11.01.2022

Due to non-availability of D.B, case is adjourned to 14.04.2022 for the same as before.



14th April, 2022

Appellant alongwith learned counsel present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

- Learned counsel for the appellant has produced a copy of notification No. SO(E)IRRI/23-5/73/Vol-VI, dated 24.08.2021 whereby, according to the appellant, the desired relief has been granted to him and in view thereof, this appeal has rendered fruitless. As a token of admission of his submission he signed the margin of the order sheet. Disposed of accordingly. Consign.
- Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 14th day of April, 2022.

er Pakhiunki

(Rozina Rehman)

Member (J)

(Kalim Arshad Khan)

Chairman

ZW. 14-04-2022



REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24TH AUGUST, 2021.

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

NOTIFICA TION NO Dated Peshawar the 24th August, 2021

No. SO(E)/IRRI/23-5/73/VOI-VI.— 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 Irrigation Department, in consultation with the Establishment and Finance Department, hereby direct that in this Department's Notification No. SO(E)IRR/23-5/73 dated 17.02.2011, the following further amendments shall be made namely:-

AMENDMENTS

In the APPENDIX,-

"(a)

(a) Under the heading "PART-I ENGINEERING STAFF", against Serial No. 3, in Column No. 5, for the existing entries, the following shall be substituted, namely:-

	1 (4)	FIGURY Descent (QOO/)
	(4)	seniority-cum-fitness, from amongst the holders of the positions of Assistant Francisco Company and Province Company C
		of Assistant Engineer, Sub Divisional Officer and Assistant
		Director possessing Degree in B.E/B.Sc Engineering (Civil
	•	of Mechanical Ifom a recognized University with at the state of
		invergears service as such and have based the
		Revenue Examination under
		prescribed rules;
ı	(b)	
	(0)	twelve percent (12%) by promotion, on the basis of
		Tomorry current (688, 110m) amongst the holders of the
j	*** -	of noototalit citaliteer. Stin Divisional Officer and Alice to
l		Director possessing Degree in B. Tech (Hons) from a
	,	recognized University with at least five years service as such and have passed the Professional and Revenue
		Examination under the prescribed rules; and
1	(c)	eight percent (08%) by promotion, on the basis of
1		ocinionly outsininess, from amongst the holder of the
1		of Academic Linginger, Sun Divisional Officer and Academy
1	,	Director possessing Diploma of Associate Engines
		(VIVO) MICORGINCAL AUTO and Electrical T
		" Education with all teast live vests service as such and it
		passed the Professional and Revenue Examination under the prescribed rules.
	,	161 A

161 B KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 24TH AUGUST, 2021

Note: A separate seniority list of all the three categories of the Note: Assistant Engineers, Sub Divisional Officers and Assistant Directors shall be maintained for the purpose of promotion"; and

under the heading "PART-V DRAWING ESTABLISHMENT", against Serial No. 26, in Column No. 5, for the existing entries, the following shall be substituted, namely:

- "(a) Seventy percent (70%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Tracer who have qualified the prescribed Examination of Draftsman with three years' service as such; and
 - thirty percent (30%) by initial recruitment".

Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department.

Printed and published by the Manager, Stapt. & Pig. Deptt., Knyber Pakhtunkhwa, Peshawar

Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Reply/comments on behalf of respondents submitted. Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 63.06.2021 before S.B.

> (Atiq Ur Rehman Wazir) Member (E)

03.06.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Hammad, S.O for the respondents present.

Respondents have furnished written reply. The appeal is assigned to D.B for arguments on 13.10.2021.

Mr. Numan Son of the appellant on behalf of the 13.10.2021 appellant present.

> Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Hamad Saleem Superintendent for the respondents present.

> Former made a request for adjournment as counsel for the appellant is not available today. Adjourned. To come up for arguments on 11.01.2022 before D.B

(Atiq-Ur-Rehman Wazir)

Member (E)

(Rozina Rehman) Member (J)

1583/2019 05.01.2021

Counsel for the appellant present.

Learned counsel referred to the notification dated 30.04.1979, whereby the rules pertaining to selection/ promotion as Executive Engineer BPS-18 were provided and contended that the Assistant Engineers were made eligible for promotion having six years service as such. On the other hand, the introduction of amended rules, through notification dated 17.02.2011, only Graduate Engineers with at least five years service; were made eligible for promotion as Executive Engineer/Deputy Director BPS-18. The passing of Professional or Revenue Examination was also made part of the eligibility. The appellant, being a Diploma Associate Engineer, and other similarly placed have thus been excluded from promotion to BPS-18. The questioned amendment has deprived the appellant from his valuable service rights, it is added. Learned counsel relied on judgments reported as 2015-PLC(C.S) 215 and 1991-SCMR-1041.

Subject to all just exceptions, the appeal in hand is admitted to regular hearing. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 29.03.2021 before S.B.

Appellant Deposited
Second & Process Fee

Chairman

27.10.2020

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2021 for preliminary hearing, before S.B.

(Rozina Rehman) Member (J)

05.01.2021

Counsel for the appellant present.

Learned counsel referred to the notification dated 30.04.1979, whereby the rules pertaining to selection/ promotion as Executive Engineer BPS-18 jand contended that the Assistant Engineers were made eligible for promotion having six years service as such. On the other hand, the introduction of amended rules through notification dated 17.02.2011, only Graduate Engineers with atleast five years service; were made eligible for promotion as Executive Engineer/Deputy Director BPS-18. The passing of Professional or Revenue Examination was also made part of the eliqibility. The appellant, being a Diploma of Associate Engineer, and other similarly placed have been thus excluded from promotion to BPS-18. The questioned amendment has deprived the appellant from his valuable service rights, it is Learned counsel relied on judgments reported as 2015-PLC(C.S) 215 and 1991-SCMR-1041.

Subject to all just exceptions, the appeal in hand is admitted to regular hearing. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 29.03.2021 before S.B.

Service box

03.02.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 11.03.2020 for preliminary hearing before S.B.

(MUHAMMAD AMIN KINDI)

MEMBER

11.03.2020

Noman son of the appellant on behalf of appellant present and seeks adjournment as learned counsel for the appellant is not available being indisposed. Adjourn. To come up for preliminary hearing on 28.04.2020 before S.B.

28.04.2020

Due to COVID-19, the case is adjourned to 04.08.2020 for the same, before S.B.

04.08.2020

Junior counsel for the appellant is present and requested for adjournment on the ground that his senior counsel is not available today. Adjourned to 27.10.2020. File to come up for preliminary hearing before S.B.

> (MIÁN MUHAMMÁB) MEMBER (E)

27.12.2019 Learned counsel for the appellant present. Heard.

Through the instant service appeal, the appellant (Assistant Engineer) has made impugned the criteria for promotion to the post of Executive Engineer (BS-18) issued vide Notification dated 17.02.2011.

Plea of the appellant is that being a diploma holder, he is not eligible to be promoted as Executive Engineer (BS-18) under the promotion criteria dated 17.02.2011 however under the previous promotion criteria, issued vide Notification dated 30.04.1979 all the Assistant Engineers even if they are diploma holders, were eligible for promotion to the post of Executive Engineer (BS-18).

This may be observed that the appellant got promotion as Assistant Engineer (BS-17) vide order dated 11.10.2011 when the promotion criteria issued vide Notification dated 17.02.2011 was already in field. It is the prerogative of the government to make promotions criteria/policies for organizational capacity building, and to further strengthen the institutions.

Learned counsel for the appellant however seeks adjournment for further assistance. Adjourn. To come up for preliminary arguments on 03.02.2020 before S.B

Member

Form- A

FORM OF ORDER SHEET

Court of				
Case No	 1583/ 2	019	•	

į	Case No	<u>1583/2019</u>
S.Ņo.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/11/2019	The appeal of Mr. Alamzeb presented today by Mr. Muhammad Ijaz Khan Sabi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-	26/11/19	REGISTRAR 25/11/19 This case is entrusted to S. Bench for preliminary hearing to be
,		put up there on 27/12/28. CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1525 /2019	
·	

Alamzeb. .

