

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1566 of 2023

Izaz Saddiq S/O Saddiq Ullah

Work Supervisor

O/O Executive Engineer Highway, C&W Division, Charsadda

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Civil Secretariat Peshawar.
2. Chief Engineer, (Centre), Communication & Works Department, Civil Secretariat Peshawar.
3. Executive Engineer Communication & Works Division Charsadda (Not the Construction Division)

.....Respondents

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Zahid Habib

Administrative Officer

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11-12-2023

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PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH!

PRELIMINARY OBJECTION:

1. That the instant Service Appeal as before this honorable Tribunal is incompetent due to the concealment of real facts, rules and regulations.
2. The Appellant has no cause of action.
3. The Appeal is mis-conceiving, not indicated the relevant Appointment/Recruitment Rules of the C&W Department particularly to his induction as Work Supervisor in BPS-11 at the 1st entry point in Service. Even the rules relating to the post of Sub Engineers.
4. The Appellant has not come to the court with clean hands.
5. The Appeal is malafide on the part of Appellant.
6. The Appeal is badly time barred. The objection application was delivered in office on **28/03/2023 (Annexure-I)**, whereas the reply was endorsed on 05/04/2023 as per the documents annexed as "F" at page-17 with the Appeal, hence the appeal hitches on this score alone, which has been filed in Tribunal on 02/08/2023 refer to the date of Attestation of Affidavits.

ON FACTS:

1. In this state to clear the point of the appointment of Appellant. Under the Appointment/Recruitment Rules, 2010 (**Annexure-II**) the following qualification, Age and Method of Recruitment for appointment on the Post of Work Superintendent, Work Supervisors, Surveyors and Road Inspectors are the approved rules, reproduced hereunder:-

Sl.No	Nomenclature of the Post	Prescribed Qualification for Appointment / Promotion	Age Limit	Method of Recruitment
6.	Work Superintendent/ Work Supervisor	a. Secondary School Certificate from a recognized Board; and b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education	18-30 Years	By Initial Recruitment
7.	Surveyor	a. Secondary School Certificate from a recognized Board; and b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education	18-30 Years	By Initial Recruitment
8.	Road Inspector	Diploma of Associate Engineering in Civil Technology from the Board of Technical Education	18-30 Years	Fifty percent (50%) by Initial Recruitment

hence the Appellant was not possessing the prescribed qualification of Diploma of Associate Engineering.

2. Not need further comment, however the Office of the Respondent No-3 would be in best position to narrate about his working as Work Supervisor being appointed on District Cadre Post.
3. It is correct that due to clerical mistake, his name was incepted at Sl.No.14 in the stated Final Seniority as stood on 30/06/2020 but it is incorrectly expressed his name at Sl.No.7 in the subsequent seniority dated 03/01/2022 which the Appellant tried his best to conceive this honorable Tribunal, if he have/had any such notified documents in support of his stance, should have annexed and produced.

4. Correct in the Tentative Seniority list of Work Superintendents, Work Suerprisors, Surveyors and Road Inspectors (which in the past, Road Inspectors were not clubbed), are inserted through an Amendments on 26/01/2022 (**Annexure-III**), the following Appointment/Recruitment Rules were substituted for Appointment on the Post of Sub Engineers (BPS-12) against Sl.No.5 in column-5;

Sl.No	Nomenclature of the Post	Prescribed Qualification for Appointment / Promotion	Age Limit	Method of Recruitment
5	Sub Engineer	Diploma of Associate Engineering in Civil/ Electrical/Mechanical Technologies from a recognized Board of Technical Education	18-30 years	<p>(a) Fifteen percent (15%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Work Superintendent, Work Supervisor, Surveyor and Road Inspector with at least five years service as such, having three years Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education.</p> <p>Note: For the purpose of promotion, a joint seniority list of the Work Superintendents, Work Supervisors, Surveyors and Road Inspectors with reference to their regular appointment to the post shall be maintained. The seniority shall be determined from the date of appointment or acquiring the Diploma in Civil, Electrical, or Mechanical Technology from a recognized Board of Technical Education, whichever is later: Provided that in case the two dates are similar, the official in BPS-12 shall rank senior.</p>

thus the name of Appellant was not included on the basis, he was not possessing the Diploma of Associate Engineering qualification on the one and on the other

the condition, having "3-years Diploma of Associate Engineering in Civil / Electrical / Mechanical is clearly mentioned and maintained in the opening of Notification. It is further to abreast the Tribunal, that in the process of appointment to the post of Sub Engineers having 3-Years Diploma of Associate Engineering and some others having higher qualifications viz B.E / B.Sc Engineering who were cleared in the screening test of the ETEA, went before the august High Court in Writ Petition No(s).3694-P/2020 and 3809-P/2020 (**Annexure-IV & V**). After threadbare discussions / arguments the august High Court passed following orders dated 22/09/2021 in both the Writ Petitions while dismissed the Writ Petition No. 3890-P/2020 (**Annexure-VI**) Direct the Respondents to allow in the selection process for the post of Sub Engineer only those candidates who are possessed with the qualifications of Diploma in Associate Engineering (Civil) on the said clarification, the name of Appellant was not included in the Tentative and the Final Seniority lists for the purpose of promotion to the Post of Sub Engineer as stood on 28/02/2022 & 15/07/2022 (**Annexure-VII**).

5. Correct as expressed above, 11-Nos Road Inspectors who were having Diploma of Associate Engineering in Civil Technologies, fulfilling the relevant conditions as narrated in para-4, above have been promoted on regular basis to the Post of Sub Engineers vide orders dated 30/11/2022, **already annexed as D** by the Appellant with the Appeal. The Appellant mis-stated being juniors to him have been promoted, all the 11-Persons have been holding appointments of the years, 2005, 2006 whereas the Appellant's Appointment date is 20/05/2019.
6. It is incorrectly stated obtained copy of letter dated 05/05/2023. The Appellant should have routed the objection / representation through his immediate officer i.e. Executive Engineer, C&W Division, Charsadda, he directly delivered "departmental presentation" against the above said promotion and granting the seniority as expressed in para-6 of the Appeal on 28-03-2023. The Respondent No.2, the Chief Engineer (Centre), responded and the Executive Engineer, Highway Division, Charsadda properly directed to instruct the applicant to maintain the office decorum and follow with procedures and to route through Proper Channel in addition the official concerned may therefore be informed which the Respondent-3 acted accordingly as per his remarks to SDO, Highway Division-II on the letter dated 05/4/2023, which the Appellant has already annexed as "F" at page-17 with the instant Appeal.

7. Incorrect, deleting the name of Appellant has been fully clarified vide letter ibid referring the clarification, that not possessing the Diploma of Associate Engineering qualification by the Appellant was un-warranted with regards to the august High Court orders dated 22/09/2021. It is not clear, the date showing, as 05/05/2023 is mis-conceiving, probably tried concealment for condonation of delay in submission of the instant Service Appeal in the Tribunal on 02/08/2023. Item No-6 under Preliminary Objections warrants specific attention of the honorable Tribunal.

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ON GROUNDS

- A. Reference to a letter dated 05/05/2023 not appears with the instant Appeal, hence good try to conceive the Court. However there is no weight to accept the stance of appellant, his name as such with having mere B.Sc (Civil) cannot make him eligible to the Post of Sub Engineer. There are no obstructions, the Appellant should have to apply for the Post of Sub Divisional Officer / Assistant Engineer (BPS-17), for which he possesses the requisite qualification in any of the Public Works Department even in the Communication & Works Department.
- B. Incorrect and baseless plea about the discrimination raised by the Petitioners (Appellants). In this state the judgment of Apex Supreme Court of Pakistan dated 15/01/2014 passed in CPs 2026 and 2029 of 2013 (Annexure-VIII) are reproduced:-

“As one wrong or any number of wrongs, cannot be made basis to justify an illegal action under the garb of Article-25 of the Constitution both the Petitions were dismissed.”

As expressed in the opening , in Para-1 of the facts the appellant's 1st induction into the Post of Work Supervisor, is even questionable and what to say for his further progression to the Post of Sub Engineer.

- C. As stated in Para-3, above of the facts, due to the clerical errors, Appellant got enlisted his name in the seniority notified on 17/07/2020 at SI.No.14, the wording of the seniority as notified gives clear picture “those individuals who possess 3-Years Diploma of Associate Engineering in different Technologies.” None, possessing higher degree holders have been incepted with the qualification of B.Sc (Engineering) / B.E (Civil etc) in the rules meant for appointment to the Post of Sub Engineers.

- D. Incorrect. As stated in para-6, above of the facts the Appellant on his objection application / representation, has properly been informed of the facts and his position which he was prevailing, meaning thereby, not possessing Diploma of Associate Engineering qualification as well as about the High Court's Judgment. Hence stating ex-parte action under the Law is not conforming to his actual position.
- E. Incorrect, the Appellant is at liberty to apply/seek appointments to the Post of Sub Divisional Officer / Assistant Engineer in any of the Public Works Department viz C&W, PHE, Irrigation on the basis of his higher degree qualification, all the said departments usually place requisition to the Khyber Pakhtunkhwa, Public Service Commission in this regard.
- F. Not tenable. Section-8 of the Civil Servants Act, 1973 and the Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Posting and Transfer) Rules, 1989 specify the seniority in class/cadre but it is also binding under the departmental Appointment / Recruitment Rules, 2010 to draw seniorities specific to relevant sub clauses of the rules, method of recruitment which ever be constructed, "Subordinate Legislations". The Service Tribunal cannot to interfere in the Legislation or the Subordinate Legislations.
- G. Incorrect. No financial loss is going to be sustained by the Appellant. The post which he at present occupy though questionable, he is regularly getting his pay in Pay Scale-11 and no peculiar loss is sustained / sustaining by the Appellant.
- H. Incorrect, the speculation of the Appellant are not worth consideration in light of the ibid legislation and the rules approved by the SSRC and the Government.
- I. Incorrect. His earlier seniority where he stated was standing at Sl.No-14 being incorrect, irrelevant was subsequently corrected in the Tentative Seniority list and the final Seniority List as annexed at VII.
- J. Incorrectly stated, the Laws and rules are much clear. The calculations of the Appellant are incorrect, the very wording, notified in the seniority lists by itself clears:-

"The Final Seniority list of Work Superintendents/ Work Supervisors and Surveyors, having 3-Years Diploma of Associate Engineering in Civil Technology"

Nowhere it is mentioned, the BE (Civil etc) / B.Sc Engineering (Civil etc) for the purpose of Promotion to the Post of Sub Engineer as expressed in Para-4, above.

