENT

NOTIFICATION

Dated Peshawar, the 31st January, 2022.

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

AMENDMENTS

In the APPENDIX:-

(1) Under the heading "Engineering Cadre":

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

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

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

3-A	Technical Officer/Deputy Director (M&E) (BPS-18)	"By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Engineers/Assistant Design Engineers/ Sub Divisional Officers/Assistant Director: (Tech)/ Assistant Technical Officer/Assistant Director (M&E)/Assistant Director (Labs)/Assistant Director (Projects), who possesses Degree of B.Tech (Hons) or Diploma of Associate Engineering from a recognized University/ Board with five years' service as such." Note: For the purpose of promotion, joint seniority of B.Tech (Hons) & Diploma holders shall be reckoned from the date of promotion to BPS-17.
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- (iii) against serial No.04, in column No.05,
- (a) In clause (a), for the words "Five percent", the words "Two percent" shall be substituted;
 - (b) In clause (b), for the words "Five percent", the words "Three percent" shall be substituted;
 - (c) In clause (c), for the words "Three percent", the words "Eight percent" shall be substituted; and
 - (d) after clause (c), as so amended, the following Note shall be inserted; namely:

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

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

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

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

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

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

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

28-A	Laboratory Assistant (BPS-08)	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Diploma in Laboratory Technician from a recognized Medical Faculty.	18 to 30 years	<ul style="list-style-type: none"> (a) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Technician with 5-years service as such. (b) Seventy-five percent by Initial recruitment; and
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(iv) Against Serial No.29, in Column No.05, for the existing entry, the following shall be substituted namely:

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

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

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Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the July 21, 2022

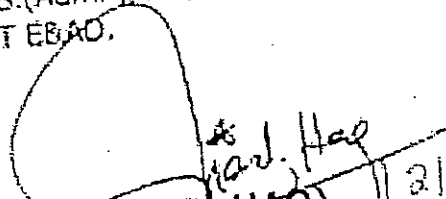
NOTIFICATION

NO. SO(E-I)E&AD/1-537/2022. Syed Imtiaz Hussain Shah (PAS BS-20), Secretary, Energy & Power Department is hereby authorized to hold additional charge of the post of Secretary, Communication & Works Department, in the best public interest, with immediate effect, till further orders.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. & date even

- Copy forwarded to the:-
1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
 2. Additional Chief Secretary, P&D Department.
 3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
 4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 6. All Divisional Commissioners in Khyber Pakhtunkhwa.
 7. Accountant General, Khyber Pakhtunkhwa.
 8. All Deputy Commissioners in Khyber Pakhtunkhwa.
 9. Director (PD), Establishment Division, Islamabad.
 10. Director General Information, Khyber Pakhtunkhwa.
 11. Section Officer (E-5/PAS), Establishment Division, Islamabad.
 12. PS to Chief Secretary, Khyber Pakhtunkhwa.
 13. PS to Secretaries Establishment and Administration Departments.
 14. PS to Special Secretary(R)/ PA to A.S (E)/D.S.(Adm)/SO(Secret)/ SO(HRD-1)/ Estate Officer and ACSO Cypher and DD. IT E&AO.
 15. Officer concerned.
 16. Govt. Printing Press, Peshawar.
 17. Master File.


 (ZIA-UL-HAQ) 21/7/2022

**SECTION OFFICER (EST-1)
PH: No # 091.9210529**

IMDAD KHANI**

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SO(POLICY)/E&AD/2-69/2022
Dated Peshawar, the September 07, 2022

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To

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. The Secretaries to Government of Khyber Pakhtunkhwa,
 - Higher Education Department.
 - Communication & Works Department.
 - Science Technology & Information Technology Department.
 - Public Health Engineering Department.
3. The Additional Secretary, Law, Parliamentary Affairs & Human Rights Department.
4. The Additional Secretary (Regulation), Finance Department.
5. The Director, Khyber Pakhtunkhwa, Public Service Commission.

Members of the Standing Service Rules Committee.

8/5/22
8/19/22

Subject:- MEETING OF STANDING SERVICE RULES COMMITTEE (SSRC)

Dear Sir/Madam,

I am directed to refer to the subject and to enclose herewith a copy of approved minutes of the meeting held on 18.08.2022 under the Chairmanship of Special Secretary (Regulation), Establishment Department, for information, please.

Yours faithfully,

[Signature]
SECTION OFFICER (POLICY)

Encl: as above:
ENDST: NO: & DATE EVEN:

Copy forwarded to:

1. PS to Special Secretary (Regulation), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PA to Deputy Secretary (Policy), Establishment Department.

[Signature]
SECTION OFFICER (POLICY)

[Signature] - Finance Dept
[Signature] - Law Dept

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Higher Education Department

Agenda Item No. 1: 5-tier structure for college teachers of Higher Education Department.

Representative of Higher Education Department while explaining the agenda item stated that 5-tier Service Structure for the College teachers serving in General and Commerce College working under the ambit of Higher Education Department were approved by Provincial Cabinet. The Administrative Department placed the same in departmental SSRC meeting held on 12.10.2020 and subsequently vetted by Law Department. After vetting by Law Department, the said Service Rules were forwarded to Establishment Department for approval. However, Establishment Department made some observations and returned the same to the department for re-consideration. After re-consideration the said Service Rules were again placed before departmental SSRC held on 01.02.2022 which was unanimously approved and the same got vetted by Law Department. The Administrative Department forwarded again the vetted service to Establishment Department for approval. Since the centralized SSRC was notified in Establishment Department, therefore, Establishment Department advised the Higher Education Department to place the working paper before the centralized SSRC.

After detailed discussion, the draft amendments in the proposed 5-tier structure for college teachers of HED was approved as per Appendix-I. ✓

Communication & Works Department

Agenda Item No. 2: Minutes of the meeting of the committee constituted under the chairmanship of additional Chief Secretary, P&D Department Khyber Pakhtunkhwa held on 20.04.2022.

Agenda Item No. 3: Service Appeal No. 953/2018 Awais-ur-Rehman vs Govt of Khyber Pakhtunkhwa through Chief Secretary and others with concerned Service Appeals No. 954/2018.

Agenda Item No. 4: Insertion of the post plumber against Sr. 24 in column 4(A) for promotion to the post of Junior Clerk in the existing Service Rules of C&W Department.

Representative of C&W Department while presenting the agenda items stated that B-Tech (Hons) degree holder Assistant Engineers (BS-17) in C&W Department filed writ petition in Peshawar High Court with the plea to reserve 20% quota in the posts of BS-18 engineers for the employees having B-Tech (Hons) degree serving as SDO/AE (BS-17). The departmental representative explained his agenda item given in the working paper and requested the forum that the committee may approve one of the proposal given in the working paper. Representative of Establishment Department pointed out that the Administrative Department

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has not submitted the working paper in the light of instructions issued to all administrative departments. Moreover, the proposal of the Administrative Department with regard to constitution of sub-committee is not the mandate of SSIC. The Communication & Works Department was required to come up with clear proposals/working paper as per recommendations/minutes of the high level committee constituted under the chairmanship of Additional Chief Secretary, Planning & Development Department, already communicated to the C&W Department for necessary action. In response the representative of the C&W Department requested the forum to defer the item for submission of revised working paper with a week time.

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After detailed discussion, the forum unanimously agreed to defer the agenda item No. 2 and directed the departmental representative to re-submit the revised working paper on the prescribed format within seven days. Moreover, the representative of C&W Department also requested to defer the remaining agenda items of C&W Department. The request was agreed by the forum.

ST & IT Department

Agenda item No. 5: Framing of Services Rules for one newly created post of Dy. Director (Network) BS-18 at Directorate General of Science & Technology (DGST).

Representative of ST&IT Department while explaining the agenda item stated that Finance Department has sanctioned new post of Dy. Director Networks BS-18 in the office of Directorate General Science & Technology, Khyber Pakhtunkhwa for which the department has requested for framing of Service Rules. The forum observed that the ST&IT has neither submitted the proposal in the light of existing Service Rules of the administrative department nor the working paper on the prescribed format.

After detailed discussion, the forum unanimously defer the agenda item of ST&IT Department and directed the departmental representative to re-submit the working paper on prescribed format.

Public Health Engineering Department

Agenda Item No. 6: Amendments in the Khyber Pakhtunkhwa PHE Department Recruitment & Appointment Rules for the post of Technical Officer/Deputy Director (M&E) BS-18).

Representative of PHE Department while explaining the agenda item stated that PHE Department intends to revisit and suggest amendments in the recruitment and appointment Rules 2010 for the post of Technical Officer/Deputy Director (M&E) BS-18 which are filled by promotion on the basis of seniority-cum-fitness from amongst the BS-18 employees of the department with five years service as such. The department requested that the word "as such"

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

No. SO(POLICY)/E&AD/2-69/2022
Dated Peshwar, the September 19, 2022



243

To

1. The Secretaries to Government of Khyber Pakhtunkhwa, Communication & Works Department.
2. The Additional Secretary, Law, Parliamentary Affairs & Human Rights Department.
3. The Additional Secretary (Regulation), Finance Department.
4. The Director, Khyber Pakhtunkhwa, Public Service Commission.

