26.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Arif, A.O for respondents present. Arguments heard. To come up for final order on 18.08.2017.

(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

18.08.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 1171/2015 entitled "Musarrat Nazir -vs- Govt: of Khyber Pakhtunkhwa through Secretary Communication and Works Department, Peshawar and another". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
18.08.2017

(Muhammad Hamid Mughal)
Member

(Ahmad Hassan)
Member

12.05.2016 Appellant in person and Mr. Mubarak Ali Shah, Admin Officer alongwith Addl: AG for respondents present. Written reply on behalf of respondents submitted. The appeal may be placed before D.B for rejoinder and final hearing for 08.08.2016. The Chairman may assign the appeal to appropriate D.B.

Member

08.08.2016 Counsel for the appellant and Mr. Saleem Shah, Superintendent alongwith Additional AG for respondents present. Rejoinder on behalf of the appellant submitted, copy whereof handed over to learned Additional AG. To come up for arguments on 15-12-16 before D.B.

Member Member

15.12.2016 Appellant with counsel and Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 04.04.2017 before D.B.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

04.04.2017 Counsel for the appellant and Mr. Muhammad Arif, (Admin) alongwith Muhammad Jan, GP for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 26.07.2017 before D.B.

Chairman

29.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Naib Qasid vide appointment order dated 3.4.2014 where-after he assumed his duty on 8.4.2014 but terminated from service vide impugned order dated 30.7.2015 on the allegations of illegal appointment and as such appellant preferred departmental representation on 11.8.2015 which was rejected on 9.10.2015 and hence the instant service appeal on 19.10.2015.

Appellant Deposited Secu... Process Fee

That after appointment of the appellant valuable rights have accrued to him and as such his termination from service in the modes and manners adopted by the respondents is violative of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.2.2016 before S.B.

Chairman

25.02.2016

Appellant in person and Mr. Faiz-ul-Aziz, Assistant alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 31.3.2016 before S.B.

Member

31.03.2016

Counsel for the appellant and Mr. Mubarik Ali Shah, Admn. Officer alongwith Addl. A.G for the respondents present Reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 12.5.2016 before S.B.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1172/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.10.2015	The appeal of Mr. Muhammad Asghar presented today by Mr. Tajdar Faisal Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order. REGISTRAR
2		This case is entrusted to S. Bench for preliminary hearing to be put up thereon 29-10-15. CHAIRMAN

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL, PESHAWAR

Service Appeal No. 1172 /2015

Muhammad Asghar _____ **Appellant**

Versus

Govt. of Khyber Pakhtun Khwa through Secretary C & W and others _____ **Respondents**

INDEX

Appellant

Through

TAJDAR FAISAL KHAN MINA KHEL
Advocate High Court, Peshawar.

205-B, 4th Floor,
Town Tower, University Road,
Peshawar.
0333-9143005

(1)

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL, PESHAWAR

Service Appeal No. 1172 /2015

Muhammad Asghar S/O Mian Akbar Zaman,
R/O Mohallah Mian Khel, Dak Ismail Khel, District Nowshera.

.....Appellant

Versus

1. **Govt. of Khyber Pakhtun Khwa through Secretary Communication and Works Department, Peshawar.**
2. **Chief Engineer, Central Design Office, C & W Department, Peshawar.**

.....Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE CIVIL SERVANT ACT, 1974 AGAINST THE ACT OF THE RESPONDENTS WHO ISSUED IMPUGNED ORDER NO. SOE/C & WD/17-4/2015 DATED: 09-10-2015, VIDE WHICH THE REPRESENTATION OF THE APPELLANT (AGAINST HIS REMOVAL FROM SERVICE) WAS DISMISSED AND THE IMPUGNED ORDER No. E-III(I)/Apptt/Posting/Transfer/832 DATED: 30-07-2015 WAS UPHELD.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER NO. SOE/C & WD/17-4/2015 DATED: 09-10-2015, VIDE WHICH THE REPRESENTATION OF THE APPELLANT (AGAINST HIS REMOVAL FROM SERVICE) WAS DISMISSED AND THE IMPUGNED ORDER No. E-III(I)/Apptt/Posting/Transfer/832 DATED: 30-07-2015 WAS UPHELD, MAY KINDLY BE SET ASIDE AND RESULTANTLY THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth!

Facts leading to filing of present appeal are as under:-

1. That the present appellant was duly appointed upon recommendation of the Departmental Selection Committee, vide order No. 2E/51 Dated: 03-04-2014 as **"Naib Qasid BPS-01"** in the respondents department after passing through interview and proper procedure. In compliance of above referred **Appointment Order,** the appellant assumed the charge per **Arrival Report** dated 08-04-2014.
   {**True** Copy of Appointment order and arrival report are attached as **Annexure-A & B}.**

2. That the appellant after appointment also gone through medical test, and obtained medical certificate from authorized medical officer/Medical Superintendent, Civil Hospital, Peshawar on 08-04-2014.
   {**True** copy of Medical Certificate is attached as **Annex-C**}

3. That the appellant after appointment, was working with great zeal and devotion at the office of Research Officer, RRMT Lab, C & W Deptt. since date of arrival according to the rules of service and according to the wishes of the Superiors and having no complaint against the present appellant since his appointment.

4. That to the utter shock of the appellant, the services of the appellant was dispensed with vide impugned order No. E-III(I)/Apptt/Posting/ Transfer/832 dated: 30-07-2015 without observing the codal formalities under the services laws.
   {**True** copy of the impugned order of dismissal/removal is attached as **Annex-D}.**

5. That the appellant after the impugned order of dismissal/termination from service preferred a departmental appeal to the respondents on 11-08-2015 and on 08-09-2015. The respondent No. 1 in response to the departmental

representation, issued office order No. SOE/C & WD/17-4/2015 dated: 09-10-2015 vide which the respondent No. 1 regretted to accept.

{**True** copies of departmental representations, registry receipts and impugned order dated: 09-10-2015 are attached as **Annex-E—E/7**}

6. That the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of his grievances before this Hon'ble Tribunal on the following amongst other grounds.

GROUNDS:

A. Because the impugned orders of respondents dated: 30-07-2015 and 09-10-2015 are against law, facts, hence liable to be set-aside.

B. Because the respondent No. 2 in **utter disregard to the principles of the fairness, merit and transparency** has obliged upon the illegal and unlawful directions of the respondent No. 1 passed the present impugned order dated: 30-07-2015, hence the impugned orders of the respondents are against the law, illegal, unlawful and void ab initio and liable to be turned down.

C. Because the appellant was appointed in the service after conducting and passing through complete process, as evident from the appointment order, hence the bald assertions of the respondents that the appointment of the appellant was made without observing codal formalities/procedure is without merits. Hence in view of the said facts it is abundantly clear that the appellant is victimized by the respondents without any cogent reasons, which are unwarranted under the law and therefore the impugned orders are unsustainable.

D. Because the appellant was a registered member of Employment Exchange, Nowshera with a registration No. 859/NT/14, occupation No. 5.99.47, but the same fact has been totally ignored by the respondents and passed an executive type of order, which is nullity in the eyes of law.

{**True** copy of employment exchange card is attached as **Annex-F**}

E. Because the respondents before fulfilling the subject post, got **"No Objection Certificate"** from the office of Deputy Commissioner, Peshawar which is

evident from the office Letter No. 2438/DC(P)/EA dated: 18-03-2014, hence the plea of not observing codal formalities has been negated with the NOC of Deputy Commissioner.

{**True** copy of NOC is attached as **Annex-G**}.

F. Because the **dispensation/removal of the appellant from his service without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan** and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be unheld on this score also.

G. Because the **appellant had been made victim of discrimination, demerits, partiality and favoritism** without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.

H. Because the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondents against the appellant but the Respondents unlawfully and illegally proceeded against the appellant by ordering his removal from his service, which is against the law and fundamental rights of the appellant.

I. Because the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievance which shows the mala fide of the Respondents, hence needs interference of this Hon'ble Tribunal.

J. Because the present impugned order is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.

K. Because after his appointment the Appellant received salaries and discharged duty on his respective post, hence valuable rights have accrued to him.

L. Because the act of respondent is hit by principle of *locus Poententiae*.

M. Because the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned orders and opened a new pandora box in clear violation of Service law, hence, the said impugned orders are liable to be set aside, and the appellant may kindly be re-instated in service with all back benefits.

N. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL:

i. An order of setting aside of impugned orders dated: 30-07-2015 and 09-10-2015 may kindly be passed.

ii. The appellant may kindly be reinstated in service with all back benefits.

iii. Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.

Appellant

Through:

TAJDAR FAISAL KHAN MINA KHEL
Advocate High Court, Peshawar.

KHALID MAHMOOD ADVOCATE PESHAWAR HIGH COURT
ATTESTED NOTARY PUBLIC

VERIFICATION:

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Deponent

Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

(6) Annex-A

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P 8-A SHAMI ROAD PESH:

No.2 E/ 51 Dated 03 / 04 / 2014

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 16/12/2013, the Competent Authority is pleased to offer a post of Naib Qasid (BPS-01) to Mr. Muhammad Asghar S/O Mian Akbar Zaman, resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera on the following terms and conditions:-

1. He will get pay at the minimum of BPS-01,(4800-150-9300) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil Servant except for the purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of one year extendable up to two years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve any where in Khyber Pakhtunkhwa.
9. If he accepts the post on the above conditions, he should report to the Research Officer, RRMT Lab. C&W Department Phase-V, Hayatabad Peshawar within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

Chief Engineer

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Research Officer, RRMT Lab. C&W Department Phase-V, Hayatabad Peshawar.
3. Mr. Muhammad Asghar S/O Mian Akbar Zaman, resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera.

Chief Engineer

(7)

Annex-B

To

The Resident Officer
RRMT Lab Peshawar

Subject: ARRIVAL REPORT

Sir

In compliance with the office order issued vide Chief Engineer CD Cantt Peshawar No 2-E/51 dt. 3/4/2014 I submit my arrival for duty as Naib Qasid today on 8/4/2014 (AN) Please.

Yours Obediently

Dt. 08/04/2014

(Muhammad Asghar)
Naib Qasid

Certified
for
DMD

d. No. 4

(8)

Annex-C

GS&PD (WP) 885/24-GCT Now-200 R. of 200L-4.2.03/P4(Z)/TTB/Stock Register GCT Nowshera

MEDICAL CERTIFICATE

Name of official: Muhammad Asghar

Caste or race: Afghan.

Father's name: Main Akbar Zaman

Residence: Mohalla Main Bazar Dila Ismail Khel Distt & Tehsil Nowshera.

Date of birth: 01-01-1985

Exact height by measurement: 5.7

Personal mark of identification:

Signature of the official:

Signature of head of office:

Seal of office:

I do hereby certify that I have examined Mr. Muhammad Asghar a candidate for employment in the Office of the C & W Department Kh. Shamsi Road and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except 6/6 left H. M. Colour

I do no consider this as disqualification for employment in the office of the AS Clerk

His age according to his own statement 29 year and by appearance about year. 29 years

Authorised 08/4/2014

MEDICAL SUPERINTENDENT,

CIVIL HOSPITAL,

Peshawar.

LEFT HAND THUMB AND FINGER IMPRESSIONS

GS&PD.638/17-GS&PD.-2000 Pads-29.11.13/P4(Z)/Form Stuff Jobs/Medical Certificate

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN OFFICE
C&W DEPARTMENT HOUSE NO. 13/28 STREET NO. 19
SHAMI ROAD KHYBER PAKHTUNKHWA PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213923

No. E-III(1)/Appt/Posting/Transfer/ 832 Dated 30/07/2015

OFFICE ORDER

(9)

Annex-D

In pursuance of Secretary to Govt. of Khyber Pakhtunkhwa, Communication & Works Department Peshawar letter No. SOE/C&W/D/17-4/2015, dated 29/07/2015, the services of Mr. Muhammad Asghar S/O Mian Akbar Zaman appointed as Naib Qasid (BPS-01) vide this office order No. 2-E/51, dated 03/04/2014, are hereby dispensed forthwith in light of Rule-11(i) of the NWFP Civil Servant Act, 1973 read with Rule-15 of APT Rules, 1989 as the appointment was made without observing codal formalities/procedure required under the rules relating to appointments, and the appointment exceeded the existing sanctioned strength of Chief Engineer (CDO) C&W Peshawar.

Chief Engineer CDO

Copy forwarded to :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Research Officer, RRMT Lab. C&W Deptt. Phase-V, Hayatabad Peshawar.
3. The Section Officer (Estt) C&W Department Peshawar.
4. Mr Muhammad Asghar S/O Mian Akbar Zaman C/O R.O. RRMT Lab. C&W Peshawar.

Administrative Officer

(10)

Annex-E

11/08/2015

TO

SECRETARY C & W DEPARMENT KHYBER PAKHTUN KHUWA

PESHAWAR

SUBJECT:

REPRESPNTAION AGAINST REMOVAL FROM SERVICE

RESPECTED:

Sir with due respect deference it is stated in I was appointed as NAIB QASID (BPS1) vide chief engineer C.D.O odder NO,2E/51 dated 03/04/2014 I was through the medical examination and was found F.I.T and hence there for the service in the office of chief Engineer C.D.O Peshawar I have been very regular in the performance of my duty and have been regular getting salary like other regular staff like bolt from the blue I got , termination letter vide letter NO, E.III (1) Apptt/posting / transfer/ 832 / DATE 30/07/2015.

Sir this termination is altar vires, illegal and contrary to basic human rights. Therefore it is requested to withdraw the aforementioned termination letter and allow me to continue my service with even more zeal and fervor.

OBEDIENTLY YOURS

MUHAMMAD ASGHAR

S/O MAIN AKBAR ZAMAN

Destination NAIB QASID (BPS1)

RRMT Lab. C & W Deptt.Phase V,

Hayatabad Peshawar.

Diary No.
14711
dated - 17.8.2015

(12) Annex- E/2

14/09/2015

REMINDER

TO

SECERTY C & W DEPERTMENT KHYBER PAKHTUN KHUWA PESHAWAR

SUBJECT:

REPRESTAION AGAINST REMOVAL FROM SERVICE

REFERENCE TO MY APPLICATION DATED 11/08/2015

RESPECTED SIR,

With due deference it is stated that; I was appointed as Naib Qasid (BPS.1) vide Chief Engineer C.D.O order No, 2E/51 dated 03/04/2014 I was through in the medical examination and was found FIT and hence reported for service in the office of Chief Engineer CDO Peshawar. I have been very

Regular in performance of my duty and have been regularly getting salary like other regular staff. Like bolt from the blue I got, termination letter vide No, EIII (1) Apptt/posting/transfer/832/dated 30/07/2015.Sir this termination is ultra vires, illegal and contrary to basic human rights. Therefor it is requested to withdraw the aforementioned termination letter and allow to me continue my service with even more zeal and fervor.

Obediently Yours

Muhammad Asghar S/O

Main Akbar Zaman

Designation NaibQsaid (PBS1)

RRMT LAB.C & W Dept.Phase v

Hayatabad Peshawar.

(13) Annex-E/3

14/09/2015

REMINDER

TO

CHIEF ENGINEER(CDO) C & W DEPERTMENT KHYBER PAKHATUN KHUWA PESHAWAR

SUBJECT:

REPRESTAION AGAINST REMOVAL FROM SERVICE

REFERENCE TO MY APPLICATION DATED 11/08/2015

RESPECTED SIR,

With due deference it is stated that; I was appointed as NaibQasid (BPS.1) vide Chief Engineer C.D.O order No, 2E/51 dated 03/04/2014 I was through in the medical examination and was found FIT and hence reported for service in the office of Chief Engineer CDO Peshawar. I have been very

Regular in performance of my duty and have been regularly getting salary like other regular staff. Like bolt from the blue I got, termination letter vide No, EIII (1) Apptt/posting/transfer/832/dated 30/07/2015.Sir this termination is ultra vires, illegal and contrary to basic human rights. Therefor it is requested to withdraw the aforementioned termination letter and allow to me continue my service with even more zeal and fervor.

Obediently Yours

Muhammad Asghar S/O

Main Akbar Zaman

Designation NaibQsaid (PBS1)

RRMT LAB.C & W Dept.Phase v

Hayatabad Peshawar.

(14)

Date : 21 /9/2015

Annex- E/4

REMINDER

TO

SECERTY C & W DEPERTMENT KHYBER PAKHTUN KHAWA PESHAWAR

SUBJECT:

REPRESTAION AGAINST REMOVAL FROM SERVICE

REFERENCE TO MY APPLICATION DATED 11/08/2015

RESPECTED SIR,

WITH DUE DEFERENCE IT IS STATED THAT; I WAS APPOINTED AS NAIBQASID (BPS.1) VIDE CHIEF ENGINEER C.D.O ORDER NO, 2E/51 DATED 03/04/2014 I WAS THROUGH IN THE MEDICAL EXAMINATION AND WAS FOUND FIT AND HENCE REPORTED FOR SERVICE IN THE OFFICE OF CHIEF ENGINEER CDO PESHAWAR. I HAVE BEEN VERY REGULAR IN PERFORMANCE OF MY DUTY AND HAVE BEEN REGULARLY GETTING SALARY LIKE OTHER REGULAR STAFF. LIKE BOLT FROM THE BLUE I GOT, TERMINATION LETTER VIDE NO, EIII (1) APPTT/POSTING/TRANSFER/832/DATED 30/07/2015.SIR THIS TERMINATION IS ULTRA VIRES, ILLEGAL AND CONTRARY TO BASIC HUMAN RIGHTS. THEREFOR IT IS REQUESTED TO WITHDRAW THE AFOREMENTIONED TERMINATION LETTER AND ALLOW TO ME CONTINUE MY SERVICE WITH EVEN MORE ZEAL AND FERVOR.

Obediently Yours

Muhammad Asghar S/O

Main Akbar Zaman

Designation NaibQsaid (PBS1)

RRMT LAB.C & W Dept.Phase v

Hayatabad Peshawar.

(17) Annex-E/7

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/17-4/2015
Dated Peshawar, the October 09, 2015

TO

Mr. Muhammad Asghar
S/O Main Akbar Zaman
Village & P.O. Box Dak Ismail Khel
Tehsil Pabbi, District Nowshera

SUBJECT: **REPRESENTATION AGAINST REMOVAL FROM SERVICE**

I am directed to your appeal/representation dated 21.09.2015 on the subject noted above and to state that your appeal/representation has been examined by the Department and regretted, as your appointment was made without observing codal formalities/procedure under rules relating to appointments.

(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Chief Engineer (CDO) C&W Peshawar
2. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

Annex-F

(18)

ایکس۔ایو(آر)۶۲

ایمپلائمنٹ رجسٹریشن کارڈ

ضروری

جن امیدواروں کے پاس تعارفی کارڈ ۳۔(X) موجود نہ ہوں۔ان کو ایمپلائمنٹ ایکسچینج کا نامزد کردہ تصور نہ کیا جائے۔

رجسٹریشن نمبر 859/ATT/14 آکوپیشن کوڈ نمبر 599.67

محمد اصغر ولد صاحب اکبر زمان

پتہ محلہ میاں خیل ڈاک اسماعیل خیل نوشہرہ

تاریخ 20 MAR 2014

دستخط منیجر

MANAGER
Employment Exchange
Nowshera

تاریخ ہائے تجدید 19/09/2014

20 MAR 2014

ضروری اطلاع

جب آپ کو ملازمت مل جائے تو فوراً منسلکہ جوابی کارڈ ایکس چینج کو مطلع کریں۔
اس کارڈ پر ٹکٹ لگانے کی ضرورت نہیں۔

O.P.S.S.

SERVICE
UN-PAID

بخدمت جناب منیجر صاحب
ایمپلائمنٹ ایکس نوشہرہ

اُمیدواروں کیلئے ہدایات

۱۔ عدم تجدید کی صورت میں آپ کا رجسٹریشن منسوخ سمجھا جائیگا

۲۔ جب کبھی بھی آپ ایکس چینج میں منیجر سے ملازمت کے سلسلہ میں ملاقات کے لیے آئیں تو کارڈ ہذا ضرور ہمراہ لائیں۔

۳۔ جملہ خط و کتابت میں رجسٹریشن نمبر اور اگویشن کوڈ نمبر کا حوالہ ضرور دیں۔

جگہ برائے تصویر اُمیدوار

چال و چلن

جوابی کارڈ

رجسٹریشن نمبر 859/ٹرڈ/114 تاریخ 20 MAR 2014

نام محمد اصغر اگویشن کوڈ نمبر 99.47

کے تاریخ

تاریخ معہ ملازم رکھنے والے کا نام و پتہ

ملازمت مل گئی ہے۔

دستخط _____ تاریخ _____

(20) Annex-G 79

OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR

No. 9438 /DC(P)/EA
Dated Pesh. the 18/03/2014

To

The Chief Engineer,
Central Design Office C&W Deptt:
Khyber Pakhtunkhwa,
Peshawar.

Subject: **GRANT OF NOC FOR RECRUITMENT OF CLASS-IV EMPLOYEES**

Memo:

Please refer to your letter No.480/E-III dated 25/02/2014 on the subject cited above and to convey N.O.C of this office for fresh recruitment against the under noted posts lying vacant under your Administrative control with the condition that selection against the vacant posts is to be made after observation of all codal formalities/procedure and selection by the Departmental Selection Committee.

S.No.	Name of vacant posts		No of posts.
1.	Driver	(BPS-04)	02(Two)
2.	Naib Qasid	(BPS-01)	01(One)

Deputy Commissioner
Peshawar

Endst: No. 2439 /DC(P)/EA.

Copy forwarded to the Section Officer (E-V), Establishment Deptt:, Khyber Pakhtunkhwa, Peshawar.

Deputy Commissioner
Peshawar

Nomenclature	Sign
CE CDO C&W Deptt:Pesh:	
Principal Engr: (Railway)	
CE (HQ)	
Principal Engr(Buildings)	
Admn: Officer/ B&A Officer	
[illegible]	

Attested

CE CDO C&W
Deptt:Peshawar

Dairy No.	739/EIII
Date.	18-03-2014

VAKALATNAMA

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL, PESHAWAR

Muhammad Asghar *Versus* **Govt. of Khyber Pakhtun Khwa and others**

—

I, Muhammad Asghar, do hereby appoint **Jahanzeb Mahsud & Tajdar Faisal, Saqib Gulfat & Shabaz** Advocates, in the above-mentioned case, to do all or any of the following acts, deeds and things:-

1- **To** appear, act and plead for me/us in the above-mentione d case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.

2- **To** sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.

In witness whereof I have signed this Vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 14th day of October, 2015.

Signatures of Executants

Attested & Accepted by:

Jahanzeb Mahsud

Tajdar Faisal

Saqib Gulfat

Shahbaz

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR

S.A.No:**1172/2015**

MUHAMMAD ASGHAR_____Appellant.

VERSUS

GOVT. OF KPK, and others_____**Respondents**

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3	Statement of working staff in CDO	AA-1	5-6

APPELLANT

Through

Dated: 08-08-2016

TAJDAR FAISAL KHAN,
MINA KHEL
Advocate, High Court,
Peshawar.

(1)

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR

S.A.No:1172/2015

MUHAMMAD ASGHAR_____Appellant.

VERSUS

GOVT. OF KPK, and others_____**Respondents**

RE-JOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:

The appellant most humbly submits as under:-

PRILIMINARY OBJECTIONS:-

1. That the appellant has got a locus standi and has a genuine case in his hand. The appeal of the appellant is well within time, which is evident from the record and the Hon'ble Tribunal is equipped with ample jurisdiction to entertain the matter and to advance relief to the appellant. All the preliminary objections taken by the respondents in their written reply are expressly denied.

Reply to facts:

1. Para No. 1 of the written reply is denied to the extent of appointments made without observing codel formalities. The appointment of the appellant was made in accordance with law by observing all the codel formalities. Moreover, the appellant was appointed against a vacant post of **Naib Qasid BPS-1,** which has been clear from the record attached with written reply, wherein it has been revealed that the appellant was

working against the sanctioned post in RR & MT Lab, Peshawar **(Annex-AA-1).**

No plausible reason has been advanced by the official respondents in their written reply in support of their assertion.

