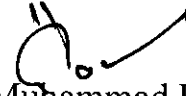


26.09.2018

Junior to counsel for appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for appellant seeks adjournment as senior counsel for appellant is not in attendance. Adjourn. To come up for arguments on ~~08.10~~ 08.10.2018 before D.B.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

13.11.2018

• Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 01.01.2019 before D.B.



Reader

01.01.2019

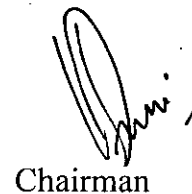
Counsel for the appellant and District Attorney for the respondents present.

Learned counsel for the appellant states that in C.P No. 423/2016 (Naqibullah Vs. C&W Department) decided by the Apex Court on 15.05.2018, the Rules impugned in the instant appeal were held to be maintainable, therefore, the appeal in hand has become infructuous and requests for withdrawal of the instant appeal.

Dismissed as withdrawn. File be consigned to the record room.



Member



Chairman

ANNOUNCED
01.01.2019

19.01.2018


Learned counsel for the appellant present. Mr. Muhammad Jan, Learned Deputy District Attorney, for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.03.2018 Before D.B



(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

26.03.2018


Junior to counsel for the appellant and Mr. Usman Ghani, learned District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 25.05.2018 before D.B


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER


25.05.2018

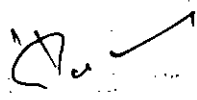
Junior counsel for appellant and Addl. AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 31.07.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

31.07.2018

Junior to counsel for the appellant and learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 26.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

10.03.2017


Counsel for appellant and Mr. Noor Wazir, Superintendent (litigation) alongwith Mr. Kabirullah Khattak, Assistant AG for respondents present. Rejoinder not submitted. Learned counsel for appellant requested for time for submission of rejoinder. Request accepted. To come up for filing of rejoinder and arguments on 11.07.2017 before D.B.

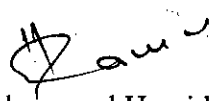

(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

09. 11.07.2017

Counsel for the appellant and Asst: AG for the respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 10.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

10:11.2017


Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Abdul Aleem, Assistant for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 19.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

07.04.2016

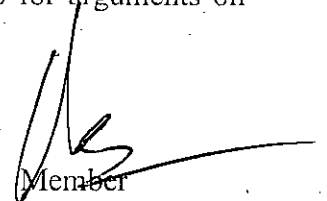
Clerk to counsel for the appellant and Mr. Gul Nawaz, Junior Clerk alongwith Mr. Ziaullah, GP for respondents present. Rejoinder not submitted and requested for further time. To come up for rejoinder and arguments on 13.6.16.


Member

13.6.2016

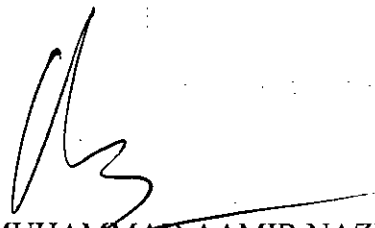
Counsel for the appellant and Mr. Salim Shah, Supdt. alongwith Assistant AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 7.11.2016.


Member


Member

07.11.2016

Counsel for the appellant and Assistant AG for respondents present. Rejoinder not submitted. Counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 10.3.17.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

01.07.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that in respect of the same controversy service appeals No. 149 and 150 of 2015 have already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 13.10.2015 before S.B.


Chairman

13.10.2015

Appellant with counsel and Mr. Saleem Shah, Supdt. alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 23.12.2015 before S.B.


Chairman

23.12.2015



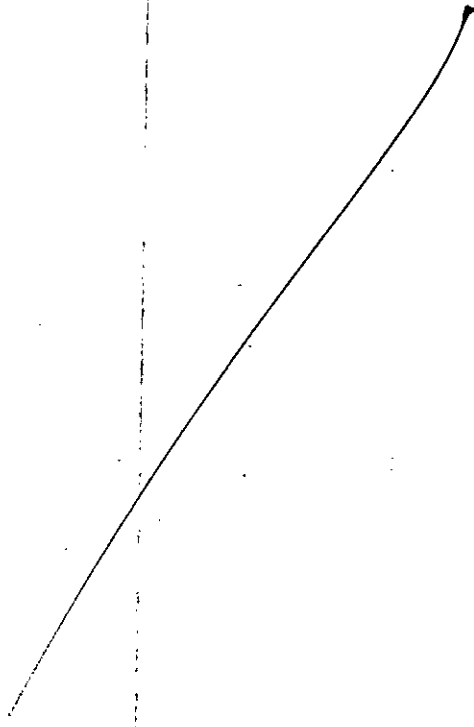
Clerk to counsel for the appellant and Mr. Adeel But, AAG for respondents present. Comments submitted. To come up for rejoinder and final hearing before D.B on 07.04.2016.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 717 /2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.06.2015	<p>The appeal of Mr. Niamat Gul resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>1-7-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Niamat Gul Senior Scale Sub-engineer Building Sub-Division Matta-II received to-day i.e. on 08.06.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copies of Seniority lists mentioned in para-6 of the memorandum of appeal (Annexure-H) are not attached with the appeal which may be placed on it.

No. 896 /S.T,

Dt. 9/6 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

Sir,
objections removed and resubmitted
A. Sai

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

Appeal No. 717 /2015

Mr. Niamat Gul

V/S


Chief Secretary, KPK etc.


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2.	Stay Application	----	06-07
3.	Rules of 1980	- A -	08-10
4.	Rules of 1986	- B -	11
5.	Rules of 1992	- C -	12
6.	Rules of 1999	- D -	13
7.	Rules of 2007	- E -	14-16
8.	Rules of 2010	F	17-23
9.	Rules of 2011	G	24
10.	Seniority list	H	25-25A
11.	Impugned Rules 14.10.2014	I	26
12.	Appeal	J	27
13.	Rejection Order	K	28
14.	Vakalat Nama	---	29

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

1

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

Appeal No. 717 /2015

Mr. Niamat Gul, Senior Scale Sub Engineer (BPS-16),
Building Sub Division, Matta-II,
Swat.

**H.W.P. Provincial
Service Tribunal**
Diary No. 659
Dated 08/6/2015

APPELLANT

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, C&W Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Chairman, SSRC, Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.05.2015 WHEREBY THE APPEAL OF APPELLANT AGAINST THE AMENDMENTS IN RULES DATED 14.10.2014, TO THE EXTENT OF SENIORITY FIXATION HAS BEEN REJECTED FOR NO GOOD GROUNDS.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 13.05.2015 AMENDMENTS IN THE RULES DATED 14.10.2014 TO THE EXTENT OF FIXATION OF SENIORITY MAY BE SET ASIDE WITH FURTHER PRAYER OF MAINTAINING THE SENIORITY ON THE BASIS OF QUALIFICATION WHICH HAS ALREADY ACCRUED VESTED RIGHTS TO APPELLANT SINCE LONG. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
Registrar
8/6/15

Co-submitted to-day
and filed.
Registrar
25/6/15

RESPECTFULLY SHEWETH:

1. That the appellant joined the respondent department in the year 1988 in BPS-11 and since then the appellant's service record is good and there are no complaints against the appellant what so ever. It is also worth to mention here that the appellant has also passed B. Tech: (Hons) during active service in the year 4/2014. All the dates are recorded in the seniority list which is already attached as Annexure-H.

2. That initially a quota of 10% was fixed in the Rules of 1980 for graduate Sub Engineers to the post of Assistant Engineer BPS-17. Those Rules were amended in the year 1986 as "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". Copy of Rules of 1980 and 1986 are attached as Annexure-A and B.

3. That in the year 1992, the fixed quota of 10% was further divided as 5% for those sub engineer who acquired engineering degree during service and 5% for those sub engineers who were already engineering graduate at the time of appointment as sub engineer. Copy of Rules of 1992 are attached as Annexure-C.

4. That on 12.01.1999, the above Rules were once again amended as 5% for those sub engineer who acquired engineering degree during service, inter se seniority is to be determined from the date of acquiring engineering degree and 5% for those sub engineers who were already engineering graduate at the time of appointment as sub engineer. Copy of Rules of 1999 are attached as Annexure-D.

