

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	28.03.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 405/2016</p> <p>Nasir Shah Versus Government of Khyber Pakhtunkhwa through Secretary Irrigation Department, Peshawar and another.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Ziaullah, Government Pleader for respondents present.</p> <p>2. Nasir Shah hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 08.01.2016 vide which appellant was repatriated from Swat Irrigation service cadre to his parent cadre (Regional Office Cadre) and posted in the office of Chief Engineer (North) Irrigation Department, Peshawar as Senior Clerk.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant joined Irrigation Department in the year 1991 in the Regional Cadre known as "Regional Engineer Office". That vide order dated 17.07.2008 he was transferred and posted at Flood and Drainage Division as Senior Clerk. That the Irrigation Department was restructured vide notification dated 02.05.2011</p>

Handwritten signature and date: 28.03.17

and the Flood and Drainage Division was renamed as Dir Irrigation Division Dir (Lower) under the administrative supervision of Swat Irrigation Circle, Swat. That the appellant was serving in the said circle and his services were absorbed in the said circle vide circular dated 30.03.2015. That to the utter surprise of the appellant the impugned order was passed where-against departmental appeal was preferred which was not responded and hence the instant service appeal.

4. Learned counsel for the appellant has argued that the impugned order is against facts and law as the appellant was entitled to serve in the circle of Superintending Engineer Swat Irrigation Circle, Swat.

5. Learned Government Pleader has argued that the appellant was rightly repatriated to his parent cadre by the Superintending Engineer Swat Irrigation Circle, Swat being competent authority on administrative ground.

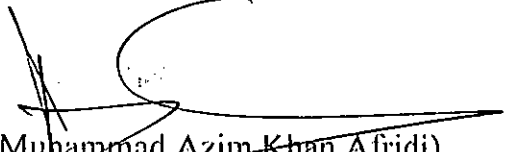
6. We have heard arguments of learned counsel for the parties and perused the record.

7. Notification dated 02.05.2011 would suggest that the administrative jurisdiction and set up of the Chief Engineer (South), Chief Engineer (North) Director General, Small Dams Khyber Pakhtunkhwa Peshawar was restructured and Swat Irrigation Circle, Swat was divided in 3 Divisions and one Deputy Collector. According to minutes of the meeting dated 14.01.2015 the officials serving against their present position in the new set up were to be absorbed in their respective circles. The impugned

28.03.12.

order is neither in consonance with the decisions made nor the Superintending Engineer was competent to repatriate the appellant to his parent cadre on administrative grounds. As such we hold that the impugned order dated 08.01.2016 is against facts and law and therefore liable to be set aside.

8. In view of the above we accept the present appeal set aside the impugned order dated 08.01.2016 and direct that the appellant be extended treatment as extended to similarly placed employee by absorbing him in the Swat Irrigation Circle in the prescribed manners. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Azim Khan Afridi)
Chairman
Muhammad Amin
(Muhammad Amin Khan)
Member
28-03-17

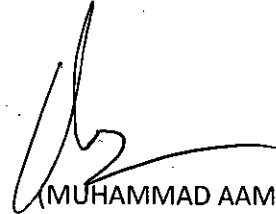
ANNOUNCED
28.03.2017

22.11.2016

Counsel for the appellant and Addl. AG for respondents present. Learned counsel for the appellant submitted before the Tribunal that since therefore, is no need of filling rejoinder therefore exemption be granted. Request accepted. To come up for arguments on 28.3.17.



(ABDUL LATIF)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

22.11.2016

22.11.2016

05.05.2016

Mr. Nazir Ahmad, Advocate, for the appellant present and submitted that the appellant is senior clerk in the Regional Office Cadre but was transferred and posted on Chadara vide order dated 17.07.2008 It was further stated that according to the restructuring policy vide notification dated 02.05.2011 read with minutes of the meeting dated 3.03.2015, the appellant should have observed in the Swat circle but his request was turned down vide impugned order dated 08.01.2016. He alleged that in identical cases of Sher Zada, Assistant, Main Saeed Badshah, Senior Clerk and Muhammad Din, Junior Clerk were adjusted in the Swat Circle according to the said policy whereas the appellant has been discriminated.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 25.07.2016 before S.B.

Appellant Deposited
Security & Process Fee




Member

25.7.2016

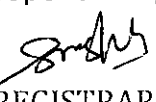


Clerk of counsel for the appellant and Khursheed Ahmad, Asstt. alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 22.11.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 405/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.04.2016	<p>The appeal of Mr. Nasir Shah presented today by Mr. Nazir Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	25-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>27-04-2016</u></p> <p> CHAIRMAN</p>
	27.4.2016	<p>Agent of counsel for the appellant present. Seeks adjournment due to strike of the bar. Adjourned for preliminary hearing to 5.5.2016 before S.B.</p> <p> Chairman</p>

BEFORE THE K.P SERVICE TRIBUNAL, PESHAWAR.

Service Appeal 405 /2016

Nasir Shah versus Govt: of K.P through Secretary Irrigation Department
Peshawar

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Through

Appellant
Nazir
15.4.2016
Nazir Ahmad
Advocate, Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal 405 /2016

Nasir Shah Senior clerk Chief Engineer (North) Irrigation Department
Road. PeshawarAppellant

A.W.F. Province
Service Tribunal

Diary No. 379

Wassaka 15-4-2016

Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Irrigation Department, Peshawar.
2. Chief Engineer (South) Irrigation Department KPK. Peshawar. ..**Respondents**

Appeal Under Section 4 of the K.P Service Tribunal Act, 1974 against the order No 123/A-5/127-E dated 8.10.2016 of The Chief Engineer South Irrigation Department Peshawar whereby the Appellant has been repatriated from Swat Irrigation Circle Cadre to his parent Cadre (Regional office Cadre) and posted him to the office of Chief Engineer (North) Irrigation Department Peshawar as a senior Clerk.

Prayer:

That on acceptance of this Appeal, the impugned order No 123/A-5/127-E dated 8.10.2016 may please be set aside, declaring it discriminatory and against the rules and the minutes so approved for restructuring, and the Appellant be absorbed in Swat Irrigation Cadre permanently by treating him at par with other similarly placed employees.

Respectfully Sheweth:- The need for this Appeal arise due to the following facts:

Facts:-

1. That the Appellant joined Irrigation Department in 1991 in the Regional Cadre known as Regional Engineer Office.
2. That thereafter vide Order no 17.7.2008 the Appellant was transferred and posted at Flood and Drainage Division Dir (Lower) as senior Clerk being a Regional Cadre Office. It is pertinent to mention that other colleagues of the Appellant were also transferred..... (**Annexure A**)
3. That in the year 2011 the Provincial government of KPK decided to restructure the Irrigation Department vide notification dated 2.5.2011,

ed to the
Signature
15/4/16

consequent thereof the Flood and Drainage Division was renamed as Dir Irrigation Division Dir (Lower) being administered by Swat Irrigation Circle Swat where the Appellant along with others was serving till the impugned order.....(*Annexure B*) .

