


31.12.2019

Appellant alongwith counsel present.

Requests for withdrawal of instant appeal as similar remedy is sought by him before the Honourable Peshawar High Court in pursuance to judgment of the Apex Court.

Disposed of as withdrawn. The appellant shall, however, be at liberty to pursue relief in accordance with law, if need be.

Chairman



ANNOUNCED

31.12.2019

16.09.2019

Appellant in person present.

The appellant has submitted an application in view of observations contained in the order dated 24.06.2019 and requests for adjournment due to general strike of the bar. Adjourned to 30.10.2019 before S.B.

  
Chairman

30.10.2019

Appellant alongwith his counsel present.

Learned counsel requests for time to produce copy of this Tribunal decision dated 04.12.2002 in service appeal No. 1084/2008 as referred to in the column of remarks against the ~~appellant~~ <sup>name</sup> of appellant in notification dated 29.12.2009 (copy annexed as annexure-G with the appeal). In addition, some other documents are also desired to be brought on record.

May do so on or before next date of hearing. Adjourned to 11.12.2019 before S.B.

  
Chairman

11.12.2019

Appellant present in person.

Copy of order dated 08.10.2019 passed in Writ Petition No. 2089/2019 has been produced which is placed on record.

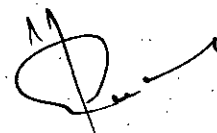
As learned counsel for the appellant is not available due to general strike of the Bar, instant matter is adjourned to 31.12.2019 before S.B.

  
Chairman

24.06.2019

Appellant with counsel present, submitted additional documents, placed on file.

Perusal of seniority list of Assistant Engineers/Sub Division Officers (BPS-17) of the Communication & Works Department, as it stood on 17.12.2009 available on file would show that the appellant was placed at serial No.91 and his *inter-se* seniority was fixed in the light of Service Tribunal decision dated 04.12.2012 in Service Appeal No.1084/2008. Learned counsel for the appellant remained unable to demonstrate that from which date the appellant should have been promoted to the rank of Assistant Engineer. The present service appeal found vague. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for further proceedings/preliminary hearing on 30.07.2019 before S.B



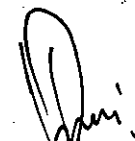
Member

30.07.2019

Appellant in person present.

Appellant requests for adjournment on account of indisposition of his learned counsel.

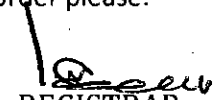

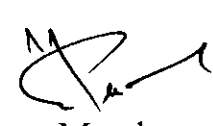
Adjourned to 16.09.2019 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 512/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/04/2019	<p>The appeal of Mr. Aurang Zeb presented today by Mr. Ashfaq Ahmad Daudzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/4/19</p>
2-	22/04/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	23.05.2019	<p>Appellant present. Learned counsel for the appellant present. The present service appeal is found utterly vague. Learned counsel for the appellant seeks adjournment to furnish necessary documents in order to properly document the present service appeal. Adjourn. To come up for submission of relevant documents and preliminary hearing on 24.06.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

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

Service Appeal No 512 /2019

Aurang Zeb XEN C&W

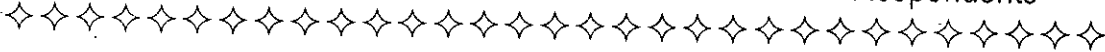
**Versus**

Secretary to Govt: of KPK

& others

..... Petitioners

..... Respondents



**INDEX**

S#	Description of the Documents	Annex	Pages
1.	<i>Memo of Appeal</i>	*	1-4
2.	<i>Copy of order SOE/C&amp;W/1-64/2003 dated 27/03/2019</i>	"A"	5-8
3.	<i>Copy of Seniority List</i>	"B"	6-13
4.	<i>Copy of representation</i>	"C"	14-15
5.	<i>Wakalat Nama</i>	*	

Dated:-16/04/2019

Through:-

*Aurang Zeb*  
Appellant  
E.n: Aurangzeb



Ashfaq Ahmad Daudzai  
Advocate High Court,  
Peshawar  
Cell No:- 0307-3070441



2. That in 1986, the appellant acquired degree in Engineering in service.
3. That the rules of promotion of Sub Engineer (Overseas) in 1980 was that 10% of the post of Assistant Engineer should be filled on by promotion of Sub Engineer, who were degree holders and 70% by initial appointment and 20% against the Senior Scale Sub Engineers, who hold diploma and have passed Departmental Professional Examination.
4. That rules regarding promotion of degree holders were amended in 1986 and 92, 98 & 99. The quota of 10% for graduate Sub Engineers vide these amendments was distributed as 5% for Sub Engineers, who joined as degree holder as 5% of Sub Engineer, who had acquired degree in service.
5. That appellant was promoted to the rank of Assistant Engineer SDO (BPS-17) w.e.f. 01/12/1996 whereas many juniors of the appellant were promoted as such before the appellant and also many Assistant Engineer (BPS-17) were directly appointed as such and declared senior to the appellant. A seniority list of SDO/AE circulated in December, 29 2009 (as annexure B), support the plea of

the appellant, which shows that which 51 vacancies of Assistant Engineers in the department in 1980, but the department did not consider the case of appellant for promotion in these vacancies, which show the unfair dealing of the department.