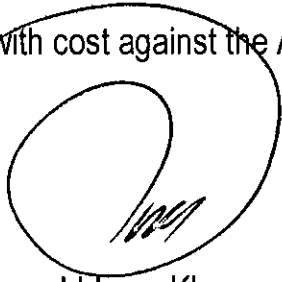
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K. Of course, the Appellant when procured his appointment letter to perform duties being Civil Servant either it shall be for a month or in years.

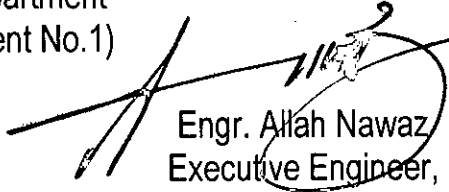
AGAINST THE PRAYER.

1. No such orders of the date 05/05/2023, have been communicated to the Appellant instead the Respondent-2, responded to his objection Application as explained in para-6, above.
2. Mis-conceiving. The position with regards to clerical errors has fully been narrated in the proceeding paras of reply. The Appellant got himself enlisted in the seniority issued on 17/07/2020, but just realizing the irregularity, in the subsequent lists, tentative or Final, his name has been omitted, not reproduced for the reasons, not possessing 3-Years Diploma of Associate Engineering qualifications as enshrined in the legislation against the post of Sub Engineer (Sl.No.5), as described in para-4, above.
3. The plea taken before the Tribunal by the Appellant, to direct the Respondents to include the name of Appellant in seniority lists as per law and rules with back benefits, has no weightage in pursuance to the Appointment/Recruitment Rules, 2010 read with amended Notification No. SOE/C&WD/8-12/2022, dated 26/01/2022, already Annexed-III.

In the wake of above said submission, it is prayed that the instant Service Appeal being devoid of merits and not possessing the 3-Years Diploma of Associate Engineering qualifications for induction to the Post of Sub Engineer may therefore, please be dismissed with cost against the Appellant.


Muhammad Idrees Khan
Secretary to Govt of KP
C&W Department
(Respondent No.1)


Engr. Muhammad Tariq
Chief Engineer (Centre)
C&W Department
(Respondent No.2)


Engr. Allah Nawaz
Executive Engineer,
C&W Highway Division, Charsadda
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

8

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VERSUS

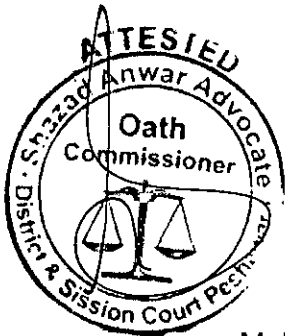
1. Govt. of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Civil Secretariat Peshawar.
2. Chief Engineer, (Centre), Communication & Works Department, Civil Secretariat Peshawar.
3. Executive Engineer Communication & Works Division Charsadda (Not the Construction Division)

.....Respondents

AFFIDAVIT

We, the Respondents, do hereby solemnly affirm and state on Oath that the whole contents of these comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this Khyber Pakhtunkhwa Service Tribunal Peshawar.

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



11-12-2023

Muhammad Idrees Khan
Secretary to Govt of KP
C&W Department
(Respondent No.1)

Deponents

Engr. Muhammad Tariq
Chief Engineer (Centre)
C&W Department
(Respondent No.2)

Engr. Allah Nawaz
Executive Engineer,
C&W Highway Division, Charsadda
(Respondent No.3)

Annex-I (9)

28/03/23

To

The Chief Engineer ©

C & W Department Peshawar.

Subject: Departmental Presentation Against The Promotion Order Dated 30/11/2022 With Prayer For Promotion And Grant Of Seniority

Respect sir,

With profound veneration following submissions are made for your gracious considerations:

1. That the Petitioner was appointed as Work Supervisor (BPS-12) vide office order No. 47/Z-E dated 20-05-2019 in the respondents department (C&W) Division, who is deputed in Charsadda with additional charge of Sub-Engineer. **(Copy of appointment order is attached as annexure "A")**
2. That according to 1st/ initial seniority list dated 04/06/2020 for promotion the name of petitioner was enlisted at serial No. 14. **(Copy of list is attached as Annexure "B")**
3. That thereafter once again seniority list dated 03-01-2022 was issued wherein the name of petitioner was placed at Serial No. 7. **(Copy of list is attached as annexure "C")**
4. That this office issued a tentative seniority list no. 52-E/1282/CE/C&WD dated 03-03-2022 in which the name of the petitioner was not considered without assigning any reason. **(Copy of list attached as annexure "D")**

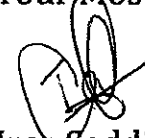
C.E. C&W Deptt. (Centre)
Dairy No 1169
Date 28/03/23
Cass No
C.E. Casw
S.E. (P&T)
D.E. (Bar)
T.O
A.O.
B&AO
D.

Jr. Clerk (1/5)
28/3/23


Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar.

5. That the petitioner/appellant being aggrieved from the tentative seniority list dated 03/01/2022 filed an objection through petition bearing diary No.724 dated 31/08/2022. It is imperative to mention here that the said objection petition has not been responded so far. **(Copy of departmental appeal is attached as annexure "E")**
6. That on 30/11/2022 promotion order No. 177-E/188/CEC/C&WD has been issued wherein 11 road inspectors are promoted to Sub-engineer cadre and the name of petitioner is not mentioned in the said list, moreover, the juniors to petitioner are promoted but the petitioner has not been considered without any reason.(Copy of promotion order 30/11/2022 is annexed herewith)
7. That being aggrieved and dissatisfied the petitioner approaches your gracious office concerning his reckoning and invites you kind and gracious consideration seeking his promotion to post of sub-engineer.

Your Most Obedient



Izaz Saddiq



Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar.

EXTRAORDINARY

REGISTERED NO. P.III

GOVERNMENT

GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 15TH APRIL, 2019.


**GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT**

NOTIFICATION

Dated: 25th March, 2010.

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.


Admin. Secretary (Civil Servants)
Communication & Works Department
Khyber Pakhtunkhwa Peshawar.


APPENDIX**1. 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	-	-	Bye 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) "Sixty five percent (65%) by initial recruitment; b) Twenty percent (20%) by promotion; on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination, with 10 (ten) years' service as such; c) Eight percent (8%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub-Engineers who possessed degree of B.E/B.Sc Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years' service as such; d) Three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who acquired Degree of B.E or B.Sc Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years' service as such; and e) Three and half percent (3.5%) by-promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers having Degree of B.Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years' service as such"

Administrative Officer (Control)
Construction and Works Deptt.
Khyber Pakhtunkhwa Government



Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
				f) Note: The seniority in all cases shall be determined from the date of initial appointment.
5.	Sub-Engineer	Diploma of Associate Engineering (Civil/Electrical/Mechanical) from a recognized Board of Technical Education	18 – 30 Years	<p>a. Seventy Five percent (75) by initial recruitment.</p> <p>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.</p> <p><u>Note-1: 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 or in case the two dates are similar, the official in BS-11 shall rank senior</u></p> <p>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;</p> <p>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 of Electrical/Mechanical Technology from a recognized Board;</p> <p><u>Note-2: For the purpose of promotion, joint seniority list of Works Superintendents/ Work Supervisors & 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>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 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><u>Note-3: For the purpose of promotion, joint seniority list of Works Superintendents/ Work Supervisors & Road Inspectors, with reference to their regular</u></p>


 Administrative Officer (Centre)
 Communications & Publicity Deptt.
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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
				<p>appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior.</p> <p>Note-4: (i) 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</p> <p>(ii) 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);</p>
6.	Work Superintendent/ Work Supervisor	a. Secondary School Certificate from a recognized Board; and b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education	18 – 30 Years	By Initial Recruitment.
7.	Surveyor	a. Secondary School Certificate from a recognized Board; and b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education	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	a) Fifty percent (50%) by Initial Recruitment AND b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work Munshies with at least ten years service as such
9.	Work Munshi	Secondary School Certificate from a recognized Board.	20 – 30 Years	By Initial Recruitment
10.	Principal Consulting Architect	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architects with at least 12 (twelve) years in BS-17 and above.
11.	Senior Architect	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior


 Administrative Officer (Centre)
 Communication & Works Deptt.
 Khyber Pakhtunkhwa Government.

