

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

Service Appeal No. 2320-P/2023

Waqas Saliheen

..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa, through Chief Secretary and others.

..... (Respondents)

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Dated: 24/11/2023

  
Representative/Deponent

30-11-23  
Peshawar

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

Service Appeal No. 2320-P/2023

**Waqas Saliheen**

..... (Appellant)

**VERSUS**

**Government of Khyber Pakhtunkhwa, through Chief Secretary and others.**

..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No 4&5**

**Khyber Pakhtunkhwa Service Tribunal**

**Respectfully Sheweth,**

D. No. 9585

**Preliminary Objections:**

Date: 29-11-23

1. That the Appeler has got no cause of action to file the instant Service Appeal.
2. That the Appeler is estopped by his own conduct to file the instant Service Appeal.
3. That the Appeal is bad in its present shape and is not maintainable in its present form.
4. That the instant Appeal is false, frivolous and vexatious and is liable to be dismissed with cost.
5. That with utmost respect this Honorable Tribunal have got no jurisdiction to entertain the present Appeal, as the appeal is still pending before the Worthy Chief Secretary, vide judgment in the Writ Petition No 3207-P/2023 by the Honorable Peshawar High Court. (Copy of the Judgement already annexed with the Appeal).
6. That the Appeal is bad for non-joinder and misjoinder of necessary parties.
7. That the Appeler has got no locus standi to file the instant Service Appeal.
8. That the instant Service Appeal is badly time-barred, hence liable to be dismissed with heavy cost.
9. That the Appeler has concealed material facts from this Hon'ble Court.
10. That due to non-compliance of section 79 & 80 of CPC, the instant Appeal is not maintainable.
11. That the instant Service Appeal is barred by law.

**On Facts:**

- 1) Para-1 of the Appeal is subject to proof.
- 2) In reply to Para 2 of the Appeal it is submitted that the project of "Business Development Unit" was sanctioned according to the need of the time and all staff of the project was recruited on contract/ fixed pay package for one year renewable for further period.
- 3) Para 3 of the Appeal is correct to the extent that the subject post along with others were advertised for hiring on contract/ fixed pay package for one year renewable for further period.
- 4) It is submitted that the project Business Development Unit (BDU) was executed in January 2009 under the ADP scheme. The appellant was recruited in BPS-19 on contract basis as

Business Development Officer. The services of the appellant along with others were regularized under the private member act namely Khyber Pakhtunkhwa Employees of Transport Department (regularization of services) Act 2017.

- 5) Para 5 needs no Comments.
- 6) In reply to Para 6 of the Appeal it is submitted that the said order was issued as a stop gap arrangement to initiate the project activity being a routine administrative matter; however, serious concerns have been shown over the extraordinary and unnecessary involvement of the appellant in the business of the department that does not pertain to him. (Annex-1)
- 7) In reply to Para 7 of the Appeal it is submitted that the said orders annexed in the main Appeal was issued in the public interest to streamline the government work for time being, as administrative & routine matter. In addition to the above, all office orders were issued to assign job to other officer/officials as well.
- 8) In reply to Para 8 of the Appeal it is submitted that the said notification was issued as a stop gap arrangement being a routine administrative matter for the time being.
- 9) Para 9 of the Appeal is incorrect. Performance of the Appellant was not satisfactory, hence denied. However, the Private Secretary to the then elected Minister of Transport & Mass Transit (Mr. Shah Muhammad Wazir, PTI Govt:) issued a letter to the Secy: Transport & Mass Transit Department, wherein it was stated that:-

*"The Hon'ble Minister for Transport and Mass Transit has shown extreme displeasure over the provision of wrong and misleading information, which is meant to misguide his office and is not true in any manner that the Business Development Officer hails from the hierarchy of KPUMA ancestral part i.e. BDU. It is quite obvious from Section 4 of the Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. XX of 2017) that BDO is an employee of Directorate and BDU has been working under the auspices of Directorate.*

*I am further directed to inform your good self that many officers to the past have also raised voice against the illegal and undue interference (i.e. dealing Planning and Development portfolio and financial matters and Releases to TransPeshawar) and posting of Mr. Waqas Saliheen in the Administrative Department which has led to the failure of PMU established for BRT Operations. He also shown extreme displeasure over fabricated statements to portray the Appellant indispensable for the success of KPUMA/BRT, which are meant to defame the Provincial Government. These statements are equivalent to raising a serious question about the credibility and investment of millions of Provincial Government's funds on establishing a strong dedicated entity for BRT operations i.e. TransPeshawar and also a team of qualified and experienced engineers in KPUMA for all the new prospective Mass Transit Projects.*