5. That the Rules were again amended and notified on 19.01.2007. The ratio of 5% for in-service graduate was kept intact with the fixation of seniority from the date of acquiring engineering degree. Similarly in the notification dated 25.3.2010 the same position was maintained for in service graduate sub engineers, but

in the notification dated 16.12.2011 the ratio for in service graduate sub engineers was enhance to 7% and the fixation of seniority from the date of acquiring engineering degree was kept intact. Copies of rules are attached as Annexure-E, F and G.

6. That the appellant's seniority was maintained since 1999 till 2014 from the date of acquiring engineering degree and with the passage of time the appellant moved to S.No.2 of the seniority list circulated in the year 2014 and he was in the pipeline of promotion in his fixed quota. Copies of some of seniority lists are attached as Annexure-H.
7. That on 14.10.2014, the rules were again amended and the ratio for in service graduate engineers was reduced to 3.5% and fixation of seniority is to be fixed from the date of initial appointment. Copy of the rules is attached as Annexure-I.
8. That since the rules to be extent of fixation of seniority was detrimental and disadvantageous to the service rights of appellant which were accrued in his favour since long; therefore he filed departmental appeal which was rejected on 13.05.2015 for no good grounds. Copies of the Appeal and Rejection orders are attached as Annexure-J&K.
9. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

GROUND:

- A) That the rejection order dated 13.05.2015 and amended Rules dated 14.10.2014 to the extent of fixation of seniority of in service graduate sub engineers from the date of initial appointment for promotion in ratio of 3.5% are against the law, facts, norms of justice, fair play and accrued rights of appellant, therefore, not tenable.
- B) That due to the impugned rules the appellant's seniority will be affected directly which he gained

and remained intact since 1999 and especially when the same was never challenged by someone earlier.


- C) That according to the superior court's judgments that when seniority is assigned and that remained intact for long time then under no canon of law that be disturbed under the principles of Locus Poenitentiae.
- D) That though the Government is empowered to frame, amend, increase or decrease quota/ qualifications but not in cases where the said amendment is disadvantageous to the already in service civil servants service rights.
- E) That neither an option was sought from the appellant nor the said amendment were circulated amongst the concerned civil servants for objections if any, thus the appellant has been condemned unheard and the impugned amendment to the extent to fixation of seniority is arbitrary, one sided and amount to damages the service rights/seniority which the appellant has already accrued in his favour since long. This aspect also proves that the appellant has been condemned unheard while damaging his service rights.
- F) That being a welfare state, the Government has to ensured justice, fair play and to frames rules regulations which should be advantageous and not disadvantageous. Thus new amendments in the impugned Rules are also against the spirit of Articles 2-A, 4, 25 of the constitution.
- G) That the impugned rejection order also not sustainable as the same does not contain detail reasons for rejecting the departmental appeal.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.


It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

5

APPELLANT
Niamat Gul

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

6

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

Appeal No. _____/2015

Mr. Niamat Gul

V/S

Chief Secretary, KPK etc.

.....

**APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM MAKING
PROMOTION TO THE POST OF
ASSISTANT ENGINEERS ON THE BASIS
OF DISPUTED RULES TILL THE
DISPOSAL OF MAIN APPEAL.**

.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed an appeal along with this application in which a date is fixed so far.
2. That the appellant's seniority is badly affected due to impugned amendment in the rules, otherwise the appellant has been holding to position in the seniority list since 1999/2000 and due for promotion.
3. That if the promotion are made on the disputed rules then the appellant's case will be suffered a lot and will be become infructuous.
4. That the appellant has a good prima facie case and all the ingredients are in favour of appellant.
5. That if the respondents are not restrained from making promotion then the appellant will suffer from irrespective loss.

It is, therefore, most humbly prayed that the respondents may be restrained from making promotion to Assistant Engineer post on the disputed rules till the disposal of main appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favour of appellant.

APPELLANT
Niamat Gul

THROUGH:

(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

&
(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

AFFIDAVIT:

It is affirmed that the contents of this application are true and correct.



Rai

M.A. 11/11/79

(8) A

GOVERNMENT OF N.W.F.P.
SERVICES, GENERAL ADMN: TOURISM & SPORTS
DEPARTMENT.

NOTIFICATION.

Dated Peshawar, the 13th January 80.

No. SOR1(S&GAD)1-12/74- In exercise of the powers conferred by section 25 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P Act XVIII of 1973), and in supersession of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is pleased to make the following rules, namely:

THE COMMUNICATION & WORKS DEPARTMENT
(RECRUITMENT & APPOINTMENT) RULES, 1979.

1. (1) These rules may be called the Communication & Works Department (Recruitment and Appointment) Rules, 1979.
(2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedules annexed shall be such as given in column 3 to 7 of the said Schedules.

SECRETARY TO GOVERNMENT OF NWFP
SERVICES AND GENERAL ADMN:
DEPARTMENT.

ENOST.No, SOR1(S&GAD)1-12/74- Dated Peshawar, the 13th Jan-1980

Copy forwarded to :-

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in N.W.F.P.
3. Secretary to Governor, NWFP.
4. Secretary, NWFP, Public Service Commission, Peshawar.
5. All Heads of Attached Departments in NWFP.
6. All District and Sessions Judges in NWFP.
7. All Deputy Commissioners/Political Agents in NWFP.
8. Registrar, High Court, Peshawar.
9. All Section Officers in the S&GAD.
10. Manager, Govt Printing Press Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the printed.

Sd/-
Syed Noor Badshah
Section Officer (Regulation-1)

Attested



COMMUNICATION AND WORKS DEPARTMENT
SCHEDULE-I

Sl. No.	Nomenclature of post.	Minimum qualifications for appointment by initial recruitment or by transfer.	Promotion.	Age for initial Recruitment.		Method of recruitment.
				Minimum	Maximum	
1	2	3	4	5	6	7

1. Chief Engineer.

By selection on merit from amongst four senior-most officers of the Department, with at least seventeen years experience as Government servant, seniority being considered only in the case of officers of practically the same standard of merit.

2. Superintending Engineer.

Degree in Engineering - from a recognized University.

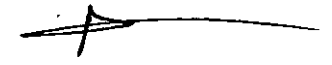
By selection on merit from amongst the Executive Engineers or holder of equivalent posts in the Communication and Works Department, with at least twelve years service in Grades-17 and 15, seniority being considered only in the case of officers of practically the same standard of merit.

3. Executive Engineer

By selection on merit with due regard to seniority from amongst Assistant Engineers of the Communication and Works Department with at least six years service as such.

next page...

ATTESTED





1	2	3	4	5	6	7
4. Asstt Engineer.	Degree in Civil Electrical or Mechanical Engineering from a recognised University, as may be specified by Government for the respective post.	Degree or Diploma in Engineering from a recognized University or Institution, as specified in column.	21 years.	30 years.	(a) Seventy per cent by initial recruitment.	(b) ten per cent by selection on merit with due regard to seniority from amongst Sub-Engineers of the Deptt who hold a degree; and
5. Senior Scale Sub Engineer.		Diploma in Engineering from a recognised Institute.			(c) twenty per cent by selection on merit with due regard to seniority from amongst Senior Scale Sub Engineers of the Deptt, who hold a Diploma and have passed Departmental Professional Examination.	Twenty five per cent of the total number of posts of the diploma holder Sub Engineers shall from the cadre of Senior Scale Sub Engineers and shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental Examination and have at least ten years service as such.
6. Administrative Officer/Budget and Accounts Officer.						By selection on merit with due regard to seniority from amongst holders of the posts of Senior Superintendents/Superintendents, in the Department.

Handwritten signature or mark at the bottom center of the page.

GOVERNMENT OF N. W. F. PROVINCE
COMMUNICATIONS & WORKS DEPARTMENT.

NOTIFICATION.

Dated Peshawar, the October 18, 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, Promotion and Transfer) Rules, 1975, and in consultation 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 20th January, 1980, the following amendment shall be made, namely:

AMENDMENT.