- 4. That on 14.01.2015 a meeting regarding finalization of issues of cadres of various officials affected due to restructuring of the Irrigation Department was held. The minutes of the meeting were circulated vide letter dated 30.03.2015, via which the committee agreed with the absorption of those officials who were occupying their position in the new setup and were affected due to restructuring, the Appellant was one of them but except the Appellant the rest employees of the Regional Cadre were absorbed in Swat Irrigation Circle Cadre.....(*Annexure C*).
- 5. That when informed the Appellant furnished the undertaking with the desire and option to be adjusted at the Swat Irrigation Cadre and duly recommended it from the Superintendent Engineer Swat Irrigation Circle Cadre on 4.02.2015 and submitted it to the concerned authority? (*Annexure D*).
- 6. That for absorption the Appellant forgo the promotion opportunity in the Regional Cadre but was disappointed by knowing it that in notification no 1040/A-5/1425-PF dated 20.2.2015 his name is missing in the list of officials been absorbed.....(*Annexure E*)
- 7. That appellant filed an application for absorption in Swat Irrigation circle Swat on 03.03.2015 and his case for absorption remained under consideration and was hopeful that being serving in the Swat circle and being similarly placed with other fellows may be absorbed but to the great surprise of the Appellant he has been repatriated to parent cadre i.e. Regional office Cadre and is posted to chief Engineer(North)Irrigation Department Peshawar vide impugned order dated 08.01.2016.(*Annexure F*)
- 8. That the Appellant file a Departmental appeal but the required period been lapsed no reply is given so far.....(*Annexure G*) hence this Appeal inter alia on the following grounds;

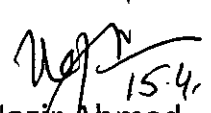
GROUNDS:

- A. That the impugned order dated 8.1.2016 of the Respondent whereby the Appellant is repatriated to his parent department is arbitrary, discriminatory and against the settled policy for all such employees and is illegal, void abinitio, with no authority, and is liable to be set aside
- B. That the Appellant is not treated equally and is repatriated without any reason.
- C. That the Article 4 of Constitution of Islamic Republic of Pakistan provides that every citizen shall be treated in accordance with law, Whereas Article 5 of the Constitution enshrine that state functionaries must obey law. The Appellant pray for justice in the light of these two Articles of the Constitution of Islamic Republic of Pakistan.
- D. That at the time of restructuring the Appellant was posted in Flood and Drainage Division Dir lower which is now part of Swat Circle and then transferred to Buner which is also part of the same circle hence depriving him of absorption is against the law and principle of justice and fair play.
- E. That the Appellant in order to serve the District near to home even forgo his promotion further a policy is for all and not for selectees.
- F. That under section 24-A of the General Clauses Act the state functionary must act fairly, justly and in a transparent manner but the Appellant is not treated as such.

Therefore it is humbly prayed that this Appeal may be accepted with the Prayer as above.


Appellant

Through


15.4.2016
Nazir Ahmad
Advocate. Peshawar.

4

BEFORE THE K.P SERVICE TRIBUNAL, PESHAWAR.

Service Appeal _____/2016

Nasir Shah..... versus Govt: of K.P through Secretary Irrigation

AFFIDAVIT

I Nasir shah Senior clerk Irrigation Department Peshawar hereby affirm and declare on oath that contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

I identify by

Amin

Nasir



Nasir

Deponent

BEFORE THE K.P SERVICE TRIBUNAL, PESHAWAR.

Service Appeal _____/2016

5

Nasir Shah versus Govt: of K.P through Secretary Irrigation Peshawar

ADDRESSES OF PARTIES

Appellant:-

Nasir Shah Senior clerk Chief Engineer (North) Irrigation Department
Warsak Road. Peshawar.

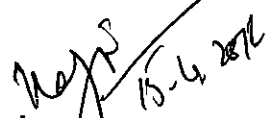
Respondents:-

1. Govt: of Khyber Pakhtunkhwa through Secretary Irrigation Department, Peshawar.
2. Chief Engineer (South) Irrigation Department KPK. Peshawar.



Appellant

Through

 15-4-2016

Nazir Ahmad

Advocate, Peshawar.

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Amir

A

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT NWFP PESHAWAR

No. 17525-34 /IWA/30-G(I)
Date: Peshawar the 17 /17/2008.

OFFICE ORDER

In pursuance of the office note approved by Minister for Irrigation, NWFP, vide his Dairy No.A-23, dated 15-07-2008, the following posting/transfers of Senior Clerks is hereby ordered with immediate effect in the public interest.

S.No	Name & Designation	From	To	Remarks
1.	Mr. Fazli Raza Senior Clerk	F&D Division, Chakdara	Mulakand Irrigation Circle Swat	Repatriated to parent circle.
2.	Mr. Nasir Shah Senior Clerk.	Chief Engineer (D&M) office Peshawar.	F&D Division, Chakdara	Vice No.1.

Note:- SL: No.2 should move first.

[Signature]
Chief Engineer.

Copy to the:-

1. Chief Engineer (Irrigation) Department, NWFP, Peshawar.
2. Superintending Engineer Malakand Irrigation Circle, Swat.
3. Superintending Engineer, Flood & Drainage Circle, Peshawar.
4. Accountant General, NWFP, Peshawar.
5. Executive Engineer, Flood & Drainage Division, Chakdara.
6. PS to Minister Irrigation, NWFP for information.
7. District Accounts Officer Timergira.
8. District Accounts Officer Mingora.
9. Official concerned.

[Signature]
Administrative Officer.

Sal Raza detail
at chakdara = 7 years
at Swat Circle
and posts in swat = 2 Nos Account Circle
= 3 Nos Senior Clerk's
offer for c.p.c. = Refuse.

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Date Peshawar the 2nd May, 2011.