*Moreover, as your good office has pointed out that Directorate has sufficient manpower and does not need the services of BDO, I am directed to convey to your good office that the services of BDO may be sent to the surplus pool and may be declared surplus with immediate effect in the best public interest, so that his business development expertise and acumen may be utilized in the relevant department". (Already annexed above as Annex-1). It is incorrect that the current Caretaker Provincial Government has influenced the administrative circle for any political gains to influence the general elections. Moreover, the Rule 5(4) of*

the Government of Khyber Pakhtunkhwa Rules of Business (ROB), 1985, states "The Secretary shall keep the Minister generally informed of the working of the Department and of any important case disposed of without reference to him" (Annex-2). Hence, under the said rule 5(4) of ROB, the Office of Minister Transport and Mass Transit is copied on all important official business/letters. It is further submitted that the allegations leveled by the Appellant against the answering Department/Caretaker Government is subject to proof, failing which the Appellant will be sued for false and malicious statement for damages in civil as well as criminal court of justice. It is further submitted that it is correct to the extent that a letter dated 31.05.2023 (already annexed with main Appeal vide Page-67 & 68 as Annex-M) issued by the answering Respondent-4 with reference to the letter of Respondent-5 to the Finance Department, wherein the post of the Appellant was declared redundant and the Finance Department was asked to abolish the post titled as Business Development Officer from the Budget Book of the Transport Department under the PR code 5122. The Finance Department abolished the said post and the same was communicated to the answering Respondent-04 (already annexed with main Appeal as Annex-N). It is further added that the action taken was communicated by the Answering Respondent-04 to Establishment Department and informed them about the abolishment of the said post from the Budget Book 2023-24 under DDO Code PR-5122 (Directorate of Transport), it was further requested to place the services of the Appellant at the disposal of Surplus Pool Wing (already annexed with main Appeal as Annex-Q). The action was taken in the best Public Interest to place the Appellant in surplus pool for further placement in any other suitable Department and save precious government exchequer.

10) Para 10 of the Appeal is incorrect. It is submitted that under the Delegations of Powers, Second Schedule, Powers Common to All Departments, Administrative Department has full powers to abolish a post. Since the post was not required to the Directorate of Transport and Transport Department anymore; hence, the post was abolished, and the officer was referred to surplus pool wing of the Establishment Department for onward posting in the appropriate department so as to use his services in the best public interest in any other relevant department. It is submitted that the action of abolishment of the post by the Administrative Department and placement of services of the officer at the disposal of the Establishment Department for further adjustment/posting and withdrawal of pay/salary from Surplus Pool wing of Establishment Department was ordered by Administrative Department (respondent 4) in the best public interest. The post was not required to the Directorate of Transport anymore; hence, the same was abolished, and the officer was sent to surplus pool wing for onward posting in the appropriate department so as to release the undue financial burden on the government exchequer. The Answering respondents have acted under the Delegations of Powers, Second Schedule, Powers Common to All Departments, Administrative Department has full powers to abolish the post. According to the note of the said Schedule the abolishment report was sent to Finance Department (Annex-3).

11) Para 11 is incorrect. As stated in the instant para the Secretary Transport vide letter dated: 07.07.2023 has requested the Establishment Department for placing the services of the Appellant at the disposal of the surplus pool wing of the Establishment Department under the surplus pool policy. However, the Establishment Department has not taken any decision due to the filing of the representation by the Appellant to the Chief Secretary and further filing of the instant Appeal. The Appellant is refusing the legitimate orders of government regarding his placement in surplus pool and wasting time in representation and litigation. The answering respondent-04 has already filed written reply to appeal pending before the Worthy Chief Secretary (**Annex-4**). Proceeding of the said representation is under process and the appellant has no right to file the instant Appeal before this Hon'ble Tribunal till the final decision of the 1<sup>st</sup> Appellant Forum i.e. Chief Secretary, Khyber Pakhtunkhwa, which has already been directed by the Hon'ble High Court, Peshawar vide judgment dated: 13-09-2023 (**already annexed with main Appeal vide Page 84-86**).

12) Para 12 of the Appeal is correct to the extent that the appellant has filed a representation before the Worthy Chief Secretary, which still pending and under process.

13) In reply to Para 13 of the Appeal it is submitted that as mentioned in the instant Para by the Appellant himself that he has filed representation before to Worthy Chief Secretary which is still pending and not yet decided. Therefore the instant Service Appeal is pre-mature and is liable to be dismissed at this stage.

14) Para 14 of the Appeal needs no Comments. Detail reply has already been submitted.