In Schedule I, for the existing entry at clause (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.

ABOUL MAJID MOHMAND
SECRETARY TO GOVERNMENT N.W.F.P.
COMMUNICATION & WORKS DEPARTMENT

Endst.No. SO(E)C&W/4-5/78 Dated Peshawar, the October 18, 1986.

A copy is forwarded to :-

1. All Administrative Secretaries to Govt of NWFP.
2. All Divisional Commissioners in NWFP.
3. Secretary to Governor, NWFP.
4. Secretary to Chief Minister, NWFP.
5. All Heads of Attached Departments in NWFP.
6. All District & Sessions Judges in NWFP.
7. All Deputy Commissioners/Political Agents in NWFP.
8. Secretary NWFP Public Service Commission/Registrar, S/Tribunal.
9. All Section Officers in S&GAD, NWFP, Peshawar.
10. Registrar, Peshawar 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. The Manager, Govt Printing & Stationery Department Peshawar. He is requested to supply 50 copies of the printed gazette.
14. C/O file/Main file.

Mirza B. Ahmad
(MIRZA BASHIR AHMAD)
SECTION OFFICER (E)
C & W DEPARTMENT.

ASHIQ

ATTESTED

Dated Peshawar, the 12th/April, 1992.

NOTIFICATION

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, Promotion and Transfer) Rules, 1989, the Communication and Works Department, in consultation with the Services and General Administration Department and the Finance Department, hereby directs that in the Communication and Works Department (Recruitment and Appointment) Rules, 1979, the following amendment shall be made, namely:-

A M E N D M E N T

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

- (1) 5% by promotion on seniority-cum-fitness from amongst the Sub-Engineers who have acquired degree in Engineering during service..
- (2) 5% by promotion on seniority-cum-fitness from amongst the Sub Engineers who have joined service as such, as Engineering Graduate:

Provided that if no Sub-Engineer in a category is available for promotion, the vacancy shall be deemed to have fallen to the quota of other category and shall be filled in accordingly.

(ADAM KHAN)
SECRETARY TO GOVERNMENT OF NWFP,
COMMUNICATION & WORKS DEPARTMENT.

ENDST.NO.SO(E)C&W/4-5/78; Dated Pesh: the 12th/April, 1992.

A copy is forwarded to:-

- 1) All Administrative Secretaries to Govt of NWFP.
- 2) Secretary to Governor, N.W.F. Province.
- 3) Secretary to Chief Minister, N.W.F. Province.
- 4) P.S to Chief Secretary, N.W.F. Province.
- 5) Secretary, NWFP Public Service Commission.
- 6) Manager, Govt Printing & Stationery Deptt: NWFP. He is requested to supply 50 copies of the printed gazette.
- 7) The S.O(R-II) Govt of NWFP, S&GAD w/r to his U.C.NO.SORII (S&GAD)2(1)/86(B), dated 09.04.1992.
- 8) Dy: Secretary/All Section Officers/P.S to Secretary C&W. Deptt.
- 9) O/O file.

HABIB

(SHIHAD KHAN)
SECTION OFFICER(E)

12/4/1992

ATTESTED



Amended 1/2

(D) 50
131

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the January 12, 1999.

NOTIFICATION

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, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the services and General Administration Department and the Finance Department, hereby directs that in the Communication and Works Department (Recruitment and Appointment) Rules, 1979, the following amendments shall be made, namely:-

A M E N D M E N T

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

- (1) Five per cent by promotion on seniority-cum-fitness from amongst the Sub Engineers who have joined service as Engineering Graduate.
- (2) Five per cent by promotion on seniority-cum-fitness from amongst the Sub Engineers who have acquired degree in Engineering during service. Inter-se seniority to be determined from the date of acquiring degree.

Provided that if no Sub Engineer in one category is available for promotion, the vacancy shall be deemed to have fallen to the quota of other category and shall be filled in accordingly.

SECRETARY TO GOVT. OF NWFP,
COMMUNICATION & WORKS DEPARTMENT

No. SO(E)C&W/4-5/78.

Dated Peshawar, January 12, 1999.

A copy is forwarded to the:-

- 1) All Administrative secretaries to Govt. of NWFP.
- 2) Secretary to Governor, NWFP.
- 3) Secretary to Chief Minister, NWFP.
- 4) P.S. to Chief Secretary, Govt. of NWFP.
- 5) P.S. to secretary C&W Department, NWFP.
- 6) P.S. to Minister for C&W Department.
- 7) Adtl Secretary, C&W Department, Peshawar.
- 8) Accountant General, NWFP Peshawar.

ATTESTED
[Signature]

14

E

Now superseded
vide notification

Q no. SOE-1/CSWD/8-12/2003
of 25-03-2010

GOVERNMENT OF N.-W.F.P.
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the, January, 19, 2007

NOTIFICATION

No.SOE/W&S/8-12/2002:- In pursuance of the provision contained in sub-rule (2) of the rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion Transfer) Rules, 1989, and in supersession of Communication and Works Department (Recruitment and Appointment) Rule, 1979, the Works and Services Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of appointment, qualification and other conditions specified in column 3 to 5 of the schedules to this notification which shall be applicable to posts specified in column No.2 of the said schedules, in the Building and Roads Wing and Public Health Engineering Wing of the Works and Services Department.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even No. & Date

- 1) All Administrative Secretaries to the Govt. of N-WFP
- 2) Secretary to Governor N-WFP
- 3) Principal Secretary to Chief Minister N-WFP
- 4) PS to the Chief Secretary N-WFP
- 5) Accountant General, NWFP
- 6) Additional Accountant General, (PR) Sub-office at Peshawar
- 7) All Chief Engineers in the Works & Services, Peshawar.
- 8) Secretary Public Service Commission, Peshawar.
- 9) Registrar Peshawar High Court, Peshawar.
- 10) Registrar N-WFP Service Tribunal Peshawar.
- 11) All Executive District Officer Works and Services Department.
- 12) Manager Government Stationary & Printing Department. He is requested to supply 100 copies of the printed Gazetted for further distribution
- 12) PS to Secretary Works & Services, Peshawar.

(ARSHAD KHAN AFRIDI)
SECTION OFFICER (ESTT-1)

ATTESTED

[Signature]

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SPIC

[Signature]

SCHEDULE I

S.No	Nomenclature of post	Minimum qualification required for appointment	Age Limit	Method for recruitment
1	2	3	4	5
Buildings & Roads Wing				
1	Chief Engineer (BPS-20)			By promotion, on the basis of merit, from amongst senior most Superintending Engineers/Directors/Executive District Officers (BS-19), and holders of equivalent post in BPS-19 as notified by the Department in line with cadre of Engineering, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc Engg (Civil), from a recognized University.
2	Superintending Engineer / Director /Executive District Officer (BPS-19)			By promotion, on the basis of merit, from amongst senior most Executive Engineers/ Deputy Directors/Executive District Officers (BS-18) and holders of equivalent post in BPS-18 as notified by the Department in line with cadre of Engineering, with at least 12 (twelve) years of service in BPS-17 & above, possessing Degree in B.E/B.Sc Engg (Civil), from a recognized University.
3	Executive Engineer /Deputy Director/Executive District Officer (BS-18)			By promotion, on the basis of merit, from amongst senior most Assistant Engineers / Assistant Directors (BPS-17) and holders of equivalent post in BPS-17 as notified by the Department in line with cadre of Engineering possessing Degree in B.E/B.Sc Engg (Civil), from a recognized university, with at least 5 (five) years of service as such.
4	Assistant Engineers/ Assistant Directors (BPS-17)	Degree in B.E/B.Sc Engg(Civil) from a recognized university.	21-32 years	a) 70% by Initial Recruitment; - b) 5% by promotion, on merit from amongst the Sub Engineers who possessed Degree of B.E/B.Sc Engg (Civil) at the time of their joining service; c) 5% by promotion, on merit from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc Engg (Civil) during service. <u>The seniority to be determined from the date of acquiring degree;</u> d) 20% by promotion, on the basis of merit, from amongst the Sub-Engineers who hold a diploma and <u>have passed Department Professional Examination</u> with at least 10 years service as such.
5	Sub-Engineer(BPS-11)	Diploma of Associate Engineering (Civil)/ Electrical/ Mechanical from a recognized institute	18-30 years	a) 70% by Initial Recruitment, having Diploma of Associate Engineering in Civil Technology; b) 05% by Initial Recruitment, having Diploma of Associate Engineering in E&M Technology; c) 25% by promotion on the basis of merit from amongst Superintendent Works, Supervisors, Surveyors and Road Inspectors borne on the district cadre of the Building & Road wings with at least five years service as such, who hold a diploma (civil) and have passed Department Professional Examination. <u>Note</u> for the purpose of promotion, as aforesaid, a common seniority list of Superintendents Works, Supervisors, Surveyors and Road Inspectors shall be maintained on the basis of their continuous regular appointment to the respective posts.
6	Administrative Officer/ Budget & Accounts Officer (BPS-16)			By Promotion, on the basis of seniority cum fitness, from amongst the Superintendents in the Buildings & Roads Wing.