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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
				Architects with a least 5 (five) years service as such.
12.	Junior Architect	Bachelor's Degree in Architecture from Higher Education Commission's recognized University/ College/ Institute	2 – 30 Years	By Initial Recruitment
13.	Chief Draftsman (Architect)	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Architectural Assistants, with at least 5 (five) years service as such.
14.	Architectural Assistant	-	-	By promotion, on the basis of seniority-cum-fitness from amongst the Senior Architectural Draftsman/ Senior Computer Aided Design (CAD) Operator, with at least 3 (three) years service as such.
15.	Senior Architectural Draftsman/ Senior Computer Aided Design (CAD) Operator	a) Three years Diploma in Architectural Technology from recognized Institute/ Board of Technical Education with AutoCAD knowledge. OR b) Two years Certificate Course in Civil Draftsmanship from a recognized Institute/ Board of Technical Education with AutoCAD knowledge.	18 – 30 Years	a. Fifty percent (50%) by Initial Recruitment; and b. Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architectural Draftsman/ Junior Computer Aided Design (CAD) Operator, with at least 5 (five) years service as such.
16.	Junior Architectural Draftsman/ Junior Computer Aided Design (CAD) Operator	Two years Certificate Course in Civil Draftsmanship from recognized Institute/ Board of Technical Education with AutoCAD knowledge.	18 – 30 Years	By Initial Recruitment
17.	Administrative Officer/	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the

Administrative Officer (Centre)
 Communication & Works Deptt.
 Khairpur Mirs, Khairpur Peshawar.

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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
	Budget & Accounts Officer			Superintendents, with at least 5 years service as such.
18.	Superintendents	-	-	By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers with at least five years service as such. Note: For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
19.	Divisional Accounts Officer	-	-	By Transfer from Audit Department
20.	Senior Scale Stenographer	a. Bachelor's Degree/ B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.	18 - 30 Years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least five years services as such.
21.	Assistant	Second Class Bachelor's Degree from a recognized University	21- 32 Years	a. Twenty Five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/ Senior Clerks, with at least five years service as such. Note: For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.
22.	Stenographer (Junior)	a. Intermediate/ D-Com from a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and	18 - 30 years	By Initial Recruitment.


 Administrative Officer (Control
 Communication & Works Deptt
 Kh, Gondwanada Post.

16

17

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
		Excel		
23.	Accounts Clerk/ Senior Clerk	-	-	a) By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, with at least three years service as such.
24.	Junior Clerk	i. Secondary School Certificate from arecognized Board; and ii. A speed of 30 words per minute in English typing	18 – 30 Years	a. Eighty percent (80%) by Initial Recruitment; AND b. Twenty percent (20%) by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars, and other equivalent posts who have been Secondary School Examination and are under 45 years of age and have at least two years service as such in the Department. <u>Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars, with reference, to the date of regular appointment to the post or that of acquiring the Secondary School Certificates, which ever is later; provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.</u>
25.	Driver	Possessing a valid LTV/HTV Driving License with five years experience, having Primary/ Middle Standard qualifications	21 – 35 Years.	By Initial Recruitment
26.	Datary/ Record Lifter/ Dafadar	Literate/Middle, preference will be given to Ex-Service Man	18 – 35 Years	By promotion, from amongst the Naib Qasids/ Chowkidars, having Middle Standard qualification
27.	Naib Qasid	Middle Standard qualification	18 – 35 Years	By Initial Recruitment
28.	Chowkidar	Literate/ Primary Standard qualification	18 – 35 Years	By Initial Recruitment


Administrative Officer (Centre)
 Communication & Works Deptt:
 Khyber Pakhtunkhwa Peshawar.

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Dated Peshawar, Jan 26, 2022

NOTIFICATION:

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

AMENDMENTS

In the APPENDIX.

(a) under the heading "**ENGINEERING SERVICE**".-

(i) in Column No. 03, in the heading, the oblique and word "/Promotion" shall be deleted:

(ii) against Serial No. 4, in Column No. 5,-

(a) in Clause (c) and (d), for the figure, brackets and words "05 (five) years", the figure, brackets and words "03 (three) years" shall be substituted: and

(b) for the existing Note, the following shall be substituted, namely:

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

Provided that for the purpose of promotion to the post of Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer, the seniority of Sub-Engineers, mentioned in clause (d), shall be determined from the date of acquiring the Degree in B.E/B.Sc Engineering (Civil, Mechanical or Electrical) from a recognized University.":

(iii) against Serial No.5, in Column No. 5, for the existing entries, the following shall be substituted, namely:

5

(a) Fifteen percent (15%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Work Superintendent, Work Supervisor, Surveyor and Road Inspector with at least five years service as such, having three years Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education.

Note: For the purpose of promotion, a joint seniority list of the Work Superintendents, Work Supervisors, Surveyors and Road Inspectors with reference to their regular appointment to the post shall be maintained. The seniority shall be determined from the date of appointment or acquiring the Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education, whichever is later:

Provided that in case the two dates are similar, the official in BPS-12 shall rank senior:

(b) five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Work Superintendent, Work Supervisor and Road Inspector, who have passed "B" Grade Departmental Examination with seven years service as such.

Note: For the purpose of promotion, a joint seniority list of the Work Superintendents, Work Supervisors and Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BPS-12 shall rank senior:

Secretary (Civil & Works)
Government of Khyber Pakhtunkhwa
Peshawar

[Signature]

(c) two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Draftsman with at least seven years service as such, having three years Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education:

Note: For the purpose of promotion to the post of Sub-Engineers, the seniority of Draftsman shall be determined from the date of appointment or acquiring the Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education, whichever is later:

(d) two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Tracer, with seven years service as such, having three years Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education.

Note: For the purpose of promotion to the post of Sub-Engineers, the seniority of Tracers shall be determined from the date of appointment or acquiring the Diploma in Civil, Electrical or Mechanical Technology from a recognized Board of Technical Education, whichever is later; and

(e) seventy-five percent by initial recruitment.”:


(b) under the heading “ARCHITECTURAL SERVICE”,-

(i) against Serial No.15, in Column No. 3 and 5, for the existing entries, the following shall respectively be substituted, namely:

3	5
<p>(a) Three years Diploma in Architectural Technology from a recognized Board/Institute of Technical Education with knowledge of AutoCAD 2-D and 3-D, 3D Studio MAX, Adobe Photoshop and Power Point; or</p> <p>(b) Two years Certificate Course in Civil Draftsmanship from a recognized Board/Institute of Technical Education with knowledge of AutoCAD 2-D and 3-D, 3D Studio MAX, Adobe Photoshop and Power Point.</p>	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Junior Architectural Draftsman and Junior Computer Aided Design (CAD) Operator with at least three years service as such; and</p> <p>(b) Fifty percent (50%) by initial recruitment.”:</p>

(ii) against Serial No.16, in Column No. 3 and 5, for the existing entries, the following shall respectively be substituted, namely:

3	5
<p>(a) Three years Diploma in Architectural Technology from a recognized Board/ Institute of Technical Education with knowledge of AutoCAD 2-D and 3-D, 3D Studio MAX, Adobe Photoshop and Power Point; or</p> <p>(b) Two years Certificate Course in Civil Draftsmanship from a recognized Board/Institute of Technical Education with knowledge of AutoCAD 2-D and 3-D, 3D Studio MAX, Adobe Photoshop and Power Point.</p>	<p>(a) Sixty seven percent (67%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of AutoCAD Assistant and 3D's Assistant with at least five years service as such.</p> <p>Note: For the purpose of promotion, a joint seniority list of the AutoCAD Assistants and 3D's Assistant shall be maintained; and</p> <p>(b) thirty three percent (33%) by initial recruitment.”; and</p>


Administrative Officer (Centre)
Communication & Works Deptt.
Khyber Pakhtunkhwa Peshawar.

(iii) after Serial No.16, as so amended, the following new entries shall be inserted, in respective Columns, namely:

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1	2	3	4	5
16A.	AutoCAD Assistant.	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Certificate Course in Civil Draftsman from a recognized Board/ Institute of Technical Education alongwith knowledge and experience of Architecture design drawings on AutoCAD, AutoCAD 2-D and Power Point.	18-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Survey Cooli, Naib Qasid and Chowkidar with at least three years service, who possesses Secondary School Certificate or its equivalent qualification from a recognized Board alongwith two years Certificate Course in Civil Draftsman from a recognized Board/Institute of Technical Education having knowledge of AutoCAD 2-D, Power Point and work experience of preparing detail architectural drawings in the office of Principal Consulting Architect/Central Design Office: Provided that if no suitable persons are available for promotion, then by initial recruitment.
16B.	3D Assistant.	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Certificate Course in Civil Draftsman from a recognized Board/ Institute of Technical Education alongwith knowledge and experience of Architecture design drawings on AutoCAD 3-D, 3-D Studio MAX, Adobe Photoshop and Power Point.	18-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Survey Cooli, Naib Qasid and Chowkidar with at least three years service who possesses Secondary School Certificate or its equivalent qualification from a recognized Board alongwith two years Certificate Course in Civil Draftsman from a recognized Board/Institute of Technical Education and having knowledge of AutoCAD 3-D, 3-D Studio MIX, Adobe Photoshop and Power Point with work experience in the office of Principal Consulting Architect/ Central Design Office: Provided that if no suitable persons are available for promotion, then by initial recruitment.

Handwritten notes in the left margin, including a signature and some illegible text.

(c) under the heading "MINISTERIAL ESTABLISHMENT",-

(i) against Serial No. 21, in Column No. 5, in clause (b), for the words "five years", the words "three years" shall be substituted;


Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar.