VERSUS

The Govt. of Khyber Pakhtunkhwa & others. . . Respondents

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10.	Copy of Notification dated 17.12.2011	G	24- 3
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12.	Wakalatnama		3)

Appellant Through

Muhammad Ijaz Khan Sabi

Advocate Supreme Court

Off: B-15, Haroon Mansion, Khyber Bazar, Peshawar Cell #: 0300-9596713

Dated: 21.11.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Mhyber Pa**khtulshwa** Service Tribunal

Diary No. 1677

Dated 25/11/2019

Service Appeal No. 1583 /2019

VERSUS

- The Govt. of Khyber Pakhtunkhwa,
 Through Chief Secretary,
 Civil Secretariat, Peshawar.
- 2. The Secretary Irrigation,
 Govt. of Khyber Pakhtunkhwa,
 Civil Secretariat, Peshawar.

> 4. The Secretary Establishment, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar. . .

Civil Secretariat, Peshawar.

RESPONDENTS

DATA\Muhiammad liaz Khan Sabi Adv\Alamzeb Service Appeal for Promotion, 2019.docs

SERVICE APPEAL U/S 4 OF THE KHYBER

PAKHTUNKHWA SERVICES TRIBUNAL

ACT, 1974.

Respectfully Sheweth:

- 1. That the appellant is holding the qualification of Diploma of Associate Engineer, which he has obtained way back in December, 1981. (COPY OF THE DIPLOMA IS ATTACHED AS ANNEXURE "A").
- 2. That the appellant was initially appointed as a Sub-Engineer in BPS-11, vide Chief Engineer Irrigation order dated 22.08.1982 and was posted as Sub-Engineer at Swat Irrigation Division, Mingora, vide order dated 01.09.1982. (Copies of the Orders are ATTACHED AS ANNEXURE "B" & "C" RESPECTIVELY).
- 3. That after 12 years of performing his duty, the appellant was promoted to BPS-16 as a Senior Scale Sub-Engineer, vide Chief Engineer order dated 04.12.1994. (COPY OF THE ORDER IS ATTACHED AS ANNEXURE "D").

- 4. That in the year 2011, the appellant was promoted to BPS-17 vide order dated 11.10.2011 and the appellant assumed the charge of his duty on 13.10.2011. (COPY OF THE ORDER IS ATTACHED AS ANNEXURE "E").
- 5. That as per the Rules notified vide notification dated 30.04.1979, an Assistant Engineer in BPS-17 could be promoted to the post of Executive Engineer (BPS-18) provided if he fulfills the following criteria;

"By selection on merit, with due regard to seniority, from amongst Assistant Engineers of Department concerned in which the vacancy occurs with at least six years service as such."

(COPY OF RULES IS ATTACHED AS ANNEXURE "F").

6. That it was in the year 2011, when an amendment was brought vide impugned notification dated 17.02.2011, whereby an Assistant Engineer/ Sub-Divisional Officer (BPS-17) could be promoted to the post of Executive Engineer (BPS-18) with the following impugned criteria;

"By promotion on the basis of seniority-cumfitness from amongst the Sub-Divisional Officers, Assistant Engineers and Assistant Directors possessing degree in BE/ B.Sc Engineering (Civil or Mechanical) from a recognized University with at least five years service as such and have passed the professional or Revenue Examination under the relevant Rules."

(COPY OF NOTIFICATION IS ATTACHED AS ANNEXURE "G").

- 7. That appellant submitted a departmental appeal, however, the same has not been responded till date.

 (COPY OF THE DEPARTMENTAL APPEAL IS ATTACHED AS ANNEXURE "H").
- 8. That the appellant, being aggrieved of the aforesaid amendment is constrained to move this Honourable Tribunal for the following amongst other grounds:-

GROUNDS:

A. That the impugned change in the criteria of promotion to the post of Executive Engineer (BPS-18) has drastically effected the terms and conditions of the service of appellant, therefore, the same are

prima facie illegal, unlawful, unconstitutional nonest and thus ineffective upon the rights of the appellant.

- B. That on the same set of qualification i.e. Diploma of Associate Engineer, the appellant was inducted in the respondents department, therefore, holding the same qualification could not be made a bar in the way of his promotion to the post of Executive Engineer (BPS-18) as it would amount to negate his qualification.
- C. That under the constitution, the state is bound to eliminate all kinds of exploitation but through the impugned amendment, they have promoted the same as the appellant would never be able for promotion in the rest of his service career.
- D. That the impugned change/ notification dated 17.02.2011 has defeated the cause of justice as if the same are allowed to remain in field, then the appellant would never be able to be promoted as Executive Engineer (BPS-18).
- E. That in view of the above facts and circumstances, the impugned amendment in the promotion regarding the condition of holding B.E/B.Sc Engineering (Civil or Mechanical) has drastically taken away the chances of promotion of the appellant and thus the same needs to be declared as illegal, unlawful, ultra-vires to the constitution, non-

est and thus ineffective upon the right of the appellant.

- F. That the impugned amendment in the Rules is against the dicta settled by Supreme Court of Pakistan, whereby Diploma of Associate Engineer was held as eligible for appointment as Assistant Engineer.
- G. That the appellant has served the department for 37 long years and in his whole service career, neither any complaint has ever been made nor he has earned any adverse ACR, therefore, he has every right to touch the highest post in his service hierarchy, but through the impugned amendment, his this right has been extinguished.
- H. That the appellant has performed his duty with full devotion, dedication and commitment with the hope that at the end of his service career, he would achieve the highest post in terms of his pay scale but the impugned amendment has caused a blatant negation of the same.
- I. That the appellant has been treated against the law and he has also been deprived of equal protection of law.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned notification dated 17.02.2011 and the inaction of the appellate authority, whereby he did not decide his

departmental appeal dated 23.08.2019 be declared as illegal, unlawful, ultra-vires to the constitution, non-est and are thus ineffective upon the rights of the appellant and consequently notification dated 30.04.1979 may be restored and maintained.

Any other relief as deemed appropriate in circumstances of the case, not specifically asked for, may also be granted to the appellant.

Through

Appellant

rugii

Muhammad Ijaz Khan Sabi

Advocate Supreme Court

85

Adnan Aman

Advocate High Court(s)

Dated: 21.11.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No/2019	
Alamzeb	.Appellant
Versus	
The Govt. of Khyber Pakhtunkhwa & others RE	SPONDENTS

AFFIDAVIT

I, Alamzeb S/o Abdul Haleem, Assistant Engineer, Swabi Irrigation Division No.1, (Kohati Irrigation Sub-Division), Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.	/2019	•
Alamzeb		A PPELLANT
	Versus	

The Govt. of Khyber Pakhtunkhwa & others. . . RESPONDENTS

ADDRESSES OF THE PARTIES

APPELLANT:

Alamzeb S/o Abdul Haleem
Assistant Engineer, Swabi Irrigation Division No.1,
(Kohati Irrigation Sub-Division), Swabi.

RESPONDENTS:

- The Govt. of Khyber Pakhtunkhwa,
 Through Chief Secretary,
 Civil Secretariat, Peshawar.
- The Secretary Irrigation,
 Govt. of Khyber Pakhtunkhwa,
 Civil Secretariat, Peshawar.

- The Secretary Finance,
 Govt. of Khyber Pakhtunkhwa,
 Civil Secretariat, Peshawar.
- The Secretary Establishment,
 Govt. of Khyber Pakhtunkhwa,
 Civil Secretariat, Peshawar.