*Supervised by me
No. 5054
(C.O. No) / 872/2009 dt. 25/03/2010*

**SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT**

SCHEDULE II

S.No	Nomenclature of the post	Minimum qualifications require for appointment	Age limit	Method of recruitment
1	2	3	4	5
Public Health Engg. Wing				
1	Chief Engineer (BPS-20)			By promotion, on the basis of merit, from amongst senior most Directors (BPS-19), and holders of equivalent post in BPS-19 as notified by the Department in line with cadre of Engineering, with at least 17 (seventeen) year service in BPS-17 and above, possessing degree in B.E/B.Sc Engg (Civil), from a recognized University.
2	Director (BPS-19)			By promotion, on the basis of merit, from amongst senior most Deputy District Officers (BPS-18), and holders of equivalent post in BPS-18 as notified by the Department in line with cadre of Engineering, with at least 12 (twelve) years of service in BPS-17 & above, possessing degree in B.E/B.Sc Engg(Civil) from a recognized University.
3	Deputy District Officers (BS-18)			By promotion, on the basis of merit, from amongst senior most Assistant Engineers/Assistant District Officer (BPS-17), and holder of equivalent post in BPS-17 as notified by the Department in line with cadre of Engineering possessing degree in B.E/B.Sc Engg (Civil), from a recognized university with at least 5 (five) years of service as such.
4	Assistant Engineers/ Assistant District Officers (BPS-17)	Degree in B.E/B.Sc Engg (Civil) from a recognized university,	21-32 years	a) 70% by Initial Recruitment; b) 5% by promotion, on merit from amongst the Sub Engineers who possessed Degree of B.E/B.Sc Eng (Civil) at the time of their joining service; c) 5% by promotion on merit from amongst the Sub Engineers who have acquired degree of B.E/B.Sc Eng (Civil) during service. The seniority to be determined from the date of acquiring degree; d) 20% by promotion on the basis of merit from amongst the Sub-Engineers who hold a diploma and have passed Department Professional Examination with at least 10 years service as such.
5	Sub-Engineer(BPS-11)	Diploma of Associate Engineering (Civil)/ Electrical/Mechanical from a recognized institute	18-30 years	By Initial Recruitment;
6	Administrative Officer/ Budget & Accounts Officer (BPS-16)			By Promotion, on the basis of seniority cum fitness, from amongst the Superintendents in the Public Health Engineering Wing.

*Supervised
vide notification
No. SDE - I / C&WD/
8-12/2019 dt. 05.03.2020*

**SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT**

ATTACHED

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(17)

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

NOTIFICATION:

No.SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the **Appendix** to this Notification which shall be applicable to posts in column 2 of the said Appendix.

Secretary to Govt of NWFP
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl: Chief Secretary NWFP, Peshawar
6. PS to Addl: Chief Secretary Home NWFP, Peshawar
7. PS to Addl: Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar.
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

APPENDIX A

D) ENGINEERING SERVICE

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering, (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University	21 - 32 Years	<ul style="list-style-type: none"> a) Seventy percent (70%) by initial recruitment; b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possessed degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service; c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service. The seniority to be determined from the date of acquiring degree; and d) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma and have passed Departmental Professional Examination, with at least 10 (ten) years service as such.
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	<ul style="list-style-type: none"> a) Seventy Five percent (75%) by initial recruitment; b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board; <p>Note-1: For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</p> <ul style="list-style-type: none"> c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board; d) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in Electrical/Mechanical Technology from a recognized Board; <p>Note-2: For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisor & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</p>

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				<p>e. Two point five percent (2.5%) By Transfer from amongst the Draftsman who seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board,</p> <p>f. Two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with ten years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board: and</p> <p>g. Five percent (5%) by promotion, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;</p> <p>Note-3: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisors & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p> <p>Note-4: (i) <u>If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and</u></p> <p>(ii) <u>If no suitable candidate is available for promotion, as prescribed in sub clause (f), then the vacancy shall be filled in by way as prescribed in sub clause (c);</u></p>
6.	Work Superintendent/Work Supervisor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
7.	Surveyor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
8.	Road Inspector	Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education	20 - 30 Years	<p>a) Fifty percent (50%) by Initial Recruitment</p> <p>AND</p> <p>b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work Munshies with at least ten years services as such</p>
9.	Work Munshi	Secondary School Certificate from a recognized Board.	20 - 30 Years	By Initial Recruitment

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II) ARCHITECTURAL SERVICES

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
10.	Principal Consulting Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architects with at least 12 (twelve) years service in BS-17 and above.
11.	Senior Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architects with at least 5 (five) years service as such.
12.	Junior Architect	Bachelor's Degree in Architecture from Higher Education Commission's recognized University/College/Institute	22 - 30 years	By Initial Recruitment
13.	Chief Draftsman (Architect)	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Architectural Assistants, with at least 5 (five) years service as such.
14.	Architectural Assistant	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator, with at least 3 (three) years service as such.
15.	Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator	<p>a. Three years Diploma in Architectural Technology from recognized Institute/ Board of technical Education with AutoCAD knowledge;</p> <p style="text-align: center;">OR</p> <p>b. Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education with AutoCAD knowledge.</p>	18 - 30 years	<p>a. Fifty percent (50%) by Initial Recruitment; and</p> <p>b. Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator, with at least 5 (five) years service as such</p>
16.	Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator	Two years Certificate Course in Civil Draftsmanship from a recognized Institute/ Board of Technical Education with AutoCAD knowledge	18 - 30 years	By Initial Recruitment

III) MINISTERIAL ESTABLISHMENT

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
17.	Administrative Officer/Budget & Accounts Officer	-	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 5 years service as such.
18.	Superintendents			By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers with at least five years service as such. <u>Note:</u> For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
19.	Divisional Accounts Officer	--	--	By Transfer from Audit Department
20.	Senior Scale Stenographer	a. Bachelor's Degree/B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing	18 - 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least five years services as such. <u>Note:</u> If no suitable candidates are available for promotion, then by Initial Recruitment.
21.	Assistant	Second Class Bachelor's Degree with Economics/ Statistics as one of the subject OR B-Com, from a recognized University	21 - 32 years	a. Twenty five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/Senior Clerks, with at least five years service as such. <u>Note:</u> For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.
22.	Stenographer (Junior)	a. Intermediate/D-Com form a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and Excel	18 - 30 years	By Initial Recruitment

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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
23.	Accounts Clerk/Senior Clerk	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, with at least three years service as such.
24.	Junior Clerk	i. Secondary School Certificate from a recognized Board; and ii. A speed of 30 words per minute in English typing	18 - 28 years	a. Eighty percent (80%) by Initial Recruitment; AND b. Twenty percent (20%) by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars, and other equivalent posts who have passed Secondary School Examination and are under 45 years of age and have at least two years service as such in the Department <u>Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars, with reference, to the date of regular appointment to the post or that of acquiring the Secondary School Certificates, whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.</u>
25.	Driver	Possessing a valid LTV/HTV Driving License with five years experience, having Primary/Middle Standard qualifications	21 - 35 years	By Initial Recruitment
26.	Daftary /Record Lifter/Dafadar	Literate/Middle, preference will be given to Ex-Service Man	18 - 35 years	By promotion, from amongst the Naib Qasids/Chowkidars, having Middle Standard qualification <u>Note: If no suitable candidates are available for promotion, then by Initial Recruitment.</u>
27.	Naib Qasid	Middle Standard qualification	18 - 35 years	By Initial Recruitment
28.	Chowkidar	Literate/Primary Standard qualification	18 - 35 years	By Initial Recruitment