Amended
(B)
(7)

NOTIFICATION

No. SOE/IRR/19.3/97/Restructuring. Upon approval by the competent authority and subsequent Re-structuring of Irrigation Department vide Establishment & Administration Department Notification No. SO(O&M)/E&AD/2-14/2002 dated 17th March, 2011, the administrative jurisdiction and set up of the Chief Engineer (South), Chief Engineer (North) and Director General, Small Dams shall be as under with effect from 1st July, 2011:-

CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

- I. Superintending Engineer Headquarter (South) Irrigation Department Khyber Pakhtunkhwa Peshawar.
 - a. Executive Engineer Hydrology Irrigation Division, Peshawar. (with 03 Sub Divisions)
 - i. Sub Divisional Officer, Hydrology Irrigation Sub Division Peshawar.
 - ii. Sub Divisional Officer Hydrology Irrigation Sub Division Bannu
 - iii. Sub Divisional Officer, Hydrology Irrigation Sub Division Abbottabad.
 - b. Deputy Director Planning.
 - i. Assistant Director Planning (02 Nos)
 - ii. Assistant Engineer (02 Nos Leave Reserve.)
 - c. Deputy Director Design.
 - i. Assistant Director Design (01 No).
 - ii. Assistant Engineer (02 Nos Leave Reserve.)
 - d. Technical Officer.
 - i. Assistant Engineer (01 No Leave Reserve.)
 - e. Canal Collector
 - f. Accounts Officer
 - g. Administrative Officer

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20/5

- II. Superintending Engineer, Peshawar Irrigation Circle Peshawar (With 04 Divisions and one Deputy Collector).
 - a. Executive Engineer, Peshawar Canal Division Peshawar. (With 03 Sub Divisions and one Deputy Collector).
 - i. Sub Divisional Officer, Kabul River Canal Sub Division Peshawar.
 - ii. Sub Divisional Officer, Drainage Sub Division Peshawar.
 - iii. Sub Divisional Officer, Civil Canal Sub Division Peshawar.
 - iv. Deputy Collector
 - b. Executive Engineer Warsak Canal Division Peshawar. (With 03 Sub Divisions)
 - i. Sub Divisional Officer, Gravity Canal Sub Division Peshawar.
 - ii. Sub Divisional Officer, Warsak Lift Canal Sub Division, Peshawar.
 - iii. Sub Divisional Officer, Pump House Sub Division at Jamrud.

Attended
Majid

- c. Executive Engineer, Tubewell Irrigation Division, Peshawar (with 02 Sub Divisions)
 - i. Sub Divisional Officer, Tubewells Irrigation Sub Division Peshawar.
 - ii. Sub Divisional Officer, Tubewells Irrigation Sub Division Peshawar.
- d. Executive Engineer, Flood Division, Peshawar (with 02 Sub Divisions)
 - i. Sub Divisional Officer, Flood Sub Division No. I Peshawar.
 - ii. Sub Divisional Officer, Flood Sub Division No. II Peshawar.

Flood Division Peshawar will be responsible for execution & maintenance of all flood protection works in the jurisdiction of Peshawar Irrigation Circle Peshawar.

III. Superintending Engineer, Hangu Irrigation Circle, Hangu (With 03 Divisions and one Deputy Collector).

- a. Executive Engineer, Hangu Canal Division, Hangu, (with 02 Sub Divisions)
 - i. Sub Divisional Officer, Hangu Naurang Sub Division Hangu
 - ii. Sub Divisional Officer, Civil Canal Sub Division Hangu.
- b. Executive Engineer, Mawal Canal Division, Hangu, (with 03 Sub Divisions and one Deputy Collector)
 - i. Sub Divisional Officer, Tujoni Irrigation Sub Division Hangu
 - ii. Sub Divisional Officer, Head Works Sub Division Hangu.
 - iii. Sub Divisional Officer, Jam Khel Sub Division Hangu.
 - iv. Deputy Collector.
- c. Executive Engineer, Kohat Irrigation Division, Kohat, (with 04 Sub Divisions)
 - i. Sub Divisional Officer, Project Sub Division Kohat.
 - ii. Sub Divisional Officer, Land Dam Sub Division Kohat
 - iii. Sub Divisional Officer, Karak Irrigation Sub Division Karak
 - iv. Sub Divisional Officer, Kohat Irrigation Sub Division Kohat

The divisions would also be responsible for execution and maintenance of all flood protection and drainage works in their respective jurisdiction.

IV. Superintending Engineer, D.I.Khan Irrigation Circle D.I.Khan (With 04 Divisions).

- a. Executive Engineer, Pahanpur Irrigation Division, D.I.Khan (with 02 Sub Divisions and one Deputy Collector)
 - i. Sub Divisional Officer, Drainage Sub Division D.I.Khan.
 - ii. Sub Divisional Officer, Pahanpur Irrigation Sub Division D.I.Khan.
 - iii. Deputy Collector.
- b. Executive Engineer, CRBC Irrigation Division, D.I.Khan (With 02 Sub Divisions and one Deputy Collector)
 - i. Sub Divisional Officer, CRBC Irrigation Sub Division No. I D.I.Khan.
 - ii. Sub Divisional Officer, CRBC Irrigation Sub Division No. II D.I.Khan.
 - iii. Deputy Collector.

A. H. J.
Ng

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- c. Executive Engineer, Gomal Zam Irrigation Division at Tank (With 02 Sub Divisions and one Deputy Collector).
 - i. Sub Divisional Officer, Gomal Zam Irrigation Sub Division Tank.
 - ii. Sub Divisional Officer Rod Kohi Irrigation Sub Division Flood Protection and Irrigation works in Rod Kohi areas of District Tank and D.I.Khan
 - iii. Deputy Collector.
- d. Executive Engineer Flood Division D.I.Khan (With 03 Sub Divisions).
 - i. Sub Divisional Officer, Flood Sub Division No. I D.I.Khan.
 - ii. Sub Divisional Officer, Flood Sub Division No. II D.I.Khan.
 - iii. Sub Divisional Officer, Flood Sub Division No. III D.I.Khan. He shall be responsible for execution & maintenance of all flood protection works in the District D.I.Khan.

**B. CHIEF ENGINEER (NORTH) IRRIGATION DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

- i. Superintending Engineer Headquarter (North) Irrigation Department Khyber Pakhtunkhwa Peshawar.
 - a. Executive Engineer Mechanical Irrigation Division, Peshawar (With 03 Sub Divisions)
 - i. Sub Divisional Officer, Mechanical Irrigation Sub Division Peshawar.
 - ii. Sub Divisional Officer, Mechanical Irrigation Sub Division Mardan.
 - iii. Sub Divisional Officer, Mechanical Irrigation Sub Division D.I.Khan.
 - b. Deputy Director Planning.
 - i. Assistant Director Planning (02 Nos)
 - ii. Assistant Engineer (02 Nos. Leave Reserve)
 - c. Deputy Director Design.
 - i. Assistant Director Design (01 Nos)
 - ii. Assistant Engineer (01 Nos. Leave Reserve)
 - d. Technical Officer.
 - i. Assistant Engineer (01 No. Leave Reserve).
 - e. Canal Collector.
 - f. Accounts Officer
 - g. Administrative Officer.
- ii. Superintending Engineer Mardan Irrigation Circle, Mardan (With 02 Divisions and one Deputy Collector).
 - a. Executive Engineer Mardan Irrigation Division Mardan. (With 05 Sub Divisions and one Deputy Collector)
 - i. Sub Divisional Officer Charsadda Sub Division Charsadda.
 - ii. Sub Divisional Officer, Mardan Irrigation Sub Division Mardan.
 - iii. Sub Divisional Officer, Drainage Sub Division Mardan. He shall be responsible for the operation and maintenance of surface and sub surface drainage system and flood protection works in the division
 - iv. Deputy Collector.