Members of the
Standing Service
Rules Committee.

Subject:- MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON 16.09.2022

Dear Sir/Madam,

I am directed to refer to the subject and to enclose herewith a copy of approved minutes of Standing Service Rules Committee meeting held on 16.09.2022 under the Chairmanship of Special Secretary (Regulation), Establishment Department, for information and necessary action, please.

Yours faithfully,

SECTION OFFICER (POLICY)

Encl: as above;
ENDST: NO. & DATE EVEN;

Copy forwarded to:

1. PS to Special Secretary (Regulation), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PA to Deputy Secretary (Policy), Establishment Department.

SECTION OFFICER (POLICY)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

244

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
16.09.2022 AT 1.00 HOURS

Meeting of the Standing Service Rules Committee was held on 16.09.2022 at 1.00 hrs under the chairmanship of Special Secretary (Regulation), Establishment Department in his office to discuss amendments in the services rules of C&W Department. Following officers attended the meeting:

Sr. #	Name of officer	Designation	Department/office
1.	Ms. Tabassum	Addl. Secretary (Admin)	Law Department
2.	Mr. Saeedullah	Additional Secretary	Establishment Department
3.	Muhammad Sohail	Dy. Secretary	C&W Department
4.	Mr. Noor ul Haq	Dy. Secretary (Policy)	Establishment Department
5.	Muhammad Saeed	Dy. Director	Khyber Pakhtunkhwa, Public Service Commission.
6.	Hamid Hussain Shah	Section Officer	Finance Department.

2. The chair welcomed all the participants of the meeting. Opening the discussion the chair asked the representative of the Administrative Department to brief the forum regarding the agenda item. Rep. of C&W Department stated that in compliance with the High Court orders as well as directions of the High Level Committee under ACS P&D and to pave way for promotion of B.Tech and Diploma Holders Assistant Engineers of C&W Department, on the analogy of other technical departments, C&W Department has drafted the instant rules.

3. Representative of C&W Department further apprised the forum that one Mr. Shaukatullah Shah, Retired Assistant Engineer C&W Department filed COC (by name) before Peshawar High Court, Peshawar against Engr. Ejaz Hussain Ansari, Ex-Secretary, C&W Department and Mr. Zulfiqar Ali Shah, Secretary, Establishment Department. The PHC has directed C&W Department to amend the service rules for giving right of promotion to the B.Tech and Diploma holders Assistant Engineers of C&W Department.

4. The draft rules were discussed threadbare. The representatives of Law and C&W Departments opined that as all BS-18 posts of C&W Department are filled 100% by promotion hence there is no need of mentioning qualification in column-3 in the proposed service rules. The forum agreed upon the proposal due to the fact that since joint seniority is being maintained for promotion of Assistant Engineers possessing BSc Engineering degree, B.Tech degree and Diploma holders to the post Executive Engineer BS-18 and other posts and every incumbent can avail promotion according to his inter-se-seniority.

5. After threadbare discussion the forum unanimously approved the proposed service rules as per Appendix-I.

The meeting ended with vote of thanks.

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APPENDIX-I

Nomenclature of Post & BPS			Qualification			Age			Method of Recruitment		
Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer.	Executive Engineer/ Design Engineer/ Senior Engineer/ Research Officer/ Deputy Director (Tech) Senior Engineer (Survey/RMU)	—	—	—	—	—	—	—	By promotion on the basis of seniority-cum-fitness from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers possessing degree in B.E/B.Sc Engineering (Civil /Mechanical/ Electrical/ from a recognized University, with at least (05) years service as such, and have passed the Professional Examination as prescribed in B&R code.	By promotion on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/ Assistant Engineers/Junior Engineers/Assistant Research Officers with at least (05) years service as such and have passed the Professional Examination as prescribed in B&R Code.	In the light of Peshawar High Court Peshawar judgment dated 24.03.2022 in Writ Petition No. 2707-P/20221 and on the recommendations of the committee constituted under the chairmanship of Additional Chief Secretary, P&D Department, the Communication & Works Department has proposed amendments in the service rules in order to provide promotion chances to B.Tech (Hons) and Diploma Holders SDOs (BS-17) for promotion to the post of Executive Engineer (BS-18).

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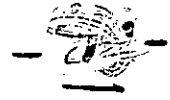
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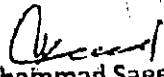


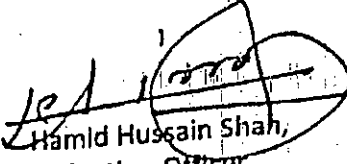
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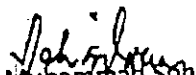
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)




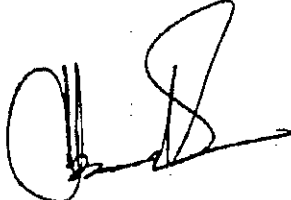
MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON 16.09.2022



Muhammad Saeed
Deputy Director,
Public Service
Commission
For SSRC held on
16-9-22.

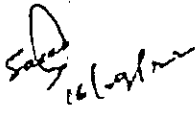

Hamid Hussain Shah,
Section Officer,
Finance Department


Muhammad Sohail
Deputy Secretary,
Communication &
Works Department


Mr. Poor ul Haq
Deputy Secretary
(Policy), Establishment
Department


Ms. Tabassum
Additional Secretary,
Law, Department


Muhammad Saeedullah
Additional Secretary
(Reg-II), Establishment
Department


Mr. Akhtar Saeed Turk
Special Secretary (Reg),
Establishment
Department.


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10. Copy of this judgment shall be sent to the Registrar of all the High Courts who shall send the same to the learned Sessions Judges throughout their respective provinces for circulation to all the learned presiding officers within their respective jurisdiction for guidance and compliance.

MWA/H-5/SC

Appeal allowed.

2018 S C M R 2098

[Supreme Court of Pakistan]

Present: Gulzar Ahmed,
Qazi Faez Isa and Sardar Tariq Masood, JJ

MAULA BUX SHAIKH and others---Petitioners

versus

CHIEF MINISTER SINDH and others---Respondents

C.P. No. 78-K of 2015, decided on 3rd October, 2018.

(On appeal against order dated 21.11.2014 passed by the Sindh Service Tribunal, Karachi, in Appeal No. 195 of 2014)

Pakistan Engineering Council Act, 1975 (V of 1976)---

---Ss. 2(ii), 2(xiii), 2(xxv), 2(xxvii) & 10(1) & First and Second Sched.---Sindh Civil Servants (Appointment, Promotion and Transfer) Rules 1974, R. 3(2)---Promotion---Criteria/education qualification for promotion to next grade---Domain of Executive---Notification for promotion to post of Executive Engineer (BS-18)---Said notification provided 13% promotion quota to Diploma holders and 7% promotion quota to B.Tech (Hons.) degree holders---Plea of petitioner/Assistant Engineer (BS-17) that work of Executive Engineer BS-18 was strictly that of a Professional Engineer, who had an engineering degree from an Accredited Engineering Institution in the country or abroad as included in the First and Second Schedule of the Pakistan Engineering Council Act, 1975, and that Diploma holders and B.Tech (Hons.) degree holders were not professional engineers and could not perform work of a Professional Engineer---Validity---Deciding whether a particular academic qualification of a civil servant/employee was sufficient for promotion from one grade to another higher grade fell under the domain of the Government, whereas it is in the domain of the Pakistan Engineering Council to decide whether a particular

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academic qualification could be equated with another academic qualification but it had no power to say that a civil servant/employee holding particular academic qualification could not be promoted from a particular grade to a higher grade---Impugned notification could not be validly or justifiably challenged on the ground that it impinged or infringed upon any of the provisions of the Pakistan Engineering Council Act, 1975, and thus would be ultra vires---Provisions of said Act nor the rules and regulations made under it would operate as bar on Government to prescribe for qualification and other conditions of service of civil servants/employees for promotion to higher grade---Supreme Court dismissed the petition and refused leave with the direction that the Government shall not allow or permit any person to perform professional engineering work as defined in the Pakistan Engineering Council Act, 1975, who did not possess accredited engineering qualification from the accredited engineering institution and his name was not registered as a registered engineer or professional engineer under the said Act.

[pp. 2114, 2115, 2116] A, B & C

Pakistan Diploma Engineers Federation (Registered) through its Chairman v. Federation of Pakistan through Secretary Ministry of Water and Power, Government of Pakistan, Islamabad and 9 others 1994 SCMR 1807; Muhammad Azim Jamali and 11 others v. Government of Pakistan through Secretary/Chairman, Ministry of Railways and 33 others 1992 PLC (C.S.) 637; Fida Hussain v. The Secretary, Kashmir Affairs and Northern Affairs Division, Islamabad and another PLD 1995 SC 701; Muhammad Younus Aarain v. Province of Sindh through Chief Secretary, Sindh, Karachi and 10 others 2007 SCMR 134 and Nazir-ul-Hasan and 2 others v. Syed Anwar Iqbal and others 2014 SCMR 1827 ref.

Salah-ud-Din Ahmed, Advocate Supreme Court for Petitioner No. 1.

Rasheed A Rizvi, Senior Advocate Supreme Court for Petitioner Nos. 2 - 3.