15) In reply to Para 15, it is submitted that the appellant has no cause of action. Therefore, has no locus standi to file the instant Service Appeal. Hence, no grounds to file further.

**Grounds:**

- A. Ground A is incorrect. The post of the Appellant has been abolished and declared as redundant and his services placed at the disposal of Establishment Department by the Competent Authority for further posting/payment of salary from surplus pool wing in public interest, until his adjustment in the appropriate department where his professional expertise and acumen can be best utilized in the best public interest.
- B. Ground B of the Appeal is incorrect. The Provincial Caretaker Government has not played any role in the abolition of the post rather it was carried out by the Competent Authority in best public interest, to release an undue financial burden on government exchequer.
- C. Ground C is incorrect. Detail reply has already been submitted.
- D. Ground D is also incorrect, rather, the undue interference of the appellant in the matters that do not fall into his professional domain and job description was objected by then elected Minister Transport & Mass Transit as the appellant was employee of Directorate of Transport whereas he was working in the Administrative department and it was acknowledged in the letter that his services are not required to the Directorate of Transport. (**Annex-5**)
- E. Ground E is incorrect. Detail reply has already been submitted at Para-9.

- F. Ground F is incorrect. The Appellant was assigned a task mentioned at the instant para to carry on verification of the said documents, because he was already acquainted with the position of the said record, so that the task/job is properly completed.
- G. Ground G is incorrect. Detail reply has already been submitted at para-9.
- H. In reply to Ground H, it is submitted that the post was abolished by the Competent Authority under Serial No. 1 Second Schedule – Powers Common to all under Khyber Pakhtunkhwa Delegation of Power Rules, 2018, circulated vide letter No. SO(FR)/FD/9-1/2017/17441/DOP dated: 2nd July 2018, in the best public interest, without any loss of job of the petitioner.
- I. Ground I is incorrect. Detail reply has already been submitted.
- J. Ground J is incorrect. Detail reply has already been submitted.
- K. Ground K is incorrect. Justification by the Director Transport for abolition of the post of Appealer are **Bonafide and True**.
- L. Ground L needs no Comments.
- M. Ground M also needs no Comments. The task given to the Appellant at various times was an administrative job as a stop gap arrangement in the public interest.
- N. In reply of Ground N, it is submitted that the Appellant has no cause of action to file the instant Appeal.

*In reply to the prayer, it is most humbly prayed that on acceptance of the instant Parawise comments, the instant Service Appeal may kindly be dismissed with cost.*

  
 Secretary (R-04)  
 Transport & Mass Transit Department,  
 Khyber Pakhtunkhwa

Mansoor Lia-ul-Haq

  
 Director Transport (R-05)  
 Khyber Pakhtunkhwa

Zeeshan Abdullah

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

Service Appeal No. 2320-P/2023

Waqas Saliheen

..... (Appellant)

**VERSUS**

**Government of Khyber Pakhtunkhwa, through Chief Secretary and others.**

..... (Respondents)

**AFFIDAVIT**

I **Zeeshan Abdullah**, Director, Transport, Khyber Pakhtunkhwa do hereby solemnly declare on oath that the contents of the Parawise Comments of the foregoing titled Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honorable Court.

Dated: 24.11.2023

*Zeeshan*

DEPONENT

Zeeshan Abdullah

CNIC No. 17301-1361193-9

Phone No. 091-9214185



29 NOV 2023




**GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT**

(Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Peshawar Khyber Pakhtunkhwa)

**AUTHORITY LETTER**

It is certified that **Mr. Hamdullah**, Assistant Director (Legal) (BPS-17) of Directorate of Transport is hereby authorized to submit the Joint Parawise Comments on behalf of Respondent No. 04 and 05 in Service Appeal **No. 2319 & 2320-P/2023** titled "**Muhammad Imran and Waqas Saliheen vs Government of Khyber Pakhtunkhwa through Chief Secretary and others**".

  
29-11-2023  
**SECRETARY**

Transport and Mass Transit Department  
Government of Khyber Pakhtunkhwa





OFFICE OF THE MINISTER FOR  
TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA

Ph# 091-9210050

Ref: PS/Minister/T&MT/Transport/2022

Dated Peshawar 20-10-2022

Annex: 1 (7)

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department,  
Peshawar.

Subject: DISENGAGEMENT OF BUSINESS DEVELOPMENT OFFICER MR. WAQAS SALIHEEN FROM SECRETARIATE BUSINESS AND RELOCATION TO PARENT OFFICE (DIRECTORATE OF TRANSPORT AND MASS TRANSIT).

