



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

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



To,

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

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

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

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

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

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

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

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

Enclosed as stated:

Received
3/1/24

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

C.C.

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Peshawar, Dated the 9th October, 2023

SPEAKING ORDER

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

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

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

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

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

(Amir Sultan Tareen)

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No & date even

Copy forwarded to the: -

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


(YAR MUHAMMAD)
SECTION OFFICER (SR. IV)