Sabtain Mehmood, Assistant A.-G. Sindh for Respondent Nos. 1 - 4.

Ghulam Haider Shaikh, Advocate Supreme Court for Respondent No.5.

Nemo for Respondents Nos. 6, 7 and 9.

Dr. Muhammad Farough Naseem, Advocate Supreme Court for Respondents Nos. 8 and 12.

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M. Aqil Awan, Senior Advocate Supreme Court for Respondents Nos. 10, 11, 13 to 17.

Date of hearing: 24th April, 2018.

JUDGMENT

GULZAR AHMED, J.—Ma'ula Bux Shaikh, Petitioner No.1, (the Petitioner) had filed a Service Appeal before the Sindh Service Tribunal, Karachi, (the Tribunal) challenging Notification No.SOI(W&S)E/12-1/2005 dated 19.03.2014 to be ultra vires the Pakistan Engineering Council Act, 1976 (PEC Act). The circumstance under which the Service Appeal was filed by the Petitioner are that he was employed as Sub-Engineer BS-11 in the year 1985 in the Work and Services Department, Government of Sindh, Karachi. He was promoted as Assistant Engineer BS-17 in the year 1997 and since then has been serving in such post in his said department. The case of the Petitioner is that he is a qualified engineer holding degree of Bachelor of Engineering. He has unblemished service record and is eligible for promotion to the post of Executive Engineer BS-18 but on account of the notification, referred to above, his chance for promotion as Executive Engineer BS-18 has been gravely diminished for the reason that said notification has provided 13% promotion quota to Diploma holders and 7% promotion quota to B.Tech (Hons.) Degree holders for the post of Executive Engineer BS-18. The grievance of the Petitioner is that the post of Executive Engineer BS-18 being that of a purely professional engineering work could only be performed by a professional engineer holding accredited engineering qualification, as provided in the PEC Act.

2. We have heard learned ASCs for the parties at length and have gone through the record of the case. The learned ASCs for the parties have also filed their written note of arguments, which too have been perused by us.

3. The notification dated 19.03.2014 is as follows:

"NOTIFICATION

No.SOI(W&S)E.W/12-1/2005: In pursuance of Sub-Rule (2) of Rule-3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules 1974 and in consultation with the Services, General Administration and Coordination Department, Government of Sindh, and in partial modification of this Department's Notification No. EI(C&W)1-34/81-84(86) dated 14.01.1987, the method, qualification and other conditions for appointment in respect of the post of Executive Engineer

(BPS-18) (Civil/Mechanical/Electrical) in Works and Services Department, Government of Sindh mentioned in column-2 of the table below:-

TABLE

Name of the post with BS	METHOD OF APPOINTMENT
1	2
Executive Engineer (Civil/Mechanical and Electrical) (BPS-18)	i) Eighty percent by promotion from amongst the Assistant Engineers-B.E. in Civil, Electrical or Mechanical Engineering with atleast five years service in BPS-17 on seniority-cum-fitness basis with their respective ii) Thirteen percent by promotion from amongst the Diploma holder Assistant Engineers having Diploma in Civil, Electrical or Mechanical Engineering with atleast five years service in BPS-17 on seniority-cum-fitness basis with their respective technology and iii) Seven percent by promotion from amongst the Assistant Engineers having B.Tech (Hons.) degree in Civil, Electrical or Mechanical Engineering with atleast five years service in BPS-17 on seniority-cum-fitness basis with their respective technology

**QAZI SHAHID PERVEZ
SECRETARY TO GOVT. OF SINDH"**

4. In order to regulate the engineering profession, the Parliament has passed PEC Act on 10.01.1976. Section 2(ii) of the PEC Act defines accredited engineering qualification, which is as follows:

"accredited engineering qualification" means any of the qualification included in the First Schedule or the Second Schedule."

5. It is common ground that neither Diploma nor B.Tech (Hons.) Degree are accredited engineering qualification for the reason that there is no reference to the Diploma and B.Tech (Hons.) Degree in the accredited engineering qualification provided in the first and second schedule of the PEC Act. Thus, accredited engineering qualification is ascribed to those who hold Bachelor Degree in Engineering from accredited Engineering Universities/Institutions in Pakistan and abroad.

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6. Professional Engineer is defined in section 2(xxiii), which is as follows:

"professional engineers" means a person who holds an accredited engineering qualification and after obtaining a professional experience of five years, whether working privately or in the employment of an engineering public organization, has passed the prescribed engineering practice examination and is registered as such by the Council.

7. Professional Engineering Work is defined in section 2(xxv) as follows:

"professional engineering work" means the giving of professional advice and opinions, the making of measurements and layouts, the preparation of reports, computations, designs, drawings, plans and specifications and the construction, inspection and supervision of engineering works, in respect of—

- (a) railways, aerodromes, bridges, tunnels and metalled roads;
- (b) dams, canals, harbours, light houses;
- (c) works of an electrical, mechanical, hydraulic, Communication, aeronautical power engineering, geological or mining character;
- (d) waterworks, sewers, filtration, purification and incinerator works;
- (e) residential and non-residential buildings, including foundations framework and electrical and mechanical systems thereof;
- (f) structures accessory to engineering works and intended to house them;
- (g) imparting or promotion of engineering education, training and planning, designing, development construction, commissioning, operation, maintenance and management of engineering works in respect of computer engineering, environmental engineering, chemical engineering, structural engineering, industrial engineering, production engineering, marine engineering and naval architecture, petroleum and gas engineering, metallurgical engineering, agricultural engineering, telecommunication engineering, avionics and space engineering, transportation engineering, air-conditioning ventilation, cold

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storage works, system engineering, electronics, radio and television engineering, civil engineering, electrical engineering, mechanical engineering and biomedical engineering etc;

(h) organizing, managing and conducting the teaching and training in engineering universities, colleges, institutions, Government colleges of technology, polytechnic institutions and technical training institutions;

(i) preparing standard bidding or contract documents, construction cost data, conciliation and arbitration procedures; guidelines for bid evaluation, prequalification and price adjustments for construction and consultancy contracts; and

(j) any other work which the Council may, by notification in the official Gazette, declare to be an engineering work for the purposes of this Act;"

8. Registered Engineer is defined in section 2(xxvii) as follows:

"registered engineer" means a person who holds an accredited engineering qualification, whether working privately or in the employment of an engineering public organization and is registered as such by the Council. Registered Engineer shall perform all professional engineering works except independently signing design.

9. Section 10(1) of the PEC Act provides:

"The engineering qualifications granted by engineering institutions in Pakistan which are included in the First Schedule shall be the accredited engineering qualifications for the purposes of this Act."

10. While section 11(1) provides:

"The engineering qualifications granted by engineering institutions outside Pakistan which are included in the Second Schedule shall be accredited engineering qualifications for the purposes of this Act."

11. Section 27 of the PEC Act provides for penalties and procedure, which is as follows:

"27. Penalties and procedure.---(1) After such date as the Federal Government may, after consultation with the Council, by notification in the official Gazette, appoint in this behalf,

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whoever undertakes any professional engineering work shall, if his name is not for the time being borne on the Register, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) After the date appointed as aforesaid, whoever employs for any professional engineering work any person whose name is not for the time being borne on the Register shall be punishable, on first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(3) Whoever willfully procures or attempts to procure himself or himself to be registered under this Act as a registered engineer, professional engineer, consulting engineer, constructor or operator by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, and any person who assists him therein shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(4) Whoever falsely pretends to be registered under this Act, or not being registered under this Act, uses with his name of title any words or letters representing that he is so registered, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(5) No person undertaking any professional engineering work shall, unless he is registered under this Act, be entitled to recover before any court or other authority any sum of money for services rendered in such work.

(5A) No person shall, unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work.

(6) No court shall take cognizance of any offence punishable under this Act save on complaint made by, or under the authority of, the Council.

(7) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act."

12. The main gist of the arguments of the learned ASC appearing for the petitioners is that the work of Executive Engineer BS-18 is strictly that of a Professional Engineer and it can only be performed by a Professional Engineer, who has engineering degree from an Accredited Engineering Institution of Pakistan or abroad as included in the first and second schedule of the PEC Act, Diploma holders and B.Tech (Hons.) Degree holders are not professional engineers and cannot perform work of a Professional Engineer and that law specifically provides penalties to those who perform professional engineering work without possessing accredited engineering qualification and registered as Professional Engineer by the Pakistan Engineering Council (the Council).

13. On the other hand, learned ASC appearing for the respondents have contended that this very issue has come up before this Court number of times and this Court has dealt with it time and again and held that in the matter of employment and promotion etc, the Government Institutions are legally entitled to take decisions as a matter of policy to grant promotion to employees in Engineering Public Organization who are Diploma holders in engineering and B.Tech (Hons) Degree holders.