(ii) against Serial No.24, in Column No. 3, 4 and 5 for the existing entries, the following shall respectively be substituted, namely:

3	4	5
<p>(a) at least Second Division Intermediate Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) a speed of thirty (30) words per minute in English typing.</p>	<p>18 to 30 years.</p>	<p>a) Thirty three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Record Lifter, Naib Qasid and Chowkidar including holders of other equivalent posts with two year service as such, who have passed Intermediate Examination or its equivalent qualification from a recognized Board; and</p> <p>b) Sixty Seven percent (67%) by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Record Lifters, Naib Qasids and Chowkidars, including holders of other equivalent posts with reference to the dates of their acquiring the Intermediate Certificate or its equivalent qualification from a recognized Board:</p> <p>Provided that-</p> <p>(i) if two or more official have acquired the Intermediate Certificate in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials:</p> <p>Provided further that the condition of Intermediate Certificate or its equivalent qualification, as laid down at clause (a) shall not be applied till the expiration of period as specified in Column No. 5 against Serial No. 4 of the Establishment Department's Notification No. SOE.IV(E&AD)/1-35/2014, dated 18th July, 2019 to the existing matriculate incumbents of the posts of Daftaries, Record Lifters, Naib Qasids and Chowkidars, including holders of other equivalent posts for promotion to the post of Junior Clerk (BPS-11)."; and</p>

(iii) against Serial No. 26, in Column No. 5, after the word and comma "Chowkidars", the word "Sweeper" shall be inserted; and

(d) after Serial No.35, the following new entries shall be inserted, in the respective Columns, namely:

"INFORMATION TECHNOLOGY SERVICE"

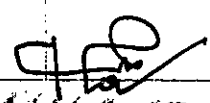
S. No.	Nomenclature of the Post	Minimum Qualification for Appointment	Age Limit	Method of Recruitment
1	2	3	4	5
36.	Assistant Director IT.	<p>(a) At least Second Class Master's Degree in Computer Science or its equivalent qualification from a recognized University; or</p> <p>(b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Computer Science from a recognized University.</p>	22-35 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Programmer and Computer Operator with five years service as such:</p> <p>Provided that if no suitable persons are available for promotion, then by initial recruitment.</p>

[Signature]
 Addl. Secy. (IT), Government of Punjab
 Lahore

37.	Assistant Director GIS.	<p>(a) At least Second Class Master's Degree in Geography or Physical and Numerical Sciences or its equivalent qualification with one year Post Graduate Diploma in GIS from a recognized University; or</p> <p>(b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Geomatics from a recognized University.</p>	22-35 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of GIS Analyst, having three years service as such:</p> <p>Provided that if no suitable persons are available for promotion, then by initial recruitment.</p>
38.	Economist.	<p>(a) At least Second Class Master's Degree in Economics or Statistics or Master in Business Administration (MBA) or Master in Commerce (M-Com) from a recognized University; or</p> <p>(b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Economics from a recognized University.</p>	22-35 years.	By initial recruitment.

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39.	Assistant Programmer.	<p>(a) At least Second Class Bachelor's Degree in Computer Science (BCS Hons 4 years) or its equivalent qualification from a recognized University; or</p> <p>(b) at least Second Class B.Sc Degree in Computer Science from a recognized University.</p>	22-30 years.	By initial recruitment.
40.	Computer Operator.	<p>(a) At least Second Class Bachelor's Degree in Computer Science or Information Technology (BCS/BIT Hons 04 years) from a recognized University; or</p> <p>(b) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.</p>	22-30 years.	By initial recruitment.


Administrative Officer (Centre)
Communication & Works Deptt.
Khyber Pakhtunkhwa Peshawar.


41.	GIS Analyst.	(a) At least Second Class Bachelor's of Science Degree (BS Hons 4 years) in Geomatics from a recognized University; or (b) at least Second Class Bachelor's Degree with one year Post Graduate Diploma in GIS from a recognized University.	22-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of GIS Data Collector, with three years service as such. Provided that if no suitable persons are available for promotion, then by initial recruitment.
42.	GIS Data Collector.	(a) At least Second Class Bachelor's of Science Degree (BS Hons 4 Years) in Geomatics from a recognized University; or (b) at least Second Class B.Sc Degree with one year Post Graduate Diploma in GIS from a recognized University.	22-30 years	By Initial Recruitment

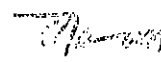
**SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department**

Endst of even number and date

Copy is forwarded to the:-

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


Administrative Officer (Control)
Communication & Works Deptt.
Khyber Pakhtunkhwa Peshawar.


26.01.2020
(ZAHOOR SHAH)
SECTION OFFICER (Estb)

(84)

Annex - IV 9/21

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)**

W.P.No.3694-P of 2020.

Date of hearing: 22.09.2021.

Mr.Zartaj Anwar, advocate for the petitioners.

Mr.Mujahid Ali Khan, AAG for the respondents.

JUDGMENT

LAL JAN KHATTAK, J.- Vide our detailed judgment of even date recorded in the connected W.P.No.3809-P of 2020 titled "Sabireen etc vs. Government etc.", we accept this petition and direct the respondents to allow in the selection process for the posts of Sub-Engineers only those candidates who are possessed with the qualification of Diploma in Associate Engineering (Civil).



JUDGE


JUDGE

Announced.

22.09.2021.

Sediq Shah CS (DB) (Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice Abdul Shakoor)

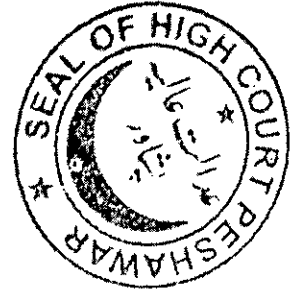

Sediq Shah CS (DB)
Administrative Officer
Peshawar High Court
Peshawar

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Annex-IV FL

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT**

W.P.No.3809-P/2020

JUDGMENT



Date of hearing: 22.9.2021

Mr.Noor Muhammad Khattak, advocate
for the petitioners.

Mr.Mujahid Ali Khan, AAG for the
respondents.

LAL JAN KHATTAK, J.- Through this judgment, we shall also decide W.P.No.3694-P/2020 titled "Muhammad Baseer and others Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others" and W.P.No.3708-P/2020 titled "Abdullah and others Vs. Government of Khyber Pakhtunkhwa through Secretary Local Government, Elections and Rural Development Department, Peshawar and others", as common issue is involved in all the three petitions.

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2. In W.P.No.3809-P/2020, petitioners have assailed the decision dated 22.07.2020 of the respondent No.3 whereby for the posts of Sub-Engineer (BPS-12) (the posts)

[Signature]
Administrative Officer (Control)
Communication & Works Deptt
Khyber Pakhtunkhwa Education

[Signature]
ATTESTED
EXAMINER
Peshawar High Court

only those candidates have been allowed to compete who have the Diplomas of Associate Engineering (Civil) and those possessed with the higher qualification like B.Sc. (Civil) or B.Sc. (Tech) have been debarred from taking part in the selection process for the posts.

3. In W.P.No.3694-P/2020 and W.P.No.3708-P/2020, the petitioners therein have prayed for a declaration to the effect that for the posts only and only the Diploma holders in Associate Engineering are entitled to compete and not others.

Gjan

4. Parawise comments were called for from the respondents which have been so furnished wherein issuance of the desired writ has been opposed.

5. Arguments heard and record gone through.

6. Perusal of the record would show that on 09.04.2019 for filling up the posts, the respondent No.5 floated an advertisement in the national press inviting applications from candidates having the qualification of Diploma of Associate Engineering (Civil) (underlining for emphasis) from a recognized Board of Technical Education. Not only in the advertisement, a specific

[Signature]
Administrative Officer (Legal)
Communication & Publicity Deptt.
Khyber Pakhtunkhwa Board of Technical Education

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ATTESTED
EXAMINER
Khyber Pakhtunkhwa Board of Technical Education

qualification of the candidates applying for the posts has been given but in the relevant Rules too qualification for the posts has been mentioned as Diploma of Associate Engineering (Civil) from a recognized Board of Technical Education. Learned counsel for the petitioners for issuance of the desired writ laid much emphasis on the point that Diploma of Associate Engineering is the minimum qualification for the posts and it does not mean that those who are possessed with higher qualification in the relevant field cannot compete and vie for the posts. The learned counsel further argued that as in column No.5 of the Rules for promotion to the post of Sub-Divisional Officer etc, it has clearly been provided that promotion to the post of Sub-Divisional Officers etc (BPS-17) five percent (5%) shall be made on the basis of seniority-cum-fitness from amongst the Sub-Engineers. therefore, as per the learned counsel, the petitioners can validly vie for their appointments against the posts. Learned counsel for the petitioners tried his best to persuade the court that the qualification of DAE is the minimum qualification and as such those having the maximum

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 Ad. Secy. to Govt. of Punjab
 Secy. to Govt. of Punjab
 Secy. to Govt. of Punjab

M. J.
ATTESTED
 EXAMINEE

qualification can also compete with the Diploma holders.

7. Ibid submissions of learned counsel for the petitioners carry no weight as in a way that leaves no doubt the required and basic qualification for the posts given in the Rules is Diploma in Associate Engineering and nothing else.

8. No doubt, in the relevant Rules minimum qualification for the posts is Diploma of Associate Engineering, however, on no count some higher qualification in some field of someone can be equated with the basic qualification prescribed for a particular post. It is worth to mention that even in column No.5 of the Rules at Sr.No.4, a distinction has been drawn between basic qualification and higher qualification wherein it is provided that five percent promotions to the posts of SDO etc, will be made from those Sub-Engineers who possess Degree of BE and B.Sc. Engineering at the time of their joining service and have passed the Departmental Examination with 05 years service as such.

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9. Furthermore, the method of recruitment given at Sr.No.4 of the Rules shows that at the time of entry into the

[Signature]
Administrative Officer (Finance)
Communication & Publicity Deptt.
Rajasthan Sahakar Board

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ATTESTED
EXAMINER
Rajasthan High Court

government service qua the post of Sub-Engineer, the basic qualification is Diploma in Associate Engineering while the candidates with higher qualification of BE or B.Sc. Engineering can also apply for such post and if candidates having higher qualification of BE or B.Sc. Engineering in addition to the qualification of DAE are inducted on the basis of their DAE qualifications, then, after five years of service as Sub-Engineers and after passing the departmental examination they can be promoted to the posts of SDO etc against the 5% quota.