*Attended
Raj*

- (16)
- b. Executive Engineer Malakand Irrigation Division, Malakand. (With 02 Sub Divisions and one Deputy Collector)
 - i. Sub Divisional Officer, Headworks Sub Division Malakand
 - ii. Sub Divisional Officer, Dargai Irrigation Sub Division Dargai
 - iii. Deputy Collector.
 - iii. Superintending Engineer, Swabi Irrigation Circle Swabi (with 03 Divisions).
 - a. Executive Engineer Swabi Irrigation Division No.1 Swabi.(With 02 Sub Divisions)
 - i. Sub Divisional Officer, Shahbazghari Irrigation Sub Division Shahbazghari.
 - ii. Sub Divisional Officer, Gohati Irrigation Sub Division Gohati.
 - b. Executive Engineer Swabi Irrigation Division No. 2 Swabi. (With 02 Sub divisions and one Deputy Collector)
 - i. Sub Divisional Officer, Jagganath Irrigation Sub Division Jagganath.
 - ii. Sub Divisional Officer, Pchur Irrigation Sub Division Swabi.
 - iii. Deputy Collector
 - c. Executive Engineer Hazara Irrigation Division Abbottabad. (With 03 Sub Divisions and one Deputy Collector).
 - i. Sub Divisional Officer, Haripur Irrigation Sub Division Haripur.
 - ii. Sub Divisional Officer, Abbottabad Irrigation Sub Division Abbottabad.
 - iii. Sub Divisional Officer, Kohistan Irrigation Sub Division at Dassu.
 - iv. Deputy Collector
 - v. Superintending Engineer, Swat Irrigation Circle Swat (With 03 divisions and one Deputy Collector).
 - a. Executive Engineer Swat Irrigation Division Swat. (With 03 Sub Divisions)
 - i. Sub Divisional Officer Swat Irrigation sub Division Swat.
 - ii. Sub Divisional Officer, Buner Irrigation Sub Division Buner.
 - iii. Sub Divisional Officer, Shangla Irrigation Sub Division Shangla.
 - b. Executive Engineer Dir Irrigation Division Dir (With 03 Sub Divisions)
 - i. Sub Divisional Officer, Dir Irrigation Sub Division Dir (Upper).
 - ii. Sub Divisional Officer Dir Irrigation Sub Division Dir (Lower).
 - iii. Sub Divisional Officer, Balamabat Irrigation Sub Division Dir
 - c. Executive Engineer Chitral Irrigation Division Chitral. (With 02 Sub Divisions)
 - i. Sub Divisional Officer, Chitral Irrigation Sub Division Chitral (Upper)
 - ii. Sub Divisional Officer Chitral Irrigation Sub Division Chitral (Lower)

DIRECTOR GENERAL, SMALL DAMS KHYBER PAKHTUN KHWA PESHAWAR

- a. Director Small Dams Khyber Pakhtunkhwa, (With 02 Divisions and one Geologist)
 - i. Deputy Director Planning and Construction Division Peshawar (With 03 Assistant Directors)
 - ii. Deputy Director Planning and Construction Division Kohat (With 02 Assistant Directors)

*Atta-ud-Din
Rajpoot*

- iii. Administrative Officer
- iv. Account. Officer
- v. Geologist

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Now, therefore:

- I. The Superintending Engineers, Executive Engineers in Divisional Offices, and Deputy Director, in (Small Dams Directorate Khyber Pakhtunkhwa), are also declared as Drawing and Disbursing Officers for their respective offices
- II. All Administrative powers pertaining to the Establishment of Regional Officer Cadre shall rest with Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa, Peshawar
- III. All Superintending Engineers, of the Circles and Executive Engineers of the Divisions shall exercise Administrative power pertaining to Establishment of their respective Circles and Divisional offices.

Secretary Irrigation

Encl. Of even No & Date

Copy forwarded to the:

1. Additional Chief Secretary, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA, Peshawar.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. The Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department with ref. to Govt. Deptt. Notification dated 17th March, 2011.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Additional Accountant General, PR. (Sub-office) Peshawar.
10. All Commissioners in Khyber Pakhtunkhwa.
11. The Chief Engineer (South), Irrigation Department.
12. The Chief Engineer (North), Irrigation Department.
13. The Director General, Small Dams, Peshawar.
14. All Distt. Coordination Officer, Khyber Pakhtunkhwa.
15. All Superintending Engineers in Irrigation Department.
16. All Executive Engineers in Irrigation Department.
17. All Distt. Accounts Officers/ Agency Accounts Officers.
18. The Director, Information, Khyber Pakhtunkhwa Peshawar.
19. P.S to Minister for Irrigation, Khyber Pakhtunkhwa.
20. P.S to Chief Secretary, Khyber Pakhtunkhwa.
21. P.S to Inspector General of Police, Khyber Pakhtunkhwa.
22. P.S to Secretary Irrigation Department.
23. P.A to Additional Secretary, Irrigation Department.
24. All Section Officers, Irrigation Department.
25. Accounts Officer (Local) Irrigation Department.
26. The Manager, Govt. Printing Press, Khyber Pakhtunkhwa.
27. Master File.

Misal Khan
 (Misal Khan)
 Section Officer (Establishment)

Attested
Misal Khan

SE (HQ) of
 CE (com) Peshawar

1/20/11



No. 1938 /A-5/15-CE

Dated Peshawar the 30/03/2015

To

- 1) The Chief Engineer (North) Irrigation Deptt: Peshawar.
- 2) Superintending Engineers:-
- 3) Mardan Irrigation Circle Mardan.
- 4) Swat Irrigation Circle Swat.
- 5) Swabi Irrigation Circle Swabi.
- 6) DIKhan Irrigation Circle DIKhan
- 7) Bannu Irrigation Circle. Bannu
- 8) Peshawar Irrigation Circle Peshawar.
- 9) Executive Engineers:-
- 10) Mechanical Irrigation : Division Peshawar.
- 11) Hydrology Irrigation Division Peshawar.
- 12) Administrative Officer (South) Irrigation Department Peshawar.

Subject:- MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

I am directed to forward herewith minutes of meeting dated 14-1-2015 regarding issue of absorption of effects officials for furnishing undertaking on judicial stamp paper as well as No Object Certificate of concerned Superintending Engineers in light of decision made in the minutes for finalization of absorption please.

Encls: As above.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

Copy of the above along with Minutes of the Meeting is forwarded to the Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar for information.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE

MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

A meeting under the chairmanship of Superintending Engineer (Head quarter) South Irrigation Department was held on 14-01-2015 for finalization of the issue of cadre of various officials affected due to restructuring of Irrigation Department.