14. We have noted that the Tribunal in the impugned judgment has referred to number of judgments of this Court and the point in issue in those judgments substantially also deals with the present controversy before us. Thus before dilating upon the matter, it is essential that we examine the judgments, which this Court has already delivered and are also referred in the impugned judgment of the Tribunal. The first case in line is a judgment of three members bench of this Court in the cases of Pakistan Diploma Engineers Federation (Registered) through its Chairman v. Federation of Pakistan through Secretary Ministry of Water and Power, Government of Pakistan, Islamabad and 9 others (1994 SCMR 1807). In this case the question involved was whether the Diploma Engineers employed in Pakistan Railways can be debarred from promotion to Grade-18 on the ground that they are not registered as "professional engineers and consulting engineers" with Pakistan Engineering Council even though they were otherwise by reasons of their seniority etc eligible for promotion to Grade-18. While referring to the case of Muhammad Azim Jamali and 11 others v. Government of Pakistan through Secretary/Chairman, Ministry of Railways and

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33 others (1992 PLC (C.S.) 637), where split decision was given by two Hon'ble Judges of Sindh High Court and ultimately it was referred to a Referee Judge for his opinion. This Court in dealing with the case before it relied upon the conclusion reached by the Referee Judge and quoted the same in the judgment as follows:

"16. The conclusion of the learned Chief Justice was expressed as follows:

"A careful reading of subsections (1) and (2) of section 27 of the Act will show that the penalties prescribed in the section are attracted only against those persons who are not registered under the Act but undertake any professional engineering work as defined in the Act. Similarly, the person who employs a person who is not registered under the Act, on a professional engineering work, is equally liable for punishment under the Act. The above provisions are wide enough to include the cases of those persons who may be employed in any private or Governmental organization and are called upon to undertake any professional engineering work. The provisions of the Act, regarding registration of professional engineer and consulting engineer, therefore, in my view, would not be applicable to the persons serving as engineer with the Railways, as in course, of their such employment they neither act as 'professional engineer' nor as 'consulting engineer'. However, if such persons undertake any professional engineering work as defined under the Act, then the provisions regarding registration under the Act will be attracted and they could also be punished in accordance with the provision of section 27 of the Act for violating the provision of the Act."

15. On the basis of such conclusion of the Referee Judge, this Court proceeded to make its own observation, which is as follows:

17. The above judgment of the High Court was not challenged either by the qualified engineers who held degrees from recognized Institutions of Pakistan nor by the diploma-holders but only by the Pakistan Engineering Council (which was one of the respondents in the Constitution Petition filed in the High Court). According to the Pakistan Engineering Council, the provisions of the Pakistan Engineering Council Act had not been correctly interpreted because the judgment of the majority in the High Court, as reported to the Council had laid down that the Act applied to engineers engaged in professional engineering works in the private sector whereas the application of provisions

of the Act according to them, could not be restricted only to the private practitioners alone.

18. We on the other hand after hearing Mr. Abid Hassan Minto learned Advocate for the appellant at considerable length consider that this is not a correct interpretation of the judgment of the High Court. The High Court has clearly stated that the provisions of the Act were wide enough to include cases of those persons engaged in professional engineering works whether employed in any private or Governmental organization, if they are called upon to undertake any professional engineering work, as defined under the Act. In fact in the connected case C.A. No.31 of 1992 a Committee of Secretaries constituted by the Punjab Government correctly summed up the true position obtaining in the Act as follows:--

"The Committee was of the view that the Government could appoint a non-graduate engineer to a post in any grade but if the post involved performance of professional engineering work such appointment would attract penalties prescribed in the Act.

The finding of the Referee Judge in this case is to the same effect and in our opinion this finding is quite correct."

16. The next case in line is a judgment of five member bench of this Court in the case of *Fida Hussain v. The Secretary, Kashmir Affairs and Northern Affairs Division, Islamabad and another* (PLD 1995 Supreme Court 701). In this case facts were that petitioner was appointed as Overseer/Sub-Engineer in northern area PWD in 1971. The Federal Government, in order to encourage the diploma holders to improve their academic qualification resolved to prescribe courses namely B.Tech (Pass) and B.Tech (Hons.). The later was treated as equivalent to B.Sc. (Engineering) and Bachelor of Engineering for the purpose of promotion. Petitioner having passed B.Tech (Pass) and B.Tech (Hons.) was denied promotion in BPS-17 for the reasons that B.Tech (Hons.) was not recognized by Pakistan Engineering Council as equivalent to B.Sc. (Engineering) Degree. Petitioner filed Service Appeal, which was dismissed. The Appeal filed by the petitioner before this Court was also dismissed. The petitioner then applied for review, which was allowed and the judgment dismissing the Civil Appeal was recalled and his appeal was allowed with directions to consider the petitioner's case of promotion to BS-17. The Court while allowing relief to the petitioner observed as follows:

"9. In this regard, we may point out that it is the domain of the Government concerned to decide whether a particular academic

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qualification of a civil servant/employee is sufficient for promotion from one Grade to another higher Grade and whereas it is in the domain of the Pakistan Engineering Council to decide, as to whether a particular academic qualification can be equated with another academic qualification, but it has no power to say that the civil servants/employees holding particular academic qualification cannot be promoted from a particular Grade to a higher Grade. The main object of the Act as pointed out by one of us (Ajmal Kan, J.) and Saiduzzaman Siddiqui, C.J. (as he then was) in the above High Court judgment is to regulate the working of professional engineers and consulting engineers and not to regulate the qualification or the working of the engineers in the Government or semi-Government departments. The definitions of the terms "professional engineer" and "professional engineering work" given in clauses (j) and (k) of section 2 of the Act are to be read together and, therefore, as a corollary to the same, it must follow that the term "professional engineering work" as defined in clause (k) of section 2 of the Act is to be performed by a professional engineer as defined in clause (j) thereof, which is evident from section 8 of the Act, which defines the functions of the Pakistan Engineering Council as under:-

8. Functions of the Council.---The following shall be the functions of the Council, namely:--

- (a) maintenance of a Register of person qualified to practice as professional engineers and consulting engineers;
- (b) recognition of engineering qualifications for the purpose of registration of professional engineers and consulting engineers;
- (c) removal of names from the Register and restoration to the Register of names which have been removed;
- (d) laying down of standards of conduct for the members;
- (e) safeguarding the interest of the members;
- (f) promotion of reforms in the engineering profession;
- (g) management of the funds and properties of the Council;
- (h) Promotion of engineering education and review of courses of studies in consultation with the Universities;
- (i) levy and collection of fees from applicants for registration or temporary licences and members;

- (j) exercise of such disciplinary powers over the servants of the Council as may be prescribed;
- (k) formation of such committees as may be prescribed; and
- (l) performance of all other functions connected with, or ancillary or incidental to, the aforesaid functions."

A perusal of the above quoted section shows that the Pakistan Engineering Council is vested with the functions to regulate the persons qualified to practice as professional engineers and consulting engineers and not persons who are employed in the Government or semi-Government organisations. If the Government employs a professional engineer as defined in the Act for performing professional engineering work as envisaged by the Act in above clause (k) of section 2, the provisions of the Act would be attracted and not otherwise.

10. Reverting to the merits of the present case, as pointed out hereinabove, that the petitioner pursuant to the above decision of the Government of Pakistan dated 26.10.1973 passed his B.Tech (Pass) in 1977 and B.Tech (Honours) in March, 1981, from the NED University Karachi, and, therefore, acted upon the above representation of the Government. In this view of the matter, it is not just and fair not to consider the petitioner for promotion to BPS-17 keeping in view the admitted fact that a number of other civil servants/employees in the same department in the same position have been promoted by the departments/organisations concerned. In this behalf, it may be pertinent to refer to the case of Mukhtar Ahmad and 37 others v. Government of West Pakistan through the Secretary, Food and Agriculture, Civil Secretariat, Lahore and another (PLD 1971 SC 846). The fact of the above case were that the persons possessing the qualifications mentioned in Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963 were not available. The Government launched a scheme for training of Assistant Agricultural Engineers, whereunder 46 Graduates in B.Sc. Agriculture were to be selected for appointment as Assistant Agricultural Engineers after their successful completion of two years' diploma course at an Agricultural University. The above scheme was discussed by the government with the Public Service Commission. The candidates selected by the Public Service Commission, who were about to complete their training of two years, were informed by the government that they would have to appear again before the Public Service Commission to be selected for appointment to the posts of

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Assistant Agricultural Engineers (Class-II). The candidates asserted that after the completion of their training they were entitled to be appointed as Assistant Agricultural Engineers (Class-II) in terms of the offer made to them and they could not be required to appear again before the Public Service Commission for such appointment. On the other hand, the Government contended that the candidates did not possess the qualification prescribed by Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963, for appointment to such posts. The matter came up for hearing before this Court in the form of an appeal with the leave of this Court filed by the candidates against the judgment of a Division Bench of the erstwhile High Court of West Pakistan. The same was allowed and inter alia the following was concluded:—

"The offer of the Government and its acceptance by the appellants constituted a valid agreement and they Governor's order dated the 1st July, 1965 provided the authority for such an agreement. This agreement is capable of being enforced in law. The Government was both competent and obliged to implement that agreement. When the Governor's order, dated the 1st July, 1965, provided a special authority for recruitment to the 46 posts of Assistant Agricultural Engineers, rule 7 of the Recruitment Rules was not applicable in this case."