6. That when the appellant came to know of these facts, he submitted application/representation to the respondent No. 1 for considering his case for profarma as Assistant Engineer BPS-17 according to the vacancies and then XEN (BPS-18) and to consider may case for promotion to BPS-19 as Superintending Engineer. **(Copy of representation is attached as annexure C)**, but the respondent No 1 did not consider the same and rejected it straightaway.

7. It is therefore, prayed that the appellant case for anti date promotion may please be re-considered.

**Grounds:-**

- A. That the appellant acquired degree in Engineering, while in service in 1986 and as such the rules of 1986 were applicable to him.
- B. That in 1988 there were about more than 55 vacancies of Assistant Engineers and according to law/rules the name of



(4)

*the appellant should have been considered for promotion as Assistant Engineer (BPS-17) on the ratio of 10% for degree holders in these vacancies.*


- C. *That it is the principle of law that preference should be given to promoties over directly appointed, which was not done in this case.*
- D. *That any other relief this Honourable Court consider justified may please be granted.*
- E. *That appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the time of arguments.*

*It is, therefore, requested that the orders my please be set aside as prayed above.*

Dated:-16/04/2019

Through:-

  
Appellant  
Aurangzeb

  
Ashfaq Ahmad Daudzai  
Advocate High Court,  
Peshawar  
Cell No:- 0307-3070441

Annex (A) (P-5)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/1-64/2003  
Dated Peshawar, the March 27, 2019

To

Engr. Aurangzeb  
Executive Engineer (BS-18)  
C&W Department  
(awaiting posting)

Subject: **REQUEST FOR PROFORMA PROMOTION TO THE RANK OF XEN  
BS-18 AND SE BS-19 WITH BACK BENEFIT ON ACQUIRING B.SC  
ENGINEERING DEGREE IN C&W DEPARTMENT**

I am directed to refer your appeal/representation dated 19.02.2019 has been examined and regretted, as per Promotion Policy, the "promotion will always be notified with immediate effect".

  
(ABDUR RASHID KHAN)  
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)



ATTESTED

ATTESTED

Annex B-  
(6)

Annex B-

42

Government of N.W.F.P.

Communication &amp; Works Department

Dated Peshawar the Dec 29, 2009

## NOTIFICATION

SO/G&amp;W/8-15/2009

in pursuance of Establishment & Admn; Department Order No.SO(O&M) E&AD/2-22/2006-Vol-III, dated 24.11.2009, under Sub-Section (1) of the Section-8 of the NWFP Civil Servant Act 1973, the Final seniority List of Assistant Engineers/ Sub Division Officers (BPS-17) of the Communication & Works Department, as it stood on 17.12.2009 is notified as detailed below.

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Nazir Ahmad Khan	B.Sc (Civil)	11.06.1950	Chitral	31.10.1978	31.10.1978	
2.	Shafiq Ahmad	B.Sc (Mechanical)	02.02.1955	Peshawar	09.06.1970	09.02.1979	
3.	Muhammad (sic)	B.Sc (Civil)MS(Civil)	01.04.1963	Malaknad	16.09.1987	23.01.1989	Adhoc Service w.e.f 16.09.1987 to 22.01.1988
4.	Muhammad Tariq-I	B.Sc (Civil)	10.04.1963	Malakand	19.06.1987	23.01.1989	Adhoc Service w.e.f 16.09.1987 to 22.01.1988
5.	Ijaz Hussain Asari	B.Sc (Civil)	22.07.1962	D.I.Khan	26.05.1988	26.05.1988	
6.	Muhammad Shahab Khattak	B.Sc (Civil)MS(Civil)	05.04.1960	Peshawar	26.05.1988	26.05.1988	
7.	Zia-ur-Rehman	B.Sc (Civil)	28.06.1956	Karak	26.05.1988	26.05.1988	
8. ✓	Shahid Hussain	B.Sc (Civil)MS(Civil)	03.04.1962	Peshawar	26.05.1988	26.05.1988	
9.	Syed Muhammad Ilyas Shah	D.Sc (Civil)	30.03.1957	Malakand	26.05.1988	26.05.1988	
10.	Riaz Arshad	B.Sc (Civil)MS(Civil)	25.11.1960	Peshawar	26.05.1988	26.05.1988	
11.	Muhammad Ayub	B.Sc (Civil)	03.02.1961	Kohat	26.05.1988	23.01.1988	Adhoc Service w.e.f 16.09.1987 to 22.01.1988
12.	Abdul Sattar	B.Sc (Civil)	07.03.1961	Orakzai Agency	26.05.1988	26.05.1988	
13.	Arshad Khan	B.Sc (Civil)	02.10.1961	Mardan(Swabi)	26.05.1988	26.05.1988	
14.	Noor-us-Saeed Shah	B.Sc (Civil)	02.03.1962	Mardan	26.05.1988	26.05.1988	
15.	Amir Nadeem Durrani	B.Sc (Civil)	23.04.1962	Peshawar	26.05.1988	26.05.1988	
16.	Rafi-ud-Din	B.Sc (Civil)	01.05.1962	Abbottabad	26.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.1987 to 22.01.1988