The following attended the meeting:

- (13)
- | | |
|---|----------|
| 1) Engr. Muhammad Mujahid Saeed
Superintending Engineer (Headquarter)
South Irrigation Department | Chairman |
| 2) Engr. Saeed-ur-Rehman
Superintending Engineer Swabi Irr. Circle Swabi. | Member |
| 3) Engr. Muhammad Rafique Khan
Superintending Engineer DIKhan Irr. Circle | Member |
| 4) Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer-Bannu Irr. Circle. | Member |
| 5) Engr. Shafiq-ur-Rehman
Superintending Engineer Swat Irrigation Circle. | Member |
| 6) Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr. Divn: Peshawar. | Member |
| 7) Engr. Inayatullah Jan
SDO Mechanical Irr: Divn: Peshawar. | Member |
| 8) Mr. Javed Ali Administrative Officer
(South) Irrigation Department. | Member |

Agenda of the meeting was as under:-

1. The issue of cadre of those officials who are affected due to the restructuring of the department.
- 2) To finalize the absorption of those officials who presently occupied the present position in the new set up.
3. Fixing the seniority issue of the officials affected due to the restructuring process according to rules.
4. To authorize the Superintending Engineer DIKhan Irrigation Circle DIKhan and Swabi Irrigation Circle Swabi, Charsadda Irrigation Division Charsadda and Flood Division DIKhan to exercise the powers of competent authority in the jurisdiction of Circle/Division.

The meeting started with recitation of Holy Quran. The chair welcomed the participants. The agenda points were deliberated upon the participants expressed their reservations and problem faced by them after restructuring of the Department.

After Threadbare discussion, the committee unanimously agreed on the following points.

[Handwritten signature]

*Attended
by*

Agenda item No.1

It was unanimously decided that cadre of only those officials shall be considered for changing who have presently occupied the position in the newly established circle/division and are belong to regional cadre and presently posted/adjusted in DIKhan, Swabi Circle or Flood Division DIKhan, Dir Irrigation Division Dir and Charsadda Irrigation Division Charsadda while no other case for absorption will be entertained of the officials who are not affected in the restructuring process.

14

Agenda item No.2

The participant are also agreed with the absorption of those officials who are presently occupied their position in the new set up and were affected due to restructuring of the Department and will be absorbed in the respective circle in order to avoid litigation in future.

Agenda item No.3

The committee is also agreed to placed the officials at the bottom of the seniority list of the respective Circle where they considered for absorption as a result of restructuring after obtaining proper undertaking on judicial stamp papers.

Agenda item No.4

The committee are also agreed with the issue of exercising power of the Superintending Engineer DIKhan and Superintending Engineer Swabi Irrigation Circle as competent authority at the jurisdiction of their respective circle.

The committee is also agreed upon the view points that the present absorption of the officials shall be considered as final and further case will not be considered after finalization the cadre.

The meeting is ended with thanks from the chair.

Engr. Syed Muhammad Mujahid Saeed
(Chairman/Superintending Engineer (II/Q))

Engr. Saeed-ur-Rehman
Superintending Engineer
Swabi Irr: Circle Swabi.
(Member)

Engr. Muhammad Rafique Khan
Superintending Engineer
DIKhan Irr: Circle
(Member)

Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer
Bannu Irr: Circle.
(Member)

Engr. Shafiq-ur-Rehman
Superintending Engineer
Swat Irrigation Circle Swat.
(Member)

Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr:
Divn: Peshawar.
(Member)

Engr. Inayatullah Jan SDO
Mechanical Irr: Divn: Peshawar.
(Member)

Mr. Javed Ali
Administrative Officer
(Member)

Attended
Aggr

The Chief Engineer (South)
Irrigation Department,
Peshawar.

Through Proper Channel

Subject:- APPEAL FOR ABSORPTION IN SWAT CIRCLE CADRE

R/Sir,

I have the honour to submit the following few lines for your kind sympathetic consideration:-

1. That I joined in the Irrigation Department since 1991 in Regional Cadre (Chief Engineer Office).
2. I was transferred to Flood and Drainage Division Dir Lower as a Senior Clerk being a regional cadre Office like my other colleagues i.e (Sher Zada Head Clerk/Assistant & Mian Said Badshah Senior Clerk).
3. After re-structuring Flood and Drainage Division Dir lower was re-named as Dir Irrigation Division Dir lower vide notification No. SO(E)/IRR/9-3/97/Re-structuring dated 30-6-2011, being Integral part of Swat Irrigation Circle Swat (To-date working in Swat Irrigation Circle alongwith Regional Cadre fellows).
4. The employees of the regional cadre working in Flood and Drainage Division Dir Lower have been granted opportunity for working/absorption in Swat Irrigation Circle cadre.
5. When I was informed by my colleagues unofficially through some resources, I also furnished my under taking duly countersigned by Superintending Engineer Swat Irrigation Circle Swat on dated 4-2-2015 and submitted on the same date for absorption to your good Office. (copy attached)
6. Being working in Swat Irrigation Circle cadre I also for-go my promotion opportunity on the Regional Cadre as I was awaiting for this very opportunity of absorption in Swat Circle Cadre.
7. I was very disappointed to know that my name was missing in the notification vide No. 1040/A-51/14-25-PF, dated 20-02-2015 (copy attached) in which my all colleagues of Regional Cadre were included except my name.
8. I am facing financial crises and cannot afford staying at Peshawar.

It is therefore, humbly requested that I may be absorbed in Swat Irrigation Circle (situated in my local area) with my due seniority with my regional office fellows

(NASIR SHAH)
SENIOR CLERK
BUNER IRRIGATION SUB DIVISION
SONIGRAM.

Copy in advance alongwith its enclosure to Chief Engineer (South) Irrigation Department

Peshawar.

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14/1

Chief Clerk	3/3/2015
Section	
SAO	
AO	
AAO	

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(NASIR SHAH) 3/3/2015
SENIOR CLERK
BUNER IRRIGATION SUB DIVISION
SONIGRAM.