11. The above case supports the petitioner's stand. Another aspect which escaped notice of this Court in the judgment under review is that some of the other civil servants/employees placed in the same position as the petitioner was had been considered for promotion to BPS-17 and in fact were promoted, whereas the petitioner was denied the above benefit which amounted to violation of inter alia Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. In this regard, reference may be made to the case of I. A. Sherwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041).

12. The judgment of this Court in the case of Muhammad Siddique Nasim (supra) relied upon by the Tribunal is distinguishable for more than one reason, firstly, in the above case the notification of the Government of Punjab dated 8.2.1961 equivalising B.Tech (Honours) with B.Sc Engineering degree was withdrawn on 15.03.1985, whereas the petitioner received degree of B.Tech (Honours) in June, 1985, i.e. after the withdrawn of the notification whereas in the present case,

admittedly the petitioner passed his B.Tech (Honours) in March, 1981, before the Pakistan Engineering Council through its Registrar's above letter dated 24.4.1984 stated that there was typographical error in the above-quoted portion of its Registrar's letter dated 30.04.1981. Secondly, in the judgment in the case of Pakistan Diploma Engineers Federation (Registered) through its Chairman (supra), this Court affirmed the majority view of the High Court of Sindh in the case of Muhammad Azim Jamali (supra), in which it has been held that the provisions of the Act are applicable only to professional engineers and consulting engineers who are in practice and not to the persons working in the Government departments, autonomous bodies, local authorities and private firms or companies.

13. We may again observe that it is exclusively within the domain of the Government, to decide whether a particular qualification will be considered sufficient for promotion from a particular Grade to a higher Grade and it is also within the domain of the Government to change the above policy from time to time as nobody can claim any vested right in the policy. However, it cannot abdicate its power to decide the above question in favour of a corporate body which is not in its control nor it can act in a manner which may be violative of Article 25 of the Constitution on account of being discriminatory. It is still open to the Government for future to provide that academic qualification of B.Tech (Honours) will not be considered sufficient for promotion from BPS-16 to BPS-17 if the same does not violate the above principle."

17. Next case is a judgment of two members bench of this Court in the case of Muhammad Younus Aarain v. Province of Sindh through Chief Secretary, Sindh, Karachi and 10 others (2007 SCMR 134). The case before the Court was of promotion to BS-20 by a Diploma holder employee. The Court dealt with the subject and observed as follows:

"7. The basic qualification for a professional engineer under the law is B.Sc. degree in engineering from a recognized institution in Pakistan and diploma in engineering is not a recognized qualification for a professional engineer in terms of PEC Act, 1976. The service rules governing the service of the petitioner (SCUG Service Rules, 1982) and the promotion policy of the Government of Sindh, would neither override the provisions of the above Act nor relax the requirement of basic qualification of professional engineer for a promotion to BPS-20 in the

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engineering branch of Government of Sindh. The relevant provision of SCUG Service Rules, 1982, is reproduced hereunder:--

"V-Engineering Branch.

1. Grade 20 By selection on merit from among the members of the service in Grade-19 of the Engineering Branch with at least 17 years experience as such in Grade-17 and above."

8. The above rule envisages clearly that a person can be considered for promotion to BPS-20 in the Engineering Branch of Government of Sindh, subject to fulfilment of the condition of basic qualification of a professional engineer prescribed under Pakistan Engineering Council Act, 1976 and a diploma holder being not a professional engineer in terms of PEC Act, 1976 cannot hold a post carrying responsibilities of a qualified professional engineer. The eligibility of a person for promotion from BPS-19 to BPS-20 in the Engineering Department of Government of Sindh is subject to the fulfilment of the requirement of basic qualification with requisite experience as provided in SCUG Service Rules, 1982 in the relevant field therefore, neither any concession could be given to the petitioner in the matter of his eligibility to hold the post in BPS-20 nor the requirement of basic qualification could be relaxed by the Court or by Selection Board. The careful examination of rules on the basis of which petitioner asserted the claim of promotion to BPS-20 against the post carrying responsibilities of a professional engineer, would show that his claim was without any substance and that a diploma holder on the basis of his experience alone, would stand at par to a person registered as professional engineer with Pakistan Engineering Council."

18. The other case is a judgment of three members bench of this Court in the case of Nazir-ul-Hasan and 2 others v. Syed Anwar Iqbal and others (2014 SCMR 1827). In this case, respondent No.1 was working as an Assistant Director BS-17. The petitioners were senior to him and were promoted to BS-18 despite the fact that petitioners were holding qualification of Diploma whereas respondent No.1 was Bachelor of Engineering (Electrical). The respondent No.1 challenged the promotions of petitioners in the High Court. The High Court set aside all promotions of petitioners on the ground that they did not hold valid

engineering
the matter and observed as follows:--

"6. Admittedly the petitioners were Assistant Directors in the respondent Authority with at least 5 years service in the relevant field and hence in our opinion they fulfill the requirement. It would be seen that when the petitioners were considered for promotion in 2012 the rules in force were the Pakistan Standards Institution Recruitment Rules for class one posts wherein per rule 5 the post of deputy Directors to be filled in by promotion could be done from amongst Assistant Directors category one with at least 5 years service in the Institution. Nowhere in the said rules was it provided that they would be professional engineers or for that matter even diploma holders. If fact such condition is prescribed in rule 6 which provides for direct appointments whereby per the schedule to the same an Assistant Director must hold a Master's Degree in Science, or Bachelors Degree in Engineering in the specified field from a recognized university with at least 3 years experience in that field etc. Admittedly, the petitioners were appointed by promotion and hence in our opinion no such condition can be placed upon them as in the case of a direct appointees. Insofar as the case of Muhammad Younus Aarain (supra) is concerned, the same is distinguishable on facts as therein it was found that under Sindh Council Unified Grades Services Rules the basic qualification for promotion to BS-20 was that the candidates should have B.Sc. Degree in Engineering. As observed above this is not the case in the present matter. It would further be seen that now per section 26 of the Pakistan Standards and Quality Control Authority Act, 1996 rules have been framed which have been notified in the official gazette on 15th May, 2013. Under Rule 5 promotion to the post in BS-1 to 19 shall be made on the basis of seniority-cum-fitness etc. and he or she should also fulfil the conditions contained in schedule to the rules according to which for promotion to the post of Deputy Director Technical the eligible person would be an Assistant Director Technical and he should have 5 years experience in BS-17 in technical matters. Nowhere has it been prescribed that he or she should be a qualified engineer.

7. In the circumstances, we find that the impugned order has unnecessarily been influenced by the comments of the Pakistan Engineering Council that no post carrying any Engineering responsibility could be entrusted to non-engineering graduates. In our opinion, it is for the department/institution itself to

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determine as to whether the persons in its service are fit to hold a particular position. In the present case it has been done by the authority and rules have been framed thereunder which have been followed by the promoters/petitioners. Consequently the impugned order is set aside and the promotion of the petitioners is upheld."

19. On examination of above case law, we note that nowhere in the judgments, the government power to prescribe for qualification and other conditions of service for promotion to a post has been assailed nor the judgments have put any sort of embargo on the government in prescribing the qualification and other conditions of service for a post for the purpose of promotion. Having said this, the judgments as discussed above, have rather focused on the government power in this regard to be unfettered to the extent that it is not in derogation of any law or provisions of the Constitution.

20. Further, the main principle that is deductible from the above judgments of this Court is that it is the domain of the Government to decide whether a particular academic qualification of a civil servant/employee is sufficient for promotion from one grade to another higher grade and whereas it is in the domain of the Pakistan Engineering Council to decide whether a particular academic qualification can be equated with another academic qualification but it has no power to say that the civil servants/employees holding particular academic qualification cannot be promoted from a particular grade to a higher grade. Thus on the basis of above pronouncements of this Court, it is clear that the notification dated 19.03.2014 cannot be validly or justifiably challenged on the ground that it impinges or infringes upon any of the provisions of PEC Act, 1976 and thus would be ultra vires. No such finding can justifiably be recorded in that as it has been laid down quite empathetically that the government exercises its own power under the domain of law with regard to promotion of civil servants/employees under Sindh Civil Servants Act, 1973 and Rules made thereunder while PEC Act does not overreach or put an embargo upon the government in the matter of prescribing of qualification and other conditions of service of civil servants/employees for their promotion to higher grade. Yet again, we note that although the vires of notification dated 19.03.2014 has been challenged but we observe that this very notification has been issued under sub-rule (2) of Rule 3 of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, which rules have been made under section 26 of Sindh Civil Servants Act, 1973. Neither rule 3(2) of said rules nor section 26 of the Act, 1973 have been challenged nor their vires called in question before us. Thus from this also it is quite apparent

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that the petitioner does not challenge the government power for prescribing qualification and conditions of service of civil servants/employees for their promotion to higher grade. In any case, we note that the provisions of PEC Act nor the rules and regulations made under it will operate as bar on government to prescribe for qualification and other conditions of service of civil servants/employees for promotion to higher grade. B

21. The PEC Act as its preamble itself shows so also reading of the whole Act shows that it essentially deals with regulations of engineering profession in it, inter alia, it prescribes for qualification of professional engineers, maintenance of register of professional engineers and accrediting of engineering universities etc and not as a regulator of employment be that be of government service or in the private service. The reasons for it could be found that all sort of engineering work could not be and may not be a professional engineering work for performance of which professional engineers are required. For example, technician, mechanic, draftsman, foreman, supervisor and overseer etc at best could be a skilled Workman who may work independently or under the supervision of professional engineer and for such technician, mechanic, draftsman, foreman, supervisor and overseer/ the employer may not require holding of professional engineering degree. However, if the person is required to perform any of professional engineering work as defined under the PEC Act, the provisions of this Act will come into operation for ensuring as the work of professional engineer can and only be performed by professional engineer as recognized by PEC Act. The professional engineering work has been clearly defined under section 2(xxv) of the PEC Act which has already been reproduced above and lays down in sufficient details the works which are noted to be as professional engineering works and such works as mandatorily required by the PEC Act to be performed by a professional engineer possessing accredited engineering qualification from accredited engineering institutions in Pakistan and abroad with experience and passing of test of the Council and no other person is allowed to perform professional engineering works be that be a diploma holder or B.Tech. degree holder. This aspect of the matter has been substantially addressed by the PEC Act itself when making provision of section 27(5A) that "no person shall unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work. "Thus professional engineering work can only be performed by a person who is registered as registered engineer or professional engineer and both registered engineer and professional engineer in terms of the PEC Act are by law required to possess accredited engineering qualification as prescribed by the PEC Act from accredited engineering institution.