IV) TECHNICAL DRAFTSMAN AND TRACERS

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
29	Chief Draftsman	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman, with at least 3 (three) years service as such.
30	Circle Head Draftsman	--	--	By promotion, on the basis of seniority-cum-fitness from amongst the Head Draftsman/ Divisional Head Draftsman with at least 3 (three) years service as such.
31	Head Draftsman/ Divisional Head Draftsman	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman with at least 3 (three) years service as such.
32	Draftsman	<ul style="list-style-type: none"> a. Secondary School Certificate form recognized Board; AND b. Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education 	18 - 30 years	<ul style="list-style-type: none"> a. Fifty percent (50%) by Initial Recruitment b. Twenty Five percent (25%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman course of two years duration from recognized Board of Technical Education with 3 years service as such; and c. Twenty Five percent (25%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers, who have qualified the prescribed Departmental Examination of Draftsman, and having 3 years service as such. <p><u>Note:</u> If no suitable candidate is available for promotion against the quota at (b) then the vacancy shall be filled-in, by the way as prescribed at (c) and Vice-Versa.</p>
33	Tracer	<ul style="list-style-type: none"> i. Secondary School Certificate form recognized Board; and ii. Survey course of at least 6-9 months duration from recognized Institute/ Board of Technical Education; 	18 - 30 years	<ul style="list-style-type: none"> a. Seventy five percent (75%) by Initial Recruitment; and b. Twenty five percent (25%) by promotion, from amongst the Ferro-Printer/Ferro-Khalasi having Secondary School Certificate with two years service as such.
34	Ferro-Printer/Ferro Khalasi	Middle Standard qualification	18 - 40 years	By Initial Recruitment

~~ANNEXED~~

~~ANNEXED~~



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Dec 16, 2011

NOTIFICATION:

No.SOE/C&WD/8-12/2011: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department in consultation with Establishment Department and the Finance Department, hereby directs that in this Department Notification No.SOE/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

In Schedule-I, against serial number 4, in column number 5, for the existing entries, the following shall be substituted, namely:

- (a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil/Mechanical/Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (b) Eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possessed Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service;
- (c) Seven percent (7%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service; and
- (d) Sixty five percent (65%) by initial recruitment

Note: As regard clause(c) the seniority to be determined from the date of acquiring the Degree

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date
Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engtnier (FATA) W&S Peshawar
6. Chief Engineer EQAA Mansehra at Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Deptt, Peshawar
11. Assistant Legal Drafter-I, Law Department, Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
14. PS to Secretary, C&W Deptt, Peshawar
15. PA to Addl: Secretary, C&W Deptt, Peshawar
16. PA to Deputy Secretary (Admn), C&W Deptt, Peshawar
17. Office File

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

ATTESTED

OFFICE OF THE CHIEF ENGINEER, CENTRE
COMMUNICATION & WORKS DEPARTMENT

KHYBER PAKHTUNKHWA PESHAWAR
No. 266-E/ 91 /CE/C&WD

Dated 03/04/2015

TENTATIVE SENIORITY LIST

In pursuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Acts 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25/03/2010 (for S.No.4(e) read with Secretary C&W Department memo No. SOE/C&WD/8-12/2014 dated 14/10/2014, The Tentative Seniority List of B.Tech (Honors) Degree Holders Sub Engineers (BPS-11/16) (Other than Direct/Inservice Graduates Sub Engineers) of the C&W Department as stood on **31-03-2015** is hereby Circulated, Subject to the Verification of their Degrees from the Institutions as well as H.E.C. as under (NOTE: SENIORITY TO BE DETERMINED FROM THE DATE OF INITIAL APPOINTMENT) :-

S.No	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Date of Grant of BS-16	Year of Passing prof. exam	Remarks
1	Fazal Nabi	Sher Rehman	Khyber	i. BA/DAE(C) ii. B.Tech (Hon) 11/2013	01/08/1958	26/11/1979	26/11/1979	17/11/1991	1993	
2	Lal Badshah	Talab Din	Malakand	DAE(C)/B.Tech (Honos) 10/2012	14/05/1957	07/06/1980	07/06/1980	B-11	1996	
3	Sher Wali Jhang	Amir Zada Khan	Mardan	DAE(C)/B.Tech (Honos) 11/2013	01/07/1961	14/02/1981	14/02/1981	12/08/2003	1994	
4	Ghazanfarullah	Muhammad Shafiullah Khan	Bannu	DAE(C)/B.Tech (Honos) 04/2013	04/05/1964	21/10/1986	21/10/1986	B-11	2006	ATTESTED
5	Habibullah	Muhammad Abdullah	Malakand	i. BA/DAE(C) ii. B.Tech (Hon) 05/2013	23/04/1959	14/03/1988	14/03/1988	B-11	2008	
6	Shaukatullah Shah	Yaqoob Shah	Lakki	i. BA/DAE(C) ii. B.Tech (Hon) 11/2013	28/08/1962	14/03/1988	14/03/1988	B-11	2008	
7	Ijaz Rasool	Ghulam Rasool	Bannu	i. BA/DAE(C) ii. B.Tech (Hon) 03/2011	13/05/1965	14/03/1988	14/03/1988	B-11	2008	
8	Sher Af Khan	Amir Khan	Malakand	DAE(C)/B.Tech (Honos) 09/2014	31/12/1962	19/03/1988	19/03/1988	B-11	-	
9	Niamat Gul-Hi	Ahmad Gul	Malakand	DAE(C)/B.Tech (Honos) 04/2014	12/01/1963	19/03/1988	19/03/1988	B-11	2008	
10	Ajmal Anwar	Muhammad Anwar	Mardan	DAE(C)/B.A B.Tech (Hons) 03/2010	06/09/1966	19/03/1988	19/03/1988	04/09/2003	2006	Granted B-16 on the decision of Service Tribunal (Secy: C&WD orders No. SOE/C&WD/4-2/2013 dated 10/10/2013)
11	Inayat-ur-Rehman	Muhammad Ismail	Dir Lower	DAE(C)/B.A B.Tech (Hons) 05/2013	01/02/1959	22/03/1988	22/03/1988	B-11	-	
12	Nasrullah Khan	Sultan Jan	Dir Lower	DAE(C)/B.A B.Tech (Hons) 11/2014	05/01/1966	22/12/1990	22/12/1990	B-11	-	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
13	Jehanzeb-IV	Muhammad Salim	Bannu	DAE(C)/B.Tech (Honos) 04/2014	15/04/1962	16/12/1990	16/12/1990	B-11	2006	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
14	Farhat Ali	Farzand Ali	Peshawar	DAE(C)/B.Tech (Honos) 04/2014	02/04/1965	12/12/1990	12/12/1990	B-11	2006	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
15	Muhammad Humayun	Mir Baz Khan	Lakki	DAE(C)/B.Tech (Honos) 04/2014	31/08/1965	06/12/1990	06/12/1990	B-11	2006	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission

17	Muhammad Anan	Muhammad Aslam Khan	FR Bannu	DAE(C)/B.A/B.Tech (Hons) (C) 04/2012	23/04/1964	19/12/1990	19/12/1990	B-11	2010	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
	Shujaat Ali	Said Bad Shah	Charsadda	DAE(C)/B.Tech (Hons) 04/2012	20/02/1963	12/12/1990	12/12/1990	B-11	2006	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
18	Mumtaz Alam	Raidullah Khan	Malakand	DAE(C)/B.Tech (Hons) 04/2013	01/06/1964	23/12/1990	23/12/1990	B-11	2008	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
19	Muhammad Naeem-IV	Fazli Hakim	Malakand	DAE(C)/B.Tech (Hons) 11/2014	05/10/1961	15/12/1990	15/12/1990	B-11	2008	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
20	Naqeebullah Khattak	Ghulam Shah	Karak	DAE(C)/B.Tech (Hons) 12/2004	02/01/1971	27/06/1994	27/06/1994	B-11	2010	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
21	Muhammad Farooq	Haji Syed Ghulam	Mardan	DAE(C)/B.Tech (Hons) 11/2011	01/01/1973	23/04/1995	23/04/1995	B-11	2008	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
22	Murad Ali	Kirammat Khan	Bannu	DAE(C)-M.A.+B.Tech (Hons) 03/2015	20/01/1964	31/10/1997	18/10/1999	B-11	2006	Promotee
23	Zahidullah	Khaliq Dad	Kurram	DAE(C)/B.Tech (Hons) 04/2013	14/04/1969	05/11/1995	01/10/2006	B-11	2010	Promotee
24	Arshad Ali Shah	Abdul Samad Khan	Mardan	DAE(C)/B.Tech (Hons) 01/2013	03/09/1970	09/04/1995	01/04/2008	B-11	2010	Promotee
25	Ghani Khan Khattak	Tilawat Khan	Haripur	DAE(C)/B.Tech (Hons) (Civil) 2011	04/02/1988	01/09/2014	01/09/2014	B-11	-	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
26	Awais-ur-Rehman	Haji Shah Daraz Khan	FR-Bannu	DAE(C)/B.Tech (Hons) (Civil) 2013	10/12/1989	01/09/2014	01/09/2014	B-11	-	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
27	Zia-ur-Rehman	Muhammad Farooq	Abbottabad	DAE(C)/B.Tech (Hons) (Civil) 05/2011	17/08/1985	01/09/2014	01/09/2014	B-11	-	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
28	Farman Ullah	Bait Ullah Khan	Karak	DAE(C)/B.Tech (Hons) (Civil) 08/2010	21/1/1979	01/09/2014	01/09/2014	B-11	-	Seniority fixed as per merit order assigned by the Khyber Pakhtunkhwa Public Service Commission
29	Tariq Shah	Noor Hassan	Peshawar	DAE(C)/B.Tech (Hons) 11/2013	24/04/1978	27/12/2006	14/01/2015	B-11		Promoted from Work Superintendent
30	Ibad-ur-Rehman	Sher Alam	Peshawar	DAE(C)/B.Tech (Hons) 08/2011	03/03/1980	31/01/2007	14/01/2015	B-11		Promoted from Work Superintendent

Copy of the above forwarded to:-

1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. All the Chief Engineers in C&W Department, Khyber Pakhtunkhwa (i/c FATA).
3. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
4. Project Director FMR/PMU C&W Department Peshawar.
5. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
6. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).

NOTE: Please get it noted from all the Sub Engineers & if any objections regarding Name, Father Name, Qualification etc. are received thereupon, may be sent to this office with documentary proof with in ONE MONTH, for further course of action.

(ENGR. FAZLI KABIR)
CHIEF ENGINEER (CENTRE)

ATTESTED

(Signature)
(ABDURRASHID TAREEN)
ADMINISTRATIVE OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the October 14, 2014

NOTIFICATION:

No.SOE/C&WD/8-12/2014: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department Notification No.SOE/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

In the Appendix, against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by initial recruitment;
- (b) twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;
- (d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and
- (e) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"

Note: The seniority in all cases shall be determined from the date of initial appointment

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar *Centre*
5. Chief Engineer (FATA) W&S Peshawar
6. Chief Engineer EQAA Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department Peshawar
11. Assistant Legal Drafter-I, Law Department Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
14. PS to Secretary C&W Department Peshawar
15. PA to Addl. Secretary C&W Department Peshawar
16. PA to Deputy Secretary (Admn) C&W Department Peshawar
17. Office File

C.E. C&W 15/10/14

(Centre)

Dairy No. 2/10/14

Date 15/10/14

SSAO

C.D.

ATTESTED

(USMAN JAN)
SECTION OFFICER (Estb)

To

The secretary to,
Govt. of Khyber Pakhtunkhwa,
C&W Department.

J
27

**SUBJECT: OBJECTIONS ON THE TENTATIVE SENIORITY LIST OF B.TECH
(HON) DEGREE HOLDERS AS NOTIFIED BY THE CHIEF
ENGINEER (C) C&W DEPARTMENT**

Respect Sir,

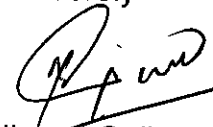
It is submitted that the department has issued appointment and recruitment rules 2010 with further amendment in the rules applicable to the post of Assistant Engineer / SDOs (BPS-17) appearing at S.No 4 of the bed rules, particularly for the sub case at (e), where 3.5% posts have been reserved for promotion on the basis of seniority com-fitness from amongst the sub Engineers, having B.Tech (Hons) and have passed the Departmental professional examination with 5 years service as such vide notification No. SOE/erus/8-12/2004 dated 14-10-2014.

But in the note appended therewith seniority determination is fixed from the date of initial appointment.

The said provision for the determination of seniority is thus unjust and irregular, because of the facts that when a person acquire the degree qualification will then be eligible to the post of AE/SDos and not that date when ones fixed the service as Diploma holder sub Engineer in this case.

Your good self will realize that it is the principal to consider a person for the relevant post, when he acquires the prescribed qualifications of the post, so in the above said circumstances, it is humbly prayed that the rules are unjust and great in justice, if its timely remedy is not made and the seniority determination shall be fixed from the date acquiring Degree qualifications till the finality of case, the whole process of promotion on the impugned rules may kindly be kept pending and also to direct the chief Engineer (C) C&W Deptt, not to notify the final seniority in this state.

Sincerely



Niamat Gull

Senior Scale Sub Engineer (BPS-16)

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/8-12/2014
Dated Peshawar, the May 13, 2015

K
28

TO

Mr. Niamat Gul
Sub Divisional Officer (OPS)
Building Sub Division Matta-II
Swat

Subject: Appeal for tentative seniority list of the B-Tech (Hons) Sub Engineers

I am directed to refer your appeal/representation on the subject noted above and to state that issue regarding fixing of seniority was discussed in Standing Service Rules Committee (SSRC) meeting held on 16.04.2014 in detail and it was decided by the competent forum that the seniority is to be reckoned from the date of appointment and not from date of acquiring degree.

2. You are hereby informed accordingly.


(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

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


SECTION OFFICER (Estb)

ATTESTED


VAKALAT NAMA

29

NO. _____ /20

IN THE COURT OF Senia Tribunal Peshawar

Niamat Gul (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Chief Secretary etc (Respondent)
(Defendant)

I/We Niamat Gul (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 8-6/2015

(Client)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan
Adv.

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 717 OF 2015**

Engr.Niamat Gul --- Appellant
Sub Engineer (BS-16)
Building Sub Division-II Matta, Swat

VERSUS

- 1. Chief Secretary --- Respondents
Govt of Khyber Pakhtunkhwa
- 2. Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
- 3. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
- 4. Chairman SSRC Peshawar

Joint Para-wise Comments on behalf of Respondents No. 1 to 4

Respectfully Sheweth

Preliminary Objections

- i. That the appeal is not maintainable in its present form.
- ii. That the appellant has never challenged in time any order in which his right were ignored
- iii. That the appeal is pre-mature
- iv. That the appellant has no cause of action and locus standi to file appeal.
- v. That the appeal is time barred

Facts

- 1. As per record
- 2. As per record
- 3. As per record
- 4. As per record
- 5. As per record
- 6. Incorrect, the appellant is basically Diploma Holder Sub Engineer (BS-16). After necessary amendments in the existing Service Rules, dated 14.10.2014. Mr. Nageeb Ullah Diploma Holder Sub Engineer has filed service appeal No.117/2015 in Service Tribunal with the plea that Notification dated 14.10.2014 regarding amendment in the Service Rules reckoning seniority from the date of initial recruitment/appointment may be declared as illegal. The Tribunal has granted status quo regarding issuance of seniority list of Diploma Holder Sub Engineers.