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415

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[Signature]

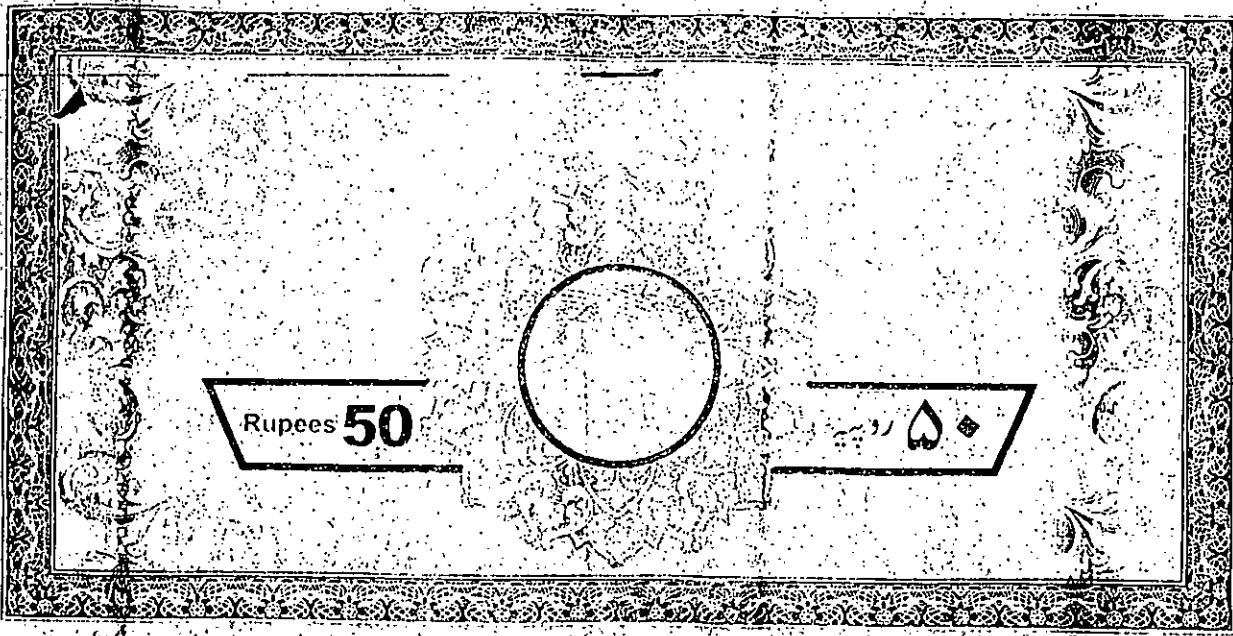
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2015

9

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UNDER TAKING

Dated: 03-02-2015

I Nasir Shah Designation Senior Clerk originally belong to regional cadre Irrigation Department, Khyber Pakhtunkhwa is willing opted that I may be absorbed in the Circle Cadre of Swat Irrigation Circle Swat and my seniority may be fixed from the date of promotion in the present post against the Circle cadre.

Signature: *Nasir Shah*

Name: Nasir Shah

Office: Buner Irrigation
Sub Division
Sonigrama

CS
Counter Signed
04/2/15
Superintending Engineer
Swat Irrigation Circle
Gulkada Swat

Attended
Majeed



OFFICE OF THE CHIEF ENGINEER (SOUTH)
IRRIGATION DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR
Phone No. 091-9212116 Fax No. 091-9212652 Email: chiefoffice@yahoo.com

(c/draft)

No. 1040 /A-5/1425-PF

Dated Peshawar the 20/02/2015

To

The Superintending Engineer,
Swat Irrigation Circle Swat.

Subject: **MEETING REGARDING FORMATION OF CIRCLE CADRE.**

As recommended vide your letter No. 3802/2-E dated 02-11-2014, M/S. Sher Zada Assistant/Head Clerk, Mian Said Badshah Senior Clerk and Muharam Zeb Junior Clerk belonging to the cadre strength of Regional Office cadre and requested for transfer to the cadre strength of Swat Irrigation Circle Swat is hereby allowed change of cadre subject to the following conditions.

- 1) On his absorption in Swat Irrigation Circle Swat they will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Clerk and Junior Clerk maintained in Swat Irrigation Circle Swat cadre.
- 2) In case of reversion/retrenchment, the official they will be liable for repatriation to their parent cadre i.e Regional office cadre.

1
SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Chief Engineer (North) Irrigation Deptt: Peshawar.
- 2) Superintending Engineer Swat Irrigation Circle Swat
- 3) Executive Engineer Timergara Irrigation Division Dir Lower.
- 4) Executive Engineer Swat Irrigation Division Swat.
- 5) District Accounts Officer Swat.
- 6) Official concerned.

For information and necessary action.

SUPERINTENDING ENGINEER
(HEAD QUARTER)



OFFICE OF THE CHIEF ENGINEER (SOUTH)
IRRIGATION DEPARTMENT, KHYBER PAKHTUNKHWA,
PESHAWAR.

Phone No. 091-9212116 Fax No. 091-9212652 Email: chiefoffice@yahoo.com

Impugned

Amelina

(P)
(B)

No. 123 /A-5/127-E

Dated Peshawar the 28 /01/2016

OFFICE ORDER

In pursuance of the recommendation of Superintending Engineer Swat Irrigation Circle Swat vide letter No. 5117/12-E, dated 01-12-2015, Mr. Nasir Shah Senior Clerk attached to Bunir Irrigation Sub Divn: Bunir is hereby repatriated to his parent cadre i.e Regional Office Cadre and posted to Chief Engineer (North) Irrigation Department Peshawar with immediate effect in the public interest.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2) Accountant General Khyber Pakhtunkhwa .
- 3) Chief Engineer (North) Irrigation Deptt: Peshawar.
- 4) Superintending Engineer Swat Irr: Circle Swat w/r to above for information.
- 5) Executive Engineer Dir Irrigation Division Dir.
- 6) Sub Divisional Officer Bunir Irrigation Sub Division Bunir.
- 7) District Accounts Officer Swat.
- 8) Official concerned.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

Attache
mg

To,

The Secretary,
Irrigation Department,
Khyber Pakhtunkhwa,
Peshawar.

Arshad

G
(19)

Through: Proper Channel

Subject: Departmental Appeal / Representation against the order dated 08.01.2016, whereby the applicant has been repatriated from the Swat Irrigation Circle Cadre to his parent cadre i.e Regional Office Cadre and posted to the office of Chief Engineer (North) Irrigation Department Peshawar.

Prayer in Appeal:

On acceptance of this appeal / representation the order dated 08.01.2016, may please be set aside and the undersigned may also be permanently absorbed in Swat Irrigation Circle Cadre.

Respected Sir,

The undersigned very humbly submit the following few lines for your kind and sympathetic consideration:

1. That I joined in Irrigation Department since 1991 in the Regional Cadre (Regional Engineer Office).
2. That thereafter vide order 17.07.2008, the undersigned was transferred and posted at Flood & Drainage Division Dir Lower as Senior Clerk being a Regional Cadre Office. Similarly some other colleagues of the undersigned i.e, Sherzada Head Clerk/ Assistant and Mian Said Badshah Senior Clerk and Muhammad Zeb Junior Clerk were also transferred.
3. That in the year 2011 the government of Khyber Pakhtunkhwa restructured the Irrigation Department vide notification dated 02.05.2011. After the re-structuring, the Flood & Drainage Division was renamed as Dir Irrigation Division Dir Lower, and was brought under the Swat Irrigation Circle Swat. The undersigned is serving in working in Swat Irrigation Circle along with Regional Cadre fellows.