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22. We may further observe that section 27 of the PEC Act provides for penalty for a person who undertakes any professional engineering work if his name is not borne on the Register but it also makes the employer who employs for any professional engineering work any person whose name is not, for the time being, borne on the Register to perform professional engineering work, shall also be liable for penalty as prescribed in the PEC Act itself. Thus both civil servant/employee and their employer would be liable to penalty as provided under section 27 if they undertake or allow a person to undertake professional engineering work whose name is not borne on register under PEC Act.

23. The net result of above discussion is that this petition fails. It is dismissed and leave refused; however with note of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act, who does not possess accredited engineering qualification from the accredited engineering institution and his name is not registered as a registered engineer or professional engineer under the PEC Act.

MWA/M-25/SC

Petition dismissed.

2018 S C M R 2116

[Supreme Court of Pakistan]

Present: Mian Saqib Nisar, C.J.,
Sajjad Ali Shah and Munib Akhtar, JJ

NATIONAL INSURANCE COMPANY LIMITED---Petitioner

versus

AHMED ALI BHAMBHRO and others---Respondents

Civil Appeal No 80-K of 2017, decided on 21st June, 2018.

(Against the order dated 10.5.2017 passed by the High Court of Sindh in C.P. No. D-4428/2014)

National Insurance Corporation Employees' Pension Funds Regulation, 1986---

---Regln. 6(3)--- Pensionary benefits of transferred employee--- Respondent-employee was transferred from Pakistan National Produce Company Limited to the National Insurance Corporation Limited ("the Insurance Corporation") under an administrative order of the competent authority on the basis that the former company had been

wound up---At the time of his retirement, question arose as to pensionary benefits of the respondent for the period he spent in his erstwhile company i.e. Pakistan National Produce Company Limited (PNPCL)---On the refusal of his pensionary benefits, the respondent approached the High Court, which through the impugned order granted him the pensionary benefits for the period for which he had been serving in the erstwhile company---Plea of Insurance Corporation that pensionary benefits were not available to the respondent under the rules of his erstwhile company and besides Regulation No. 6(3) of National Insurance Corporation Employees' Pension Funds Regulation, 1986 prohibited pensionary benefits until and unless expressly and unequivocally granted to an employee---Validity---Respondent was not working in Insurance Corporation on deputation rather in compelling circumstances he had been transferred, therefore, provisions of Regln. 6(3) had no relevance to the present case---Record did not show whether the erstwhile company did not carry a pension scheme, therefore, respondent's pensionary benefits for the period he had served in the erstwhile company could not be denied---Appeal filed by Insurance Corporation against judgment of High Court was dismissed accordingly. [p. 2118] A

Zahid Ebrahim, Advocate Supreme Court and Ghulam Qadir Jatoi, Advocate-on-Record for Petitioner.

Sanaullah Noor Ghori, Advocate Supreme Court and Mazhar Ali B. Chohan, Advocate-on-Record for Respondent No.1.

Respondents Nos. 2 - 4 ex parte.

Date of hearing: 21st June, 2018.

ORDER

MIAN SAQIB NISAR, C.J.---The respondent was transferred from Pakistan National Produce Company Limited to the National Insurance Corporation Limited under an administrative order of the competent authority on the basis of Function Test as the Company where he was earlier serving had been wound up. At the time of his retirement, the question arose about the pensionary benefits for the period he spent in his erstwhile Company. On the refusal of his pensionary benefits, the respondent approached the High Court and the learned High Court through the impugned order had granted him the pensionary benefits for the period to which he had been serving in Pakistan National Produce Company Limited (PNPCL).

2. Mr. Zahid Ibrahim learned counsel for the petitioner has drawn our attention to Regulation No. 6(3) of National Insurance Corporation

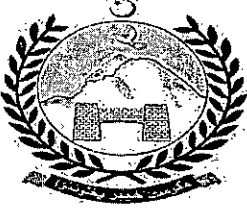
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**COURT MATTER
MOST IMMEDIATE**

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Scave



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)

No. SO(Lit-I)E&AD/2-5656/2021
Dated: Peshawar, the 17.11.2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
C & W Department

Subject:

**COC NO. 350/2022 IN W.P NO. 2707-P/2021 – SHAUKAT ULLAH SHAH
& OTHERS VS GOVERNMENT OF KHYBER PAKHTUNKHWA &
OTHERS.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Notice dated 12.11.2022 received from Additional Registrar Peshawar High Court, Peshawar for further necessary action at the earliest, please.

Next date in the subject case is 06.12.2022.

Yours faithfully

Encl: As above.

Section Officer (Litigation-I)

Endst: of even No. & Date.

Copy forwarded for information and necessary action to:-

- ✓ 1. Additional Registrar, Peshawar High Court Peshawar with reference to their Notice referred to above.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
3. PS to Special Secretary (Judicial), Establishment Department.
4. PS to Additional Secretary (Judicial), Establishment Department.
5. PA to Deputy Secretary (Judicial), Establishment Department.
6. Master File.

Section Officer (Litigation-I)

06/12/22 N

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SECRETARY C&W DEPTT

S.No.	NAME	FROM
01.	ENGR. HABIB ALI	24-11-2009
02.	ENGR. ZAHID ARIF	24-06-2011
03.	WAQAR AYUB (PCS EG)	05-04-2013
04.	AFZAL LATIF (PAS DMG)	03-07-2013
05.	AHMAD HANIF ORAKZAI (PAS DMG)	11-11-2013
06.	ENGR. MUHAMMAD ASAF	11-08-2015
07.	ENGR. MUHAMMAD SHAHAB KHATTAK	29-12-2017
08.	ENGR. EJAZ HUSSAIN ANSARI	09-04-2020
09.	SYED IMTIAZ HUSSAIN SHAH (PAS)	22-07-2022
10.	MUHAMMAD IDREES KHAN PCS SG	12-08-2022

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To

Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa.

[Handwritten signature]
11/10/2022

OFFICE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

Through Proper Channel.

OBSERVATIONS ON THE WORKING PAPERS, SUBMITTED BY C&W DEPTT TO THE SSRC FORUM, MEETINGS HELD ON 18-08-2022 & 16-09-2022, IN LIGHT OF THE DECISION IN WP 1539/P OF HONORABLE PHC & THE DIRECTIONS OF THE SPECIAL COMMITTEE CONSTITUTED FOR FIXATION OF QUOTA FOR PROMOTION OF B.TECH GRADUATES IN BS-18 & ABOVE.

Most Honorable Sir,

We would like to draw your esteemed attention to the following pivotal points regarding the subject matter;

1) We had filed Writ Petition No 1539-P/2020-21 "Niamat Gul & others Vs. Govt" in the Honorable PHC for provision of separate promotion quota of 20% for B.Tech Graduates of C&W Department to BS-18 and above. The Honorable PHC, while deciding the matter on 24.03.2022, had directed The Special Committee to finalize its recommendations regarding the matter of promotion of the petitioners (Annex-A). Accordingly, the Special Committee, constituted by your good office, on 07.09.2021 for resolution of the issue, (Annex -B), under the Chairmanship of ACS P&DD, decided the matter on 20.04.2022 (Annex-C) and directed C&W Department for submission of Working Paper for SSRC on the analogy of quota approved / in practice in other sister engineering departments. (N.B): All sister Engineering Departments have provided separate quotas for promotion of B.Tech graduates to BS-17, BS-18 and BS-19 (and promotions are made accordingly).

2). C&W Deptt, while submitting it's 1st Working Paper on 27.06.2022 (Annex-D) to the SSRC Meeting held on 18-08-2022, had proposed for creation of a separate cadre. In item 6(a) of the proposal, it recommended for a separate stream for promotion of B.Tech (Hons) in BS-18, BS-19 and BS- 20. In item (b), (after OR), it proposed to provide a quota for promotion on the analogy of other Engineering Department as recommended by the Special committee. However, the forum did not agree to the recommendations put forward in the working papers and directed the C&W Deptt. to resubmit the same in light of recommendations of the Special Committee. The C&W Department also requested the forum to defer the item so that they may resubmit the working paper in 01 week time. The Establishment department conveyed to submit the working paper in light of decision of the Special Committee (Annex-E).