Further the department also terminated/dismissed some other officials (class-iv employees), whose service appeals No. 3125/2010 titled: M. Aftab Vs Secretary decided on 12-06-2012, Service Appeal No. 3057/2010 titled: Jawad Khan Vs Secretary decided on 14-05-2015, Service Appeal No. 438/2011 Titled: Waheed Ahmad Vs Govt. decided on 15-02-2013 have been re-instated in service by the Hon'ble Tribunal and Civil Petitions No. 401 to 409 of 2012 have been dismissed on 19-09-2012 (filed against the said judgment of tribunal) by the Hon'ble Supreme Court of Pakistan.

As the appellant is similarly placed, so the petitioner is also entitled to be benefited with the same relief.

2. Para No. 2 of the written reply needs no reply.
3. Para No. 3 of the written reply needs no reply.
4. Para No. 4 of the written reply is denied to the extent of appointments made without observing codel formalities. The appointment of the appellant was made in accordance with law by observing all the codel formalities. Moreover, the appellant was appointed against a vacant post of **Naib Qasid BPS-1,** which has been clear from the record attached with written reply, wherein it has been revealed that the appellant was working against the sanctioned post in RR & MT Lab, Peshawar.
5. Para No. 5 of the written reply as admitted by respondents, hence needs not to be explained.
6. Para No. 6 of the written reply is incorrect, hence expressly denied. As it has been proved from the record that no chance of personal hearing has been given. Further the inquiry was conducted in absence of appellant, hence the appeal is supposed to be decided on merits.

Reply to Grounds of written reply filed by respondents:

A-N **Reply** filed in response to the grounds of the appeal are vague and baseless. The respondents have miserably failed to explain the factum of non fulfilling of legal formalities of service laws in respect of taking harsh punishment against a Govt. servant. The action taken by the respondents in total disregard of the law, all that have been done in hip hazard manner, which is unwarranted. When the first step taken in respect of the impugned order is illegal then whole structure built upon the same is also illegal. As it has been proved from the record that no chance of personal hearing is given to the appellant and the inquiry is also conducted in total disregard of service laws. So in view of their admission, there is no need to prove the case, for the appellant. The appellant is victimized of discrimination, as other similarly placed employees have been reinstated in service by this Hon'ble Tribunal and the civil petition filed by department before Supreme Court of Pakistan have also been dismissed.

In view of the above, and in addition to the main appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with the prayers made in the main appeal.

APPELLANT

Through

Dated: 08-08-2016

TAJDAR FAISAL KHAN,
MINA KHEL,
Advocate, High Court,
Peshawar

(4)

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR

S.A.No:1172/2015

MUHAMMAD ASGHAR_____Appellant.

VERSUS

GOVT. OF KPK, and others_____**Respondents**

AFFIDAVIT

I, **Muhammad Asghar** S/O Mian Akbar Zaman, R/O Mohallah Mian Khel, Dak Ismail Khel, District Nowshera, do hereby solemnly affirm and declare upon oath that the contents of the titled rejoinder are true and correct to the best of my knowledge & belief and nothing has been concealed or with held there from.

Identified By:

Tajdar Faisal Khan Mina Khel,
Advocate High Court, Peshawar.

Deponent
17201-4688623-9

KHALID MAHMOOD ADVOCATE
ATTESTED
NOTARY PUBLIC
PESHAWAR HIGH COURT

(5)

Annex- AA

~~ANNEXURE-Z~~

Statement showing detail of Class-IV Employees in the office of Chief Engineer CDO, Principal Consulting Architect and Regional RR&MT Lab Peshawar

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/ Reinstated By or By Transfer	Remarks
	CHIEF ENGINEER CDO						
1.	Feroz Khan	Driver	07	06	05	By Transfer	1 Post vacant due to retirement of Mr. Sartaj Khan Ex-Driver CDO.
2.	Niaz Khan	Driver	06			By Transfer	
3.	Wakeel Ahmad	Driver	04			By Transfer	
4.	Mansoor Ahmad	Driver	04			CE Sajid Hussain	
5.	Khuzaif Shah	Driver	04			CE Zard Ali	
6.	Rahatullah	Driver	04				
7.	Muneef Khan	Daftari	02	04	04	By Transfer	Against Jr. Scale Stenographer (BPS-14)
8.	Muhammad Nisar	Daftari	02			By Transfer	
9.	Nooran Shah	Daftari	02			By Transfer	
10.	Alamgeer Khan	Daftari	02			By Transfer	
11.	Muhammad Asad	Naib Qasid	01	09	09	CE Sajid Hussain	
12.	Ikramullah Jan	Naib Qasid	01			CE Sajid Hussain	
13.	Riaz Ahmad	Naib Qasid	01			CE Sajid Hussain	
14.	Wajid	Naib Qasid	01			CE Sajid Hussain	
15.	Fazal Khan	Naib Qasid	01			CE Sajid Hussain	
16.	Kausar Ali	Naib Qasid	01			CE Sajid Hussain	
17	Khalid Hameed	Naib Qasid	01			CE Sajid Hussain	
18.	Qarib Ali Haidri	Naib Qasid	01			CE Sajid Hussain	
19.	Haroon	Naib Qasid	01			~~CE Sajid Hussain~~	
20.	Lal Rehman	Naib Qasid	01			CE Shaukat Ali Shah	
21.	Arif Khan	Chowkidar	01	02	02	By Transfer	Against Surveyor (BPS-11)
22.	Kashifullah	Chowkidar	01			CE Shaukat Ali Shah	
23.	Nasir Younas	Sweeper	01	01	01	CE Zard Ali	
	Principal Consulting Architect					~~CE Sajid Hussain~~	CE Khalid Saad
24.	Khalid	Driver	04	01	01	CE Sajid Hussain	
25.	Noorullah	Driver	04			CE Zard Ali	
26.	Qadeer Ahmad	Daftari	02	01	01	By Transfer	Against Sr. Archtal. D/Man (BPS-13)
27.	Zafar Iqbal	Daftari	02			CE Zard Ali	
28.	Waheed Ahmad	Daftari	02			CE Zard Ali	Against Sr. Archtal. D/Man (BPS-13)
29.	Karim	Naib Qasid	01	06	06	By Transfer	Against Sr. Archtal. D/Man (BPS-13)
30.	Shahzad Khan	Naib Qasid	01			CE Sajid Hussain	
31.	Abbas	Naib Qasid	01			CE Sajid Hussain	
32.	Arif	Naib Qasid	01			CE Sajid Hussain	
33.	Faqir Hussain	Naib Qasid	01			By Transfer	
34.	Rehman	Naib Qasid	01			By Transfer	
35.	Javed	Naib Qasid	01			CE Zard Ali	
36.	Sadaqat Shah	Chowkidar	01	01	01	By Transfer	Against Architectural Assistant (BPS-14)
37.	Ashfaq Ahmad	Chowkidar	01			CE Zard Ali	
38.	Haroon	Sweeper	01	01	01	By Transfer	Against Sr. Archtal. D/Man (BPS-13)
39.	Munaf Gul	Sweeper	01			CE Sajid Hussain	Against Jr. Scale Stenographer (BPS-14)
	RR&MT Lab Peshawar						
40.	Abdul Waheed	Driver	04	02	02	CE Sajid Hussain	
41.	Shabbir Ahmad	Driver	04			CE Zard Ali	
42.	Usman Shah	Lab Attend.	02	04	02	CE Sajid Hussain	2 Posts filled by Naib Qasids as per detail given in Sl. No. 44 & 45.
43.	Musarat Nazir	Lab Attend.	02			CE Zard Ali	
44.	Muhammad Aftab	Naib Qasid	01			CE Shaukat Ali Shah	Against Lab. Attendant (BPS-02)
45.	Shah Faisal	Naib Qasid	01			~~By Transfer~~	Against Lab. Attendant (BPS-02)
46.	Aslam Khan	Naib Qasid	01	04	04	By Transfer	
47.	Liaqat Ali	Naib Qasid	01			~~By Transfer~~	
48.	Muhammad Asghar	Naib Qasid	01			CE Zard Ali	
49.	Asif Khan	Naib Qasid	01			CE Shaukat Ali Shah	
50.	Arsala Khan	Naib Qasid	01			By Transfer	Against Jr. Scale Stenographer (BPS-14)
51.	Taj ul Akbar	Chowkidar	01	02	02	By Transfer	
52.	Muhammad Kamal	Chowkidar	01			~~By Transfer~~	
53.	Yaqoob Masih	Sweeper	01	01	01	By Transfer	
	TOTAL			45	42		11 against others Posts

(6)

Statement showing detail of Class-IV Employees in the Circle Laboratories under Jurisdiction of Chief Engineer CDO

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/ Reinstated By or By Transfer	Remarks
	C&W Circle Laboratory Kohat						
54.	Zahir Khan	Lab Attendant	02	02	02	CE Sajid Hussain	✓
55.	Arshad Nawaz	Lab Attendant	02			CE Sajid Hussain	✓
56.	Qasim Raza	Driver	04	01	01	CE Sajid Hussain	✓
57.	Rahim ullah	Naib Qasid	01	01	01	CE Sajid Hussain	✓
58.	Ainaz Ali	Chowkidar	01	01	01	CE Sajid Hussain	✓
59.	Raj Kumar	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory Bannu						
60.	Wilayat Ali Shah	Lab Attendant	02	02	02	CE Sajid Hussain	
61.	Ihsanullah Khan	Lab Attendant	02			CE Sajid Hussain	
62.	Tariqullah Khan	Driver	04	01	01	CE Sajid Hussain	✓
63.	Afsar Zaman	Naib Qasid	01	01	01	CE Sajid Hussain	✓
64.	Gulab Shah	Chowkidar	01	01	01	CE Sajid Hussain	
65.	Bahadur Ali	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory DI Khan						
66.	Ijaz Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	✓
67.	Waseem Abbas	Lab Attendant	02			CE Sajid Hussain	✓
68.	Ghazanfar Abbas	Driver	04	01	01	CE Sajid Hussain	✓
69.	Muhammad Khalid	Naib Qasid	01	01	01	SE Circle DI Khan	✓
70.	Shah Jehan	Chowkidar	01	01	01	CE Sajid Hussain	✓
71.	Roshan Kumar	Sweeper	01	01	01	SE Circle DI Khan	✓
	C&W Circle Laboratory Mardan						
72.	Muhammad Rashid Khan	Lab Attendant	02	02	02	CE Sajid Hussain	✓
73.	Farooq Nasir	Lab Attendant	02			CE Sajid Hussain	✓
74.	Zahid Khan	Driver	04	01	01	CE Sajid Hussain	✓
75.	Tahir Ali	Naib Qasid	01	01	01	CE Sajid Hussain	✓
76.	Bawar Shah	Chowkidar	01	01	01	CE Sajid Hussain	✓
77.	Noor Hussain	Sweeper	01	01	01	CE Zard Ali	
	C&W Circle Laboratory Swat						
78.	Raees Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	✓
79.	Irfanullah	Lab Attendant	02			CE Sajid Hussain	✓
80.	Liaqat Ali	Driver	04	01	01	CE Sajid Hussain	✓
81.	Sangin Bacha	Naib Qasid	01	01	01	CE Sajid Hussain	✓
82.	Muhammad Naeem	Chowkidar	01	01	01	CE Sajid Hussain	✓
83.	Nasir Ali	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory Dir Lower						
84.	Imran Ali Shah	Lab Attendant	02	02	02	CE Sajid Hussain	✓
85.	Abidullah	Lab Attendant	02			CE Sajid Hussain	✓
86.	Syed Abdur Rauf	Driver	04	01	01	By Transfer	✓
87.	Muhammad Said	Naib Qasid	01	01	01	By Transfer	✓
88.	Faridullah	Chowkidar	01	01	01	CE Sajid Hussain	✓
89.	Nasrullah	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory Abbottabad						
90.	Saqib Habib	Lab Attendant	02	02	02	SE Circle Abbottabad	
91.	Saleem Babar	Lab Attendant	02			SE Circle Abbottabad	
92.	Sajid Khan	Driver	04	01	01	SE Circle Abbottabad	
93.	Raheel Ahmad	Naib Qasid	01	01	01	SE Circle Abbottabad	
94.	Raja Muhammad Safdar	Chowkidar	01	01	01	SE Circle Abbottabad	
95.	Zahoor Shah	Sweeper	01	01	01	SE Circle Abbottabad	
	C&W Circle Laboratory Battagram						
96.	Taimur Rauf	Lab Attendant	02	02	02	CE Sajid Hussain	✓
97.	Kamran Aziz	Lab Attendant	02			SE Cirlce Battagram	
98.	Muhammad Zakir	Driver	04	01	01	SE Circle Battagram	✓
99.	Muhammad Shabir	Naib Qasid	01	01	01	CE Sajid Hussain	✓
100.	Saif ur Rehman	Chowkidar	01	01	01	CE Sajid Hussain	✓
101.	Hassan Ali	Sweeper	01	01	01	SE Circle Battagram	
	TOTAL			48	48		

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 1172 of 2015

Muhammad Asghar S/O Mian Akbar Zaman
R/O Mohallah Mian khel, Dak Ismail Khel, District Nowshera.

Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary, to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar.
2. Chief Engineer Central Design Office C&W Department Peshawar.

Respondents

COUNTER AFFIDAVIT

We the Respondents hereby affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and that nothing has been concealed from the Hon'ble Tribunal.

AFFIANT

Chief Engineer
Central Design Office
C&W Department Peshawar
(Respondent No. 2)

Secretary
to Govt. of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No. 1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

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2. Chief Engineer Central Design Office C&W Department Peshawar.

Respondents

Written Reply on behalf of Respondents No. 1, 2

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appeal is not maintainable in its present form.
2. That the appellant has no cause of action and locus standi.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appeal is bad due to mis-joinder and non-joinder of necessary party.
5. That the appellant has concealed the material facts from the Hon'ble Tribunal.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the appeal is time barred.

FACTS

1. Pertains to appellant's record. However, it may be pointed out that an inquiry was conducted and report submitted in a Servie Appeal No. 3057/2010 Jawad Khan V/s Govt. of Khyber Pakhtunkhwa through Chief Secretary & others on the orders of Secretary to Govt. of Khyber Pakhtunkhwa C&W Department letter No. SOE/ C&WD/13-217/2010 dated 9/6/2015 wherein it was directed to inquire into the matter regarding appointments dated 29/7/2010 made by the then Chief Engineer CDO C&W Peshawar (Engr. Kahlid Shah) Copy of Inquiry Report at Annex-1)

   It may also be added that the case of 07 No. Class-IV employees appointed by the then Chief Engineer CDO (Engr. Zard Ali Khan) was inquired into and it was found that the appointments made during 2013-14 and 2014-15 by the said Chief Engineer were without observing codal formalities/procedure. (copy of Inquiry Report at Annex-2).

In nutshell neither proper procedure was followed nor representative of Administrative Department i.e. C&W Department participated in these appointments. It has further been explained that 101 Class-IV employees of different cadres were working in CDO against sanctioned strength of 93 provided in the Budget Book of Finance Department (Annex-"B" of Inquiry Report-2). The excess staff was drawing their pay against other higher posts which were lying vacant in CDO and were downgraded for the pay purpose (Annex-"D" & "E" of Inquiry Report-2 refers). Out of 31 Class-IV employees appointed by the then Chief Engineer CDO (Engr. Khalid Shah) and later on their appointments were cancelled, 10 had been re-instated in Govt. Service in pursuance of Court Decision and 8 through Departmental Appeals being similar nature cases. Arrears of Rs. 5735256/- on account of pay and allowances were paid to the officials as a result of their restoration.

In view of the above, the Competent Authority vide letter No. SOE/C&WD/17-4/2015, dated 29/7/2015 Annex-"A-1"), had been pleased to direct that the case of 07 number Class-IV employees (including the appellant), appointed for Central Design Office during 2013-14 and 2014-15 may be examined in light of Rule-11(i) of the NWFP Civil Servant Act, 1973 read with Rule-15 of APT Rules 1989 and their services may be dispensed forthwith, as these were appointed without observing codal formalities/procedure required under rules relating to appointments, despite the fact that referred appointments exceeded the existing sanctioned strength of Chief Engineer (CDO) C&W Peshawar (Composition of the Departmental Selection Committee is prescribed.. please see Annex-"G-1" of Inquiry Report-2).

2. Pertains to appellant's record.
3. Pertains to record.
4. In light of the direction issued by the competent authority, the case of the appellant was examined and it was found that the appointment was made without observing codal formalities and was also in excess of sanctioned strength of Chief Engineer CDO C&W Peshawar, as such his services were dispensed forthwith vide Chief Engineer CDO office order No. E-III/Apptt/ Posting/ Transfer/ 83[illegible], dated 30/7/2015 (Annex-"C-1") in light of Rule-11(i) of the NWFP Civil Servant Act, 1973 read with Rule-15 of APT Rules 1989 (Annex-"D-1").
5. Correct to the extent that the case of the appellant was examined and regretted as his appointment was made without observing codal formalities/procedure under rules relating to appointments (Anex-"E-1").
6. Not correct. The instant appeal has got no merits, hence the same may be dismissed with costs.

GROUNDS

A. Incorrect. The appellant was treated in accordance with law, rules and facts.

B. Not admitted. The case of appellant was examined and the appointment was found illegal and un-covered under the APT Rules 1989, hence the services were dispensed with accordingly.

C. Incorrect. The appointment was termed as "illegal" and not covered under the rules as stated at "B" above.

D. Incorrect. The services of the appellant were dispensed with as the appointment order was found illegal and un-covered under the APT Rules ibid as narrated in para-4 of Facts above.

E. Pertains to record, however, the plea of the applicant is incorrect as his appointment order was found illegal and un-covered under the APT Rules.

F. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees including the appellant were dispensed with.

G. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees were dispensed with and there arise no question of making him victim of discrimination, demerits or favoritism what-so-ever.

H. Incorrect as per para-F above.

I. Incorrect as per para-F above.

J. Incorrect. The appeal is not based on facts, hence may be dismissed with costs.

K. Incorrect. The order was issued in accordance with the rules. The appeal may be dismissed with costs.

L. Incorrect. The appellant was treated as per law and rules.

M. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees including the appellant were dispensed with.

N. In view of the fore-going paras, the appeal is not maintainable and may be dismissed with costs.

In view of the fore going facts of the case, it is humbly prayed that the appeal which is not based on facts may please be dismissed with costs.

Secretary
to Govt. of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No. 1)

Chief Engineer
Central Design Office
C&W Department Peshawar
(Respondent No. 2)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

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2. Pertains to appellant's record.
3. Pertains to record.
4. In light of the direction issued by the competent authority, the case of the appellant was examined and it was found that the appointment was made without observing codal formalities and was also in excess of sanctioned strength of Chief Engineer CDO C&W Peshawar, as such his services were dispensed forthwith vide Chief Engineer CDO office order No. E-III/Apptt/ Posting/ Transfer/ 839, dated 30/7/2015 (Annex-"C-1") in light of Rule-11(i) of the NWFP Civil Servant Act, 1973 read with Rule-15 of APT Rules 1989 (Annex-"D-1").
5. Correct to the extent that the case of the appellant was examined and regretted as his appointment was made without observing codal formalities/procedure under rules relating to appointments (Anex-"E-1").
6. Not correct. The instant appeal has got no merits, hence the same may be dismissed with costs.

GROUNDS

A. Incorrect. The appellant was treated in accordance with law, rules and facts.

B. Not admitted. The case of appellant was examined and the appointment was found illegal and un-covered under the APT Rules 1989, hence the services were dispensed with accordingly.

C. Incorrect. The appointment was termed as "illegal" and not covered under the rules as stated at "B" above.

D. Incorrect. The services of the appellant were dispensed with as the appointment order was found illegal and un-covered under the APT Rules ibid as narrated in para-4 of Facts above.

E. Pertains to record, however, the plea of the applicant is incorrect as his appointment order was found illegal and un-covered under the APT Rules.

F. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees including the appellant were dispensed with.

G. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees were dispensed with and there arise no question of making him victim of discrimination, demerits or favoritism what-so-ever.

H. Incorrect as per para-F above.

I. Incorrect as per para-F above.

J. Incorrect. The appeal is not based on facts, hence may be dismissed with costs.

K. Incorrect. The order was issued in accordance with the rules. The appeal may be dismissed with costs.

L. Incorrect. The appellant was treated as per law and rules.

M. Incorrect. The appellant was treated in accordance with the law, rules and facts. Because of illegal appointments, the services of all illegal appointees including the appellant were dispensed with.

N. In view of the fore-going paras, the appeal is not maintainable and may be dismissed with costs.

In view of the fore going facts of the case, it is humbly prayed that the appeal which is not based on facts may please be dismissed with costs.

Secretary
to Govt. of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No. 1)

Chief Engineer
Central Design Office
C&W Department Peshawar
(Respondent No. 2)

D-1

Statutory provision regarding Appointment.

Section 5 of Civil Servants Act, 1973 - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
(2) They shall come into force at once.

2. **Definitions:**-(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the North West Frontier Province Public Service Commission;

[29](d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

[30](dd)"Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

[31](g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect

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29 Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

30 Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

31 Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the North-West Frontier Province Civil Servants Act,1973(N.W.F.P act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

(a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and

(b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No.		Posts	Appointing Authority
[32]1.	(a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service.	Chief Minister
	(b)	Posts in Basic Pay Scale 17 other than those covered by(a) above.	Chief Secretary
2.		Posts in Basic Pay Scale 16.	(a) In the case of Secretariat of the Government of NWFP, the Chief Secretary. (b) In case of High Court, the Chief Justice; and (c) In the case of Attached Department:

32 Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

(i) the Head of Attached Department concerned; and

(ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

(a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and

(b) In other cases

(i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or

(ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

4. Posts in Basic Pay Scale 1 and 2. Deputy Secretary incharge of Administration or office, as the case may be.

5. [33]**Departmental Promotion & Selection Committee/Board** - (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee [34](or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

[35]6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

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33 The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

34 The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

35 Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** [36](1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee, or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

(i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;

(ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;

(iii) the person concerned holds appointment to the post in his parent Department on regular basis;

(iv) the person concerned is a bona fide resident of the North-West Frontier Province.

(v) a vacancy exists to accommodate the request for such a transfer; and:

(vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

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36 Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

[37]Provided that no such appointment shall be made, if the prescribed length of service is short by more than [38][three years].

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment :-**(1) Initial appointment to posts [39][in various basic pay scales] shall be made-

(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

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37 Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

38 The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

39 The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

(b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

[40](2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

[41]Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

[42]Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, [43][or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] [44][ ]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

(i) [45]where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being inforce, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;

(ii) in other cases as on the last date fixed for submission of applications for appointment.

[46](4) Where a civil servant dies during service, then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government service, the widow of such civil servant, to a post in any of the Basic Pay Scales 1 to 15:

Provided that the child or the widow, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows of the deceased civil servant, preference shall be given to the elder widow:

Provided also that the appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies in different pay scales is available at a time, and the child or the widow, as the case may be, possesses the qualifications making him or her

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40 Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.
41 Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.
42 Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004
43 Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.
44 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.
45 Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.
46 Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/03/II, dated 05-09-2006.

eligible for appointment in more than one post, he/she shall ordinarily be appointed to the post carrying higher pay scale.

[47](5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

[48](6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battgram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from Ist February, 2006.

[49](7) Notwithstanding anything contained in any rule for the time being in force, 0.5 percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

(i) the percentage of vacancies reserved for recruitment on merit;
(ii) short term vacancies likely to last for less than one year; and
(iii) isolated posts in which vacancies occur only occasionally.

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the North-West Frontier Province.