Appe

Through

Muhammad Ijaz Khan Sabi

Advocate Supreme Court

82

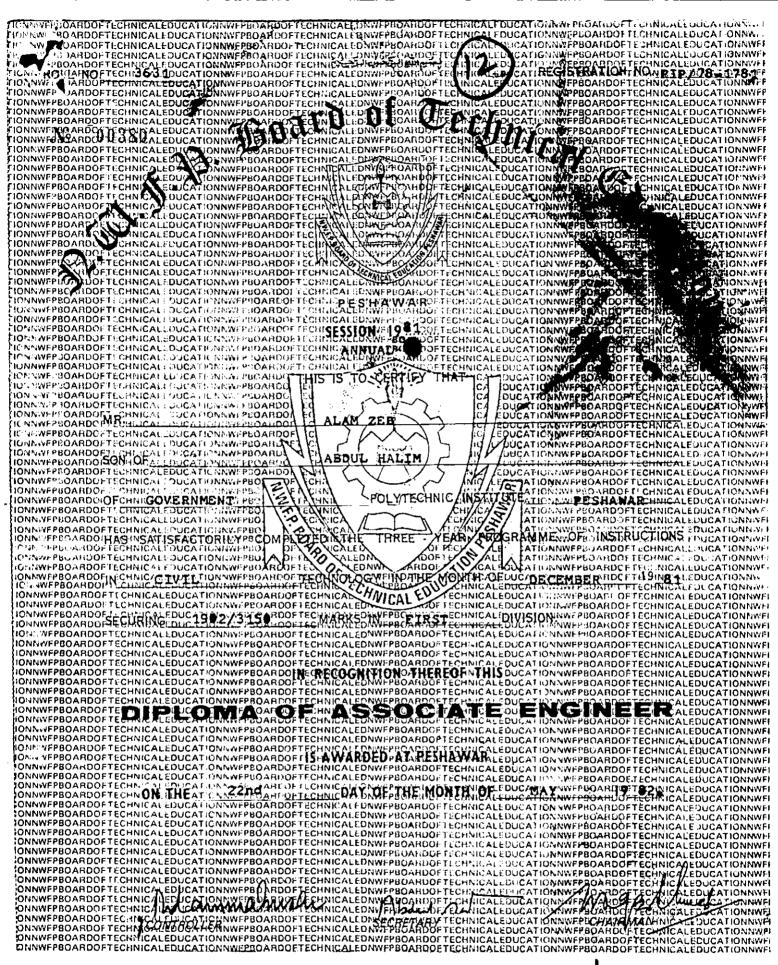
Adnan Aman

Dated: 21.11.2019 Advocate High Court(s)

Government College of Technology PESHAWAR

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(13)

Annex B"

No. 19078

/IB/A/3-E(ii); Dared Peshawar, the / //19 %
The Chief Enginger,
Irrigation Department, diff,
Peshawar.

Mr. Alamzeb S/O Abdul Halim,

Village Janga, Post Office, Lund Khawar,

Tehsil and District, Mardan.

Subject.

"APPOINTMENT OF TEMPORARY SUB ERGINGERS

You are hereby offered a post of an officiating temporary Civil/Nechanical Sub-Engineer on 8.1. 430/2 P.M. in the grade of is. 430-24-550/28-830-30-980. On the conditions of service in this Department (copy enclosed).

2. Your employment in this Department is purely temporary and your services may be terminated at 15 days notice without any reasons being assigned at any time irrespective of the fact that you are holding a post other than the one to which you were originally recruited or on the payment of 15 days salary in lieu of the notice.

You have to join duty at your own expenses.

4. You will have to produce a medical certificate of fitness if your service continue beyond six nonthes?

You will have to produce: -

i. Domicile Certificate. ...

ii. A certificate to be given by you that you are not a dismissed Government Servant.

iii. Roturn the conclosed form of declaration duly signed by you.

You will be governed by such rules and orders relating to k Leave/T.A. Medical attendance, Pay and Pension etc. as may be issued by Government for the category of Government servants to which you will belong.

6. If you accept the post on the above mentioned conditions you should report yourself for duty to the Superintending Engineer.

Malakand Irrigation Circle, Swat at Mingora,

as soon as possible and produce original certificates in connection with qualifications, domicile and age.

7. t You shall have to produce original Educational and Technical qualifications certification.

8. Your services in this department will be subject to the West Pakistan Essential Services Maintenance Act, 1953.

The offer will be cancelled if no reply is received by or if you fail to report for duty up to the above date.

enior Stoff official p

Technical Officer,
Office of the Chief Engineer, Irrigation
Department N.W.F.P., Peshawer.

Canta Page 2

ATT/ESTED

(2)

No. 19079 /IB/A/3-E(ii). Dated Pashawar, the 22 8- 19 8-

Copy forwarded to Superintending Engineer,

Malakand Irrigation Circle, Swat at Mingora,

for information and necessary action.

The following particulars and documents in respect of the candidates may please be furnished to this office in due course:-

- i. Date of birth.
- 'ii. Date of arrival.
- . iii. Home District.
 - iv. Original Educational and Technical qualification certificates.
 - v. Character and antocedents verification certificate (in the latest revised form)
- vi) Domicile certificatos

Sec

Senior Staff Officer,
Technical Officer,
Office of the Chief Engineer, Irrigation
Department N.J.F.P. Respayar.

ATTESTED

OFFICE OF THE SUFFICIAL STOLLS THE TEST, PARAGO LEGISLOSTICS CLEUDS,

10.709,-94/6-0,

Dated Wingora,

No. Alem ich, newly appointed Sub-Engineer is hereby posted to sant arrigation bivision, singora against the existing vacancy in the interest of purity service.

"o IN A is admissible to the Tab-Ingineer.

Runamintending indicaer, Felakard Irrivation Circle. Eutkada lingora (fyat).

Copy of above in foreuried to thei-

- De Jidel Aufler. Irrigition from ent, J. 1. P.P., d.h r. for men o life to. 10073-19/17/1/3-1(11), dated 22-8-1982 for information.
- 2. The Amentine Engineer, Sent Irrigation Division, Hingora for infor ation and necessary action. The following events/ documents in rospict of the Sub-haincer, may please be submitted in due course for encort submission to the Uniof Indineer, Perhaman
 - 1) Tto or Birth.
 - 2) Date of arrival.

 - 3) Fanc and District.
 4) Drightal Most tion and Machinest gralification certificates.
 - 5) Character and extroodents verification certificat (in the latest revised form).
 - 6) Domicile cortificato.

3. Copy of above is forwarded to Ar. Alanzeb 8/0 Abdul Halio, Village Jensa, Post Office Lucd Khear, teheil and Motrict Mardan. Le chould report his arrivel for duty to Executive Indiceer Crat Irrigation Mivinion, Cingore.

Superintending Engineer, Halakar, Irrigation Circle, Authora (Sweat)

(16)

Annex D

OFFICE OF THE CHIEF ENGINEER IRRIGATION DEPARTMENT NWIP PESHAWAR

NO. 329-400-7/IB/A/157-E,

Dated Peshawar the 4/12/1994/.

OFFICE ORDER.

In pursuance of the recommendations contained in the minutes of the meeting held on 28-11-1994 of the Departmental Promotion Committee, the following Sub Engineers (Civil) of Irrigation Department are hereby promoted as Senior Scale Sub Engineers BPS-16 (viz:2535-197-5499) on the basis of share quota of total posts with immediate effect in the public interest:-

1/ Mr. Shaukat Ali, attached to Mardan Irrigation Division, Mardan.

2/ Mr. Hassan Zulqarnain, Attached to Paharpur Irrigation Division D. I. Khan.

Mr. Alamzeb, Attached to Mardan Irrigation Division, Mardan.

CHIEF ENGINEER PHONE NO. 278320

NO. 460-/ /IB/A/157-E,

2/

3/

:4/

Copy forwarded to the :-

Secretary to Govt: of NWFP, Irrigation Department, with reference to his letter No.50(E) T&PHE/4-3/91/9363, dated 19-12-1994, for information.