Again


10. Another pertinent aspect of the case which debars the petitioners from applying against the posts is that the Degree holders of BE/B.Sc. Engineering can apply for the appointment against the posts of Sub-Divisional Officers/Assistant Engineers/Junior Engineers and Assistant Research Officers. When separate posts (BPS-17) have been created for BE/B.Sc Engineering Degree-holders then it would not be proper and suitable for them to compete with the Diploma holders for the posts of BPS-12 and if they are allowed to compete with them then on no canon of justice, the competition

[Signature]
 Administrative Officer (General)
 Commanding & Works Deptt.
 Khayateh, Jammu & Kashmir

[Signature]
 ATTESTED

between the Diploma holders and the Degree holders can be termed as a fair competition. For their being possessed with higher qualification, let the petitioners compete with candidates who are at par with them in education and qualification.

11. Learned counsel for the petitioners could not make out a point for issuance of the desired writ and we too did not any substance in the petitioners' case, therefore, W.P.No.3809-P/2020 is dismissed for its being devoid of any merit while W.P.No.3694-P/2020 and W.P.No.3708-P/2020 stand allowed with direction to the respondents to allow in the selection process for the posts of Sub-Engineers only those candidates who are possessed with the qualification of Diploma in Associate Engineering (Civil).


Additional Judge (Civil) (Retired)
Government of Punjab
Hydro-Electricity Department

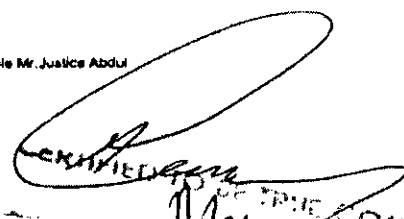

JUDGE

JUDGE

Announced
22.9.2021.

Sadiq Shah, CS (DB) (Hon'ble Mr Justice Lal Jen Khattak and Hon'ble Mr Justice Abdul Shakoor)

No. 7702
Date of Presentation


11/9/2021

Annex-11
31

Judgment Sheet
PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

Writ Petition No.3890-P/2020

"Haji Dildar Khan and others

Versus

Dr. Muhammad Jaseem Khan and others"

Date of hearing: **18.05.2023.**

Petitioner(s) by: Mr. Muhammad Shoaib Khan,
Advocate.


Respondent(s) by: Mr. Ahmad Ali Khan, Advocate.

JUDGMENT

SHAKEEL AHMAD, J.- By means of this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has assailed the judgment/order dated 20.07.2020, passed by the learned Additional District Judge, Swabi, whereby the revision petition filed against the order dated 18.02.2020, passed by the learned trial court refusing to summon one Amjad Ali S/o Abdul Khalaq as a witness and also to place on record the affidavit, was allowed.

2. Succinctly the facts of the case, out of which the present constitutional petition arises are that the respondent/plaintiff instituted suit No.266/1 on 23.02.2017 against the petitioners/defendants pre-empting the suit land

(fully described in the headnote of the plaint). After closure of evidence the respondent/plaintiff, he moved an application for summoning of one Amjad Ali Postman as a witness, seeking permission to place on record an affidavit. The application was resisted by the petitioners/defendants on legal and factual plane. After providing an opportunity of hearing, the learned trial court dismissed the application vide order dated 18.02.2020. Being aggrieved of the same, the respondent/plaintiff filed a revision petition before the learned Additional District Judge-I, Swabi, which was accepted and the impugned order dated 18.02.2020, passed by the learned trial court was set aside. The petitioners/defendants, feeling aggrieved, have now landed up before this Court through instant petition.

 3. I have listened to arguments of the learned counsel for the parties at length and perused the record with their valuable assistance.

4. It transpires from the record that the application for additional evidence was filed by the petitioners, pleading therein that the record of the Post Office Swabi has been tendered in evidence and exhibited accordingly, but it has been misplaced and to this effect, the said Amjad Ali S/o Abdul Khalaq has submitted an affidavit, stating therein that he had delivered the notice of Talb-e-Ishad to the


Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar.

addressee. The relevant portion of the application is reproduced as under;

ڈاکٹر محمد عظیم خان
نام
ماہی بلوچا

Muhammad Ismail
Civil Judge Swabi
03-05-2011

منجانب عالیہ درخواست ہمدرد شاملہ شکایت بیان علقہ طلب کرنے کو براہ افسر علی و دربارہ اطلاق
سائنس کرنا ملیم کے قبول مذکورہ پوسٹ میں کرنا نہیں کے حسابہ نام ختم ہے۔
کہ برکتیہ ایذا لیبالات حضور ہمدرد نہیں ہے۔

دعا ہے کہ برکتیہ ایذا ایسا رکھنا کیلئے پوسٹ آفس ڈاک خانہ حوالہ جرم سے E.A.R. (ریٹرنسٹ)
کلیٹی تھی۔ وہ پوسٹ میں بیٹھی ہوئی ہے۔ اور بلینڈ تقسیم و یکاروہ افسر علی و دربارہ اطلاق
پوسٹ میں اس کا بیان علقہ طلب ہے کہ اس کے جسم کا یا تقسیم کے ذریعہ
اور A.D. کارڈ پر بطور تقسیم کنندہ و خطا فرودت ہے۔ جو کہ اس کے سروس کارڈ کیلئے
اور نیشنل سٹاف کارڈ سے بھی واضح ہے۔ بیان علقہ طلب ہے۔

دعا ہے کہ وہ مذکورہ کارڈ کا کسی شکل سے لہر اعلقہ ہے اور اس کو بات لہر تھی کہ پوسٹ میں کرنا اور اس کی بیان
اس کے لیے طلبہ کرنا نامہ ہے۔
دعا ہے کہ عدالت حضور کو اس بارے میں اختیار حاصل ہے اور طلبہ دعا بیان کو مذکور سے عدالت
حضور کو اصل حقائق کا پتہ چلے گا۔ ہم کو مذکورہ بیان طلبہ کرنا دعا بیان کو مذکورہ اور اللہ سے
اس کے لئے امید ہے۔ کہ مذکورہ روایت یا اس کے پوسٹ میں اطلاق طلبہ کے لئے ہمارے
دکھات صادر کے ہائے۔

دفعہ 4
2011
ڈاکٹر محمد عظیم خان
ماہی بلوچا

24/1/11
محمد عظیم خان
ماہی بلوچا
ڈاکٹر محمد عظیم خان
ماہی بلوچا


5. From perusal of the above contents, it is established that the respondent/plaintiff has furnished a good cause for acceptance of his application. A perusal of Order XVI, Rule 1 of CPC reflects that it regulates the summoning and attendance of witnesses in order to protect the interests of litigants. No doubt, sub-rule (2) of Rule 1 of Order XVI puts an embargo on the right of the litigants to summon witnesses in support of their claims whose name is not mentioned in the list of witnesses, but the

9/2
Muhammad Ismail
Civil Judge Swabi
03-05-2011

court can allow parties to call such witness, if he furnishes a good cause for the omission being shown. The Court can also, in exercise of the powers conferred in it under Order XVI, Rule 7 or 14 call upon a person not named in the list of witnesses to depose before the Court.

6. In my view, the learned revisional court rightly interfered with the erroneous order of the learned trial court and committed no illegality by allowing the revision petition. In this respect, wisdom is sought from the judgment reported as "Mst. Bushra Bibi Vs. Amin Ud Din and others". The relevant portion therefrom is quite enlightening, which runs as under;

"We have not been able to discover any provision in the Code of Civil Procedure whereunder the responsibility can be put on a party to produce its evidence on pain of losing its right to produce that evidence. Even in a case where a party undertakes to produce its own evidence but then reports its inability to do so and applies for process of the Court for the attendance of its witnesses, there is no sanction in law for refusing such a request. The Court may, in the exercise of its inherent powers to prevent abuse of the process of the Court, decline to accede to such a request where it is found that the party is deliberately seeking to prolong the case to the grave disadvantage of the other side, and that the evidence sought to be adduced has no material bearing on the decision of the case. In the present case, one of the appellant's witnesses namely, Abdul Ghafoor, whom she wanted to summon, was present in Court on the 9th of June 1970, and was actually bound down by the Court to attend on the next date of hearing. His failure to attend thereafter was not due to any fault of the appellant, and the Court must have moved its own coercive machinery to procure his attendance. As regards the other witness, who is an Advocate, there should have been no difficulty for the Court to secure his attendance by sending a summons to him or by resort to coercive process if the witness was refusing to attend or was avoiding appearance. But there appears to be no justification in law or on the facts of this case as mentioned above, for refusal by the Court to summon these witnesses through its own process, merely because the appellant had failed to have their service effected by dasti summonses."


 Administrative Officer (Senior)
 Communication & Welfare Branch
 Ministry of Industries & Commerce

7. I find no illegality, irregularity or jurisdictional defect in the impugned judgment of the learned revisional court, calling for interference.


8. For what has been discussed hereinabove, this petition, being bereft of any merit, is hereby **dismissed**. There shall be no order as to costs.

Announced:
18.05.2023


JUDGE

(SB) Hon'ble Mr. Justice Shakeel Ahmad.