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

[50][(2)]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

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[47] Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.
[48] Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006
[49] Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009
[50] Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. **Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

[51]Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:**-When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

14. **Ad hoc Appointment:**-(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding [52][one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding [53][one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

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51 Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

52 The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

53 The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

20

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN OFFICE
C&W DEPARTMENT HOUSE NO. 13/28 STREET NO. 19
SHAMI ROAD KHYBER PAKHTUNKHWA PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213923

No. E-III(1)/Apptt/Posting/Transfer/ 832 Dated. 30 /07/2015

OFFICE ORDER

In pursuance of Secretary to Govt. of Khyber Pakhtunkhwa, Communication & Works Department Peshawar letter No. SOE/C&WD/17-4/2015, dated 29/07/2015, the services of Mr. Muhammad Asghar S/O Mian Akbar Zaman appointed as Naib Qasid (BPS-01) vide this office order No. 2-E/51, dated 03/04/2014, are hereby dispensed forthwith in light of Rule-11(i) of the NWFP Civil Servant Act, 1973 read with Rule-15 of APT Rules, 1989 as the appointment was made without observing codal formalities/procedure required under the rules relating to appointments, and the appointment exceeded the existing sanctioned strength of Chief Engineer (CDO) C&W Peshawar.

Chief Engineer CDO

Copy forwarded to :-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Research Officer, RRMT Lab. C&W Deptt. Phase-V, Hayatabad Peshawar.
3. The Section Officer (Estt) C&W Department Peshawar.
4. Mr Muhammad Asghar S/O Mian Akbar Zaman C/O R.O. RRMT Lab. C&W Peshawar.

Administrative Officer

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN OFFICE
C&W DEPARTMENT HOUSE NO. 13/28 STREET NO. 19
SHAMI ROAD KHYBER PAKHTUNKHWA PESHAWAR
Ph. No. 091-9211133 Fax 091-9213923

No. 712/ S.A. Tawi Dated. 09/07/2015

To

The Section Officer (Establishment),
Govt. of Khyber Pakhtunkhwa,
C&W Department Peshawar.

Subject: Service Appeal No. 3057/2010 Jawad Khan vs. Government of Khyber Pakhtunkhwa through Chief Secretary & Others

Ref: Your letter No. SOE/C&WD/3-217/2010 Dated 09-06-2015

Enclosed please find herewith the requisite Report on the subject quoted above for further necessary action please.

Engr. Saif Ur Rehman Khan Gandapur
Chief Engineer (CDO) C&WD Peshawar
(INQUIRY OFFICER)

Copy to PS to Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar.

Engr. Saif Ur Rehman Khan Gandapur
Chief Engineer (CDO) C&WD Peshawar
(INQUIRY OFFICER

REPORT

SUBJECT: SERVICE APPEAL NO. 3057/2010 JAWAD KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY & OTHERS

REPORT

Subject: Service Appeal no. 3057/2010 Jawad Khan vs Government of Khyber Pakhtunkhwa through Chief Secretary & Others

Order:

I was directed vide C&W Department letter No. SOE/C&WD/13-217/2010 dated 09-06-2015 (annex-A) to inquire the matter regarding appointments dated 29-07-2010 made by the then Chief Engineer (CDO) C&WD Peshawar (Engr. Khalid Shah) and submit report to proceed further in the matter.

Background:

Consequent upon bifurcation of Works & Services Department into Communication & Works Department and Public Health Engg. Department, a post of Chief Engineer Central Design Office was created in November 2009 in C&W Department alongwith technical positions ranging from BPS-17 to BPS-20 and other allied posts of various cadres which included 93 Class-IV Posts (annex-B).

The then Chief Engineer CDO C&WD Peshawar (Engr. Khalid Shah) advertised posts of different categories of Class-IV in the press. Mr. Jawad Khan and others applied for the posts and 34 persons including him (Jawad Khan Naib Qasid) were appointed during July 2010. However, later on the appointment orders of the said staff were cancelled in compliance with Secretary to Govt. of Khyber Pakhtunkhwa C&W Department letter No. SOE/C&WD/17-4/2010 dated 13-08-2010 (annex-C) for the reason that the appointments were made without observing codal formalities/procedure. The officials filed cases in the courts and the courts decided the cases in their favour and restored them with full back benefits.

Mr. Jawad Khan also filed Service Appeal in Khyber Pakhtunkhwa Service Tribunal and the court also restored him with full back benefits (annex-D).

Proceedings:

1. Mr. Muhammad Arif Ex-Administrative Officer CDO was directed vide letter No. 642/SA Jawad Dated 17-06-2015 to attend the inquiry proceeding on 18-06-2015 to submit his statement. He attended the proceeding and submitted a brief duly signed by Mr. Khalid Shah the then Chief Engineer (CDO) alongwith its enclosures which were examined during the inquiry proceeding (annex-E).

2. Mr. Liaqat Ali Junior Clerk (Record Keeper) CDO was directed vide letter No. 643/SA Jawad Dated 17-06-2015 to attend the inquiry proceeding on 18-06-2015 alongwith all relevant record. He attended the proceeding and recorded his statement regarding non availability of some original record relating to the inquiry (annex-F).

3. Mr. Mubarak Ali Shah Administrative Officer CDO was directed vide letter No. 644/SA Jawad Dated 17-06-2015 to attend the inquiry proceeding on 18-06-2015 alongwith all relevant record. He attended the proceeding and submitted his statement regarding the inquiry which was discussed during the proceeding (annex-G)

Findings:

The available record was examined and it came to light that:

1. The then Chief Engineer CDO (Engr. Khalid Shah) made 34 appointments of Class-IV for CDO during July 2010 (annex-H), out of which appointments of 10 Naib Qasids were cancelled by him (Engr. Khalid Shah) on 13-08-2010 (annex-I). In the meanwhile, he was transferred and Mr. S. Sajid Hussain took over the charge of the post of Chief Engineer CDO on 13-08-2010.

2. Mr. S. Sajid Hussain the then Chief Engineer CDO also cancelled appointments of 21 employees vide his office order dated 18-08-2010 (annex-J), thus total 31 orders out of 34 issued by Engr. Khalid Shah were cancelled and only 3 appointment orders were restored (annex-K).

3. Both the cancellation orders were issued in compliance with the Secretary to Govt. of Khyber Pakhtunkhwa C&W Department letter No. SOE/C&WD/17-4/2010 dated 13-08-2010 (annex-L), whereby it was directed that all appointments made for CDO since its establishment may be cancelled today (13-08-2010) positively for the reason that the appointments were made without observing codal formalities/procedure. Mr. Khalid Shah the then Chief Engineer CDO, however stated in his brief that the all Class-IV employees were terminated on the direction of Special Assistant to the then Chief Minister to accommodate the political recommendees.

4. Mr. S. Sajid Hussain the then Chief Engineer CDO, made 61 appointments (including 3 by restoration and 2 by transfer) of Class-IV for the office of Chief Engineer CDO, Principal Consulting Architect, Regional and Circle Laboratories (annex-M).

5. Feeling aggrieved, Muhammad Aftab and 8 others whose orders of appointment were cancelled, filed an appeal in Khyber Pakhtunkhwa Service Tribunal which were accepted and they were reinstated in Service with all back benefits. The Departmental Appeal filed in the Supreme Court of Pakistan was rejected, however Para 4 of the decision dated 15-02-2013 (annex-N) made by the Apex Court, is worth mentioning and is reproduced as:-

   "When we asked the learned Addl. A.G. whether the respondents were eligible for appointment against their respective posts, the answer was in the affirmative. When, we asked the learned Addl. A.G. whether the person flouting the codal formalities has been proceeded against or he is still in service, the answer was that he has not been proceeded against and that he is still in service. Where the person flouting the codal formalities is still in service and enjoying all the perks and privileges with impunity why should the respondents be ousted from service for none of their faults, that too when their eligibility to hold the posts is not disputed. The impugned judgments thus being free from any error or infirmity much less legal or jurisdictional are not open to any interference."

6. Appeal of another one (Waheed Ahmad) was also decided on 15-02-2013 in his favour by Khyber Pakhtunkhwa Service Tribunal with the same decision as issued in the Service Appeal of Mr. Muhammad Aftab (annex-O). Total 10 Class-IV Employees were reinstated through Court (annex-P).

7. Apart from the above, 8 other ex-officials were reinstated in service with all back benefits on Departmental Appeal being similar nature cases (annex-Q).

8. Arrears of Rs. 5735256/= on account of Pay & Allowances were paid to the officials described in Para 5, 6 and 7 above after restoration during the Year 2012-13 (annex-R).

9. Appointments of 6 Class-IV Laboratory Staff in Circle Laboratory Abbottabad (annex-S), 2 in Circle Laboratory Battagram (annex-T), 2 in Circle Laboratory Dir Lower (annex-U) and 2 in Circle Laboratory DI Khan (annex-V) were made by the respective Superintending Engineers/Chief Engineer (North) contrary to instructions issued by the then Secretary C&W Department that only Chief Engineers were authorized for appointments of Class-IV Employees in their respective jurisdiction vide C&WD letter No. SOE/C&WD/24-60/JC Appointment dated 08-03-2010 (annex-W).

10. Engr. Zard Ali Khan, the then Chief Engineer CDO made 07 new appointments of Class-IV Employees for CDO (annex-X), despite that the Class-IV Employees already working in CDO were excess to sanctioned strength and getting their pay against other higher posts lying vacant in CDO and downgraded for the pay purpose.

11. Most of the original record relating to appointments has been hidden and only photocopies have been provided by the Administrative Officers concerned during the proceeding.

12. Two of the remaining persons namely Adnan Yaqub and Arif Shah whose appointments were made by Engr. Khalid Shah as Lab Attendants and later cancelled by S. Sajid Hussain have also applied to the Department for their reinstatement.

13. Mr. Jawad Khan whose order was cancelled, also filed service appeal in Khyber Pakhtunkhwa Service Tribunal against the cancellation order dated 18-08-2010. His appeal was allowed with full back benefits. However, reference to the Departmental Selection Committee comprising of its Chairman Mr. Imdad Hussain Bungash Director (FDRD) and Mr. Rahim Badshah one of its members as representative of the Administrative Department as quoted in the order announced by Service Tribunal on 14-05-2015 is not correct as the (Rahim Badshah) participated in the DSC meeting which was held on 15-09-2010 whereas Jawad Khan was appointed on 29-07-2010. The appointment order of Jawad Khan (29-07-2010) as such is much earlier than the DSC meeting (15-09-2010).

behalf of the respondent-department by stating that while appointing appellant, the proper codal formalities were not observed, nor representative of the administrative department was present as member in the Selection Committee and that the Finance Department as well as Accountant General Office were reluctant to honor the appointments for payment of the salary to the appointees was concerned.

6. We heard the arguments of the parties and record perused in their assistance.

7. Perusal of the record would show that Departmental Selection Committee was constituted, comprising of its chairman under the chairmanship of Mr. Imdad hussain Bangash, Director (FDRP) in which Mr. Rahim Badshah, SO Establishment was also one of its Members as representative of the Administrative Department. This committee had its meeting on 15.09.2010 and recommended selectees for the purpose of appointment. In this situation, the department plea of non-representation in the Selection Committee is false. This being so, it is very important to say that appointment order of one Muhammad Aflab Chowkidar was also canceled vide order dated 13.08.2010 who filed service appeal No. 1325/2010 which was decided in his favor vide judgment dated 12.06.2012. The respondent-department filed Civil Petition No. 401 to 409-P/2012 for leave to appeal before the august Supreme Court of Pakistan, which leave to appeal was also refused to the respondent department vide judgment of the august Supreme Court of Pakistan dated 19.09.2012. After going through the record, this Tribunal comes to the conclusion that the instant appeal is on the same footing as with the appeal of the Muhammad Aflab, hence in the light of before said discussion this appeal is also allowed as prayed for. There is no order as to costs. File be consigned to the record.

ANNOUNCED
14.05.2015

Sd/- Mr. Muhammad Aamir Nazir
Member

Sd/- Abdul Latif
Member

ANNEXURE - E

BRIEF FOR SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA C&W DEPARTMENT

Subject: TERMINATION OF 35 CLASS-IV EMPLOYEES OF CDO, C&WD DURING AUGUST 2010:

Consequent upon the bifurcation of the work & services Department into C&W and PHE Departments alongwith revival of CDO as planning and designing cell in C&W Department, Finance department approved SNE regarding creation of 632 posts for the re-establishment of C&W Department which also included the Class-IV posts as cited in the above subject.

As per prevailing policy in the Department all new appointments in C&W Department, were supposed to be advertised and processed by Chief Engineer Centre, but for appointments of Class-IV employees the then Secretary C&W decided that each Chief Engineer shall process himself , the appointments of Class-IV employees in their respective jurisdictions.

Accordingly, Chief Engineer CDO advertised the said posts and made selections on the recommendations of the Departmental Selection Committee constituted as under;

1. Engineer Abdullah
   PDE Building (Chairman)
2. Engr. Farooq-e-Azam
   PDE (Highways /Bridges) (Member)
3. Mr. Muhammad Naeem
   PCA (Member)
4. Eng. Rahmat Hakim
   RO, RR&MT(Lab) (Member)
5. Mr. Muhammad Arif
   AO (Member)

Unfortunately, after a week of the joining of the new Class-IV Employees, the then Secretary C&W in his telephonic message conveyed a directive of the then Special Assistant to CM regarding cancellation of all the appointments so ordered. Although the posts complications of the desired illegal directive were discussed by the then CE CDO but the Secretary C&W D did not agree and insisted compliance of the political directive. Still CE CDO ordered cancellation of only ten numbers Class-IV employees to accommodate the recommendees of the said Special Assistant to CM. The Special Assistant also contacted CE CDO on telephone to see him in his office late in the evening on 13/08/2010.

Whereas, next morning the first thing CE CDO noted on his table was order of his transfer as C&SD.

Later on, the rest of the appointees of the whole lot of Class-IV were also removed and terminated by the next incumbents CE CDO in order to accommodate the political recommendees. It was later on heard that "The Khyber Pakhtunkhwa Services Tribunal had set aside the impugned orders of termination of services of the appellants listed in the appeals and restored them into services with all full back benefits."

The Govt had gone into appeal before the Supreme Court challenging the judgment of Services Tribunal. The Apex Court had also upheld the judgment of the Service Tribunal, dismissing the appeal of the Government. It proved that the earlier appointments made by the department were in order as per rules in vogue.

Chief Engineer CDO(Rtd)

Administrative Officer CDO

GOVERNMENT OF KHYBER
COMMUNICATION & WORKS DEPARTMENT

No.SO(E)C&W/D/24-6/8, Appointment
Dated Peshawar, the March 09, 2010

The Chief Engineer (North)
C&W, Peshawar

Subject: VIOLATION OF CIVIL SERVATS APPOINTMENT, PROMOTION AND TRANSFER RULES

I am directed to refer to your office letter No.228/C-1/31-(N) dated 22.02.2010 on the subject noted above and to state that a meeting chaired by Secretary C&W Department on 05.03.2010, participated by the Chief Engineers (North/South) and Additional Secretary of C&W Department, the issue raised by Chief Engineer (North) was discussed in detail, since the Chief Engineer (Centre) was declared/substituted for the post of defunct Chief Engineer W&S, therefore, all the powers exercised in the past with regard to posting/transfer, appointments and promotions remained to be exercised by Chief Engineer (Centre), however while making proposal General postings/transfers, the consultation with other Chief Engineers will be consulted in future by Chief Engineer (Centre).

2. The case of appointments made by Chief Engineer (Centre) against newly created/existed posts of Junior Clerks and their adjustment in Chief Engineer (North) or Chief Engineer (CDO) was also discussed and decided that their official reports may be accepted and be allowed to perform their duties. The appointments of Class-IV employee against the post of created/exist posts was also discussed and it was decided that the same will be filled by the respective Chief Engineers, being competent authorities/appointing authorities for their respective wings.

3. It is, therefore, requested that above instructions may be followed as per discussion of the meeting in letter & spirit in future.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

1. Accountant General NWFP, Peshawar
2. Chief Engineer (Centre) C&W, Peshawar
3. Chief Engineer (CDO) C&W, Peshawar
4. PS to Secretary C&W Department, Peshawar
5. PA to Addl Secretary C&W Department

for similar necessary action

SECTION OFFICER (ESTT)

OFFICE OF THE PRINCIPAL CONSULTING ARCHITECT
COMMUNICATION AND WORKS DEPARTMENT, PESHAWAR

NO _____ Date the 04-2013

Mr. Haroon
S/o Javed Gill
Circular Road Kohati Gate
Sanda Godam Peshawar City

OFFICE ORDER

Ref: Your application dated 02-03-2013.

01 Consequent upon retirement of Mr. Javed Gill as Sweeper, his son Mr. Haroon is appointed on the existing vacancy as Sweeper as requested.

02 Mr. Haroon you are hereby appointed as Sweeper @ Rs 4800-150-6300 in BPS-1, plus usual allowances as admissible under the rules.

03 If you accept the offer on the following conditions you should report for duty to the Principal Consulting Architect C&W Department Peshawar upto 20-04-2013, failing which the offer shall be considered as cancelled.

a) You appointment is purely temporary and your services can be terminated at two week notice at any time without any reasons being assigned to you irrespective of the fact that you may be holding a post other than the one on which you were originally recruited or on payment of two week pay in lieu of the notice.

b) You will be on probation for a period for one year initially which could be extendable for another one year.

c) The offer is subject to the condition that you are a domicile of KPK Province

d) Incase you wish to resign at any time two week notice shall be necessary otherwise two week pay shall have to be forfeited.

e) You shall be governed by such rules and orders relating to leave, TA, Medical Attendance, pay, pension etc, as may be issued by the Government from time to time for the category of civil servants to which you will belong

f) You will join duty on your own expenses.

g) You will have to produce a medical certificate of fitness from the civil surgeon of your district along with original NIC and Domicile certificate on reporting for duty

h) You will have to serve anywhere in the KPK and in any department of the Government of Pakistan when you are called upon to do so in the interest of public service.

(Irfan Mohsin Urfi)
Principal Consulting Architect

Copy to :-

Accountant General, Khyber Pakhtunkhwa, Peshawar
for information.

(Irfan Mohsin Urfi)
Principal Consulting Architect

OFFICE OF THE
CHIEF ENGINEER (NORTH)
C&W DEPARTMENT GOVT.
OF NWFP PESHAWAR

No. 35/M-1

Dated 16 / 03 /2010.

OFFICE ORDER

The Competent Authority is pleased to constitute Departmental Selection/Promotion/Apointment Committee of the following officers, for the office of the Chief Engineer, Central Design Office, C&W Department NWFP, Peshawar, pertaining to this office as well as Regional & Circle level offices under the jurisdiction of this office, with immediate effect in the best interest of public works:-

1.	Engr: Abdullah Khan, Principal Design Engineer (Buildings)	Chairman
2.	Engr: Khalid Shah, Principal Design Engineer (Highway/Bridges).	Member
3.	Engr: Rehmat Hakim, Research Officer, Road Research & Material Testing Laboratory Peshawar.	Member
4.	Mr. Muhammad Arif, Administrative Officer	Member

(Engr: MUHAMMAD PERVEZ NASIR)
CHIEF ENGINEER

CC:

1. Engr: Abdullah, Principal Design Engineer,(Bridges), Central Design Office, C&W Department NWFP, Peshawar.
2. Engr: Khalid Shah,Principal Design Engineer (Highways/Bridges), Central Design Office, C&W Department NWFP, Peshawar.
3. Engr: Rehmat Hakim, Research Officer, Road Research & Material Testing Laboratory, Peshawar.
4. Mr. Muhammad Arif, Administrative Officer,Central Design Office, C&W Department NWFP, Peshawar.

For information & necessary action.

(Engr: MUHAMMAD PERVEZ NASIR)
CHIEF ENGINEER

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT KHYBER PAKHTUNKHWA
8-A SHAMI ROAD PESHAWAR
No: 218/M-1 Dated 11/06/2010

OFFICE ORDER

Consequent upon the recent changes in the setup due to various posting/transfers, The Competent Authority is pleased to reconstitute the existing Departmental Selection/ Promotion/ Appointment Committee of this office as under:-

1. Engr: Abdullah Khan
   Principal Design Engineer
   (Buildings) — Chairman
2. Engr: Farooq-e-Azam
   Principal Design Engineer
   (Highway/Bridges) — Member
3. Mr. Mohammad Naeem
   Principal Consulting Architect — Member
4. Engr: Rahmat Hakim
   Research Officer,
   Road Research & Material
   Testing Laboratory Peshawar — Member
5. Mr. Mohammad Arif
   Administrative Officer — Member

(Engr: Khalid Shah)
CHIEF ENGINEER

CC:

1. Engr: Abdullah Khan, Principal Design Engineer (Buildings), Central Design Office, C&W Department KP Peshawar.
2. Engr: Farooq-e-Azam, Principal Design Engineer (Highway/Bridges)
3. Mr. Mohammad Naeem, Principal Consulting Architect C&W Department Peshawar.
4. Engr: Rahmat Hakim Research Officer, Road Research & Material Testing Laboratory Peshawar.
5. Mr. Mohammad Arif, Administrative Officer, Central Design Office, C&W Department KP Peshawar.

For information & necessary action.

(Engr: Khalid Shah)
CHIEF ENGINEER

اشتہار برائے بھرتی

محکمہ سی اینڈ ڈبلیو میں ریجنل آفس اور ایلاؤ آفیسس جو کہ صوبہ سرحد کے مختلف اضلاع میں محدود تعداد میں مندرجہ ذیل اسامیوں پر امیدواروں سے حکومتی پالیسی کے تحت تقرری کے لئے درخواستیں مطلوب ہیں۔

نمبر شمار	نام آسامی	عمر کی حد	مطلوبہ تعلیمی قابلیت
1	لیبارٹری اسسٹنٹ	25-18	میٹرک بمعہ سائنس مضمون
2	لیبارٹری اٹینڈنٹ میکینک	25-18	میٹرک بمعہ سائنس مضمون
3	ڈرائیور	35-18	(1) کم از کم پرائمری' مڈل پاس (2) ڈرائیونگ لائسنس LTV/HTV کم از کم تجربہ 2 سال
4	لیبارٹری اٹنڈنٹ	45-18	(1) مڈل پاس (2) اچھی صحت کا مالک ہو
5	دفتری	25-18	(1) مڈل پاس (2) اچھی صحت کا مالک ہو
6	نائب قاصد	35-18	(1) مڈل پاس (2) اچھی صحت کا مالک ہو
7	چپڑاسی (آفس)	45-18	(1) پرائمری / مڈل پاس (2) اچھی صحت کا مالک ہو
8	سویپر	45-18	اچھی صحت کا مالک ہو

شرائط

(1) درخواستیں اپنے ہاتھ سے تحریر شدہ بمعہ نام ولدیت تاریخ پیدائش تعلیمی قابلیت تجربہ کمپیوٹرائزڈ شناختی کارڈ وغیرہ کی تصدیق شدہ فوٹو کاپیوں کے ہمراہ زیر دستخطی کے دفتر مورخہ 26-04-2010 تک پہنچ جانی چاہئیں۔

(2) امیدواروں کی سلیکشن محکمہ کی سلیکشن کمیٹی کرے گی۔

(3) انٹرویو ٹیسٹ کے لئے صرف شارٹ لسٹڈ امیدواروں کو طلب کیا جائے گا۔

(4) نامکمل اور دیر سے آنے والی درخواستوں پر غور نہیں کیا جائے گا۔

(5) ہر پوزیشن کے لئے متعلقہ فیلڈ میں تجربہ رکھنے والوں کو ترجیح دی جائے گی۔

(6) محکمہ ہذا کے سابق ریٹائرڈ کلاس فور ملازمین (جو ملازمت کے 60 سال کی عمر پر یا میڈیکل بورڈ پر ریٹائرڈ ہوئے ہوں) کے بچوں کے لئے 25% کوٹہ کے تحت ملازمت کا حق حاصل ہوگا۔

(7) اقلیتوں اور معذور افراد کو قانون کے مطابق کوٹہ دیا جائے گا۔

محمد عارف ایڈمنسٹریٹو آفیسر
چیف انجینئر سٹرکچر ڈیزائن آفس سی اینڈ ڈبلیو ڈیپارٹمنٹ صوبہ سرحد پشاور

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OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH ENGINEERING DIVISION NOWSHERA

TENDER NOTICE

Item/schedule item/rates for the following work are invited on the date noted against each works from the approved contractor of PHED only

committee of the chief engineer central design office c&w department Peshawar held on 28/06/2010 at 10:00 am under the chairmanship of engr: Abdullah khan principal design office (buildings).

