

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

**Service Appeal No. 2076 of 2023**

Mr. Imran Babar, Head Draftsman (BPS-14),  
Building Division-II,  
C&W Department Peshawar.

.....**APPELLANT**

**VERSUS**

1. The Secretary Communication and Works Department, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (Centre), C&W Department, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Shahid Mansoor, Head Draftsman (BPS-14), O/O the Secretary C&W Department, Peshawar.
4. Mr. Saeed Ullah, Head Draftsman (BPS-14), O/O the Chief Engineer (North) C&W, Peshawar.
5. Mr. Muhammad Riaz, Head Draftsman (BPS-14), C&W Building Division, Charsadda.
6. Mr. Fyaz Ali, Head Draftsman (BPS-14), C&W Highway Division Jamrud, Khyber.
7. Mr. Muhammad Jamil, Head Draftsman (BPS-14), C&W Building Division, Dir Lower.
8. Mr. Muhammad Nazir, Head Draftsman (BPS-14), C&W Division Buner-I, Buner.
9. Mr. Malal Khan, Head Draftsman (BPS-14), Building Division-I, C&W Department, Peshawar.
10. Mr. Aqal Rehman, Head Draftsman (BPS-14), Building Division, Orakzai.
11. Mr. Habibullah, head Draftsman (BPS-14), Building Division Swabi.
12. Mr. Tahir Ullah, Head Draftsman (BPS-14), C&W Division Patan, Lower Kohistan.

.....**RESPONDENTS**

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**Zahid Habib**  
**Administrative Officer**

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

**Service Appeal No. 2076 of 2023**

①

10262  
3-1-2024

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12. Mr. Tahir Ullah, Head Draftsman (BPS-14), C&W Division Patan, Lower Kohistan.

.....**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 AND 2.**

Respectfully Sheweth!

**PRELIMINARY OBJECTIONS: -**

1. That the present Appeal in the present form is not maintainable on the facts that if the Appellant was aggrieved of the then orders of Promotion to the Post of Draftsman, BPS-11 in January 2012, he had to represented and objected the issue or sued the case before the Court of Law, hence the prayer at this belated stage that too after the lapse of more than 11-Years nearing 12-Years is badly Time Barred.

2. That the Appellant has got no cause of action at this stage. ⑨
3. That the instant Appeal is frivolous and even not liable to be admitted because when he or others were subsequently promoted to the next tier Post of Head Draftsman BPS-14 i.e. 09/01/2019 even not objected.
4. That there arises no question to sue for the antedating of Promotion to the cadre Post(s) of Draftsman BPS-11 and subsequent Promotion as Head Draftsman BPS-14 at this belated stage.
5. That the Appeal is bad for misjoinder and non-joinder of necessary parties.

**ON FACTS: -**

1. That the Appellant was appointed as Tracer BPS-05 in June 1995, having simple Matric qualification.
2. (i) Correct that the Appellant passed the Draftsman Departmental Examination as per result declaration in 03/2011, actually, the ibid Examination is/was required & relevant to those Tracers who do not possess the Two-year Draftsman Course and they had to be promoted to the Post of Draftsman (BPS-10) as per their 25% share reserved for the purpose.
- (ii) So far the stance of the Appellant, he had passed the Draftsman (Civil) Course in 09/2011, actually the Appellant prayed for the inclusion of his name in the Tracer's Seniority list meant for those who were possessing Two-year Draftsman Course vide application dated 15/06/2009 (**Annexure-I**), stating passed 02-Years Civil Draftsman Course under A.I.T Programme (Apprenticeship / Informal Training Programme) which was awarded to him on 30/03/2004 (**Annexure-II**). As the status of the ibid Certificate was not clear, because it was pertaining to the Trade Test for the grade "Skilled Worker Level", while a case of another person having like Trade Certificate was referred to the Secretary Board of Technical Education vide letter No.198-E/447/CE/C&WD, dated 12/04/2010