ATTESTED

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Shakir Habib	B.Sc (Civil)	30.03.1964	Kohat	26.05.1988	26.05.1988	
18.	Ahmad Nabi Sultan	B.Sc (Civil)	30.01.1964	Swat	20.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
19.	Hamid Ajmal Khan	B.Sc (Civil)	01.08.1962	Abbottabad	26.04.1988	26.05.1988	
20.	Aurangzeb	B.Sc (Civil)	07.03.1959	Abbottabad	26.05.1988	26.05.1988	
21.	Habib-ur-Rehman	B.Sc (Civil)	01.01.1961	Swat	26.05.1988	26.05.1988	
22.	Fazli Wahab	B.Sc (Civil)	01.09.1961	Swat	26.05.1988	26.05.1988	
23.	Muhammad Nawaz-I	B.Sc (Civil)	15.02.1962	Mohmand Agency	26.05.1988	26.05.1988	
24.	Bakht Rawan	B.Sc (Civil)	05.03.1962	Mohammad Agency	26.05.1988	26.05.1988	
25.	Munir Hussain	B.Sc (Civil)MS(Civil)	10.04.1962	Manshera	26.05.1988	26.05.1988	
26.	Muhammad Tariq-II	B.Sc (Civil)	12.01.1964	Malakand	26.05.1988	26.05.1988	
27.	Abdul Ghafoor	B.Sc (Civil)	15.11.1959	Mardan	26.03.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
28.	Bahadar Said	B.Sc (Civil)	30.03.1957	Dir	26.05.1988	26.05.1988	
29.	Rehmat Hakeem	B.Sc (Civil)	31.05.1960	Dir	26.05.1988	26.05.1988	
30.	Kifayatullah	B.Sc (Civil)	07.07.1959	Malakand Agency	26.05.1988	26.05.1988	
31.	Muhammad Nazar	B.Sc (Civil)	17.10.1958	Swat	26.05.1988	26.05.1988	
32.	Peer Muhammad	B.Sc (Civil)	04.04.1958	S.W.Agency	16.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
33.	Jamil Ahmad	B.Sc (Civil)	20.11.1962	Malakand	16.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
34.	Hameedullah Khan	B.Sc (Civil)	05.02.1958	Peshawar	17.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
35.	Muhammad Tassaduq	B.Sc (Civil)	24.01.1959	Mansehra	18.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
36.	Javed Akbar	B.Sc (Civil)	27.10.1958	Peshawar	16.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
37.	Muhammad Adil	B.Sc (Civil)	05.08.1964	Peshawar	16.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
38.	Muhammad Ayaz Khan	B.Sc (Civil)	01.07.1957	Malakand	20.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88
39.	Aziz Ahmad-II	B.Sc (Civil)	22.03.1959	Kohat	20.09.1987	23.01.1988	Adhoc Service w.e.f 16.09.87 to 22.01.88

**ATTESTED**  
*(Signature)*  
**(KHALID KHAN)**  
 Advocate-on-Record  
 SUPREME COURT OF PAKISTAN

**ATTESTED**

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
40.	Hamid Ullah Khan	B.Sc (Civil)	30.03.1989	Bannu	21.03.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
41.	Abdul Qayyum	B.Sc (Civil)	15.08.1951	Mohmand Agency	22.09.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
42.	Syed Yousaf Shah	B.Sc (Civil)	03.03.1963	3 Manshara	22.09.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
43.	Shahid Aziz	B.Sc (Civil)	01.05.1960	4 Manshara	23.09.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
44.	Ghias-ud-Din	B.Sc (Civil)	08.05.1964	Dir	24.09.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
45.	Hamid Rauf Qureshi	B.Sc (Civil)	08.09.1969	5 Peshawar	04.10.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
46.	Najmul Islam	B.Sc (Civil)	01.06.1955	Peshawar	10.10.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
47.	Ghulam Hussain	B.Sc (Civil)	02.01.1956	Charsadda	26.11.1987	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
48.	Muhammad Tariq-III	B.Sc (Civil)	20.08.1958	Charsadda	09.01.1988	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
49.	Luqman Shafi Khattak	B.Sc (Civil)	10.11.1962	6 Karak	09.01.1988	23.01.1988	Adhoc Service w.e.f. 16.09.87 to 22.01.88
50.	Fazli Khaliq	B.Sc (Civil)	21.03.1950	Peshawar	01.10.1975	07.09.1988	
51.	Fauzian	B.Sc (Civil)	10.05.1951	NW Agency	09.02.1970	07.09.1988	
52.	Gauhar Ali Khan	B.Sc (Civil)	15.12.1960	Mardan	04.02.1989	04.02.1989	Adhoc Service w.e.f. 16.09.87 to 22.01.88
53.	Hasnain Javed	B.Sc (Civil)	30.03.1961	7 Nowshera	26.07.1989	26.07.1989	
54.	Amin-ul-Khaliq	B.Sc (Civil) M.S(Env't Engr)	08.12.1962	8 Dir	11.10.1989	11.10.1989	
55.	Bakatullah	B.Sc (Civil)	29.09.1969	9 Swat	05.03.1990	05.03.1990	
56.	Zulfiqar Ali	B.Sc (Civil)	27.06.1963	10 Peshawar	05.03.1990	05.03.1990	
57.	Shahzad Afzal Khan	B.Sc (Civil) M.S(Env't)	01.08.1964	11 Peshawar	05.03.1990	05.03.1990	
58.	Ahmad Nawaz	B.Sc (Civil)	16.09.1953	NW Agency	05.04.1977	09.09.1989	
59.	Nawab Sher	B.Sc (Civil)	08.01.1950	Mardan	16.10.1978	09.09.1989	
60.	Muhammad Tariq-V	B.Sc (Civil)	03.06.1964	12 D.I.Khan	12.11.1989	12.11.1989	

