

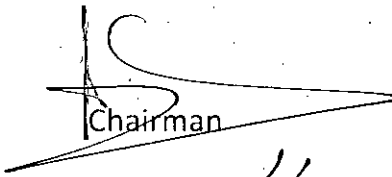
Appeal No.512/2016 Rahman Ali

27.07.2016

Counsel for the appellant and Mr. Muhammad Shoaib, Asstt. alongwith Addl. AG for the respondents present. Counsel for the appellant submitted application for withdrawal of the appeal.

In the light of the said application the appeal is dismissed as withdrawn. The appellant is at liberty to seek his remedy and grievances before the proper forum, if so advised. File be consigned to the record room.

ANNOUNCED
27.07.2016


Chairman

27.07.16.

20.05.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Appellant through instant appeal contended he has not been considered for promotion to the post of Sub-Engineer under 5% quota reserved for the Road Inspectors. Departmental authority in his order dated 11.4.2016 mentioned that the appellant has not fulfilled the criteria for promotion and his case is also pending before the Darul Qaza Swat. In order to clarify position of the appellant, a pre-admission notice be issued to the respondents for 29.06.2016 before S.B.

20.05.2016

[Signature]
Member

29.6.2016

Counsel for the appellant and Addl. AG alongwith Abdur Rashid Tareen, Admn. Officer for the respondents present. Learned counsel for the appellant seeks adjournment in order to further assist the court on the points of criteria for promotion as well as adjustment order of the appellant dated 02.11.2004 vide which he was adjusted as Road Inspector in his own pay and scale. Adjourned for preliminary hearing to 27.07.2016 before S.B.

[Signature]
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 512/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/05/2016	<p>The appeal of Mr. Rehman Ali resubmitted today by Mr. Ijaz-Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please:</p> <p><i>[Handwritten signature]</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20.5.16</u>.</p> <p><i>[Handwritten signature]</i> CHAIRMAN</p>
2		

The appeal of Mr. Rehman Ali Road Inspector Works and Service Department Swat received to-day i.e. on 06.05.2016 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days:

- 1- Appeal may be page marked according to the index.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of diploma mentioned in the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 5- Copy of rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 731 /S.T,

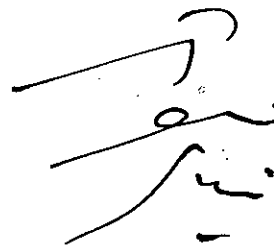
Dt. 9/5 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Ad. Pesh.

Sir

Re Remuneration offer complaint
versus PWT /ha carta



0

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 512 /2016

Rehman Ali, Road Inspector Works and Services department
Swat. **(Appellant)**

VERSUS


The Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Peshawar and others.
(Respondents)


INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal		1-5
2	Affidavit		6
3	Order dated 02.01.1995	A	7
4	Order dated 02.11.2004.	B	8
5	Diploma of Associate Engineering	C,	9-14
6	Notification dated 25.03.2010 along with rules	D	15-17
7	Application, forwarding letter dated 09.04.2012 and Order dated 08.05.2012	E, F & G	18-20
8	Representation and rejection letter dated 11.11.2014	H & I	21-22
9	Copies of the judgment and order dated 01.02.2016	J	23-26
10	departmental appeal and rejection letter dated 11.04.2016.	K & L	28-31
11	Wakalatnama		32


Appellant

Through


IJAZ ANWAR
Advocate, Peshawar
&


SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

S.W.P. Province
Service Tribunal
Diary No. 457
Dated 06-5-2016

Appeal No. 512 /2016.

Rehman Ali, Road Inspector Works and Services department Swat.

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Communication & Works Department Peshawar.
2. The Chief Engineer (Centre) Communication & Works Department Peshawar.
3. The Executive Engineer (Centre) Communication & Works Department Peshawar.
4. The Executive Engineer (Centre) Communication & Works division, Swat.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 11.04.2016, whereby the departmental appeal of the appellant for consideration of promotion to the post of Sub-Engineer under 5% quota reserved for Road Inspectors, has been rejected.

Prayer in Appeal:

On acceptance of this appeal the impugned order of rejection dated 11.04.2016, may please be set aside and the Respondents may please be directed to consider the appellant for promotion to the post of Sub-Engineer under 5% quota reserved for Road Inspectors from the date of availability of posts and the appellant may also be allowed all back/consequential benefits.

Filed to file
6/5/2016

as submitted to-Gen
and filed.

Registrars
16/5/16

Respectfully Submitted:

1. That the appellant having being fit and eligible was initially appointed as Laboratory Assistant BPS-5 in Road & Research Testing Laboratory in the Communication and Works department Swat vide order dated 02.01.1995. *(Copy of the order dated 02.01.1995, are attached as Annexure A)*
2. That in the year 2002, the Road & Research Testing Laboratory Swat was wound up, as a result of which the Appellant was placed in the surplus pool, however later he was adjusted as Road Inspector in the office of the Works and Services department on 02.11.2004. *(Copy of order dated 02.11.2004, is attached as Annexure B)*
3. That ever since his appointment, the appellant is performing his duties as assigned with zeal and devotion and without giving any chance of complaint to his superiors regarding his performance.
4. That it is pertinent to mention here that during the course of employment, the appellant also improved his qualification and got the diploma of Associate Engineering in the year 2011 and thereby enhanced his technical skills. *(Copy of the Diploma is attached as Annexure C)*
5. That the next post in the channel of promotion to the post of Road Inspector is Sub Engineer, the rules notified on 25.03.2010, provides the following criteria for promotion.
 - a.not relevant.
 - b.not relevant.
 - c. Five percent(5%) by promotion, on the basis of seniority cum fitness, from amongst the Road Inspectors , with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board;
 - d.not relevant.
 - e.not relevant.
 - f.not relevant.
 - g.not relevant.*(Copies of the notification dated 25.03.2010 along with rules are attached as Annexure D)*