**(Annexure-III)**. In back reference, the Board of Technical Education vide letter No.BTE/Cert-4273, dated 26/05/2010 **(Annexure-IV)** taking plea to approach the Trade Testing Board for its authentication and equivalency in question. Therefore the issue was taken up with the Chairman KPK Trade Testing Board, Peshawar vide letter No.198-E/752/CE/C&WD, dated 04/06/2010 **(Annexure-V)** along with the qualification certificate of the Appellant, Mr. Imran Babar. The Secretary, Trade Testing Board vide letter No.DTE&MT/TTB/C.V.6954-2, dated 08/06/2010 expressed **(Annexure-VI):-**

*"That the Certificate issued by the defunct Directorate of Manpower of Training in r/o Mr. Imran Babar S/O Muhammad Nawaz Babar Skilled Worker (Draftsman) is useful **only for Skilled Worker has no level of equivalency to G-II level.**"*

On the other, the Appellant vide application dated 07/02/2011 **(Annexure-VII)** once again reiterated to include his name with those Tracers who possesses Two-year Draftsman Course Certificate with the same qualification which he acquired in March 2004 under Reg. No. P.D.C-02/0-4, having no force in his representations, not considered and he was informed about the clarification of the Trade Testing Board orally at the then. So far the stance of the Appellant passed the Certificate of Civil Draftsman in 09/2011, neither any application nor documentary proof till 12/2011 was provided to the Office/Department.

3. Correct to the extent that 25% Posts of Draftsman are reserved to those Tracers who possess Two-year Civil Draftsman Certificate from the recognized Board of Technical Education with 03-Years' experience as such; and 25% Posts of Draftsman to those Tracers who qualified the Departmental Examination and have 03-Years' service as such, both the times Service rules of the Department i.e. in 1998 and even similar rules notified in 25/03/2020 are same.
4. Incorrect, at the then though the Appellant by the date of his 1<sup>st</sup> appointment as Tracer viz. 15/06/1995 was Senior than the Private Respondent No.3,

Mr, Shahid Mansoor whose date of appointment as Tracer is 08/1996 but he was possessing the ibid Two-year Certificate Course of Civil Draftsman prior to his date of appointment, and as such his promotion was correctly processed in 09/2011 on the basis of seniority as maintained for the Tracers having/possessing Two-years Certificate of Civil Draftsman and proper order of promotion were issued on 31/12/2011 after clearance by the Departmental Promotion Committee.

5. Incorrectly stated that he brought the illegality or irregularity in the notice of Respondents, then posted him as Draftsman in O.P.S. Actually on the availability of Post of Draftsman with the O/O Chief Engineer (FATA), Works & Services Department, the Appellant was then standing at the Senior position in the Tracers Seniority having Two-year Certificate of Draftsmanship, his services were then placed at the disposal of Chief Engineer (FATA), Works & Services for his deployment as Draftsman in OPS in 05/2012.

6. To clean the matter there was two items Agenda i.e.

- (i) Tracers, having two-year Certificate Course of Civil Draftsman and
- (ii) Tracers who have passed the Departmental Examination of Draftsman

was processed in the Departmental Promotion Committee meeting held on 31/12/2012, and then separate orders were issued on the same even date viz. 01/01/2013, hence the Private Respondent No.4 to 11 are those who have passed the Draftsman Examination & have been promoted according to their own 25% quota, whereas the Private Respondent No.12 (Tahirullah) is senior to the Appellant according to his date of Appointment i.e. 28/03/1995, while the Appellant's date of appointment is 15/06/1995.

7. Correct to the extent that the seniority as expressed by the Appellant viz. Head Draftsman (BPS-14) has been notified on the basis of their inter-se seniority as Draftsman which they were occupying as Draftsman BPS-11/10 and those who were having Two-Years Draftsman Certificate were placed in BPS-11 as Draftsman.