Respected Sir,

I am directed to refer to the Section Officer (Admn) Letter No. SO(G)/TD/7-37/P.F/BDO/1363-65 dated: 14-10-2022 and to state that the Hon'ble Minister for Transport and Mass Transit has shown extreme displeasure over the provision of wrong and misleading information which is meant to misguide this office and is not true in any manner that "Business Development Officer hails from the hierarchy of KPUMA ancestral part i.e. BDU". It is quite obvious from Section 4 of the Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No XX OF 2017) copy enclosed, that BDO is an employee of Directorate and BDU has been working under the auspices of Directorate.

I am further directed to inform your good self that many officers in the past have also raised voice (copy enclosed) against the illegal and undue interference (i.e. dealing Planning and Development portfolio and Financial matters and Releases to TransPeshawar) and postings of Mr. Waqas Saliheen in the Administrative Department which has led to the failure of PMU established for BRT operations. The Hon'ble Minister Transport and Mass Transit has shown extreme displeasure over fabricated statements to portray Mr. Waqas Saliheen indispensable for the success of KPUMA/BRT, which are meant to defame the Provincial Government. These statements are equivalent to raising a serious question about the credibility and investment of millions of Provincial Government's funds on establishing a strong dedicated entity for BRT operations i.e. TransPeshawar and also a team of qualified and experienced engineers in KPUMA for all the new prospective Mass Transit projects.

Moreover, as your good office has pointed out that Directorate has sufficient manpower and does not need the services of BDO, I am directed to convey to your good office that the services of BDO may be sent to the surplus pool and may be declared surplus with the immediate effect in the best public interest, so that his business development expertise and acumen may be utilized in the relevant department, please.

Yours Faithfully

PRIVATE SECRETARY TO  
MINISTER FOR TRANSPORT & MASS TRANSIT

Copy forwarded along with its enclosures for information to the:-

- i. PS to Chief Minister, Khyber Pakhtunkhwa.
- ii. PS to Chief Secretary, Khyber Pakhtunkhwa.
- iii. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.

Annex: 2

(8)

1

GOVERNMENT OF <sup>1</sup>KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
NOTIFICATION

Peshawar the, dated 6<sup>th</sup> April, 1985.

No. SO(O&M) S&GAD/3-3/1985,--In pursuance of the provision contained in Article 139 of the constitution of the Islamic Republic of Pakistan and in suppression of the <sup>2</sup>Khyber Pakhtunkhwa Government Rules of Business, 1972, the Governor of the <sup>3</sup>Khyber Pakhtunkhwa is pleased to make the following rules:

PART - A --- GENERAL

1. **SHORT TITLE AND COMMENCEMENT.**

- (1) These rules may be called the <sup>4</sup>Khyber Pakhtunkhwa Government Rules of Business, 1985.
- (2) They shall come into force at once.

2. **DEFINITION .---** In these rules, unless the context otherwise requires.

- (a) "**Assembly**" means the Provincial Assembly of the <sup>5</sup>Khyber Pakhtunkhwa;
- (b) "**Attached Department**" means a Department mentioned in column 3 of *Schedule-I*;
- (c) "**Business**" means all work done by Government;
- (d) "**Cabinet**" means the Cabinet of Ministers appointed under Article 132 of the Constitution and includes the Chief Minister appointed under Article 130 of the Constitution;
- (e) "**Case**" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz: correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
- (f) "**Chief Secretary**" means the officer notified as such in the Gazette, who shall in addition to other Departments and functions that may be allotted to him from time to time, be incharge of the <sup>6</sup>Establishment and Administration Department and shall also be the Secretary to the Cabinet;
- (g) "**Constitution**" means the Constitution of the Islamic Republic of Pakistan;
- (h) "**Department**" means a self-contained administrative unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by the Government;
- (i) "**Federal Government**" means the Executive Government of the Islamic Republic of Pakistan;
- (j) "**Gazette**" means the official gazette of the <sup>7</sup>Khyber Pakhtunkhwa.

<sup>1</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>6</sup>Substituted vide Establishment & Administration Department letter No. SO(O&M)E&A/8-6/2001, dated 30-05-2001.

<sup>7</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

Altaf

4. ORGANIZATION OF DEPARTMENTS.-

- (1) Each Department shall consist of a Secretary to Government and of such other officials subordinate to him as Government may determine:  
Provided that the same person may be Secretary of more than one Department.
- (2) The Secretary shall be the official head of the Department and shall be responsible for its efficient administration and discipline, and for the proper conduct of business allocated to the Department under rule 3.
- (3) The Secretary shall, by means of standing orders, distribute the work of the Department among the officers, branches and/or sections. Such order may specify the cases or class of cases which may be disposed of by an officer subordinate to the Secretary.

