


	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	01.03.2016	<p style="text-align: center;"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal 1630/2013</p> <p style="text-align: center;">Jahan Zeb Versus the Government of KPK through Chief Secretary, Peshawar etc..</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr, Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Ziaullah) with Kifayatullah, A.O and Muhammad Yaseeb, Supdt. for the respondents present.</p> <p>2. This appeal under Section 4 of the KPK Service Tribunal Act, 1974 of the appellant Jahan Zeb, Engineer, Public Health Engineering Department is for the following prayer:-</p> <p>“That on acceptance of this appeal, the amendment notification dated 31.07.2013 may be declared as irrational, illogical, discriminatory, disadvantageous to the appellant’s service rights and the same may be set aside. The respondents may also be directed to include B.E (Electronics) in each category by treating the appellant at par with other (B.E) Degree Holder’s Or to fix quota in rules for promotion as per minutes of the meeting dated 2.2.2012 and as given and fix for other degree holders to meet the ends of justice, any other remedy, which this august Tribunal deems fit and appropriate that may also be awarded in favour of appellant.”</p>

3. Per memorandum of appeal the appellant joined the Public Health Engineering Department in the year, 1996 as Sub Engineer through Public Service Commission. The appellant has also passed Bachelor of Engineering (Electronics) in the year, 2001 which is equivalent to B.S Engineering degrees in other disciplines. That previously in the Rules of PHE Department 1979, the requisite qualification for Assistant Engineer (BPS-17) was Degree in Civil/Electrical/Mechanical Engineering and 10% quota was fixed for promotion on the basis of seniority cum fitness amongst the Sub Engineers of the Department, where the vacancies occurred from Holders<sup>of</sup> Degree only in Engineering. That on 2.2.2012, the meeting of SSRC was held in which the reservation quota for promotion for B-Tech (Honors) Graduate and Bachelor of Engineering Electronic were discussed. The said SSRC unanimously agreed to fix 1% separate quota for in-service Bachelor of Engineering (Electrical/Electronic) degree holder. The said minutes were sent to the Public Service Commission who raised objections on the reservation of quota for B-The honor degree holder, while no objection was raised about the reservation of quota for Bachelor of Engineer (Electrical/Electronic) degree holder. Despite of observations made by Public Service Commission, the Public Health Engineering Department notified amended Rules on 31.7.2013 wherein 5% quota for promotion of BPS-17 has been reserved for direct graduate Sub-Engineer

who possess degree in Engineering (Civil); 5% reserved for in-service Graduate Sub-Engineer who possesses degree in Engineering (Civil), 3% quota reserved for Sub Engineer who possess diploma in civil electrical mechanical, while the engineering degree holder of (electrical/electronic) have totally been ignored and shunted out in the new amended rules despite approved 1% quota by the SSRC. That the impugned amended rules are disadvantageous to the service career and rights of the appellant, hence this appeal.

4. After hearing learned counsel for the appellant and learned GP at length, the Tribunal is of the considered view that as the appellant is aggrieved with amendment in rules, and as his departmental appeal has not been decided, therefore, this case is remitted to the respondent department with the direction to examine the case and to decide departmental appeal of the appellant in accordance with law. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

01.03.2016

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

16.10.2015

Appellant with counsel, M/S Muhammad Yaseen, Supdt,  
Muhammad Iqbal, Supdt, Kifayatullah, A.O alongiwth Mr.  
Ziaullah, GP for respondents present. Arguments could not be  
heard due to paucity of time. To come up for arguments on

1-3-16



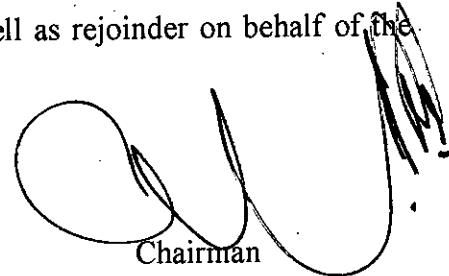
Member



Member

27.10.2014

Appellant with counsel, M/S Sultan Shah, Assistant on behalf of respondents No.1,2 and 4, Rafiullah, Supdt. on behalf of respondent No.3, Masroof Gul, Supdt. on behalf of respondent No. 5, Kifayatullah, A.O on behalf of respondent No. 6 and Muhammad Yasin, Supdt. on behalf of respondent No. 7 with Mr. Muhammad Adeel Butt, AAG present. Written reply has not been received on behalf of remaining respondents No.4 to 6, and the remaining respondents requested for further time. A last chance is given for written reply on behalf of remaining respondents No.4 to 6 as well as rejoinder on behalf of the appellant on 13.02.2015.



Chairman

13.02.2015

Counsel for the appellant, M/S Muhammad Iqbal, Supdt. for respondent No. 3, Muhammad Saeed, AD for respondent No. 5, Kifayatullah, AO for respondent No. 6 and Muhammad Yaseen, Supdt for respondent No.7 alongwith Addl: A.G for all respondents present. Comments submitted on behalf of respondent No. 5. Representative of respondent No. 6 stated that respondent No. 6 would also be relying on the comments of respondent No. 5. Rejoinder also submitted. The case is assigned to D.B for final hearing for 2.4.2015.



Chairman

2.4.2015

Appellant with counsel and Ziaullah, GP with Muhammad Iqbal, Supdt., Muhammad Yaseen, Supdt. and Kifayatullah, A.O for the respondents present. Counsel for the appellant requested for adjournment. Therefore, case is adjourned to 16.10.2015 for arguments.



MEMBER



MEMBER

3. 17.01.2014

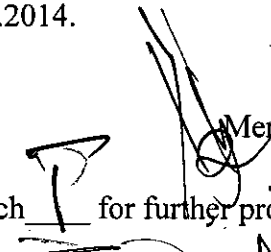
Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 31.07.2013, the appellant filed departmental appeal on 29.08.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 20.12.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 08.04.2014.

Appellant Deposited  
& Process Fee  
Bank  
Receipt is Attached with File.

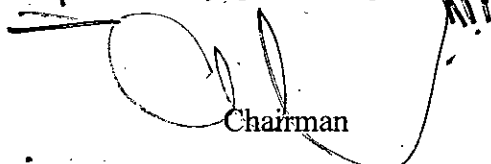


4. 17.01.2014

This case be put before the Final Bench for further proceedings.



Member



Chairman

5. 8-4-14

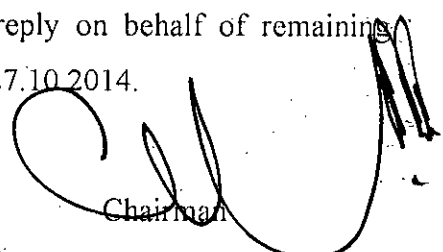
The Hon'ble Bench is on tour to swear  
To come up for further proceeding on

27.6.14

Reader

27.6.2014

Appellant with counsel and Mr. Nasir Latif, Design Engineer on behalf of respondents No.1 to 3 & 7 with AAG for the respondents present. Written reply/para-wise comments received on behalf of respondents No.1 to 3 and 7, while request for further time made on behalf of respondents No.4 to 6. Copy of the written reply/para-wise comments handed over to the learned counsel for the appellant for rejoinder and written reply on behalf of remaining respondents No.4 to 6, positively, on 27.10.2014.


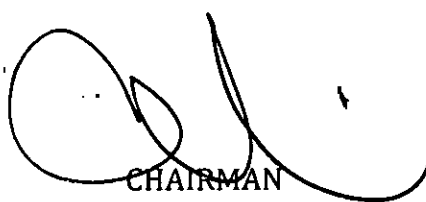


Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1630/2013

S. No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/12/2013	<p>The appeal of Mr. Jahan Zeb presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-1-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	30-12-2013	

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

Appeal No. 1630 /2013

Mr. Jahan Zeb

V/S

Government of K.P.K. etc.

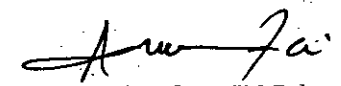
**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-05
2.	Copy of Degrees	- A -	06
3.	Copy of Registration with PEC	- B -	07
4.	Copy of Job Description	- C -	08-10
5.	Copy of Rules	- D -	11-12
6.	Copy of Rules, 2010	- E -	13-17
7.	Copy of Minutes	- F -	18-19
8.	Copy of PSC Remarks	- G -	20-21
9.	Copy of Notification (31.7.2012)	-H-	22-23
10.	Copy of Appeal	-I-	24-29
11.	Copy of C&W Rules		30-35
12.	Vakalat Nama	-----	36



APPELLANT  
JAHAN ZEB

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



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

Appeal No. 1630 /2013

Mr. Jahan Zeb, Engineer,  
Public Health Engineering Department,  
Office of the Chief Engineer,  
Works & Services Department,  
FATA, Peshawar.

H.W.F. Peshawar  
1663  
20/12/13

**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa, through the Chief Secretary, Government of KPK, Civil Secretariat, Peshawar.
2. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary, Public Health Engineering Department Government of KPK, Peshawar.
4. The SSRC through its Chairman, Establishment Department, Government of KPK, Peshawar.
5. The Secretary, Public Service Commissioner, KPK, Peshawar.
6. The Chief Engineer (FATA), Works & Services Department, FATA, Peshawar.
7. The Chief Engineer (South) Public Health Engineering, KPK, Peshawar.

