

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

APPEAL NO. 2087 /2023

Arshad Ali Shah Sub-Engineer

VERSUS

Government of KPK etc

APPLICATION FOR PLACING ON FILE ADDITIONAL DOCUMENTS

Respectfully Sheweth:

1. That the above titled appeal is pending adjudication and is fixed for 20th Dec, 2023.
2. That the C & W department (Respondent no 2), despite the pending appeal at hand has promoted candidates/ sub-engineers possessing 6% quota being In-Service B-Tech (HONS) degree holders on the recommendation of the DPC meeting while completely ignoring the appellants possessing 4% quota being Pre-Service B-Tech (HONS) degree holders for the said promotions vide **Notification No. SOE/C&W/4-2/2023(SDOs) dated 28 Nov, 2023.**
3. That the appellant seek permission of the Hon'ble Tribunal for placing on file the above mentioned notification for further orders.

It is, therefore, most humbly prayed that on acceptance of this application, the appellant may kindly be allowed to place on file the above mentioned notification dated 28th Nov, 2023.

DATED: 19th Dec, 2023.


COUNSEL

20-12-23
Pestours

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

APPEAL NO. 2087 /2023

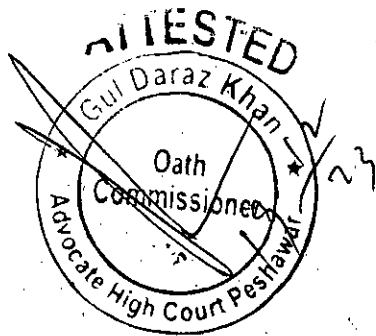
Arshad Ali Shah Sub-Engineer (BS-12)

VERSUS

Government of KPK etc.

AFFIDAVIT

I, Arshad Ali Shah S/o Abdul Samad Khan Sub-Engineer (BS-12)C&W
Department Khyber Pakhtunkhwa do hereby solemnly affirm and declare on
Oath that the contents of this **Service Appeal** are true and correct to the
best of my knowledge and belief and that nothing has been concealed from
this Hon'ble Court.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

APPEAL NO. 2087 /2023

Arshad Ali Shah Sub-Engineer (BS-12)
C&W Department Khyber Pakhtunkhwa

.....APPELLANT

VERSUS

1. **Government of KPK**
Through Chief Secretary, KPK Peshawar
Sahibzada Abdul Qayum Rd, Civil Secretariat, KPK, Peshawar
2. **Government of KPK**
Through Secretary Finance
Civil Secretariat, KPK, Peshawar.
3. **Government of KPK**
Through Secretary Establishment
Civil Secretariat, KPK, Peshawar.
4. **Chief Engineer (Central)**
C & W Department
Khyber Rd, PTCL Colony, KPK, Peshawar

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE PROMOTION OF PRE-SERVICE B-TECH (HONS) SUB-ENGINEERS TO THE POSTS OF ASSISTANT ENGINEERS/ SDOs (BS-17) ON REGULAR BASIS IN THE C&W DEPARTMENT BY THE RESPONDENTS DURING THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE AT AGENDA ITEM NO-IV DATED 7TH JULY 2023 WHEREBY THE APPELLANT BEING AN IN-SERVICE B-TECH DEGREE HOLDER POSSESSES 4% RESERVED QUOTA OUT OF 10% QUOTA RESERVED FOR PROMOTION FROM AMONGST THE HOLDER OF THE POST OF SUB ENGINEERS WHEREIN THE DPC COMPLETELY NEGATED THE APPELLANT ALONG WITH SIMILARLY PLACED AND ONLY ISSUED A PANEL OF CANDIDATES TO BE PROMOTED FROM AMONGST THE 6% RESERVED QUOTA HOLDERS (HAVING B-TECH DEGREE DURING INITIAL APPOINTMENT) OUT OF THE 10% LEAVING THE APPELLANT (WHO ACQUIRED B-TECH (HONS) DURING

**SERVICE HAVING 4% RESERVED QUOTA FOR PROMOTION),
BEING ILLEGAL, UNLAWFUL, VOID AB INITIO AND ULTRA
VIRES TO THE NOTIFICATION NUMBER NO.SOE/C&WD/8-12/2023
DATED 20TH JANUARY 2023.**

**FURTHER DIRECT THAT THE RESPONDENT DEPARTMENT MAY
ALSO CONSIDER CANDIDATES FROM AMONGST THE 4%
RESERVED QUOTA HOLDERS OUT OF THE 10% QUOTA
RESERVED FOR THE PROMOTION OF B-TECH SUB-ENGINEERS
TO THE POST OF ASSISTANT ENGINEER/SDO (BPS-17) AND
CONSIDER THE APPELLANT FOR PROMOTION
ACCORDINGLY**