8. The Appellant has made representation against the seniority of Divisional Head Draftsman/Head Draftsman on 05/07/2023 which could not be decided at this moment, because the appellant had availed/matured the promotion as Draftsman on 01/01/2013 and the seniority in that lower cadre Post since long

before as well as the Promotion to the next tier Post of Head Draftsman on that basis on 09/01/2019 and the claim of antedating promotion as well as giving the Seniority in two tier viz Draftsman and Head Draftsman at this stage cannot be recognized otherwise it will open up another flood gate for litigations. (5)

9. Incorrect.

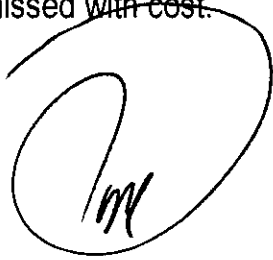
**ON GROUNDS: -**

- A. As explained in the above paras of reply, the case to grant him antedate promotion to the Post of Draftsman (BPS-11) and subsequent promotion to the Post of Head Draftsman (BPS-14) is not worth consideration on the grounds that the 1<sup>st</sup> promotion to the Post of Draftsman (BPS-11) had been issued quite long 12-years ago on 01/01/2013 which attained the finality and the next promotion to the Post of Head Draftsman (BPS-14) on 09/01/2019, 05-years ago which also attained finality as per the data **Annexed-G** with the Appeal which shows the seniority position his first entry into service as Tracer, next date of his promotion as Draftsman and the last third one as Head Draftsman, so the request for antedate promotion in either case viz Draftsman and then to Head Draftsman is impossible at this stage and what to say about the fixation of fresh seniority list thereupon.
- B. Incorrect.
- C. Incorrect. The departmental authority acted according to the rules/regulations and not violated any of the Articles of the Constitution of the Islamic Republic of Pakistan.
- D. Incorrectly linked Section-8 of the Civil Servant Act, 1973 as well as Rule-17 of the APT Rules, 1989. The factual position of the Appellant which he is/was prevailing as Tracer, Draftsman, and Head Draftsman all the times, seniority have been published/notified and attained the finalities as expressed above.
- E. Incorrect and baseless accumulation. Both the times, when he was promoted as Draftsman and their after as Head Draftsman, proper Departmental Promotion Committees meetings were held and thereafter promotion orders have been issued, so any reversal at this belated stage, that too after the lapse of 11/12-Years is impracticable.

F. No need to offer comments.

6

In the wake of above stated facts, the circumstances, the instant Service Appeal is devoid of merits, even badly time barred may therefore please be dismissed with cost.



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



Engr. Jamshid Ali Khan  
Chief Engineer (Centre)  
C&W Department Peshawar  
(Respondent No.2)

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12. Mr. Tahir Ullah, Head Draftsman (BPS-14), C&W Division Patan, Lower Kohistan.

.....**RESPONDENTS**

**AFFIDAVIT**

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

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

Deponents

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



Engr. Jamshid Ali Khan  
Chief Engineer (Centre)  
C&W Department Peshawar  
(Respondent No.2)



8

خدمت جناب ایڈمنسٹریٹو آفیسر صاحب درگاہ اعلیٰ اسمبلی پشاور  
حیثیت چیف ایگزیکٹو آفیسر

مضمون : شمولیت برائے نیٹ ورک لسٹ

جناب عالی!  
حود بابہ ڈائریکشن کے تحت سول ڈرافٹمن 2 سالہ سٹریٹنڈ والی  
A17 A-67 کے تحت

رضی ن ایس کیا جوا ہے -

لیٹر آر سے درخواست ہے کہ مجھے 2 سالہ سٹریٹنڈ والی  
لسٹ میں سے مل کیا جائے -

آئی اے ایس ڈائریکشن

درخواست کی کاپی مارٹر ڈیپارٹمنٹ  
مستند ہے -

کہ

آئی اے ایس ڈیوارنگ مگر ان باہر ٹریس چیف ایگزیکٹو آفیسر

RECEIVED
(Centre)
No. 2210
6/5
A.O.