**RESPONDENTS**

.....  
APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION DATED 31.7.2013 WHEREBY PHE DEPARTMENT'S SERVICE RULES ARE AMENDED IN AN IRRATIONAL, ILLOGICAL MANNER AND DISADVANTAGEOUS TO APPELLANT'S SERVICE RIGHTS AND CAREER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

Handwritten signature and date: 20/12/13

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE AMENDMENT NOTIFICATION DATED 31.07.2013 MAY BE DECLARED AS IRRATIONAL, ILLOGICAL, DISCRIMINATORY, DISADVANTAGEOUS TO THE APPELLANT'S SERVICE RIGHTS AND THE SAME MAY BE SET ASIDE. THE RESPONDENTS MAY ALSO BE DIRECTED TO INCLUDE B. E (ELECTRONICS) IN EACH CATEGORY BY TREATING THE APPELLANT AT PAR WITH OTHER (B.E) DEGREE HOLDER'S OR TO FIX QUOTA IN RULES FOR PROMOTION AS PER MINUTES OF THE MEETING DATED 2.2.2012 AND AS GIVEN AND FIX FOR OTHER DEGREE HOLDERS TO MEET THE ENDS OF JUSTICE. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....  
**RESPECTFULLY SHEWETH:**

- ✓ 1. That the appellant joined the Public Health Engineering (PHE) Department in the year 1996 as Sub Engineer through Public Service Commission. The appellant has also passed Bachelor of Engineering (Electronics) in the year 2001 which is equivalent to B.Sc Engineering degrees in other disciplines. Copy of Degree and Registration with P.E.C (Pak Engineering Council) are attached as Annexure-A and B.
2. That the role of Electronics Engineering is of very importance in the PHE Department which is evident from the attached Annexure showing role and job description of Electronics Engineering. Copy of Job Description is attached as Annexure-C.
- ✓ 3. That previously in the Rules PHE Department 1979, the requisite qualification for Assistant Engineer (BPS-17) were Degree in Civil/Electrical/Mechanical Engineering and in Column No.7 10% was fixed for promotion on the basis of seniority cum fitness amongst the Sub Engineer of the Department, where the vacancies occurred in Holder Degree (only) in Engineering. Copies of Rules are attached as Annexure-D.

4. That the said rules were prevailed and amended further vide Notification dated 6.3.2010 in which the post of Assistant Engineer and above were to be filled in different ratio but with the specified qualification of Bachelor in Engineering (Civil only) by excluding of other disciplines of the Engineering Technology. Copy of the Rules 2010 is attached as Annexure-E.
- ✓ 5. That on 2.2.2012 the meeting of SSRC was held in which the reservation quota for promotion for B-tech (Honour) Graduate and Bachelor of Engineering Electronic were discussed. The said SSRC unanimously agreed to fix 1 % separate quota for in-service Bachelor of Engineering (electrical / electronic) degree holder. The said minutes were sent to the Public Service Commission who raised objections on the reservation of quota for B-Tech honour degree holder, while no objection was raised about the reservation of quota for Bachelor of Engineering (electrical / electronic degree holder. Copies of Minutes and PSC remarks are attached as Annexure-F.
- ✓ 6. That despite of observations made by Public Service Commission, the Public Health Engineering Department notified amended Rules on 31.7.2013 wherein 5% quota for promotion of BPS-17 has been reserved for direct graduate Sub-Engineer who possess degree in Engineering (Civil); 5% reserved for in service Graduate Sub-Engineer who possesses degree in Engineering (Civil), 3% quota reserved for Sub Engineer who possess B-Tech Honour (Civil), 20% reserved for Sub Engineer who possess diploma in civil electrical mechanical, while the engineering degree holder of (electrical electronic) have totally been ignored and shunted out in the new amended rules despite approved 1% quota by the SSRC. Copy of Notification is attached as Annexure-H.
7. That the appellant filed representation against the above mentioned discriminatory and irrational amended rules on 29.8.2013 and waited for statutory period but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of Appeal is attached as Annexure-I.

**GROUND:**

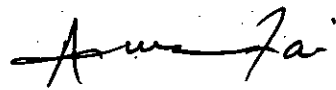
- A) That amended rules notified on 31.7.2013 are irrational, disadvantageous, principle of equity and against the norms of justice.
- B) That the respondents have failed to take any action on the Departmental Appeal of the appellant within the statutory period of 90 days which is also the violation of Appeal Rules, 1986 and various Judgments of the Superior Courts.
- C) That for B.E (electrical/electronic) 1% quota was unanimously agreed in the minutes of SSRC but despite that unanimous agreement no quota has been fixed for B.E (electrical / electronic degree holders).
- D) That new amended rules are very discriminatory because the whole edge has been given to the civil discipline in engineering and other discipline is neglected which means that the new amended rules are based on nepotism and favoritism and to protect the interest of particular groups.
- E) That the impugned amendment rules are irrational and not based on intelligible differentia which amounts to formation of groups are irrational basis and such practice has been deprecated by the Supreme Court through-out.
- F) That the impugned amended rules are against the norms of justice, principle of equity and equality which is also the violation of various Articles of the Constitutional like 2(A) 4, 25 and 27.
- G) That the amended rules are also discriminatory in a sense and another like department C&W, all engineers degree holder in discipline have been given their share upto the promotion of Chief Engineer post while the same aspect is missing in the impugned amended rules. Copy of C&W Department rules are attached as Annexure-J.
- H) That the qualification of appellant, rules and job description of electronic in Public Health Engineering Department would show that the claim of the appellant is genuine, bonafide and according to the principle of justice.

- I) That the impugned amended rules are disadvantageous to the service career and rights of the appellant, therefore, the appellant is constrained to challenge the same before this august Tribunal.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

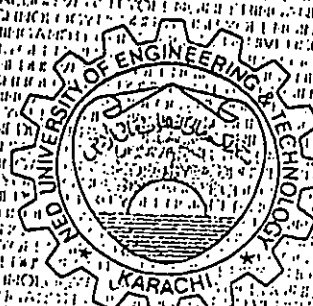
  
APPELLANT  
JAHAN ZEB

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

NO. DCET/11/221/1994/95

# NED UNIVERSITY OF ENGINEERING & TECHNOLOGY



PROGRAMME OFFERED AT  
DAWOOD COLLEGE OF ENGINEERING AND TECHNOLOGY, KARACHI

D. U. P. L. I. C. A. T. E  
FACULTY OF ENGINEERING

BACHELOR OF ENGINEERING

IN ELECTRONIC ENGINEERING

IN WHICH THE CANDIDATE HAS PURSUED A COURSE OF STUDY PRESCRIBED BY THE UNIVERSITY FOR THE DEGREE OF BACHELOR OF ENGINEERING (IN ELECTRONIC ENGINEERING) AND HAS PASSED THE REQUISITE EXAMINATION HELD IN THE YEAR 19-2000 HAVING BEEN PLACED IN FIRST DIVISION

THE UNIVERSITY THEREBY CONFERS UPON HIM/HER THE DEGREE OF BACHELOR OF ENGINEERING (IN ELECTRONIC ENGINEERING) AT THE CONVOCAATION OF 19-2000

REGISTERED

Abul Kalam

Vice-Chancellor

September 28, 2002

ATTESTED

[Signature]

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(B)

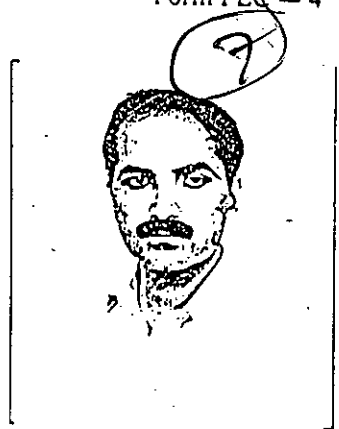
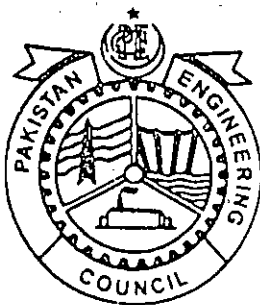
# PAKISTAN ENGINEERING COUNCIL

Serial No.: 80370  
Form PEC - 4

## DUPLICATE

Registration No: ELECTRO/5989

Date of Registration: 18-10-2001



### CERTIFICATE OF REGISTRATION UNDER

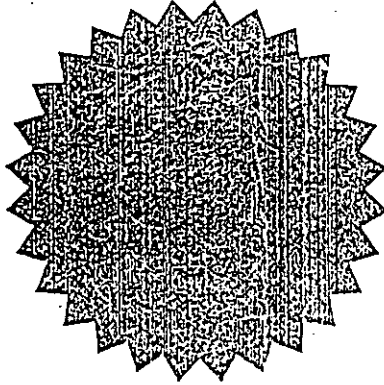
### PAKISTAN ENGINEERING COUNCIL ACT 1976

This is to certify that Engr. SAHAN ZEBI  
son/daughter of SHADI GUL born on 1st April, 1971  
resident of North Waziristan Agency (FATA)  
present postal address A-225 Block-2 Gulshan-e-Iqbal C/o. Ali Marjan Karachi  
has been registered as Professional Engineer at Serial No. ELECTRO/5989 of  
the Register of Pakistan Engineering Council with following particulars:—

Qualifications : B.E. (ELECTRONICS) / 2001-DCET, KARACHI (NED-UET) . =

Professional Affiliation  
with status :

Specialisation/  
Training/Attainments :



*[Signature]*  
Registrar  
Pakistan Engineering Council,  
G-5/2, Islamabad.

Date of issue  
10-8-2002

Note: This registration certificate is valid until 31st December 2001 unless renewed further on form PEC-5.  
This Certificate is the property of the council, returnable on request or de-registration.

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## JOB DESCRIPTION

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### 1- ELECTRONICS ENGINEERING.

1. Electronics Engineering is a specialized Branch of Electrical Engineering, and both are substantially equivalent. Both are working in PTCL (Electronics Deptt) and WAPDA (Electrical Deptt) as successful Engineers in different Scales/ Categories up to Chief Engineer level. (References attached)
2. An Electrical Engineer is responsible for Power Generation and its distribution and mainly deals with High Power Electricity (From 11Kva to 132 Kva & Maximum up level).
3. Where as an Electronics Engineer is responsible for the efficient use of Low Power Electricity (440/220/110 Volt & maximum lower level). Electronics Engineer is responsible for the Maintenance & Operation of Electrical equipment and Machineries working in the low power electricity level.
4. The Public Health Engineering Department has its foundation based on Multi-Disciplined sciences of engineering fields like civil, Mechanical, Electrical and Electronics. The construction Maintenance and Operation of the projects and activities in the PHE Deptt: Khyber Pakhtunkhwa rightly requires the knowledge of the aforesaid branches of Engineering.
5. As evidenced from approved service rules of PHE Deptt: Rule # I-(5) where Deptt: needs the services of Electrical Engineer at Diploma level since creation of this Deptt: This fact can not be rejected that Diploma holder having Electrical/Electronics Engineering degrees may be promoted to the post of Assistant Engineer/SDO (BPS-17) and should not be discriminated.  
As per approved PHE Department Rule # I- (2 & 3) the word "Civil" Engineering is deleted showing less importance of civil Engineering in PHE Department at Superintending Engineer and Executive Engineer level.
6. More over a PHE Engineer Execute two or three Developmental schemes per year, where as the same Engineer operate and maintain about 200 to 300 water supply schemes showing importance of Electrical/Electronics Engineer in PHE Deptt: Besides civil works, During Execution Design of suitable Horse power pumping machinery is an important job.
7. On the bases of above facts Public Health Engineering Department rightly require the services of Electronics & Electrical Engineering staff to upkeep the Electrical and Electronics Machineries/equipments and maintain the Electronics feed back system.