5. GENERAL PROCEDURE FOR DISPOSAL OF BUSINESS.-

- (1) The framing of the policy of the Department is the responsibility of the Minister, and it shall be the duty of the Secretary to advise the Minister in the formulation of policy.
- (2) The business of the Department shall be disposed of by or under the authority of the Secretary. He shall be responsible to the Minister for the proper conduct of business and for ensuring that the sanctioned policy of the Minister is duly executed.
- (3) While submitting a case for the orders of the Minister, it shall be the duty of the Secretary to suggest a definite line of action.
- (4) The Secretary shall keep the Minister generally informed of the working of the Department and of any important case disposed of without reference to him.
- (5) Where the Minister's order appears to involve a departure from the rules and regulations or from the policy of the Government the Secretary shall re-submit the case to the Minister inviting his attention to the relevant rules or regulations or Government policy.
- (6) Where inspite of action taken under sub-rule (5), the Minister does not change his orders so as to be in line with the rules and regulations or the policy of Government, the Secretary shall submit the case to the Chief Minister for his information.
- (7) The channel for obtaining of transmitting the orders of the Minister is the Secretary or an officer specifically authorized in this behalf by the Secretary.
- (8) All orders should be passed in writing. Where a verbal order is given, it should be reduced to writing at the earliest opportunity by the officer receiving it.
- (9) The Minister shall submit cases to the Chief Minister as required by the provisions of rule 36.
- (10) Notwithstanding the provisions of any other rules, the Chief Minister may, by general or special order, direct that any case specified in rule 37 may be submitted by the Minister directly to the Governor.
- (11) If any doubt or dispute arises as to the Department to which a case properly pertains, the matter shall be referred to the Chief Secretary, who shall obtain the orders of the Chief Minister, if necessary.
- (12) Detailed instructions for the disposal of business in the Secretariat shall be issued by the Chief Secretary.



**KHYBER PAKHTUNKHWA  
DELEGATION OF FINANCIAL  
POWERS RULES, 2018**

*Effective  
from  
1<sup>st</sup> July, 2018*

Government of Khyber Pakhtunkhwa  
Finance Department

*Handwritten signature and initials*



Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018

Second Schedule - Powers Common to All

S#	Nature of Power	Administrative Department	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	Abolition of Posts.	Full Powers.	Full Powers in respect of posts under his/her control.	Full Powers in respect of posts in BS-1 to BS-16 under his/her control.	--	--
Specific Condition(s): 1. All orders regarding abolition of posts shall be communicated to the Accountant General, KP, or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned, with full justification. 2. The delegated power of abolition of posts shall be without prejudice to the powers of Finance Department.						
2	To Sanction Expenditure against Budget Provision.					
(i)	Project Pre-Investment Analysis	Full Powers	Full Powers	--	--	--
Specific Condition(s): 1. Include Feasibility Studies, Research, Surveys and Exploratory Operations.						
(ii)	Operating Expenses					
(a)	Fuel and Power	Full Powers	--	--	--	--
Specific Condition(s): 1. Include High Speed Diesel Oil - Operational & Non-Operational; Furnace Oil - Operational & Non-Operational; Electric Traction. 2. Subject to specified departmental admissibility and prescribed conditions.						
(b)	Fees	Full Powers	Full Powers	Upto Rs. 100,000 Each case	Upto Rs. 50,000 Each case	Upto Rs. 20,000 Each case
Specific Condition(s): 1. Include Bank Fees; Legal Fees; License Fees; Membership Fees.						
(c)	Communication	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
Specific Condition(s): 1. Include Postage and Telegraph; Telephone and Trunk Calls; Telex, Tele-printer and Fax; Electronic Communication; Courier and Pilot Service; Photography Charges. 2. Subject to observance of prescribed ceilings, where applicable.						

*Attested*  
*AKS*

Annex: 4  
12

**REPLY TO APPEAL FILED**  
**BEFORE THE CHIEF SECRETARY**  
**KHYBER PAKHTUNKHWA.**

**Waqas Saliheen**

..... (Appellant)

**VERSUS**

**Government of Khyber Pakhtunkhwa, through Chief Secretary and others.**

..... (Respondents)