Superintending Engineer, Southern Irrigation.

Sperintending Engineer Northern Irrigation

for infermation.

Executive Engineer, Paharpur Irrigation

6/ Executive Engineer, Mardan Trr. Division, Mardan District Accounts Officer Dardan

7/
District Accounts Officer, Dardan,

Official concerned.

for information and necessary action.

ATTESTED

CHIEF E INEER







GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

Dated Peshawar the 1,1 Oct., 2011.

<u>NOTIFICATION</u>

NO.SO(E)IRR:/4-5/74: Consequent upon the recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following Diploma Holder Sub Engineers to the posts of Assistant Engineers (BS-17) in the Irrigation Department on regular basis, with immediate effect: -

-	
1	Mr Shaukat Ali
. 2	Mr. Riaz Ahmad
3	Mr. Habib Ullah
4	Mr. Hidayat Ullah
5	Mr. Faizur Rehman
6	Mr. Waheed ur Rehman
: 7	Mr. Fazl e Khuda
8	Mr. Hassan Zulqarnain Haider
19	Mr. Alamzeb
7, 10	Mr. Tahir Said
/ (ii .	Mr. Nasrullah
. 12	Mr. Jamshid Ahmad Raees
13	Mr. Naseerud Din
. 14	Mr. Sherin Jan
15	Mr. Hazrat Hassan
-	•

2- The officers will remain on probation for a period of one year extendable for further one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.



3- Upon their promotion on regular basis (BS-17), the competent authority is further pleased to order the transfer / posting of the following officers of Irrigation Department with immediate effect, in the public interest: -



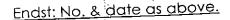
				Remarks
Sr.	Name of the	From	То	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
No.	Officer		Assistant Director Bazai	On promotion he is
1	Mr Shaukat Ali	ASSISTANT DIRECTOR (OF O)	ASSISTANT DIVOCES,	allowed to continue
	Wil Offaukaczan	Irrigation Project, Mardan	Irrigation Project, Mardan	against his present
		migation is a		
				posting. Against the vacant
)	Sub Engineer, Kohat Irrigation	Sub Divisional Officer, Project	
2	Mr. Riaz	Division Kehat	Irrigation Division, Kohat.	post.
L	Ahmad	Sub Divisional Officer (OPS),	Sub Divisional Officer, Dargai	
3	Mr. Habib	Dargai irrigation Sub Division,	imigation Sub Division, Dargai	
	Ullah			
		Dargai Sub Divisional Officer (OPS), Flood	Sub Divisional Officer, Flood	
4	Mr. Hidayat	Sup Divisional Officer (Cr. 6), Flood	Sub Division No. I, D. I. Khan	
	Ullah	Sub Division No. I, D. I, Khan Sub Divisional Officer (OPS),	Sub Divisional Officer, Chitral	
5	Mr. Faizur	Sub Divisional Officer (OPS), Chitral Irrigation Sub Division	Irrigation Sub Division Chitral	5 .
	Rehman	Official integration	migadon out annual	
		Chitral (ODS)	Sub Divisional Officer, Warsak	
6	Mr. Waheed ur	Sub Divisional Officer (OPS),	Gravity Canal Sub Division,	· 1
	Rehman	Warsak Gravity Canal Sub		
		Division, Peshawar	Peshawar. Sub Divisional Officer, Dir	┪
7	Mr. Fazl e	Sub Divisional Officer (OPS); Dir		,
'	Khuda	Irrigation Sub Division at Chakdara,	Imigation Sub Division at	Oil frien broundson m.
		Dir (Lower).	Chakdara, Dir (Lower).	BS-17, they are
8	Mr. Hassan	Sub Divisional Officer (OPS),	Sub Divisional Officer, Pharpur	
	Zulgarnain	Pharpur Irrigation Sub Division D. I.	Irrigation Sub Division D. 1	their present postings
	Haider	Khan.	Khan.	_
9.	/ Mr. Alamzeb	Sub Divisional Officer (OPS),	Sub Divisional Officer, Mardar	1
	/ Will. Alamizeu	Mardan irrigation Sub Division	irrigation Sub Division Mardan.	
	1	Mardan.		
40	Mr. Tahir Said	Sub Divisional Officer (OPS), Dir	Sub Divisional Officer, Di	Г
10	Wr. Tamir Said	Irrigation Sub Division, Dir (Upper).	Irrigation Sub Division, Di	ír
	4	Indation one proposit an (abban)	· (Upper)	
		Sub Divisional Officer (OPS)		r,
11	Mr. Nasrullah	Sub Divisional Officer (OPS) Workshop Sub Division, Peshawar) ===	٦, ا
l l	-	Workshop Sub Division, I candwar	Peshawar.	
ļ		Sub Divisional Officer (OPS)		r,
12	Mr. Jamshid		Drainage Sub Division D.	
	Ahmad Raees	Drainage Sub Division U. I. Man.	Khan.	
	i.,	I a L. Engineer Coughi Imigatio		n), Against the vacant
13	Mr. Naseerud	Sub Engineer, Swabi Irrigatio	Office of the Chief Engine	
1	Din	Division, Swabi.	(North), Irrigation Department	
		(0.00)		ve On his promotion in
14	Mr. Sherin Jar	Assistant Director (OPS), Leav	C 1/00/000000 Direction) ====	
		Reserve Peshawar Canal Division	1, 11000:10 : 00/10/10	allowed to continue
		Peshawar	Division, Peshawar	
			*.	as Assistant Director
\				FDRD
15	Mr. Hazrat	Sub Engineer, Tube Well Irrigation	on Assistant Director (Design	
	Наѕѕал	Division, Peshawar.	Office of the Chief Engine	
			(South), Irrigation Departmen	nt.
, —				

NB:

Promotion of the above named diploma holder Sub Engineers will be subject to the final outcome of the court proceedings.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT







Copy of the above is forwarded to:

- The Accountant General, Khyber Pakhtunkhwa, Reshawar. 1.
- The Chief Engineer (South), Irrigation Department, Peshawar. 2.
- The Chief Engineer (North), Irrigation Department, Peshawar. 3.
- The Director General, Small Dams Organization, Peshawar. 4.
- Director General, Flood Damages Restoration, Khyber 5. Pakhtunkhwa, Peshawar.
- The Project Director Baizai Irrigation Project, Mardan. 6.
- All Superintending Engineers of Imigation Department. 7.
- All the Districts Accounts Officer, in Khyber Pakhtunkhwa. 8.
- The Manager, Govt. Stationery & Printing Department, Peshawar. 9.
- PS to Minister for Irrigation Khyber Pakhtunkhwa, Peshawar. 10.
- PS to Chief Secretary, Khyber Pakhtunkhwa. 11.
- PS to Secretary, Establishment & Administration Department. 12.
- PS to Secretary, Irrigation Department, Peshawar. 13.
- Officer concerned. -14.
- Pérsonal File. 15.
- Master File. 16.

Section Officer (Establishment)



OFFICE OF THE SUB DIVISIONAL OFFICER, MARDAN IRRIGATION SUB DIVISION, MARDAN

No. 942 11-E.

Dated Mardan, the $\sqrt{3}$ / 10 / 2011

To.

The Executive Engineer, Mardan Irrigation Division, Mardan Subject: -

ASSUMPTION OF CHARGE ON REGULAR BASIS

In pursuance of Secretary to Government of Khyber Pakhtunkhwa, Irrigation Department Peshawar Notification No SO(E)IRR:/4-5/74, dated 11.10.2011 (copy attached), the undersigned hereby assume the charge of the post of Sub Divisional Officer, Mardan Irrigation Sub Division Mardan on regular basis, today the Fore Noon of 13.10.2011.

Report is submitted herewith for favour of information and further necessary action, please.