The following attended the meeting.

1. Engr:Abdullah khan
Principal design Engineer (Buildings) — Chairman

2. Engr. Farooq –e- azam
Principal design Engineer (HB) — Member

3. Mr. Mohammad Naeem
Principal Consulting Architect — Member

4. Engr. Rehmat Hakim
Research officer, Road Research
& Material testing laboratory
Peshawar — Member

5. Mr. Muhammad Arif
Administrative officer — Member/Secretary

The meeting started with the recitation from the holy Qura'n. The Chairman welcomed the participant and briefed the Committee that in pursuance of the Secretary, to Government of K.P,C&W Department letter No.SOE/C&W/24-60/JC/Appointment, dated 08.03.2010, authorized this office for appointment against the Class-IV vacancies created due to bifurcation of Works and Services Department into PHE & C&W Department and consequently, the creations of Chief Engineer, Central Design office, with effect from 24.12.2009, Chief Engineer being the competent authority/appointing for their respective wings, will up the vacancies.

The Administrative officer office of the Chief Engineer CDO C&W Department informed the committee that various cadre Vacancies of Class-IV are laying in this office the applications against the said vacancies have been received in response to advertisement in the news papers the lists of the number of applications against the available vacancies is very high in number and requires more time for individual scrutiny and short listing. After detailed discussion it was decided that the posts of Chowkidars, Sweeper, Drivers, Naib Qasids, Lab: Assistants, Lab: Equipment Mechanics and Lab attended required on emergent basis Peshawar District Only may be employed and the rest of the vacancies may be filled after detailed scrutiny of the document of the applicants and interviews.

The Committee unanimously recommended the following candidates for appointments for the posts noted against each according to their qualification and experiment urgently required:-

S.No	Name	Father name	District	Post	BPS
1	Waqar Ali Shah	Umar Shah	Peshawar	Lab: Equipment Machanic	05
2	Muhammad Junaid Abid	Abid jan	Charsadda	Lab: assistant	05
3	Main Amin Jan	Main Fazak-e-Naeem	Peshawar	Lab: Assistant	05
4	Noorullah	Rahmattullah	Peshawar	Driver	04
5	Gohar Muhammad	Qadir Muhammad	Mardan	Driver	04
6	Tariq Khan	Namdar Khan	Charsadda	Driver	04
7	Said Farosh	Mian Farosh	Mardan	Driver	04
8	Sher Khan	Pir Muhammad	Swabi	Driver	04

(8) Sher Khan S/o Pir Muhammad Driver Swabi
[illegible]
[illegible]

		Page-2			
9	Khalid	Muhammad Sardar	Peshawar	Driver	04
10	Arif shah	Haji Alif Shah	Peshawar	Lab: Attendant	02
11	Adnan Yaqub	Yaqub Khushi	Peshawar	Lab: Attendant	02
12	Zafar Iqbal	Muhammad Bashir	Peshawar	Daftari	02
13	Waheed Ahmad	Jamshed Khan	Peshawar	Daftari	02
14	Mir Afzal	Muhammad Khan	Peshawar	Naib Qasid	01
15	Shahzad Khan	Shoukat Khan	Peshawar	Naib Qasid	01
16	Qaarib Ali	Anwar Haidar	Peshawar	Naib Qasid	01
17	Shahid Ahmad	Abdul Rasheed	Nowshehra	Naib Qasid	01
18	Faridullah	Badshah Gul	Nowshera	Naib Qasid	01
19	Muhammad Aftab	Muhammad Yousaf	Peshawar	Naib Qasid	01
10	Haroon	Faqir Muhammad	Peshawar	Naib Qasid	01
21	Asif Khan	Zarif Khan	Peshawar	Naib Qasid	01
22	Fazal-ullah	Saraj Muhammad	Swabi	Naib Qasid	01
23	Shahkeel Ahmad	Gulmast Khan	Swabi	Naib Qasid	01
24	Akbar Hussain	Khan Afzal	Swabi	Naib Qasid	01
25	Akbar Hussain	Khan Afzal	Swabi	Naib Qasid	01
26	Amjid Ali	Ghulam Hassan	Swabi	Naib Qasid	01
27	Jawad Khan	Muhammad Younas	Peshawar	Naib Qasid	01
28	Matti-ullah Shah	Abdul Qayum	Peshawar	Naib Qasid	01
29	Javed	Abdur Rahim	Charsadda	Naib Qasid	01
30	Ashfaq Ahmad	Manzer Saleem	Peshawar	Chowkidar	01
31	Arif Khan	Dad Karim	Peshawar	Chowkidar	01
32	Fida Muhammad	Faqir Muhammad	Peshawar	Chowkidar	01
33	Rashid Hameed	Abdul Hameed	Charsadda	Chowkidar	01
34	Munaf Gul	Jan Gul	Peshawar	Sweeper	01
35	Nasir Younas	Younas Ramzan	Peshawar	Sweeper	01

Engr. Rehman Hakim
Research officer, Road Research
& Material Testing laboratory
Peshawar
Member

Mr. Muhammad Arif
Administrative Officer
Member/Secretary

Engr. Farooq –e- azam
Principal design Engineer (HB)
Member

Mr. Mohammad Naeem
Principal Consulting Architect
Member

Engr. Abdullah khan
Principal design Engineer (Buildings)
Chairman

9	Khalid	Muhammad Sardar	Peshawar	Driver	04
10	Arif shah	Haji Alif Shah	Peshawar	Lab: Attendant	02
11	Adnan Yaqub	Yaqub Khushi	Peshawar	Lab: Attendant	02
12	Zafar Iqbal	Muhammad Bashir	Peshawar	Daftari	02
13	Waheed Ahmad	Jamshed Khan	Peshawar	Daftari	02
14	Mir Afzal	Muhammad Khan	Peshawar	Naib Qasid	01
15	Shahzad Khan	Shoukat Khan	Peshawar	Naib Qasid	01
16	Qaarib Ali	Anwar Haidar	Peshawar	Naib Qasid	01
17	Shahid Ahmad	Abdul Rasheed	Nowshehra	Naib Qasid	01
18	Faridullah	Badshah	Nowsheraa	Naib Qasid	01
19	Muhammad Aftab	Muhammad Yousaf	Peshawar	Naib Qasid	01
20	Haroon	Faqir Muhammad	Peshawar	Naib Qasid	01
21	Asif Khan	Zarif Khan	Peshawar	Naib Qasid	01
22	Fazal-ullah	Saraj Muhammad	Swabi	Naib Qasid	01
23	Shahkeel Ahmad	Gulmast Khan	Swabi	Naib Qasid	01
24	Akbar Hussain	Khan Afzal	Swabi	Naib Qasid	01
25	Amjid Ali	Ghulam Hassan	Swabi	Naib Qasid	01
26	Sher aman shah	Mir Akbar Shah	Mardan	Naib Qasid	01
27	Jawad Khan	Muhammad Younas	Peshawar	Naib Qasid	01
28	Matti-ullah Shah	Abdul Qayum	Peshawar	Naib Qasid	01
29	Javed	Abdur Rahim	Charsadda	Naib Qasid	01
30	Ashfaq Ahmad	Manzer Saleem	Peshawar	Chowkidar	01
31	Arif Khan	Dad Karim	Peshawar	Chowkidar	01
32	Fida Muhammad	Faqir Muhammad	Peshawar	Chowkidar	01
33	Rashid Hameed	Abdul Hameed	Charsadda	Chowkidar	01
34	Munaf Gul	Jan Gul	Peshawar	Sweeper	01
35	Nasir Younas	Younas Ramzan	Peshawar	Sweeper	01

Engr: Rehman Hakim
Research officer, Road. Research
& Material Testing laboratory
Peshawar
Member

Mr. Muhammad Arif
Administrative Officer
Member/Secretary

Engr. Farooq –e- azam
Principal design Engineer (HB)
Member

Mr. Mohammad Naeem
Principal Consulting Architect
Member

Engr. Abdullah Khan

OFFICE OF THE CHIEF ENGINEER
CENTRAL DESIGN OFFICE C&WD
8-A SHAMI ROAD PESHAWAR

No.E-2/356 Dated 13.08.2010.

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010, the office orders issued in respect of the following officials are hereby cancelled.

Sl:No.	Name	Father's Name	Order No. & Date
1	Mir Afzal	Muhammad Khan	2-E/307, 29.07.2010.
2	Shehzad Khan	Shaukat Khan	2-E/306, 29.07.2010
3	Shahid Ahmed	Abdur Rashid	2-E/302, 29.07.2010
4	Faridullah	Badshah Gul	2-E/300, 29,07.2010
5	Muhammad Aftab	Muhammad Yousaf	2-E/322, 29.07.2010
6	Haroon	Faqir Muhammad	2-E/301, 29.07.2010
7	Faizullah	Siraj Muhammad	2-E/272, 19.07.2010
8	Shakeel Ahmed	Gulmast Khan	2-E/273, 19.07.2010
9	Akbar Hussain	Khan Afzal	2-E/275, 19.07.2010
10	Javed	Abdur Rahim	2-E/318, 29.07.2010

It is further added that it seems very difficult rather impossible to withdraw/cancel all the recruitment orders regarding class-iv, as, office of the CE CDO, Principal Architect & the recently established Flood Damages Restoration Project Directorate of C&W Department are all dependent and functions with the help and assistance of these very class-iv staff please.

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref: to above for information.

CHIEF ENGINEER CDO

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT KHYBER PAKHTUNKHWA
8-A,SHAMI ROAD PESHAWAR

No.2-E/ 361 Dated 18 /08/2010

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010, and in continuation of this office order No.E-2/356 dated 13/08/2010, the office orders issued in respect of the following officials are hereby cancelled.

Sl.No.	Name	Father's Name	Order No. & Date
1.	Waqar Ali Shah	Umar Shah	2-E/312, 29.07.2010
2.	Muhammad Junaid Abid	Abid Jan	2-E/313, 29.07.2010
3.	Mian Amin Jan	Mian Fazal-e-Naeem	2-E/309, 29.07.2010
4.	Noorullah	Rahmatullah	2-E/271, 29.07.2010
5.	Khalid	Muhammad Sardar	2-E/287, 22.07.2010
6.	Arif Shah	Haji Alif Shah	2-E/323, 29.07.2010
7.	Adnan Yaqub	Yaqub Khushi	2-E/304, 29.07.2010
8.	Zafar Iqbal	Muhammad Bashir	2-E/320, 29.07.2010
9.	Waheed Ahmed	Jamshid Khan	2-E/314, 29.07.2010
10.	Asif Khan	Zarif Khan	2-E/257(d) 29.07.2010
11.	Amjid Ali	Ghulam Hassan	2-E/303, 29.07.2010
12.	Sher Aman Shah	Mir Akbar Shah	2-E/315, 29.07.2010
13.	Jawad Khan	Muhammad Younas	2-E/319, 29.07.2010
14.	Matti-ullah Shah	Abdul Qayum	2-E/317, 29.07.2010
15.	Fida Jan	Faqir Muhammad	2-E/308, 29.07.2010
16.	Rashid Hameed	Abdul Hameed	2-E/310, 29.07.2010
17	Said Farosh	Mian Farosh	2-E/254, 01.07.2010
18.	Ashfaq Ahmad	Manzar Saleem	2-E/256, 01.07.2010
19.	Arif Khan	Dad Karim	2-E/253, 01.07.2010
20.	Gohar Muhammad	Qadir Muhammad	2-E/257(a)01.07.2010
21.	Muhammad Tariq	Namdar Khan	2-E/257(b)01.07.2010

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref: to above for information please.

CHIEF ENGINEER CDO

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 3125/2010

Date of Institution ... 22.12.2010
Date of Decision ... 12.06.2012

Muhammad Aftab Ex-Naib Qasid S/O Muhammad Yousaf Flat No. 67/C, Moh. Gulshan Rahman Colony, Kohat Road, Peshawar C/O Chief Engineer, C&W Deptt. Peshawar. ... (Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer, Central Design Office, C&W Department, Khyber Pakhtunkhwa Peshawar. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13.8.2010 WHEREBY APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED AND HIS DEPARTMENTAL APPEAL ELICITED NO RESPONSE WITHIN THE STATUTORY PERIOD.

SHAHZADA IRFAN ZIA, Advocate ... For appellant

MR. ARSHAD ALAM, Addl. Government Pleader ... For respondents.

MR. SULTAN MAHMOOD KHATTAK, ... MEMBER
MR. NOOR ALI KHAN, ... MEMBER.

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER.- This appeal has been filed by Muhammad Aftab, the appellant, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 13.8.2010, whereby his appointment order has been cancelled. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated into service with all back benefits.

2. Brief facts of the case as averred in the memo: of appeal are that respondent No. 3 advertised posts of different categories including the post of Naib Qasid in the press. The appellant applied for the post of Naib Qasid and after

ATTESTED

successful completion of prescribed selection process, and on the recommendations of the Department Selection Committee, he was appointed as Naib Qasid by the competent authority on regular basis, vide order dated 29.7.2010. The appellant took over charge of the post and started to perform his duties to the entire satisfaction of his superiors. His appointment order has been cancelled vide impugned order dated 13.8.2010. Feeling aggrieved, the appellant filed departmental appeal on 6.9.2010 through proper channel, which has not been decided within the statutory period of ninety days, hence the present appeal on 22.12.2010, which is well within time.

3. The appeal was admitted to regular hearing on 17.1.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. The learned counsel for the appellant argued that being fully qualified for the post, the appellant was appointed as Naib Qasid by the competent authority on 29.7.2010. He took over charge and served on the post for some time and valuable rights have been accrued to him. Subsequent cancellation of appointment order is in clear violation of principles of locus poenitentiae. He further argued that appointment order of the appellant has been cancelled without any reason, which is against the spirit of Section 24-A of General Clauses Act. In support of his arguments, the learned counsel relied on a judgment of august Supreme Court of Pakistan as reported in PLJ 1999 SC 1104. He stated no charge sheet/statement of allegations has been issued to the appellant nor proper enquiry conducted and he has been condemned unheard. In case of removal from service, conduct of regular enquiry against a civil servant is mandatory under the law even against a probationer, but no such enquiry has been conducted. He requested that the appeal may be accepted as prayed.

5. The learned AGP on the other hand, argued that while appointing the appellant codal formalities have not been observed. During selection process, representative of the Administrative Department was not present. Hence appointment order of the appellant was illegal and such appointment order can be withdraw/rescinded at any time. He requested that the appeal may be dismissed.

6. The Tribunal observes that the appellant was appointed as Naib Qasid by the competent authority vide order dated 29.7.2010. He took over charge of the post and served on the post for some time and valuable rights have been accrued to him. If there was some flaw in selection process, it was the responsibility of the

benefits for which the appellant could not be suffered. The Tribunal further observes that appointment order of the appellant has been subsequently withdrawn through the impugned order dated 13.8.2010 but no reason whatsoever given for withdrawal of appointment order, which is against the spirit of Section 24-A of General clauses Act, 1897. However, the last para of the impugned order clearly shows that the Chief Engineer, CDO was not willing to cancel appointment order of the appellant and not acted independently. The impugned order is nothing but a nullity in the eyes of law. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

7. In view of the above, the appeal is accepted, the impugned order dated 13.8.2010 is set aside, and the appellant is reinstated into service with all back benefits. Parties are left to bear their own costs. File be consigned to the record.

8. Having common questions of law and fact, this order will also dispose of other connected service appeals No. 3126/2010, Akbar Hussain, No. 3127/2010 Mir Afzal, No. 3128/2010 Shahid Ahmad, No. 3129/2010 Asif Khan, No. 3130/2010 Arif Khan, No. 3131/2010 Gohar Muhammad, No. 3132/2010, said Farosh and 3133/2010 Rashid Hameed, in the same manner.

ANNOUNCED
12.6.2012

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

12.6.2012

Date of Completion of Copy 15.6.2012

Date of Delivery of Copy 15.6.2012

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Attention to Sher Khan

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE IJAZ AHMED CHAUDHRY

Civil Petitions No.401 to 409-P/2012
(Against the judgment dated 12.6.2012 passed by the KPK Service Tribunal, Peshawar in Appeals No.3125-3133/10)

Secretary, Govt. of KPK, Communication & Works, Peshawar and others — Petitioners (in all cases)

Versus.

Muhammad Aftab	Respondent (in CP 401-P/12)
Akbar Hussain	Respondent (in CP.402-P/12)
Mir Afzal	Respondent (in CP 403-P/12)
Shahid Ahmad	Respondent (in CP 404-P/12)
Asif Khan	Respondent (in CP 405-P/12)
Arif Khan	Respondent (in CP 406-P/12)
Gohar Muhammad	Respondent (in CP.407-P/12)
Said Farosh	Respondent (in CP 408-P/12)
Rashid Hamid	Respondent (in CP 409-P/12)

For the petitioners: Mr. Zahid Khan, Addl.A.G. KPK

For the respondents: (in CPs 401-408-P/12) In person

Date of hearing: 19.09.2012

ORDER

EJAZ AFZAL KHAN, J:- These petitions have arisen out of the judgment dated 12.6.2012 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, whereby, the appeals filed by the respondents were allowed, the orders cancelling their appointments were set aside and they were re-instated in service with back benefits.

2. The main contention of the learned Addl.A.G. was that where codal formalities were not complied with, the appointments of the respondents being against the law could not be restored by the Service Tribunal.

3. We have gone through the available record carefully and considered the submissions of the learned Addl.A.G.

Administrative Officer/B&A Officer
Chief Engineer (CDO)
C&W Deptt. Peshawar

ATTESTED
Superintendent
Supreme Court of Pakistan
ISLAMABAD

4. When, we asked the learned Addl.A.G. whether the respondents were eligible for appointment against their respective posts, the answer was in the affirmative. When, we asked the learned Addl.A.G. whether the person flouting the codal formalities has been proceeded against or he is still in service, the answer was that he has not been proceeded against and that he is still in service. Where the person flouting the codal formalities is still in service and enjoying all the perks and privileges with impunity why should the respondents be ousted from service for none of their faults, that too when their eligibility to hold the posts is not disputed. The impugned judgments thus being free from any error or infirmity much less legal or jurisdictional are not open to any interference.

5. For reasons discussed above, these petitions being without merit are dismissed and leave to appeal refused.

Sd/- Ejaz Afzal Khan J
Sd/- Ejaz Mohammad Chaudhry J

Certified to be True Copy

26/9/12

Superintendent
Supreme Court of Pakistan
ISLAMABAD

THE SUPREME COURT OF PAKISTAN
Islamabad
19.09.2012
NOT APPROVED FOR REPORTING

JR No:	9681/2012 Civil/Criminal
Date of Presentation:	19-9-2012
No. of Words:	600
No. of folios:	(6)
Requisition Fee Rs:	5-00
Copy Fee In:	3.72
Court Fee stamps:	8.72
Date of Completion of Copy:	26/9/12
Date of delivery of Copy:	26-9-2012
Compared by:	
Received by:	Yasir Mehd

Attested

Administrative Officer
Chief Engineer (CBD)
C&W Deptt. Peshawar

ANNEXURE - F

Subject: Inquiry Proceeding of Appointments of Class-IV Employees in Chief Engineer CDO C&W Department Peshawar. Investigation from Mr. Liaqat Ali Junior Clerk (Record Keeper) o/o Chief Engineer CDO C&W Department Peshawar during Inquiry Proceeding held on 18-06-2015

S.No	Question	Answer
۱۔	آپ کا نام اور موبائل نمبر	میرا نام لیاقت علی ہے اور میرا موبائل نمبر0300-5906650 ہے۔
۲۔	آپ کی مختصراً سروس History	میں 11-01-1995 میں محکمہ سی اینڈ ڈبلیو میں بھرتی ہوا اور 01-09-2010 سے CDO میں بطور جونیئر کلرک کام کر رہا ہوں۔
۳۔	سابقہ چیف انجینئر مسٹر خالد شاہ اور سابقہ ایڈمنسٹریٹو آفیسر مسٹر محمد عارف CDO کے عرصہ ملازمت کے دوران 35 کلاس فور آسامیوں کی تعیناتی کے لیے ایک Departmental Appointment Committee بنی تھی جس کی recommendation پر 35 کلاس فور ملازمین سی ڈی او میں بھرتی ہوئے تھے۔ یہ کمیٹی چیف انجینئر سی ڈی او کے آرڈر نمبر 218/M-1 بمورخہ 11-06-2010 کی رو سے بنی تھی جس کی فوٹو کاپی مسٹر عارف AO اور خالد شاہ چیف انجینئر کے بیان کے ساتھ لف ہے۔ کیا ہمارے آفس ریکارڈ میں یہ آرڈر موجود ہے یا نہیں؟	ہمارے آفس ریکارڈ میں مذکورہ آرڈر موجود ہے۔
۴۔	مسٹر خالد شاہ سابقہ چیف انجینئر اور مسٹر محمد عارف سابقہ ایڈمنسٹریٹو آفیسر CDO نے Minutes of The Meeting dated 28-06-2010 کی ایک کاپی اپنے بیان کے ساتھ لف کی ہے جس کی رو سے Departmental Appointment Committee کی ایک میٹنگ زیر صدارت عبداللہ خان پرنسپل ڈیزائن انجینئر بلڈنگ ہوئی اور کمیٹی نے 35 افراد کی recommendation کی جس کے تحت ان کی تقرری عمل میں لائی گئی۔ کیا ہمارے آفس ریکارڈ میں مذکورہ منٹس موجود ہیں؟	ہمارے آفس ریکارڈ میں مذکورہ منٹس کی کاپی موجود ہے جس کی رو سے Departmental Selection Committee نے پانچ افراد کی بطور کلاس فور بھرتی کی recommendation کی۔

۵۔	مسٹر خالد شاہ چیف انجینئر اور مسٹر محمد عارف AO کے عرصہ ملازمت کے دوران 35 افراد کی تقرریاں عمل میں لائی گئیں۔ کیا یہ آفس آرڈر ہمارے آفس ریکارڈ میں موجود ہیں۔	ان میں سے 34 افراد کے آرڈرز ریکارڈ پر موجود ہیں۔
۶۔	مسٹر ساجد حسین چیف انجینئر اور مسٹر مبارک علی شاہ AO کے عرصہ ملازمت کے دوران ساٹھ افراد کی تقرری کلاس فور آسامیوں پر کی گئی کیا اس سلسلے میں through press مشتہری (advertisement) ہمارے ریکارڈ میں موجود ہے یا نہیں؟	نہیں۔
۷۔	مسٹر ساجد حسین چیف انجینئر اور مسٹر مبارک علی شاہ ایڈ منسٹریٹو آفیسر CDO کے عرصہ ملازمت کے دوران60 کلاس فور آسامیاں کی تعیناتی کے لیے ایک Departmental Appointment Committee بنی تھی جس کی recommendation پر 60 کلاس فور ملازمین سی ڈی او میں بھرتی ہوئے تھے۔ کیا ہمارے آفس ریکارڈ میں یہ آرڈر موجود ہے یا نہیں؟	ہمارے آفس ریکارڈ میں مذکورہ آرڈر موجود نہیں ہے۔
۸۔	مسٹر مبارک علی شاہ ایڈمنسٹریٹو آفیسر CDO نے Minutes of The Meeting کی ایک کاپی اپنے بیان کے ساتھ لف کی ہے جس کی رو سے Departmental Appointment Committee کی ایک میٹنگ زیر صدارت امداد حسین بنگش ہوئی اور کمیٹی نے 60افراد کی بطور کلاس فور تقرری کی recommendation کی جس کے تحت ان کی تقرری عمل میں لائی گئی۔ کیا ہمارے آفس ریکارڈ میں مذکورہ منٹس موجود ہیں؟	ہمارے آفس ریکارڈ میں مذکورہ منٹس موجود نہیں ہے۔
۹۔	مسٹر ساجد حسین چیف انجینئر اور مسٹر مبارک علی شاہ AO کے عرصہ ملازمت کے دوران 60 افراد کی تقرریاں عمل میں لائی گئیں۔ کیا یہ آفس آرڈر ہمارے آفس ریکارڈ میں موجود ہیں۔	ہاں۔

۱۰۔	CDO میں عدالتی احکامات پر دس سابقہ ملازمین کی دوبارہ تقرری کی گئی ہے اور آٹھ ملازمین کی اپیل منظور کرتے ہوئے تقرری کی گئی ہے۔ کیا ان کے آفس آرڈرز ہمارے ریکارڈ میں موجود ہیں؟	ہاں۔
۱۱۔	مسٹر زرد علی خان چیف انجینئر اور مسٹر مبارک علی شاہ AO نے اپنے عرصہ ملازمت کے دوران 3 نئی تقرریاں کی۔ کیا اس سلسلے میں کوئی through press مشتہری (advertisement) ہوئی تھی یا Departmental Appointment Committee بنی تھی یا ان کے منٹس ریکارڈ پر ہیں؟	اس سلسلے میں کمیٹی کے منٹس یا اخباری مشتہری ریکارڈ پر موجود نہیں ہے۔

لیاقت علی

جونیئر کلرک (ریکارڈ کیپر)

CDO Peshawar

To G

ANNEXURE - G

The Chief Engineer CDO
C&W Peshawar.