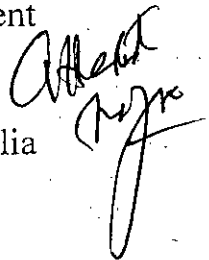
Attested
Arshad

20

4. That recently a meeting regarding was held on 14.01.2015 for finalization of the issues of cadres of various officials affected due to restructuring of Irrigation Department. The minutes of the meeting were duly circulated vide letter dated 30.03.2015. the committee agreed with absorptions of those officials who are occupying their positions in the new setup and were effected due to restructuring.
5. That the employees of the Regional Cadre Working in flood & Drainage Division Dir Lower have been granted opportunity for working/ absorption in Swat Irrigation Circle Cadre.
6. That when the undersigned was informed by some one un officially, I also furnished my under taking duly counter signed by the Superintending Engineer Swat Irrigation Circle Swat on 04.02.2015 and submitted on the same date for absorption.
7. That being working in Swat Irrigation Circle Cadre I also forgo my promotion opportunity on the Regional Cadre as I was awaiting for this opportunity of absorption in Swat Circle Cadre.
8. That I was very disappointed to know that my name was missing in the notification vide no.1040/A-5/1425-PF, dated 20.02.2015 in which all my colleagues of regional cadre were included except my name.
9. That I also filed an application for absorption in Swat Irrigation Circle Swat on 03.03.2015. My case for absorption remained under consideration and I was hopeful that I being serving in the Swat Circle and being similarly placed with my fellows may be absorbed.
10. That to the great surprise of the undersigned I have been repatriated to parent cadre i.e Regional Office Cadre and posted to Chief Engineer (North) Irrigation Department Peshawar vide order dated 08.01.2016.
11. That I pray for the acceptance of my instant appeal inter alia on the following grounds:

GROUND OF DEPARTMENTAL APPEAL

- A. That I have not been treated in accordance with law my rights secured and guaranteed under the law and constitution has badly been violated.



(21)

- B. That the impugned order of my repatriation is based on discrimination. My other colleagues who were also initially transferred to Flood & Drainage Division Dir Lower (now part of Swat Circle), however after restructuring they have been absorbed in Circle Cadre while I have been repatriated which amounts to discrimination hence amounts to violation of Article 25 of the constitution of Pakistan, 1973.
- C. That at the time of restructuring of the department the undersigned was posted in Flood & Drainage Division Dir Lower (now part of Swat Circle), and was later transferred to Bunir i.e with in the same Circle Swat, hence I cannot be deprived of absorption in swat Circle being posted in the same Circle since restructuring.
- D. That I duly exercised my option for absorption in Circle Cadre, besides I also forgo my promotion in Regional Cadre, since I have been effected due to restructuring, therefore I have every right to be absorbed in Circle Cadre Swat.
- E. That I am facing financial crises and cannot afford staying at Peshawar being low paid employee, besides my family has also to be suffered, therefore deserves to be adjusted/absorbed in Circle Cadre Swat.
- F. That the order dated 08.01.2016, is illegal unlawful against the law and facts and is based on discrimination hence liable to be set aside.

It is therefore most humbly prayed that On acceptance of this appeal / representation the order dated 08.01.2016, may please be set aside and the undersigned may also be permanently absorbed in Swat Irrigation Circle Cadre.

Yours Obediently,

Nasir Shah

Senior Clerk

Bunnir Irrigation Sub Division

Sonigram (Swat Circle)

(Under posting to Chief Engineer

(North) Irrigation Department

Peshawar Regional Office).

Dated 14/01/2016

Presently: Senior clerk, Chief Engineer (North)

*Attested
Nasir*

WAKALATNAMA

(92)

In the K.P.K. Service Tribunal Peshawar

Appellant/Plaintiff/Petitioner Nasir Shah Senior clerk,

VS

Respondent/Defendant Govt of K.P. High Secretary Immigration & Customs

I/we Nasir Shah, the appellant

do hereby appoint Nazir Ahmad, Advocate Peshawar High Court, Peshawar as our/my Counsel in subject proceedings and authorize him to appear, plead etc. compromise, withdraw or refer the matter for arbitration for me/us without any liability for his default and with the authority to engage/appoint any other Advocate/counsel at our/my expense and receive all sums and amounts payable to us/me and to all such acts which he may deem necessary for protecting our/my interests in the matter. He is also authorized to file Appeal, Revision, Review and Application for Restoration or Application for setting-aside ex-parte decree proceedings on our /my behalf.

Dated: 15.4.2016

Nasir
Appellant/Plaintiff/Petitioner

Accepted & attended to
Nazir Ahmad
Advocate, Peshawar
15.4.2016



1.

2.

3.
4.
5.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 405 of 2016

Mr. Nasir Shah, Senior Clerk
O/O the Chief Engineer (North)
Irr: Department Peshawar.

Appellant

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa
Irrigation Department Peshawar. Respondents
2. The Chief Engineer (South)
Irrigation Department Khyber Pakhtunkhwa Peshawar.

Subject: **PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1&2.**

Preliminary objection.

- 1) That the appeal is badly time barred.
- 2) That the appellant has no locus standi.
- 3) That the appeal is not maintainable in its present form.
- 4) That the appellant has no cause of action and locus standi.
- 5) That the appellant does not come to the Tribunal with clean hand.
- 6) That the honourable Tribunal has no jurisdiction to entertained the appeal.
- 7) That the appeal is bed for miss joinder and non joinder of necessary parties

Respectfully Sheweth

1. Correct to the extent that the appellant has joined the Department as Junior Clerk on 20-05-1991 and belong to the cadre strength of Regional Office.
2. Incorrect the appellant was transferred to the then F&D Divn: Timergara, staff of the said Division also belong to Regional Cadre prior to restructuring of Irrigation Department.
3. Incorrect, after re-structuring of Irrigation Department the F&D Divn: Timergara was re-named as Dir Irr: Divn: Dir and come under the Administrative Control of Superintending Engineer Swat Irr: Circle Swat however the staff of regional office cadre were still working there and after due consideration of their options they were absorbed in Swat Circle the appellant at that time working in circle office swat therefore the Superintending Engineer Swat Irrigation Circle Swat being competent authority repatriate the appellant to his present cadre, on Administrative ground.
4. Incorrect as explained above the Superintending Engineer Swat Irrigation Circle Swat being competent authority to decide the absorption of the staff belonging to Regional Office cadre in the circle the appellant has also exercised his option for absorption in Swat Circle Swat but the same was not considered on Administrative grounds.
5. Incorrect as explained in para 4 above.
6. Incorrect. The appellant has foregone his promotion without the condition of his absorption in Swat Circle as per his under taking as annexed at (Annex-I).
7. Incorrect, the Superintending Engineer Swat being competent authority to consider or otherwise the request of staff belong to other cadre for absorption in Swat Circle. The services of the appellant being not required to Swat Circle therefore his request was not considered.
8. Pertain to record, however it is explained in para 7 above, the service of the appellant has been repatriated to his parent cadre i.e (Regional Office Cadre) on the following grounds:-