ATTESTED

KHALID KHAN

Advocate-on-Record  
Supreme Court of PakistanAppointment on Contract Basis Services regularized from the date of  
off(sic) w.e.f. 16.08.1990 in pursuance of the NWFP regularization of  
Service (Amendment) Act, 1989

ATTESTED

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
61.	Capt (Retd) Nawab Ali Khan	B.Sc (Mechanical)	30.10.1957	Charsadda	12.11.1989	12.11.1989	
62.	Ejaz Ahmad	B.Sc (Civil)	14.04.1967	13 Charsadda	12.11.1989	12.11.1989	Appointment on Contract Basis Services regularized from the date of off/(sic) w.e.f 16.08.1990 in pursuance of the NWFP regularization of Service (Amendment) Act, 1989
63.	S.Raffaqt Shah	B.Sc (Civil)	08.04.1966	14 Abbottabad	01.07.1991	01.07.1991	Appointment on Contract Basis Services regularized from the date of off/(sic) w.e.f 16.08.1990 in pursuance of the NWFP regularization of Service (Amendment) Act, 1989
64.	Ghulam Yazdani	B.Sc (Civil) M.S(Civil)	16.03.1967	Kohat	01.07.1991	01.07.1991	
65.	Jalauddin	B.Sc (Civil)	17.03.1967	15 S.W.Agency	01.07.1991	01.07.1991	
66.	Muhammad Ali	B.Sc (Civil)	27.09.1965	16 Peshawar	01.07.1991	01.07.1991	
67.	Farhan Zaman Babar	B.Sc (Civil)	25.09.1951	Nowshera	26.02.1974	08.01.1993	
68.	Riazullah Khan	B.Sc (Civil)	20.10.1953	Peshawar	27.07.1974	08.01.1993	
69.	Zakir Shah-I	Diploma (Civil)	20.10.1950	Dir	04.07.1970	02.10.1993	
70.	Khurshid Ahmed	Diploma (Civil)	03.01.1950	Abbottabad	17.01.1974	25.01.1994	
71.	Muhammad Idrees	Diploma (Civil)	28.03.1952	Manshra	17.01.1974	25.01.1994	
72.	Mian Yaqoob Shah	Diploma (Civil)	09.04.1953	Swabi	17.01.1974	25.01.1994	
73.	Muhammad Sharif	Diploma (Civil)	05.09.1950	Karak	18.01.1974	29.06.1994	
74.	Mubarak Hussain	Diploma (Civil)	01.01.1950	Kohat	09.02.1974	19.03.1995	
75.	Attaullah	Diploma (Civil)	13.03.1952	D.I.Khan	20.12.1973	16.10.1995	
76.	Ahmad Mehmood	B.Sc (Civil)	16.08.1952	Malakand Agency	10.08.1974	03.12.1995	
77.	Ejaz Hayat Malik	B.Sc (Civil)	23.04.1970	Peshawar	03.12.1995	03.12.0995	
78.	Mansoor Qadir	B.Sc (Civil)	31.08.1970	Karak	03.12.1995	03.12.0995	
79.	Jamshaid Ali Khan	B.Sc (Civil)	04.09.1971	Karak	03.12.1995	03.12.0995	

ATTESTED

*[Signature]*  
**(MAHALID KHAN)**  
 Advocate-on-Record  
 Supreme Court of Pakistan