6. That in the in the year 2012, the appellant, being eligible, applied for the vacant post Sub-Engineer his application was duly forwarded and was resultantly adjusted/ posted as Sub- Engineer against the vacant post in the Communication and Works Department District Shangla on stop gap arrangement vide order dated 08.05.2012. *(Copies of the application, forwarding letter dated 09.04.2012 and Order dated 08.05.2012, are attached as Annexure E, F & G)*
7. That ever since his posting as Sub Engineer the Appellant has been performing his duties in the said capacity to the satisfaction of his superiors, yet when the tentative seniority list of the Sub Engineers was circulated on 11.09.2014, the name of the appellant was not included in the seniority list of the Sub-Engineers. The appellant, therefore submitted a representation for inclusion of his name in the seniority list, however his representation was regretted on 11.11.2014. *(Copies of the representation and rejection letter dated 11.11.2014, is attached as Annexure H & I)*
1. That the appellant thereafter approached the honorable service tribunal in service appeal No. 1424/2014 against the non inclusion of his name in the seniority list of Sub Engineers, however, however the appeal was dismissed vide judgment and order dated 01.02.2016, for the reason that since the appellant was only adjusted against the post of Sub Engineer as stop gape arrangement and not promoted against, therefore, not entitled for inclusion in the seniority list of Sub Engineers. *(Copies of the judgment and order dated 01.02.2016, is attached as Annexure J)*
2. That since there are posts of Sub Engineers available, moreover the appellant has been working against the post of Sub Engineer on stop gape arrangement since long and have acquired a good length of experience, besides he is also the senior most amongst the Road Inspectors of the respondents department and have at his credit the required qualification, therefore the has lastly submitted a departmental appeal for consideration for promotion against the post of Sub Engineer under the 5 % quota reserved for Road Inspectors as provided under the rules, however the departmental appeal has been regretted vide letter dated 11.04.2016, copy of the letter was however, conveyed to the

appellant on 17.04.2016. *(Copies of the departmental appeal and letter dated 11.04.2016, are attached as Annexure K & L)*

3. That the appellant prays for the acceptance of the instant appeal inter alia on the following grounds:

GROUND OF SERVICE APPEAL


- A. That the appellant has not been treated in accordance with law/ rules hence his rights secured and guaranteed under the law are badly violated.
- B. That the mandatory provisions of Section 9 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment, Promotions and Transfer) Rules, 1989 and enabling instructions contained in the ESTA Code have not been adhered thus the appellant has been deprived of his legal and due rights.
- C. That the applicant has at his credit the qualification of diploma of Associate Engineering, moreover he is the senior most amongst his colleagues i.e Road Inspectors, therefore perfectly eligible to be considered for promotion to the post of Sub-Engineer. The appellant waited for a considerable long time with hope that he may be considered for promotion to the post of Sub-Engineer as and when posts in the promotion quota occurs but till date he remained deprived of his accrued right of consideration for promotion to the post of Sub Engineer.
- D. That for the post Sub- Engineer the minimum qualification is laid down as Diploma of Associate Engineering (Civil) from a recognized Board of Technical Education, which the appellant duly acquired.
- E. That the appellant is the senior most amongst the Road Inspectors having the qualification of Diploma in Associate Engineering (Civil) and have also served as Road Inspector for more than the required length of service, thus fit and eligible for promotion to the post of Sub- Engineer but ignored for no fault on his part.


- F. That not considering the appellant for promotion under the 5% quota reserved for the Road Inspectors is illegal unlawful violative upon his rights and is highly discriminatory.
- G. That it is pertinent to mention here that the appellant has also served against the post of Sub Engineer for a long time and has thus acquired sufficient length of experience. Thus perfectly eligible for promotion on regular basis.
- H. That the Law never permits that a department should make its employees to suffer for any fault on its part.
- I. That the appellant has a clean and spotless service career at his credit thus deserves to be considered for promotion.
- J. That the appellant also seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned order of rejection dated 11.04.2016, may please be set aside and the Respondents may please be directed to consider the appellant for promotion to the post of Sub-Engineer under 5% quota reserved for Road Inspectors from the date of availability of posts and the appellant may also be allowed all back/ consequential benefits.


Appellant

Through


IJAZ ANWAR
Advocate, Peshawar
&


SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2016

Rehman Ali, Road Inspector Works and Services department
Swat.

(Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Peshawar and others.

(Respondents)

AFFIDAVIT

I, **Rehman Ali, Road Inspector Works and Services department Swat**, do hereby solemnly affirm and declare on oath that the contents of the above Appeal are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent

ANNEXURE "A"

7

OFFICE OF THE CHIEF ENGINEER
C&W DEPARTMENT NUFP PESHAWAR

NO. 05/46-E Dated 2/1/95

TO
Mr. Rahman Ali S/O Mian Hazrat Room,
Miangan Chum Saidu Sharif Tehsil Babozai,
District Swat.

Subject: APPOINTMENT TO THE POST OF LABORATORY ASSISTANT.

You are hereby appointed as Laboratory Assistant in the
Road Research and Material Testing Unit of C&W Department in Grade-5.
No. 1400-66-2390 on temporary basis subject to the following conditions:

1. The post is temporary but likely to continue however, your services can be terminated at one month notice or payment of one month salary if needed. You are also at liberty to leave the services at one month notice or in lieu thereof depositing one month pay but after the expiry of minimum three years services period.
2. You produce Medical Fitness Certificate within one week on acceptance of the post.
3. Your service can also be terminated if any information/particulars submitted by you is found incorrect.
4. You shall remain on probation for a period of three years during which at any stage if you are found unfit/incompetent, in-disciplined, your service shall be terminated.