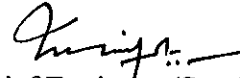
GROUNDS

- A. Not correct, the appellant belonging to Regional Cadre was repatriated to his parent cadre in the best public interest.
- B. Not correct the Superintending Engineer Swat being head of the Circle is competent to consider or otherwise the request of the appellant. He has been treated according to law.
- C. The appellant was repatriated to his parent cadre without any violation of rules and regulation.
- D. Absorption of appellant is not a vested right for him, he was appointed in the Regional Office Cadre which prove that he ^{was} satisfied with his job in the cadre.
- E. The appellant at the time of appointment was fully aware about his cadre and he accepted his appointment in Regional Office Cadre without any observation.
- F. Incorrect, he has been treated according to law.

In view of the position explained above it is very humbly prayed to dismiss the appeal with cost.



Secretary
Govt: of Khyber Pakhtunkhwa
Irrigation Department Peshawar



Chief Engineer (South)
Irrigation Department
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 405 of 2016

Mr. Nasir Shah, Senior Clerk
O/O the Chief Engineer (North)
Irr: Department Peshawar.

Appellant

VERSUS

3. The Secretary to Govt: of Khyber Pakhtunkhwa
Irrigation Department Peshawar.

Respondents

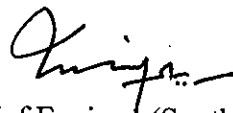
4. The Chief Engineer (South)
Irrigation Department Khyber Pakhtunkhwa Peshawar.

COUNTER AFFIDAVIT

We do hereby solemnly affirm and declare the that contents of the para wise comments given in appeal No. 405 of 2016 filed by Mr. Nasir Shah, Senior Clerk are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.



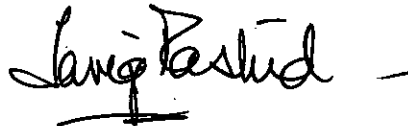
Secretary to Govt; of Khyber Pakhtunkhwa
Irrigation Department Peshawar.
(Respondent No.1)



Chief Engineer(South)
Irrigation Department Peshawar.
(Respondent No.2)

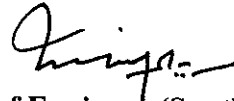
POWER OF ATTORNEY

Mr. Javed Ali Administrative Officer office of the Chief Engineer(South) Irrigation Department Peshawar is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal on behalf of the undersigned in connection with service appeal No. 405 of 2016 of Nasir Shah Senior Clerk V/S Govt: of Khyber Pakhtunkhwa.



SECRETARY

GOVT: OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT PESHAWAR
Respondent No.1



Chief Engineer (South)
Irrigation Department
Khyber Pakhtunkhwa Peshawar.
Respondent No.2



OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE), KOHAT

No. 2734

Dated Kohat the 8 / 5 / 2015

Phone & Fax # (0922-9260290)

(KDA complex, Block III, Gate No 2)

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Subject: ABSENTISM REPORT IN R/O RUKHSANA SST

Memo:

In continuation of this office memo No 4797 dated 30-12-14 on the subject cited above.

The absentee report has been furnished to your good office narrated therein that Mst. Rukhsana SST GGMS Banda Fateh Khan is a willful absent from duty w.e.f. 02-2014 till date without intimation to this office. Three explanation has been called from her but she neither resumed duty nor responded, even single explanation, hence the matter has been communicated to good office vide memo referred above, alongwith its enclosure (copy attached), as disciplinary action to be taken against SST BPS-16 falls under the Jurisdiction of your good office.

Hence it is once again requested that disciplinary action against above named teacher may be initiated for her willful absence within the purview of E & D rules 2011, in order to erect discipline.

Photo copies of three explanation called by this office are enclosed herewith for ready reference please.

N. J. J. J.
DISTRICT EDUCATION OFFICER
(FEMALE), KOHAT

P-6. Transfer order 17/7/2008 Regional
Cadre.

P-7 Restructuring of dept
C.E North + Chief
Expire order

P-9 - C.E (North)

P-10 V(b)

P-13 (2) meeting dated 14.1.2015
Director's Division

Presented at chairman DIR lounge North

DA

P-17 =

10.8.1.2016



OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE), KOHAT

No. 2734

Dated Kohat the 8 / 5 / 2015

Phone & Fax # (0922-9260290)

(KDA complex, Block III, Gate No 2)

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Subject: ABSENTISM REPORT IN R/O RUKHSANA SST

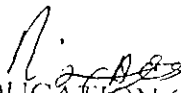
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Photo copies of three explanation called by this office are enclosed herewith for ready reference please.


DISTRICT EDUCATION OFFICER
(FEMALE), KOHAT



OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE), KOHAT

No. 4152
Dated Kohat the 25/6 /2015
Phone & Fax # (0922-9260290)
(KDA complex, Block III, Gate No 2)

(10)

To
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

(C)

Subject: ABSENTISM REPORT IN R/O RUKHSANA SST

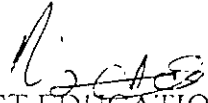
Memo:
Reference your Reminder # 1, 4937/A-17/SST/F/Complaint/Kohat on the
subject cited above

The absent report in r o Rukhsana SST was already submitted to your
good office vide this office endst. No. 2734 dated 08-05-2015, while the same again
submitted for further necessary action please

The absentee report has been furnished to your good office narrated therein that
Mst. Rukhsana SST GGMS Banda Fateh Khan is a willful absent from duty w.e.f. 02-
2014 till date without intimation to this office. Three explanation has been called from
her but she neither resumed duty nor responded, even single explanation, hence the
matter has been communicated to good office vide memo referred above, alongwith its
enclosure (copy attached), as disciplinary action to be taken against SST BPS-16 falls
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named teacher may be initiated for her willful absence within the purview of E & D rules
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DISTRICT EDUCATION OFFICER
(FEMALE), KOHAT

1.0

P-6. Transfer order 17/7/2008 Regional
Cadre.

P-7 Restructuring of dept
C E North + Chief
Expire rank

P-8- C E (North)

P-10 V(b)

P-13 (2) meeting dated 14.1.2015

Division
passed at children DIR lower North

DA

P-17 =

1.0 8.1.2016

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 690 /ST

Dated 7 / 4 / 2017


To

The Chief Engineer South Irrigation Department ,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 28.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.