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ہائیر ایجوکیشن کمیشن

HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad, Phone: +92-051-90400912 Fax: +92-51-90400902  
URL: <http://www.hec.gov.pk>

Syed Afaq Ahmad  
Assistant Director (A&A)

No.8-61/HEC/A&A/2010

May 25, 2010

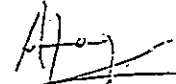
Mr. Jahan Zeb,  
PHE Department  
Timargara Dir,  
Lower.

Subject: - Equivalence of Bachelor of Engineering Electronic degree awarded by the NED University of Engineering & Technology, Karachi.

Dear Sir,

With reference to your application dated May 21, 2010 on the subject, it is informed that the status of Bachelor of Engineering Electronic and Bachelor of Engineering Electrical degrees is the same to the extent that <sup>①</sup> these degrees are awarded after completion of 16-year education. <sup>②</sup> Though, curriculum and scheme of studies of the above degrees have some common courses, yet differ in breadth, width and in level of treatment and as such are awarded in distinct disciplines with different nomenclatures. Therefore, degrees cannot substitute each other. However, determining of eligibility in relation to job requirements rests with the employing agency and this commission has <sup>③</sup> no role in such matters.

Yours faithfully,



Syed Afaq Ahmad  
Assistant Director

For Director General (A&A)

(9)

JUSTIFICATION/ ROLE OF ELECTRONICS ENGINEERING IN PHE DEPARTMENT

Justification/Comparison/Role of B.E Electronics Engineering in Public Health Engineering Department is as under please.

S #	B.E Electronics Engineering	Electrical Engg:	Mechanical Engg:	Civil Engg
1	<u>Resistivity Survey</u> of land for under ground water potential is done through Electronics instrument	No Role	No Role	No Role
2	<u>Logging of Tube well</u> is an Electronics Instrument based process in which water strata is defined through variable resistance of aquifers	No Role	No Role	No Role
3	Electrical parts of a water supply scheme, like Electric Meter, Service cable, Transformer, Voltage Regulator and Electrical Machine are a part of Electronics Engineering study Annex-ii	Plays Role only	No Role	No Role
4	Digital Electric Meter is purely an Electronic Instrument	No Role	No Role	No Role
5	The parts of Main control Unit (MCU) like Magnet contactor, Over load Relay, Phase failure Relay, Dry running Relay and Digital display works on Electronics Principles. Hence MCU is an Electronics Feed Back System and is the heart of a water supply scheme.	No Role	No Role	No Role
6	Protective Electronics Devices Like Digital Automatic Circuit Breakers (Main Switches) are available at Market, which can better control the flow of current to the Machinery system, thus reducing the short circuits and Annual Maintenance Expenditures on AM&R of water supply schemes.	No Role	No Role	No Role
7	Digital Timers and Displays control the system in a better and correct way, which is Electronics Instrument	No Role	No Role	No Role
8	Solar based Energy systems have already been launched in Punjab and Khyber Pakhtunkhwa for Tube wells Operations successfully ( <u>Solar based Water Supply Schemes already reflected in PHE FATA ADP # 402-2012-013</u> ) which will solve the main problem of PHE Deptt: with WAPDA	No Role	No Role	No Role

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	and will make the Deptt: self sufficient in the field of Energy. Hence reducing the Annual Operation expenditure of the Province. (Solar system is purely an Electronics Job)			
9	All Drinking Water Supply schemes of a District can be controlled from a single remote control station in the future planning through Digital communication system (Through Internet services) as already launched in European countries. Thus reducing employment expenses of the Government.	No Role	No Role	No Role
10	DC (Direct current) based Pumping machineries are necessary for solar-based energy systems, which are created by Electronics Engineer.	No Role	No Role	No Role
11	Standardization of Electrical and Electronics parts of pumping machinery is the job of Electronics Engineering.	Plays Role	Plays Role	No Role
12	Different computer programming can be utilized to Operate/ Control water supply schemes during peak hour energy consumption.	No Role	No Role	No Role
13	Water charges Billing system of PHE Deptt: can be simplified through computer programming	No Role	No Role	No Role
14	Digitally controlled Diesel Generators can be utilized at the schemes, where Electricity is not available.	No Role	No Role	No Role
15	Electronics Sensors (Heat, Smoke and Light) can be utilized at Mega water supply systems to protect the system and keep allowable Temperature in the system control Room.	No Role	No Role	No Role
16	Computers, Fax machines, Modems, Routers, Telephone, Internet, Photo state Machines etc used in different PHE Offices is Electronics Engineering.	No Role	No Role	No Role
17	Digital water quality testing equipments supplied by UNICEF to PHE Deptt: is Electronics instrument.	No Role	No Role	No Role
18	Digital leveling Tool (Total Station) is Electronics equipment.	No Role	No Role	No Role
19	There are many such things, which can be described showing importance of Electronics Engineering in PHE Department.	No Role	No Role	No Role

THE NORTH WEST FRONTIER PROVINCE IRRIGATION AND  
PUBLIC HEALTH ENGINEERING DEPARTMENT (RECRUITMENT AND  
APPOINTMENT) RULES 1979.

SCHEDULE

IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT.

of	Minimum qualification		Age for initial recruitment.		Method of recruitment.
	by initial recruitment or by transfer	by promotion	Minimum	Maximum	
	3	4	5	6	7

POSTS COMMON TO IRRIGATION AND PUBLIC HEALTH ENGG: DEPARTMENT.

Degree in Engineering from a recognised University.

By selection on merit from amongst four senior most officers in case of Irrigation Deptt: and three in case of Public Health Engg: Deptt: with at least seventeen years experience as Govt: Servant, seniority being considered only in the case of officers of practically the same standard of merit.

By selection on merit from amongst the Executive Engineers or holders of equivalent posts in the Deptt: concerned, in which the vacancy occurs, with at least twelve years service in grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.

By selection on merit with due regard to seniority from amongst Assistant Engineers of the Deptt: concerned in which the vacancy occurs with at least five years service as an

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Assistant Engineer		Degree in Civil/ Electrical or Mechanical Engg: from a recognised University, as may be specified by Govt: for the respective post.	Degree or diploma in Engg: from a recognised Univ: or Institute, as specified in column 6	21 years	30 years	<p>a) Seventy percent by initial recruitment and</p> <p>b) Ten percent by promotion on the basis of seniority-cum-fitness from amongst Sub Engineers of the Deptt: where the vacancy occurs, who hold degree in Engineering, provided that for the purpose of this clause, seniority of Sub Engineers shall be reckoned from the date of acquiring Degree or from the date of initial recruitment, whichever is later, and</p> <p>c) Twenty percent by selection on merit with due regard to seniority, from amongst officiating Asstt: Engineers/ Senior Scale Sub Engineers of the Department concerned where the vacancy occurs, who hold a diploma and have passed the Departmental Examination.</p> <p>By selection on merit, with due regard to seniority, from amongst Sub Engineers of the Deptt: concerned where the vacancy occurs, who have passed the Departmental Examination and have atleast ten years service as such.</p> <p>By selection on merit, with due regard to seniority from amongst holders of the posts of senior Superintendents/ Superintendents, in the Department in which the vacancy occurs.</p>
Senior Scale Engineers.			Diploma in Engg: from a recognised Institute.			
Administrative Officer/Budget & Accounts Officer.						

.../2...

.../3...

copy

GOVERNMENT OF N.W.F.P.  
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar the March 6, 2010.

NOTIFICATION

No.SO(Estt)/PHED/1-9/2010 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil servants (Appointment, Promotion and Transfer) Rules, 1989 and in super-session of all previous notifications issued in this behalf, the Public Health Engineering Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in Column No. 3 to 5 of the Appendix appended to this Notification which shall be applicable to the post as mentioned in Column No. 2 of the said Appendix.

(ENGR. AHMAD JAN)  
SECRETARY TO GOVT: OF NWFP  
PUBLIC HEALTH ENGG: DEPARTMENT

Endst: No.SO(Estt)/PHED/1-9/2010

Dated Peshawar, the March 6, 2010.

Copy forwarded for information to the:-

1. All Administrative Secretaries, Govt. of NWFP Peshawar.
2. Secretary to Governor NWFP.
3. Secretary to Govt: of NWFP, Establishment (E&A) Department Peshawar.
4. Secretary to Govt: of NWFP, Law Department Peshawar.
5. Principal Secretary to Chief Minister NWFP Peshawar
6. PS to Chief Secretary NWFP Peshawar.
7. PS to Additional Chief Secretary NWFP Peshawar.
8. PS to Additional Chief Secretary Home NWFP Peshawar.
9. PS to Additional Chief Secretary FATA Peshawar.
10. Accountant General NWFP, Peshawar
11. Additional Accountant General, (PR) Sub Office Peshawar.
12. Chief Engineer (South/North)PHE Department NWFP Peshawar
13. Secretary Public Service Commission Peshawar w/r to his letter No.NWFP/PSC/Lit/2010/08527 dated 12-02-2010.
14. Registrar Peshawar High Court Peshawar.
15. Registrar N.W.F.P. Services Tribunal Peshawar.
16. All Superintending Engineers PHE Department NWFP.
17. All Executive Engineers PHE Department NWFP.
18. PS to Secretary PHE Department NWFP Peshawar.
19. Office Order File.
20. Manager Government Printing Press NWFP Peshawar. He is requested to supply 50 copies of the printed gazette for further distribution.