2- If you accept the offer under the conditions enumerated above, report to the Research Officer, Road Research & Material Testing Laboratory C&W Department, Phase-5, near Rahman Hospital, Hayatabad Peshawar within fortnight from the date of issue of this offer letter, for training and further posting to regional Laboratories, at appropriate time.


CHIEF ENGINEER

Copy to:-

- 1- The Secretary to Govt. of NUFP, C&W Department, Peshawar
- 2- The Research Officer, Road Research & Material Testing Laboratory Phase-5, near Rahman Hospital Hayatabad C&W Deptt, Peshawar.
- 3- The Accountant General NUFP, Peshawar. / DAO Swat.

for information

sd -
CHIEF ENGINEER

MAE
Allesce
Amal
Sub Division Office
High Way Sub Div
Saidu Sharif Swat
- 2-95

Allesce
[Signature]

ANNEXURE '3' (8)

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT, GULKADA.

NO. _____/6/DCO/Estt:

Dated the 2 /11/2004.

ORDER.


Mr. Rahman Ali, Lab: Assistant(BPS-05)
of Works and Services Department (now surplus) is
hereby adjusted as Road Inspector (own pay and Scale)
in Works and Services Department, Swat, against the
vacant post, due to the death of Mr. Bakhti Muhammad,
Road Inspector, in the interest of public.

BY ORDER.
DISTRICT COORDINATION OFFICER SWAT.

NO. 14171-74 /6/DCO/Estt:

Copy forwarded to:-

- 1) The EDO Works and Services Swat.
- 2) The Section Officer(Estt:II) Govt:of NWFP,
Works and Services Department, Peshawar for
information w/r to his letter No. SO(E)W&S/17-3/
2000, dated: 15.7.2004.
- 3) The District Accounts Officer, Swat.
- 4) Official concerned for information and compliance.


HUMAN RESOURCE DEV:OFFICER SWAT.
8

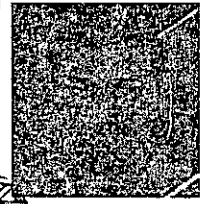
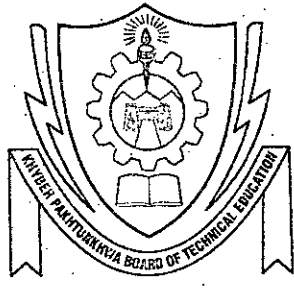


Serial No. 11179

Annex C^o

Roll No 719050

Khyber Pakhtunkhwa Board of Technical Education



PESHAWAR (PAKISTAN)

**DIPLOMA OF ASSOCIATE ENGINEER
Civil Technology**

Session Supply 2011

Certified that Mr./Miss RAHMAN ALI
Son/Daughter of MIAN HAZRAT ROOM
Registration No. SPI/SWT/CT/08-17949
of SAIDU POLYTECHNIC INSTITUTE SAIDU SHARIF SWAT

has passed the Diploma of Associate Engineer CIVIL TECHNOLOGY

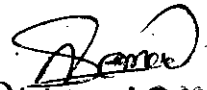
Examination held by the Khyber Pakhtunkhwa Board of Technical Education, Peshawar in the month
of November 2011

He/She secured 2078 Marks out of 3350 and has been placed in
Grade B

*In recognition thereof, this
Diploma of Associate Engineer*



is awarded to him/her at Peshawar on the 18Th day of March 2012


ASSISTANT SECRETARY


**Sub Divisional Officer,
Swat Sub Division
Swat**


SECRETARY

This Diploma is issued without any alteration or eraser

DIPLOMA OF ASSOCIATE ENGINEER ISSUED BY THE BOARD OF TECHNICAL EDUCATION IS HELD EQUIVALENT TO F.A/F.Sc (PRE-ENGINEERING) OF THE BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION IN PAKISTAN VIDE A BOOK OF EQUIVALENCY OF EDUCATIONAL QUALIFICATIONS IN PAKISTAN, PUBLISHED BY THE GOVERNMENT OF PAKISTAN MINISTRY OF EDUCATION, INTER BOARD COMMITTEE OF CHAIRMEN, ISLAMABAD.

EVALUATION PLAN

1. 80% and above.....Distinction
2. 70% and above but less than 80%....."A" Grade
3. 60% and above but less than 70%....."B" Grade
4. 50% and above but less than 60%....."C" Grade
5. 40% and above but less than 50%....."D" Grade
6. 33% and above but less than 40%....."E" Grade

Composed/Prepared by

Checked by

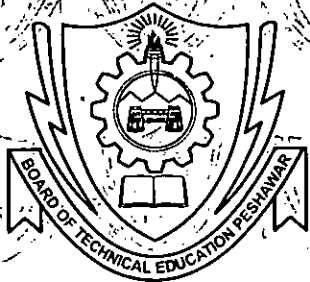
10

378774

KHYBER PAKHTUNKHWA BOARD OF TECHNICAL EDUCATION

PESHAWAR

DETAIL MARKS CERTIFICATE DIPLOMA OF ASSOCIATE ENGINEER 3RD YEAR CIVIL TECHNOLOGY



Name of Candidate RAHMAN ALI
 Father's Name MIAN HAZRAT ROOM
 Roll.No. 719050 Session SUPPLY 2011
 Reg.No. SPI/SWT/CT/08-17949
 Institute/College SAIDU POLYTECHNIC INSTITUTE SAIDU SHARIF SWAT