Enclosure As above

SUB DIVISIONAL OFFICER, Phone No. 9230235

Copy to the:-

- 1. Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa Peshawar
- 2. Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar
- 3. Superintending Engineer, Mardan Irrigation Circle, Mardan
- 4. Section Officer (Establishment) Office of the Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 5. District Accounts Officer, Mardan (copy of notification attached for perusal, please)
 For information, please.

Enclosure

As above (Only for S.No. 🧐)

SUB DIVISIONAL OFFICER, Phone No. 9230235

E:\SDO MARDAN\ASSUMPTION OF CHARGE ON REGULAR BASIS.doc

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PERNMENT OF NWFP

BETTER COPY (21)

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Annex

GOVÉRNMENT OF NWFP

Services, General: Admn; Tourism & Sports

Department.

NOTIFICATION.

Dated Peshawar the 30th April, 1979.

NO. SO RI (S&GAD) 1-12/74:- In exercise of the powers conferred by Section 26 of the north-West Frontier Province Civil Servants Act, 1973 (NWFP Act XVIII of 1973) and in supersession of all previous rules on the subject in this behalf, the Governor of North West Frontier Province is pleased to make the following rules, namely:-

THE NORTH-WEST FRONTIER PROVINCE IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES, 1979.

- 1. (1) These rules may be called the North-West Frontier Province. Irrigation and Public health Engg: 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 Schedule annexed shall be such as given in column 3 to 7 of the said schedule.

Secretary to Government of North-West Frontier Province, Services and General Administration. Department.

Endst; no. SORI (S&GAD) 1-12/74, Dated Peshawar, the 30th April 1979.

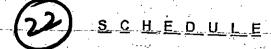
Copy forwarded to the:-

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

Sd/

(Syed Noor Badshah)
Section Officer (Regulation-I)

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IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT

The North West Frontier Province-Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules 1979 issued vide Notification No. SO

Sr.	T. Name and the control of						
No.	Nomenclature of posts	Minimum qualification for appointment		inimum qualification for appointment Age for initial recruitment		Method of recruitment	
		By initial recruitment or by transfer	By promotion	Minimum	Maximum		
1_1_	2	3	4	5	6	The state of the s	
<u>POS</u>	TS CONNECTED TO IRRIGATION . Chief Engineer	AND PUBLIC HEAL	TH ENGINEERING (DÉPARTME	ENT	By selection on merit from amongst four senior most officers	
						in case of Irrigation Department and three in case Public Health Engineering Department with at least seventeen years experience as Government service seniority being considered and 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 on holders of equivalent posts in the department concerned, in which the vacancy occurs, with at least twelve years service in grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.	
4	Executive Engineer Assistant Engineer	-		-		By selection on merit with due regard to seniority from amongst Assistant Engineers of the Department concerned in which the vacancy occurs, with at least six years service as such	
4.	B s - 17	Mechanical Engineering from a recognized	in Engineering from a recognized University or Institute, as specified in	21 years	30 years	(a) Seventy per cent by initial recruitment; and (b) Ten per cent by selection on merit with due regard to seniority from amongst Sub-Engineers of the Department concerned in which the vacancy occurs who hold a degree; and	

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	4		transfer	1		1 .	The first of the second of the
	-	+	3	4	5	6	
		(23)	by Government for the respective post.				(c) Twenty per cent by selection on merit with due regard to seniority from amongst officiating Assistant Engineers of the Department concerned in which the
	5.	Officiating Assistant Engineers /		Diploma ii			vacancy occurs, who hold a diploma.
		Sub Divisional Officer		Engineering from a recognized Institute.			Twenty, five per cent of the total number of posts of the diplomal holders Sub Engineers shall form the post of Officiating Assistant Engineers/ Sub-Divisional Officers and
		Senjor Scale Sub Engine BS-16	·				shall be filled by selection on merit with due regard to seniority from amongst Sub-Engineers of the Department concerned in which the vacancy occurs, who have passed the Departmental Examination and have at least ten years service
, s ;	6.	Administrative Officer/Budget and Accounts Officer		_	-		By selection on merit with the due regard to seniority from amongst holder of the post of senior Superintendents/ Superintendents, in the Department in which the vacancy occurs.
		POSTS IN IRRIGATION DEPART	/IENT				CCCUIS.
	7.	Canal Collector		-	-		By selection on merit with proper reference to fitness for higher responsibilities from amongst Deputy Collectors of the Irrigation Department.
	8.	Deputy Collector	-	-	-	-	By selection on merit with due regard to seniority from amongst holders of the post of Zilladars of the trigation Department, with at least five years service as such.
	9.	Assistant Accounts Officer	-	-	-	-	By selection on merit with due regard to seniority from
	10.	D.C. II	Diploma in Engineering from a recognized		18 years	25 years	amongst the holders of the post of Superintendent. By initial recruitment
			Institute of Pakistan.				

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as such and as such and a samination with five years service

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

Annexuse

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKTHUNKHWA IRRIGATION DEPARTMENT,

NOTIFICATION

Dated Peshawar the 17th February, 2011

NO.SO(E)IRR:/23-5/73: In pursuance of the provisions contained in sub rule:(2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment; Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No.SO(E)IRR:/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province Irrigation Department.

688

Printed and published by the Manager, Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Pesh.

ATTENTED

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011. APPENDIX

.S#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	, 4	5
PAI	RT-I-ENGINEERING STAFF			
1.	Chief Engineer/ Director General (BPS-20)	•	•	By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director (BPS-19)	•	•	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3	Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	Sixty five percent by initial recruitment. ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.
				five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such.
	B			Note: - Provided that where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	a. Eighty percent by initial recruitment; and b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.

6.	Geologist	MSc: Geology from a recognized	18 to 32 years	By initial recruitment.
٠.	(BPS-17)	University with 03 years experience in the relevant field.	•	
2AI	RT-II-MINISTERIAL ESTABLISHMEN	•		
7	Administrative Officer/ Budget and Accounts Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents of the Department having at least three years service.
8	Superintendent (BS-16)		-	By promotion, on the basis of seniority-cum-fitness,' from amongst the Assistants, Head Clerks and Senior Scale Stenographers with at least five years service as such.
,	7			
				Note 1: - For the purpose of promotion, a joint seniority list of Assistants and Senior. Scale Stenographers shall be maintained. If the date of appointment of both the officials is the same, then Assistant shall rank senior.
				Note 2. Promotion to the post of Superintendents in Regional Office cadre shall be considered from amongst the Assistants, Head Clerks and Senior Scale Stenographers of Regional Office cadre and that of Circle Office Cadre from the Assistants, Head Clerks and Senior Scale Stenographers of Circle Office Cadre.
9.	Senior Scale Stenographer (BPS-15)	a. Bachelor's Degree/ B.Com from a recognized University; and	18 to 30 years	a. Forty percent by initial recruitment; and
•	(5. 5. 15)	b. A speed of 100 words per minute in short hand in English and 40		b. sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least three years service as such.
		words per minute in English typing.		
10	Assistants/Head Clerk	Second Class Bachelor's Degree with	18 to 30 years	In Regional Office Cadre
,	(BPS-14)	Economics/ Statistics as one of the		a. Twenty five percent by initial recruitment; and
		subject or B.Com, from a recognized		b. seventy five percent by promotion, on the basis of the seniority cum fitness, from amongst
•		University.		Accounts Clerks and Senior Clerks in Regional Office Cadre with at least 5 years service as such.
				In Circle Office Cadre
			•	By promotion, on the basis of seniority cum fitness, from among the Accounts Clerks and Senior Clerks with at least 5 years service as such, in the Circle where the vacancies occurs.