  
(SHABBIR AHMED AWAN)  
SECTION OFFICER (ESTT)

*TESTED*

APPENDIX

S.No.	Nomenclature of post.	Minimum qualification required for appointment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
<b>I. Engineering Cadre:</b>				
1.	Chief Engineer (BS-20).			By promotion, on the basis of selection on merit, from amongst the Superintending Engineers/Directors Design/Directors (Planning and Monitoring) with at least seventeen years service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
②	Superintending Engineer / Director Design / Director (Planning and Monitoring) (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/ Design Engineers Technical Officers with twelve years of service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
③	Executive Engineer/ Design Engineer/ Technical Officer (BS-18).			By. promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers/Assistant Design Engineers/Sub Divisional Officers possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such.

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4.	Assistant Engineer/ Assistant Design Engineer/Sub Divisional Officer (BS-17).	Degree in B.E/B.Sc Engineering (Civil) r from a recognized University.	21 to 32 years	<p>(a) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p><b>Note:</b> The seniority for the purpose of promotion shall be reckoned from the date of acquiring degree of B.E/B.Sc Engineering (Civil) from a recognized University or date of appointment which ever is later.</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma and have passed Departmental Professional Examination with at least ten years service as such; and</p> <p>(c) seventy per cent by initial recruitment.</p>
5.	Sub Engineer (BS-11).	Diploma of Associate Engineering (Civil)/ Electrical / Mechanical from a recognized Technical Board.	18 to 30 years	<p>(a) Ten per cent by transfer, from amongst the Draftsmen with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology from a recognized Board; and</p> <p>(b) ninety per cent by initial recruitment.</p>
<b>II. Ministerial Establishment:</b>				
6.	Budget and Accounts Officer/Administrative Officer (BS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with five years service as such.
7.	Superintendent (BS-16).			<p>(a) Seventy per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and</p> <p>(b) thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with five years service as such.</p>

*[Handwritten signature]*





Dated Peshawar, the December 6, 2010

## NOTIFICATION

No.SO(E)PHE/1-9/2009. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this department's Notification No.SOE/PHE/1-9/2010, dated 06-03-2010, the following amendments shall be made, namely:

### AMENDMENTS

In the Appendix,-

- (i) against serial No.2 and 3, in column No.5, the word and brackets, "(Civil)" shall be deleted;
- (ii) against serial No.4, in column No.5, for the existing entry, the following shall be substituted, namely;

"(a) Five percent 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) from a recognized University;

(b) five per cent 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 Engineering (Civil) from a recognized University;

(c)  twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who hold a Diploma in Civil / Electrical / Mechanical Technology and have passed Departmental Professional Examination with atleast ten years service as such; and

(d) seventy percent by initial recruitment."

- (iii) against serial No.5, in column No.5, for the existing entry, the following shall be substituted, namely:

"(a) ninety-five per cent by initial recruitment having Diploma of Associate Engineering (Civil) from a recognized Technical Institution;

(b) One per cent by initial recruitment having Diploma of Associate Engineering (Electrical) from a recognized Technical Institution.

(c) two per cent by initial recruitment having Diploma of Associate Engineering (Mechanical) from a recognized Technical Institution; and

(d) two per cent by transfer, from amongst the Draftsmen with atleast seven years service as such, having Diploma in Civil / Electrical / Mechanical Technology from a recognized Institution."

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(iv) against serial No.7, in column No.5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having five years service as such.

Note:- A joint seniority list of Assistants / Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistant and Senior Scale Stenographer respectively. In case of same date of appointment, Assistant shall rank senior."

(v) against serial No.11,-

(a) in column No.2, for the existing entry, the following shall be substituted, namely;

"Accounts Clerk / Senior Clerk"; and

(b) in column No.5, for the words "Senior Clerks with five", the words "Junior Clerks with three", shall be substituted.

(vi) entries against serial No.12 shall be deleted;

(vii) against serial No.13, in column No.3, for the existing entry at clause (a), the following shall be substituted, namely;

"(a) Second class Secondary School Certificate from a recognized Board; and"; and

(viii) against serial No.19, in column No.3, for the existing entry, the following shall be substituted, namely;

"Second class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education."

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGINEERING DEPARTMENT

ENDST: No.SQ(E)PHE/1-9/2009

Dated Peshawar, the December 6, 2010

Copy forwarded to the:-

1. All Administrative Secretaries to the Govt. of Khyber Pukhtoonkhwa Province.
2. Secretary to Governor Khyber Pukhtoonkhwa Province.
3. Principal Secretary to Chief Minister Khyber Pukhtoonkhwa Province.
4. PS to Chief Secretary Khyber Pukhtoonkhwa Province.
5. Accountant General Khyber Pukhtoonkhwa Province Peshawar.
6. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
7. Chief Engineer (North & South) PHE Department.
8. Secretary Public Service Commission.
9. Registrar Peshawar High Court / Services Tribunal Peshawar.
10. All Superintending Engineers PHE Circles / XENs PHE Department.
11. Manager Government Stationary & Printing Department.
12. PS to Secretary / DS (Admn) PHE Department.
13. Office Order File



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGINEERING DEPARTMENT

Subject: MINUTES OF THE SSRC MEETING HELD ON 02-02-2012  
REGARDING AMENDMENTS IN THE PHE DEPARTMENT'S  
(RECRUITMENT & APPOINTMENT) RULES 2010

A meeting of the SSRC was held on 02-02-2012 at 1100 hours under the chairmanship of Secretary PHE Department at his office, for considering the framing of service rules of some general/operational staff and various amendments in the PHE Department's (Recruitment & Appointment) Rules 2010.

2. The following attended the meeting:-

- |   |                  |
|---|------------------|
| 1. Engr. Yousaf Jamal,<br>Secretary PHE Department                    | In-chair         |
| 2. Engr. Ghulam Mujtaba,<br>Chief Engineer (South) PHED               | Member           |
| 3. Mirza Iftikhar Ahmad,<br>Deputy Secretary (Admn), PHED.            | Member/Secretary |
| 4. Mr. Mushtaq Hussain,<br>Deputy Secretary (Reg-III) E&AD            | Member           |
| 5. Mr. Wazir Muhammad Afgar,<br>Section Officer (SR) Finance Deptt    | Member           |
| 6. Mst. Hamsheeda Begum,<br>Assistant Legal Drafter<br>Law Department | Member           |

3. The meeting started with recitation from the Holy Quran. The chairman of the committee welcomed the participants and explained the purpose of the meeting regarding various amendments in the PHE Department's existing Service Rules, notified earlier on 06-03-2010.

4. The following agenda items were discussed and decisions made accordingly:

1. Insertion of condition of qualification of Departmental/Professional Examination in the service rules for promotion of Assistant Engineers/SDOs (BS-17) to the post of Executive Engineer (BS-18).

It was pointed out that Establishment Department while processing a case has observed that the condition of qualification of Departmental Exam has not been mentioned in the service rules for promotion of Assistant Engineers/SDOs (BS-17) to the post of Executive Engineer (BS-18) or onward as required under the B&R Code. The chair told the forum that this requirement is to be incorporated at the stage of promotion of Assistant Engineers/Assistant Design Engineer/SDOs (BS-17) to the post of Executive Engineer/Design Engineer/Technical Officer (BS-18). As such this amendment is proposed. The Forum unanimously agreed to the insertion of condition of Departmental Examination in the Service Rules.

2. Reservation of Quota for B-Tech (Hons) Graduate

The Secretary of the forum told the participants that ever since the decision of august Supreme Court in Suo moto review petition No. 52 of 1993 the B-Tech (Hons) degree holders Sub Engineers are constantly approaching various forums and the department for treating them equally with BE/BSc Engineering degree holders. However, the matter was referred to the PEC which did not recognize the same degree.

The Chair pointed out that to avoid any further litigation this department intends to reserve 4% quota for B-Tech (Hons) degree holders by slashing 5% out of initial recruitment quota which is 70% whereas in C&W & Irrigation initial recruitment quota is 65%. In case of non availability of suitable candidates having B.Tech (Hons) Degree, the posts shall be filled by the way prescribed for initial recruitment.

ATTESTED  
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The forum agreed to the proposal with certain observations of Establishment mentioned herein after in item 3 below.

3. Reservation of Quota for B.E Electronics


The Secretary expresses the need and utility of Engineers (with B.E Electrical/Electronics in PHE Department. In PHE Department from hydrology survey to external/internal electrification and regular upkeep of electrical Machinery/Electricity Billing etc the department requires services of such like engineers. Therefore separate quota of 1% for in service B.E/Electrical/Electronics degree holder is being proposed. The representative of the Establishment Department objected to this. He pointed out that at the time of induction as Sub Engineers the incumbents hold either DAE in Electrical, Mechanical or Civil discipline. Those with DAE (Civil) have the privilege of getting accelerated promotion under the existing 5% quota of in service B.E/BSc (Civil) Degree holder whereas the other two categories of the DAEs are being discriminated. Therefore, by adding the words Electrical/Electronics/Mechanical after B.E Civil shall serve the purpose. The forum agreed and one percent quota was accordingly apportioned to B-Tech (Hons) which was agreed at 5% quota for the in-service Graduate Sub Engineers. The chair also pointed out that for promotion to the post of Assistant Engineer/SDO/Assistant Design Engineer (BS-17), the Diploma holder Sub Engineers are required to qualify the Departmental Exam but inadvertently, in the service rules professional examination has been mentioned. This correction is also to be made. The forum agreed. The rules will be accordingly adjusted and notified.

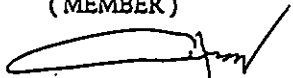
4. Service Rules for General/Operational Staff:

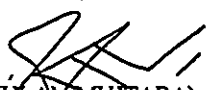
The chair of the forum informed the participants of the meeting requirement of the operational staff for the water supply schemes. The forum agreed to the proposal regarding framing of service rules for the following categories of the Department:-


1. Electrician (BS-7)
2. Pipe Fitter (BS-7)
3. Pump Operator (BS-4)
4. Chowkidar-cum-valve man (BS-1)
5. Chowkidar-cum-Operator (BS-1)


5. The chairman, appreciated efforts and cooperation extended by the participants for streamlining the service rules. The meeting ended with a vote of thanks from the chair.