Subject	Total Marks	Obtained Marks			
		Th	Pr	Total	In Words
2nd Year Marks	2200			1375	
1 GEN-311 Islamiya/Pak. Studies	50	30		30	Thirty
2 CT-312 Project Management	100	60		60	Sixty
3 CT-322 Quantity Surveying-II	100		65	65	Sixty-five
4 CT-333 Public Health Engg-II	100 / 50	49	25	74	Seventy-four
5 CT-344 Hydraulics & Irrigation	150 / 50	61	30	91	Ninety-one
6 CT-353 Railway, Docks, Har & Bridges	100 / 50	40	47	87	Eighty-seven
7 Ct-364 Concrete Tech. RCC Design	150 / 50	96	49	145	One hundred forty-five
8 CT-373 Soil Mechanics, Highways, & Airports	100 / 50	54	48	102	One hundred two
9 CT-381 Civil Engineering Project	50		49	49	Forty-nine

3350

2078

Two thousand seventy-eight

[Signature]
 Sub Divisional Officer,
 Highway Sub Division
 Matta

Prepared by Muhammad Adnan
 Checked by [Signature]

[Signature]
 CONTROLLER OF EXAMS

No 58

11

Saidu Polytechnic Institute



COURSE COMPLETION CERTIFICATE



This is to certify that Mr. Rahman Ali Son of Mian Hazrat Room

Bearing Class No. 8009 has successfully completed the 3 (Three) years course of

DIPLOMA OF ASSOCIATE ENGINEERING

In Civil Technology from August 2008 to April 2011

During his stay he was hard-working and obedient student.

He bears good moral character.

Prepared by Atimad Jamil

Date: 18-April-2011

Park Avenue, College Colony, Saidu Sharif Swat Ph # 0946-722473-700376
e-mail: saidupolytechnic@yahoo.com

A. J. Khan
Sub Divisional Officer
Highway Sub Division
Chitral

12

No 58

Saidu Polytechnic Institute



Character Certificate

This is to certify that Mr. Rahman Ali Son of Mian Hazrat Room

Bearing Class No 8009 B.T.E. Reg. No. SPI/SWT/CT/08-17949

was a student of this Institute of Diploma of Associate Engineering in Civil Technology

from August 2008 to April 2011

His date of birth is (figure) 02-03-1975 (In words) 2nd Mar, N-H Seventy Five

During his student life we have found him hard-working, obedient and that he bears good moral Character.

Prepared by: Ahmad Jamil Sub-Divisional Officer Highway Sub-Division

Date: 18-April-2011 Principal

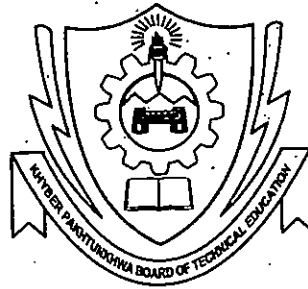
Park Avenue, College Colony, Saidu Sharif Swat Ph # 0946-722173-700376
e-mail: saidupolytechnic@yahoo.com

Design by: A. Jamil 0346-9653265

KHYBER PAKHTUNKHWA BOARD OF TECHNICAL EDUCATION

251013

13



PESHAWAR

DETAIL MARKS CERTIFICATE DIPLOMA OF ASSOCIATE ENGINEER 1ST YEAR CIVIL



Name of Candidate RAHMAN ALI

Father's Name MIAN HAZRAT ROOM

Roll.No. 280595 Session ANNUAL 2010

Reg. No. SPI/SWT/CT/08-17949

Institute/College SAIDU POLYTECHNIC INSTITUTE SAIDU SHARIF SWAT

	Subject	Total Marks	Obtained Marks			
			Th	Pr	Total	In Words
1	GEN-111 Islamiyat/Pak. Studies	50	26	-	26	Twenty-six
2	GEN-112 English	100	50	-	50	Fifty
3	MATH-113 Applied Mathematics	150	88	-	88	Eighty-eight
4	PHY-122 Applied Physics	50 / 50	25	44	69	Sixty-nine
5	CH-112 Applied Chemistry	50 / 50	30	40	70	Seventy
6	CT-123 Construction-I	100 / 50	51	40	91	Ninety-one
7	CT-114 Surveying-I	100 / 100	40	78	118	One hundred eighteen
8	CT-133 Civil Drafting-I	50 / 100	20	80	100	One hundred
9	SHOP-162 Wood Work	50	-	43	43	Forty-three
10	SHOP-162 House Hold Wiring	50	-	45	45	Forty-five

1100	700	Seven hundred
------	-----	---------------

Rahman
Sub Divisional Officer,
Higher Sub Division
Peshawar

Prepared by Fazal Ghaffar
Checked by _____

[Signature]
CONTROLLER OF EXAMS

KHYBER PAKHTUNKHWA BOARD OF TECHNICAL EDUCATION

PESHAWAR

DETAIL MARKS CERTIFICATE DIPLOMA OF ASSOCIATE ENGINEER 2ND-YEAR CIVIL TECHNOLOGY

Name of Candidate RAHMAN ALI
 Father's Name MIAN HAZRAT ROOM
 Roll.No. 278264 Session ANNUAL 2011
 Reg.No. SPI/SWT/CT/08-17949



Institute/College SAIDU POLYTECHNIC INSTITUTE SAIDU SHARIF, SWAT

Sl. No.	Subject	Total Marks	Obtained Marks			
			Th	Pr	Total	In Words
Ist year Marks		1100			700	
1	GEN-211 Islamiya/Pak Studies	50	32		32	Thirty-two
2	MATH-212 Applied Mathematics	100	55		55	Fifty-five
3	COMP-122 Computer Applications	50 / 50	29	41	70	Seventy
4	CT-212 Public Health Engg-I	50 / 50	34	30	64	Sixty-four
5	CT-224 Surveying-II	100 / 100	41	75	116	One hundred sixteen
6	CT-233 Construction-II	100 / 50	62	35	97	Ninety-seven
7	CT-243 Civil Drafting-II	50 / 100	24	65	89	Eighty-nine
8	CT-253 Mechanics of Structure	100 / 50	64	25	89	Eighty-nine
9	CT-262 Quantity Surveying-I	50 / 50	28	35	63	Sixty-three
		2200			1375	One thousand three hundred seventy-five