(Shahid Nawaz, Steno)


**Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar.**



ANNEXURE - VII

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OFFICE OF THE CHIEF ENGINEER, CENTRE
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No. 52-EI/907/ICE/C&WD
Dated 25/07/2022

FINAL SENIORITY LIST

In pursuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Acts 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25.03.2010, the Final Seniority List of Work Superintendents, Work Supervisors, Surveyors and Road Inspectors, (in pursuance to Rule-5(a)) (Engineering Services) in the C&W Department having 3-Years Diploma of Associate Engineering in Civil / Electrical / Mechanical Technology as stood on 15.07.2022 is hereby notified as under :-

S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
1	Gohar Zaman	Gul Zaman	Tank	DAE (Civil) 24/11/2001	25/04/1982	25/02/2005	25/02/2005 R/Insp	XEN Div Tank
2	Javaid Ahmad Shah	Pir Alam Shah	Tank	DAE (Civil) 27/06/1994 Supl	01/05/1971	13/06/2005	13/06/2005 (R/Insp)	XEN H/Way S.W Tank
3	Muhammad Saleem Khan	Abdul Halim	Tank	DAE (Civil) 14/04/1999 Supl	03/04/1974	13/06/2005	13/06/2005 (R/Insp)	Appointed as S/Engr. on Acting Charge XEN C&W Lakki
4	Shams-ur-Rehman	Arsala Khan	S.Waziristan	DAE (Civil) 22/06/1994 Supl	06/07/1969	20/03/1997	06/07/2005 (R/Insp)	--do-- XEN Bldg: S.W Tank
5	Abid Ali Shah	Saeed Ahmad Shah	S.Waziristan	DAE (Civil) 03/10/2005	22/03/1983	07/07/2005	07/07/2005 (R/Insp)	--do-- XEN H/Way S.W Tank
6	Yousaf Shehzad	Fayaz-ud-Din	S.Waziristan	DAE (Civil) 24/11/2001	15/01/1980	14/02/2006	14/02/2006 (R/Insp)	--do-- XEN Bldg: D.I.Khan
7	Imran Ali	Asad Ali	Kurram	DAE (Civil) 09/01/2006	22/03/1977	06-11-2006	06/11/2006 (R/Insp)	--do-- XEN Bldg: Kurram
8	Sher Marjan	Noor Ali	Kurram	DAE (Civil) 23/01/1997 M.A	01/02/1977	07/11/2006	07/11/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
9	Syed Akmal Hussain	Syed Ahmad	Kurram	DAE (Civil) 10/12/1997	07/04/1974	16/11/2006	16/11/2006 (R/Insp)	--do-- XEN C&W Divn: Lower Kurram
10	Badshah Hussain	Aman Hussain	Kurram	DAE (Civil) 03/08/1998 Supl MS (Eco)	15/04/1975	01/12/2006	01/12/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
11	Basharat Hussain	Hussain Khan	Kurram	DAE (Civil) 08/12/1996	31/05/1970	08/12/2006	08/12/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
12	Sana Ullah	Ghulam Muhammad	Tank	DAE (Civil) 17/12/2005	15/03/1981	03/04/2008	03/04/2008 (R/Insp)	XEN C&W Divn: Tank
13	Jamshed Khan	Alaf Shah	Tank	DAE (Civil) 16/05/2003 Supl	15/10/1978	10/05/2008	10/05/2008 R/Insp	w.r.t CE(M.A) Letter No.8798/2/34-E dated 29/11/2019 XEN Bldg: S.W Tank

Administrative Officer (Centre)
Communication & Works Deptt:
Khyber Pakhtunkhwa Peshawar

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S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
14	Hamid Anwar Khan	Muhammad Anwar Khan	S.Waziristan	DAE (Civil) 10/05/2000 Supl B.A 11/2007	15/03/1979	06/02/2009	06/02/2009 R/Insp BS-07	XEN C&W Lakki Marwat No.439/2-E dated 03/02/2022 XEN C&W Divn Lakki
15	Adnan Alam	Alam Sher Khan	Tank	DAE (Civil) 28/12/2006	25/10/1983	25/11/2010	25/11/2010 (R/Insp)	XEN H/Way S.W Tank
16	Khurram Aftab	Salah-ud-Din	D.I.Khan	D.A.E (Civil) 24/11/2001	09/01/1979	26/01/2011	26/01/2011 (W/Supervisor B-12)	XEN Highway Divn. D.I.Khan
17	Gul Nawaz	MuhammadUllah	Khyber	DAE (C) 27/03/1998	03/04/1974	06/12/2006	01/08/2011 (R/Insp)	06/12/2006 To 31/07/2011 Work Munshi ii. 01/08/2011 (R/Insp) XEN H/Way TD Khyber
18	Hazrat Iqbal	Faramosh	Malakand	DAE (Civil) 27/09/2011	03/02/1966	26/05/1988	19/04/1992 (R/ Inspector)	26/05/1988 W/Munshi Appointed as S/Engr. on Acting Charge XEN C&W Divn: Malakand
19	Azmat Khan	Mir Aslam	Karak	DAE (Civil) 12/11/2011	02/04/1964	02/02/1995	01/07/2001 (R/Insp)	Appointed as S/Engr. on Acting Charge '02/02/1995 (Work Taker) XEN C&W Divn Karrak
20	Rehman Ali	Mian Hazrat Room	Swat	DAE (Civil) (18/03/2012)	02/03/1975	03/01/1995	18/03/2012 (Absorbed as R/Insp)	Included in the Seniority List in compliance with the judgment of Khyber Pakhtunkhwa Service Tribunal dated 10/02/2021 in Service Appeal No1176/2016, subject to final decision of the Apex Supreme Court Pakaistan in CPLA No.237/P / 2021 'Lab Asstt (03/01/1995 XEN Bldg: Swat
21	Asif Mehmood	Loi Khan	S.Waziristan	DAE (Civil) 11/06/2012 Supl	15/10/1988	19/12/2011	19/12/2011 (R/Insp)	XEN H/Way Div S.Waziristan at Tank
22	Irfan Shah	Mumtaz Shah	S.Waziristan	DAE (Civil) 16/09/2010 B.Tech (Honor) 13/11/2018	02/05/1989	11/09/2012	11/09/2012	XEN H/Way S.W Tank No.1352/20-E dated 11/02/2022
23	Aman Khan	Babar Abdul Wahid	Abbottabad	DAE (Civil) 14/04/2011 Supl	13/01/1988	15/08/2006	25/09/2012 (R/Insp)	15-08-2006 (Work Munshi) XEN H/Way Abbottabad
24	Muhammad Haroon	Adam Khan	S.Waziristan	DAE (Civil) 19/11/2012	18/04/1991	12/01/2012	12/01/2012 (R/Insp)	XEN H/Way S.W Tank
25	Fazlur Rahman	Sami Ullah Khan	Dir Lower	i. M.A ii. DAE (C) 13/03/2012	08/03/1968	12/09/1992	20/12/2012 (R/Insp)	12/09/1992 (Work Munshi) XEN C&W Dir Lower
26	Jamad Ali Khan	Farid Khan	Mardan	i. Matric ii. DAE (C) 21/09/2011	03/03/1991	09/08/2012	01/04/2013 (R/Insp)	XEN C&W Divn: Charsadda No.633/2-A dated 14/02/2018 '09/08/2012 (R/Cly) '28/12/2012 (Mate)

S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
27	Haris Iqbal	Iqbal Javeed	Peshawar	DAE (Civil) 21/09/2011	16/12/1991	14/05/2013	14/05/2013 (R/Insp)	Reinstated by Chief Engineer (North) vide O/O No.61/10-E dated 13/10/2020. XEN C&W Dir Lower
28	Shams-ul-Tabraiz	Bahr-ul-Mulk	Dir Lower	DAE (Civil) 15/08/2013	10/04/1966	17/07/1985	17/07/1985 (R/Insp)	Appointed as S/Engr. on Acting Charge XEN H/Way Divn: Dir Lower
29	Sarfraz Khan	Mir Aslam Khan	Karak	DAE (Civil) 15/08/2013 B.A	11/02/1967	04/10/1990	04/10/1990 (R.Insp)	--do-- XEN C&W Karrak
30	Mubarak Zaib	Abdul Ghafoor	Dir Lower	DAE (Civil) 15/08/2013	18/04/1969	08/09/1991	08/09/1991 (R/Insp)	--do-- XEN C&W Dir Upper
31	Hafeez Ullah	Shah Mehmood	Khyber	DAE (Civil) 18/05/2002	01/04/1982	01/11/2013	06/09/2013 (Gen: Supervisor B-12)	XEN PBMCI-II
32	Salman Khan	Gul Amir Khan	S.Waziristan	DAE (C) 03/01/2014 Supl B.Tech (C)	03/07/1993	16/09/2013	16/09/2013 (R/Insp)	XEN H/Wayn S.Waziristan at Tank
33	Inamullah	Muhammad Ali Bhattani	FR Tank	DAE (Civil) 25/04/2012	18/11/1990	09/01/2014	09/01/2014 (R/Insp)	XEN Div: S.W Tank
34	Muhammad Nazakat	Muhammad Rafiq	Abbottabad	DAE (Civil) 28/05/2014	01/01/1982	01/08/2000	29/06/2006 (R/Insp)	01/08/2000 (Appointed as Khidmatgar Governor House Peshawar) (Adjusted as Mechanic Grade-II in W&S Deptt on 01/12/2003) Promoted as R/Insp on 29/06/2006 XEN Bldg: Abbottabad
35	Raza Muhammad Khan	Dost Muhammad Khan	D.I.Khan	(ii) D.A.E (C) 09/06/1990	12/02/1968	09/05/1992	01/09/2014 (W/Supervisor BS-10)	09/05/1992 (W/Munshi) XEN No.3110/1-E Dated 15/10/2021 XEN Bldg: D.I.Khan
36	Jamshid Alam	Sardar Khan	S.Waziristan	DAE (Civil) 11/06/2012 Supl	15/06/1984	10/01/2002	01/10/2014 (R/Insp)	Previous Service as Work Munshi with effect from 10-01-2002 to 30-09-2014 XEN H/Way S.W Tank
37	Shah Khalid	Aman Ullah Shah	S.Waziristan	DAE (Civil) 23/01/2009	15/03/1987	26/08/2015	26/08/2015 (R/Insp)	XEN H/Way Div S.Waziristan
38	Ahmad Zeb	Aurangzeb	FR Kohat	DAE (Elec) 19/06/2012 (Supp) BS (Elec)	25/09/1991	22/03/2016	22/03/2016 W/Supdt (BS-11)	C&W Div: Dara Adam Khel/ Hassan Khel at Kohat Appointed as Sub Engineer on Acting Charge dated 30/04/2021 XEN Bldg: Kohat
39	Adil Mehmood	Haji Raees Khan Afridi		DAE (Civil) 01/01/2014 Supl	01/04/1993	22/03/2016	22/03/2016 (R/Insp)	XEN C&W Divn: Tribal District Dara Adam Khel at Kohat.
40	Muhammad Amin	Fida Hussain	Kurram	DAE (Civil) 25/04/2016	12/05/1987	11/03/2006	12/03/2015 (R/Insp)	11/03/2006 To 11/03/2015 (Work Munshi) XEN H/Way Kurram