Subject: SERVICE APPEAL NO. 3057/2010 JAWAD VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY & OTHERS.

Ref'nce: Your letter No. 644/SA/JAWAD, dated 17/6/2015.

Sir,

In this connection it is to state that the Chief Engineer CDO C&W Peshawar was directed by the Secretary to Govt. of Khyber Pakhtunkhwa Communication & Works department vide letter No. SOE/C&WD/17-4/2010, dated 13/08/2010 (Annex-A) that all the appointments made for his office since establishment of CDO may be cancelled today (13/8/2010) positively for the reason that the appointments were made without observing codal formalities/procedure under intimation to all concerned.

In response to the above orders, the Chief Engineer (Engr. Khalid Shah) issued cancellation orders of 10 out of 35 class-Iv employees (Annex-B) .

In the meanwhile Mr. Khalid Shah was transferred from CDO and Sajid Hussain was posted against the vacant post (Notification dated 16/8/2010 as Annex-"C"). The later (Sajid Hussain) also issued orders of cancellation of 21 Class-IV employees vide order No. dated 18/8/20102-E/361, dated 18/8/2010 (Flag "D") who were previously appointed by Engr. Khalid Shah. Thus cancellation orders of total 31 were issued.

Engr. Sajid Hussain appointed 60 Class-IV employees (including reinstatement of 3 + 1 by transfer) as per recommendations of DSC (Annex-E) who were issued offer of appointment in the offices of CE CDO, Principal Consulting Architect, Regional and Circle Laboratories excluding Abbottabad for which the appointments were made by the S.E. Abbottabad (Annex-F) and one by SE DIKhan (Annex-G).

Muhammad Aftab and 8 others whose orders of appointment were cancelled, filed appeal in Service Tribunal which was allowed and they were reinstated in Service with all back benefits (Annex-H). The Departmental appeal filed in Supreme Court was, however, rejected (Annex-I).

Appeal of another one (Waheed Ahmad) was also decided in his favour by the Service Tribunal with the same direction as issued in the Service Appeal No. 3125/2010.

Apart from the above, Nine other ex-officials were reinstated in services with all back benefits on appeal, being similar nature case in light of Supreme Court decision.

It is further submitted that eleven others (List at Annex-J) were authorized to draw their salary etc against other posts in light of Finance Department letter No. FD (SR-1)6-1/2001, dated 18/01/2002.

Furthermore, 7 Class-IV (list attached as Annex-K) were appointed during the tenure of Mr. Zard Ali Khan Chief Engineer CDO.

So far as the case of Jawad Khan Naib Qasid (BPS-01) is concerned, it is submitted that reference to the Departmental Selection Committee comprising of its chairman under the chairmanship of Mr. Imdad Hussain Bangash Director (FDRP) in which Mr. Rahim Badshah S.O. Establishment was also one of its members as representative of the Administrative Department, as quoted in the order by the Service Tribunal announced on 14/5/2015 is not correct as he (Rahim Badshah) participated in the DSC meeting which was held on 15/9/2010 whereas Jawad Khan was appointed as Naib Qasid on 29/7/2010. The appointment date of Jawad Khan (29/7/2010) as such is much earlier than the DSC meeting date (15/9/2010) as quoted in the order announced by the Service Tribunal (Annex-L).

DA/AA

(Mubarak Ali Shah)
Admn. Officer CDO.

Most immediate
Top priority

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/17-4/2010
Dated Peshawar, the August 13, 2010

TO

The Chief Engineer (CDO)
C&W, Peshawar

Subject: CANCELLATION OF APPOINTMENTS MADE BY CHIEF ENGINEER (CDO) C&W, PESHAWAR

I am directed to refer to the subject noted above and to state that the competent authority has been pleased to direct that all the appointments made by the Chief Engineer (CDO) C&W Peshawar since its establishment for his office may be cancelled today (13.08.2010) positively, as the appointments have been made without observing codal formalities/procedure, under intimation to all concerned.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy is forwarded to the:-

1. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar
3. Accountant General Khyber Pakhtunkhwa Peshawar
4. Chief Engineer (CDO Center) C&W Peshawar
5. PS to Secretary, C&W Peshawar

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

ANNEX-8

OFFICE OF THE CHIEF ENGINEER
CENTRAL DESIGN OFFICE C&WD
8-A SHAMI ROAD PESHAWAR

No.E-2/356 Dated 13.08.2010.

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010, the office orders issued in respect of the following officials are hereby cancelled.

Sl:No.	Name	Father's Name	Order No. & Date
1	Mir Afzal	Muhammad Khan	2-E/307, 29.07.2010.
2	Shehzad Khan	Shaukat Khan	2-E/306, 29.07.2010
3	Shahid Ahmed	Abdur Rashid	2-E/302, 29.07.2010
4	Faridullah	Badshah Gul	2-E/300, 29.07.2010
5	Muhammad Aftab	Muhammad Yousaf	2-E/322, 29.07.2010
6	Haroon	Faqir Muhammad	2-E/301, 29.07.2010
7	Faizullah	Siraj Muhammad	2-E/272, 19.07.2010
8	Shakeel Ahmed	Gulmast Khan	2-E/273, 19.07.2010
9	Akbar Hussain	Khan Afzal	2-E/275, 19.07.2010
10	Javed	Abdur Rahim	2-E/318, 29.07.2010

It is further added that it seems very difficult rather impossible to withdraw/cancel all the recruitment orders regarding class-iv, as office of the CE CDO, Principal Architect & the recently established Flood Damages Restoration Project Directorate of C&W Department are all dependent and functions with the help and assistance of these very class-iv staff please.

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref: to above for information.

CHIEF ENGINEER CDO

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

Dated Peshawar, the 16th August, 2010

NOTIFICATION

NO.SO(E-I)E&AD/9-232/2010 The competent authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following Superintending Engineer (BS-19) of Communication & Works Department to the post of Chief Engineer (BS-20), as noted against each, with immediate effect:-

S. #	NAME OF OFFICER	FROM	TO	REMARKS	CONDITION FOR PROBATION
1.	Engr. Amir Shahbaz Khan	BS-19	BS-20	On Regular Basis	He shall be on probation as per rules. His promotion shall be subject to the final outcome of Khyber Pakhtunkhwa Service Tribunal and Supreme Court of Pakistan on the main petition.
2.	Engr. Yousaf Jamal	BS-19	BS-20	On Regular Basis	He shall be on probation as per rules. His promotion shall be subject to the final outcome of Khyber Pakhtunkhwa Service Tribunal and Supreme Court of Pakistan on the main petition.
3.	Engr. Syed Sajid Hussain	BS-19	BS-20	On Regular Basis	He shall be on probation as per rules. His promotion shall be subject to the final outcome of Khyber Pakhtunkhwa Service Tribunal and Supreme Court of Pakistan on the main petition.
4.	Engr. Zahir Arif	BS-19	BS-20	Appointed on acting charge basis	His appointment shall be subject to the court order of Khyber Pakhtunkhwa Service Tribunal in the main petition.

2. Consequent upon the above, the following adjustments are made henceforth:-

S. #	Name of office	From	To
1.	Engr. Amir Shahbaz Khan (BS-20)	Chief Engineer (BS-20) Peshawar	Chief Engineer (BS-20) Peshawar to cover all Khyber Pakhtunkhwa
2.	Engr. Yousaf Jamal (BS-20)	Deputy Director (Admin) Waiting for posting	Chief Engineer (BS-20) Peshawar against the post vacated by Engr. Amir Shahbaz Khan
3.	Engr. Syed Sajid Hussain (BS-20)	Chief Engineer (BS-20) Peshawar	Director (Planning) Frontier Works Authority
4.	Engr. [illegible]	[illegible]	[illegible]

Endst. No. [illegible]
Copy forwarded to the [illegible]
1. Additional Chief Secretary [illegible]
2. Secretary [illegible]
3. Principal [illegible]
4. All Administrative Secretaries [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]

Annex-D

OFFICE OF THE CHIEF ENGINEER-CENTRAL DESIGN
OFFICE C&W DEPARTMENT KHYBER PAKHTUNKHWA
8-A SHAMI ROAD PESHAWAR

No.2-E/ 361 Dated 18 /08/2010

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010; the office orders issued in respect of the following officials are hereby cancelled.

Sl.No.	Name	Father's Name	Order No. & Date
1.	Waqar Ali Shah	Omar Shah	2-E/312, 29.07.2010
2.	Muhammad Junaid Abid	Abid Jan	2-E/313, 29.07.2010
3.	Mian Amin Jan	Mian Fazal-e-Naeem	2-E/309, 29.07.2010
4.	Noorullah	Rahmatullah	2-E/271, 29.07.2010
5.	Khalid	Muhammad Sardar	2-E/287, 22.07.2010
6.	Arif Shah	Hajir Alif Shah	2-E/323, 29.07.2010
7.	Adnan Yaqub	Yaqub Khshi	2-E/304, 29.07.2010
8.	Zafar Iqbal	Muhammad Bashir	2-E/320, 29.07.2010
9.	Waheed Ahmed	Jamshid Khan	2-E/314, 29.07.2010
10.	Asif Khan	Zarif Khan	2-E/257(d) 29.07.2010
11.	Amjid Ali	Ghulam Hassan	2-E/303, 29.07.2010
12.	Sher Aman Shah	Mir Akbar Shah	2-E/315, 29.07.2010
13.	Jawad Khan	Muhammad Younas	2-E/319, 29.07.2010
14.	Fahim Shah	Abdul Qayum	2-E/317, 29.07.2010
15.	Fida Jan	Faqir Muhammad	2-E/308, 29.07.2010
16.	Rashid Hameed	Abdul Hameed	2-E/310, 29.07.2010
17.	Said Farosh	Mian Farosh	2-E/254, 01.07.2010
18.	Ashfaq Ahmad	Manzar Saleem	2-E/255, 01.07.2010
19.	Arif Khan	Dad Karim	2-E/253, 01.07.2010
20.	Gohar Muhammad	Qadir Muhammad	2-E/257(a) 01.07.2010
21.	Muhammad Tariq	Namdar Khan	2-E/257(b) 01.07.2010

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref. to above for information please.

CHIEF ENGINEER CDO

HELD ON 15.09.2010

A meeting of the Departmental Promotion/Selection Committee chairmanship of Director FDRP Communication & Works [illegible] on 15.09.2010 at 10:00 Hours. The following attended the meeting:

1. Engr Imdad Hussain Bangash — Chairman
   Director FDRP C&W Department

2. Engr Amer Nadeem Durrani — Member
   Deputy Director FDRP
   C&W Department

3. Rahim Bashshah — Member
   Section Officer (Establishment)
   C&W Department

4. Mubarak Ali Shah — Member cum Secret
   Administrative Officer.
   O/O Chief Engineer (CDO)
   C&W Department

2. The meeting was started with recitation from the Holy Quran. Th welcomed all the participants and discussed the issue and scrutinized th i.e. sanctioned strength position of vacancies, their basic pay, sca required qualification etc. The documents and credentials, registration respective Employment Exchange of all the candidates were checked.

3. After a thread bare discussion and thorough examination of re case to case basis, the committee recommended the appointments candidates to the posts indicated as per Annex(s) attached.

4. The chairman in the last thanked the participants and appreci efforts made by them.

(Amer Nadeem Durrani)
Deputy Director FDRP
C&W Department
(Member)

(Rahim Badshah)
Section Officer (Esta
C&W Department
(Member)

(Mubarak Ali Shah)
Administrative Officer
O/O Chief Engineer (CDO)
C&W Department
(Member cum Secretary)

(Engr Imdad Hussain Bangash)
Director FDRP
C&W Department
(Chairman)

[illegible] Chief Engineer Central Design Office C&W Department Peshawar (dated 15/09/2010)

S. No	Name of candidate	Father's Name	CNIC No.	Post applied/ interviewed	Recommendations of the DSC to the post with BPS
1.	Khalid	Muhammad Sardar	17301-1341709-7	Driver	Driver BPS-04
2.	Abdul Waheed	Abdul Jameel	16101-7892278-9	Driver	Driver BPS-04
3.	Mushtaq Khan	Zalo Khan	17301-9141688-5	Driver	Driver BPS-04
4.	Zahid Khan	Taj Muhammad	16101-9656286-3	Driver	Driver BPS-04
5.	Noor ul Amin	Sabz Ali Khan	17101-3760580-1	Driver	Driver BPS-04
6.	Muhammad Abbas	Muhammad Nisar	16101-772693-1	Naib Qasid	Naib Qasid BPS01
7.	Ikramullah Jan	Sher Jan	16101-4725960-7	Naib Qasid	Naib Qasid BPS01
8.	Muhammad Asad	Muhammad Naseer	16101-6926838-1	Naib Qasid	Naib Qasid BPS01
9.	Abdul Wahab	Feroz Khan	16101-2898170-5	Naib Qasid	Naib Qasid BPS01
10	Riaz Ahmad	Mehr Muhammad	17101-2135035-9	Naib Qasid	Naib Qasid BPS01
11	Mazhar Ali	Muhammad Saleem	17102-0820518-5	Naib Qasid	Naib Qasid BPS01
12.	Wajid	Dilshad	17101-2826199-5	Naib Qasid	Naib Qasid BPS01
13.	Faizal Khan	Purdil Khan	17101-3993448-1	Naib Qasid	Naib Qasid BPS01
14.	Kausar Ali	Murad Ali	17101-4436083-5	Naib Qasid	Naib Qasid BPS01
15	Khalid Hameed	Aslam Khan	17201-2092299-9	Naib Qasid	Naib Qasid BPS01
16.	Liaqat Ali	Sakhi Muhammad	16101-1647177-3	Naib Qasid	Naib Qasid BPS01
17	Tahir Ali	Hassan Dad	16101-8498681-3	Naib Qasid	Naib Qasid BPS01
18	Afsar Zaman	Qamar Zaman	11101-2429269-7	Naib Qasid	Naib Qasid BPS01
19	Shakeel Jan	Marafat Shah	17101-9101624-3	Chowkidar	Chowkidar BPS01
20.	Bawar Shah	Awal Said	16101-7877488-9	Chowkidar	Chowkidar BPS01
21.	Ainaz Ali	Ali Afzal	14101-5640497-5	Chowkidar	Chowkidar BPS01
22.	Khan Raheem	Gul Raheem	17101-7698194-9	Chowkidar	Chowkidar BPS01
23	Shah Faisal	Muhammad Safdar	16101-1534804-3	Naib Qasid	Naib Qasid BPS01
24	Wilayat Ali Shah	Gul Hassan Shah	17301-6053000-5	Lab Attendant	Lab Attendant BPS-02
25	Ihsanullah	Asmatullah	11101-3591645-7	Lab Attendant	Lab Attendant BPS-02
26.	Qarib Ali Haidri	Anwar Haider	17301-9921790-3	Naib Qasid	Since they regularly and daily attended the office and performed duty as such it was recommended to restore their orders in the public interest.
27.	Noor Younas	Younas Ramzan	17301-5201466-9	Sweeper	
28.	Munaf Gul	Jan Gul	17301-9047043-3	Sweeper	
29	Qasim Raza	Najmul Hassan	14301-1990629-9	Driver	Driver BPS-04
30	Inamullah Khan	Rafiullah Khan	11101-1478648-3	Driver	Driver BPS-04
31	Mansoor Ahmad	Muhammad Jan	17101-3064097-7	Driver	Driver BPS-04
32.	Abid Ali	Muhammad Ayaz	17301-3336536-9	Driver	Driver BPS-04
33	Usman Shah	Noor Shah	17201-3502101-5	Lab Attendant	Lab Attendant BPS-02
34	Taimoor Rauf	Abdur Rauf	13503-3515080-1	Lab Attendant	Lab Attendant BPS-02
35.	Zahir Khan	Ajmir Khan	14301-6039056-5	Lab Attendant	Lab Attendant BPS-02
36.	Muhammad Rashid Khan	Muhammad Zakir Khan	16101-6230288-9	Lab Attendant	Lab Attendant BPS-02
37	Farooq Nasir	Nasir Ali	16101-4318417-5	Lab Attendant	Lab Attendant BPS-02
38	Arshad Nawaz	Noor Nawaz	14202-3837070-3	Lab Attendant	Lab Attendant BPS-02
39	Shafiullah Cleaner			Driver	Driver BPS-04
40.	Muhammad Arif Khan	Islam Gul	17301-1532829-3	Naib Qasid	Naib Qasid BPS01
41.	Shahzad Khan	Shoukat Khan	17301-4833586-7	Naib Qasid	Naib Qasid BPS01
42.	Muhammad Kamal	Fida Muhammad	17301-9356279-5	Chowkidar	Chowkidar BPS01
43.	Rahim ullah	Awal Gul	14202-2832528-5	Naib Qasid	Naib Qasid BPS01

				Post applied/ interviewed	Recommendations of the DSC to the post with BPS
44.	Ghazanfar Abbas	Ghulam Abbas	12103-5616601-9	Driver	Driver BPS-04
45.	Imran Ali Shah	Zaffar Ali Shah	15201-0597251-7	Lab Attendant	Lab Attendant
46.	Fareed Ahmad	Fazal Shah	15602-3997499-1	Lab Attendant	Lab Attendant
47.	Saif ur Rehman	Naray	13503-775471-7	Chowkidar	Chowkidar BPS01
48.	Nasir Ali	Usman Ali	15602-8550508-9	Sweeper	Sweeper BPS01
49.	Inamullah	Waseem Khan	15602-7218558-7	Lab Attendant	Lab Attendant BPS-02
50.	Waseem Abbas	Hamidullah	12101-0970257-3	Lab attendant	Lab attendant BPS-02
51.	Ukasat Ali	Sawab Gul	15602-0358103-1	Driver	Driver BPS-04
52.	Sangin Bacha	Fazle Mehboob	15602-2894168-1	Naib Qasid	Naib Qasid BPS01
53.	Gulab Shah	Rajan Shah	11101-9427748-5	Chowkidar	Chowkidar BPS01
54.	Muhammad Naeem	Muhammad Nazir	15602-0378223-3	Chowkidar	Chowkidar BPS01
55.	Bahadur Ali	Gula Khan	11101-7091460-7	Sweeper	Sweeper BPS01
56.	Shah Jehan	Shah Nawaz	12101-4330394-3	Chowkidar	Chowkidar BPS01
57.	Taj Ahmad	Muhammad Sharif	12101-0328231-5	Lab Attendant	Lab Attendant BPS-02
58.	Faridullah	Habibullah	15306-8274308-9	Chowkidar	Chowkidar BPS01
59.	Hidayat	Said Hakeem Khan	15306-3258492-7	Lab Attendant	Lab Attendant BPS-02
60.	Nasrullah	Badshah Laiq	15302-4114841-9	Sweeper	Sweeper BPS01

Through Fax No. 091-9215925

OFFICE OF THE
SUPERINTENDING ENGINEER
C&W CIRCLE ABBOTTABAD
Phone # 0992-9310258/Fax # 9310344
E-mail:- circle_nsd@yahoo.com

No. 2432 / 2629
Dated 12 / 06 / 2015.

To,

The Administrative Officer,
O/O Chief Engineer (CDO)
C&W Department
Peshawar.

Subject:- **LIST OF STAFF OF ROAD RESEARCH & MATERIAL TESTING LABORATORY C&W CIRCLE ABBOTTABAD.**

Reference:- Your office telephonic message date 17.6.2015.

As desired, the requisite information is as under, please:-

Sl.	Name	Designation
1	Mohammad Najeeb	Assistant Research Officer (BPS-16)
2	Hamid Mahmood	Junior Clerk (BPS-11)
3	Shahid Masood	Laboratory Assistant (BPS-5)
4	Saqib Habib	Laboratory Attendant (BPS-2)
5	Saleem Babar	Laboratory Attendant (BPS-2)
6	Sajid Khan	Driver (BPS-4)
7	Raheel Ahmed	Naib Qasid (BPS-1)
8	Raja Muhammad Safdar	Chowkidar (BPS-1)
9	Zahoor Shah	Sweeper (BPS-01)

SUPERINTENDING ENGINEER
C&W CIRCLE ABBOTTABAD

[redacted]

ANNEX-79

OFFICE OF THE
SUPERINTENDING ENGIN
C&W CIRCLE D.I.KHAN
No. 2247/ 64
Dated 3-4-2010

OFFICE ORDERS.

On the recommendation of the worthy Secretary C&W Department Khy Phakhtunkhwa Peshawar the competent authority is pleased to offer a Post of Naib Qa (BPS-1) (Rs. 2970-90-5670) vacant in Road Research & Material testing Laboratory at C. D.I.Khan to **Muhammad Khalid Khan S/O Muhammad Nasir Khan** of Kulachi Dist on the following terms and conditions.

He will get pay at the minimum of BPS-1 (Rs. 2970-90-5670) including usi allowances as admissible under the rules. He will get also entitled to annu increment as per existing policy.

He shall be Governed by the Khyber Phakhtunkhwa Civil Servants Act 2005 and the laws applicable to the civil servant and rules made there under.

He shall for the intents and purposes be a Civil Servant expect for purpose pension or guaranty, he shall be entitled to receive such amount contributed b him towards contributory Provident Funds (C.P.F) along with the contribution made by the Governments to his account in the said fund, in the prescribe manner and rates fixed by the government from time to time.

His employments to Communication & Works Department is on regular basis hi services are liable to terminated at fourteen (14) days prior notice or on th payment of 14-days salary in lieu of the notice. In case he wishes to resign at an time, 14-days notice will be necessary or in lieu there of 14-days pay will be forfeited.

He shall produce a Medical Certificate of fitness from the Medical Superintendent DHQ Hospital D.I.Khan before reporting him self for duty as required under the rules.

He has to join his duty at his own expenses.

He shall have to serve any where in K.P.K.

If he except the post of above conditions he should report to the office the Superintending Engineer C&W Circle D.I.Khan.

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

Copy to:-

Secretary C&W Department K.P.K Peshawar with reference to his recommendation/ Approval during discussion on 25-10-2010 please.

Chief Engineer (CDO) C&W Department Peshawar for information and confirmation please, as directed by the Secretary C&W Department Peshawar.

District Account Officer D.I.Khan.

Mr. Muhammad Khalid S/O Muhammad Nasir Khan of Kulachi District D.I.Khan.

Office file.