(Signature)
 Sub Divisional Officer,
 Highway Sub-Division
 Mardan

Prepared by Amir Zada
 Checked by (Signature)
 Theory Passing Marks=40% Practical Passing Marks=50%
 Error(s) & Omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

(Signature)
 CONTROLLER OF EXAMS



ANNEXURE "D" 115

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

NOTIFICATION:

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

(Engr Habib Ali)
Secretary to Govt of NWFP
Communication & Works Department

End of even number and date

Copy is forwarded to the:-

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

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Copy

1. A
2. Sec
3. Pri
4. All
5. Chief
6. Chief
7. Secre
8. All Su
9. All Exe
10. Section
11. Assstar
12. Managin
13. PS to Chi
14. PS to Sec
15. PA to Addl
16. PA to Depu
17. Office File

C.E. C&W L5
(Centre) Chief

Dairy No. 2191

Date: 16/03/10

Handwritten signature



16

APPENDIX

D) ENGINEERING SERVICE

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
-1-	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering, (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University <i>Column - 5 amended vide Notif. No. 80 E/ CWO/8-12/2014 Dt 14-10-2014</i>	21 - 32 Years <i>(a)</i>	<ul style="list-style-type: none"> a) Seventy percent (70%) by initial recruitment; b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possessed degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service; c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service. The seniority to be determined from the date of acquiring degree; and d) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma and have passed Departmental Professional Examination, with at least 10 (ten) years service as such.
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	<ul style="list-style-type: none"> a. Seventy-Five percent (75%) by initial recruitment; b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, <u>having three years Diploma of Associate Engineering in Civil Technology from a recognized Board;</u> <p>Note-1: <u>For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</u></p> <ul style="list-style-type: none"> c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, <u>having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board;</u> d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in <u>Electrical/Mechanical Technology from a recognized Board;</u> <p>Note-2: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisor & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p>

Atul

[Signature]

17

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

Attested

[Signature]

18



ANNEXURE "E"

To,

The Executive Engineer,
C&W Highway Division Swat.

Subject: APPLICATION FOR INCLUSION IN THE PROMOTION LIST OF SUB ENGINEERS.

R/Sir,

I humbly request in your kind honour that I have been reported arrival in C&W Department as a Laboratory Assistant dated: 03.01.1995. From 01.12.2001 my services were places to F.H.A Peshawar upto 09.10.2004 (Surplus Pool). Then I was adjusted as Road Inspector in the office of Deputy Director Works & Services Department Swat vide Office Order No. 1417/74-6/DCO/Estt Swat, dated: 02.11.2004

Now I have passed the Diploma of Associate Engineer in Civil Technology, therefore it is requested that I may kindly be promoted to the post of Sub Engineer.

Yours Sincerely,


(Rehman Ali)
Road Inspector

*HL
for correction*

*Yours
OS*

*Attended
to*



**OFFICE OF THE SUPERINTENDING ENGINEER
C&W CIRCLE SWAT**

(Phone & Fax No. 0946-9240114)

19

NO. 3014 /5-E, Dated: 9 /04/2012.

To,
The Chief Engineer (Centre),
C&W Department,
Khyber Pakhtunkhwa, Peshawar. ✓

Subject: APPLICATION FOR INCLUSION IN THE SENIORITY LIST OF
SUB ENGINEERS.

It is stated that Mr. Rahman Ali was appointed as Laboratory Assistant (BPS-05) in Road Research & Material Testing Laboratory C&W Department Swat in 1995. After winding up of the Road Research & Material Testing Laboratory C&W Department Swat the official was placed in Surplus Pool and then adjusted as Road Inspector in the office of Defunct Deputy Director Works Swat on 02/11/2004.

Now he has passed the Diploma of Associate Engineer (Civil Tech.) in November 2011 and requesting for promotion as Sub Engineer.

His application alongwith Attested Copies of Diploma and Service Book are submitted for inclusion of his name in the seniority list for consideration of promotion as Sub Engineer.

Attested
Case
Administrative Officer,
SUPERINTENDING ENGINEER,
C&W Department Peshawas

Encl: /As above.

Copy forwarded to the Executive Engineer C&W Highway Division, Swat with reference to his No.547/4-E, dated 29/03/2012 for information.

C.E. C&W Deptt. (Centre)	
Dairy No	1826
Date	11-5-12
Case No	
C.E. (C)	
C.E. (H.O)	
C.E. (R&B)	
D.E. (Tech)	
A.O.	

Ad
52
Attested to

SUPERINTENDING ENGINEER,

ANNEXURE 'G' (20)



**COMMUNICATION & WORKS DEPARTMENT (NORTH WING)
KHYBER PAKHTUNKHWA PESHAWAR**

Block-C 3rd Floor, Attached Department Complex Near Khyber Road Peshawar



091-9210456 FAX 091-9210478 E-mail: cenorthcnw@yahoo.com

No: LC27/19-E

Dated 8/5/2012

OFFICE ORDER

As recommended by the Superintending Engineer C&W Circle Swat, Mr. Rehman Ali Road Inspector attached to the C&W Highway Division Swat as Road Inspector having Diploma in Civil Technical and sufficient experience in the field work is hereby adjusted/ posted against the existing vacancy of Sub-Engineer in C&W Division Shangla purely on Stop Gap arrangement with immediate effect in the public interest. He will not claim any seniority/benefit on the basis of this interim period however his measurement be countersigned hundred percent by the SDO/XEN.