<u>691</u>		1 KHYBER P.	AKHTUNKHWA GOVE	ERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.		
-	11	Junior Scale Stenographer	(a). Intermediate or D.Com From a	18 to 30 years	By Initial Recruitment.	
	•	(BPS-12)	recognized Board; and			
			(b) A speed of 50 words per minute in			
			Short hand in English and 35 words per minute in English typing			
			with computer knowledge of			
			Microsoft Words and Excel.			
	12	Accounts Clerk/	-	<u> </u>	By promotion, on the basis of seniority cum fitness, from among the Junior Clerks with atleast 5 years	
	-1	Senior Clerk (BPS-9)			service in the respective regional or Circle cadre as such;	
	:	(51 0-0)			Note. Promotion to the post of Accounts Clerk or Senior clerk in Regional Office cadre shall be	
				• , • • • • • • • • • • • • • • • • • •	considered from amongst the Junior Clerks of Regional Office Cadre and that of Circle Office	
	· .				Cadre from amongst the Junior Clerks of Circle Office Cadre).	
	13	Junior Clerk (BPS-7)	(a) Secondary School Certificate from	18 to 30 years'	(a) Sixty Seven percent by initial recruitment; and	
		(01 0-1)	a recognized Board; and (b) A speed of 30 words per minute		(b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids,	
	ĺ		in English typing.		Chowkidars and other equivalent posts who have Secondary School Certificate and	
	. }	2			are under 45 years of age and have at least two years service as such in the respective Regional and Circle Office Cadre	
		The state of the s			regional and onoic onice oddle	
		Cl.			Note: For the games of management that the state of the s	
1					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	
		U			regular appointment to the post or that of acquiring the Secondary school certificate	
		•			which ever 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.	
					naving longer service, wholever is those battericial to thirt, shall rank serior.	
PART-III COMPUTER ESTABLISHMENT						
'		Data Processing Supervisor (BPS-14)	Bachelor's Degree from a recognized	18 to 30 years	(a) Twenty five percent by initial recruitment; and	
		(5) 5-14)	University with 03 years Diploma in Computer Science, from recognize		(b). Seventy five percent by promotion, on the basis of seniority cum fitness, from amongst the	
L			institute		Data Entry Operators and Key Punch Operators with five years service as such.	

	KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011. 692					
.15	Data Entry Operator/Key Punch	Intermediate with one year Diploma	18 to 30 years	By initial recruitment.	,	
	Operator (BPS-12).	in computer science from a recognize				
· ·		institute with speed of 10000 key				
DA	DT IV DEVENUE COTADUIQUAENT	depression per hour.				
	RT-IV REVENUE ESTABLISHMENT	T				
16	(BPS-18)		<u>.</u>	By promotion, on the basis of seniority cum fitness, from amongst the Deputy Collectors and Assistant Land Reclamation Officers with five years service as such.		
17	Deputy Collector / Assistant Land			By promotion, on the basis of seniority-cum-fitness, from amongst Zilladars with atleast five years		
[;	Reclamation officer			service as such.		
40	(BPS-17)					
18	Zilladar	Bachelor's degree or equivalent	21 to 30 years	(a) Seventy percent by initial recruitment; and		
j	(BPS-14)	qualification from a recognized				
	inner 1	University.		(b) thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Head		
				Vernacular Clerks with six years experience and Vernacular Clerk/Revenue Inspector with ten		
·	300			years service and having passed Secondary School Certificate Examination from recognized		
	Ħ			Board.		
	Part of the second	η ',	,	Mate. Description of the data was also obtain the CDD 701. (CDD 701.)		
	O ,			Note: Promotion of Head Vernacular Clerks (BPS-7) to the post of Zilladar (BPS-14) shall be considered only in the circle where no post of Head Vernacular Clerk (BPS-10) exist		
19	Revenue Inspector	Intermediate or equivalent	18 to 30 years	By initial recruitment.		
- -	(BPS-10)	qualification from a recognized	10 10 00 young	by mand reconditions.		
	•	Board.				
20	Head Vernacular Clerk	_	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Vernacular clerks in the circle		
	(BPS-10)			where the vacancies occur.		
21	Vernacular Clerk	Secondary School Certificate, from a	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris having five years service		
22	(BPS-7)	recognized Board.	,	as such in the Circle where the vacancies occur.		
22	Patwari (PDC 5)	Secondary School Certificate from a	18 to 35 years	By initial recruitment.		
-	(BPS-5)	recognized Board with one year			トノ	
		Patwar training in Irrigation			マイ	
		Department and have passed			ニノ	
PART	PART-V DRAWING ESTABLISHMENT.					
	Chief Draftsman	1				
	(BPS-17)		-	By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman with three years service as such.		
1 . 1.	1		1	vears service as such		

_	<u>93 </u>	<u>PAKHTUNKHWA GOV</u>	ERNMENT	GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.
2	4 Circle Head Draftsman (BPS-16) (BPS-16)	•		By promotion, on the basis of seniority-cum-fitness, from amongst the Divisional Head Draftsman with three years service as such.
2	5 Divisional Head Draftsman (BPS-13)	•	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman, who have passed the prescribed departmental examination for appointment as Head Draftsman with three years service as such.
. 2	6 Draftsman (BPS-10)	(a). Secondary School Certificate from a recognized Board; and	18 to 30 years.	a. Fifty percent by initial recruitment;
-		(b). Two years Certificate course in Civil Draftsmanship from a recognized institute/Board of		b. twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman course of two years duration from a recognized Board of Technical Education with three years service as such; and
		Technical Education.		c. twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman and having three years service as such.
	O			Note: - 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.
27	(BPS-5)	(a) Secondary School Certificate from recognized Board; and (b) Tracer Course of at least six	18 to 30 years	By Initial Recruitment.
		months duration from a recognized Institute or Board of Technical Education.		



OFFICÉ OF THE PROJECT DIRECTOR

REHABILITATION OF IRRIGATION SYSTEM IN KHYBER PAKHTUNKHWA PESHAWAR

(Banglow-A Near Park View Apartments, Justice Talat Qayyum Qureshi Road, Warsak Road, Peshawar) Phone 091-2617053 Fax 091-2617055



/Rehab/E-I Dated Peshawar the 22/08/2019.

To

Subject:

The Secretary to Govt. of Khyber Pakhtunkhwa,

Irrigation Department Peshawar.

REQUEST FOR RE-CONSIDERATION OF AMENDMENT IN RECRUITMENT

AND APPOINTMENT RULES OF 1979, 1981 IN NOTIFICATION BEARING

NO. SOE/IRR/23-5/73 DATED 17/2/2011.

An appeal in respect of Mr. Alam Zeb Assistant Engineer of this Directorate which is self explanatory is submitted for further necessary action please.

Encl: as above

PROJECT DIRECTOR

Copy forwarded to Mr. Alam Zeb Assistant Engineer Rehabilitation of Irrigation System in Khyber Pakhtunkhwa Peshawar for information.

PROJECT DIRECTO

To,



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

THROUGH PROPER CHANNEL.

SUBJECT: REQUEST FO

RECRUITMENT AND APPOINTMENT RULES OF 1979, 1981 IN

NOTIFICATION BEARING NO.SOE/IRR/23-5/73 DATED 17/2/2011.

Respected Sir,

I Assistant Engineer BPS-17 of Irrigation Department, promoted from the post of Senior Scale Sub Engineer (Diploma Associate Engineer), submit the few lines for favour of your sympathetic consideration, please:-

That in the 1979, service rules of Irrigation and PHE Department notified vide S&GAD Notification bearing No.SOR-I(S&GAD)1-12/74 dated 30/4/1979, the method of recruitment/promotion to the post/rank of Executive Engineer BPS-18 was as under:-

"By selection on merit with due regard to seniority from amongst Assistant Engineers of the Department concerned in which the vacancy occurs, with at least six years service as such".

In the above service rules, the Diploma Associate Engineers promoted, as Assistant Engineers (BS-17) were eligible for further promotion to the rank of Executive Engineers BPS-18. As I have sufficient experience of 37 years i.e (as Sub Engineer 24 Years and 13 Years as Sub Divisional Officer/Assistant Engineer BPS-17) in the department and with professional and revenue examinations passed have the capabilities to take care the responsibilities of the post of Executive Engineer BS-18.