7. As per record, the Sub Engineers having B-Tech (Hons) submitted a joint application for reservation of quota for their promotion to the post of SDO BS-17 (**Annex-I**). In this connection a committee was constituted under Chief Engineer (CDO) C&W Peshawar to submit recommendations. The Committee proposed 3.5% share for Sub Engineers having B-Tech (Hons) on the basis of seniority-cum-fitness by curtailing 07% share quota reserved for Sub Engineer who acquired Degree of B.Sc Engineering (Civil/ Electrical/Mechanical) during service. The Establishment Department placed the case before SSRC for consideration on 19.06.2013. As per Law Department advice the case was referred to Public Service Commission for requisite NOC, who agreed with the proposed amendments for the post of Assistant Engineer/SDO/Junior Engineer/Assistant Research Officer BS-17. In view of SSRC recommendations, draft Notification forwarded to Law Department for vetting before circulation. Law Department vetted the notification with the observations and advised to examine minutely and ensure that it is in order.


In view of above, a note submitted to Chief Secretary with the proposal that the Notification regarding amendments for the post of Assistant Engineers/ SDOs/ Assistant Research Officers (BS-17) in the existing service rules may be approved. However, the Chief Secretary returned the case with direction to submit a revised working paper highlighting the observations of Law Department for placement before the SSRC for consideration/concurrence. Accordingly, a revised working paper placed before SSRC for consideration on 16.04.2014. The SSRC decided that the seniority in all cadres shall be determined from the date of initial appointment (**Annex-II**). Therefore, the Department again submitted a note to Chief Secretary for proper approval of the notification. The Chief Secretary approved the note and after completion of all codal formalities, notification with necessary amendments duly recommended by SSRC and approved by Chief Secretary has been issued on 14.10.2014 (**Annex-III**).


8. As per record, the departmental appeal of the appellant processed and found that there is no weight-age in his appeal on the basis that amendment notification dated 14.10.2014 in the existing service rules for the post of Assistant Engineer/SDO/Assistant Research Officer (BS-17) has been issued after fulfillment of all codal formalities as explained in para-7 of the facts. Therefore, the Competent Authority has rejected his appeal and informed him accordingly.
9. The appellant has not no cause of action to file the instant appeal

GROUND

- A. Incorrect, as explained in paras 7 & 8 of the facts
- B. Incorrect, no discrimination to any individual, including the appellant was done nor any rule or principle of law infringed. The apprehension of the appellant is mis-leading.
- C. Incorrect, there is no mala-fide, no discrimination and violation of rights of appellant. Seniority/promotion and framing of rules are strictly in accordance to law and under relevant rules/regulation
- D. Incorrect. No right of the appellant has been violated.
- E. Incorrect, the Government is empowered to frame or amend the service rules of the Departments, while in the instant case, the Department placed the requests of B-Tech (Hons) Sub Engineers before SSRC for consideration, who recommended the amendments duly approved by the Chief Secretary. While the plea of the appellant that circulation or option before issuance of amendment notification is totally against the policy and procedure of the Government. Besides this, the SSRC recommendations for amendments in the service rules are not circulated amongst the officers/officials for objection/omission, if this trend once adopted the cases of necessary amendments in any rules/policy will not get finality.
- F. Incorrect. As per para-7 of the facts. Moreover, no fundamental rights of the appellant have been violated, as he was treated purely in accordance with law and rules.
- G. Incorrect, as explained in para-8 of the facts
- H. The respondents would like to seek permission of this Hon'able Tribunal to adhere more grounds during the time of arguments.

In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.


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


Secretary to Govt of
Khyber Pakhtunkhwa
Establishment Department
(Respondent No. 3)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMIN. DEPARTMENT
(REGULATION WING)

SOR-V(E&AD)1-84/2011
Dated 22nd November, 2012

Annex-I

303
35

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
C&W Department.

Diary No: 24389
Date: 26/11/12
Secretary C&W Deptt.
Khyber Pakhtunkhwa

Subject:

FIXATION/RESERVATION OF PROMOTION QUOTA FOR
B-TECH (HONS) GRADUATES IN C&W DEPARTMENT

AS/DA
27/11

Dear Sir,

I am directed to forward herewith a copy of an application dated
05-11-2012, received from certain B-Tech (Hons) Graduate Sub-Engineers of your
Department, addressed to Chief Minister, Khyber Pakhtunkhwa, alongwith its enclosure,
for favour of your comments at the earliest.

Yours faithfully,

W. ZIRA 22.11.2012
(QURRAT-UL-AIN)
SECTION OFFICER (REG-V)

Encl: As above.

SR
29/11/12
26/11

(E)

PS/O.S Khyber Pakhtunkhwa
Diary No. 4275
Date 15-11-2012

To: Secy (E & AD)
Diary No. 9538/11
Dated 15/11/12

304
Secy
14/11/12
Chief Secretary

10
A.H.
23-11-12

36

The Honorable Chief Minister,
Govt. of Khyber Pakhtun Khwa.

Subject:

Fixation/Reservation of Promotion Quota for B-Tech (Hons) Graduates in C & W Department.

CHIEF MINISTER
KHYBER PAKHTUNKHWA

Sir,

It is submitted for your kind perusal that we are serving in C & W Deptt: Khyber Pakhtun Khwa as a Sub Engineer (BPS-11). We are B-Tech (Hons) Graduates and deserve promotion in (BPS-17) under these references.

Ref: to notification of Govt: of Khyber Pakhtun Khwa Irrigation Department No.SOE/IRRI/23-5/2010-11 dated: 25/06/2012. (Copy attached).

Ref: to Judgment of High Court/Supreme Court. (Copy attached).

Ref: to notification Of Govt: of Baluchistan C & W Department No. SOR (3)11/S&GAD/449 : S o dated: 17/10/2005. (Copy attached).

Ref: to notification of Federal Govt: Notification of No.F-1(G)/92-Admin-III on dated: 17/08/2010 (Copy attached).

Ref: to Higher Education letter No.8-36/HEC/A&A/2007 on dated: 21/05/2007. (Copy attached).

Ref: to notification of Govt: of Punjab C & W Department No. SOR-III-1-8/72 dated: 14/11/ 98: (Copy attached).

In view of the above references it is humbly requested for favorably be considered. worthy Secretary C & W may please be instructed to make it possible to amend the rules and at least 10 % quota for B-Tech (Hons) Graduates for their next tier post of SDOs/Assistant SDOs.

Thanks:

Dated: 5/11/2012

Yours Obediently,

- 1.Arshad Ali Sub Engineer
- 2.Ajmal Anwar Sub Engineer
- 3.Mohammad Farooq Sub Engineer
- 4.Zia Jan Sub Engineer
- 5.Mumtaz Alam Sub Engineer

Special Secy
Dated: 15/11/12

DAIRY No. 505
Dated: 15/11/12
Reg. V Secy

Y. Estt
15-11-12

SSB

16/11

DSR-III

16/11

19.11.12
SORV



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

300/104
113
210
428

37

Dated Peshawar 25th June 2012

NOTIFICATION

No. SOE/IRR/23-5/2010/111 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1987, the Irrigation Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(E)rr/23-5/73 dated 17.02.2011, the following amendments shall be made namely:-

AMENDMENTS

The Appendix

Against Serial No. 4, in column No. 5, for the existing entries, in clause (a), (b) and (d), the following shall be respectively substituted, namely:

(b) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed a post-graduate grade VII examination with five year service as such.

Note: For the purpose of clause (b) a joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering will be maintained and their seniority is to be reckoned from the date of their appointment as Sub Engineer.

(c) Appointment by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having Degree in B. Tech (Hons) and have passed a post-graduate Grade II and a examination with five year service as such.

Note: For the purpose of clause (c), a seniority list of Sub Engineers having Degree in B. Tech (Hons) shall be maintained and their seniority is to be reckoned from the date of their appointment as Sub Engineer.