15/6/09

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

Annex II  
9

S. No. 0149

Reg. No. F-D.C-e2/04

# GOVERNMENT OF N.W.F.P.



## PROVINCIAL TRAINING BOARD NWFP. APPRENTICESHIP/ INFORMAL TRAINING PROGRAMME

This is to certify that Mr./ Miss: Imran Babar Son/Daughter of Muhammad Nawaz Babar

Resident of District Peshawar

has acquired Skill Training in Informal Sector, appeared and passed the Trade Test in accordance with the requirements of the National Occupational Skills Standards for Grade 2 Skilled Worker Level in the

Trade of Draughtsman Civil Trade test was conducted by the Apprenticeship Trade Testing

Panel on 6.2.2004

and demonstrated the following standards of proficiency:-

- |                          |               |   |
|--------------------------|---------------|---|
| 1. Practical             | <u>62/100</u> | % |
| 2. Theoretical Knowledge | <u>52/100</u> | % |

In recognition of his/her skill this Trade Certificate is awarded on the 30th of the month of March 2004



N.I. Card No. of Certificate Holder

1 7 3 0 1 - 1 6 7 0 1 2 0 - 5

[Signature]  
APPRENTICESHIP TRAINING OFFICER

[Signature]  
SECRETARY PROVINCIAL TRAINING BOARD N.W.F.P.

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

10

Annex III

OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
NWFP, PESHAWAR.

No. 198-E / 447 / CE / C&WD

Dated Peshawar the 12 / 04 / 2010



To

The Secretary,  
Board of Technical Education,  
NWFP, Peshawar.

SUBJECT:- CLARIFICATION ABOUT THE G-II LEVEL CERTIFICATE NWFP TRADE TESTING BOARD.

Sir,

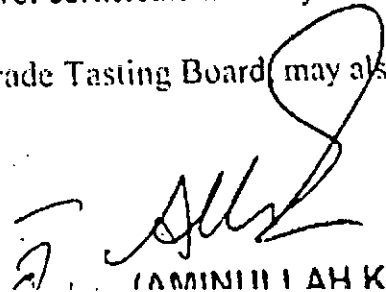
It is brought to your kind notice that in C&W and other Works Department(s), some quota is reserved for promotion of Tracers to the post of Draftsmen who pass/acquire Civil Draftsmen course of 2 years duration from the recognized Board of Technical Education.

One Mr. Ifikhar Ali Khan who is in-service Tracer has supplied a Trade Proficiency Test Certificate of 24 Months under the National Training Board of Pakistan in the Trade of Civil Draftsman, which is stated to have been conducted by the N.W.F.P Trade Testing Board on 13-10-2010.

It may kindly be clarified as to whether it shall be construed as cleared from the Board of Technical Education or the Trade Skill Standard of 24 Months can be equivalent to the one conducted by Board of Technical Education.

It is further added that the status of G-II level certificate taken by Technical Education and ManPower Training under the N.W.F.P Trade Tasting Board may also please be clarified.

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

  
(AMINULLAH KHAN)



**NWFP Board of Technical Education**  
**22, Sector B-1, Phase - 5, Hayatabad, Peshawar**  
 Phone No. 091-9217440

11 Annex-IV

No. BTE/Cert- 4273  
 To

Dated: 26/05/2010

Mr. Aminullah Khan  
 Administrative Officer  
 Office of Chief Engineer (Centre)  
 Communication & Works Department,  
 KPK Peshawar.

Subject:- CLARIFICATION ABOUT THE G-II LEVEL CERTIFICATE NWFP TRADE TESTING BOARD

*ch: 13: i  
 Passed: i*

I am directed to refer your letter No 198-E/ 447/ CE/C&WD Dated 12.04.2010, and to inform you that the copy of the certificate bearing S No.6696 Roll No 61341 G-II level has been issued by NWFP Trade Testing Board in favors of Mr. Ifikhar Ali Khan S/O Sher Wali Khan Since the Certificate has been issued by the TTB and is working under the Director General of Technical Education & Manpower Training hence its authentication and equivalency may be confirmed from the Manpower, Training Peshawar.