In light of the 1979 service rules officers having diploma in Civil Engineering were promoted to the rank of Executive Engineers who performed their duties in better way.

Sir.

It is with great respect stated that the department in the recruitment and appointment rules of 1979, particularly in the promotion to the rank of Executive Engineer BPS-18 which has been amended in new service rules 2011, notified and re-produced below, vide Notification bearing No.SOE/IRR/23-5/73 DATED 17/2/2011.

ATTESTED



"By promotion, on the basis of seniority cum fitness, from amongst the Sub-Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in BE/BSc Engineering (Civil) or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules".

Sir,

By the above notification, the promotee Assistant Engineers BS-17 (Diploma Associate Engineering holders) have been deprived from the right of appointments of promotion to the rank of Executive Engineer BPS-18 for which I deserves to avail the opportunity of promotion at the verge of retirement stage, this state of affairs created inconvence and discouraging situation to the Diploma Holder Sub Divisional Officers / Assistant Engineers.

In view of the above, I request your honour, to please re-consider the decision of amendment in the service rules of 1979, particularly, the promotion of Assistant Engineers BS-17 to the rank of Executive Engineer and restore, the old recruitment rules of 1979 for the method of recruitment/promotion to the rank of Executive Engineer BPS-18, in the best interest of fundamental rights of the aggrieved officers in the instant case.

I shall pray for your long life and prosperity.

Your Sincerely

Mr. Alamzeb
Assistant Engineer Rehabilitation of Irrigation System in Khyber

Pakhtunkhwa.



The Cheif secretary Khyber Paukhtnakhwa Peshawar



SUBJECT:

REQUEST FOR RE-CONSIDRATION OF AMENDENT IN RECRUITEMENT AND APPOINTEMENT RULES OF 1979, 1981 IN NOTIFICATION BEARING

NO.SOE/IRR/22-5/73 DTAED 17/2/2011.

Respected Sir,

I Assistant Engineer BPS-17 of irrigation Department, promoted from the post of senior scale Sub Engineer (**Diploma** Associate Engineer), submit the few lines for favour of your sympathetic consideration, please:

That in the 1979, service rule of irrigation and PHE Department notified vide S&GAD Notification bearing No.SOR-I(S&GAD)I-12/74 dated 30.04.1979, the method of recruitment/promotion to the post/ rank of Executive Engineer PBS-18 was as under:-

"by selection on merit with due regard to seniority from amongst Assistant Engineers o the Department concerned in which the vacancy occurs, with at least 6 years service as such"

In the above service rules, the Diploma associate Engineers promoted, as Assistant Engineer (BPS-17) were eligible for further promotion to the rank of Executive Engineer PBS -18. As I have sufficient experience of 37 years i.e (as Sub Engineer 24 years and 13 years as Sub divisional officer/assistant Engineer PBS-17) in the Department and with professional and revenue examinations passed have the capabilities to take care the responsibilities of the post of Executive Engineer PBS -18.

In light of the 1979 service rules officer having Diploma in civil Engineering were promoted to the rank of Executive Engineer who performed their duties in better way.

Sir,

It is with grate respect that the Department in the recruitment and appointment rules of 1979, particularly in the promotion to the rank of Executive Engineer PBS-18 which has been amended in new service rules 2011, notified and re- produced below vide notification bearing Number SOE/IRR/23-5/73 dated 17/02/2011.

"By promotion, on the basis of seniority cum fitness, from amongst the Sub-Divisional Officer, Assistant Engineer and Assistant Directors possessing Degree in BE/BSc Engineering (Civil) or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional of Revenue Examination under the prescribed rules".







By the above notification, the promote assistant Engineers BPS-17/(**Diploma Associate Engineer Holders**) have been deprived from the right of appointments of promotion to the rank of Executive Engineer BPS-18 for which I deserved to avail the opportunity of promotion at the verge of retirement stage, this state of affairs created In convince and discouraging situation to the Diploma holder sub divisional officers/Assistant Engineers.

In view of the above, I request your honor, to please reconsider the decision of amendment in the service rules of 1979, particularly, the promotion of Assistant Engineers PBS-17 to the rank of Executive Engineer and restore the old recruitment rules of 1979 for the method of recruitment/ promotion to the rank of executive Engineer BPS-18, in the best interest of fundamental rights of the aggrieved officers in the instant case.

I Shall pray for your long life and porosity

Your Succerely

Mr. Alamzeb

Assistant Engineer Rehabilitation

Of irrigation system in Khyber

Pakhtunkhwa



WAKALATNAMA (Power Of Attorney)



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, **PESHAWAR**

(Petitioner) (Plaintiff) (Applicant) (Appellant) (Complainant)
The Gouts of KP & others (Decree Holder) (Respondent) (Defendant)
(Accused) (Judgment Debtor)
noted Service appeal , do hereby appoint Mr. Muhammad
· ·
Ijaz Khan Sabi, Fazal-e-Wahid, Nasir Naeem Umar Khaili & Adnan
Aman, Advocates to appear, plead, act, compromise, withdraw or refer to
arbitration for me/us as my /our counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/Counsel at my/our matter.
1
Attested & Accepted By. Signature of Executarits
Muhammad Ijaz Khan Sabi (bc-10-7578)
Alamzeb
Nasir Naeem Umar Khaili Adnah Aman (bc-13-4253) Advocates High Court, Peshawar B-15, Haroon Mansion, Khyber Bazar, Peshawar Office: 091-2551553 Abdul Haleem Assistant Engineer Assistant Engineer
Nasir Naeem Umar Khaili Assistant Engineer
Adnah Aman (bc-13-4253) Advocates High Court, Peshawar B-15, Haroon Mansion, Khyber Bazar, No.1
5,10 ⁵ 1
(Appeallant)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

<u>In</u>

Service Appeal No. 1583/2019

Alam Zeb

Petitioners

VERSUS

Govt. of KPK through Chief Secretary & others

Respondents

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	Notification dated: 25th June, 2011		

AUTHORITY LETTER

I, Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department do hereby authorize Mr. Hammad Saleem Khan, Superintendent (Litigation), Irrigation Department to file comments and make statement before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with Service Appeal No. 1583/2019 filed by Alam Zeb Vs Government of Khyber Pakhtunkhwa through Chief Secretary & others.

Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR SERVICE APPEAL NO. 1583 of 2019

Alamzeb	***************************************	(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa

(Respondents)

Through Chief Secretary & others

IOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1 to 4

Respectfully Sheweth:- That the respondents submit as under.

Preliminary Objections:-

- 1. That the appellant has got in cause of action.
- 2. That it is a matter of delegated legislation & cannot be challenged before the court of law.
- 3. That in light of the Supreme Court of Pakistan judgment in C.P. No. 78-K of 2015 announced on 03.10.2018, it has been categorically directed with vote of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act who does not possess qualification from accredited engineering institutions and his name is not registered as register engineer or professional engineer under the PEC Act and the appellant is not a professional engineer.
- 4. That appeal of the appellant barred by law.

ON FACT:

- 1. Pertains to record.
- 2. Pertains to record.
- 3. Pertains to record.
- 4. Pertains to record.
- 5. Correct, only to the extent that rules under reference was intact before 16.02.2011 and the new rules were framed and notified on 17.02.2011 by repealing all previous rules which were further amended on 25.06.2012.
- 6. Correct, the Irrigation Department in consultation with Establishment, Law & Finance Department through Standing Service Rules Committee (SSRC) has notified the new service rules on 25.06.2012 (Annexure-I).