(d) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having a Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology and have passed a post-graduate Grade B and a examination, with five year service as such.

Note: For the purpose of clause (d), a seniority list of Sub Engineers having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology shall be maintained and their seniority is to be reckoned from the date of their appointment as Sub Engineer.

Note: The quota of clause (d), (c) and (b) above respectively, shall be filled in the initial recruitment, if no suitable Sub Engineer is available for promotion.

ii. Against serial No. 5, in column No. 5, for the existing entries, in clause (a), the following shall be substituted, namely:

- (b) fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Board of Technical Education, having passed the departmental Grade - B and Grade - A examination, with at least seven years service as such; and
- (c) five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and superintendents, having passed the departmental Grade-B examination, with at least ten years service as such;

iii. Against serial No. 7, in column No. 5, for the words "three years" the words "year" shall be substituted;

iv. against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:

- a. Bachelor Degree or equivalent qualification from a recognized University;
- b. a speed of 80 words per minute in short hand in English and 40 words per minute in English typing; and

v. against serial No. 13, in column No. 5, in clause (b), the words and figures "and under 45 years of age" shall be deleted.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department.

Encs: No. 2. Data as above.

Copy of the above is forwarded to the:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary, Chief Minister, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. Additional Accountant General (PR, Sub Office), Peshawar.
6. All Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Irrigation Department, Khyber Pakhtunkhwa.
8. All District Coordination Officers / P.As in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. Secretary, Board of Revenue, Khyber Pakhtunkhwa.
11. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. All Superintending Engineers in Irrigation Department.
14. All Executive Engineers in Irrigation Department.
15. PS to Minister for Irrigation, Khyber Pakhtunkhwa.
16. PSO to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
18. Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar, requested to supply 200 copies of the printed gazette for distributions.
19. Master file.

Misal Khan
(MISAL KHAN)
SECTION OFFICER (EST)

Annex-III

345
322
39

MINUTES OF THE SSRC MEETING HELD ON 16-4-2014 AT 11:00 HOURS IN THE OFFICE OF SPECIAL SECRETARY (REGULATION) REGARDING AMENDMENTS IN THE EXISTING SERVICE RULES 2010 OF C&W DEPARTMENT.

A meeting of Standing Service Rules Committee was held on 16-4-2014 at 1100 hours under the chairmanship of Special Secretary (Regulation) to consider amendments in the existing Service Rules 2010 for the post of Sub Divisional Officer/ Assistant Engineer/Junior Engineer/Assistant Research Officer (BPS-17) in C&W Department. The following attended the meeting, attendance sheet is enclosed:-

1. Mr. Ghulam Sadiq Wazir,
Additional Secretary, C&W Department.
2. Mr. Sharif Hussain,
Secretary, Public Service Commission.
3. Mr. Khuda Bakhsh,
Deputy Secretary (R-III) Estt: Department
4. Mr. Zar Gul Khan,
Section Officer (SR-II) Finance Department.
5. Miss Saira,
Deputy Legal Drafter, Law Department


2. The meeting started with the recitation of Holy Quran.

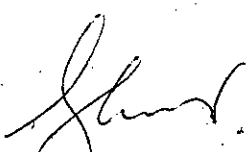
3. The chairman welcomed all the participants. The Additional Secretary C&W Department explained that Standing Service Rules Committee in its meeting held on 19-6-2013 recommended amendments in the existing services rules for the post of Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer (BPS-17). In view of SSRC recommendations, draft notification was forwarded to Law Department for vetting. In response, Law Department forwarded a stamped draft notification with the following observations:-


- i. In the draft Notification, in clause (c), (d) and (e), some length of service is required for promotion according to rules, and
 - ii. These rules are for appointment, promotion and transfer, not for removal/dismissal from service. It is, therefore, advisable to delete clause (a) of the Note.
- ✓

4. The issue was discussed thread bare and it was observed that the passing of Departmental exam and length of service is mandatory for all streams. So the forum unanimously agreed with insertion of passing of the Departmental exam with 5 years length of service as such in Clause b, c & d. The seniority in all cases shall be determined from the date of initial appointment. Moreover Foot Note (a & b) should be deleted.

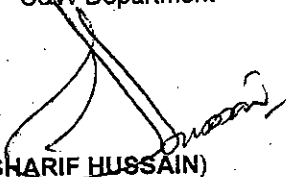
5. The meeting ended with vote of thanks to and from the chair.

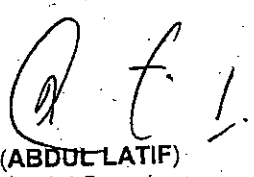

(KHUDA BAKHSH)
Deputy Secretary (R-III)
Establishment Department


(GHULAM SADIQ)
Additional Secretary
C&W Department


(ZAR GUL KHAN)
Section Officer (SR-II)
Finance Department


(MISS SAIRA)
Deputy Legal Drafter
Law Department


(SHARIF HUSSAIN)
Secretary
Public Service Commission


(ABDUL LATIF)
Special Secretary
Establishment Department

Annex III

41



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the October 14, 2014

NOTIFICATION:

No. SOE/C&WD/8-12/2014: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department Notification No. SOE/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

in the Appendix, against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by initial recruitment;
- (b) twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;
- (d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and
- (e) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"

Note: The seniority in all cases shall be determined from the date of initial appointment.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) W&S Peshawar
6. Chief Engineer EQAA Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department Peshawar
11. Assistant Legal Drafter-I, Law Department Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
14. PS to Secretary C&W Department Peshawar
15. PA to Addl. Secretary C&W Department Peshawar
16. PA to Deputy Secretary (Admn) C&W Department Peshawar
17. Office File


(USMAN JAN)
SECTION OFFICER (Estb)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 717 OF 2015

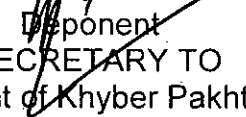
Engr. Niamat Gul --- Appellant
Sub Engineer (BS-16)
Building Sub Division-II Matta, Swat

VERSUS

1. Chief Secretary --- Respondents
Govt of Khyber Pakhtunkhwa
2. Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
4. Chairman SSRC Peshawar

COUNTER AFFIDAVIT

We the respondent hereby affirm and declare that all the contents of the reply are correct to the best of our knowledge and belief and nothing has been concealed.


Deponent
SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.717/2015

Niamat Gul

VS

C & W

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(I-V) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Para-1 of the appeal is admitted correct by the respondent department as service record is already in the custody of the respondent department.
- 2 Para-2 of the appeal is admitted correct by the respondent department as service record is already in the custody of the respondent department.
- 3 Para-3 of the appeal is admitted correct by the respondent department as service record is already in the custody of the respondent department.
- 4 Para-4 of the appeal is admitted correct by the respondent department as service record is already in the custody of the respondent department.
- 5 Para-5 of the appeal is admitted correct by the respondent department as service record is already in the custody of the respondent department.
- 6 Incorrect. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant.
- 7 Incorrect. While para-7 of the appeal is correct as mentioned in the main appeal of the appellant.
- 8 Incorrect. While para-8 of the appeal is correct as mentioned in the main appeal of the appellant.

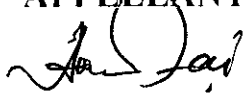
9. Incorrect. While para-9 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant has good cause of action and his appeal is liable to be accepted.

GROUND:

- A) Incorrect. While Para-A of the grounds of appeal is correct as mentioned in the main appeal of the appellant. Moreover the rejection order dated 13.05.2015 and amended rules dated 14.10.2014 to the extent of fixation of seniority of in service graduate sub engineers from the date of initial appointment for promotion in ration of 3.5 % are against the law, facts, norms of justice, fair play and accrued rights of appellant, therefore, not tenable.
- B) Not replied according to the Para-B of the grounds of the appeal. Moreover, Para-B of the reply is incorrect while Para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Not replied according to the Para-C of the grounds of the appeal. Moreover, Para-C of the reply is incorrect while Para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

APPELLANT

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.

[Signature]
DEPONENT

ATTESTED
Oath Commissioner
Zafloor Khan Advocate
Distt: Court Peshawar

11 JUL 2017