*and*  
**AMANULLAH KHAN**  
 (SECRETARY)

198-E  
 A.O. *Putrip*

C.E. C&W Deptt: (Comm.)
Dairy No. <u>912-</u>
Date <u>27/5/10</u>
Cass No.
C.E. Govt.
S.F. (H...)
D.E. (B...)
T.O.
A.O. <i>lv</i>
TRAG
C.O.

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

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

No. 198-E / 252 / CE / C&WD

Dated Peshawar the 07/06/2010

Annex V

18

To,

The Chairman,  
NWFP (KPK) Trade Testing Board,  
Peshawar.

**SUBJECT:- CLARIFICATION ABOUT THE CERTIFICATE(S) GRANTED BY THE NWFP  
TRADE TESTING BOARD.**

It is to state that the following individuals who are serving as Tracers in this department have produced the Trade Certificate as indicated below:-

S. No.	Name of official	S/No.	Registration No
1.	Mr. Imran Baber	0149	P-D.C-02/04
2.	Mr. Iftikhar Ali Khan	6696	BIT/PSH/Com-II/08/05

The official at SI No-1 is granted Apprenticeship/Informal Training Programme in Skilled Worker Level in the Trade of Draftsman Civil whereas the official at SI No-2 is granted G-II Level Certificate in the Trade of Civil Draftsman under Roll No. 61341.

It is further to state to please clarify the equivalency, either these can be considered / treated equivalent to that which were previously granted by the Board of Technical Education and also let this office know as to whether the both One's are the same or different in natures/distinction of each other.

This clarification is sought for due to the facts that in our departmental Service Rules for the post of Draftsman, "25% quota is reserved to those Tracers who acquire / posses Civil Draftsman Course of 2-years duration from the Board of Technical Education".

This department referred the case to the Secretary Board of Technical Education for clarification of the issue where he was requested to apprise the status of these Trade Testing Certificates granted by the National Training Board of Pakistan conducted by the NWFP Trade Testing Board under the Directorate of Technical Education & Manpower, either it may be treated at par with the One's which were granted in the past by the Board of Technical Education or otherwise.


In response the Board of Technical Education returned the case with the plea that the Trade Testing Board may be approached for clarification in question (copy of which is annexed).

You are therefore requested to please clarify as to whether such certificates of 2-years duration in Civil Draftsmanship now conducted by your Board can be treated equivalent to that which in the past have been awarded by the Board of Technical Education with further clarification that the Board of Technical Education at the present is not conducting such Exam of 2-years duration etc. in their Polytechnic Institutes.

*DA Two Certificates*

  
(AMINULLAH KHAN)  
ADMINISTRATIVE OFFICER

Copy to the Secretary Board of Technical Education Khyber Pakhtunkhwa, Hayatabad Peshawar w/r to his memo No. BTE/Cert-4273 dated 26.05.2010 with the request to elucidate as to whether such certificate courses have been done-away by the Board of Technical Education and now these are stand shifted to the Trade Testing Board under the Directorate of Education and Manpower Training of Govt. of Khyber Pakhtunkhwa (defunct NWFP) or the Board of Technical Education also conduct the same as per past practice please.

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

ADMINISTRATIVE OFFICER

**K.P.K TRADE TESTING BOARD  
 DIRECTORATE OF TECHNICAL EDUCATION & MANPOWER TRAINING  
 LOCATED INSIDE GOVT TECHNICAL & VOCATIONAL CENTRE  
 GULBAHAR, PESHAWAR  
 PHONE & FAX NO. 091-2212478.**

Annex-VI  
 (13)

No.DTE&MT/TTB/C.V. 6954-2

Dated 8/6/10

To

The Administrative Officer,  
 Communication & Works Department,  
 Khyber Pakhtunkhwa Peshawar.