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- 7. Incorrect. The appeal of the appellant was properly examined and was kept pending because the Diploma Holder Sub Engineers challenged the amendment dated 25.06.2012 not to curtail their promotion quota from 20 to 15% in the Khyber Pakhtunkhwa Service Tribunal, Peshawar and the tribunal recommended the matter to the Irrigation Department for reconsideration vide its judgment dated 26.02.2014. The Irrigation Department filed appeal before the worthy Supreme Court of Pakistan that the impugned amendment, giving 8% quota to B. Tech (Hons) Sub Engineers to the post of Assistant Engineer (BS-17) was issued in accordance with law with the plea to set aside the judgment of the Service Tribunal dated 26.02.2014 which was subsequently allowed on 24.11.2014 by setting aside the judgment of the Service Tribunal dated 26.02.2014
- 8. No comments.

ON GROUNDS:

- A. Incorrect. The action of the respondents is legal and not violative of law and facts as amendments in the service rules are always framed through Standing Service Rules Committee (SSRC) and with the approval of the Competent Authority.
- B. Correct. The qualification for appointment of Sub Engineer (BS-12) is Diploma of Associate Engineering (D.A.E) and as per service recruitment rules of Irrigation Department, 15% quota is reserved for Diploma holders Sub Engineers for promotion to the post of Assistant Engineer/Sub Divisional Officer (BS-17).
- C. Incorrect. As per service recruitment rules of Irrigation Department, 15% quota is reserved for Diploma holders Sub Engineers for promotion to the post of Assistant Engineer/Sub Divisional Officer (BS-17).
- D. Incorrect. The Irrigation Department in consultation with Establishment, Law & Finance Department through Standing Service Rules Committee (SSRC) has notified the new service rules on 25.06.2012.
- E. Incorrect. It is the domain of the government to decide whether a particular academic qualification of a civil servant/employee is sufficient for promotion from one grade to another higher grade.
- F. Correct. As per Service Recruitment Rules of Irrigation Department, the holder of Diploma of Associate Engineering is eligible for promotion as Assistant Engineer (BS-17).

- G. Correct to the extent that the appellant was appointed as Sub Engineer in the year 1992 and was promoted to the post of Assistant Engineer/Sub Divisional Officer (BS-17) in the year 2011 and still serving as SDO.
- H. Incorrect. The Irrigation Department in consultation with Establishment, Law & Finance Department through Standing Service Rules Committee (SSRC) has notified the new service rules on 25.06.2012.
- I. Incorrect. The appellant has not been treated against the law.

It is, therefore, requested that the service appeal, being devoid of merits, may be dismissed with cost.

Any other grounds will be raised at the time of arguments with the prior permission of this tribunal.

Chief Secretary, Khyber Pakhtunkhwa Respondent No. 1

Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department Respondent No. 2

Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department Respondent No. 3

Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department Respondent No. 4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1583 of 2019

Alamzeb

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa

(Respondents)

Through Chief Secretary & others

IOINT PARAWISE COMMENTS ON BEHALF OF OFFICIAL RESPONDENTS 1 to 4

Respectfully Sheweth: That the Sespondent Submit as under

Preliminary Objections:-

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- That in light of the Supreme Court of Pakistan judgment in C.P. No. 78-3. K of 2015 announced on 03.10.2018, it has been categorically directed with vote of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act who does not possess qualification from accredited engineering institutions and his name is not registered as register engineer or professional engineer under the PEC Act and the appellant is not a professional engineer.
- That appeal of the appellant barred by law.

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- Correct. Pertains to record. 2.
- 3.
- Correct Pertains to record. 4.
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> Chief Secretary, Khyber Pakhtunkhwa Respondent No. 1 1

Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department Respondent No. 2

Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department Respondent No. 3

Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department Respondent No

Vetted correction to correction det all relevant along with documents along with a documents

31/3/202

ridi Attorney inukting it Service Tribunal Peshawan



GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

Dated Peshawar 25th June,

NOTIFICATION.

No. SOE/IRRI/23-5/2010-11: In pursuance of the provisions contained in sub-required a of the Khyber Pakh unkhwa, Civil Servants (Appointment, Promotio ransfer). Rules, 1989, the Irrigation Department in consultation will stablishment Department and the Finance Department, hereby directs that Department's Notification No. SO(E)Irr:/23-5/73 dated 17:02.2011, the followed made namely:-

AMENDMENTS

The Appendix.

Agains! Scrial No. 4, in column No. 5, for the existing entries, in clause (and d) the following shall be respectively substituted, namely:

(b) Iwelve percent by promotion, on the basis of seniority-cum-filnes campaget the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers, having degree in Civil Engineering or Mechanism of the Sub Engineers of

Note-For the purpose of Clause (b), a Joint seniority list of the Sub Linhaving Degree in Civil Engineering or Mechanical Engineering st maintained and their seniority is to be reckoned from the date of L appointment as Sub Engineer.

(c) eight percent by promotion, on the basis of seniority cum-filness cargonast the Sub Engineers, having Degree in B. Tech (Hons) and passed departmental Grade B and A examination with five years sense, such and

Note: For the purpose of clause (c) a senjority list of Sub Engineers Degree in B. Tech (Hons) shall be maintained and their seniority is reckoned from the date of their 1st appointment as Sub Engineer.

(d) Iffican perdent by promotion, on the basis of seniority cum-fitness amongst the Sub-Engineers, who hold a Diploma of Associate Engineers (Civil). Mechanical, Electrical or Auto Technology and have a departmental Grade Brand A examination, with five years service as su-

Note: For the purpose of clause (d); a seniority list of Sub Engineers Diploma of Associate Engineering in Civil Mechanical, Electrical of Tochnology shall be maintained and their seniority is to be reckoned from the of their 1st appointment as Sub Engineer.

biole The quata of clause (b), (c) and (d), above respectively shall be in by initial recruitment; if no suitable Sub Engineer is available for promo

against scriat No. 5, in column No. 5, for the existing entries in clause (t following shall be substituted; namely:

- lifteen percent by promotion, on the basis of seniority-cum-fill amongst the Canal Inspectors, Work Takers, Gauge Readers, Surve having Diploma of Associate Engineering in Civil, Mechanical, Electric Auto technology from a recognized Board of Technical Education, Inc. passed the departmental Grade - B and Grade A examination, with alseven years service as such; and
- five percent by promotion, on the basis of senjority-cum-litness, from amo lho Canal Inspectors, Work Takers, Work Munshi, Surveyors, and superintendent, having passed the departmental Grade-B examination at least ten years se vice as such;
 - Against serial No. 7, in column No. 5, for the words "three years" the words year" shall be substituted:
- against serial No. 9, in column No. 3, for the existing entry the following shi substituted, namely:
 - Bachelor Degree or equivalent qualification from a recognized Univ
 - a space of 80 words per minute in short hand in English and 10 word minute in English typing; and

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

> Secretary to Govt. of Khyber Pakhlunkhwa **Urrigation Department**

Lucist: No. & Dale 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.
- 1. Accountant General, Khyber Pakhtunkhwa.
- o. Additional Accountant General (PR, Sub Office); Reshawar.
- 6 All Commissionars in Khyber Pakhtunkhwa.
- / All Heads of Irrigation Department, Khyber Pakhtunkhwa.
- 8. All District Coordination Officers / P.As in Khyber Pakhtunkhwa.
- 2. Registrar, Peshawar High Court, Peshawar.
- 10'Specialary, Board of Revenue, Khyber Pakhtunkhwa;
- 11. Registrar, Khyper Pakhtunkhwa Service Tribunaj; Peshawar.
- 12 Scoretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. All Superintending Engineers in Imgation Department.
- 14. All Exocutive Engineers in Irrigation Department:
- 15: 18 10 Minister for Irrigation, Khyber Pakhtunkhwa
- 16 PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 17. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Departmen
- 18 Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. requested to supply 200 copies of the printed gazetle, for
- distributions.
- 19. Master File.

(MISAL KNAN

SECTION OFFICER (E