  
( HAMSHEEDA BEGUM )  
ASSISTANT LEGAL DRAFTER  
LAW DEPARTMENT  
( MEMBER )

  
( MUSHTAQ HUSSAIN )  
DEPUTY SECRETARY (REG-III)  
E&A DEPARTMENT  
( MEMBER )

  
( ENGR. GHULAM MUJTABA )  
CHIEF ENGINEER (SOUTH)  
PHE DEPARTMENT  
( MEMBER )

  
( WAZIR MUHAMMAD AFGAR )  
SECTION OFFICER (SR)  
FINANCE DEPARTMENT  
( MEMBER )

  
( MIRZA IFTIKHAR AHMED )  
DEPUTY SECRETARY (ADMN)  
PHE DEPARTMENT  
( MEMBER/SECRETARY )

  
( ENGR. YOUSAF JAMAL )  
SECRETARY PHE DEPARTMENT  
( CHAIRMAN )

*[Handwritten signatures and initials]*  
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Telephone No. 091-9213750 Ext: 1066



KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
2-FORT ROAD, PESHAWAR CANTT  
(NEAR GOVERNOR HOUSE)

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25-6-12

NO.KPK/PSC/Li/F-07/2012/ 032223

Date: 20, 6, 12

To,

The Secretary,  
To Government of Khyber Pakhtunkhwa,  
Public Health Engineering Department,  
Peshawar.

Subject:

FRAMING OF SERVICE RULES FOR OPERATIONAL STAFF OF PHED  
AND AMENDMENTS IN THE PHE DEPARTMENT'S (RECRUITMENT &  
APPOINTMENT) RULES 2010.

Dear Sir,

1. I am directed to refer to your letter No. SO(Estt:)/PHED/1-9/2009 Dated 16-03-2012 on the subject noted above and to state that the Commission examined the subject case and has agreed with the recommendation of SSRC regarding amendment in the service rules for the post of Executive Engineer/Design Engineer/Technical Officer (BPS-18) and has raised the following observations regarding the amendment in the service rules for the Post of Assistant Engineer/Assistant Design Engineer/Sub Divisional Officer (BPS-17) :-

- a. In Judgment of Supreme Court it has been referred to Pakistan Engineering Council. The PEC is the body to recognize such certificates, so the case may be referred to PEC for their views/opinion.
- b. The Lahore High Court, Multan Bench decided that the Higher Education Commission, not the Pakistan Engineering Council, is the competent authority to decide upon the issues relating to equivalence. The Higher Education Commission has clearly decided that B. Tech: (Hons) and B.E/B.Sc (Engg:) are two distinct disciplines. The Higher Education Commission trespassed its mandate by saying that B.Tech: (Hons) may be treated at par and compatible with B.E/B.Sc as far as grades, pay and promotions and other benefits are concerned. Such terms and conditions are the exclusive domain of the employers. The Higher education Commission has added confusion to the issue.
- c. It is, by and large, known to all and sundry that Engineering means a Technologist but a technologist does not mean Engineer.

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DSA  
Write a letter to PEC and let me see outgoing draft.

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22/6/12

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K. JESSEB

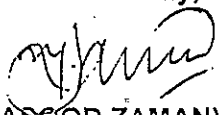
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d. There should be proper clarity about the Engineers, Technologists and Technicians in terms of definition, role, extent and expertise level/contribution against Engineering and Technology works/practices. Therefore, the department must identify the posts which are to be filled from amongst the B.Tech: (Hons) degree holders so that the mandate given to it under the Rules of Business or job description is not spoiled through the employees with irrelevant qualifications.

2. It may be appreciated that the judgments quoted in the case do not place any bar on the Government/employer to frame Service Rules according to its requirements.

3. I am further directed to intimate your good self that Pakistan Engineering Council may be approached in this regard, before processing the Service Rules, that whether B.Tech holder is at par with B.E/B.Sc Engineering Degree or otherwise.

Yours faithfully,

  
(MASOOD ZAMAN)  
DEPUTY SECRETARY  
(LITIGATION)

RECEIVED  
for



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

Dated Peshawar, the July 31, 2013

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22

**NOTIFICATION**

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

**AMENDMENTS**

In the Appendix,-

- i) Against serial No.3, in column No.5, for the existing entry, the following shall be substituted, namely:  
"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Engineers, Assistant Design Engineers and Sub Divisional Officers, who possess Degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such and have passed the Departmental Professional Examination."
- ii) Against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely;
  - (a) five per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the direct graduate Sub Engineers, who possess Degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such;
  - (b) five per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the in service graduate Sub Engineers, who possess Degree in B.E/B.Sc Engineering (Civil), from a recognized University with five years service as such;
  - (c) three per cent, by promotion, on the basis of seniority-cum-fitness, from amongst Sub Engineers, who possess Degree in B.Tech Hons. (Civil), from a recognized University with five years service as such;
  - (d) twenty per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who possess Diploma in Civil / Electrical / Mechanical Technology with ten years service as such and have passed the Departmental Examination; and
  - (e) sixty-seven per cent by initial recruitment".

ATTESTED  
A

**SECRETARY**

23  
ENDST: No. SO(E)PHE/1-9/2009

Dated Peshawar, the July 31, 2013

Copy forwarded to the:-

1. All Administrative Secretaries to the Govt. of Khyber Pakhtunkhwa Province.
2. Secretary to Governor Khyber Pakhtunkhwa Province.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Province.
4. PS to Chief Secretary Khyber Pakhtunkhwa Province.
5. Accountant General Khyber Pakhtunkhwa Province Peshawar.
6. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
7. Chief Engineer (South) PHE Department.
8. Chief Engineer (North) PHE Department.
9. Chief Engineer (FATA) Communication & Works Department.
10. Secretary Public Service Commission Khyber Pakhtunkhwa.
11. Registrar Supreme Court of Pakistan / Peshawar High Court / Service Tribunal Peshawar.
12. All Superintending Engineers PHE Circles / Executive Engineers PHE Divisions / Sub Divisional Officers PHE Khyber Pakhtunkhwa.
13. Manager Government Stationary & Printing Department.
14. PS to Minister for PHE Department.
15. PS to Secretary PHE Department.
16. Office Order File

*Muhammad Yunas*  
31/7/13

( MUHAMMAD YUNAS )  
SECTION OFFICER (ESTT)



I

**APPEAL**

To

The Chief Secretary to Government  
of Khyber Pakhtunkhwa.

24

**THROUGH PROPER CHANNEL**

Subject:- **PRESENTATION AGAINST NOTIFICATION NO-SO(E)PHE/1-9/2009 Dated 31/7/013**

With due respect it is stated that under signed joined PHE Department in Feb: 1996 as Sub Engineer. I served as Assistant District Officer/ Sub Divisional Officer at Dir Lower since 2008 to 2012. At present I am serving as Assistant Design Engineer (PHE) all FATA since 2012 in my OPS (11).

**Annex-i**

During service I pursued and completed four years study in NED University of Engineering & Technology Karachi (DCET) leading to Bachelor of Engineering Degree in Electronics in the year 2001. All the certificates and credentials relating to my qualifications, experience and performance are there in my service record please.

1. **My Qualifications are as under.**

S.NO	EXAMINATION	DIVISION	YEAR OF PASSING
1	Matriculation	First	1987
2	F.Sc	First	1990
3	Diploma of Associate Engineer (DAE)	First	1993
4	B.A	Second	1993
5	B.E (Electronics) Engineering	First	2001

**Annex-ii**

2. Public Health Engineering Department has its foundation based on multi disciplined sciences of engineering fields like Civil, Mechanical, and Electronics/Electrical. The construction maintenance and operation in PHE Deptt: rightly require the knowledge of the aforesaid branches of Engineering.

3. Job Description of a B.E Electronics Engineer in PHE Deptt: is hereby described.

**Annex-iii**

4. An Appeal was submitted to Chief Minister KPK for favorable consideration in 2010.

**Annex-iv**

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5. As per approved Rules of PHE Deptt: the Engineers are exempted from B.E/ B.Sc (Civil) Engineering degree at Superintending Engineer level showing less importance of B.E/B.Sc Engineering (civil) in the Department. Where as the basic 1979 rules of PHE Deptt: shows that in service graduate sub engineers are entitled for promotion with any discipline of engineering degree (i.e there is no condition of Civil engineering) **Annex-v** ✓
6. SSRC has already approved entitlement of B.E (Electronics) Engineering in PHE Deptt: in its meeting held on 2-2-2012.where the forum was agreed at 1% quota for in-service B.E Electronics Engineers. **Annex-vi**
7. The minutes of the meeting were referred to KPK Public Service Commission (PSC), where PSC raised some observations on B.Tech (Hon) only vide letter No-KPK/PSC/Lit,F-07/2012/032223 Dated 20/06/2012. There was no observation raised by PSC on B.E (Electronics) Engineering. **Annex-vii**
8. Minutes of the meeting of standing committee No-7 on Works & Services Deptt: held on 3-11-2008 notified vide NO-SOG/W&S/2-11/SC/No-7/2008 Dated 26-12-2008. Rule No-34(3). **Annex-viii**
9. Under signed approached HEC for equivalency certificate of B.E (Electronics) with B.E (Electrical). Their reply is attached as. **Annex-ix**. Where level of treatment/ importance of B.E (Electronics) in PHE Deptt: is proved in **Annex-iii** (Job Description of B.E Electronics in PHE Deptt:) & **Annex-vi**. (Secretary PHE Comments)
10. Importance of Solar Energy for Tube wells recommended by Institute of Engineers Pakistan (IEP) is attached as; **Annex-x**. More over PHE Deptt: have already completed solar-based drinking water supply schemes at FATA, and ADP 2013-14 is advised to be based on solar energy by FATA secretariat. This shows entrance of a new Technology into PHE Deptt:, which will require the services of Electronics Engineering staff.
11. Under signed submitted B.E Electronics degree (through proper channel in the year 2006) to the Department and submitted importance of the Degree in PHE Department to the Secretary PHED on Dated 13-4-2011. Which was kindly accepted and the case was approved from SSRC on Dated 2-2-2012. **Annex-xi**
12. As evidenced from approved service rules of C&W Deptt: Notified vide Section Officer No. SOE/W&S/8-12/2007 B.E (Electrical/Mechanical) Engineering is entitled for promotion amongst in service graduate Sub Engineers. Where as in service graduate sub Engineers in Electrical/Electronics and Mechanical Technologies are discriminated in PHE Department. Where PHED operate and maintain thousands of Electrical/pumping based water supply schemes, spending millions of AM&R funds per annum for Electronics and Electrical parts. **Annex-xiii**

26

13. During SSRC meeting held on Dated 2-2-2-12 (Annex-VI), 1% quota was agreed by the competent forum for in-service B.E (Electronics) graduate Sub Engineers. But unfortunately the said quota was not reflected in the new modified rules notified vide No-SO (E) PHE/1-9/2009 Dated 31-7-2013. **ANNEX - XIII**
14. All the above process that my category has been discriminated while extending the benefits of quota to B.Tech qualified employees, which reduced less career opportunities and as such the same is disadvantageous to my career and protected rights under the law.