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3). According to the 2nd Working Paper submitted by C&W to the SSRC on 13.09.2022, it has proposed a combined Seniority List for promotion of B.Sc. & B.Tech graduates (Annex-F) and promotions thus made on *Seniority cum fitness basis*. Meaning thereby, that they now agree that B.Sc, B.E and B. Tech are considered same/equal on basis of academic grounds. On fact, B.Tech (Hons) graduates (now in BS-17 and down) are initially inducted as Sub-Engineers in BS-12, having DAE. During Service, they improve their educational qualification and at a very belated stage, they are promoted to BS-17. Had there been equal opportunity for direct induction for both B.Sc. & B.Tech in BS-17, then a common Seniority List would not be an issue. In present scenario, it will finish all prospects of B.Tech graduate's further promotions and seems biased and which is in total contrast with the direction of the Special Committee and it's earlier proposal at item 2 (ii) of the 1st Working Paper. However, both Establishment & Law departments did not object to this proposal and approved the working paper and minutes issued on Sept 19, 2022 (Annex-G). The undersigned preempting this approached the Secretary Estab. Deptt on 15-09-2022, Diary No.7433/WE (Annex-H)

4). Recently, PHE Deptt has also promoted B-Tech graduates to BS-18 as XEN and DD's (Annex-I), in accordance with the direction of The Special Committee. However, it is worth mentioning that PHE dept. by amending its service rules has created a separate seniority list for promotion of B.Tech & Diploma holders in BPS 17, i.e. without including B.Sc/BE engineers (Annex-J).

5). Here it would also not be out of place to mention that both Establishment & Law Departments, being members of the Special Committee, had also then agreed for promotions of B. Tech graduates through separate quota. However, we feel it unjust and biased that now, Working Paper submitted by C&W for the 2nd SSRC meeting has been recommended and forwarded for approval of the Competent Authority and the decision of P.H.C and the direction of the Special Committee are violated.

6). C&W department is malafidely dodging and playing delay tactics to diminish the prospects of promotion of B.Tech graduates and is trying to promote the services of only PEC registered B.Sc / BE engineers in the forthcoming PSB meetings so as to permanently close the vacant seats in BS-18. Hence, as previously appealed in our applications, the promotions cases of PEC Engineers shall be put on hold / stopped, till the 20% quota, as allowed by the Peshawar High Court, Peshawar and The Special Committee is provided to B.Tech Engineers, promotions are made accordingly and Separate seniority shall be notified.

It is also to bring into your esteemed notice, that the cases filed by PEC Engineers against promotions of B.Tech Graduates in the August Court in CP No 3455 of 2020 has been dismissed by Justice Gulzar Ahmad, Chief Justice on December 01, 2021 and "leave refused" (Annex-K). In a review case filed in the Supreme Court of Pakistan, CP No 21 of 2022, to review the earlier mentioned CP No 3455 of 2020 too has been dismissed on 13.06.2022 (Annex-L). Moreover, it is also worth mentioning that C&W department, Govt of Sindh had sought a clarification from Law Department, Sindh, regarding promotion of B.Tech


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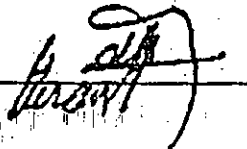
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(Hons) graduates against the posts of Executive Engineers. In this regard C&W Sindh was conveyed vide letter, dated 06th July, 2019, that there was no bar on posting B.Tech (Hons) graduates on field postings-(Annex-M):

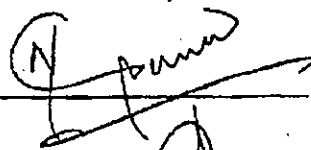
In light of the fore mentioned, we request your esteemed honour to allow promotions of B.Tech Graduates of C&W dept. to BS-18 and above as per *separate quota* recommended by the Special Committee, instead of *on Seniority cum fitness* basis (i.e. in joint seniority) as explained in Para- 03, above, please.

B.Tech (Hons), SDO's, C&W Department.

1) Ghazanfar Ullah
(0300-5762801)



2) Niamat Gul Khan
(0336-5965527)



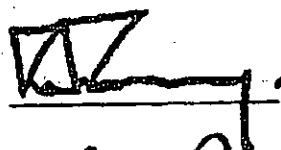
3) Aurangzeb Khan
(0333-9117560)



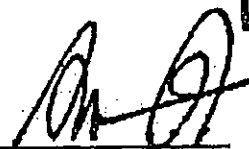
4) Farhat Ali
(0300 5985239)



5) Muhammad Humayun
(0346-9132599)



6) Azhar Ali
(0331-8800131)



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عدالت عالیہ پشاور ہائی کورٹ، پشاور



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11-10-2022

COC 350/2022 In WP 2707/2021, (A/O
HJ_VII,VIII< Author is HJ-VII) (NOTICE CASES)

تاریخ

مقدمہ نمبر

Contempt of Court

Shaukat Ullah Shah VS Ejaz Hussain Ansari & others

پروانہ انٹوس بنام

((SUMMONID)) - RNO1 EJAZ HUSSAIN ANSARI SECRETARY COMMUNACATION AND WORKS DEPARTMENT
GOVT OF KPK PESHAWAR S/o (RESPONDANT)

((SUMMONID)) - RNO2 ZULFIQAR AHMAD SECRETARY ESTABLISHMENT DEPARTMENT GOVT OF KPK
PESHAWAR S/o (RESPONDANT)

((SUMMONID)) - RNO3 FLT LIEUTENANT IFTIKHAR AHMAD SHAHOO FORMAR SECRETARY ESTABLISHMENT
DEPARTMENT KPK PESHAWAR S/o (RESPONDANT)

مقدمہ مندرجہ عنوان بالا میں بتاریخ پیشی مورخہ: 10-Nov-2022 بمقام پشاور ہائی کورٹ

رو بروئے عدالت مقرر کی گئی ہے لہذا RESPONDANT کو بذریعہ پروانہ انٹوس ہذا مطلع کیا جاتا ہے کہ

وہ تاریخ مذکور پر عدالت ہذا میں بوقت 08 : 30 AM بجے صبح برائے پیروی جو ابھی مقدمہ اصالتاً مختار تھا حاضر ہو جائے۔ ورنہ بصورت عدم موجودگی

اس کے خلاف یکطرفہ کروائی عمل میں لائی جائے گی۔

آج بتاریخ 11-10-2022 کو ثبت میرے اور دستخط اور مہر عدالت سے جاری کیا گیا۔

برائے ایڈیشنل رجسٹرار

ایکٹروٹک کاپی

ATTESTED

IN THE PESHAWAR HIGH COURT, PESHAWAR.

OBJECTION SLIP

No: 32814

Shaukat Ullah Shah V/S Ejaz Hussain Ansari

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10 Copies of annexures are not legible. *ana.*

The petition should be scanned.

[Signature]
READER

Returned with above mentioned objections for removal to be re-submitted on or before _____

22/9/22

14 September 2022

[Signature]
Deputy Registrar/ Incharge
Peshawar High Court, Peshawa

Objections have been removed.

Re-Submitted please.

[Signature]
23/9/22

[Signature]
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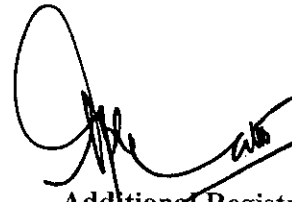
12.09.2022

COC No. 350/2022

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Present: Mr. Zahid Ullah , SO Litigation C&W on
behalf of resp. no.1

The later seeks time to file the requisite reply/compliance report, may do so before next date. While despite issuance of reminder-1, respondent no.2 did not file the requisite reply/compliance report sought by the Hon'ble Court, as such 2nd reminder be issued to respondents appear in person alongwith reply/compliance report on 23.09.2022.



Additional Registrar (J).
Incharge Implementation Branch


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The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9214128

No. 57635 (2)/2895/2022/IMPL-Br

Dated. 12-September-2022

From

The Assistant Registrar (Implementation),
Implementation Branch,
Peshawar High Court,
Peshawar;

REMINDER 2

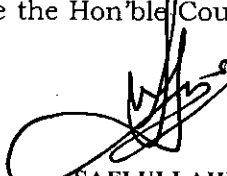
To

- 1 Mr. Zulfiqar Ahmed,
Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar
- 2 Mr. Ejaz Hussain Ansari,
Secretary, Communication & Works Department, Government of Khyber Pakhtunkhwa,
Peshawar

Subject: Contempt of Court COC 350/2022 Title: Shaukat Ullah Shah VS Ejaz Hussain Ansari & others

Memo, In continuation of this office letter No. 57177(2)/2777/2022/IMPL-Br dated 31.08.2022 on the subject noted above, you were directed to file the requisite compliance report/reply on or before 12.09.2022, but you did not file the same.

I am therefore, further directed to ask you to appear in person along with the requisite compliance report/reply on 23.09.2022 at 10:00 am positively, failing which the matter shall be placed before the Hon'ble Court/Chief Justice alongwith non-compliance report.