*[Signature]*  
**ATTESTED**

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
80.	Naveed Iqbal	B.Sc (Civil)	13.02.1971	Kohat	03.12.1995	03.12.1995	
81.	Asad Ali Zafar	B.Sc (Civil)M.Phil(Civil)	08.03.1970	D.I.Khan	03.12.1995	03.12.1995	
82.	Muhammad Israr	B.Sc (Civil)M.Phil(Civil)	12.04.1963	Peshawar	03.12.1995	03.12.1995	
83.	Noor Sahib Khan	B.Sc (Civil)	01.01.1967	N.W.A	03.12.1995	03.12.1995	
84.	Khalid Muhammad	B.Sc (Civil)	24.12.1969	F.R.Bannu	15.01.1994	03.12.1995	
85.	Muhammad Arif Khan	B.Sc (Civil)	20.10.1965	Malakand Agency	03.12.1995	03.12.1995	
86.	Muhammad Sajid	B.Sc (Civil)	25.19.1968	Malakand Agency	03.12.1995	03.12.1995	
87.	Muhammad Nawaz-III	Diploma (Civil)	05.04.1964	Malakand Agency	03.07.1974	01.12.1995	
88.	S.Azhar Ali Shah Kazmi	Diploma (Civil)	04.04.1952	Peshawar	23.03.1974	04.12.1995	
89.	Atta-ul-Haq	B.Sc (Civil)	01.09.1952	Peshawar	16.11.1976	16.01.1996	
90.	Ahmad Jan Afridi	B.Sc (Civil)	16.03.1959	Khyber Agency	22.01.1976	01.12.1996	
91.	Aurangzeb-II	B.Sc (Civil)	12.07.1959	Kohat	18.06.1980	01.12.1996	Inter-se-seniority fixed in light of Services Tribunal decision, dated 04.12.2002 in Service Appeal No.1084/08
92.	Yousaf Ali	Diploma (Civil)	10.08.1951	Charsadda	09.02.1974	26.01.1997	Inter-se-seniority fixed in light of Services Tribunal decision, dated 04.12.2002 in Service Appeal No.1084/08
93.	Karam Ali	Diploma (Civil)	04.03.1950	Peshawar	11.04.1974	26.01.1997	
94.	Aziz-ur-Rehman	Diploma (Civil)	01.06.1951	Swabi	12.012.1974	22.10.1997	
95.	Ijaz Muhammad	Diploma (Civil)	25.12.1953	Kohat	03.05.1975	22.10.1997	
96.	Imran Hussain	B.Sc (Civil)	03.10.1980	Mardan	25.05.2007	28.05.2007	
97.	Asad Ali	B.Sc (Civil)	01.04.1960	Kurrm Agency	25.05.2007	28.05.2007	
98.	Sohail Idrees	B.Sc (Civil)	13.10.1976	Swabi	25.05.2007	28.05.2007	
99.	Qudratullah Khan	B.Sc (Civil)	25.01.1974	Swabi	25.05.2007	28.05.2007	

ATTESTED

(KHALID KHAN)  
Advocate-on-Record  
Supreme Court of Pakistan

ATTESTED

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
100.	Asmatullah	B.Sc (Civil)	05.01.1979	NW Agency	28.05.2007	28.05.2007	
101.	Abid Ali	B.Sc (Civil)	02.04.1981	Peshawar	28.05.2007	28.05.2007	
102.	Muneer Khan	B.Sc (Civil)	11.10.1964	Malakand	02.05.1995	28.05.2007	Served as Graduate Sub Engineer w.e.f 02.05.1995 to 27.05.2007
103.	M.Asif Imran	B.Sc (Civil)	15.12.1979	Bannu	28.05.2007	28.05.2007	
104.	Mushtaq Ahmad	B.Sc (Civil)	15.10.1968	SW Agency	24.04.1995	28.05.2007	Served as Graduate Sub Engineer w.e.f 24.04.1995 to 27.05.2007
105.	Khurshid Iqbal	B.Sc (Civil)	21.08.1977	Mansehra	28.05.2007	28.05.2007	
106.	Muhammad Shahid	B.Sc (Civil)	05.08.1980	D.I.Khan	14.06.2007	14.06.2007	
107.	Amir Jamal	B.Sc (Civil)	26.08.1978	Mansehra	14.06.2007	14.06.2007	
108.	Muhammad Hasanat	B.Sc (Civil)	13.04.1951	Charsadda	29.11.1979	26.03.2008	
109.	Abdul Hamid-II	B.Sc (Civil)	02.01.1956	Lakki	20.01.1979	26.03.2008	
110.	Amir Jan	B.Sc (Civil)	01.04.1965	Lakki	13.12.1990	26.03.2008	
111.	Muhammad Jamal-I	DAE (C)	31.03.1951	Mansehra	27.11.1975	26.03.2008	
112.	S.Ashiq Hussain	DAE (C)	17.03.1952	Kurram Agency	21.10.1970	26.03.2008	
113.	Faizullah Khan-I	DAE (C)	25.12.1950	Peshawar	01.11.1976	26.03.2008	
114.	Allah Nawaz-I	DAE (M)	01.05.1953	Hangu	01.11.1976	26.03.2008	
115.	Khalid Mehmood	DAE (M)	02.05.1952	Peshawar	01.05.1977	6.03.2008	
116.	Wajid Ahmad	DAE (C)/B.Tech(C)	18.04.1954	Mardan	16.10.1978	26.03.2008	