Being in service graduate sub Engineer in B.E (Electronics) I am confident that Electronics Engineering can perform a vital role in PHE Deptt: in the related fields of Electronics, newly entered Technology of solar based water supply schemes and Electrical fields.

It is there for humbly prayed that rules notified Dated **31-7-2013** may be modified & to fix quota for qualified B.E (Electronics) Engineers for further promotion to eliminate the factor of discrimination & to treat the B.E (Electronics) qualified employees at par with B.Tech(Hon) qualified employees to meet the ends of justice.

D.A/As above

Sincerely yours

  
ENGR: JAHANZEB

Copy to;

1. The Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department for information please.
2. The Secretary Public Health Engineering Deptt: Khyber Pakhtunkhwa for information please.

**Note:** - For discussion if required please contact u/s on cell No-03339119123.

Sincerely yours

ENGR: JAHANZEB

ATTESTED  


27

To  
The Chief Engineer (FATA)  
Works & Services Department  
Peshawar.

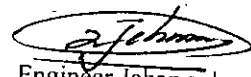
Subject: PRESENTATION AGAINST NOTIFICATION NO-SO(E)PHE/1-9/2009 Dated 31/7/2013

Sir

Enclosed please find herewith an appeal regarding entitlement of B.E Electronics Engineering in Public Health Engineering Department with the request to forward the case to Chief Secretary Khyber Pakhtunkhwa for further necessary action.

The case has already been approved by SSRG and Public Service Commission Khyber Pakhtunkhwa vide Annex-VI and Annex-VII respectively.

Yours sincerely



Engineer Jahan zeb  
- Assistant Design Engineer  
PHE (FATA) W&S Deptt:  
29-8-2013

Dy: No-1309  
dt 29/8/013

File. 2/27 E.



OFFICE OF THE CHIEF ENGINEER (FATA)  
WORKS & SERVICES DEPARTMENT  
PESHAWAR

No. 217 12/27-E  
Dated Peshawar the 2, 12/2013

To

The Chief Engineer (South),  
PHE Department Peshawar.

Subject: - PRESENTATION AGAINST THE NOTIFICATION NO. SO(E)/PHE/1-9/2009  
DATED 31-7-2013.

Enclosed please find herewith an appeal alongwith its enclosures regarding entitlement of B.E Electronics Engineering in PHE Department in respect of Mr. Jahan zeb Assistant Design Engineer (PHE) attached to this office for further necessary action.

DA/As Above

(Engr. Syed Daud Jan)  
Chief Engineer

29/12/13

TESTED  
A

29

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

No. 14 / E-26 / PHE

Dated Pesh: the 10 / 09/2013.

To

The Section Officer (Estt.),  
Public Health Engg: Department,  
Peshawar.

Subject:- PRESENTATION AGAINST THENOTIFICATION NO. SO(E)/PHE/1-9/2009, DATED 31.7.2013.

An application of Mr. Jahan Zeb Assistant Design Engineer (OPS) O/O Chief Engineer Works & Services Department requesting therein for allocation of quota in respect of Degree Holders in Electronics Engineering for promotion to the post of SDO (BPS-17) is forwarded duly recommended for favorable consideration.

Encl: As above.

CHIEF ENGINEER

*[Handwritten signature]*  
9/9/13

J  
30

GOVERNMENT OF NWFP  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

**NOTIFICATION:**

No.SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the **Appendix** to this Notification which shall be applicable to posts in column 2 of the said Appendix.

Secretary to Govt of NWFP  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl: Chief Secretary NWFP, Peshawar
6. PS to Addl: Chief Secretary Home NWFP, Peshawar
7. PS to Addl: Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar.
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions

  
(RAHIM BADSHAH)  
SECTION OFFICER (ESTT)

ATTESTED  
A

(31)

APPENDIX A

**D) ENGINEERING SERVICE**

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	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 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University	21 - 32 Years	a) Seventy percent (70%) by initial recruitment; b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possessed degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service; c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service. The seniority to be determined from the date of acquiring degree; and d) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma and have passed Departmental Professional Examination, with at least 10 (ten) years service as such.
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	a. Seventy Five percent (75%) by initial recruitment; b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board; Note-1: <u>For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</u> c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board; d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in Electrical/Mechanical Technology from a recognized Board; Note-2: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisor &amp; Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u>

*RESTED*  
*AS*



				<p>e. Two point five percent (2.5%) By Transfer from amongst the Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board;</p> <p>f. Two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with ten years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board; and</p> <p>g. Five percent (5%) by promotion, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;</p> <p>Note-3: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisors &amp; Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p> <p>Note-4: (i) <u>If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and</u></p> <p>(ii) <u>If no suitable candidate is available for promotion, as prescribed in sub clause (f), then the vacancy shall be filled in by way as prescribed in sub clause (c);</u></p>
6.	Work Superintendent/Work Supervisor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
7.	Surveyor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
8.	Road Inspector.	Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education	20 - 30 Years	<p>a) Fifty percent (50%) by Initial Recruitment AND</p> <p>b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work Munshies with at least ten years services as such</p>
9.	Work Munshi	Secondary School Certificate from a recognized Board.	20 - 30 Years	By Initial Recruitment

**NOTIFICATION**

In pursuance to Section 8 (1) and (5) of the NWFP, Civil Servants Act 1973, read with Notification No.SOE/W&S/8-12/2007 dated 19/01/2007 (for No.4(c), the Seniority of Sub Engineer (BPS-11) (Inservice Graduate, (Civil/Electrical/Mechanical)) of C&W Department as stood on 31/12/2009 is hereby notified as under:- (Note: Seniority to be determined from the date of Acquiring Degree in Engineering).

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No	Name of Official	Father's Name	Home District	DOB	Date of Appointment to PWD	Date of Appointment to Class	Qualification with Year of Graduation	Remarks
1	Muhammad Arif-IV	Muhammad Yousaf	Peshawar	20/04/1965	12/11/1990	12/11/1990	B.Sc(C) 1993	Professional passed (2008)
2	Nisar Ahmed-I ✓	Muhammad Sarwar Khan	Mansehra	20/05/1957	12/02/1979	12/02/1979	B.Sc(C) 1993	
3	Wajid Ali	Dilawar Khan	Charsadda	13/01/1936	24/12/1990	24/12/1990	B.Sc(M) 1993	
4	Waheed Ahmed	Umar Bakhsh	Peshawar	04/01/1961	16/04/1981	16/04/1981	B.Sc(C) 1994	
5	Shah Faisal	Jalaludin	Kohat	11/02/1964	14/03/1988	14/03/1988	B.Sc(C) 1995	Professional passed (2008)
6	Hamraz Khan	Gul Sahib Khan	Karak	01/01/1964	15/03/1988	15/03/1988	B.Sc(C) 1995	
7	Shaukat Javed	Shah Jehan Khan	DI.Khan	01/01/1960	20/03/1985	20/03/1985	B.Sc(C) 1995	
8	Zahoor Ellahi ✓	Muhammad Ellahi Baig	Haripur	07/01/1964	16/03/1988	16/03/1988	B.Sc(C) 1997	
9	Amir Sher	Sarfraz Khan	Peshawar	29/04/1952	25/10/1978	25/10/1978	B.Sc(C) 1997	
10	Muhammad Asghar Khan	Muhammad Aslam Khan	Swabi	30/12/1964	17/03/1988	17/03/1988	B.Sc(C) 1997	Professional passed (2008)
11	Badrul Islam	Imranud Din	Peshawar	06/01/1965	12/12/1990	12/12/1990	B.Sc(C) 2000	Compart in Accounts (2008)
12	Muhammad Fiaz Ahmed-II	Safri	Haripur	12/05/1972	07/03/1994	07/03/1994	B.Sc(C) 2000	
13	Roedar Alam	Rahim Gul	Malakand	01/06/1968	16/12/1990	16/12/1990	B.E(E) 2001	

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S.No	Name of Official	Father's Name	Home District	DOB	Date of Appointment to PWD	Date of Appointment to Class	Qualification with Year of Graduation	Remarks	
5-	14	Syed Atiqur Rehman	S. Muhammad Ibrahim	Malakand	20/02/1960	19/03/1988	19/03/1988	B.Sc(C) 2002	
6-	15	Muhammad Shafiq-III	Abdul Khaliq	Malakand	18/01/1962	23/10/1986	23/10/1986	B.Sc(C) 2005	

(2020) 14

Copy of the above forwarded to:-

1. The Secretary to Govt of NWFP, C&W Department, Peshawar.
2. The Chief Engineer "North" C&W Department, Peshawar.
3. The Chief Engineer CDO, C&W Department, Peshawar.
4. The Chief Engineer (FATA), C&W Department, Peshawar.
5. The Managing Director, Frontier Highways Authority, Peshawar.
6. The Superintending Engineer C&W Circle, Peshawar/ Mardani/ Malakand/ Swat/ Abbottabad/ Battagram/ Khat/ Bannu & D.I.Khan.
7. The Superintending Engineer, Provincial Building Maintenance Cell, C&W Department, Peshawar.
8. The Superintending Engineer, Provincial Building Construction, C&W Department, Peshawar.
9. All Executive Engineers in C&W Department of NWFP.