PRAYER:

That on acceptance of this service appeal the impugned promotion list issued by the respondent department at Agenda Item No-IV in its Departmental Promotion Committee dated 7th July, 2023 wherein they completely over-looked and negated the Promotion Rules of 2023 whereby the appellant along with other similarly placed have a reserved quota of 4% being in-Service B-Tech Degree holder out of 10% quota reserved for B-Tech Sub Engineers for their promotion as Assistant Engineers (BPS-17) and short-listing the candidates only from amongst the 6% quota holders having their B-Tech Degree during their initial appointment, be declared as unreasonable, ultra-vires of law as well as contrary to the recently promulgated and in-field Promotion Rules, 2023. Further direct the respondent department to consider candidates from amongst the 4% reserved quota holders out of the 10% quota reserved for the promotion of B-Tech Sub-Engineers to the post of Assistant Engineer/SDO (BPS-17) and consider the appellant for promotion accordingly.

Further, if any order which is detrimental to the appellant's interest, not communicated to him, may also be set-aside.

Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Nov 28, 2023

NOTIFICATION:

No.SOE/C&W/4-2/2023 (SDOs): On the recommendation of Departmental Promotion Committee (DPC), the Competent Authority has been pleased to promote the following Pre-service B-Tech (Hons) Sub Engineers to the post of Assistant Engineers/SDOs (BS-17) of C&W Department on regular basis, with immediate effect:

- | | | |
|--------------------|-----|------------------|
| 1. Awais-ur-Rehman | --- | On Regular basis |
| 2. Zia-ur-Rehman | --- | On Regular basis |
| 3. Farman Ullah | --- | On Regular basis |
| 4. Muhammad Maaz | --- | On Regular basis |
| 5. Amir Ali | --- | On Regular basis |

2. The above officers shall remain on probation for a period of one year in terms of Rule-15 of (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion as Assistant Engineers/SDOs (BS-17) on regular basis, the Competent Authority is further pleased to order the transfer/posting of the following officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name of Officers	Existing posting	Proposed for actualization/ Adjustment	Remarks
1	Awais-ur-Rehman (BS-17)	Sub Engineer (BS-12) C&WD, presently working as Assistant Director (OPS) Directorate of Works & Implementation Sports & Tourism Department, Peshawar on deputation basis	Assistant Design Engineer O/O CE (Maintenance) Peshawar for actualization of his promotion as Assistant Engineer/SDO (BS-17) C&WD on regular basis and reposted as Assistant Director Directorate of Works & Implementation Sports & Tourism Department, Peshawar on deputation basis	---
2	Zia-ur-Rehman (BS-17)	Sub Engineer O/O XEN Building Division Mansehra	SDO O/O XEN Highway Division Mohmand	Vacant post
3	Farman Ullah (BS-17)	Sub Engineer O/O XEN C&W Division Karak	SDO O/O XEN Building Division DIKhan	--do--
4	Muhammad Maaz (BS-17)	Sub Engineer O/O XEN Mega Projects, Swat	SDO O/O XEN Building Division Mohmand	--do--
5	Amir Ali (BS-17)	Sub Engineer O/O XEN Highway Division Mardan	SDO O/O XEN Building Division Charsadda	--do--

Attended
SUB-DIVISIONAL OFFICER
BUILDING SUB DIVN: NO 1
PESHAWAR

SECRETARY TO
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. All Chief Engineers C&W Department
3. Managing Director PKHA Peshawar
4. Superintending Engineer C&W Circle concerned
5. Director Sports & Tourism Department Peshawar
6. Executive Engineer C&W Divisions concerned
7. Executive Engineer Building Divisions concerned
8. Executive Engineer Highway Divisions concerned
9. District Accounts Officers concerned
10. Accounts Officers Tribal Districts concerned
11. PS to Minister for C&W Khyber Pakhtunkhwa Peshawar
12. PS to Secretary C&W Department, Peshawar
13. PA to Additional Secretary (Admn/Tech) C&W Department, Peshawar
14. PA to Deputy Secretary (Admn/Tech) C&W Department, Peshawar
15. Officers concerned
16. Office order File
17. The Manager Govt Printing Press, Khyber Pakhtunkhwa, Peshawar

Attested
J. S.
SUB DIVISIONAL OFFICER
BUILDING SUB DIVN: NO 1
PESHAWAR

Zahoor
28.11.2023
(ZAHOOR SHAH)
SECTION OFFICER (Estb)