ATTESTED

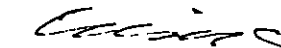
ATTESTED

(KHA)  
 (MHA) ID KHAN  
 Supreme Court of Pakistan



S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/ Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
117.	Rahim Ghani	DAC (C)	14.04.1958	Mardan	09.02.1979	26.03.2008	
118.	Muhammad Iqbal Yousafzai	DAC (C)	03.08.1958	Peshawar	12.03.1979	26.03.2008	
119.	Muhammad Arif-II	DAC (M)	15.01.1958	Peshawar	28.02.1979	26.03.2008	
120.	Shakeel Ahmad	DAC (M)/ B.Tech (M)	02.06.1953	Peshawar	10.03.1979	26.03.2008	
121.	Muhammad Mujahid	DAC (M)	05.21.1968	Peshawar	25.03.1979	26.03.2008	
122.	Adnan	B.Sc (Civil)	28.02.1978	Mohmand Agency	02.04.2008	02.04.2008	
123.	Inayatullah	B.Sc (Civil)	15.05.1976	FR Tank	02.04.2008	02.04.2008	
124.	Tufail Ahmad	B.Sc (Civil)	15.08.1981	Mardan	02.04.2008	02.04.2008	
125.	Sajjad Haider Jan	B.Sc (Civil)	11.05.1970	Swat	23.04.1995	30.12.2008	Served as Graduate Sub Engineer w.e.f. 23.04.1995 to 29.12.2008
126.	Muhammad Ali Khan	B.Sc (Civil)	15.02.1978	Lakki Marwat	30.12.2008	30.12.2008	
127.	Muhammad Zubair	B.Sc (Civil)	05.04.1985	N.W.A	30.12.2008	30.12.2008	
128.	Abdus Salam	B.Sc (Civil)	04.10.1972	N.W.A	03.07.1994	30.12.2008	Served as Graduate Sub Engineer w.e.f. 03.07.1994 to 29.12.2008
129.	Shafiq-ur-Rehman	B.Sc (Civil)	14.04.1983	Abbottabad	17.03.2008	17.03.2008	
130.	Muhammad Riaz-I	B.Sc (Civil)	17.11.1983	Charsadda	05.06.1980	21.11.2009	
131.	Khan Jamal	B.Sc (Civil)	06.04.1951	Khyber Agency	16.06.1980	21.11.2009	

ATTESTED

ATTESTED  
  
 (KHALID KHAN)  
 Advocate on Record  
 Supreme Court of Pakistan

(13)

S.No	Name of Officer	Academic Qualification	Date of Birth	Domicile's	Date of list Entry into Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
132.	Muhammad Tairq	DAE (M)	17.03.1958	Peshawar	03.10.1979	21.11.2009	
133.	Muhammad Ikram Qureshi	DAE (M)	20.09.1953	D.I.Khan	09.10.1979	21.11.2009	
134.	Asad Ali Bangash	DAE (M)	05.06.1954	Kohat	13.10.1979	21.11.2009	

SECRETARY TO GOVT; OF NWFP  
COMMUNICATION & WORKS DEPARTMENT  
Dated Peshawar the Dec 22, 2009

Ends: No.SOE-I/C&W/8-15/2009.

1. Secretary to Governor, NWFP
2. Secretary to Chief Minister, NWFP
3. Chief Engineer Communication & Works Department
4. Chief Engineer (FATA) Communication & Works Department
5. Managing Director Frontier Highway Authority, Peshawar.
6. All Superintending Engineers Communication & Works Department
7. All Executive Engineers Communication & Works Department
8. P.S. to Chief Secretary, NWFP.
9. P.S. to Secretary Establishment & Admin Department
10. P.S. to Secretary Law Department
11. P.S. to Secretary Communication & Works Department
12. Officers concerned
13. Office order file/personal file
14. Incharge Computer Cell C&W Department.
15. Manager Govt. Printing & Press Department for publication in the next issue of the Govt. Gazette.

**ATTESTED**  
*(Signature)*  
**(KHALID KHAN)**  
Advocate-on-Record  
Supreme Court of Pakistan

*(Signature)*  
**ATTESTED**

**(RAHIM BADSHAH)**  
SECTION OFFICER (ESTT)

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To

Annex C

P-14

The Secretary to Govt of Khyber Pakhtunkhwa,  
Communication & Works Department,  
Peshawar.

Subject: **REQUEST FOR PROFORMA PROMOTION TO THE RANK  
EXECUTIVE ENGINEER BS-18 AND SUPERINTENDING ENGINEER  
BS-19 WITH BACK BENEFIT ON ACQUIRING B.SC ENGINEERING  
DEGREE DATE IN C&W DEPARTMENT**

Sir,

It is with great respect submitted that the undersigned was appointed as Sub Engineer BS-11 in C&W Department on the basis of Diploma in Associate Engineering (Civil), prescribed qualification for the post. During my service I have qualified & obtained B.Sc Engineering Degree in 1986, my name was reflected in the seniority list of 1986 of in service Degree Holders Sub Engineers of the C & W Department (Seniority list attached).

It is added that during 1986, 10% quota was reserved for Graduate Sub Engineers in C&W Department, amendment in Service Rules of the C&W Department was notified by former Services & General Administration Department (Copy of the amendment in Service Rules is annexed).

During 1987 and 1988, dozens of newly Assistant Engineers BS-17 were inducted in the C & W Department under Five Point Prime Minister agenda program, on Adhoc / Contract basis, subsequently regularized their services through the Provincial Assembly, as well as appointments through former NWFP Public Service Commission, inducted as fresh Assistant Engineers BS-17.

It is pointed out that instead of considering my promotion as assistant engineer bs-17 against the 10% reserved quota, the directly inducted assistant engineers appointed on Adhoc/Contract basis as well as through NWFP Public Service Commission, were adjusted in excess of the initial recruitment quota of 70%, ignoring my case of promotion, due to which my due right / fundamental right had been violated.

In view of the afore going submissions, it is earnestly requested that my proforma promotion case may be reconsidered and placed before the PSB for promotion from the date prior of the newly appointees Assistant Engineers (on Adhoc/Contract/ through Public Service Commission), so that I may be able to get my due right of promotion to the rank of Executive Engineer, after fixation of seniority from 1987 and to the rank of Superintending Engineer BS-19 in the C & W Department because the undersigned is at the verge of retirement and may be able to get pension benefit as well in the higher ranks.