**PARAWISE COMMENTS.**

- 1) It is submitted that under the Delegations of Powers, Second Schedule, Powers Common to All Departments, Administrative Department has full powers to abolish a post (**Annex-A**). Since the post was not required to the Directorate of Transport and Transport Department anymore; hence, the post was abolished, and the officer was referred to surplus pool wing of the Establishment Department for onward posting in the appropriate department so as to use his services in the best public interest in any other relevant department.
- 2) Business Development Unit (BDU) was established in January 2009 under the ADP scheme. The appellant was recruited in BPS-19 on contract basis as Business Development Officer. The services of the appellant along with others were regularized under the private member act namely Khyber Pakhtunkhwa Employees of Transport Department (regularization of services) Act 2017.
- 3) It is further submitted that the additional charge of Senior Planning Officer in Transport Department was assigned to him in the best public interest to streamline the official work for the time being as a stop gap arrangement and a routine administrative matter. This further substantiates that the Transport Department tried its best to use the services of appellant one way or the other as the post of Business Development Officer was having no utility in Directorate of Transport.
- 4) It is submitted that the abolition of the post of the Business Development Officer was according to the law and rules (under the Delegations of Powers, Second Schedule, Powers Common to All Departments), as the services of the appellant were no more required to the Transport Directorate as well as Department. The worry and claims of the appellant regarding jeopardization of service career are baseless, as he is not unemployed, rather his services were placed at the disposal of the Surplus Pool wing of Establishment Department for starting of pay and further posting in a relevant department, which is rather good for his career progression.
- 5) Director Transport Khyber Pakhtunkhwa vide Letter dated 31-05-2023, recommended the abolition of the post of appellant to the worthy Secretary Transport,

where in the Secretary Transport agreed with the proposal and endorsed the same to the Finance Department. The finance department abolished the post resultantly from budget book of Directorate of Transport which is strictly as per powers bestowed upon the department under the Delegations of Powers, Second Schedule, Powers Common to All Departments. (13)

- 6) The allegation of the Mr. Waqas Saliheen is baseless and needs no comments. Director Transport usually issues orders regarding distribution of work/business of the Directorate.
- 7) As already explained in preceding paras all the process waws done as per rules and in the best public interest as the post of BDO was redundant and no more required.
- 8) Establishment Department, Khyber Pakhtunkhwa is the custodian of the surplus pool, hence needs no comments.

  
Section Officer (Estab)  
Transport & Mass Transit Department



**OFFICE OF THE MINISTER FOR  
TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

Ph# 091-9210050

Ref: PS/Minister/T&MT/Transport/2022

Dated Peshawar 05-10-2022

Annex: 5

14

To ✓ The Secretary to Govt: of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department,  
Peshawar.

Subject: DISENGAGEMENT OF BUSINESS DEVELOPMENT OFFICER MR. WAQAS SALIHEEN FROM SECRETARIATE BUSINESS AND RELOCATION TO PARENT OFFICE (DIRECTORATE OF TRANSPORT AND MASS TRANSIT).

Respected Sir,

I am directed to refer to the subject noted above and to state that the Hon'ble Minister for Transport and Mass Transit has shown serious concern over the extraordinary and unnecessary involvement of Mr. Waqas Saliheen (BDO), a regularized project employee of Directorate of Transport and Mass Transit, in the Administrative Department (Secretariat) business pertaining to:

- The planning and development portfolio of the department, besides the presence of a dedicated, Planning Cell & Development Section under the supervision of Senior Planning Officer and Section Officer Development.
- The procurement committees of the highly specialized technical engineering design consultancies, to which he is a layman.
- Direct dealing of files pertaining to financial releases to Trans Peshawar, which is of no relevance to him.
- Preparation of Terms and Conditions of Service Rules, 2022 for Managing Director of a highly specialized engineering entity of the department i.e., Khyber Pakhtunkhwa Urban Mobility Authority (KPUMA).
- Direct involvement in the files and matters pertaining to highly specialized engineering and operational wings of the department i.e., KPUMA, Trans Peshawar, and recently closed Transport Planning and Traffic Engineering Unit,
- Seeking of opinion on establishment matters with regard to the appeals filed by the indigenous officers of Directorate of Transport and Mass Transit in which he himself is a party being a regularized project employee and other similar matters besides the fact that they do not fall into his domain (academically, professionally, and otherwise) and as such, are not of any relevance to him. His deep involvement and interference in these sensitive matters, with no legal cover and expertise, raises serious questions.

Though Mr. Waqas Saliheen is a regularized project employee of the Business Development Unit of Directorate and as a Business Development Officer, his main task is to make efforts to promote transport business in the province, his office is stationed in Administration Department without any legal cover.

In the light of the above, I am further directed to request your good self to kindly return the services of Mr. Waqas Saliheen to his parent office i.e Directorate of Transport and Mass Transit with immediate effect with the directions to assign him tasks as per his transport business development work. Moreover, he may be immediately removed from the procurement committees of the highly technical and specialized engineering studies to which he is a complete layman.