(ENGR. HIDAYATULLAH KHAN)  
CHIEF ENGINEER

27/1/2020

(AMINULLAH)  
ADMINISTRATIVE OFFICER



GOVT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Dec 16, 2011

**NOTIFICATION:**

**No.SOE/C&WD/8-12/2011:** 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 25<sup>th</sup> March, 2010, the following amendment shall be made, namely:

**AMENDMENTS**

In Schedule-I, against serial number 4, in column number 5, for the existing entries, the following shall be substituted, namely:

- (a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil/Mechanical/Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (b) Eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possessed Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service;
- (c) Seven percent (7%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service; and
- (d) Sixty five percent (65%) by initial recruitment

Note: As regard clause(c) the seniority to be determined from the date of acquiring the Degree

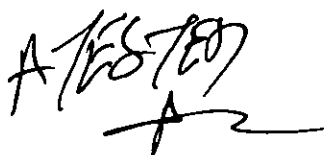
Secretary to  
Govt of Khyber Pakhtunkhwa  
Communication & Works Department

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 Mansehra at 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 Deptt, Peshawar
11. Assistant Legal Drafter-I, Law Department, Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
14. PS to Secretary, C&W Deptt, Peshawar
15. PA to Addl: Secretary, C&W Deptt, Peshawar
16. PA to Deputy Secretary (Admn), C&W Deptt, Peshawar
17. Office File

  
(RAHIM RANSHANI)



# VAKALAT NAMA

36

NO. \_\_\_\_\_/20

IN THE COURT OF VICE TRIBUNAL PESHAWAR

MR. JAHAN ZEB (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS


GOVERNMENT OF PESHAWAR (Respondent)  
(Defendant)

I/we MR. JAHAN ZEB PETITIONER

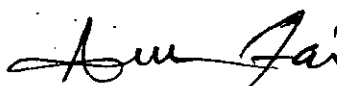
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability = for his default and with the authority to engage/appoint any other Advocate/ Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

  
( CLIENT )

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1630/2013**

Jehan Zeb,  
SUB Engineer,  
Public Health Engineering Department .....Appellant

**VERSUS )**

1. The Government of KPK,  
Through Chief Secretary
2. The Chief Secretary,  
Khyber Pakhtunkhwa Peshawar
3. The Secretary to Govt. of KPK,  
Public Health Engineering Department
4. Chairman SSRC, Establishment Department, Govt of KPK
5. Secretary Public Service Commission, KPK
6. Chief Engineer (FATA) Works & Services Department
7. Chief Engineer (South),  
PHE Peshawar.....Respondents

**PARA WISE COMMENTS OF RESPONDENTS NO.1 – 3 & 7**

**Respectfully Sheweth,**

**Preliminary Objections**

1. The appellant has no locus standi to file the instant appeal.
2. The appellant has not come to this honorable Tribunal with clean hands.
3. The appeal is time barred.
4. The appellant is barred by law.
5. The appeal is bad for non joineder, misjoinder of necessary parties.
6. The appeal is not maintainable in its present form.
7. That the appellant has been stopped by his own conduct to file the instant suit.

## Facts of the case

1. Correct.
2. According to the job description of the PHE Department, the Department is working only on Civil Oriented Engineering; therefore, the role of Electronic Engineer is not required.
3. In 1979, the PHE Department was not an independent Department and was a wing of the Irrigation Department, therefore, Mechanical Engineering has been mentioned for promotion to the post of SDO in order to met the requirements of Irrigation Department.
4. Correct.
5. Correct to the extent that a meeting of SSRC was held on 02.02.2012 wherein the reservation of quota for electrical/electronic Degree holders was discussed.
6. On receipt of recommendations of the SSRC, 3% quota has been reserved for B-Tech. Hons (Civil) after clearance from Public Service Commission.
7. Pertains to record.

## GROUNDS

- A. The amended rules notified on 31.07.2013 have been issued keeping in view the need of the Department and no injustice has been made with any individual.
- B. Pertains to record.
- C. As stated in Para-5 of the above facts.
- D. As the Department is Civil Oriented, therefore, only the officers with Civil Discipline have been given the chances of promotion.
- E. The amendment of rules have been made to met the requirements of the Department and no favour has been given to a group or person
- F. The amendment of rules have been made by the competent forum and is within the law
- G. In C&W Department all Engineers including electrical and electronics are their requirement, therefore, they have rightly given the share of promotion to electrical engineering Degree holders.

H. As stated in Para-2 of the facts, there is no need of Electrical Engineer in the PHE Department.


I. No comments.

J. No comments.

**PRAYERS**

Keeping in view the position explained above, it is very humbly requested that the appeal may be rejected.

  
**CHIEF ENGINEER (SOUTH)**  
**PHE PESHAWAR**  
**(Respondent No.7)**

  
**SECRETARY TO GOVT. OF KPK**  
**PHE DEPARTMENT**  
**(Respondent No.1 - 3)**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1630/2013**

Jehan Zeb,  
SUB Engineer,  
Public Health Engineering Department .....Appellant

**V E R S U S**

1. The Government of KPK,  
Through Chief Secretary
2. The Chief Secretary,  
Khyber Pakhtunkhwa Peshawar
3. The Secretary to Govt. of KPK,  
Public Health Engineering Department
4. Chairman SSRC, Establishment Department, Govt of KPK
5. Secretary Public Service Commission, KPK
6. Chief Engineer (FATA) Works & Services Department
7. Chief Engineer (South),  
PHE Peshawar.....Respondents

**PARA WISE COMMENTS OF RESPONDENTS NO.1 – 3 & 7**

**AFIDAVIT**

I, Jauhar Ali Shah, Section Officer (Estt) PHED Peshawar, do hereby solemnly declare that contents of the Para-wise comments are correct to the best of my knowledge and record and nothing has been concealed from this honourable Court.

**Deponent**



SECTION OFFICER (ESTT)  
PHE DEPARTMENT

Identified by

Senior Government Pleader  
KPK Service Tribunal Peshawar

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

Service Appeal No. 1630/ 2013.

Jehan Zeb..... Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & Others ..... Respondents.

**INDEX**

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-2
2.	Copies of the PSC Letter No. KPK/PSC/Lit/F-07/2012/03223 dated 20-06-2012	"A"	3-4
3.	Copy of the PSC concurrence letter	"B"	5
4.	Copy of the Minutes of SSRC/Rules/Notification	"C,D,E&F"	6-13



**Assistant Director  
Litigation  
Khyber Pakhtunkhwa  
Public Service Commission Peshawar.**

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

Service Appeal No.1630/2013

Jahan Zeb ..... **Appellant.**

VERSUS

Government of Khyber Pakhtunkhwa & others..... **Respondents.**

**PARA-WISE COMMENTS OF PUBLIC SERVICE COMMISSION**  
**(RESPONDENT NO. 05).**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no locus standi or cause of action against the replying respondent.
2. That the appellant has not approached this Honorable Tribunal with clean hands.
3. That the appeal is based on malafide seeking to impose unjustified and illegal demand against the lawful authority of the Commission.
4. That the appellant is estopped by his own conduct to file the instant appeal in the Honourable Tribunal.
5. That no discrimination / injustice has been done with the appellant.
6. That due to misstatement, the instant appeal is liable to be dismissed.

**RESPECTFULLY SHEWETH:**

1. No Comments.
2. Pertains to Public Health Engineering Department, hence no comments.
3. Pertains to Public Health Engineering Department, hence no comments.
4. Pertains to Public Health Engineering Department, hence no comments.
5. Correct to the extent that the SSRC meeting held on 02-02-2012 proposed 1% separate quota for in-service Sub-Engineers having Bachelor's of Engineering (Electrical/Electronic) Degree holders but the same were not notified due to the reason that the Commission raised some observations vide its letter No.KPK/PSC/Lit/F-07/2012/03223 dated 20-06-2012 (Annex; A).
6. Incorrect. The fact is that the Public Service Commission has not raised observations on the rules notified on 31-07-2013, rather it has agreed with the proposed rules duly approved by the SSRC in its meeting held on 31-03-2013 (concurrence letter of commission is enclosed vide Annex; B). As far as the remaining para is concerned, the

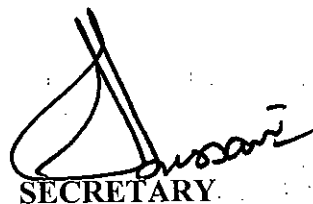
same contains false statement as SSRC has not approved 1% quota for those sub Engineers who possess degree of Electronic Engineering (Copy of minutes enclosed vide Annex: C).

7. Pertains to other Respondent.

**GROUND:**

- a. Pertains to other Respondent.
- b. Pertains to other Respondent.
- c. No comments.
- d. Pertains to other Respondent.
- e. Pertains to other Respondent.
- f. Incorrect. However, the Public Health Engineering Department are in a better position to submit detailed and concise reply of this para.
- g. Incorrect. In the sister departments of PHE, i.e irrigation and C&W Departments, there is no such provision/rule wherein the sub Engineers having Bachelor of Engineering in Electronics have been given a chance of promotion under special quota to the rank of BS-17. Copies enclosed vide Annex; E&F respectively
- h. Incorrect. Detailed reply is given in above Para.
- i. Pertains to other Respondent.
- j. That the respondent seek permission to raise additional grounds at the time of arguments..

It is most respectfully prayed that the instant appeal may kindly be dismissed with cost.



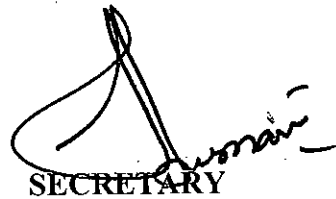
SECRETARY

Khyber Pakhtunkhwa  
Public Service Commission  
(Respondent No.05)

*Shah*

**AFFIDIVIT**

I, being respondent No.05 solemnly affirm and declare that all the contents of the reply are correct, to the best of knowledge and belief and nothing has been concealed.



SECRETARY

Khyber Pakhtunkhwa  
Public Service Commission  
(Respondent No.05)

*Shah*

Telephone No. 091-9213750 Ext: 1066



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(146)

KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
2-FORT ROAD, PESHAWAR CANTT  
(NEAR GOVERNOR HOUSE)

NO. KPK/PSC/Li/F-07/2012/ 03223

Date: 2016.1.12

To,

The Secretary,  
To Government of Khyber Pakhtunkhwa,  
Public Health Engineering Department,  
Peshawar.