ATTESTED

Yours-sincerely,  
Engr. Aurangzeb  
Executive Engineer C/ & W Department.

GOVERNMENT OF N.W.F.P  
COMMUNICATION & WORKS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 18<sup>th</sup> October 1986

No.SO(E)C&W/4-5/78. In exercise of the powers conferred by sub-rule (2) of rule (3) of the North-West Frontier Province Civil Servants (Appointment and Transfer) Rules, 1975 and in consulation with the Services and General Administration Department and Finance Department, the Communication and Works Department is pleased to direct that in the Services and General Administration Department's Notification No. SOR-I(S&GAD)1-12/74, dated the 13<sup>th</sup> January, 1980, the following amendment shall be made, namely:

AMENDMENT

In Schedule I, for the existing entry at clauses (b) in column 7 against serial No.4, the following entry shall be substituted, namely:

- (b). 10% by promotion, on the basis of seniority-cum-fitness, from amongst the sub Engineers holding a degree in Engineering, Seniority to be determined from the date of acquiring, degree or initial appointment whichever is later.

ABDUL MAJID MOHMAND  
SECRETARY TO GOVT. NWFP  
COMMUNICATION & WORKS DEPARTMENT

ENDST. No.SO(E)C&W/4-5/78. Dated Peshawar, the 18<sup>th</sup> October, 1986

A copy is forwarded to the :-

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in NWFP.
3. Secretary to Governor NWFP
4. Secretary to Minister, NWFP.
5. All Heads of Attached Departments in NWFP
6. All District and Sessions Judges in NWFP.
7. All Deputy Commissioners/Political Agents.
8. Secretary, NWFP, Public Service Commission/Registers/Tribunal
9. All Section Officers in the S&GAD. NWFP Peshawar
10. Registrar, High Court, Peshawar.
11. Deputy Secretary (Works) C&W Department.
12. All section officers in C&W Department/P.S to secy C&W Deptt.
13. Manager, Govt. Printing press Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the printed.
14. O/O file/Main File.

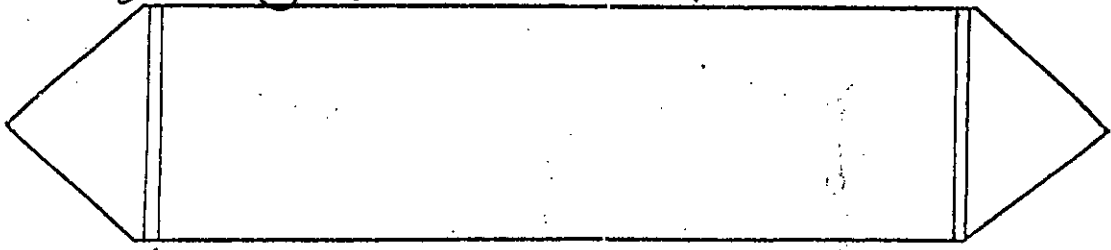
ATTESTED

ATTESTED

(KHALID KHAN)  
Advocate-on-Record  
Supreme Court of Pakistan

Mirza Bashir Ahmad  
Section Officer(E)  
C&W Department

بعدالت جناب سرور سٹریٹس ہونٹل فیبریشن و خواہ



موزخو ۱۷.۶  
مقدمہ - ۴ روزہ کانفرنس  
دعویٰ  
جرم

۲۰۱۹  
بنام سیکرٹری  
C.W.O.  
کراچی

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام کے لیے استغاثہ اعدا کی گئی  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

۱۶ / April 2019

وہ  
کے لئے منظور ہے۔  
استغاثہ اعدا دوزا

المقوم  
اورنگزیب  
بمقام

In the matter of Service Appeal No 512/2019  
titled as: "Aurangzeb XEN...Versus...The State"

REFERENCE OBSERVATION DATED 24/05/2019  
OF THE LEARNED MEMBER SERVICE TRIBUNAL.

1. *That the appellant request that this case for antedate promotion w.e.f. 23/01/1988 may be considered as well as my be considered senior to Muhammad Uzair at Serial No 3 the list.*
2. *That although in Service Appeal No 1084/2008, the appellant was granted antedate seniority as SDO w.e.f. 01/12/1996 instead of 2008, but at that time the position was not clear as the appellant had not seen various seniority lists. However, the department letter has admitted in the Honourable Supreme Court that the petitioner will be granted pensionary benefits to the appellant equal to Mr. Riaz Ullah who according to the said seniority list was promoted as SDO w.e.f. 08/01/1993 (Serial No 68 of the list) but in fact the appellant is entitled to promotion as SDO w.e.f. 23/01/1988.*
3. *That in 1980 according to the rules of appointment of SDOs the following quota was fixed:-*

- a. 70% by initial appointment
- b. 10% by promotion of degree holders SEs
- c. 20% by promotion of diploma holder SEs.