(Engr. Muhammad Ashraf Khan)
Chief Engineer

Copy forwarded to:-

- 1- PS to Secretary Communication and Works Department Peshawar.
- 2- The Chief Engineer (Centre) C&W Department Peshawar.
- 3- The Superintending Engineer C&W Circle Swat for information with reference to his letter No.3168/5-E, dated 24/04/2012.
- 4- The Executive Engineer C&W Highway Division Swat for information.
- 5- The District Accounts Officer Shangla.
- 6- Official concerned.

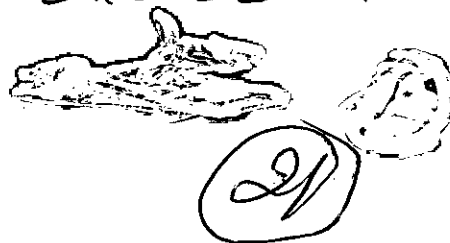
Chief Engineer

Attested
[Signature]

ANNEXURE 'H'

To

The Chief Engineer (Centre)
C & W Department, Khyber Pakhtunkhwa,
Peshawar.



Subject: APPEAL / REPRESENTATION AGAINST THE TENTATIVE SENIORITY LIST (RECEIVED ON 11-09-2014) OF THE WORK SUPERVISORS AND SURVEYORS HAVING 3 YEARS DIPLOMA OF ASSOCIATE ENGINEERING (D.A.E.).

Respected Sir,

The appellant submits as under:

That the appellant was initially appointed as Laboratory Assistant and subsequently adjusted as Road Inspector.

That the appellant after getting the diploma of Associate Engineer in Civil Technology was ordered as Sub-Engineer in the C & W Department, being qualified and having the relevant qualification, against the vacant post vide Office Order No. 10271/9-E dated 08-05-2012 by your office.

That now again the Tentative Seniority of those Work Supervisors and Road Inspectors have been issued who are holding the Diploma of Associate Engineering, but the name of the appellant is not mentioned in the list although the appellant is having the same.

That other similar employees of the department having the same qualification have been considered on their appeals as well.

It is therefore very humbly requested that on acceptance of this appeal / representation the name of the appellant may also very kindly be included in the said seniority list.

Handwritten signature

ATTESTED
Handwritten signature
Advocate

Appellant
Handwritten signature
Rehamn Ali
Sub-Engineer
C&W Division,
Buner

ATTESTED
Handwritten signature
Advocate

Dated 11/09/2014

ANNEXURE
'I'

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 52-E / 1340 / CE / C&WD

Dated Peshawar the 11 / 11 / 2014

To

The Executive Engineer
C&W Division Bunir.

Subject:

APPEAL/REPRESENTATION AGAINST THE TENTATIVE SENIORITY LIST (RECEIVED ON 11-09-2014) OF THE WORK SUPERVISOR & ROAD ROAD INSPECTOR HAVING 3-YEARS DIPLOMA OF ASSOCIATE ENGINEERING (DAE).

Reference:- Your Memo No. 478/2-E dated 23-09-2014.

I am directed to refer to the subject noted above and to say that the request of applicant (Rehman Ali) for inclusion of his name in the Seniority List of Road Inspectors is not entertainable because his adjustment from the post of Lab Assistant (BPS-05) against the post of Road Inspector ordered by the then District Coordination Officer District Swat was irregular on the one and on the other Road Inspector post is declared Dying Cadre.

It is further to state that the said applicant had sued the case before the Peshawar High Court Mingora Bench/Darul Qaza Swat in a Writ Petition No.403-M/2013 which is pending adjudication before the Court till yet.

Therefore, his request cannot be acceded to.

pc
sent to Swat
Bilal

118 / 412
8 / 12/11

(ABDUR RASHID TAREEN)
ADMINISTRATIVE OFFICER

Copy forwarded to the:-

- Chief Engineer (North) C&W Department Peshawar for information please.
- Superintending Engineer C&W Circle Swat for information please.

[Handwritten signatures and initials]

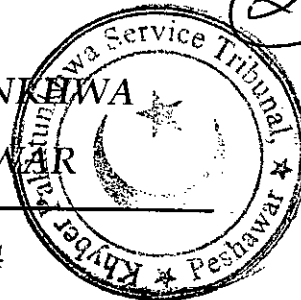
ADMINISTRATIVE OFFICER

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ATTESTED
[Handwritten signature]
Advocate

23/12/2015

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 1424 of 2014

Rahman Ali Sub-Engineer Communication and Works
Division, District Swat.

... Appellant

VERSUS

1460
23/12/14

1. The Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department Peshawar.
2. The Chief Engineer (Centre) Communication and Works Department Peshawar.
3. The Executive Engineer Communication and Works Division, District Swat.
4. The District Accounts Officer Swat, District Swat.

... Respondents

23/12/14

ATTESTED

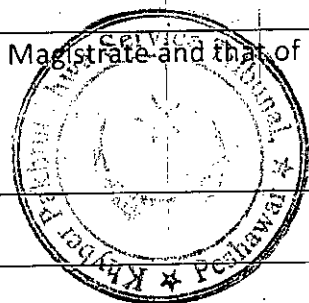
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order No. 52-E/1340/CE/C&WD dated Peshawar the 11-11-2014, whereby the departmental appeal of the appellant for inclusion of his name in the seniority list of Sub-Engineers was rejected. The impugned order is against the law, rules and Shariah and hence liable

2W

No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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1	2	3
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT, SWAT

SERVICE APPEAL NO.1424/2014

(Rahman Ali, Sub-Engineer-vs-Govt. of Khyber Pakhtunkhwa through Secretary C & W Department, Peshawar and others)

01.02.2016

JUDGMENT

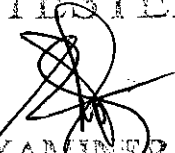
MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Abdur Rashid Tareen, A.O along with Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

2. Rahman Ali, hereinafter referred to as the appellant, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 11.11.2014 whereby departmental appeal of the appellant for inclusion of his name in the seniority list of Sub-Engineers was rejected.