Subject: **FRAMING OF SERVICE RULES FOR OPERATIONAL STAFF OF PHED  
AND AMENDMENTS IN THE PHE DEPARTMENT'S (RECRUITMENT &  
APPOINTMENT) RULES 2010.**

Dear Sir,

1. I am directed to refer to your letter No. SO(Estt:)/PHED/1-9/2009 Dated 16-03-2012 on the subject noted above and to state that the Commission examined the subject case and has agreed with the recommendation of SSRC regarding amendment in the service rules for the post of Executive Engineer/Design Engineer/Technical Officer (BPS-18) and has raised the following observations regarding the amendment in the service rules for the Post of Assistant Engineer/Assistant Design Engineer/Sub Divisional Officer (BPS-17) :-

- a. In Judgment of Supreme Court it has been referred to Pakistan Engineering Council. The PEC is the body to recognize such certificates, so the case may be referred to PEC for their views/opinion.
- b. The Lahore High Court, Multan Bench decided that the Higher Education Commission, not the Pakistan Engineering Council, is the competent authority to decide upon the issues relating to equivalence. The Higher Education Commission has clearly decided that B. Tech: (Hons) and B.E/B.Sc (Engg:) are two distinct disciplines. The Higher Education Commission trespassed its mandate by saying that B.Tech: (Hons) may be treated at par and compatible with B.E/B.Sc as far as grades, pay and promotions and other benefits are concerned. Such terms and conditions are the exclusive domain of the Higher Education Commission.

*Attended*  
**MUHAMMAD SAIED**  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar.

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d. There should be proper clarity about the Engineers, Technologists and Technicians in terms of definition, role, extent and expertise level/contribution against Engineering and Technology works/practices. Therefore, the department must identify the posts which are to be filled from amongst the B.Tech: (Hons) degree holders so that the mandate given to it under the Rules of Business or job description is not spoiled through the employees with irrelevant qualifications.

2. It may be appreciated that the judgments quoted in the case do not place any bar on the Government/employer to frame Service Rules according to its requirements.

3. I am further directed to intimate your good self that Pakistan Engineering Council may be approached in this regard, before processing the Service Rules, that whether B.Tech holder is at par with B.E/B.Sc Engineering Degree or otherwise.

Yours faithfully,

20/6

(MASOOD ZAMAN)  
DEPUTY SECRETARY  
(LITIGATION)

20/6/12

Handwritten signature/initials

**MUHAMMAD SAEED**  
Director  
Punjab Pakhtunkhwa  
Public Service Commission  
Faisalabad.

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Telephone No. 091-9213750 Ext: 1035

KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
2-FORT ROAD, PESHAWAR CANTT  
(NEAR GOVERNOR HOUSE)



NO. KP/PSC/Lit/F-7/2013/ 070044

Date: 07/07/2013

To,  
The Secretary,  
Government of Khyber Pakhtunkhwa,  
Public Health Engineering Department,  
Peshawar.

Subject: **AMENDMENTS IN THE PHE DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES 2010.**

Dear Sir,

I am directed to refer to your letter No. SO(ESTT) PHED/1-9/2009/KC Dated 04-06-2013 on the subject noted above and to state that the Commission has been pleased to accord concurrence in the subject Service Rules as approved by the SSRC meeting held on 21-03-2013.

I am further directed to request you that a copy of the same may please be sent to this office, as and when notified.

Yours faithfully,

*Attested*  
*Muhammad Saeed*  
**MUHAMMAD SAEED**  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar.

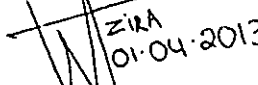
*Muhammad Saeed*  
**(Muhammad Saeed)**  
DEPUTY SECRETARY  
(LITIGATION)


MINUTES OF THE SSRC MEETING HELD ON 21-3-2013 AT 14:00 HOURS IN THE OFFICE OF  
SPECIAL SECRETARY (ESTT) REGARDING AMENDMENTS IN THE PHE DEPARTMENT  
(RECRUITMENT & APPOINTMENT) RULES 2010

A meeting of SSRC was held on 21-3-2013 at 1400 hours under the  
chairmanship of Special Secretary (Estb) to consider amendments in the PHE  
Department (Recruitment & Appointments) Rules 2010. The following attended  
the meeting:-


1. Mr. Abdul Latif, In-Chair  
Special Secretary Establishment Department
2. Mr. Sharif Hussain,  
Secretary, Public Service Commission.
3. Mr. Raees Khan Afridi,  
Deputy Secretary (R-I) Finance Department.
4. Ishrat Ali,  
Deputy Secretary (Tech) PHE Department
5. Mrs. Saira  
Deputy Legal Drafter, Law Department
6. Mrs. Qurrat-ul-Ain Wazir,  
Section Officer (R-V), Establishment Department

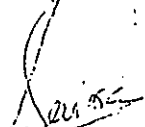
2. The Chairman welcomed all the participants. The Deputy Secretary (Tech) PHE  
Department explained the agenda items of the meeting. After detailed, discussion, the Committee  
unanimously recommended the amendments in the PHE Department (Recruitment &  
Appointments) Rules 2010 as per appendix attached.


  
ZIRA  
01-04-2013  
(QURRAT-UL-AIN WAZIR)  
Section Officer (R-V),  
Establishment Department

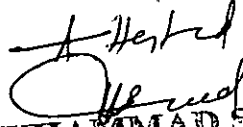
  
(ISHRAT ALI)  
Deputy Secretary (Tech)  
PHE Department

  
(SHARIF HUSSAIN)  
Secretary  
Public Service Commission

  
(RAEES KHAN AFRIDI)  
Deputy Secretary (SR-I)  
Finance Department

  
(SAIRA)  
Deputy Legal Drafter  
Law Department

  
(ABDUL LATIF)  
Special Secretary-Establishment  
Department

  
MUHAMMAD SAEED  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar.



APPENDIX

⑦

S. No.	Nomenclature	Minimum Qualification required for initial recruitment	Age limit for initial recruitment	Method of Recruitment Cleared by SSRC
3.	Executive Engineer/Design Engineer/Technical Officer (BS-18)			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Engineer/Assistant Design Engineer/Sub Divisional Officer, possessing Degree in B.E/B.Sc Engineering (Civil) from recognized University with 5-years service as such and have passed the Departmental Professional Examination
4.	Assistant Engineer/Assistant Design Engineer/Sub Divisional Officer (BS-17)	Degree in B.E/B.Sc Engineering (Civil) from a recognized University.	21 to 32 years	<p>a) Five percent (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) from a recognized University with 05-years service as such.</p> <p>b) Five percent (5%) 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 Engineering (Civil) from a recognized University with 05-years service as such.</p> <p>c) Three percent (3%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possessed degree of <u>B-Tech-Hons: (Civil) from a recognized University with 05-years service as such.</u></p> <p>d) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a Diploma in Civil/Electrical/Mechanical Technology and have passed Departmental Examination with 10-years service as such; and</p> <p>e) Sixty Seven (67%) by initial recruitment.</p>

*Muhammad Saif*  
**MUHAMMAD SAIF**  
 Assistant Director  
 Khyber Pakhtunkhwa  
 Public Service Commission

3. Functions of the Commission. – The Commission shall

(a) Conduct tests and examinations for recruitment of persons to:

i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent;  
and

ii) posts in Basic Scale 11 to 15 or equivalent specified in the following departments (except the District cadre posts):

1. Civil Secretariat (through Establishment Deptt)
2. Board of Revenue.
3. Police Department.
4. Prison Department.
5. Communication & Works Department.
6. Irrigation Department.
7. Industries, Labour, Manpower and Technical Education Department.
8. Health Department.
9. Education Department.
10. Local Government and Rural Development Department.
11. Excise and Taxation Department.
12. Food Department.
13. Physical Planning and Environment Department including Urban Development Department, and
14. Organizations, except autonomous bodies under the Health and Education Department.

*Muhammad Saeed*  
**MUHAMMAD SAEED**  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar.

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

APPENDIX

Denomination of Post	Qualification for appointment	Age Limit	Method of recruitment
2	3	4	5
<b>ENGINEERING STAFF</b>			
Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
Superintending Engineer/Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Directors with at least twelve years service in BPS-17 and above.
Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, 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.
Assistant Engineer/Sub Divisional Engineer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<ul style="list-style-type: none"> <li>a. Sixty five percent by initial recruitment.</li> <li>b. Ten percent by promotion, on the basis of seniority cum fitness, from amongst the Engineers who has acquired during service degree in Civil or Mechanical Engineering from a recognized university.</li> <li>c. Five percent by promotion, on the basis of seniority cum fitness, from amongst the Engineers who joined service as degree holders in Civil/Mechanical Engineering and</li> <li>d. Twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Engineers, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and passed Departmental Grade A examination with ten years service as such.</li> </ul> <p>Note: Provided that where candidate under Clause (b) &amp; (c) above is not available for promotion vacancy shall be filled in by initial recruitment.</p>
Assistant Engineer (BPS-17)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized institute.	18 to 30 years	<ul style="list-style-type: none"> <li>a. Eighty percent by initial recruitment, and</li> <li>b. Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and passed the departmental Grade B and Grade A examination.</li> </ul>

*Checked*  
**MUHAMMAD SAIED**  
 Assistant Director  
 Khyber Pakhtunkhwa  
 Public Service Commission  
 Peshawar

EXTRAORDINARY  
GOVERNMENT

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REGISTERED NO. PIII  
GAZETTE

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT,

### NOTIFICATION

Dated Peshawar: the 17<sup>th</sup> February, 2011

**NO:SO(E)IRR:123-5/73:** In pursuance of the provisions contained in sub rule (2) of Rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No.SO(E)IRR:123-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province  
Irrigation Department.

688

*Muhammad Ali*  
**MUHAMMAD ALI**  
Assistant Director  
Khyber Pakhtunkhwa  
Public Service Commission  
Peshawar.

Printed and published by the Manager,  
State & Ptg. Deptt., Khyber Pakhtunkhwa, Pesh.