4. In 1986, the rules were further amended and according to this amendment the seniority of degree holder SEs was further cleared to the effect that seniority of degree holders SEs who joined service as Graduate and who acquired degree in service was to be fixed from date of acquiring degree or joining service, whichever is earlier. (Annexure "D" and "D/1"). As such these rules are applicable in the case of appellant. The seniority list of SDOs/AEs issued in 2009 (which is annexure "B" of appeal) show the promotion of appointment and promotion as SDOs year wise from 1988 to 1991 as under:-

Year	No of vacancies	No of direct appointed SDO (BPS)	No of degree holder SEs promoted as SDO	No of diploma holders SE promotion as SDO
1988	48	46	2	-
1989	8	6	2	-
1990	3	-	-	-

5. That according to 10% quota fixed for degree holders 5 Sub Engineers should have been promoted as SDOs but the list shows that only 2 degree holders SEs mentioned at Serial No

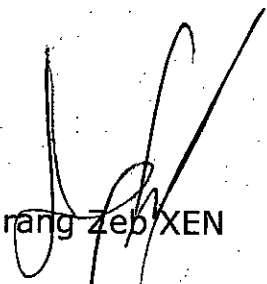


50 and 51 of annexure "B" of appeal were promoted, whereas the appellant was not considered although in the remaining three vacancies of SEs degree holders the appellant had a right to be promoted as he was senior most at that time.

*It is, therefore, submitted that the appellant may be granted antedated promotion as SDO/AE w.e.f 23/01/1988 as prayed above and his case for antedated promotion as XEN and as SE may please be considered in light of the above date.*

Dated:- 21/08/2019

Through:-

  
Aurang Zeb/XEN

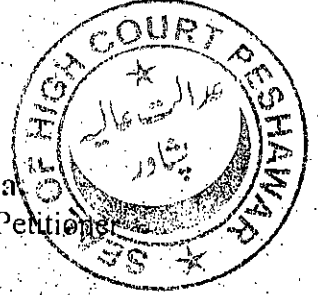
Ashfaq Ahmad Daudzai  
Advocate High Court,  
Peshawar.

3

**BEFORE PESHAWAR HIGH COURT, PESHAWAR.**

W.P No. 2089/2019

Aurangzeb- XEN, CNW Department Khyber Pakhtunkhwa  
..... Petitioner



Versus

1. Chief Engineer C & W Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa C and W, Peshawar.

..... Respondents

**PETITION:-**

Under Article 199 read with 204 and 187 of the constitution of Pakistan-1973 for issuing writ of declaration and writ of mandamus, taking action against respondents for denying the rights of petitioner, not obeying the orders of Hon'ble Supreme Court, Passed in C.P.L.A No. 264-P/2012, which act amount to contempt of court.

**Respectfully Sheweth:**

The petitioner most respectfully forward his grievance as under:-

1. The petitioner had filed service appeal No. 971/2010 before the Service Tribunal challenging the seniority list issued by respondents and discrimination with petitioner, which was dismissed.

Copy of appeal and judgment is attached as Annexure A and B

2. That the petitioner aggrieved from the same order approached before the Hon'ble Supreme Court of Pakistan. The Hon'ble Supreme Court after hearing the C.P.L.A No. 264-P/2012 allowed the same vide order dated 18/09/2018 with certain direction to respondents.

Copies of CPLA and judgment are attached As Annexure C & D

3. That the petitioner after the order/judgment dated 18/09/2018 approached before respondents for implementation of the same to the satisfaction of petitioner as per law. It is worth to mention here that the petitioner also filed departmental appeal, but the same is in vain and no heed was given by respondents.

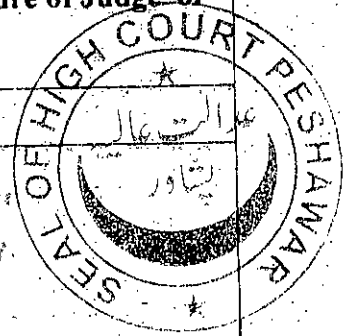
Copy of application is attached as Annexure E

**ATTESTED**  
EXAMINER  
Peshawar High Court

**PESHAWAR HIGH COURT, PESHAWAR.**

**ORDER SHEET**

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge or counsel where necessary
1	2
08.10.2019	<p><u>W.P No. 2089/2019 with I.R.</u></p> <p><b>Present:</b> Mr. Ashfaq Ahmad Daudzai, Advocate, for the petitioner.</p> <p>Mr. Moeen ud Din Hamayun, AAG along with Tauseef Ullah, SO Litigation, for the respondents.</p> <p>*****</p> <p><b><u>LAL JAN KHATTAK, J.-</u></b> At the very outset, the latter stated at the bar that the respondents will consider the petitioner's case in the light of judgment of Hon'able Supreme Court of Pakistan dated 18.9.2018, delivered in CP No. 264-P/2012 within a period of one month.</p> <p>2. In view of the above, we dispose of this petition with direction to the respondents to positively decide the petitioner's case in the light of ibid judgment within one month. Copy of the compliance report be sent to the Additional Register (Judicial) of this Court for placing it on the case file.</p> <p><b><u>Announced.</u></b> 08.10.2019.</p> <p style="text-align: right;"><i>[Signature]</i> <b>JUDGE</b></p> <p style="text-align: right;"><i>[Signature]</i> <b>JUDGE</b></p>



\*M.Zafar P.S.\*

(Justice Lal Jan Khattak and Justice Ishtiaq Ibrahim)

SENT TO BE TRUE COPY

High Court, Peshawar  
Registered Under Article 67  
of the Constitution of Pakistan  
1973

09 OCT 2019