A compliance report may be submitted to this office for the perusal of the Hon'ble Minister for Transport & Mass Transit, at the earliest please.

Yours faithfully

PRIVATE SECRETARY TO  
MINISTER FOR TRANSPORT & MASS TRANSIT

Copy forwarded for information to the:

- PS to Chief Minister Khyber Pakhtunkhwa.
- PS to Chief Secretary Khyber Pakhtunkhwa.
- PS to Secretary Establishment Khyber Pakhtunkhwa.





(15)

**OFFICE OF THE MINISTER FOR  
TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

Ph# 091-9210050

Ref: PS/Minister/T&MT/Transport/2022

Dated Peshawar 20-10-2022

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department,  
Peshawar.

Subject: DISENGAGEMENT OF BUSINESS DEVELOPMENT OFFICER MR. WAQAS SALIHEEN FROM SECRETARIATE BUSINESS AND RELOCATION TO PARENT OFFICE (DIRECTORATE OF TRANSPORT AND MASS TRANSIT).

Respected Sir,

I am directed to refer to the Section Officer (Admn) Letter No. SO(G)/TD/7-37/P.F/BDO/1363-65 dated: 14-10-2022 and to state that the Hon'ble Minister for Transport and Mass Transit has shown extreme displeasure over the provision of wrong and misleading information which is meant to misguide this office and is not true in any manner that "Business Development Officer hails from the hierarchy of KPUMA ancestral part i.e. BDU". It is quite obvious from Section 4 of the Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No XX OF 2017) copy enclosed, that BDO is an employee of Directorate and BDU has been working under the auspices of Directorate.

I am further directed to inform your good self that many officers in the past have also raised voice (copy enclosed) against the illegal and undue interference (i.e. dealing Planning and Development portfolio and Financial matters and Releases to TransPeshawar) and postings of Mr. Waqas Saliheen in the Administrative Department which has led to the failure of PMU established for BRT operations. The Hon'ble Minister Transport and Mass Transit has shown extreme displeasure over fabricated statements to portray Mr. Waqas Saliheen indispensable for the success of KPUMA/BRT, which are meant to defame the Provincial Government. These statements are equivalent to raising a serious question about the credibility and investment of millions of Provincial Government's funds on establishing a strong dedicated entity for BRT operations i.e. TransPeshawar and also a team of qualified and experienced engineers in KPUMA for all the new prospective Mass Transit projects.

Moreover, as your good office has pointed out that Directorate has sufficient manpower and does not need the services of BDO, I am directed to convey to your good office that the services of BDO may be sent to the surplus pool and may be declared surplus with the immediate effect in the best public interest, so that his business development expertise and acumen may be utilized in the relevant department, please.

Yours Faithfully

  
For  
  
PRIVATE SECRETARY  
MINISTER FOR TRANSPORT & MASS TRANSIT

Copy forwarded along with its enclosures for information to the: -

- i. PS to Chief Minister, Khyber Pakhtunkhwa.
- ii. PS to Chief Secretary, Khyber Pakhtunkhwa.
- iii. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.

16

28<sup>th</sup> of September 2017

(DEPARTMENTAL APPEAL THROUGH TCS)

4/10/17  
4/10/17

To  
The Secretary  
Transport & Mass Transit Department  
Government of Khyber Pakhtunkhwa

**SUBJECT: POSITION OF POLICY RESEARCH & DEVELOPMENT OFFICER BS 18 IN BDU (DIRECTORATE OF TRANSPORT)**

**DEPARTMENTAL APPEAL FOR ADJUSTMENT AS RO OR PO POST AND AGAINST VIOLATIONS OF RULES IN VOGUE /OFFICIAL CONDUCT OF MR. WAQAS SALIHEEN- EX BDO AND RESPONDENT NO 7 IN WRIT PETITION 1951-P/2017 AND RESPONDENT 3 IN OTHER SIMILARLY PLACED WP NO 3 BY SURMAD MUNIER IN OTHER WP 3079/2017 ( Proposed Fixing in PHC in November, 2017)**

Dear Sir,

I would like to draw the attention of competent authority to the violations of authority usage of Mr. Waqas Saliheen (as Ex Business Development Officer) for the last Nine (09) Months or so, possibly occupying the office of Company Secretary TransPeshawar illegally in Transport & Mass Transit Department.

2) I have reliably learnt that Special Assistant to CM for Transport & Mass Transit Department vide No PS/SA <sup>H.K. Wazir</sup> to CM /T&MT/1-5/2014/Transport Dated 20<sup>th</sup> July, 2017 had asked him for relinquishing of Additional charge of Senior Planning Officer. It is pertinent to mention that Mr. Surmad Munier who has been terminated by Mr. Waqas Saliheen along-with 13 supporting staff has made Senior Planning Officer as Respondent No-3. in WP No 3079/2017 THEREOF.