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

451/E-III
22/2010

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 3125/2010

Date of Institution 22.12.2010
Date of Decision 12.06.2012

Muhammad Aftab Ex-Naib Qasid S/O Muhammad Yousaf Flat No. 67/C, Moh. Gulshan Rahman Colony, Kohat Road, Peshawar C/O Chief Engineer, C&W Deptt. Peshawar.

(Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer, Central Design Office, C&W Department, Khyber Pakhtunkhwa Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13.8.2010 WHEREBY APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED AND HIS DEPARTMENTAL APPEAL ELICITED NO RESPONSE WITHIN THE STATUTORY PERIOD.

SHAHZADA IRFAN ZIA,
Advocate — For appellant

MR. ARSHAD ALAM,
Addl. Government Pleader — For respondents

MR. SULTAN MAHMOOD KHATTAK, — MEMBER
MR. NOOR ALI KHAN, — MEMBER

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER.- This appeal has been filed by Muhammad Aftab, the appellant, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 13.8.2010, whereby his appointment order has been cancelled. It has been prayed that on acceptance of the appeal the impugned order may be set aside and the appellant may be reinstated into service with all back benefits.

Brief facts of the case as stated in the memo of appeal are that respondent No. 3 advertised posts of different [illegible] Qasid in the [illegible] The appellant applied for the post of Naib Qasid [illegible]

successful completion of prescribed selection process, and on the recommendations of the Department Selection Committee, he was appointed as Naib Qasid by the competent authority on regular basis, vide order dated 29.7.2010. The appellant took over charge of the post and started to perform his duties to the entire satisfaction of his superiors. His appointment order has been cancelled vide impugned order dated 13.8.2010. Feeling aggrieved, the appellant filed departmental appeal on 6.9.2010 through proper channel, which has not been decided within the statutory period of ninety days, hence the present appeal on 22.12.2010, which is well within time.

3. The appeal was admitted to regular hearing on 17.1.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. The learned counsel for the appellant argued that being fully qualified for the post, the appellant was appointed as Naib Qasid by the competent authority on 29.7.2010. He took over charge and served on the post for some time and valuable rights have been accrued to him. Subsequent cancellation of appointment order is in clear violation of principles of locus poenitentiae. He further argued that appointment order of the appellant has been cancelled without any reason, which is against the spirit of Section 24-A of General Clauses Act. In support of his arguments, the learned counsel relied on a judgment of august Supreme Court of Pakistan as reported in PLJ 1999 SC 1104. He stated no charge sheet/statement of allegations has been issued to the appellant nor proper enquiry conducted and he has been condemned unheard. In case of removal from service, conduct of regular enquiry against a civil servant is mandatory under the law even against a probationer, but no such enquiry has been conducted. He requested that the appeal may be accepted as prayed.

5. The learned AGP on the other hand, argued that while appointing the appellant codal formalities have not been observed. During selection process representative of the Administrative Department was not present. Hence appointment order of the appellant was illegal and such appointment order can be withdraw/rescinded at any time. He requested that the appeal may be dismissed.

6. The Tribunal observes that the appellant was appointed as Naib Qasid by the competent authority vide order dated 29.7.2010. He took over charge of the post and served on the post for some time and valuable rights have been accrued to him. If there was some flaw in selection process, it was the responsibility of the

espondents for which the appellant could not be suffered. The Tribunal further observes that appointment order of the appellant has been subsequently withdrawn through the impugned order dated 13.8.2010 but no reason whatsoever given for withdrawal of appointment order, which is against the spirit of Section 24-A of General Clauses Act, 1897. However, the last para of the impugned order clearly shows that the Chief Engineer, CDO was not willing to cancel appointment order of the appellant and not acted independently. The impugned order is nothing but a nullity in the eyes of law. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

7. In view of the above, the appeal is accepted, the impugned order dated 13.8.2010 is set aside, and the appellant is reinstated into service with all back benefits. Parties are left to bear their own costs. File be consigned to the record.

8. Having common questions of law and fact, this order will also dispose of other connected service appeals No. 3126/2010, Akbar Hussain, No. 3127/2010 Mir Afzal, No. 3128/2010 Shahid Ahmad, No. 3129/2010 Asif Khan, No. 3130/2010 Arif Khan, No. 3131/2010 Gohar Muhammad, No. 3132/2010, said Farosh and 3133/2010 Rashid Hameed, in the same manner.

ANNOUNCED
12.6.2012

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application
Number of Words
Copying Fee
Urgent
Total
Name of Copyist
Date of Completion of Copy
Date of Delivery of Copy

List of Class-IV employees appointed during incumbency of Mr. Zardali Khan Chief Engineer Central Design Office, Peshawar.

S.No	Name	Designation	Appointment order No. & date
1	Muhammad Asghar	NQ,(BPS-01)	2-E/51, dated 03/04/2014
2	Khuzaif Shah	Driver (BPS-04)	191/E-3, date 24/12/2013
3	Shabeer Ahmad	Driver (BPS-04)	192/E-3, date 24/12/2013
4	Musarrat Nazir	Lab. Attendant (BPS-02)	3-E/1334, dated 21/01/2015
5	Aizaz Khan	Lab. Attendant (BPS-02)	534/E-2, date 11/07/2014
6	Kashifullah	Chowkidar (BPS-01)	03-E/1234, dated 31/12/2014
7	Noor Hussain	Sweeper (BPS-01)	3-E/1335, dated 21/01/2015

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3

Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 3057/2010
Jawad Khan-vs- Secretary Govt: of KPK C&W Department, Peshawar etc.

14.05.2015

PIR BAKHSH SHAH, MEMBER:- Counsel for the appellant (Mr. Sajid Amin, Advocate), Mr. Muhammad Tairq, SDO and Mr. Mubarak Ali, AO alongwith Mr. Muhammad Jan, GP for the respondents present.

2. Appellant Jawad Khan was appointed as Naib Qasid (BPS-1) vide order of the Chief Engineer C&W Department dated 29.07.2010 on the recommendation of the Departmental Selection Committee which order was canceled by the same authority vide his order dated 18.08.2010 in compliance of the directive of the Secretary of Government of Khyber Pakhtunkhwa C&W Department letter dated 13.08.2010. Feeling aggrieved the appellant filed departmental appeal dated 01.09.2010 which was not responded despite lapse of the statutory period of 90 days, hence this appeal under Secion-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.

3. Arguments hared and record perused.

4. It is the contention of the learned counsel for the appellant that the impugned order dated 18.08.2010 is illegal and in violation of law, is without lawful authority and discriminatory. The learned counsel for the appellant further stated that no charge sheet or show cause notice was issued to the appellant and that for no fault of the appellant, the appointment order was cancelled. The learned counsel stated that the post was advertised in the daily news paper for which the appellant applied and who was duly recommended by the Selection Committee whereafter he joined the post after complying with all codal formalities of medical test etc. The learned counsel also stated that, after order of cancelation, of so many other employees including order of the appellant, the respondent department once again accommodated employees of their choice but the appellant was not reinstated and thus he was discriminated against. The learned counsel for the appellant requested that the appellant may be reinstated in to service with all back benefits and the impugned order may be set aside.

5. This appeal was resisted by the learned Government Pleader on

behalf of the respondent-department by stating that while appointing, appellant, the proper codal formalities were not observed, nor representative of the administrative department was present as member in the Selection Committee and that the Finance Department as well as Accountant General Office were reluctant to honor the appointments for payment of the salary to the appointees was concerned.

6. We heard the arguments of the parties and record perused in their assistance.

7. Perusal of the record would show that Departmental Selection Committee was constituted, comprising of its chairman under the chairmanship of Mr. Imdad hussain Bangash, Director (FDRP) in which Mr. Rahim Badshah ,SO Establishment was also one of its Members as representative of the Administrative Department. This committee had its meeting on 15.09.2010 and recommended selectees for the purpose of appointment. In this situation, the department plea of non-representation in the Selection Committee is false. This being so, it is very important to say that appointment order of one Muhammad Aftab, Chowkidar was also canceled vide order dated 13.08.2010 who filed service appeal No. 1325/2010 which was decided in his favor vide judgment dated 12.06.2012. The respondent department filed Civil Petition No. 401 to 409-P/2012 for leave to appeal before the august Supreme Court of Pakistan which leave to appeal was also refused to the respondent department vide judgment of the august Supreme Court of Pakistan dated 19.09.2012. After going through the record, this Tribunal comes to the conclusion that the instant appeal is on the same footing as with the appeal of the Muhammad Aftab, hence in the light of afore said discussion this appeal is also allowed as prayed for. There is no order as to costs. File be consigned to the record.

ANNOUNCED
14.05.2015

Sd/- Abdul Latif, Member
Sd/- Abdul Latif, Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service appeal No. 3057/2010

Jawad Khan S/o Muhammad Younas R/O Mian Khel P O Garhi Sherdad District Peshawar.

(Appellant)

Versus

1. Govt of KPK through Chief Secretary KPK, Peshawar.
2. Secretary Govt of KPK C & W Department Peshawar.
3. Chief Engineer Central Design Office C & W Department Khyber Pakhtunkhwa 8-A Shami road Peshawar.

(Respondents)

Appeal under section 4 of the NWFP Service Tribunal Act, 1974 against the order dated 18.8.2010 whereby the appointment order of the appellant has been cancelled and thus was terminated from service against which the departmental appeal dated 1.9.2010 has not been responded despite the lapse of 90 days.

Prayer in Appeal:

On acceptance of this appeal the order dated 18.8.2010 may please be set aside and the appellant may please be reinstated in service with full back wages and benefits of service.

Respectfully Submitted:

1. That the appellant is bonafide resident of district Peshawar and has advised the qualification of [illegible]

2. That the respondent department advertised vacancies including the post of Naib Qasid in different newspapers appellant having the prescribed qualification applied [illegible]

3. That the appellant was called for interview and appeared before the Departmental Appointment Committee, the committee found the appellant fit and eligible and thus was recommended for appointment and accordingly vide order dated 29.7.2010 he was issued appointment order dated 29.7.2010. (Copy of the appointment letter is attached as Annexure B)

4. That the appellant was medically examined and was found fit, he duly submitted his arrival report on 30.7.2010. (Copies of the Medical certificate and arrival report are attached as Annexure C &D)

5. That order of his appointment was acted upon and the appellant started performing his duties, he thus remained in attendance till 18.8.2010, however it was learnt that, a political figure has not viewed the appointments on merit as good, and they directed the respondents to withdraw the appointments so that their favouraties be adjusted through their own channel initially some of the employees were terminated vide letter dated 13.8.2010, and again vide letter dated 18.8.2010 the appellant was also terminated from service, by canceling the appointment order. (Copies of the attendance register, office order dated 13.8.2010 and 18.8.2010 are attached as Annexure E, F &G)

6. That the appellant submitted his departmental appeal 01.9.2010 against the illegal order of cancellation of appointment albeit no action was taken there on. (Copy of the representation is attached as Annexure H)

7. That the appellant along with his other colleagues filed writ petition No. 3277/2010 in the Peshawar High Court, [illegible] petition was allowed [illegible] and sent to the department vide judgment and order dated [illegible]

2.9.2010. (Copy of the judgment and order dated 2.9.2010 is attached as Annexure I)

8. That the above acts and omission of the respondents in terminating the services of the Appellant are illegal, unlawful in violation of the rules, the Appellant being aggrieved of the same submits his appeal inter alia on the following grounds:

Grounds of Appeal:

A. That the acts and omission of the respondents whereby they have terminated the Appellant from service is illegal, in violation of law without lawful authority and against the rights of the Appellant.

B. That the Appellant has been condemned unheard, he has not been provided any right of hearing before terminating the appellant from service.

C. That the Appellant is fit and eligible for the post of Naib Qasid the order of appointment has been acted upon and thus the same cannot be undone and withdrawn after decisive step has been taken.

D. That in case there were any objection regarding appointment of the Appellant than the Appellant should have been dealt with in accordance with section 3 of the NWFP Removal from Service (Special Powers) ordinance, 2000, having not done so the order impugned is illegal and unlawful.

E. That the term canceling the appointment letter is alien for the service laws and thus the cancellation is illegal and nullity in the eyes of law.

F. That the respondents have reinstated some of the employees however it was refused in the case of the appellant [illegible] the respondents are filling the posts without any due process but with pick and choose. Copies of the order dated 20.9.2010 is attached as Annexure [illegible]

G. That [illegible] appointment orders [illegible] the respondents [illegible] have been obtained NOC [illegible] has required [illegible]

instructions. (Copy of the NOC is attached as Annexure K)

H. That the order of termination is malafide and aimed to accommodate the political favouraties and blue eyed of influential persons, thus the order impugned is liable to be struck down.

I. That the appellant is jobless since his illegal termination from service.

J. That the Appellant seeks the permission of this Honourable tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal the order dated 18.8.2010 may please be set aside and the appellant may please be reinstated in service with full back wages and benefits of service.

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
FR-3 Fourth Floor Bilour Plaza Saddar road, Peshawar Cantt.
Ph: # 03339107225 091-5272054

22.5.2015

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal NO. 3057 of 2010

Jawad Khan S/O Muhammad Younas
R/O Mian Khel PO Garhi Sherdad
District Peshawar. ... Appellant

Versus

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa.
2. Secretary to Govt. of Khyber Pakhtunkhwa C&W Department.
3. Chief Engineer Central Design Office
   C&W Department Peshawar. ... Respondents

Written Reply on behalf of Respondents No. 1, 2 & 3.

Respectfully Sheweth

Preliminary Objections:

1. That the appeal is not maintainable.
2. That the appeal is premature.
3. That the appeal has no cause of action and locus standi.
4. That the appellant has not come to the Tribunal with clean hands.
5. The appeal is not maintainable and not covered by the relevant rules.
6. That the appeal is bad due to non-joinder of necessary party.
7. That the appellant concealed the material facts from the Tribunal.
8. That the appellant is estopped by his own conduct to file the instant appeal.
9. That the appeal is time barred.

FACTS

1. Pertain to appellant record.
2. No comments. Pertains to record.
3. Pertains to record. However, it may be added that while appointing the appellant, proper codal formalities were not observed which include representation of the Administrative Department. Therefore, the competent authority had been pleased to direct that all such appointments made by the Chief Engineer CDO C&W Department Peshawar since its establishment for his office may be cancelled w-e-f 13.08.2010 positively as the appointments were made without observing proper codal formalities/procedure required for such appointments. (Since the order was void and nullity in the eyes of law, moreover the Accountant General office and Finance Department could not honour the appointments for the purpose of release of salaries therefore the order was withdrawn as soon as possible)(Annex order-II)
4. As stated in above Para.

... assisted by the learned Government Pleader on

5. As per Para-3 above.
6. Since all such appointments were made in violation of rules, as such the representation was not considered.
7. No such notice issued to the Department by the Peshawar High Court Peshawar.
8. Incorrect & misconceived. No discrimination what-so-ever has been committed to the petitioner nor any Rule has been violated; hence he has got no cause of action to approach this honorable Tribunal.

Grounds

A. Incorrect. That the appellant was treated in accordance with law, rules and facts.
B. No comments as per A above.
C. The General clauses Act, 1897, 21 "Power to make to include power to add to amend, vary, rescind orders, rules, bye laws. The respondents have the power to recall or cancel any order.
D. In correct as explained in Para-8 of the facts.
E. In correct & misconceived. No discrimination what-so-ever has been committed to the petitioner.
F. Correct to the extent that meeting of a fresh Departmental Selection/Promotion Committee (DSC/DPC) was convened having proper representation of the Administrative Department which recommended re-instatement of the 3 officials. (Annex DPC-II).
G. Pertains to record.
H. In correct. That the order is legal within rules and regulation and no discrimination has done to the appellant hence rest Para is denied.
I. No comments.
J. The respondents seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments.

In view of the fore going facts of the case, it is humbly prayed that the appeal which is not based on facts may please be dismissed.

Chief Engineer CDO
C&W Deptt. Peshawar
(Respondent No. 3)

Secretary to Govt. of
Khyber Pakhtunkhwa
C&W Department
(Respondent No. 1 & 2)

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be set aside.

5. This appeal was resisted by the learned Government Pleader on

ANNEXUR

List of Employees appointed, then terminated and then reinstated in the offi
Chief Engineer (CDO) C&W Department Peshawar

Sl. No.	Name	Father's Name	District	Designation	BPS	Office Order No. & Date	
1.	Arif Khan	Dad Karim	Peshawar	Chowkidar	01	E-2/253	01-07-2010
2.	Said Farosh	Mian Farosh	Mardan	Driver	04	E-2/254	01-07-2010
3.	Ashfaq Ahmad	Manzer Saleem	Charsadda	Chowkidar	01	E-2/256	01-07-2010
4.	Gohar Muhammad	Qadir Muhammad	Mardan	Driver	04	E-2/257(A)	01-07-2010
5.	Muhammad Tariq	Namdar Khan	Charsadda	Driver	04	E-2/257(B)	01-07-2010
6.	Nasir Younas	Younas Ramzan	Peshawar	Sweeper	01	E-2/257(C)	01-07-2010
7.	Asif Khan	Zarif Khan	Peshawar	Naib Qasid	01	E-2/257(D)	01-07-2010
8.	Munaf Gul	Jan Gul	Peshawar	Sweeper	01	E-2/257(E)	01-07-2010
9.	Noorullah	Rahmatullah	Peshawar	Driver	04	E-2/271	19-07-2010
10.	Fazlullah	Siraj Muhammad	Swabi	Naib Qasid	01	E-2/272	19-07-2010
11.	Shakeel Ahmad	Gul Mast KHan	Swabi	Naib Qasid	01	E-2/273	19-07-2010
12.	Akbar Hussain	Khan Afzal	Peshawar	Naib Qasid	01	E-2/275	19-07-2010
13	Khalid	Mohammd Sardar	Peshawar	Driver	04	E-2/287	22-07-2010
14	Faridullah	Badshah Gul	Nowshera	Naib Qasid	01	E-2/300	29-07-2010
15	Haroon	Faqir Muhammad	Peshawar	Naib Qasid	01	E-2/301	29-07-2010
16	Shahid Ahmad	Abdur Rasheed	Nowshera	Naib Qasid	01	E-2/302	29-07-2010
17	Amjid Ali	Ghulam Hussain	Swabi	Naib Qasid	01	E-2/303	29-07-2010
18	Adnan Yaqub	Yaqub Khushi	Peshawar	Lab Attendant	02	E-2/304	29-07-2010
19	Qaarib Ali	Anwar Haider	Peshawar	Naib Qasid	01	E-2/305	29-07-2010
20	Shahzad khan	Shoukat Khan	Peshawar	Naib Qasid	01	E-2/306	29-07-2010
21	Mir Afzal	Muhammad Khan	Peshawar	Naib Qasid	01	E-2/307	29-07-2010
22	Fida Muhammad	Faqeer Muhammad	Peshawar	Chowkidar	01	E-2/308	29-07-2010
23	Mian Amin Jan	Mian Fazal e Naeem	Peshawar	Lab Assistant	05	E-2/309	29-07-2010
24	Rashid Hameed	Abdul Hameed	Charsadda	Chowkidar	01	E-2/310	29-07-2010
25	Waqar Ali Shah	Umar Shah	Peshawar	Lab Equip; Mech;	05	E-2/312	29-07-2010
26	Muhammad Junaid Abid	Abid Jan	Peshawar	Lab Assistant	05	E-2/313	29-07-2010
27	Waheed Ahmad	Jamshed Ahmad	Peshawar	Daftari	02	E-2/314	29-07-2010
28	Sher Shah	Mir Akbar Shah	Mardan	Naib Qasid	01	E-2/315	29-07-2010
29	Fahim Shah	Abdul Qayum Khan	Peshawar	Naib Qasid	01	E-2/317	29-07-2010
30	Javed	Abdur Rahim	Charsadda	Naib Qasid	01	E-2/318	29-07-2010
31	Jawad Khan	Muhammad Younas	Peshawar	Naib Qasid	01	E-2/319	29-07-2010
32	Zafar Iqbal	Muhammad Bashir	Peshawar	Daftari	02	E-2/320	29-07-2010
33	Muhammad Aftab	Muhammad Yousaf	Peshawar	Naib Qasid	01	E-2/322	29-07-2010
34	Arif Shah	Haji Alif Shah	Peshawar	Lab Attendant	02	E-2/323	29-07-2010

ANNEXURE - I

OFFICE OF THE CHIEF ENGINEER
CENTRAL DESIGN OFFICE C&WD
8-A SHAMI ROAD PESHAWAR

No.E-2/356 Dated 13.08.2010.

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010, the office orders issued in respect of the following officials are hereby cancelled.

Sl:No.	Name	Father's Name	Order No. & Date
1	Mir Afzal	Muhammad Khan	2-E/307, 29.07.2010
2	Shehzad Khan	Shaukat Khan	2-E/306, 29.07.2010
3	Shahid Ahmed	Abdur Rashid	2-E/302, 29.07.2010
4	Faridullah	Badshah Gul	2-E/300, 29.07.2010
5	Muhammad Aftab	Muhammad Yousaf	2-E/322, 29.07.2010
6	Haroon	Faqir Muhammad	2-E/301, 29.07.2010
7	Faizullah	Siraj Muhammad	2-E/272, 19.07.2010
8	Shakeel Ahmed	Gulmast Khan	2-E/273, 19.07.2010
9	Akbar Hussain	Khan Afzal	2-E/275, 19.07.2010
10	Javed	Abdur Rahim	2-E/318, 29.07.2010

It is further added that it seems very difficult rather impossible to withdraw/cancel all the recruitment orders regarding class-iv, as, office of the CE CDO, Principal Architect & the recently established Flood Damages Restoration Project Directorate of C&W Department are all dependent and functions with the help and assistance of these very class-iv staff please.

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref: to above for information.

CHIEF ENGINEER CDO

ANNEXURE - J

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT KHYBER PAKHTUNKHWA
8-A,SHAMI ROAD PESHAWAR

No.2-E/ 361 Dated 18 /08/2010

OFFICE ORDER

In compliance with the directive vide Secretary, to GOKP C&W Department letter No.SOE/C&WD/17-4/2010, dated 13.08.2010, and in continuation of this office order No.E-2/356 dated 13/08/2010, the office orders issued in respect of the following officials are hereby cancelled.