3. Brief facts giving rise to the present appeal are that the appellant is serving in C & W Department since 1995. That he was in the surplus pool when adjusted as Road Inspector vide order dated 2.11.2004 and then posted as Sub-Engineer against vacant post vide order dated 8.5.2012. That despite his posting as Sub-Engineer and performing his duties as such to the satisfaction of his seniors his name was not reflecting in the seniority list of Sub-Engineers constraining the appellant to prefer departmental appeal which was rejected vide order dated 11.11.2014 and hence the service

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

25

appeal on 23.12.2014.

4. Learned counsel for the appellant argued that the appellant was appointed as Lab Assistant in the year 1995. That while serving in surplus pool he was adjusted as Road Inspector vide order dated 2.11.2004. That the appellant secured Diploma in Civil Technology in 2011 where-after he became eligible to the post of Sub-Engineer and vide order dated 8.5.2012 the competent authority appointed him as Sub-Engineer on stop-gap arrangement. That the appellant, on the strength of the said order, is serving as Sub-Engineer and as such entitled to enlistment of his name in the seniority list meant for the cadre of Sub-Engineers. That the departmental appeal of the appellant was erroneously rejected. Reliance was placed on case-law reported as 2011 PLC (C.S) 1244, 2013 SCMR 544 and 2010 PLC (C.S) 760.

5. Learned Senior Govt. Pleader argued that the appellant has never been appointed or promoted as Sub-Engineer in C & W Department and that the stop-gap arrangement extended to the appellant in the shape of adjustment as Sub-Engineer was the result of political interference and that the same gives no justification to appellant to claim the post of Sub-Engineer on regular basis.

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

7. Appellant is claiming insertion of his name in the seniority list on the strength of office order dated 8.5.2012 passed by respondent No.2. The same is reproduced herein for facilitation and ready reference:

"OFFICE ORDER

*As recommended by the Superintending Engineer C & W
Circle Swat, Mr.Rahman Ali Road Inspector attached to the C & W*

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Highway Division Swat as Road Inspector having Diploma in Civil Technical and sufficient experience in the field work is hereby adjusted/posted against the existing vacancy of Sub-Engineer in C & W Division Shangla purely on Stop Gap arrangement with immediate effect in the public interest. He will not claim any seniority/benefit on the basis of this interim period however his measurement be countersigned hundred percent by the SDO/XEN."

Sd/-

(Engr. Muhammad Ashraf Khan)

Chief Engineer

8. A careful perusal of the said order would reveal that the same was not based on the recommendations of DSC or any other such prescribed authority. It also reveals that the appellant was not promoted against the vacant post of Sub-Engineer in C & W Division rather the same was a stop gap arrangement entitling the appellant to no such claim or benefit. Since the appellant has not been appointed as Sub-Engineer through the process of promotion and his ^{adjustment on} ~~appointment~~ is purely on stop gap arrangement as such appellant is not found entitled to the claim of insertion of his name in the seniority list meant for the category of Sub-Engineers of C & W Department. The appeal is found devoid of merits and the same is, therefore, dismissed. No order as to costs. File be consigned to the record room.

Sd/- Muhammad Azim Khan Afridi,
Chairman

Sd/- Abdul Latif,
Member

ANNOUNCED

01.02.2016

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

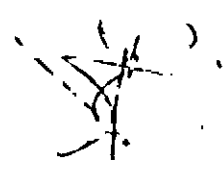
Date of Presentation of Application 3-2-2016
Number of Words 1600
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copyist Kamal
Date of Completion of Copy 9-2-2016
Date of Delivery of Copy 9-2-2016

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ANNEXURE K

(27)

To

Chief Engineer (Centre),
Communication and Works Department
Peshawar.

Subject: Departmental Appeal for consideration for promotion of the appellant to the post of Sub-Engineer under 5% quota reserved for Road Inspectors under the Recruitment Rules as Notified vide notification No SOE/C&WD/8-12/2009 dated 25.03.2010.

Prayer in appeal:

On acceptance of this departmental appeal, the appellant may kindly be considered for promotion to the post of Sub-Engineer under the 5% quota reserved for Road Inspectors under the Rules notified vide notification dated 25.03.2010.

Respectfully Sir,

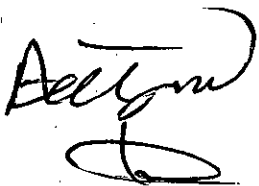
The undersigned very humbly submit the following few lines for your kind and sympathetic consideration:

1. That the applicant was initially appointed as Laboratory Assistant BPS-5 in Road & Research Testing Laboratory in the Communication and Works department Swat in the year 1995.
2. That in the year 2002, the Road & Research Testing Laboratory Swat was wound up, as a result of which I was placed in the surplus pool, however later I was adjusted as Road Inspector in the office of the Works and Services department on 02.11.2004.
3. That ever since my appointment I have been performing my duties as assigned with zeal and devotion and have never given any chance of complaint whatsoever regarding my performance.