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S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
41	Amjad Ali	Muhabit Ali Khan	FR Kohat	DAE (Civil) 06/05/2016	01/06/1995	22/03/2016	22/03/2016 (R/Insp)	XEN H/Way Kohat
42	Zain ud Din	Abdur Rahim	S.Waziristan	DAE (Civil) 29/08/2016 BSc	01/01/1991	22/01/2013	22/01/2013 (R/Insp)	XEN H/Way Div S.Waziristan
43	Muhammad Nasim Qurashi	Muhammad Saeed Qurashi	Peshawar	D.A.E (C) 07/03/2017	10/11/1994	21/01/2016	21/01/2016 W/Supdt (BPS-10)	XEN PBMC-I
44	Ali Sher	Mohammad Akram Khan	Khyber	DAE (Civil) 27/09/2017	06/01/1965	13/07/1995	01/10/2010 W/Supdt (BPS-10)	W/Taker w.e.f 13.07.1995 to 30.09.2010. Ch:62 (52-E) SOE No. SOE/C&WD/2-6/2021 dated 09.08.2021
45	Muhammad Sajid	Fazal Shah	Kurram	DAE (Civil) 22/02/2018	13/04/1988	24/02/2010	24/02/2010 R/Insp BS-07	w.r.t XEN H/Way Kurram letter No.589/8-E dated 31/01/2019
46	Naqash Ahmad	Alamzaib	Haripur	DAE (Civil) 06/01/2014 Supl	28/02/1991	02/11/2018	02/11/2018 W/Supdt: BS-10	C&W Division Haripur
47	Sardar Muhammad Naqash Aksar	Sardar Muhammad Aksar	Mansehra	Matric DAE (Civil) 16/02/2016	20/10/1993	02/11/2018	02/11/2018 Surveyor BS-07	XEN Haripur
48	Ahsan Kaleem	Muhammad Kaleem	Abbottabad	DAE (Civil) 23/09/2019	01/03/1991	02/01/2011	27/09/2012 (R/Insp)	02/01/2011 To 27/09/2012 (Painter BS-05) XEN C&W Division Abbottabad
49	Shafiur Rehman	Rehmat Habib	Dir Upper	DAE (Civil) 24/05/2003 Supl	01/04/1983	27/02/2006	22/06/2021 (R/Insp)	Remained as W/Munshi w.e.f 27/02/2006 to 21/06/2021 XEN C&W Dir Upper
50	Muhammad Ismail	Bakht Zamin	Dir Lower	DAE (C) (21/12/1993) B.Tech (Hon) (13/04/2016)	05/05/1972	25/02/1996	02/08/2021 (R/Insp)	25/02/1996 (W/Munshi) XEN Bldg: Dir Lower Letter No.163/2-E dated 02/08/2021
51	Saeed Ullah	Hamid Ullah	Malakand	DAE (Civil) 04/11/2019	06/03/1999	09/08/2021	09/08/2021 (R/Insp)	XEN C&W Div: Malakand No.538/5-E dated 08/02/2022
52	Sallah ud Din	Dil Baz Khan	D.I.Khan	DAE (Civil) 05/05/2016	09/12/1972	03/11/1996	30/11/2021 (R/Insp) BS-7	03/11/1996 W/Munshi XEN Bldg: D.I.Khan No. 266/3-E dated 07/02/2022

Ad. Secy (C&W) (P)

[Signature]

CHIEF ENGINEER (CENTRE)

[Signature]
ADMINISTRATIVE OFFICER

Copy of the above forwarded to:-

1. All Chief Engineers in C&W Department, Khyber Pukhtunkhwa.
2. All Superintending Engineers, in C&W Department Khyber Pukhtunkhwa.
3. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa.
4. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the same on C&W official website. (www.cwd.gkp.pk)



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TENTATIVE SENIORITY LIST

The Tentative Seniority List of Work Superintendents, Work Supervisors, Surveyors and Road Inspectors, (in pursuance to Rule-5(a)) (Engineering Services) in the C&W Department having 3-Years Diploma of Associate Engineering in Civil / Electrical / Mechanical Technology as stood on 28/ 02 /2022 is hereby Circulated as under :-

S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
1	Gohar Zaman	Gul Zaman	Tank	DAE (Civil) 24/11/2001	25/04/1982	25/02/2005	25/02/2005 R/Insp	XEN Div Tank
2	Javaid Ahmad Shah	Pir Alam Shah	Tank	DAE (Civil) 27/06/1994 Supl	01/05/1971	13/06/2005	13/06/2005 (R/Insp)	XEN H/Way S.W Tank
3	Muhammad Saleem Khan	Abdul Halim	Tank	DAE (Civil) 14/04/1999 Supl	03/04/1974	13/06/2005	13/06/2005 (R/Insp)	Appointed as S/Engr. on Acting Charge XEN C&W Lakkki
4	Shams-ur-Rehman	Arsala Khan	S.Waziristan	DAE (Civil) 22/06/1994 Supl	06/07/1969	20/03/1997	06/07/2005 (R/Insp)	--do-- XEN Bldg: S.W Tank
5	Abid Ali Shah	Saeed Ahmad Shah	S.Waziristan	DAE (Civil) 03/10/2005	22/03/1983	07/07/2005	07/07/2005 (R/Insp)	--do-- XEN H/Way S.W Tank
6	Yousaf Shehzad	Fayaz-ud-Din	S.Waziristan	DAE (Civil) 24/11/2001	15/01/1980	14/02/2006	14/02/2006 (R/Insp)	--do-- XEN Bldg: D.I.Khan
7	Imran Ali	Asad Ali	Kurram	DAE (Civil) 09/01/2006	22/03/1977	06-11-2006	06/11/2006 (R/Insp)	--do-- XEN Bldg: Kurram
8	Sher Marjan	Noor Ali	Kurram	DAE (Civil) 23/01/1997 M.A	01/02/1977	07/11/2006	07/11/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
9	Syed Akmal Hussain	Syed Ahmad	Kurram	DAE (Civil) 10/12/1997	07/04/1974	16/11/2006	16/11/2006 (R/Insp)	--do-- XEN C&W Divn: Lower Kurram
10	Badshah Hussain	Aman Hussin	Kurram	DAE (Civil) 03/08/1998 Supl MS (Eco)	15/04/1975	01/12/2006	01/12/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
11	Basharat Hussain	Hussain Khan	Kurram	DAE (Civil) 08/12/1996	31/05/1970	08/12/2006	08/12/2006 (R/Insp)	--do-- XEN C&W Divn: Upper Kurram
12	Sana Ullah	Ghulam Muhammad	Tank	DAE (Civil) 17/12/2005	15/03/1981	03/04/2008	03/04/2008 (R/Insp)	XEN C&W Divn: Tank
13	Jamshed Khan	Alaf Shah	Tank	DAE (Civil) 16/05/2003 Supl	15/10/1978	10/05/2008	10/05/2008 R/Insp	w.r.t CE(M.A) Letter No 8798/2/34-E dated 29/11/2019 XEN Bldg: S.W Tank

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C.
K.