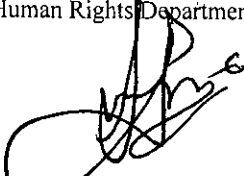

(SAFI ULLAH)
ASSISTANT REGISTRAR (IMPLEMENTATION)

Encl: As above

Endst No. 57635 (2)/2895/2022/IMPL-Br

Dated: 12-September-2022

The Secretary, Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar


(SAFI ULLAH)
ASSISTANT REGISTRAR (IMPLEMENTATION)


ATTESTED

266

Writ Br <phc.writbranch@gmail.com>

COC 350/2022 for submission of reply immediately

Writ Br <phc.writbranch@gmail.com>

Thu, Sep 1, 2022 at 12:24 PM

for cskpk2017 <cskpk2017@gmail.com>, advocategeneralkp@gmail.com, Establishment Department
<estdtkpk@gmail.com>, Establishment@kp.gov.pk, secretarylawkp@gmail.com, psotochiefsecretary
<psotochiefsecretary@gmail.com>

السلام عليكم

HONOURABLE COURT MATTER

Case file alongwith Order of this Honourable Court, is transmitted for information & necessary compliance at the earliest. please acknowledge receipt of this Email.

CLERK (PUBLIC SECTION)
HONOURABLE COURT, PESHAWAR

2 attachments

COC 350 2022 WP 2707 2022 0001.pdf
32K

COC 350 2022 WP 2707 2022 0001 SHAUKAT ULLAH VS IJAZ HUSSAIN CF PG53.pdf
8379K


ATTESTED



267

The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9214128

No. 57177 (2)/2777/2022/IMPL-Br

Dated. 31-August-2022

From

The Additional Registrar (Judicial),
Incharge Implementation Branch,
Peshawar High Court,
Peshawar.

REMINDER 1

To

- 1 Mr. Ejaz Hussain Ansari,
Secretary, Communication & Works Department, Government of Khyber Pakhtunkhwa,
Peshawar
- 2 Mr. Zulfiqar Ahmed,
Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar

Subject: Contempt of Court COC 350/2022 Title: Shaukat Ullah Shah VS Ejaz Hussain Ansari & others

Memo, Reference this Court Orders dated 30.08.2022 (**copy enclosed**) on the subject noted above, you were directed to file the requisite compliance report/reply within a fortnight, but you did not submit the same.

I am therefore, directed to ask you once again to submit the requisite compliance report/reply on or before **12.09.2022**. A copy of the comments be also brought to this office for further proceedings, failing which the matter shall be placed before the Hon'ble Court/Chief Justice alongwith non-compliance report.

(AAMER NAZIR BHATTI)
ADDITIONAL REGISTRAR (JUDICIAL)
INCHARGE IMPLEMENTATION BRANCH.

Encl: As above

Endst No. 57177 (2)/2777/2022/IMPL-Br

Dated. 31-August-2022

The Secretary, Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar

(AAMER NAZIR BHATTI)
ADDITIONAL REGISTRAR (JUDICIAL)
INCHARGE IMPLEMENTATION BRANCH.

ATTESTED

P-2

IN THE PESHAWAR HIGH COURT PESHAWAR

Inst # 30593

268

Contempt of Court No. 350 -P/2022

In in WP 2707/21

Shaukat Ullah Shah V /s Ejaz Hussain Ansari & others

Presented by Abdul Rauf Rohaila

on behalf of appellant/petitioner.

Entered in the relevant register.

Put up again along with main case file

27 AUG 2022

CS 2707/21

Reader

27 AUG 2022

Countersigned

27 AUG 2022


Deputy Registrar

1

27-August-2022

COC 350/2022 (MOTION CASES) in wp. 2707-p/2021(D)

(Provincial-Civil-Services-Promotion) is fixed before H.D.B on

30-Aug-2022. Inform Petitioner and his Counsel.

Adjourment by

Petitioner	Respondent
0	0

Recd by Registrar 22/9/22
Received dt. 26-9-22

ATTESTED

Deputy Registrar

IN THE PESHAWAR HIGH COURT, PESHAWAR.

OBJECTION SLIP

269

No: 30554

Shaukat Ullah Shah V/S Ejaz Hussain Ansari & others

10. Copies of annexures are not legible. - p. 35, 41 to 46 - Better copy
33. In view of Order 43 rule 3 CPC/ Rule 2 (3) Chapter 4-J, Vol: V of High Court Rules & Orders, notice also with copy of petition and annexes has not been sent to respondents.

 READER

Returned with above mentioned objections for removal to be re-submitted on or before _____

9/8/2022

26 August 2022


Deputy Registrar/ Incharge
Peshawar High Court, Peshawa

27/8/2022
Resubmitted after sending Notice (Receipts A/D) attached
and better copies affixed.




ATTESTED

IN THE PESHAWAR HIGH COURT, PESHAWAR

CHECK LIST

270

01. Case Shaukatullah Shah Versus Ejaz Hussain Ansari and others			
02.	Case is duly signed	Yes <input checked="" type="checkbox"/>	No
03.	The law under which the case is preferred has been mentioned	Yes <input checked="" type="checkbox"/>	No
04.	Approved file cover is used.	Yes <input checked="" type="checkbox"/>	No
05.	Affidavit is duly attested and appended.	Yes <input checked="" type="checkbox"/>	No
06.	Case & annexures are properly paged & numbered according to index.	Yes <input checked="" type="checkbox"/>	
07.	Copies of annexures are legible and attested. If not, then better copies duly attested have been annexed.	Yes <input checked="" type="checkbox"/>	No
08.	Certified copies of all the requisite documents have been filed.	Yes <input checked="" type="checkbox"/>	No
09.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes <input checked="" type="checkbox"/>	No
10.	Case is within time.	Yes <input checked="" type="checkbox"/>	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes <input checked="" type="checkbox"/>	No
12.	Court fee in shape of stamp paper is affixed. (For writ Rs. 500/- For other as required).	Yes <input checked="" type="checkbox"/>	No
13.	Power of attorney is in proper form.	Yes <input checked="" type="checkbox"/>	No
14.	Memo of addressed filed.	Yes <input checked="" type="checkbox"/>	No
15.	List of books mentioned in the petition.	Yes <input checked="" type="checkbox"/>	No
16.	The requisite number of spare copies attached (writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2).	Yes <input checked="" type="checkbox"/>	
17.	Case (Revision/Appeal/Petition etc) is filed on the prescribed form.	Yes <input checked="" type="checkbox"/>	No
18.	Power of attorney is attested by jail authority (for jail prisoners only)	Yes	No

It is certified that formalities/ documentation as required in column 2 to 18 above have been fulfilled.

Name: **Abdul Rauf Rohaila**
Advocate Supreme Court

Signature: 

Date: 25-8-2022

FOR OFFICE USE ONLY

Case No. _____ Case Received _____

Complete in all respect: Yes / No (If No the grounds) _____

Date in court _____

Signature: _____

(Reader)

Date: _____

Countersigned: _____

(Deputy Registrar)


ATTESTED

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

271
Date of filing: **25-8-2022**
District: Peshawar

Case type **Writ Petition** Nature of original proceedings:

Category Code **0 5 4 3**

Review/Contempt of court in respect of **High Court order**

Writ of	Certiorari 199(1)(a)(i)	/	Prohibition 199(1)(a)(ii)	Habeas Corpus 199(1)(b)(i)	Quo Warranto 199(1)(b)(ii)	Mandamus 199(1)(c)
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Forum	Date Institution	Date Decided	(I)interlocutory/ (F)Final Order
Peshawar High Court, Pesh	4-2-2021	24-3-2022	Final

Case Pertains to

SB

DB

Petitioner Name	Shaukatullah Shah
Mobile No	0333-9125822
Address	C&W Department, Peshawar
CNIC No.	11201-0376771-9
Email Address	--

ATTESTED

Petitioner(s) Counsel	Abdul Rauf Rohaila
Mobile No.	0321-9290960
Address	Sikander Pura, G.T. Road, Peshawar
Bar Council No.	BC-10-7045
CNIC No.	17301-7707745-1
Email Address	raufrohaila@gmail.com

27 AUG 2022

Respondents # 1	Ejaz Hussain Ansari
Address	Secretary, C&W Department, Peshawar
Respondent # 2	Zulfiqar Ahmed,
Address	Secretary Establishment Department, Peshawar.
Respondent # 3	Flt. Lt. Iftikhar Ahmed Shahoo,
Address	Former Secretary Establishment Department, Peshawar.

Original Order/ Action/ Inaction Complained of:
The respondents are illegally not implementing the order of this honourable court

Prayer
The respondents may be directed to implement the order dated 25-3-2022 of this honourable court

Law/Rule/governing the original proceedings/action
Article 204 of Constitution of Pakistan, 1973

FILED
Deputy Registrar
26 AUG 2022

Petitioner
through

Senior Advocate Supreme Court

Barrister Adnan Saboor Rohaila,

Sammad Hasnain,
Rohaila, Christina and Kiyani,
Advocates, Legal Advisors and Consultants,
Sikander Pura, G.T. Road, Peshawar.