3) Consequent upon not framing any rules for Business Development Officer (BDO) and no re-advertisement of Senior Planning Officer and Planning Officers in Transport and Mass Transit Department but Mr. Waqas Saliheen is occupying a mysterious position WITH DIFFERNT JOB TITLES. However, under the veil of Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services ) Act 2017, KP ACT NO XX of 2017 under section 4 whereof contract employees were regularized is protecting one clear job title. Briefly, it is stated that I relinquished post of PRDO and joined Program Assistant post of PMU for Peshawar BRT for a number of apprehensions that is under subjudice in Peshawar High Court IN WHICH Mr. Waqas Saliheen is Respondent No7. Business Development scheme is not reflected in Annual Development Plan 2017-18 but surprisingly reflection of Automation of Transport Department Khyber Pakhtunkhwa (Computerization of Route Permit) is available thereof. The project employees of CRP under KP Act no XX of 2017 along with PBT regularized.

4) It is unfair and surprising that any Notification or committee constituted for Regularization of terminated/incumbents Business Development Unit has adjusted Mr. Waqas Saliheen either Company Secretary (Transpeshawar) or Senior Placing Officer. His Business Development Officer role in BS 19 has already ended on 30<sup>th</sup> June, 2017 ( 3 MONTHS AGO) along with TEDO, B&AO. It has been noticed on a number of official documents that signature of office seal of BDO/ SPO/Company Secretary are of Mr. Waqas Saliheen. Similarly, the matter needs further validity that whether in capacity of Secretary, he has withdrawn emoluments of TransPeshawar illegally and thus made loss to the public exchequer.

5) In view of the foregoing, my personal request to the competent authority is to take remedial measures (i) by declaring the provision of Section 4 of the regularization act, 2017 (ibid) to the extent of period stipulated for regularization as Irrational, discriminatory and of no legal effect (ii) look into the matter that how a person is using three office seals. That by extending the benefits of regularization covered under the aforesaid Act, my adjustment to post of Research Officer or Planning Officer be considered on humanitarian grounds, please.

*Anwar Ali*  
Yours sincerely  
Anwar Ali

[As Incumbent PMU for Peshawar BRT (Program Assistant BS16) under PD Sir Sajjad Khan/STE Sir Atkabi]

Cc; Director Transport, Benevolent Fund Building near Jans Backer Peshawar Cantt

AS/SPO  
PD (PMU) to discuss  
4/10/2017

D.S. (LT)  
Please conduct a fact finding inquiry & dig out actual status wages stipulation.  
X



Minutes of PDWP Meeting Held on 26<sup>th</sup> November 2015

The PDWP meeting was held on 26<sup>th</sup> November 2015 under the chairmanship of Additional Chief Secretary in the Committee Room of P&D Department. The following projects of the Industries Section were discussed:

Agenda Item # 25:

Establishment of Transport Planning and Traffic Engineering Unit (TPU), 1346(130483)

The Chief Industries Section, P&DD presented the proposed project and informed that it was approved by PDWP at a cost of Rs. 116.594 million on May 15, 2014 but was not implemented and thus no expenditure could be made. The department has revised the project due to inclusion of additional specialized posts and requisite equipment & machinery. Special pay packages have been envisaged for technical staff for which the department has been suggested to obtain concurrence of the competent authority.

~~It has also been recommended to close the Business Development Unit, the approval for Transport Planning and Traffic Engineering Unit because there is lot of similarities in objectives of both the projects.~~ The Finance Department has also not cleared the revenue portion of the project due to which the project's cost is not confirmed.

The Secretary Transport Department said that TPU will be responsible for evolving transport plans, traffic engineering, maintaining and applying future travel forecast models, planning for the development and operation of better transportation facilities in the province.

~~It was directed that the Business Development Unit should be closed at the end of the current year.~~ He directed that the revenue estimates of the projects should be cleared ahead of the PDWP meeting by the Finance Department. The estimates approved by the PDWP forum should be considered as final and no change would be made.

Decisions: The project was revised at a cost of Rs. 256.799 million (Revenue) with the following decisions:

- ~~i. Business Development Unit should be closed at the end of current fiscal year.~~
- ii. The revenue estimates of the development projects should be cleared before the PDWP meeting by the Finance Department. The estimates approved by the PDWP forum should be considered as final and no changes would be made.

The break up estimates are as under:

S.No.	
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