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S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment to Class	Remarks
27	Haris Iqbal	Iqbal Javeed	Peshawar	DAE (Civil) 21/09/2011	16/12/1991	14/05/2013	14/05/2013 (R/Insp)	Reinstated by Chief Engineer (North) vide O/O No.61/10-E dated 13/10/2020. XEN C&W Dir Lower
28	Shams-ul-Tabraiz	Bahr-ul-Mulk	Dir Lower	DAE (Civil) 15/08/2013	10/04/1966	17/07/1985	17/07/1985 (R/Insp)	Appointed as S/Engr. on Acting Charge XEN H/Way Divn: Dir Lower
29	Sarfraz Khan	Mir Aslam Khan	Karak	DAE (Civil) 15/08/2013 B.A	11/02/1967	04/10/1990	04/10/1990 (R.Insp)	--do-- XEN C&W Karrak
30	Mubarak Zaib	Abdul Ghafoor	Dir Lower	DAE (Civil) 15/08/2013	18/04/1969	08/09/1991	08/09/1991 (R/Insp)	--do-- XEN C&W Dir Upper
31	Hafeez Ullah	Shah Mehmood	Khyber	DAE (Civil) 18/05/2002	01/04/1982	01/11/2013	06/09/2013 (Gen: Supervisor B-12)	XEN PBMC-II
32	Salman Khan	Gul Amir Khan	S.Waziristan	DAE (C) 03/01/2014 Supl B.Tech (C)	03/07/1993	16/09/2013	16/09/2013 (R/Insp)	XEN H/Wayn S.Waziristan at Tank
33	Inamullah	Muhammad Ali Bhattani	FR Tank	DAE (Civil) 25/04/2012	18/11/1990	09/01/2014	09/01/2014 (R/Insp)	XEN Div: S.W Tank
34	Muhammad Nazakat	Muhammad Rafiq	Abbottabad	DAE (Civil) 28/05/2014	01/01/1982	01/08/2000	29/06/2006 (R/Insp)	01/08/2000 (Appointed as Khidmatgar Governor House Peshawar) (Adjusted as Mechanic Grade-II in W&S Deptt on 01/12/2003) Promoted as R/Insp on 29/06/2006 XEN Bldg: Abbottabad
35	Raza Muhammad Khan	Dost Muhammad Khan	D.I.Khan	(ii) D.A.E (C) 09/06/1990	12/02/1968	09/05/1992	01/09/2014 (W/Supervisor BS-10)	09/05/1992 (W/Munshi) XEN No.3110/1-E Dated 15/10/2021 XEN Bldg: D.I.Khan
36	Jamshid Alam	Sardar Khan	S.Waziristan	DAE (Civil) 11/06/2012 Supl	15/06/1984	10/01/2002	01/10/2014 (R/Insp)	Previous Service as Work Munshi with effect from 10-01-2002 to 30-09-2014 XEN H/Way S.W Tank
37	Shah Khalid	Aman Ullah Shah	S.Waziristan	DAE (Civil) 23/01/2009	15/03/1987	26/08/2015	26/08/2015 (R/Insp)	XEN H/Way Div S.Waziristan
38	Ahmad Zeb	Aurangzeb	FR Kohat	DAE (Elec) 19/06/2012 (Supp) BS (Elec)	25/09/1991	22/03/2016	22/03/2016 W/Supdt (BS-11)	C&W Div: Dara Adam Khel/ Hassan Khel at Kohat Appointed as Sub Engineer on Acting Charge dated 30/04/2021 XEN Bldg: Kohat
39	Adil Mehmood	Haji Raees Khan Afridi		DAE (Civil) 01/01/2014 Supl	01/04/1993	22/03/2016	22/03/2016 (R/Insp)	XEN C&W Divn: Tribal District Dara Adam Khel at Kohat.
40	Muhammad Amin	Fida Hussain	Kurram	DAE (Civil) 25/04/2016	12/05/1987	11/03/2006	12/03/2015 (R/Insp)	11/03/2006 To 11/03/2015 (Work Munshi) XEN H/Way Kurram

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S.No.	Name of Official	Father's Name	Domicile	Date of acquiring DAE	DOB	Date of entry into Govt: Service	Date of Appointment in Class	Remarks
41	Amjad Ali	Muhabit Ali Khan	FR Kohat	DAE (Civil) 06/05/2016	01/06/1995	22/03/2016	22/03/2016 (R/Insp)	XEN H/Way Kohat
42	Zain ud Din	Abdur Rahim	S.Waziristan	DAE (Civil) 29/08/2016 BSc	01/01/1991	22/01/2013	22/01/2013 (R/Insp)	XEN H/Way Div S.Waziristan
43	Muhammad Nasim Qurashi	Muhammad Saeed Qurashi	Peshawar	D.A.E (C) 07/03/2017	10/11/1994	21/01/2016	21/01/2016 W/Supdt (BPS-10)	XEN PBMC-I
44	Muhammad Sajid	Fazal Shah	Kurram	DAE (Civil) 22/02/2018	13/04/1988	24/02/2010	24/02/2010 R/Insp BS-07	w.r.t XEN H/Way Kurram letter No.589/8-E dated 31/01/2019
45	Naqash Ahmad	Alamzaib	Haripur	DAE (Civil) 06/01/2014 Supl	28/02/1991	02/11/2018	02/11/2018 W/Supdt: BS-10	C&W Division Haripur
46	Sardar Muhammad Naqash Aksar	Sardar Muhammad Aksar	Mansehra	Matric DAE (Civil) 16/02/2016	20/10/1993	02/11/2018	02/11/2018 Surveyor BS-07	XEN Haripur
47	Ahsan Kaleem	Muhammad Kaleem	Abbottabad	DAE (Civil) 23/09/2019	01/03/1991	02/01/2011	27/09/2012 (R/Insp)	02/01/2011 To 27/09/2012 (Painter BS-05) XEN C&W Division Abbottabad
48	Shafiq Rehman	Rehmat Habib	Dir Upper	DAE (Civil) 24/05/2003 Supl	01/04/1983	27/02/2006	22/06/2021 (R/Insp)	Remained as W/Munshi w.e.f 27/02/2006 to 21/06/2021 XEN C&W Dir Upper
49	Muhammad Ismail	Bakht Zamin	Dir Lower	DAE (C) (21/12/1993) B.Tech (Hon) (13/04/2016)	05/05/1972	25/02/1996	02/08/2021 (R/Insp)	25/02/1996 (W/Munshi) XEN Bldg: Dir Lower Letter No.163/2-E dated 02/08/2021
50	Saeed Ullah	Hamid Ullah	Malakand	DAE (Civil) 04/11/2019	06/03/1999	09/08/2021	09/08/2021 (R/Insp)	XEN C&W Div: Malakand No.538/5-E dated 08/02/2022
51	Sallah ud Din	Dil Baz Khan	D.I.Khan	DAE (Civil) 05/05/2016	09/12/1972	03/11/1996	30/11/2021 (R/Insp) BS-7	03/11/1996 W/Munshi XEN Bldg: D.I.Khan No. 266/3-E dated 07/02/2022

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CHIEF ENGINEER (CENTRE)

Copy of the above forwarded to:-

1. All Chief Engineers in C&W Department, Khyber Pukhtunkhwar.
2. All Superintending Engineers, in C&W Department Khyber Pukhtunkhwa.
3. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa.
4. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the same on C&W official website. (www.cwd.gkp.pk)

Note:- The official concerned to note that any objections regarding Name, Father's name, Qualification etc: may be sent to this office with documentary proofs within 30-Days for further course of action accordingly.

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ADMINISTRATIVE OFFICER

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Annex-VIII
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PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI,
MR. JUSTICE EJAZ AFZAL KHAN.

C. Ps. No. 2026 and 2029 of 2013.

(On appeal against the judgment
dt. 2.10.2013 passed by the
Peshawar High Court, Peshawar in
W. Ps. No. 271-P and 663-P of 2013).

Mushtaq Ahmed and another. (in CP. 2026/13)
Muhammad Naşir Ali and others. (in CP. 2029/13)
...Petitioners

Versus

Government of KPK through Chief Secretary,
Peshawar and others. (in both cases)
...Respondents

For the petitioners: Mr. Ghulam Nabi Khan, ASC.
Syed Safdar Hussain, AOR.

For the respondents: Sikandar Khan, Chief Engineer, PHEK, KPK.
(on court notice)

Date of hearing: 15.01.2014.

ORDER

ANWAR ZAHEER JAMALI, J. - After hearing the arguments
of the learned ASC for the petitioners and careful perusal of the case
record particularly the reasons assigned in the impugned judgment,
we are satisfied that no case for grant of leave to appeal is made out,
including the plea of discrimination raised by the petitioners, as one
wrong or any number of wrongs, cannot be made basis to justify an
illegal action under the garb of Article 25 of the Constitution. Both
these petitions are, therefore, dismissed. Leave is refused.

2. So far as some other illegalities in the appointments
brought to our notice is concerned, in response to our earlier order
dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health
Engineering, Department, KPK is present in Court, he states that



ATTESTED

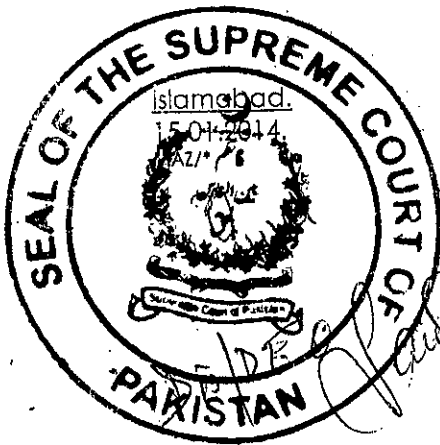

Senior Court Associate
Supreme Court of Pakistan
Islamabad

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although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

Sd/- Anwar Zaheer Jamali, J
Sd/- Ejaz Afzal Khan, J



Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

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OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

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No. CEC/C&WD/S.A No.1566/2023/97

Dated Peshawar the 04/10/2023

AUTHORITY LETTER

Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar is hereby authorized to file the para-wise comments and attend the Honorable Service Tribunal Peshawar on behalf of Respondent No.2 in connection with Service Appeal No. 1566 of 2023 titled "Izaz Saddiq vs Govt. of KPK" on each date as and when fixed by the Honorable Service Tribunal.


CHIEF ENGINEER (CENTRE)

COPY FORWARDED TO THE:

1. Section Officer (Lit.), C&W Department, Peshawar w/r to his office No. SO(Lit)C&W/3-491/2023, dated 18/10/2023 above for information.
2. Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar for information and necessary action.
3. PS to Secretary, C&W Department, Peshawar for information.
4. P.A. to Deputy Secretary, C&W Department, Peshawar for information.


CHIEF ENGINEER (CENTRE)