Ali



4. That it is pertinent to mention here that during the course of my employment, I also improved my qualification and got the diploma of Associate Engineering in the year 2011 and thereby enhanced my technical skills.
5. That the next post in the channel of promotion to the post of Road Inspector is Sub Engineer, the rules provides the following criteria for promotion.
 - a.not relevant.
 - b.not relevant.
 - c. **Five percent(5%) by promotion, on the basis of seniority cum fitness, from amongst the Road Inspectors , with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board;**
 - d.not relevant.
 - e.not relevant.
 - f.not relevant.
 - g.not relevant.
6. That in the in the year 2012, I, being eligible, applied for the vacant post Sub-Engineer and was resultantly adjusted/ posted as Sub- Engineer against the vacant post in the Communication and Works Department District Shangla on stop gap arrangement vide order dated 08.05.2012.
7. That I also approached the Honorable Service Tribunal in the Service appeal No. 1424/2014 for inclusion of my name in the Seniority List of Sub Engineers of C&W Department, however my appeal was dismissed for the reason that since I was only adjusted against the post of Sub Engineer as stop gape arrangement and not promoted against, therefore not entitled for inclusion in the seniority list of Sub Engineers.
8. That since there are posts of Sub Engineers available moreover, I have been working against the post of Sub Engineer on stop gape arrangement thus have acquired a good length of experience, besides I am the senior amongst the Road Inspectors Communication and Works Department District Shangla, therefore I am eligible to be considered for promotion against the post of Sub Engineer on regular basis.



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9. That I pray for the acceptance of the appeal inter alia on the following grounds:

GROUND OF DEPARTMENTAL APPEAL

- A. That I have not been treated in accordance with law/ rules hence my rights secured and guaranteed under the law are badly violated.
- B. That the applicant has at his credit the qualification of diploma of Associate Engineering, moreover I am the senior most amongst my colleagues i.e Road Inspectors, therefore perfectly eligible to be considered for promotion to the post of Sub-Engineer. I waited for a considerable long time with hope that I may be considered for promotion to the post of Sub-Engineer as and when posts in the promotion quota occurs but till date I have remained deprived of my accrued right of consideration for promotion to the post of Sub Engineer.
- C. That for the post Sub- Engineer the minimum qualification is laid down as Diploma of Associate Engineering (Civil) from a recognized Board of Technical Education, which I duly acquired.
- D. That the applicant is the senior most amongst the Road Inspectors having the qualification of Diploma in Associate Engineering (Civil) and have also served as Road Inspector for more than the required length of service, thus fit and eligible for promotion to the post of Sub- Engineer but ignored for no fault on my part.
- E. That not considering me promotion under the 5% quota reserved for the Road Inspectors is illegal unlawful violative upon my rights and is highly discriminatory.
- F. That as per the date of appointments, the applicant enjoyed seniority over and above the other Road Inspectors.

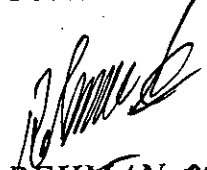
Attorney
to

30

- G. That the mandatory provisions of Section 9 of Khyber Pakhtunkhwa (then NWFP) Civil Servant Act, 1973 read with Khyber Pakhtunkhwa (then NWFP) Civil Servant (Appointment, Promotions and Transfer) Rules, 1989 and enabling instructions contained in the ESTA Code have not been adhered thus the undersigned has been deprived of my legal and due rights.
- H. That the Law never permits that a department should make its employees to suffer for any fault on its part.
- I. That the undersigned has a clean and spotless service career at my credit thus deserves to be considered for promotion.

It is, therefore, humbly prayed that On acceptance of this departmental appeal, the appellant may kindly be considered for promotion to the post of Sub-Engineer under the 5% quota reserved for Road Inspectors under the Rules notified vide notification dated 25.03.2010.

Yours obediently



REHMAN ALI

Road Inspector
Works and Services Division
District Swat.

Dated: ___ / 02 / 2016.

As per
to



ANNEXURE "L"

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 52-E / 628 / CEC / C&WD

Dated Peshawar the 11 / 04 / 2016

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To

The Superintending Engineer,
C&W Circle Swat.

Subject: DEPARTMENTAL APPEAL FOR CONSIDERATION FOR PROMOTION.

Reference: Your Memo No.215/4-E dated 29-03-2016

It is to state that Mr. Rahman Ali S/O Mian Hazrat Room was appointed as Lab Assistant (BS-05) by the Chief Engineer, CDO and on the closures of Laboratories and due to restructuring on the devolution of Powers to District Govt(s) in 06/2001, certain staff/establishment were put in surplus Pool.

The said incumbent was adjusted as Road Inspector in BS-05 by the DCO Swat without observing the rules, because the said incumbent was not possessing qualification of 3 years Diploma then, while the prescribed qualification for Road Inspector was 3 years Diploma (Civil).

As per his Writ Petition No.403-M/2013 (which is still pending in the Darul Qaza High Court Bench at Swat), it became then in notice that he acquired DAE(C) on 18th March, 2012 and his name could not be included in the seniority list of Road Inspectors for the purpose of promotion to the Cadre of Sub Engineer. The final verdict of the High Court is not granted on this account till now.

It may further to add that similar type of his appeal/representation was received vide XEN C&W Divn: Buner memo No. 478/2-E dated: 23/09/2014 and was replied vide this office letter NO-52-E/1340/EC/C&WD/ date 11-11-2014 (copy attached)

May information the applicant of the position which he prevails.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the Executive Engineer Building Division Swat for similar necessary action.

CHIEF ENGINEER (CENTRE)

Seen in File

A. A. Khan

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Bench, District Court, Peshawar
Rehman Ali

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The Govt of Khyber Pakhtunkhwa } Defendant
and others. } Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

{ SAJID AMIN Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Accepted
Tg
ms

Ijaz Anwar
Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan