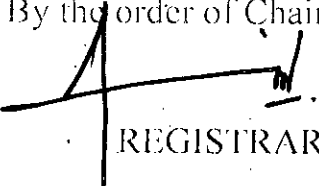


FORM OF ORDER SHEET

Court of _____

Appeal No. 187/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/01/2024	<p>The appeal of Mr. Shaheen Iqbal presented today by Mr. Muhammad Ayub Shinwari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 187 2024

Shaheen Iqbal Versus Chief Secty, Govt of KP & Others

INDEX

S. No	Description of Document	Dated	Annex	Pg No
1.	Service Appeal + Affidavits			1-4-A
2.	Copy of PEC Registration Certificate		A	5
2.	Copy of decision of meeting of the Provincial Cabinet held on 24-05-18	05-06-18	B	6
3.	Copy of decision of meeting of the Provincial Cabinet	18-10-18	C	7-8
4.	Copy of impugned Notification	19-10-18	D	9-10
5.	Copy of Notification	07-07-21	E	11
6.	Copy of letter	16-07-21	F	12
7.	Copy of letter	19-11-21	G	13-14
8.	Copy of Departmental Appeal		H	15
9.	Copy of Judgment and Order		I	16-27
10.	Copy of order	29-07-20	J	28-29
11.	Copy of Judgment in S.A No 7856/2021	24-07-23	K	30-35
12.	Copy of impugned Notification along with letter dated 02-01-24	09-10-23	L	36-38
				39

Dated: / /2024

Appellant,
Through

Muhammad Ayub Khan Shinwari
LL.B; LL.M

ADVOCATE

Supreme Court of Pakistan

CHAMBER

7-A, Haroon Mansion,
Khyber Bazar, Peshawar
Cell: (Clerk) 03219068514

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 187 2024

Shaheen Iqbal,
District Officer, On Farm Water Management, MohmandAppellant

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Deptt, KP, Peshawar
4. Director General, Agriculture, Livestock and Cooperation Deptt, KP, Peshawar

.....Respondents

Service Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against office order dated 09-10-2023.

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Appellant is duly qualified engineer registered with Pakistan Engineering Council and is serving in the respondent Department against the post mentioned in the title of the Petition. (Copy of PEC registration Certificate is filed herewith and annexed as **Annex-A**)
2. That the provincial cabinet in its meeting held on 24-05-2018 decided and approved the grant of technical allowance @ 1.5 times of the initial basic pay scale to all the engineers working in provincial government Departments with effect from 1st July, 2018. (Copy of decision of meeting of the Provincial Cabinet dated 24-05-2018 is filed herewith and annexed as **Annex-B**)

3. That thereafter another meeting of the provincial cabinet was held on 15-10-2018 wherein it clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit. (Copy of the decision of meeting of the Provincial Cabinet dated 15-10-2018 is filed herewith and annexed as **Annex-C**)
4. That in the light of aforesaid developments, the Appellant was under legitimate expectancy that he will be granted the benefits of the aforesaid decision of provincial cabinet but to the utter surprise of the Appellant, the respondents issued the impugned Notification dated 19-10-2018 whereby the benefit of the aforesaid provincial cabinet decision is given only to the engineers holding Engineering qualification serving in the C & W Department, Irrigation, Public Health Engineering and Local Government Departments of Government of Khyber Pakhtunkhwa and the Appellant is deprived from its benefit. (Copy of Notification is filed herewith and annexed as **Annex-D**)
5. That it is pertinent to mention here that the respondents have extended the benefit of the Notification dated 19-10-2018 to the similarly placed colleagues/engineers of the appellant serving in Local Govt & Mines & Minerals, vide Notification dated 07-07-2021. Furthermore the respondent No 4 has requested the respondent No 3 to extend the benefits of the Notification 19-10-2018 to the appellant vide letters dated 16-07-2021 and 19-11-2021. (Copy of Notification is filed herewith and annexed as **Annex-E, F & G**)
6. That the Appellant had time and again approached the respondents for redress of his grievance but in vain. (Copy of the Departmental Appeal is filed herewith and annexed as **Annex-H**)
7. That thereafter the appellant filed Writ Petition No 681-P/2018 before the Honorable Peshawar High Court, Peshawar Vide Judgment and Order dated 12-02-2020, wherein the respondents were directed to decide the departmental appeal of the appellant pending with the respondents. Despite the aforesaid judgment, the respondents were reluctant to pass final order on the departmental appeal of the appellant, thus the appellant filed C.o.C No 448-P/2020 before the Peshawar High Court, wherein on the date of hearing, the respondents produced the impugned order dated 29-07-2020 whereby the departmental Appeal of the appellant is dismissed. The copy of the impugned order was produced in the hearing before the Honorable Peshawar High Court on the date of hearing i.e., 12-10-2021, whereas the attested copy of the said order is obtained by the appellant on 30-11-2021. (Copy of

Judgment and Order passed by Honorable Peshawar High Court, Peshawar and impugned order is filed herewith and annexed as **Annex-I & J** respectively)

8. That feeling aggrieved, the Appellant filed Service Appeal No7856/2021, title Shaheen Iqbal Vs Govt of KP & others before this Honorable Tribunal which was disposed of by this Honorable Tribunal vide Judgment and Order dated 24-07-2023 with the directions to the respondents to treat the appellant at par with the similarly placed civil servants and pass an appropriate speaking order under the law. In pursuance of the aforesaid Judgment and Order of this Honorable Tribunal, the respondents passed the impugned order dated 09-10-2023 whereby the grant of Technical Allowance to the appellant is regretted. It is pertinent to mention here that the copy of said order is communicated to the appellant vide order dated 02-01-2024. (Copy of the impugned order dated 09-10-2023 and order dated 02-01-2024 is filed herewith and annexed as **Annex-K**)

Hence, the title Service Appeal on the following amongst other grounds:

Grounds:

- a. That the impugned Notification dated 09-10-2023 is against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Tribunal.
- b. That the extension of benefits of technical allowance to the engineers serving in few departments and leaving the similarly placed employees of other departments, is ex-facie discriminatory and, therefore, violative of Article 3 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 besides offensive to the principle of "equal pay equal work". The respondents cannot treat the similarly placed persons with different yard stick so far as pay and allowances are concerned.
- c. That the impugned Notification and impugned order is against the fundamental rights of the Appellant enshrined and protected under the Constitution of Islamic Republic of Pakistan, 1973.
- d. That the impugned Notification and impugned order is against the spirit of rule 25 of Government Rules of Business.
- e. That the impugned Notification and impugned order is issued in utter disregard of the decisions of the Provincial cabinet. The provincial cabinet in its meeting held on 15-10-2018 clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit

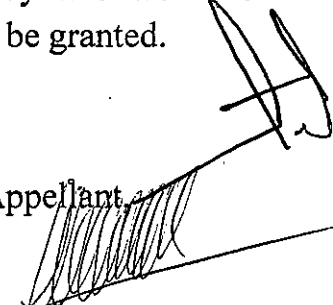
- f. That the impugned Notification is against the dictums of the apex Supreme Court of Pakistan and also against the Judgments of this Honorable Court.
- g. That the Appellant crave permission of this Honorable Tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant Petition.

It is, therefore, prayed that on acceptance of this Appeal, this Honorable Tribunal may kindly:

- a. Declare the impugned order 09-10-2023 as against the law, illegal, unlawful and without lawful authority; and
- b. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24-05-2018 and 15-10-2018 by the respondents as illegal, unlawful, without lawful authority and ineffective upon the rights of the Appellant; and
- c. Direct the respondents to extend the benefit of the Notification Dated 19-10-2018 to the Appellant by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits; and
- d. Any other relief which has not been specifically prayed for and deemed fit and appropriate by this Honorable Tribunal in the circumstances may graciously be granted.

Through

Appellant


Muhammad Ayub Khan Shinwari
Advocate Peshawar

4-A

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____ 2024

Shaheen Iqbal Versus Chief Secty, Govt of KP & Others

AFFIDAVIT


I, Shaheen Iqbal, District Officer, On Farm Water Management, Mohmand do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing is kept concealed from this Honorable Tribunal.


Deponent

Shaheen Iqbal

ANWAR A

PROFESSIONAL ENGINEER




ENGR. SHAHEF N IQBAL

Reg No: AGRI/0034
 Expiry: DECEMBER 31, 2020
 Address: MOHALLA PCHAZI NHEE VILLAGE POND
 PO HAJIZAI T HSI, SHADADAR
 DISTRICT HARSYANA

Signature of Holder Registrar

RENEWAL CARD

Sr. No: 0054267



PAKISTAN ENGINEERING COUNCIL
 Atafuck Avenue (Easo) G-5/2, Islamabad

U.S. 11-11-79

ATTESTED

ATTESTED

Amer B C

Amer MB TA

IMMEDIATE/SECRET

CABINET BUSINESS



TT-06-18
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)27-312/2018
Dated Peshawar the 05th June, 2018.

Amer MB TA

To,

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department

4523
18/18

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

MISCELLANEOUS

7. The Secretary Irrigation briefed the Cabinet regarding the agenda item lilled "Demand of the Khyber Pakhtunkhwa association of Government Engineers" discussed in the previous cabinet meeting held on 17-06-2018. The Cabinet agreed to reconsider its decision in the following manner:

- i. The Cabinet approved technical allowance @ 1.5 times of the initial basic pay scale to all engineers working in provincial government departments with effect from 1st July, 2018
- ii. The Cabinet approved to allow the Engineers for private practice. The ToRs and Conditions for the permission of private practice will be finalized and approved by the Committee constituted under the Chairmanship of Secretary Establishment.
- iii. The Cabinet approved, in principle, the demand of "Upgradation/restructuring of the Engineers" for which necessary modalities should be submitted for approval of the Cabinet.

Implementing Department: Irrigation/Establishment Deptts:

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

(QASIM JAN)
SECTION OFFICER (CABINET)

MMBD

ATTESTED

+ SO(E) pm

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Annex C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(CABINET WING)
No. SOC/EA/D/9-3/2018
Dated, Peshawar, the 18th October, 2018.

- 1. Mr. Muhammad Ali, Senior Minister
- 2. Mr. Shehram Khan, Minister
- 3. Mr. Taimoor Saleem Khan Jhagra, Minister
- 4. Syed Muhammad Ishfaq, Minister
- 5. Haji Qalandar Khan Lodhi, Minister
- 6. Mr. Akbar Ayub Khan, Minister
- 7. Mr. Shakeel Ahmed, Minister
- 8. Mr. Mohibullah Khan, Minister
- 9. Dr. Amjad Ali, Minister
- 10. Mr. Sultan Muhammad Khan, Minister
- 11. Dr. Hisham Inam Ullah Khan, Minister
- 12. Mr. Zia Ullah Khan Bangash, Advisor
- 13. Mr. Hlmayatullah Khan, Advisor
- 14. Mr. Abdul Karim Khan, Special Assistant
- 15. Mr. Kamron Khan Bangash, Special Assistant

SUBJECT: MINUTES OF THE SPECIAL (BUDGET) MEETING OF THE PROVINCIAL CABINET DATED 15.10.2018.

Dear Sir,

I am directed to enclose herewith a copy of minutes of The Special (Budget) meeting of the Provincial Cabinet held on 15.10.2018 at 11:00 A.M under the Chairmanship of Chief Minister Khyber Pakhtunkhwa in the Cabinet Room of Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

2. I am to request that after perusal, these minutes may kindly be returned to the Cabinet Section under a sealed cover.

Encl: (As above).

Yours faithfully,
Qasim Jan
(QASIM JAN)

SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy with a copy of the minutes is forwarded for perusal with the request to return it to the Cabinet Section, Administration Department Govt. of Khyber Pakhtunkhwa:-

- 1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3. P.S. to Chief Secretary Khyber Pakhtunkhwa.
- 4. P.S. to Secretary Administration Department.

Qasim Jan
SECTION OFFICER (CABINET)

ATTACHED

ATTACHED

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Implementing Department: Secretary P&D (Merged Areas)

Miscellaneous:

The Chief Minister desired to know the status of earlier Cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments. Secretary Finance explained that there is lack of clarity regarding the beneficiaries of the decision as Engineers are also working at places other than C&W, Irrigation, PHE and Local Government Departments.

The Chair directed that the decision of the Provincial Cabinet for extension of Technical Allowance to the Engineers working in Provincial Government Departments may be implemented in letter & spirit.

Implementing Department: Finance/Irrigation Departments

Meeting ended with a vote of thanks from and to the chair

ATTESTED
[Signature]

ATTESTED
[Signature]

[Signature]

9 ANNEX C



Government of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)

Dated: Peshawar, 11th October, 2018

NOTIFICATION

No. FP/GO/SEC/REG/2018/110. The Government of Khyber Pakhtunkhwa is hereby notified that the Government will allow the payment of a Technical Allowance to the employees of the Government of Khyber Pakhtunkhwa, including those employed in the Government of Khyber Pakhtunkhwa, Education, Insulars, (IEI) / Universities, duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving in the sanctioned posts in the GSW, Irrigation, Public Health, Engineering and Local Government Departments, Govt of Khyber Pakhtunkhwa, with effect from 1st November 2018.

Sl. No.	Pay Scales	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance Per Month @ 15% Initial Basic Pay as per Pay Scales 2017
1	Engineers in BS-20	Rs. 69,090/-	Rs. 10,363.50
2	Engineers in BS-18	Rs. 59,210/-	Rs. 8,881.50
3	Engineers in BS-17	Rs. 48,370/-	Rs. 7,255.50

- The above allowance will be admissible subject to the following conditions:
 - It will not be counted towards pension or gratuity.
 - It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - The Engineers in receipt of such allowances other than regular allowances as envisaged under major object A0121, A0122 shall be entitled to one of the allowances whichever is more beneficial.
 - It will not be admissible to deputationalists.

Secretary to Government
of Khyber Pakhtunkhwa
Finance Department

Ends: No & Date Even

- The Accountant General, Khyber Pakhtunkhwa, Peshawar
- The Additional Chief Secretary, P&D Department
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- All the Administrative Secretaries to Govt of Khyber Pakhtunkhwa
- All the Divisional Commissioners in Khyber Pakhtunkhwa
- All the Deputy Commissioners in Khyber Pakhtunkhwa
- All the District Accounts Officers in Khyber Pakhtunkhwa
- Director (MIS) Finance Department
- PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
- All the Chief Officers, Finance Department
- PS to Secretary, Finance Department
- PS to Special Secretary, Finance Department
- Assistant Director (HRD Data Base) Finance Department
- PS to Additional Secretary (Regulation) Finance Department
- PS to Deputy Secretary (Regulation) Finance Department

(Nasim Abbasani)
Section Officer (SP-1)

ATTESTED

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Well

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BETTER COPY OF THE PAGE NO. 14

Government Of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)

Dated Peshawar The 19th October 2018

NOTIFICATION

No. FD(SO SR-II) 8-7/2018-19: The Government of Khyber Pakhtunkhwa has been pleased to sanction Technical Allowance as per the following rates to Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (DEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt. of Khyber-Pakhtunkhwa with effect from 1st November 2018:-

<u>S.#</u>	<u>Pay Scales</u>	<u>Initial Basic Pay of Pay Scales 2017</u>	<u>Rate of Technical Allowance Per Month (@ 1.5 initial Basic Pays as per Pay Scales 2017)</u>
i.	Engineers in BS -20	Rs 69,090/-	Rs 1,03,635/-
ii.	Engineers in BS - 19	Rs 59,210/-	Rs 88,815/-
iii.	Engineers in BS -18	Rs 38,350/-	Rs 57,525/-
iv.	Engineers in BS -17	Rs 30,370/-	Rs 45,550/-

2. The above allowance will be admissible subject to the following conditions:-
- It will not be counted towards pension or gratuity.
 - It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - The Engineers in receipt of such allowances other than regular allowances as classified under major object A012-1 A-12-2 shall be entitled to one of the allowances, whichever is more beneficial.
 - It will not be admissible to deputationists.

**Secretary to Government
Of Khyber Pakhtunkhwa
Finance Department**

Endst: No. & Date Even

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary P&D Department.
3. The Principal Secretary of Chief Minister, Khyber-Pakhtunkhwa
4. All the Administrative Secretaries to Govt. of Khyber-Pakhtunkhwa
5. All the Divisional Commissioners in Khyber-Pakhtunkhwa
6. All the Deputy commissioners in Khyber-Pakhtunkhwa
7. All the District Accounts Officers in Khyber-Pakhtunkhwa
8. Director, FMIU, Finance Department
9. PSO to Chief Secretary, Khyber-Pakhtunkhwa, Peshawar.
10. All Budget Officer, Finance Department
11. PS to Secretary Finance Department
12. PS to Special Secretary Finance Department
13. Assistant Director (HR Data Base) Finance Department
14. PA to Additional Secretary (Regulation) Finance Department
15. PA to Deputy Secretary (Regulation-II), Finance Department

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)


Dated Peshawar the: 07-07-2021

NOTIFICATION

No. FD(SOSR-II)2-5/2021-22/Tech Allow. In partial modification of this Department notification No FD (SO SR-II) 8-7/2018-19, dated 19-10-2018, the Government of Khyber Pakhtunkhwa has been pleased to accord sanction to Technical Allowance as per the following rates to the Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (HEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against positions that are required to be filled by engineers for C&W, Irrigation, Public Health Engineering, Local Government & Mines & Mineral Development Departments with effect from 01.07.2021:

S.No.	Pay Scale	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance per Month @ 1.5 Initial Basic pay Scales 2017
1	Engineers in BPS 20	Rs. 69,090/-	Rs. 103,635/-
2	Engineers in BPS 19	Rs. 59,210/-	Rs. 88,815/-
3	Engineers in BPS 18	Rs. 38,350/-	Rs. 57,525/-
4	Engineers in BPS 17	Rs. 30,370/-	Rs. 45,550/-

2. The above allowance will be admissible subject to the following conditions:
- It will be subject to Income Tax.
 - It will not be counted towards pension and gratuity.
 - It will not be admissible in any kind of leave (except casual leave) as well as posting against OSD and Leave Reserve Posts.
 - Those engineers who are posted against other posts and are in receipt of cadre allowance other than regular allowances shall only be entitled to one of the allowances, whichever is more beneficial.
3. All Autonomous/Semi-Autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of concerned Competent Forum subject to availability of their resources


Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No. & Date even.

A copy of the above is forwarded for information & necessary action to the:

- The Accountant General, Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- All Administrative Secretaries to government of Khyber Pakhtunkhwa.
- All the Divisional Commissioners in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All the District Accounts Officers in Khyber Pakhtunkhwa.
- The Director-FMIU, Finance Deptt. with the request to upload the same on FD's Website.
- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- All Section Officers/Budget Officers in Finance Dept. Khyber Pakhtunkhwa.
- The Manager, Government printing Press, Peshawar.
- The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
- PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
- PAs to Addl. Secretaries/Deputy Secretaries in Finance Dept. Peshawar.
- Master File.


(Muhammad Ilyas Khattak)
Section Officer (SR: II)



(12)

Hammad F

**DIRECTORATE GENERAL ON FARM WATER
MANAGEMENT KHYBER PAKHTUNKHWA**

19-Jamrud Road, ATI Campus Peshawar
(Ph: 091-9224307-8, Fax: 091-9224370, Email: dgofwm@gmail.com)



No. 1669 /DG/OFWM
Dated 16/10/21 /2021

To

Secretary,
Agriculture, Livestock and Cooperation Department
Government of Khyber Pakhtunkhwa, Peshawar

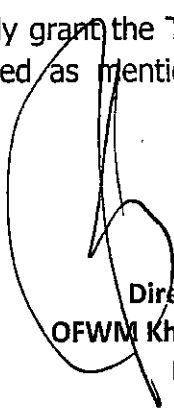
**Subject: - Departmental Appeal for extension of benefit of Notification
Dated 19-10-2018 partially modified dated 7-7-2021.**

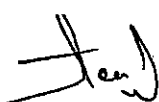
The engineers serving in the office of undersigned has submitted a departmental appeal for extension of benefit of the subject above in shape of Technical Allowance granted to different attached departments of the Government of Khyber Pakhtunkhwa fulfilling the following criteria.

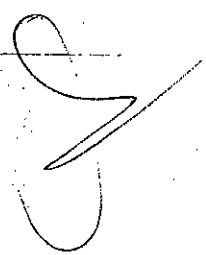
- Engineers holding Engineering Qualification from the accredited Engineering programme of Higher Education Institutions/ Universities duly recognized by Higher Education Commission.
- Engineers Registered with Pakistan Engineering Council.

It is submitted for your information that the Engineers working in the On Farm Water Management fulfilling the above criteria and deals with the civil works/ Engineering works i-e Construction, designing, improvement, preparation of BOQ/ estimates, of the following innervations, improvement of tertiary irrigation system, construction of water storage Tanks, Installation of High Efficiency Irrigation System (Drip & Sprinkle), PCC, PCPS, Brick, and Pipe lining.

In view of the above it is requested to kindly grant the Technical Allowance to the engineers working in the office of undersigned as mentioned in the above subjected notification please.


Director General
OFWM Khyber Pakhtunkhwa
Peshawar





(13)

Annex G PB



DIRECTORATE GENERAL OF WATER MANAGEMENT KARNATAKA

100, 101 & 102, 1st Cross, 1st Stage, 1st Block, Bangalore - 560001



No. 100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

The Secretary
Department of Agriculture and Cooperation Department
Government of Karnataka, Bangalore

Subject: GRANT OF TECHNICAL ASSISTANCE TO THE DIRECTORATE OF WATER MANAGEMENT, KARNATAKA FOR THE PURCHASE OF EQUIPMENT TO BE USED IN THE STATE OF KARNATAKA IN ORDER TO FACILITATE THE IMPLEMENTATION OF THE PROJECTS OF WATER SUPPLY, IRRIGATION, SOIL CONSERVATION, FLOOD CONTROL AND RAIN WATER HARVESTING IN RURAL AREAS OF KARNATAKA.

The impugned award of the State of Karnataka has been placed on file for the information of the Government of Karnataka in view of the fact that the award is subject to the approval of the Government of Karnataka.

- a) The impugned award is in the amount of Rs. 10000000/- (Ten Crores Rupees only).
- b) The award is for the purchase of equipment for the State of Karnataka.
- c) The award is subject to the approval of the Government of Karnataka.

It is noted that the impugned award is in the amount of Rs. 10000000/- (Ten Crores Rupees only) and is for the purchase of equipment for the State of Karnataka. The award is subject to the approval of the Government of Karnataka.

In view of the above it is requested to kindly place the award on file for the information of the Government of Karnataka.

The Director
Directorate General of Water Management,
Bangalore

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Page No. *[Handwritten]*

**DIRECTORATE GENERAL ON FARM WATER
MANAGEMENT KHYBER PAKHTUNKHWA**
19-Jamrud Road, ATI Campus, Peshawar
(Ph: 091-9224307 & Fax: 091-9224371) Email: _____

No. 3464/DO/OFWM
Dated 19/11/2021

To

The Secretary
Agriculture, Livestock and Cooperation Department
Government of Khyber Pakhtunkhwa Peshawar .

Subject: **GRANT OF TECHNICAL ALLOWANCE TO THE ENGINEERS OF ON FARM WATER MANAGEMENT, WING OF AGRICULTURE DEPARTMENT IN LIGHT OF CABINET DECISION DATED 24.05.2018 & 15.10.2018 ON THE ANALOGY OF C&W IRRIGATION PUBLIC HEALTH ENGINEERING, LOCAL GOVERNMENT AND MINE & MINERALS DEPARTMENTS GOVERNMENT OF KHYBER PAKHTUNKHWA.**

The engineers serving in the office of undersigned has submitted a departmental appeal for extension of benefit of the subject above in shape of Technical Allowance granted to different attached departments of the Government of Khyber Pakhtunkhwa fulfilling the following criteria.

- a. Engineering Qualification from the accredited Engineering Program of Higher Education Institutions (HEC)
- b. University of Qualification the recognized from Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC).
- c. Should be serving against the sanctioned posts of Provincial Government.

It is submitted for your information that the Engineers working in the On Farm Water Management fulfilling the above criteria and deals with the civil works / Engineering works i.e. Construction, designing, improvement, preparation of BOQ / estimates of the following innervations empowerment of territory irrigation system, construction of water storage tracks installation of High Efficiency Irrigation System (Drip & Sprinkle) PCC, PCPS, Block and Pipe lining.

In view of the above it is requested to kindly grant the Technical Allowance to the engineers working in the office of undersigned as mentioned in the above subjected notification please.

Sd/-
Director General
Of W/M Khyber Pakhtunkhwa
Peshawar

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Secretary to Govt of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation Deptt, Peshawar

Subject: Departmental Appeal against Notification dated 19-10-2018

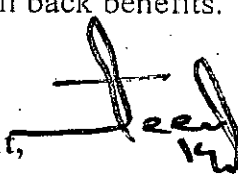
Sir,

The applicant humbly submits as follows:

1. That I am duly qualified engineer registered with Pakistan Engineering Council and are serving in the Department.
2. That the provincial cabinet in its meeting held on 24-05-2018 decided and approved the grant of technical allowance @ 1.5 times of the initial basic pay scale to all the engineers working in provincial government Departments with effect from 1st July, 2018.
3. That thereafter another meeting of the provincial cabinet was held on 15-10-2018 wherein it clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit.
4. That in the light of aforesaid developments, I was under legitimate expectancy, that I will be granted the benefits of the aforesaid decision of provincial cabinet but to my surprise, the Notification dated 19-10-2018 is issued whereby the benefit of the aforesaid provincial cabinet decision is given only to the engineers holding Engineering qualification serving in the C & W Department, Irrigation, Public Health Engineering and Local Government Departments of Government of Khyber Pakhtunkhwa and I have been deprived from its benefit.

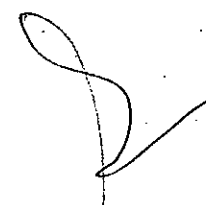
It is, therefore, humbly requested that the benefit of Notification dated 19-10-2018 may kindly be granted to me with all back benefits.

Applicant,


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SHAHEEN IOBAL
WMO (BS-17).

26/10/18

Copy to:

1. Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar
 2. Secretary to Government Khyber Pakhtunkhwa, Finance Department, Peshawar
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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No _____ 2019



1. Muhammad Asif, Deputy Director Planning, On Farm Water Management Department, Peshawar
2. Muhammad Khurshid Afridi, Director General, On Farm Water Management Department, KP, Peshawar
3. Shamshad Hussain, District Director, On Farm Water Management Department, Charsadda
4. Sahibzada Alamgir, District Director, On Farm Water Management Department, Peshawar
5. Muhammad Azeem, Director FIRD, On Farm Water Management Department, D.I Khan
6. Muhammad Afzal, District Director, On Farm Water Management Department, Peshawar
7. Behram Jan, Director Planning, On Farm Water Management Department, Peshawar
8. Dawa Khan, Distt Director, On Farm Water Management Department
9. Riaz Gul, District Officer, On Farm Water Management Department, Kohistan
10. Qayyum Khan, District Officer, On Farm Water Management Department, Bannu
11. Amir Rabbani, District Officer, On Farm Water Management Department, Chitral
12. Shahid Mahmood, District Officer, On Farm Water Management Department, Abbottabad
13. Abdullah Khan, Deputy Director, On Farm Water Management Department, Mardan
14. Rafiq Alunad Ghuncha, Water Management Officer, On Farm Water Management Department, Office of Distt Officer, Tank
15. Moeen ud Din, District Officer, On Farm Water Management Department, Shangla
16. Zahid Khaliq, Water Management Officer, Office of District Director, On Farm Water Management Department, charsadda
17. Said Muhammad, Water Management Officer, Office of District Director, On Farm Water Management Department, Peshawar
18. Muhammad Idrees, Water Management Officer, Office of District Director, On Farm Water Management Department, Chitral

ATTESTED

EXAMINER
Peshawar High Court

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19. Munir Ahmad Khan, Water Management Officer, On Farm Water Management Department, presently in office of Project Director Gomalzam Dam
20. Wasimullah, Water Management Officer, Water Management Officer, Office of District Director, On Farm Water Management Department, presently in office of Project Director, Gomalzam Dam
21. Muhammad Farooq, Water Management Officer, Office of District Director, On Farm Water Management Department, Swabi
22. Saeed Shah, A.D Planning, Water Management Officer, Office of District Director, On Farm Water Management Department, Peshawar
23. Aman Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, Buner
24. Ghulam Bilal, Water Management Officer, On Farm Water Management Department, office of District Director, D.I Khan
25. Muhammad Turfai, Water Management Officer, Office of District Director, On Farm Water Management Department, Karak
26. Qias Ahmad, Water Management Officer, Office of District Director, On Farm Water Management Department, Swabi
27. Aftab Ahmad Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, D.I Khan
28. Nisar Ahmad, Water Management Officer, On Farm Water Management Department, presently in office of Project Director Gomalzam Dam
29. Muhammad Nadeem, Water Management Officer, Office of District Director, On Farm Water Management Department, Office of District Director Lakki Marwat
30. Attaullah, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Director, Haripur
31. Anjad Ali, Water Management Officer, Office of District Director, On Farm Water Management Department, District Office, Malakand
32. Shaheen Iqbal, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Director, Peshawar
33. Ihsanullah Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Office, Bannu
34. Muhammad Zubair, Director Planning, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar
35. Irfanullah, District Officer, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar
36. Abdullah Khan, Soil Conservation Assistant, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar
37. Awais Ali, Soil Conservation Assistant, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar

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EXAMINER
Peshawar High Court

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38. Noor Muhammad, Soil Conservation Assistant, Directorate General, Soil &
Water Conservation Deptt, KP, Peshawar
39. M Hizbullah Khan, D.D Industries & Commerce, KP, Peshawar

.....Petitioners

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Deptt, Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Peshawar
5. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock and
Cooperation Deptt, KP, Peshawar
6. Secretary to Govt of Khyber Pakhtunkhwa, Industries and Commerce, Deptt,
KP, Peshawar

.....Respondents

Writ Petition under Article 199 of The
Constitution of Islamic Republic of Pakistan, 1973

Respectfully Sheweth,

Brief but relevant facts warranting this Writ Petition are:

1. That the Petitioners are duly qualified engineers registered with Pakistan Engineering Council and are serving in the respondent Departments against the posts mentioned in the title of the Writ Petition.
2. That the provincial cabinet in its meeting held on 24-05-2018 decided and approved the grant of technical allowance @ 1.5 times of the initial basic pay scale to all the engineers working in provincial government Departments with effect from 1st July, 2018. (Copy of decision of meeting of the Provincial Cabinet dated 24-05-2018 is filed herewith and annexed as Annex-A)
3. That thereafter another meeting of the provincial cabinet was held on 15-10-2018 wherein it clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit. (Copy of the decision of meeting of the Provincial Cabinet dated 15-10-2018 is filed herewith and annexed as Annex-B)

ATTESTED

EXAMINER
Peshawar High Court

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4. That in the light of aforesaid developments, the Petitioners were under legitimate expectancy that they will be granted the benefits of the aforesaid decision of provincial cabinet but to the utter surprise of the Petitioners, the respondents issued the impugned Notification dated 19-10-2018, whereby the benefit of the aforesaid provincial cabinet decision is given only to the engineers holding Engineering qualification serving in the C & W Department, Irrigation, Public Health Engineering and Local Government Departments of Government of Khyber Pakhtunkhwa and the Petitioners are deprived from its benefit. (Copy of Notification is filed herewith and annexed as Annex-C)

5. That the Petitioners had time and again approached the respondents for redress of their grievance but in vain. (Copies of the Departmental Appeals are filed herewith and annexed as Annex-D)

Thus, the Petitioners having no other adequate, alternate and efficacious remedy are constrained to approach this Honorable Court in its constitutional jurisdiction on the following amongst other grounds:

Grounds:

- a. That the impugned Notification and the treatment met to the Petitioners is against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Court in its constitutional jurisdiction.
- b. That the impugned Notification is against the fundamental rights of the Petitioners enshrined and protected under the Constitution of Islamic Republic of Pakistan, 1973.
- c. That the impugned Notification and the treatment met to the Petitioners is against the spirit of rule 25 of Government Rules of Business.
- d. That the impugned Notification is issued in utter disregard of the decisions of the Provincial cabinet.
- e. That the impugned Notification is the result of colorful exercise of powers and based on mala fide for extraneous consideration.
- f. That the treatment met out to the Petitioners is against the principles of natural justice and settled principles of administrative law.
- g. That the impugned Notification is against the dictums of the apex Supreme Court of Pakistan and also against the Judgments of this Honorable Court.

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EXAMINER
Peshawar High Court.

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PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
12.02.2020	<p><u>Writ Petition No. 5321-P/2018.</u></p> <p>Present: Mr. Muhammad Ayub Khan Shinwari, advocate for the petitioners.</p> <p>Syed Qaiser Shah, Addl. AG on behalf of respondents.</p> <p align="center">*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Through this constitutional petition, we intend to decide the instant petition as well as connected writ petitions bearing No. 5755-P/2018 & 681-P/2019, being identical in nature.</p> <p>2. Mujahid Naseer, Assistant Director (M&E) P&D Department, & others, petitioners, herein aggrieved from the acts / inactions of respondents have directed this petition with the following relief:-</p> <p>a. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24.05.2018 & 15.10.2018 by the respondents as illegal, unlawful, without lawful authority and ineffective upon the rights of the petitioners; and</p> <p>b. Direct the respondents to extend the benefit of the Notification dated 19.10.2018 to the petitioners by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits.</p>

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EXAMINER
Peshawar High Court



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2. At the very outset, learned counsel for the petitioners while producing copy of the judgment dated 21.11.2019, rendered by this Court in writ petition bearing No. 5877-P of 2018; whereby in exactly similar situation, this Court directed the respondents-Chief Secretary, Government of Khyber Pakhtunkhwa to decide the appeal of petitioners pending before him, requested that appeal of present petitioners are also pending before the hierarchy, requested for direction and decision thereon. Learned AAG when confronted, conceded to, in view of which this as well as the connected petitions are disposed of accordingly by directing the respondents to decide the appeals of petitioners pending over there, within a shortest possible time in accordance with relevant law.

[Signature]

Chief Justice

[Signature]

Judge

No. 2747
 Date of Presentation of Application 22-7-2020
 No of Pages 9P
 Copying fee 36/2
 Total 36/2
 Date of Preparation of Copy 22-7-2020
 Date of Delivery of Copy 22-7-2020
 Received By Raza

Tarig Jan PS.

DD, Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Abdul Shakaor, JJ.

[Signature]
 CERTIFIED TO BE TRUE COPY

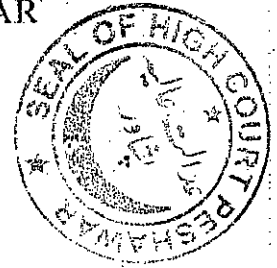
EXAMINER
 Peshawar High Court, Peshawar
 Empowered Under Article 27 of
 the Quran-o-Shahadat Order, 1994.

22 JUL 2020

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22 Annex MS 101

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



C.o.C No _____/2020

in

Writ Petition No 681-P/2019

1. Muhammad Asif, Deputy Director Planning, On Farm Water Management Department, Peshawar
2. Muhammad Khurshid Afridi, Director General, On Farm Water Management Department, KP, Peshawar
3. Shamsah Hussain, District Director, On Farm Water Management Department, Charsadda
4. Sahibzada Alamgir, District Director, On Farm Water Management Department, Peshawar
5. Muhammad Azeem, Director HRD, On Farm Water Management Department, D.I Khan
6. Muhammad Afzal, District Director, On Farm Water Management Department, Peshawar
7. Behram Jan, Director Planning, On Farm Water Management Department, Peshawar
8. Dawa Khan, Distt Director, On Farm Water Management Department
9. Riaz Gul, District Officer, On Farm Water Management Department, Kohistan
10. Qayyum Khan, District Officer, On Farm Water Management Department, Bannu
11. Amir Rabbani, District Officer, On Farm Water Management Department, Chitral
12. Shahid Mahmood, District Officer, On Farm Water Management Department, Abbottabad
13. Abdullah Khan, Deputy Director, On Farm Water Management Department, Mardan
14. Rafiq Ahmad Ghuncha, Water Management Officer, On Farm Water Management Department, Office of Distt Officer, Tank
15. Moeen ud Din, District Officer, On Farm Water Management Department, Shangla
16. Zahid Khaliq, Water Management Officer, Office of District Director, On Farm Water Management Department, Charsadda
17. Said Muhammad, Water Management Officer, Office of District Director, On Farm Water Management Department, Peshawar
18. Muhammad Idrees, Water Management Officer, Office of District Director, On Farm Water Management Department, Chitral

ATTESTED
EXAMINER
Peshawar High Court

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19. Munir Ahmad Khan, Water Management Officer, On Farm Water Management Department, presently in office of Project Director Gomalzam Dam
20. Wasimullah, Water Management Officer, Water Management Officer, Office of District Director, On Farm Water Management Department, presently in office of Project Director, Gomalzam Dam
21. Muhammad Farooq, Water Management Officer, Office of District Director, On Farm Water Management Department, Swabi
22. Saeed Shah, A.D Planning, Water Management Officer, Office of District Director, On Farm Water Management Department, Peshawar
23. Aman Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, Buner
24. Ghulam Bilal, Water Management Officer, On Farm Water Management Department, office of District Director, D.I Khan
25. Muhammd Tufail, Water Management Officer, Office of District Director, On Farm Water Management Department, Karak
26. Qiash Ahmad. Water Management Officer, Office of District Director, On Farm Water Management Department, Swabi
27. Aftab Ahmad Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, D.I Khan
28. Nisar Ahmad, Water Management Officer, On Farm Water Management Department, presently in office of Project Director Gomalzam Dam
29. Muhammad Nadeem, Water Management Officer, Office of District Director, On Farm Water Management Department, Office of Distt Director Lakki Marwat
30. Attaullah, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Director, Haripur
31. Amjad Ali, Water Management Officer, Office of District Director, On Farm Water Management Department, District Office, Malakand
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33. Ihsanullah Khan, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Office, Bannu
34. Muhammad Zubair, Director Planning, Directorate General. Soil & Water Conservation Deptt, KP, Peshawar
35. Irfanullah, District Officer, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar
36. Abdullah Khan, Soil Conservation Assistant, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar
37. Awais Ali, Soil Conservation Assistant, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar

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EXAMINER
Peshawar High C

38. Noor Muhammad, Soil Conservation Assistant, Directorate General, Soil & Water Conservation Deptt, KP, Peshawar

39. M Hizbullah Khan, DD Industries & Commerce, KP, PeshawarPetitioners

Versus

1. Kazim Niaz, Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar
2. Atif ur Rehman, Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar
3. Jamal ud Din, Secretary to Govt of Khyber Pakhtunkhwa, Establishment Deptt, Peshawar
4. M Israr Khan, Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Deptt, KP, Peshawar

.....Respondents

Application under Article 204 of The Constitution of Islamic Republic of Pakistan, 1973 read with Contempt of Court Ordinance for initiating contempt of court proceedings against the respondents/Contemnors and implementation of Judgment and Order dated 12-02-2020 passed in Writ Petition No 681-P/2019.

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Petitioner filed the title Writ Petition before this Honorable Court with a following prayer:
 - a. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24-05-2018 and 15-10-2018 by the respondents as illegal, unlawful, without lawful authority and ineffective upon the rights of the Petitioners; and
 - b. Direct the respondents to extend the benefit of the Notification Dated 19-10-2018 to the Petitioners by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits.
 - c. Any other relief which has not been specifically prayed for and deemed fit and appropriate by this Honorable Court in the circumstances may graciously be granted.
2. That the title Writ Petition was clubbed with identical Writ petitions and this Honorable Court was pleased to dispose off the title Writ Petition along with other Writ Petitions vide Judgment dated 12-02-2020 with the directions to

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ATTESTED
EXAMINER
Peshawar High Court

COC448P2020 MUHAMMAD ASIF VS DR KAZIM NIAZ CF 19

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decide the appeals of the petitioners pending over there, within a shortest possible time in accordance with relevant law. (Copy of the Judgment is attached herewith as Annex-A)

3. That the copy of the aforesaid Order was not only delivered to the respondents by the office of this Honorable Court but also the same is delivered by the Applicant to the respondents.
4. That the Applicant approached the Respondents so many times to comply with the Order 12-02-2020 and to implement the judgment and order of this Honorable Court in letter and spirits but to no fruitful results.
5. That the respondents are deliberately disobeying the Orders of this Honorable Court, which shows the intentions as well as disobedience on their part, towards the order of this Court.
6. That the respondents are required to be dealt with iron handedly and are liable to be proceeded for committing flagrant contempt of court.

It is, therefore, prayed that on acceptance of this application, on initiating contempt of court proceedings, the respondents may kindly be punished under Contempt of Court Act read with Article 204 of the Constitution of Islamic Republic of Pakistan, 1973 and the respondents be further directed to implement the Order dated 12-02-2020 passed in Writ Petition 681-P/2019 in its letter and spirit.

Applicants
Through

Muhammad Ayub Khan Shinwari
Advocate Peshawar

M.A.
Muhammad Asif, Advocate
Peshawar, Pakistan. Article 117 of
the Constitution of Pakistan 1973

30 NOV 2021

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

COC No.448-P/2020 in
W.P.No.681-P/2018 (D)



Date of hearing: 12.10.2021

Nemo for the petitioners.

Mr. Muhammad Inam Khan Yousafzai, AAG
for respondents.

JUDGMENT

LAL JAN KHATTAK, J.- Petitioners seek initiation of contempt of court proceedings against the respondents for their violation of the order of this court dated 12.02.2020 delivered in W.P.No.5321-P/2018 whereby they were directed to decide the petitioners' appeal in accordance with the relevant law.

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2. Arguments heard and appended record gone through.

3. It reflects from the record that the respondent No.1 in compliance with the order of this court has passed an elaborate order on 29.07.2021, whereby it has held as under:-

And whereas, the matter was thereafter considered threadbare by Chief Secretary who also concurs with aforesaid observation, and now, in light of the above

ATTESTED
EXAMINER
Peshawar High Court

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Intelligible differentia exist amongst the engineers who are granted "Technical Allowance" and the petitioners, therefore, the petitioners being not entitled as per facts, Cabinet Decision, Policy and recommendations of the Committee on the subject, the prayer of the Engineers Cadre of the concerned department made in the above mentioned Writ Petition filed in the Peshawar High Court, Peshawar is regretted, being not worthy of consideration and against the spirit of the Cabinet Decision of the Provincial Government of Khyber Pakhtunkhwa on the subject.

4. In view of the order *ibid* no case for initiation of any contempt proceedings has been made out against the respondents. In case the petitioners are not in agreement with the decision rendered by the respondent No.1, as referred above, then they can challenge the same before the proper forum and not through any contempt of court proceedings.

5. For what has been discussed above, this petition, being bereft of any merit, is hereby dismissed.

Announced
12.10.2021

ed/ Jal Far Khattak

JUDGE

ed/ Musarat Hildat

JUDGE

[Signature]

Registrar
Peshawar High Court, Peshawar
Administrative Officer, Order 109

30 NOV 2021

No. 13437

Date of Presentation of Application 10/11/21

No of Pages 10-11

Copying fee 1

Total 10

Date of Preparation of Copy 30/11/21

Date of Delivery of Copy 30/11/21

Received By [Signature]

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11/11/2020 J 18
10/11/20

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Peshawar, Dated the 29th July, 2020

OFFICE ORDER:

No.FD/SOSR-II/8-7/2020 Whereas, the Provincial Government of Khyber Pakhtunkhwa sanctioned Technical Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale of 2017 to the only Four Works Department i.e. C&W, Irrigation, Public Health Engineering & Local Govt Departments Engineers from BS-17 to BS-20 as per rates mentioned therein vide Finance Department Notification No.FD(SOSR-II)8-7/2018-19 Dated 19-10-2018 in pursuance of the approval of the Provincial Cabinet.

And whereas, the Engineers cadre of certain departments requested through proper representation for grant of the above allowance on the analogy of the Engineers of the Four Works Departments which was examined but not entertained, being not based on merit, in light of the approved cabinet decision and policy accordingly.

And whereas, following non-maintainability of their request by the Provincial Government the engineers of the Agriculture Department filed a Writ Petition No. No. 5877-P/2018 titled "Zahid Rabbani & Others VS Chief Secretary Khyber Pakhtunkhwa & Others" in the Peshawar High Court, Peshawar in which they prayed for grant of the said allowance to their cadre on the analogy of the Engineers of Four Works Department.

And whereas, the Honourable Peshawar High Court, Peshawar in its judgment Dated: 21-11-2019 and referred the case to Chief Secretary, Khyber Pakhtunkhwa to look into the matter and make decision within the shortest possible time in accordance with the relevant law, rules on the subject.

And whereas, accordingly the Committee constituted by the Provincial Government under the Chairmanship of Minister Finance, examined the Court directions in the above Writ Petition in light of decision of the Provincial Cabinet on the subject and regretted the aforementioned allowance on the following grounds:

- I. That the Engineers working in 04 Departments i.e. C&W, Irrigation, PHE and LG&RD Department, to whom Technical Allowance has been allowed by the Provincial Government vide Notification No. FD(SOSR-II)8-7/2018-19 dated 19th October, 2018 are dealing totally with the infrastructure of the Province/Provincial Government. They are practically involved in Engineering Works like construction of Roads, Buildings, Canals, Drains and other construction/engineering works etc, throughout their duty hours and perform duties at field outside their offices. On many occasions they work overtime. While the Petitioners are not performing duties cited hereinbefore.
- II. That the office timings for field formation are not fixed rather depends upon the quantum of work & number of sites which they visit/inspect. These inspections/visits include far flung areas in same Districts, consumes time, energy and resources and

FILED TODAY
Deputy Registrar
04 AUG 2020

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application of technical/engineering skills. In case of defect/deficiency or any mis-happening observed therein, the concerned engineer is held responsible for the loss/consequences. It is worth to mention that the Petitioners do not undertake these duties as well.

- III. That apart from field work these engineers also manage the office work before start of project like preparation of Project Estimates and Contract/ Agreements etc. all these documents are technically checked by the engineers. Besides, field Engineers are fully committed with Engineering and Field/Office work and no relaxation for availing even Gazzetted holidays, whereas engineers of the other than 04 Departments are not engaged with field work, only performing official assignment of duties and fully relax to avail all holidays whereas the Petitioners are performing normal duties in agriculture department.
- IV. That similarly, the job/duty of Engineers working in Agriculture Department is just desk type, having no application of Engineering skill and do not involve practically in any, type of construction work like constructions/maintenance of buildings, Road, Residential & Non Residential Accommodations, Maintenance & Repair of Roads, Bridges, Ferries, Tunnels, Rope-ways, cause ways etc.

And whereas, the matter was thereafter considered threadbare by Chief Secretary who also concurs with aforesaid observation, and now, in light of the above intelligible differentia exist amongst the engineers who are granted "Technical Allowance" and the Petitioners, therefore, the Petitioners being not entitled as per facts, Cabinet Decision, Policy and recommendations of the Committee on the subject, the prayer of the Engineers Cadre of the concerned department made in the above mentioned Writ Petition filed in the Peshawar High Court, Peshawar is regretted, being not worthy of consideration and against the spirit of the Cabinet Decision of the Provincial Government of Khyber Pakhtunkhwa on the subject.

FILED TODAY

Deputy Registrar

04 AUG 2020

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Endst: of Even No. & date:

1. The Registrar, Peshawar High Court, Peshawar with reference to the above mentioned Writ Petition.
2. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law, Human Rights & Parliamentary Affairs Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
5. The Special Secretary-I, Finance Department.
6. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
7. Master File.

SECTION OFFICER (SR-II)

Annex K 30

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Dated 30/11/2021

Shaheen Iqbal,
Water Management Officer,
Officer of District Director,
On Farm Water Management Department, Director, Peshawar.

..... Appellant

Versus

1. Chief Secretary of Govt. of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Deptt, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Director General, Agriculture, Livestock and Cooperation Deptt, Govt. of Khyber Pakhtunkhwa, Peshawar.

..... Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against office order dated 27.07.2020 whereby the Departmental Appeal of the appellant against the Notification dated 19.10.2018 is dismissed.

Filed to-day

Registrar

30/11/2021

Respectfully Sheweth:

Brief but relevant facts of the case are as follows:-

1. That the Appellant is duly qualified engineer registered with Pakistan Engineering Council and is serving in the respondent Department against the post mentioned in the title of the petition. (Copy of PEC registration Certificate is filed herewith and annexed as Annex-A).
2. That the provincial cabinet in its meeting held on 24.05.2018 decided and approved the grant of technical allowance @ 1.5 times of the initial basic pay scale to all the engineers working in provincial government Departments

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

Resubmitted to-day
and filed.

Registrar

9/10/2021

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with effect from 1st July, 2018. (Copy of decision of meeting of the Provincial Cabinet dated 24.05.2018 is filed herewith and annexed as Annex-B).

3. That thereafter another meeting of the provincial cabinet was held on 15.10.2018 wherein it clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the provincial Cabinet be implemented in letter and spirit. (Copy of the decision of meeting of Provincial Cabinet dated 15.10.2018 is filed herewith and annexed as Annex-C).
4. That in the light of aforesaid developments, the Appellant was under legitimate expectancy that he will be granted the benefits of the aforesaid decision of provincial cabinet but to the utter surprise of the Appellant, the benefit of the aforesaid provincial cabinet decision is given only to the engineers holding Engineering qualification serving in the C & W Department, Irrigation, Public Health Engineering and Local Government Department of Government of Khyber Pakhtunkhwa and the Appellant is deprived from its benefits. (Copy of Notification is filed herewith and annexed as Annex-D).
5. That it is pertinent to mention here that the respondents have extended the benefit of the Notification dated 19.10.2018 to the similarly placed colleagues/engineers of the appellant serving in Local Govt. & Mines & Minerals, vide Notification dated 07.07.2021. Furthermore the respondent No. 4 has requested the respondent No. 3 to extend the benefits of the Notification 19.10.2018 to the appellant vide letter dated 16.07.2021 and 19.11.2021. (Copy of Notification is filed herewith and annexed as Annex. E, F & G).
6. That the Appellant had time and again approached the respondents for redressal of his grievance but in vain. (Copy of the Departmental Appeal is filed herewith and annexed as Annexed as Annex-H).
7. That thereafter the appellant filed writ petition No. 681-P/2018 before the Honourable Peshawar High Court, Peshawar were directed to decide the departmental appeal of the appellant pending with the respondents. Despite the aforesaid judgment, the respondents were reluctant to pass final order on the departmental appeal of the appellant, thus the appellant filed C.o.C no.

Court on the date of hearing i.e. 12.10.2021, whereas the attested copy of the said order is obtained by the appellant on 30/11/2021. (Copy of judgment and order passed by Honourable Peshawar High Court, Peshawar and impugned order is filed herewith and annexed as annex-I & J, respectively)

Hence, the title Service Appeal on the following amongst other grounds:

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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GROUNDS

- A. That the impugned Notification dated 19.10.2018 and impugned order date 29.07.2020 is against the law, illegal, unlawful and without lawful authority, thus calling int4erfernce of this Honorable Tribunal.
- B. That the extension of benefits of technical allowance to the engineers serving in few departments and leaving the similarly placed employees of other departments, is ex-facie discriminatory and, therefore, violative of Article 3 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 besides offensive to the principle of "equal pay equal work". The respondents cannot treat the similarly placed persons with different yard stick so far as pay and allowances are concerned.
- C. That the impugned Notification and impugned order is against the fundamental rights of the Appellant enshrined and protected under the Constitution of Islamic Republic of Pakistan, 1973.
- D. That the impugned Notification and impugned order is against the spirit of rule 25 of Government Rules of Business.
- E. That the impugned Notification and impugned order is issued in utter disregard of the decision of the Provincial cabinet. The provincial cabinet in its meeting held on 15.10.2018 clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit.
- F. That the impugned Notification is against the dictums of the apex Supreme Court of Pakistan and also against the judgments of this Honourable Court.
- G. That the Appellant crave permission of this Honorable Tribunal to reply on other grounds at the time of arguments and produce any additional documents if required in support of instant petition.

It is, therefore, prayed that on acceptance of this Appeal, this Honorable Tribunal may kindly:

- a. Declare the impugned order 29.07.2020 whereby the appeal of the appellant against the Notification dated 19.10.2018 is dismissed as against the law, illegal, unlawful and without lawful authority; and
- b. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24.05.2018 and 15.10.2018 by the respondents as illegal,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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unlawful, without lawful authority and ineffective upon the rights of the Appellant; and

- c. Direct the respondents to extend the benefit of the Notification Dated 19.10.2018 to the Appellant by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits.
- d. Any other relief which has not been superficially prayed for and deemed fit and appropriate by this Honourable Tribunal in the circumstances may graciously be granted.

[Signature]
 Appellant
[Signature]
 Muhammad Ayub Khan Shinwari
 Advocate Peshawar

Through

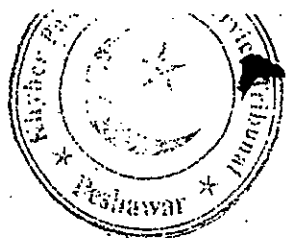
Certified to be true copy

[Signature]
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 23-11-24
 Number of Words 4-P
 Copying Fee 25/-
 Urgent 5/-
 Total 30/-
 Name of Copyist _____
 Date of Completion 23/11/24
 Date of Deposit 23-11-24

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Service Appeal No.7856/2021

ahreen Iqbal Vs. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar & others.

ORDER

July 2023 Kalim Arshad Khan, Chairman: Learned counsel for appellant

2. Facts of the case are that appellant was serving as Water Management Officer in the Water Management Department. In the meanwhile, the Provincial Cabinet approved the grant of Technical Allowance to all the engineers serving the Provincial Government Departments w.e.f 01.07.2018. The appellant was under the expectancy that he would also get the same benefits, but to the utter surprise of the appellant, the said relief was granted only to the engineers serving in C&W, Irrigation, PHE and Local Government Department; that the same benefit was also extended to the colleagues of the appellant serving in the Mines & Minerals Department and respondent No.4 vide letter dated 16.07.2021, also requested respondent No.3 for grant of the said benefit to the appellant. The appellant filed departmental appeal to the respondents for redressal of the issue but in vain. Thereafter, he filed writ petition before the Hon'ble Peshawar High Court, which was decided with direction to the respondents to decide the departmental appeal which was later on decided in the shape of rejection, hence, this appeal.