Subject: - VERIFICATION OF CERTIFICATE:- Ch 19

Reference your letter No198-E752/CE/C&WD dated 04/06/2010 on the subject cited above. In this regard it is submitted that the certificate issued by defunct Directorate of Manpower & Training in respect of Imran Babar S/O Muhammad Nawaz Baber skilled worker (Draftsman) is useful only for skilled worker has no level of equivalency to G-II level.

The certificate S/No.6696 in respect of Mr. Iftikhar Ali Khan S/O Sher Wali Khan issued by K.P.K Trade Testing Board is level of Grade-II which is the continuation G-II level certificate as previously issued by K.P.K board of Technical Education.

As in brief the Certificate issued to Mr Iftikhar S/O Sher wali khan is genuine and proper without any doubt.

*(Handwritten signature/initials)*

C.E. C&W Deptt: (Centre)
Dairy No. 13/16-
Date 9/6/10
Cass No.
C.E. C&W
S.E. (H.C.)
D.E. (B.Jr)
T.O
A.D. <i>(initials)</i>
B&AO
C.D.

*(Signature)*  
 (HAJI GOLAB KHAN)  
 SECRETARY (TTB)

*Take appropriate action.*

*11/6*

*40*

*The name of Mr. Iftikhar Khan Ali have been included under the category of Trades his name is correct.*

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

To

The Chief Engineer,  
Communication & Works Department,  
Peshawar.

Subject:

INCLUSION OF MY NAME FOR THE PURPOSE OF PROMOTION  
TO THE POST OF DRAFTSMAN.

Sr.

I have the honour to submit that I am working as Tracer (PBS-5) in the C&W Department since 15-06-1995. Presently I am posted in your office.

I have acquired further qualification in the Trade Proficiency of Draftsman (Civil) from the Provincial Training Board Govt. of NWFP in March, 2004 under Reg: No.P-D, C-02/04.

The Trade Proficiency Certificate is equivalent to G-II level and in the Service Rules introduced by the Industries, Commerce and Technical Education Department against the post of Draftsman at SI No.10, the holders of Trade Proficiency Certificate in relevant Trade, have been accommodated.

So in this state of affairs, I earnestly request to please include my name with those Tracers, who have 2-years Certificate Course in Draftsmanship, in order to avail the chances of promotion please.

Date: 07/02/2011

(Imran Babar)  
Tracer

O/O Chief Engineer (Centre)  
C&W Department Peshawar

C.E. C&W Deptt: (Centre)
Dairy No. <u>628</u>
Date <u>07/02/2011</u>
Cass No.
C.E. Caw
S.E. (Caw)
D.E. (Caw)
T.O
A.O.
B&AO
C.D.

*Put in the  
A.O. 1982*

*A.O. 1982*

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



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

No. CEC/C&WD/S.A No.2076/2023

15

Dated Peshawar the/01/ 2024

**AUTHORITY LETTER**

Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar is hereby authorized to file the para-wise comments and attend the Honorable Service Tribunal Peshawar on behalf of Respondent No.2 in connection with Service Appeal No. 2076 of 2023 titled "Imran Babar vs Govt. of KPK "on each date as and when fixed by the Honorable Service Tribunal.

CHIEF ENGINEER (CENTRE)

**COPY FORWARDED TO THE:**

1. Section Officer (Lit.), C&W Department, Peshawar w/r to his office No. SO(Lit)C&W/3-1/2023, dated 07/11/2023 above for information.
2. Mr. Zahid Habib, Administrative Officer (Centre) (BPS-17), C&W Department, Peshawar for information and necessary action.
3. PS to Secretary, C&W Department, Peshawar for information.
4. P.A. to Deputy Secretary, C&W Department, Peshawar for information.

CHIEF ENGINEER (CENTRE)