Sl.No.	Name	Father's Name	Order No. & Date
1.	Waqar Ali Shah	Umar Shah	2-E/312, 29.07.2010
2.	Muhammad Junaid Abid	Abid Jan	2-E/313, 29.07.2010
3.	Mian Amin Jan	Mian Fazal-e-Naeem	2-E/309, 29.07.2010
4.	Noorullah	Rahmatullah	2-E/271, 29.07.2010
5.	Khalid	Muhammad Sardar	2-E/287, 22.07.2010
6.	Arif Shah	Haji Alif Shah	2-E/323, 29.07.2010
7.	Adnan Yaqub	Yaqub Khushi	2-E/304, 29.07.2010
8.	Zafar Iqbal	Muhammad Bashir	2-E/320, 29.07.2010
9.	Waheed Ahmed	Jamshid Khan	2-E/314, 29.07.2010
10.	Asif Khan	Zarif Khan	2-E/257(d) 29.07.2010
11.	Amjid Ali	Ghulam Hassan	2-E/303, 29.07.2010
12.	Sher Aman Shah	Mir Akbar Shah	2-E/315, 29.07.2010
13.	Jawad Khan	Muhammad Younas	2-E/319, 29.07.2010
14.	Matti-ullah Shah	Abdul Qayum	2-E/317, 29.07.2010
15.	Fida Jan	Faqir Muhammad	2-E/308, 29.07.2010
16.	Rashid Hameed	Abdul Hameed	2-E/310, 29.07.2010
17.	Said Farosh	Mian Farosh	2-E/254, 01.07.2010
18.	Ashfaq Ahmad	Manzar Saleem	2-E/256, 01.07.2010
19.	Arif Khan	Dad Karim	2-E/253, 01.07.2010
20.	Gohar Muhammad	Qadir Muhammad	2-E/257(a)01.07.2010
21.	Muhammad Tariq	Namdar Khan	2-E/257(b)01.07.2010

CHIEF ENGINEER CDO

Copy to the:-

1. Secretary, to GOKP C&W Department Peshawar, with ref: to above for information please.

CHIEF ENGINEER CDO

ANNEXURE - K

OFFICE OF THE CHIEF ENGINEER
CENTRAL DESIGN OFFICE C&W DEPARTMENT
8-A SHAMI ROAD KHYBER PAKHTUNKHWA PESHAWAR

NO: 10-E/455

DATED: 20/9/2010

OFFICE ORDER

The appointment orders issued by this office in respect of the following officials are hereby restored with effect from the date of their appointment noted against each in the best interest of public work:-

Sl:No	Name/Father's Name	Designation	Order No.	Dated
1.	Munaf Gul S/O Jan Gul	Sweeper BPS-01	E-2/257(e)	01/07/2010
2.	Nasir Younas S/O Younas Ramzan	Sweeper BPS-01	E-2/257(c)	01/07/2010
3.	Qaarib Ali S/O Anwar Haider	Naib Qasid BPS-01	E-2/305	29/07/2010

Chief Engineer (CDO)

CC:

- Secretary to Government of Khyber Pakhtunkhwa Communication & Works Department Peshawar.
- Accountant General Khyber Pakhtunkhwa Peshawar.
- Official Concerned.
- Cashier (Local)

Administrative Officer

District Coordination Officer
Peshawar

ANNEXURE - L

List of All Employees appointed against Class-IV vacancies in o/o Chief Engineer Central Design Office C&W Department Peshawar

S. No.	Name of Employee	Father's Name	CNIC No.	Designation	Date of Appointment	Station of Duty
1.	Raees Ahmad	Fazal Shah	15602-3997499-1	Lab Attendant	04.10.2010	SE Circle Swat
2.	Usman Shah	Noor Shah	17201-3502101-5	Lab Attendant	20.09.2010	RR&MT Lab Pesh;
3.	Taimoor Rauf	Abdur Rauf	13503-3515080-1	Lab Attendant	20.09.2010	SE Circle Battagram
4.	Zahir Khan	Ajmir Khan	14301-6039056-5	Lab Attendant	20.09.2010	SE Circle Kohat
5.	Muhammad Rashid Khan	Muhammad Zakir Khan	16101-6230288-9	Lab Attendant	20.09.2010	SE Circle Mardan
6.	Farooq Nasir	Nasir Ali	16101-4318417-5	Lab Attendant	20.09.2010	SE Circle Mardan
7.	Arshad Nawaz	Noor Nawaz	14202-3837070-3	Lab Attendant	20.09.2010	SE Circle Kohat
8.	Imran Ali Shah	Zaffar Ali Shah	15201-0597251-7	Lab Attendant	28.09.2010	SE Circle Dir Lower
9.	Ijaz Ahmad	Muhammad Sharif	12101-0328231-5	Lab Attendant	18.10.2010	SE Circle DI Khan
10.	Irfanullah	Waseem Khan	15602-7218558-7	Lab Attendant	08.10.2010	SE Circle Swat
11.	Waseem Abbas	Hamidullah	12101-0970257-3	Lab attendant	08.10.2010	SE Circle DI Khan
12.	Abidullah	Said Hakeem Khan	15306-3258492-7	Lab Attendant	18.10.2010	SE Circle Dir Lower
13.	Wilayat Ali Shah	Gul Hassan Shah	17301-6053000-5	Lab Attendant	16.09.2010	SE Circle Bannu
14.	Ihsanullah Khan	Asmatullah Khan	11101-3591645-7	Lab Attendant	16.09.2010	SE Circle Bannu
15.	Khalid	Muhammad Sardar	17301-1341709-7	Driver	16.09.2010	Pr. Consulting Arch;
16.	Abdul Waheed	Abdul Jameel	16101-7892278-9	Driver	16.09.2010	CE CDO
17.	Mushtaq Khan	Zalo Khan	17301-9141688-5	Driver	16.09.2010	CE CDO
18.	Zahid Khan	Taj Muhammad	16101-9656286-3	Driver	16.09.2010	SE Circle Mardan
19.	Noor ul Amin	Sabz Ali Khan	17101-3760580-1	Driver	16.09.2010	CE CDO
20.	Qasim Raza	Najmul Hassan	14301-1990629-9	Driver	20.09.2010	SE Circle Kohat
21.	Mansoor Ahmad	Muhammad Jan	17101-3064097-7	Driver	20.09.2010	RR&MT Lab Pesh;
22.	Abid Ali	Muhammad Ayaz	17301-3336536-9	Driver	20.09.2010	CE CDO
23.	Ghazanfar Abbas	Ghulam Abbas	12103-5616601-9	Driver	25.09.2010	SE Circle DI Khan
24.	Liaqat Ali	Sawab Gul	15602-0358103-1	Driver	08.10.2010	SE Circle Swat
25.	Shafiullah			Driver	By transfer	RR&MT Lab Pesh;
26.	Tariqullah Khan	Rafiullah Khan		Driver	20.09.2010	SE Circle Bannu
27.	Muhammad Abbas	Muhammad Nisar	16101-772693-1	Naib Qasid	16.09.2010	Pr. Consulting Arch;
28.	Ikramullah Jan	Sher Jan	16101-4725960-7	Naib Qasid	16.09.2010	CE CDO
29.	Muhammad Asad	Muhammad Naseer	16101-6926838-1	Naib Qasid	16.09.2010	CE CDO
30.	Abdul Wahab	Feroz Khan	16101-2898170-5	Naib Qasid	16.09.2010	Pr. Consulting Arch;
31.	Riaz Ahmad	Mehr Muhammad	17101-2135035-9	Naib Qasid	16.09.2010	CE CDO
32.	Mazhar Ali	Muhammad Saleem	17102-0820518-5	Naib Qasid	16.09.2010	CE CDO
33.	Wajid	Dilshad	17101-2826199-5	Naib Qasid	16.09.2010	CE CDO
34.	Fazal Khan	Purdil Khan	17101-3993448-1	Naib Qasid	16.09.2010	CE CDO
35.	Kausar Ali	Murad Ali	17101-4436083-5	Naib Qasid	16.09.2010	CE CDO
36.	Khalid Hameed	Aslam Khan	17201-2092299-9	Naib Qasid	16.09.2010	CE CDO
37.	Liaqat Ali	Sakhi Muhammad	16101-1647177-3	Naib Qasid	16.09.2010	CE CDO
38.	Shah Faisal	Muhammad Safdar	16101-1534804-3	Naib Qasid	16/09/2010	CE CDO
39.	Muhammad Arif Khan	Islam Gul	17301-1532829-3	Naib Qasid	20.09.2010	Pr. Consulting Arch;
40.	Shahzad Khan	Shoukat Khan	17301-4833586-7	Naib Qasid	20.09.2010	Pr. Consulting Arch;
41.	Tahir Ali	Hassan Dad	16101-8498681-3	Naib Qasid	16.09.2010	SE Circle Mardan
42.	Rahim ullah	Awal Gul	14202-2832528-5	Naib Qasid	20.09.2010	SE Circle Kohat
43.	Sangin Bacha	Fazle Mehboob	15602-2894168-1	Naib Qasid	08.10.2010	SE Circle Swat

S. No.	Name of Employee	Father's Name	CNIC No.	Designation	Date of Appointment	Station of Duty
4.	Qarib Ali Haidri	Anwar Haider	17301-9921790-3	Naib Qasid	29.07.2010	CE CDO
5.	Afsar Zaman	Qamar Zaman	11101-2429269-7	Naib Qasid	16.09.2010	SE Circle Bannu
6.	Muhammad Shabeer			Naib Qasid	By Tranfer	SE Circle Battagram
7.	Shakeel Jan	Marafat Shah	17101-9101624-3	Chowkidar	16.09.2010	Pr. Consulting Arch;
8.	Muhammad Kamal	Fida Muhammad	17301-9356279-5	Chowkidar	20.09.2010	RR&MT Lab Pesh;
9.	Bawar Shah	Awal Said	16101-7877488-9	Chowkidar	16.09.2010	SE Circle Mardan
0.	Ainaz Ali	Ali Afzal	14101-5640497-5	Chowkidar	16.09.2010	SE Circle Kohat
1.	Gulab Shah	Rajan Shah	11101-9427748-5	Chowkidar	08.10.2010	SE Circle Bannu
2.	Muhammad Naeem	Muhammad Nazir	15602-0378223-3	Chowkidar	08.10.2010	SE Circle Swat
3.	Shah Jehan	Shah Nawaz	12101-4330394-3	Chowkidar	15.10.2010	SE Circle DI Khan
4.	Saif ur Rehman	Naray	13503-775471-7	Chowkidar	04.10.2010	SE Circle Battagram
5.	Khan Raheem	Gul Raheem	17101-7698194-9	Chowkidar	16.09.2010	CE CDO
6.	Faridullah	Habibullah	15306-8274308-9	Chowkidar	18.10.2010	SE Circle Dir Lower
7.	Bahadur Ali	Gula Khan	11101-7091460-7	Sweeper	08.10.2010	SE Circle Bannu
8.	Nasir Ali	Usman Ali	15602-8550508-9	Sweeper	06.10.2010	SE Circle Swat
9.	Nasir Younas	Younas Ramzan	17301-5201466-9	Sweeper	01.07.2010	CE CDO
0.	Munaf Gul	Jan Gul	17301-9047043-3	Sweeper	01.07.2010	CE CDO
1.	Nasrullah	Badshah Laiq	15302-4114841-9	Sweeper	18.10.2010	SE Circle Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 3125/2010

Date of Institution. ... 22.12.2010
Date of Decision ... 12.06.2012

Muhammad Aftab Ex-Naib Qasid S/O Muhammad Yousaf
Flat No. 67/C, Moh. Gulshan Rahman Colony, Kohat Road,
Peshawar C/O Chief Engineer, C&W Deptt. Peshawar. ... (Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary, Communication & Works Department, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer, Central Design Office, C&W Department, Khyber Pakhtunkhwa Peshawar. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13.8.2010 WHEREBY APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED AND HIS DEPARTMENTAL APPEAL ELICITED NO RESPONSE WITHIN THE STATUTORY PERIOD.

SHAHZADA IRFAN ZIA,
Advocate ... For appellant

MR. ARSHAD ALAM,
Addl. Government Pleader ... For respondents.

MR. SULTAN MAHMOOD KHATTAK, ... MEMBER
MR. NOOR ALI KHAN, ... MEMBER.

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER.- This appeal has been filed by Muhammad Aftab, the appellant, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 13.8.2010, whereby his appointment order has been cancelled. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated into service with all back benefits.

2. Brief facts of the case as averred in the memo. of appeal are that respondent No. 3 advertised posts of different categories including the post of Naib Qasid in the press. The appellant applied for the post of Naib Qasid and after

ATTESTED

successful completion of prescribed selection process, and on the recommendations of the Department Selection Committee, he was appointed as Naib Qasid by the competent authority on regular basis, vide order dated 29.7.2010. The appellant took over charge of the post and started to perform his duties to the entire satisfaction of his superiors. His appointment order has been cancelled vide impugned order dated 13.8.2010. Feeling aggrieved, the appellant filed departmental appeal on 6.9.2010 through proper channel, which has not been decided within the statutory period of ninety days, hence the present appeal on 22.12.2010, which is well within time.

3. The appeal was admitted to regular hearing on 17.1.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. The learned counsel for the appellant argued that being fully qualified for the post, the appellant was appointed as Naib Qasid by the competent authority on 29.7.2010. He took over charge and served on the post for some time and valuable rights have been accrued to him. Subsequent cancellation of appointment order is in clear violation of principles of locus poenitentiae. He further argued that appointment order of the appellant has been cancelled without any reason, which is against the spirit of Section 24-A of General Clauses Act. In support of his arguments, the learned counsel relied on a judgment of august Supreme Court of Pakistan as reported in PLJ 1999 SC 1104. He stated no charge sheet/statement of allegations has been issued to the appellant nor proper enquiry conducted and he has been condemned unheard. In case of removal from service, conduct of regular enquiry against a civil servant is mandatory under the law even against a probationer, but no such enquiry has been conducted. He requested that the appeal may be accepted as prayed.

5. The learned AGP on the other hand, argued that while appointing the appellant codal formalities have not been observed. During selection process, representative of the Administrative Department was not present. Hence appointment order of the appellant was illegal and such appointment order can be withdraw/rescinded at any time. He requested that the appeal may be dismissed.

6. The Tribunal observes that the appellant was appointed as Naib Qasid by the competent authority vide order dated 29.7.2010. He took over charge of the post and served on the post for some time and valuable rights have been accrued to him. If there was some flaw in selection process, it was the responsibility of the

respondents for which the appellant could not be suffered. The Tribunal further observes that appointment order of the appellant has been subsequently withdrawn through the impugned order dated 13.8.2010 but no reason whatsoever given for withdrawal of appointment order, which is against the spirit of Section 24-A of General clauses Act, 1897. However, the last para of the impugned order clearly shows that the Chief Engineer, CDO was not willing to cancel appointment order of the appellant and not acted independently. The impugned order is nothing but a nullity in the eyes of law. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

7. In view of the above, the appeal is accepted, the impugned order dated 13.8.2010 is set aside, and the appellant is reinstated into service with all back benefits. Parties are left to bear their own costs. File be consigned to the record.

8. Having common questions of law and fact, this order will also dispose of other connected service appeals No. 3126/2010, Akbar Hussain, No. 3127/2010 Mir Afzal, No. 3128/2010 Shahid Ahmad, No. 3129/2010 Asif Khan, No. 3130/2010 Arif Khan, No. 3131/2010 Gohar Muhammad, No. 3132/2010, said Farosh and 3133/2010 Rashid Hameed, in the same manner.

ANNOUNCED
12.6.2012

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

12.6.2012

1200

15.6.2012

Date of Delivery of Copy 15.6.2012

ANNEXURE - N

Attention to Sher Khan

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE IJAZ AHMED CHAUDHRY

Civil Petitions No.401 to 409-P/2012
(Against the judgment dated 12.6.2012 passed by the KPK Service Tribunal, Peshawar in Appeals No.3125-3133/10)

Secretary, Govt. of KPK, Communication & Works, Peshawar and others — Petitioners (in all cases)

Versus.

Muhammad Aftab	Respondent (in CP 401-P/12)
Akbar Hussain	Respondent (in CP 402-P/12)
Mir Afzal	Respondent (in CP 403-P/12)
Shahid Ahmad	Respondent (in CP 404-P/12)
Asif Khan	Respondent (in CP 405-P/12)
Arif Khan	Respondent (in CP 406-P/12)
Gohar Muhammad	Respondent (in CP 407-P/12)
Said Farosh	Respondent (in CP 408-P/12)
Rashid Hamid	Respondent (in CP 409-P/12)

For the petitioners: Mr. Zahid Khan, Addl.A.G. KPK

For the respondents: (in CPs 401-408-P/12) In person

Date of hearing: 19.09.2012

ORDER

EJAZ AFZAL KHAN, J:- These petitions have arisen out of the judgment dated 12.6.2012 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, whereby, the appeals filed by the respondents were allowed, the orders cancelling their appointments were set aside and they were re-instated in service with back benefits.

2. The main contention of the learned Addl.A.G. was that where codal formalities were not complied with, the appointments of the respondents being against the law could not be restored by the Service Tribunal.

3. We have gone through the available record carefully and considered the submissions of the learned Addl.A.G.

Attested
Administrative Officer/B&A Officer
Chief Engineer (CDO)
C&W Deptt. Peshawar

ATTESTED
Superintendent
Supreme Court of Pakistan
ISLAMABAD

Chief Engineer

When, we asked the learned Addl.A.G. whether the respondents were eligible for appointment against their respective posts, the answer was in the affirmative. When, we asked the learned Addl.A.G. whether the person flouting the codal formalities has been proceeded against or he is still in service, the answer was that he has not been proceeded against and that he is still in service. Where the person flouting the codal formalities is still in service and enjoying all the perks and privileges with impunity why should the respondents be ousted from service for none of their faults, that too when their eligibility to hold the posts is not disputed. The impugned judgments thus being free from any error or infirmity much less legal or jurisdictional are not open to any interference.

5. For reasons discussed above, these petitions being without merit are dismissed and leave to appeal refused.

Sd/- Ejaz Afzal Khan J

Sd/- Ejaz Ahmed Chaudhry J

Certified to be True Copy

26/9/12

Superintendent
Supreme Court of Pakistan
ISLAMABAD

THE SUPREME COURT OF PAKISTAN
Islamabad.
19.09.2012
NOT APPROVED FOR REPORTING

SR No: 9681/2012 Civil/Criminal
Date of Presentation: 19.09.2012
No. of Words: 600
No. of folios: (6)
Requisition Fee Rs: 5
Copy Fee in: 3.22
Court Fee stamps: 8.22
Date of Completion of Copy: 26/9/12
Date of delivery of Copy: 26-9-2012
Compared by:
Received by: Yasir Mahd

Attested
Admin Officer/A.A.Officer
Chief Engineer (CDO)
C&W Deptt. Peshawar

Chief Engineer CDO(Rtd)

ANNEXURE - O

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 438/2011

Date of Institution ... 14.3.2011
Date of decision ... 15.2.2013

Waheed Ahmad son of Jamshaid Khan R/O Ghazi Abad, Cross Colony Dalazak Road, Peshawar. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, C&W Department, Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer Central Design Office, C&W Department, Peshawar. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13.8.2010 WHEREBY APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED AND NO RESPONSE RECEIVED UPON THE DEPARTMENTAL REPRESENTATION/APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD.

S.NO.	Date of Hearing	Order/Proceedings of the Court with signature of Judge/Magistrate
	2	3
	15.2.13	Appellant with counsel and Mr. Arshad Alam, AGP for the respondents present. Arguments heard and record perused. 2. This appeal has been filed by Waheed Ahmad, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 13.8.2010, whereby his appointment order has been cancelled. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and appointment order dated 29.7.2010 of the appellant be restored with all back/consequential benefits. 3. At the very outset the learned counsel for the appellant produced a certified copy of a consolidated judgment dated 12.6.2012 of this Tribunal in Service Appeal No. 3125/2010, Muhammad Aftab and three others Versus Province of Khyber Pakhtunkhwa through Secrtary, C&W

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Department, Peshawar etc..", and stated that similarly placed persons have already been reinstated into service. The appellant is also entitled to the same treatment. He requested that the appeal may be accepted as prayed for.

4. In view of the above, this appeal is also decided with the same directions as issued in Service Appeal No. 3125/2010 with further direction to the respondents to ascertain as to whether the appellant of this case is a person similarly placed person with the appellants in the aforementioned service appeals or otherwise. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.2.2013

Sd/- Syed Manzoor Ali Shah
Member

Sd/- Nisar Ali Khan
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 26-2-2013
Number of Words 800
Copying Fee 6
Urgent 2
Total 8
Name of Copyist
Date of Completion of Copy 26-2-2013
Date of Delivery of Copy 26-2-2013

ANNEXURE - P

List of 10 Nos. Class-IV Employees re-instated in Govt. Service through Court

Sl. No.	Name of Official	Father's Name	Designation	Remarks
1.	Muhammad Aftab	Muhammad Yousaf	Naib Qasid	
2.	Akbar Hussain	Khan Afzal	Naib Qasid	
3.	Mir Afzal	Muhammad Khan	Naib Qasid	
4.	Shahid Ahmad	Abdur Rasheed	Naib Qasid	
5.	Asif Khan	Zarif Khan	Naib Qasid	
6.	Arif Khan	Dad Karim	Chowkidar	
7.	Gohar Muhammad	Qadir Muhammad	Driver	
8.	Said Farosh	Mian Farosh	Driver	
9.	Rashid Hameed	Abdul Hameed	Chowkidar	
10.	Waheed Ahmad	Jamshaid Khan	Daftari	

Q

ANNEXURE - Q

List of 08 Nos. Class-IV Employees re-instated in Govt. Service through Appeal

Sl. No.	Name of Official	Father's Name	Designation	Remarks
1.	Haroon Khan	Faqeer Muhammad	Naib Qasid	
2.	Ashfaq Ahmad	Manzar Saleem	Chowkidar	
3.	Noorullah	Rahmatullah	Driver	
4.	Mian Amin Jan	Mian Fazle Naeem	Naib Qasid	
5.	Javed	Abdur Rahim	Naib Qasid	
6.	Matitullah Shah	Abdul Qayum	Naib Qasid	
7.	Muhammad Junaid Abid	Abid Jan	Naib Qasid	
8.	Zafar Iqbal	Muhammad Bashir	Daftari	

ANNEXURE - R

TOTAL ARREAR PAID TO CLASS-IV EMPLOYEES REINSTATED IN GOVT. SERVICE THROUGH COURT ORDERS AND THROUGH DEPARTMENTAL APPEAL

Sl. No.	Arrears	Amount Paid
1.	Arrears Paid to Class-IV Employees after restoration through Court Orders	2686673/-
2.	Arrears Paid to Class-IV Employees after restoration through Departmental Appeal	3048583/-
	TOTAL	**5735256/=**

Administrative Officer/B&A Officer
Chief Engineer (COO)
C&W Department

Arrears Paid to Class-IV Employees after restoration through Court Orders

Sl. No.	Name of Employee	Designation	BPS	Voucher No. & Date (Month of arrear claim)	Amount Paid	Remarks
1.	Mir Afzal	Naib Qasid	01	12/2012	259984	CDO
2.	Shahid Khan	Naib Qasid	01	12/2012	259984	CDO
3.	Arif Khan	Chowkidar	01	12/2012	258746	CDO
4.	Gohar Muhammad	Driver	04	12/2012	267082	CDO
5	Waheed Ahmad	Daftari	02	01/2014	449257	Pr. Consulting Architect
6.	Akbar Hussain	Naib Qasid	01	01/2013	292231	Xen Swat
7.	Said Farosh	Driver	04	01/2013	298671	Xen Swat
8.	Muhammad Aftab	Naib Qasid	01		273000	RR&MT Lab Peshawar
9.	Asif Khan	Naib Qasid	01		273000	RR&MT Lab Peshawar
10.	Rashid Hameed	Chowkidar	01	01/2014	54718	CDO
	TOTAL				2686673/-	

Administrative Officer
Administrative Officer/B&A Officer
Chief Engineer (CDO)
C&W Deptt. Peshawar

Arrears Paid to Class-IV Employees after restoration through Departmental Appeal

Sl. No.	Name of Employee	Designation	BPS	Voucher No. & Date (Month of arrear claim)	Amount Paid	Remarks
1.	Haroon Khan	Naib Qasid	01	12/2012	259984	CDO
2.	Zafar Iqbal	Daftari	02	12/2012	287875 123380	Pr. Consulting Architect CDO
3.	Javed Khan	Naib Qasid	01	01/2014 i/c dated 02-08-2013	265049 138320	Pr. Consulting Architect CDO
4.	Noorullah	Driver	04	01/2014	434285	Pr. Consulting Architect
5	Ashfaq Ahmad	Chowkidar	01	01/2014	420664	Pr. Consulting Architect
6.	Mian Amin Jan	Lab Assistant	05	05/2015	530638	SE Battagram
7.	Matiullah Shah	Naib Qasid	01	04/2013	294194	Xen Highway Peshawar
8.	Muhammad Junaid Abid	Naib Qasid	01	04/2013	294194	Xen Highway Peshawar
	TOTAL				**3048583/-**	

Administrative Officer
Administrative Officer
Chief Engineer (CUO)
C&W Department Peshawar

ANNEXURE - S

OFFICE OF THE
SUPERINTENDING ENGINEER
C&W CIRCLE ABBOTTABAD
Phone # 0092-0310258/Fax # 93 0341
E-mail: circle_atd@yahoo.com

No. 2457 / 58-S
Dated 12 / 06 / 2015.

To,

The Administrative Officer,
O/O Chief Engineer (CDO)
C&W Department
Peshawar.