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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3. Today, during the pendency of a similar nature appeal No.16227/2020 titled "Engineer Arshad Ali & 56 others Vs. Government of Khyber Pakhtunkhwa" the respondents despite rejection of departmental appeal, had extended grant of Technical Allowance to the appellants of those appeals, but w.e.f 07.07.2021. Those matters were remitted to the department for consideration of their request to give effect to the Notification dated 07.07.2021 from 19.10.2018. As the same Technical Allowance has been sought in this appeal also, therefore, the learned counsel for the appellant says that the appellant would be satisfied if this matter was also sent to the Government for consideration of request of the appellant in line with the similarly placed people.

4. In view of the situation, this appeal is also remitted to the respondents to consider the request of the appellant for similar treatment with the similarly placed civil servants and pass an appropriate speaking order under the law. Disposed of. Consign.

4. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 24th day of July, 2023.

(Farsena Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

titazem Shah*

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	16/11/23
Number of Words	77
Copying Fee	35/-
Urgent	
Total	40/-
Name of Copy	
Date of Completion	16/11/23
Date of Execution	16/11/23



Annex L 36

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Peshawar, Dated the 9th October, 2023

SPEAKING ORDER

No. SO (SR-IV)/FD/1-11/Agr: Deptt/Tech/Allow/2023: WHEREAS, the Provincial Government of Khyber Pakhtunkhwa sanctioned Technical Allowance to the Engineers holding engineering qualification from accredited engineering program of Higher Education Institutions /Universities duly recognized by the Higher Education Commission and registered with Pakistan Engineering Council serving against the sanctioned post in the Communication & Works, Public Health Engineering, Irrigation & Local Government Departments vide Finance Department's Notification No. FD (SOSR-II) 8-7/2018-19 dated 19.10.2018 in pursuance of the approval of the Provincial Cabinet.

AND WHEREAS, engineers of different departments P&D, Energy & Power, Health, Education, Sports, ST&IT, filed writ petition No- 5321-P/2018 Ihsan Ullah & Others V/S Chief Secretary KP which was referred to the Government of Khyber Pakhtunkhwa to decide the appeal of the petitioners in accordance with the relevant law. Similarly, in writ petition No-5877-P/2018 Zahid Rabani & Others V/S Chief Secretary & Others a committee was constituted by the Provincial Government under the chairmanship of Minister Finance which thoroughly examined the case of the petitioners based on the decision of the Provincial Cabinet and regretted it on the grounds that the Engineers working in 04 departments i.e. C&W, Irrigation, Public Health Engineering and Local Government Department to whom Technical Allowance has been extended by the Provincial Government vide notifications dated 19.10.2018 were dealing with the infrastructure of the province and were physically involved in engineering works like construction of roads, buildings, canals etc. and perform duties in fields in addition to their desk job like preparation of project estimates and contract/agreements etc., therefore, regretted the case being not worthy of consideration and against the spirit of the Cabinet decision of the Provincial Government of Khyber Pakhtunkhwa on the subject vide office order No- SOSR-II/FD/8-7/2020 dated 16.12.2021.

AND WHEREAS, in partial modification of Finance Department's Notification No. FD (SOSR-II) 8-7/2018-19 dated 19.10.2018 through Finance Department's Notification No. FD (SOSR-II) 2-5/2021-22/Tech Allow dated 07.07.2021 granted Technical Allowance to the Engineers of Mines & Minerals Development Department, w.e.f. 01.07.2021.

AND WHEREAS, appellant filed Service Appeal 7856/2021 titled Shaheen Iqbal v/s Govt. of Khyber Pakhtunkhwa & others before Khyber Pakhtunkhwa Service Tribunal Peshawar which was disposed of vide judgment dated 24.07.2023.

NOW THEREFORE, after thorough perusal of the case in the light of the facts, relevant record, I, Secretary Finance (Respondent No.02) have come to the conclusion that since the appellant is not working in any of the Departments mentioned in the ibid Notifications, therefore, the request of the appellant to grant of Technical Allowance is devoid of merit and against the spirit of the Cabinet decision of the Provincial Government, therefore regretted not being worthy of consideration.


(Amir Sultan Tareen)

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department



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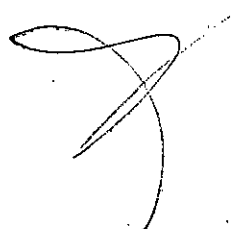
Endst: No & date even

Copy forwarded to the: -

1. Secretary to Government of Khyber Pakhtunkhwa, Agriculture Department.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to the above mentioned Service Appeal.
3. Advocate General, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department
5. PA to Additional Secretary Finance (Regulation).
6. PA to Deputy Secretary (Reg-I) Finance Department.
7. Master File.



(YAR MUHAMMAD)
SECTION OFFICER (SR, IV)





(38)

**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR**

www.ofwm.kp.gov.pk <https://twitter.com/dgofwmkp>

<https://www.facebook.com/dgofwmkp>

No. 02 /DG/OFWM dated Peshawar the, 02/01/2024.



To,

Mr. Shaheen Iqbal,
District Officer On Farm Water Management,
Mohmand.

Subject: SPEAKING ORDER / COMPLIANCE OF ORDER DATED 24/07/2023 OF THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL IN SERVICE APPEAL NO. 7856/2021 TITLED SHAHEEN IQBAL VS GOVT. OF KHYBER PAKHTUNKHWA & OTHERS.

With reference to the subject noted above it is stated that you had filed Service Appeal No. 7856/2021 titled 'Shaheen Iqbal vs Govt. of Khyber Pakhtunkhwa & others' in the honourable Khyber Pakhtunkhwa Service Tribunal Peshawar for grant of Technical Allowance.

The subject case was fixed for hearing before the Khyber Pakhtunkhwa Service Tribunal on 24/07/2023 which has been decided with the order that;

"In view of the situation, this appeal is also remitted to the respondents to consider the request of the appellant for similar treatment with the similarly placed civil servants and pass an appropriate speaking order under the law, Disposed of. Consign."

In pursuance to the above noted order of the honourable Tribunal, the Govt. of Khyber Pakhtunkhwa Finance department has passed a Speaking Order No. SO (SR-IV)/FD/1-11/Agr: Deptt/Tech: Allow/2023 dated 09/10/2023 (copy attached Annex-A).

The same Speaking Order is hereby communicated to you in compliance of the order dated 24/07/2023 of the honourable Service Tribunal in S.A. No. 7856/2021.

You may provide acknowledgment receipt of the said Speaking Order accordingly.

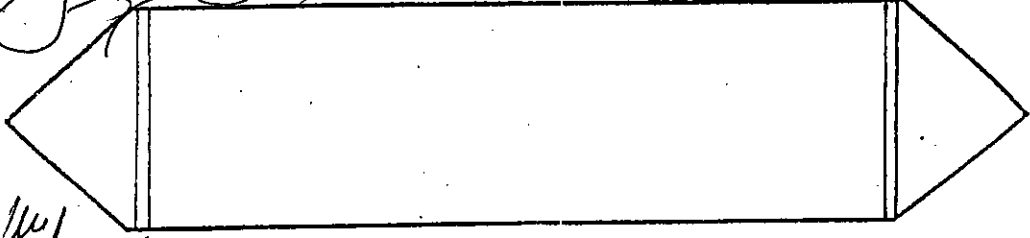
Enclosed as stated:

Director General,
On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar.

C.C.

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Section Officer (Lit-II), Govt. of Khyber Pakhtunkhwa Agriculture Department with reference to his letter No. SO(Lit)AD/3-318/2022 dated 27/12/2023.

بعدالت خیر بخیر خواہ سرویس ٹرنیورل ریزی



2، پنجاب ایڈوانس
 5، سروس اعلیٰ بنام جنسٹریٹری و غیر

موزعہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کارروائی متعلقہ
 آن مقام سٹیم کیلئے محمد اویس خان شہنشاہی سرویس

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 ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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 پیردی
 نہ کوڑ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

Amal Singh

المقوم _____ ماہ _____ 20 _____
 العہد _____ واہ العہد _____

کے لئے منظور ہے۔

بمقام

Shahin Jafar