Subject:- **LIST OF STAFF OF ROAD RESEARCH & MATERIAL TESTING LABORATORY C&W CIRCLE ABBOTTABAD.**

Reference:- Your office telephonic message date 17.6.2015

As desired, the requisite information is as under, please:-

Sl.#	Name	Designation
1	Mohammad Najeeb	Assistant Research Officer (BPS-16)
2	Hamid Mahmood	Junior Clerk (BPS-11)
3	Shahid Masood	Laboratory Assistant (BPS-5)
4	Saqib Habib	Laboratory Attendant (BPS-2)
5	Saleem Babar	Laboratory Attendant (BPS-2)
6	Sajid Khan	Driver (BPS-4)
7	Raheel Ahmed	Naib Qasid (BPS-1)
8	Raja Muhammad Sardar	Chowkidar (BPS-1)
9	Zahoor Shah	Sweeper (BPS-01)

SUPERINTENDING ENGINEER

Office of the Superintending Engineer
C&W Circle Battagram

No 2416/25
Dated Battagram the 1/12/2010.

OFFER OF APPOINTMENT

On the recommendation of the Departmental Selection Committee as per its meeting held on 29/11/2010, the Competent Authority is pleased to offer a post of Laboratory Attendant (BPS-2) (Rs 3035-100-6035) to ***Kamran Aziz S/O Ghulam Sabir*** on the following terms and conditions:-

1. He will get pay at the minimum of (BPS-2) (Rs 3035-100-6035) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall, be governed by the NWFP Civil servants Act-1973 and all the laws applicable to the Civil servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of two years extendable upto 3 years.
6. He Shall, produce a Medical certificate of fitness from the Medical Superintendent DHQ Hospital Mansehra, before reporting himself for duty as required under the rules.
7. He shall be allowed conveyance, Medical House Rent allowance, leave and TA/DA as per Govt. Rules.
8. He has to join duty at his own expenses.
9. If he accepts the post on the above conditions he should report to the office of the Assistant Research Officer Road Research & Material Testing Laborite C&W Circle Battagram within 14-days of the receipt of this offer and produce original certificates in connection with his qualification, domicile and health/age etc.

Superintending Engineer,
C&W Circle Battagram.

Copy forwarded for information to the;

1. Private Secretary to Minister for Food NWFP Peshawar for information.
2. Chief Engineer (North) C&W Department KPK Peshawar
3. Assistant Research Officer Road Research & Material Testing Laborite C&W Circle Battagram.
4. District Account Office Mansehra.
5. Kamran Aziz S/O Ghulam Sabir Mohallaha Jalal Abad Dab No.1 Mansehra.

Superintending Engineer,
C&W Circle Battagram

Office of the Superintending Engineer
C&W Circle Battagram

No 2213 /2E
Dated Battagram the 1 /12/2010.

OFFER OF APPOINTMENT

On the recommendation of the Departmental Selection Committee as per its meeting held on 29/11/2010, the Competent Authority is pleased to offer a post of Sweeper (BPS-1) (Rs 2970-90-5670) to ***Hassan Ali S/O Muhammad Ayub*** on the following terms and conditions:-

1. He will get pay at the minimum of (BPS-1) (Rs 2970-90-5670) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.

2. He shall, be governed by the NWFP Civil servants Act-1973 and all the laws applicable to the Civil servants and Rules made there under.

3. He shall, for all intents and purposes, be a Civil servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.

4. His employment in Communication & Works Department is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.

5. He shall, initially be on probation for a period of two years extendable upto 3 years.

6. He Shall, produce a Medical certificate of fitness from the Medical Superintendent DHQ Hospital Mansehra, before reporting himself for duty as required under the rules.

7. He shall be allowed conveyance, Medical House Rent allowance, leave and TA/DA as per Govt; Rules.

8. He has to join duty at his own expenses.

9. If he accepts the post on the above conditions he should report to the office of the Assistant Research Officer Road Research & Material Testing Laborite C&W Circle Battagram within 14-days of the receipt of this offer and produce original certificates in connection with his qualification, Domicile and health/age etc.

Superintending Engineer,
C&W Circle Battagram.

Copy forwarded for information to the:

1. Private Secretary to Minister for Food NWFP Peshawar for information.
2. Chief Engineer (North) C&W Department KPK Peshawar
3. Assistant Research Officer Road Research & Material Testing Laborite C&W Circle Battagram.
4. District Account Office Mansehra.
5. Hassan Ali S/O Muhammad Ayub Mohallaha Jander Banda Mansehra.

Superintending Engineer,
C&W Circle Battagram

U

ANNEXURE - U

Ch: 22

OFFICE OF THE
CHIEF ENGINEER (NORTH)
C&W DEPARTMENT KHYBER
PAKHTUNKHWA PESHAWAR
No. 17-2
Dated 24/5/2010

OFFICE ORDER

Syed Abdur Rauf Driver attached to the Office of the Executive Engineer Communication and Works Division Dir Lower at Timergarah is hereby transferred / posted to the Office of the Road Research Material Testing Laboratory C&W Circle Dir Lower at Timergarah with immediate effect in the public interest.

Chief Engineer (North)

Copy forwarded to:-

1- Secretary Communication and Works Department NWFP Peshawar.
2- Superintending Engineer C&W Circle Dir Lower at Timergarah.
3- Executive Engineer C&W Division Dir Lower at Timergarah.
4- District Accounts Officer, Dir Lower at Timergarah.
5- Official concerned.

Administrative Officer (North)

4-E

E
26/2010

ANNEXURE-V

OFFICE OF THE
SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN
No. 1349/E-III
Dated: 26-10-2010

OFFICE ORDERS.

On the recommendation of the worthy Secretary C&W Department Khyber Phakhtunkhwa Peshawar the competent authority is pleased to offer a Post of Naib Qasid (BPS-1) (Rs. 2970-90-5670) vacant in Road Research & Material testing Laboratory at C&W Circle D.I.Khan to **Muhammad Khalid Khan S/O Muhammad Nasir Khan** of Kulachi District D.I.Khan on the following terms and conditions.

1. He will get pay at the minimum of BPS-1 (Rs. 2970-90-570) including usual allowances as admissible under the rules. He will get also be entitled to annual increment as per existing policy.
2. He shall be Governed by the Khyber Phaktunkhwa Civil Servants Act-1973 and all the laws applicable to the civil servant and rules made there under.
3. He shall for the intents and purposes be a Civil Servant expect for purpose of pension or guaranty, he shall be entitled to receive such amount contributed by him towards contributory Provident Funds (C.P.F) along with the contributions made by the Governments to his account in the said fund, in the prescribed manner and rates fixed by the government from time to time.
4. His employments to Communication & Works Department is on regular basis his services are liable to terminated at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu there of 14-days pay will be forfeited.
5. He shall produce a Medical Certificate of fitness from the Medical Superintendent, DHQ Hospital D.I.Khan before reporting him self for duty as required under the rules.
6. He has to join his duty at his own expenses.
7. He shall have to serve any where in K.P.K.
8. If he except the post of above conditions he should report to the office the Superintending Engineer C&W Circle D.I.Khan

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

Copy to the:-

1. Secretary C&W Department K.P.K Peshawar with reference to his recommendation/ Approval during discussion on 25-10-2010 please.
2. Chief Engineer (CDO) C&W Department Peshawar for information and confirmation please, as directed by the Secretary C&W Department Peshawar
3. District Account Officer D.I.Khan.
4. Mr. Muhammad Khalid S/O Muhammad Nasir Khan of Kulachi District D.I.Khan.
5. Office file.

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

Chief C&W
Deptt. Peshawar
Diary No. 451/E-III
Date 29/10/2010

A.O

OFFICE OF THE
SUPERINTENDING ENGINEER,
C&W CIRCLE DIKHAN

No. 159 /1/E

Dated D.I.Khan the 9/02/2011

OFFICE ORDER

On the recommendation of District Departmental Selection/Promotion Committee as per its Minutes of Meeting held on 03.02.2011, in light of Section 20 (4) A.I.T P.M in the (BPS-01) 2970-90-5760 to Mr. Rohan Kumar S/O Dalip Kumar resident of DIKhan in Road Research & Material Testing Laboratory at C&W Circle DIKhan, on the following terms & conditions: -

1. He will get pay at the minimum of (BPS-01) 2970-90-5760 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the K.P Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purpose, be a Civil Servant except for the purpose of pension or gratuity. In lieu of Pension & Gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along-with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His Employment in Communication & Works Department is on regular basis. His services are liable to be terminated at Fourteen (14) days print notice or on the payment of 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of two years extendable upto 3-years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendents DHQ Hospital DIKhan before reporting himself for duty to required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve any where in Khyber Pakhtunkhwa.
9. If he accepts the post on the above conditions, he should report to the office of S.E. C&W Circle DIKhan within 14-days of the issue of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

Copy to: -

1. The Chairman D.D.A.C. DIKhan for information, please w/r to his recommendations dated 27.1.2011.
2. The Executive Engineer C&W Division D.I.Khan
3. The District Accounts Officer D.I.Khan
4. Official concerned.

SUPERINTENDING ENGINEER
C&W CIRCLE D.I.KHAN

ANNEXURE - W

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

No.SOE/C&WD/24-60/JC appointment
Dated Peshawar, the March 08, 2010

TO

The Chief Engineer (North)
C&W, Peshawar

Subject: VIOLATION OF CIVIL SERVATS APPOINTMENT, PROMOTION AND TRANSFER RULES

I am directed to refer to your office letter No.228/E-I/CE(N) dated 22.02.2010 on the subject noted above and to state that a meeting chaired by Secretary C&W Department on 05.03.2010, participated by the Chief Engineer (Centre/North) and Additional Secretary of C&W Department, the issue raised by Chief Engineer (North) was discussed in detail, since the Chief Engineer (Centre) was declared/substituted for the post of defunct Chief Engineer W&S, therefore, all the powers exercised in the past with regard to posting/transfer, appointments and promotions remained to be exercised by Chief Engineer (Centre), however while making proposal General postings/transfers, the consultation with others Chief Engineers will be consulted in future by Chief Engineer (Centre).

2. The case of appointments made by Chief Engineer (Centre) against newly created/existed posts of Junior Clerks and their adjustment in Chief Engineer (North) or Chief Engineer (CDO) was also discussed and decided that their arrival reports may be accepted and be allowed to perform their duties. The appointments of Class-IV employee against the post of created/exist posts was also discussed and it was decided that the same will be filled by the respective Chief Engineers, being competent authorities/appointing authorities for their respective wings.

3. It is, therefore, requested that above instructions may be followed as per discussion of the meeting in letter & spirit in future.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

1. Accountant General NWFP, Peshawar
2. Chief Engineer (Centre) C&W, Peshawar
3. Chief Engineer (CDO) C&W, Peshawar
4. PS to Secretary C&W Department, Peshawar
5. PA to Addl Secretary C&W Department

} for similar necessary action

SECTION OFFICER (ESTT)

ANNEXURE - X

List of Class-IV employees appointed during incumbency of Mr. Zardali Khan Chief Engineer Central Design Office, Peshawar.

S.No	Name	Designation	Appointment order No & date
1	Muhammad Asghar	NQ,(BPS-01)	2-E/51, dated 03/04/2014
2	Khuzaif Shah	Driver (BPS-04)	191/E-3, date 24/12/2013
3	Shabeer Ahmad	Driver (BPS-04)	192/E-3, date 24/12/2013
4	Musarrat Nazir	Lab. Attendant (BPS-02)	3-E/1334, dated 21/01/2015
5	Aizaz Khan	Lab. Attendant (BPS-02)	534/E-2, date 11/07/2014
6	Kashifullah	Chowkidar (BPS-01)	03-E/1234, dated 31/12/2014
7	Noor Hussain	Sweeper (BPS-01)	3-E/1335, dated 21/01/2015

Statement showing sanctioned strength/working strength of Class IV Employees under Chief Engineer (CDO) C&W Department Peshawar

Sl. No.	Name of Office	Name of Post	BPS	Sanctioned Strength	Working Strength	Remarks
1.	Chief Engineer CDO	Driver Daftari Naib Qasid Chowkidar Sweeper	04 02 01 01 01	06 04 09 02 01	06 04 10 02 01	Rahatullah Driver drawing salary against the post of Stenographer. Lal Rahman Naib Qasid drawing his pay against Surveyor Post
2.	Principal Consulting Architect	Driver Daftari Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 01 06 01 01	02 03 07 02 02	(i)Noorullah Driver, (ii) Ashfaq Chowkidar, (iii) Zafar Iqbal & (iv) Waheed Ahmad Daftaries are drawing their salary against the post of Senior Architect D/Man. (v) Javed N.Q. against Architect Asstt. and (vi) Munaf Gul, Sweeper against the post of Stenographer
3.	Research Officer RR&MT Lab Peshawar	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	02 04 04 02 01	02 02 07 02 01	Aftab & Shah Faisal Naib Qasids are drawing pay against lab attendant & Arsala NQ against the post of Stenographer.
4.	C&W Circle Laboratory Kohat	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
5.	C&W Circle Laboratory Bannu	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
6.	C&W Circle Laboratory DI Khan	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
7.	C&W Circle Laboratory Mardan	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	

Sl. No.	Name of Office	Name of Post	BPS	Sanctioned Strength	Working Strength	Remarks
8.	C&W Circle Laboratory Swat	Driver	04	01	01	
		Lab Attendant	02	02	02	
		Naib Qasid	01	01	01	
		Chowkidar	01	01	01	
		Sweeper	01	01	01	
9.	C&W Circle Laboratory Dir Lower	Driver	04	01	01	
		Lab Attendant	02	02	02	
		Naib Qasid	01	01	01	
		Chowkidar	01	01	01	
		Sweeper	01	01	01	
10.	C&W Circle Laboratory Abbottabad	Driver	04	01	01	
		Lab Attendant	02	02	02	
		Naib Qasid	01	01	01	
		Chowkidar	01	01	01	
		Sweeper	01	01	01	
11.	C&W Circle Laboratory Battagram	Driver	04	01	01	
		Lab Attendant	02	02	02	
		Naib Qasid	01	01	01	
		Chowkidar	01	01	01	
		Sweeper	01	01	01	
	TOTAL			93	101	11 against other posts.

ANNEXURE - Z

Statement showing detail of Class-IV Employees in the office of Chief Engineer CDO, Principal Consulting Architect and Regional RR&MT Lab Peshawar

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/ Reinstated By or By Transfer	Remarks
	CHIEF ENGINEER CDO						
1.	Feroz Khan	Driver	07	06	05	By Transfer	1 Post vacant due to retirement of Mr. Sartaj Khan Ex-Driver CDO.
2.	Niaz Khan	Driver	06			By Transfer	
3.	Wakeel Ahmad	Driver	04			By Transfer	
4.	Mansoor Ahmad	Driver	04			CE Sajid Hussain	
5.	Khuzaif Shah	Driver	04			CE Zard Ali	
6.	Rahatullah	Driver	04				Against Jr. Scale Stenographer (BPS-14)
7.	Muneef Khan	Daftari	02	04	04	By Transfer	
8.	Muhammad Nisar	Daftari	02			By Transfer	
9.	Nooran Shah	Daftari	02			By Transfer	
10.	Alamgeer Khan	Daftari	02			By Transfer	
11.	Muhammad Asad	Naib Qasid	01	09	09	CE Sajid Hussain	
12.	Ikramullah Jan	Naib Qasid	01			CE Sajid Hussain	
13.	Riaz Ahmad	Naib Qasid	01			CE Sajid Hussain	
14.	Wajid	Naib Qasid	01			CE Sajid Hussain	
15.	Fazal Khan	Naib Qasid	01			CE Sajid Hussain	
16.	Kausar Ali	Naib Qasid	01			CE Sajid Hussain	
17	Khalid Hameed	Naib Qasid	01			CE Sajid Hussain	
18.	Qarib Ali Haidri	Naib Qasid	01			CE Sajid Hussain	
19.	Haroon	Naib Qasid	01			~~CE Sajid Hussain~~	CE Shaukat Ali Shah
20.	Lal Rehman	Naib Qasid	01			CE Shaukat Ali Shah	
21.	Arif Khan	Chowkidar	01	02	02	By Transfer	Against Surveyor (BPS-11)
22.	Kashifullah	Chowkidar	01			CE Shaukat Ali Shah	
23.	Nasir Younas	Sweeper	01	01	01	CE Zard Ali	
	Principal Consulting Architect					~~CE Sajid Hussain~~	CE Khalid Shah
24.	Khalid	Driver	04	01	01	CE Sajid Hussain	
25.	Noorullah	Driver	04			CE Zard Ali	Against Sr. Archtal. D/Man (BPS-13)
26.	Qadeer Ahmad	Daftari	02	01	01	By Transfer	
27.	Zafar Iqbal	Daftari	02			CE Zard Ali	Against Sr. Archtal. D/Man (BPS-13)
28.	Waheed Ahmad	Daftari	02			CE Zard Ali	Against Sr. Archtal. D/Man (BPS-13)
29.	Karim	Naib Qasid	01	06	06	By Transfer	
30.	Shahzad Khan	Naib Qasid	01			CE Sajid Hussain	
31.	Abbas	Naib Qasid	01			CE Sajid Hussain	
32.	Arif	Naib Qasid	01			CE Sajid Hussain	
33.	Faqir Hussain	Naib Qasid	01			By Transfer	
34.	Rehman	Naib Qasid	01			By Transfer	
35.	Javed	Naib Qasid	01			CE Zard Ali	Against Architectural Assistant (BPS-14)
36.	Sadaqat Shah	Chowkidar	01	01	01	By Transfer	
37.	Ashfaq Ahmad	Chowkidar	01			CE Zard Ali	Against Sr. Archtal. D/Man (BPS-13)
38.	Haroon	Sweeper	01	01	01	By Transfer	
39.	Munaf Gul	Sweeper	01			CE Sajid Hussain	Against Jr. Scale Stenographer (BPS-14)
	RR&MT Lab Peshawar					Khalid Shah	
40.	Abdul Waheed	Driver	04	02	02	CE Sajid Hussain	
41.	Shabbir Ahmad	Driver	04			CE Zard Ali	
42.	Usman Shah	Lab Attend.	02	04	02	CE Sajid Hussain	2 Posts filled by Naib Qasids as per detail given in Sl. No. 44 & 45.
43.	Musarat Nazir	Lab Attend.	02			CE Zard Ali	
44.	Muhammad Aftab	Naib Qasid	01			CE Shaukat Ali Shah	Against Lab. Attendant (BPS-02)
45.	Shah Faisal	Naib Qasid	01			~~By Transfer~~	Against Lab. Attendant (BPS-02)
46.	Aslam Khan	Naib Qasid	01	04	04	By Transfer	
47.	Liaqat Ali	Naib Qasid	01			~~By Transfer~~	CE Sajid Hussain
48.	Muhammad Asghar	Naib Qasid	01			CE Zard Ali	
49.	Asif Khan	Naib Qasid	01			CE Shaukat Ali Shah	
50.	Arsala Khan	Naib Qasid	01			By Transfer	Against Jr. Scale Stenographer (BPS-14)
51.	Taj ul Akbar	Chowkidar	01	02	02	By Transfer	
52.	Muhammad Kamal	Chowkidar	01			~~By Transfer~~	CE Sajid Hussain
53.	Yaqoob Masih	Sweeper	01	01	01	By Transfer	
	TOTAL			45	42		11 against others Posts

Statement showing detail of Class-IV Employees in the Circle Laboratories under Jurisdiction of Chief Engineer CDO

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/ Reinstated By or By Transfer	Remarks
	C&W Circle Laboratory Kohat						
54.	Zahir Khan	Lab Attendant	02	02	02	CE Sajid Hussain	✓
55.	Arshad Nawaz	Lab Attendant	02			CE Sajid Hussain	✓
56.	Qasim Raza	Driver	04	01	01	CE Sajid Hussain	✓
57.	Rahim ullah	Naib Qasid	01	01	01	CE Sajid Hussain	✓
58.	Ainaz Ali	Chowkidar	01	01	01	CE Sajid Hussain	✓
59.	Raj Kumar	Sweeper	01	01	01	~~CE Sajid Hussain~~	SE Circle Kohat
	C&W Circle Laboratory Bannu						
60.	~~Wilayat Ali Shah~~	Lab Attendant	02	02	02	~~CE Sajid Hussain~~	Akbar Khan
61.	Ihsanullah Khan	Lab Attendant	02			CE Sajid Hussain	✓
62.	Tariqullah Khan	Driver	04	01	01	CE Sajid Hussain	✓
63.	Afsar Zaman	Naib Qasid	01	01	01	CE Sajid Hussain	✓
64.	Gulab Shah	Chowkidar	01	01	01	CE Sajid Hussain	✓
65.	Bahadur Ali	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory DI Khan						
66.	Ijaz Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	✓
67.	Waseem Abbas	Lab Attendant	02			CE Sajid Hussain	✓
68.	Ghazanfar Abbas	Driver	04	01	01	CE Sajid Hussain	✓
69.	Muhammad Khalid	Naib Qasid	01	01	01	SE Circle DI Khan	✓
70.	Shah Jehan	Chowkidar	01	01	01	CE Sajid Hussain	✓
71.	Roshan Kumar	Sweeper	01	01	01	SE Circle DI Khan	✓
	C&W Circle Laboratory Mardan						
72.	Muhammad Rashid Khan	Lab Attendant	02	02	02	CE Sajid Hussain	✓
73.	Farooq Nasir	Lab Attendant	02			CE Sajid Hussain	✓
74.	Zahid Khan	Driver	04	01	01	CE Sajid Hussain	✓
75.	Tahir Ali	Naib Qasid	01	01	01	CE Sajid Hussain	✓
76.	Bawar Shah	Chowkidar	01	01	01	CE Sajid Hussain	✓
77.	Noor Hussain	Sweeper	01	01	01	CE Zard Ali	
	C&W Circle Laboratory Swat						
78.	Raees Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	✓
79.	Irfanullah	Lab Attendant	02			CE Sajid Hussain	✓
80.	Liaqat Ali	Driver	04	01	01	CE Sajid Hussain	✓
81.	Sangin Bacha	Naib Qasid	01	01	01	CE Sajid Hussain	✓
82.	Muhammad Naeem	Chowkidar	01	01	01	CE Sajid Hussain	✓
83.	Nasir Ali	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory Dir Lower						
84.	Imran Ali Shah	Lab Attendant	02	02	02	CE Sajid Hussain	✓
85.	Abidullah	Lab Attendant	02			CE Sajid Hussain	✓
86.	Syed Abdur Rauf	Driver	04	01	01	By Transfer	✓
87.	Muhammad Said	Naib Qasid	01	01	01	By Transfer	✓
88.	Faridullah	Chowkidar	01	01	01	CE Sajid Hussain	✓
89.	Nasrullah	Sweeper	01	01	01	CE Sajid Hussain	✓
	C&W Circle Laboratory Abbottabad						
90.	Saqib Habib	Lab Attendant	02	02	02	SE Circle Abbottabad	
91.	Saleem Babar	Lab Attendant	02			SE Circle Abbottabad	
92.	Sajid Khan	Driver	04	01	01	SE Circle Abbottabad	
93.	Raheel Ahmad	Naib Qasid	01	01	01	SE Circle Abbottabad	
94.	Raja Muhammad Safdar	Chowkidar	01	01	01	SE Circle Abbottabad	
95.	Zahoor Shah	Sweeper	01	01	01	SE Circle Abbottabad	
	C&W Circle Laboratory Battagram						
96.	Taimur Rauf	Lab Attendant	02	02	02	CE Sajid Hussain	✓
97.	Kamran Aziz	Lab Attendant	02			SE Cirlce Battagram	
98.	Muhammad Zakir	Driver	04	01	01	SE Circle Battagram	✓
99.	Muhammad Shabir	Naib Qasid	01	01	01	CE Sajid Hussain	✓
100.	Saif ur Rehman	Chowkidar	01	01	01	CE Sajid Hussain	✓
101.	Hassan Ali	Sweeper	01	01	01	SE Circle Battagram	
	TOTAL			48	48		