

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	29.08.2016	3
<p style="text-align: center;"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 129/2016</p> <p style="text-align: center;">Syed Daud Jan Versus Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Appellant with counsel and Mr. Ziaullah, Government Pleader alongwith Mr. Saleem Shah, Superintendent for the respondents present.</p> <p>2. Syed Daud Jan, Chief Engineer (North) hereinafter referred to as the appellant has preferred the instant service appeal against order dated 23.09.2015 whereby he was appointed as Chief Engineer BPS-20 on acting charge basis against which departmental representation/appeal of the appellant was not answered within the statutory period constraining him to prefer the instant service appeal on 29.01.2016.</p> <p>3. Brief facts giving rise to the present appeal are that on the recommendations of Provincial Selection Board (PSB) in its meeting held on 24.08.2015 the appellant was promoted as Chief Engineer (BS-20) on acting charge basis vide notification dated 23.09.2015. The stance of the appellant is that he is</p>		

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having the requisite experience for promotion and was therefore entitled to promotion on regular basis as 5 sanctioned posts of Chief Engineer (BS-20) and duly reflecting in the Budget Book were available.

4. Learned counsel for the appellant has argued that the appellant, serving as Superintending Engineer, was fulfilling all the pre-requisites for promotion to the post of Chief Engineer (BS-20). In support of his arguments he referred to S.No. 3 of the minutes of the meeting of Provincial Selection Board held on 24.08.2015 and argued that the appellant was found suitable for promotion against the post of Chief Engineer (BS-20) but despite his eligibility to promotion on regular basis, recommendations of the appellant against the said post on acting charge basis were made which were not warranted. That the said post was a permanent post as the post of Chief Engineer (EQAA), permanent <sup>at</sup> post of C&W Department and reflecting as such in the Budget Book, was renamed as Chief Engineer (East). That for renaming the said post, a summary was submitted to the Chief Minister in order to bring the nomenclature of the said post in consonance with its functions and job description. That the Finance Department has also endorsed the proposal of administrative department with a formal note that the proposed change in nomenclature of the post will not be construed as conversion of the post to regular category. That the said proposal was accordingly approved and vide notification dated Feb 26, 2015 the said post was re-named as Chief Engineer (East) Abbottabad. That the said post was

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sanctioned without any time limit. That the impugned order of promotion of the appellant on current charge basis is against facts and law and is therefore, liable to be set aside.

5. Learned counsel for the appellant, in support of his arguments has referred to Section 2 (f) and (k) of Khyber Pakhtunkhwa Civil Servants Act, 1973 hereinafter referred to as the said Act as well as case-law reported as 2006- PLC (C.S)-1159 (Supreme Court of Pakistan) and 1993-SCMR-609 (Supreme Court of Pakistan).

6. Learned Government Pleader for respondents has argued that the post of Chief Engineer (EQAA) was conditionally converted as Chief Engineer (East) and that, therefore, the same was to be construed as a temporary post. That the appellant was not entitled to regular promotion against the said post being temporary in nature and as such the orders of promotion of appellant were to be made on acting charge basis and were therefore accordingly issued.

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

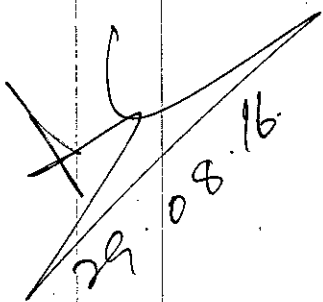
8. We deem it necessary to refer to and reproduce Section 21(f) and (k) of the said Act wherein permanent and temporary posts are defined in the following words:-

*"Section- 2 (f) Permanent post" means a post sanctioned without limit of time;*

*Section-2(k) Temporary post means a post other than a permanent post."*

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*29.08.16.*

Keeping in view the afore quoted law it can be safely inferred that a post sanctioned without limit of time would fall within the ambit of a permanent post and when sanction of post is accorded with a limit of time then such post would fall outside the ambit of permanent post and would then be termed as a "temporary post". According to record placed before us the post of Chief Engineer (EQAA) was sanctioned without limit of time and as such the said post was as a permanent post. Record would further suggest that the said post of Chief Engineer (EQAA) was renamed as Chief Engineer (East) Abbottabad with an object to bring its nomenclature in consonance with its functions and job descriptions. On query we were informed that with the change of nomenclature of the said post no additional financial implications had incurred. We are therefore of the view that mere change of nomenclature would not convert a sanctioned post without limit of time to a temporary post. Even otherwise the endorsement of Finance Department and approval thereof by the competent authority do not suggest that while renaming the said permanent post, Finance Department has come up with a request to change its status from permanent to temporary, we therefore hold that by approval of renaming of the post its status ~~also~~ is not converted from a permanent post to a temporary post. Moreover the said post was notified as a post without any time limit vide notification dated 26.02.2015 on the basis of approved summary referred to above as such we hold that the said post was sanctioned as a permanent post and is to be treated as such for

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all purposes.

9. We are also inclined to refer to Rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 dealing with appointments on current charge basis and to reproduce the same herein for facilitation and ready reference:-

*“9. Appointment on Acting Charge or current Charge Basis,----(1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appointment him to the post on acting charge basis.*

*Provided that no such appointment shall be made, if the prescribed length of service is short by more than (three years).*

*(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.*

*(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic pay scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or services, as the case may be, in excess of the promotion quota.*

*(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than*

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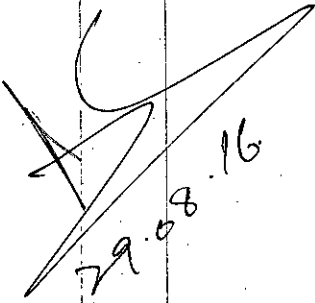
*six months, current charge appointment may be made according to the orders issued from time to time.*

*(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.*

*(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis."*

The afore-quoted Rules would clearly suggest that appointment on acting charge or current charge basis is to be made against a post when officer otherwise eligible for promotion is short of the specified length of service or, in case of initial appointment, when a suitable officer of the laid down criteria is not available.

10. We have also given due consideration to the arguments of the learned Government Pleader to the effect that promotion against a temporary post cannot be made on regular basis and that, therefore, despite eligibility of the appellant he was appointed as Chief Engineer BPS-20 on acting charge basis but we are not inclined to endorse the arguments that under rules a temporary seat is to be filled in on acting charge basis. Though the post under discussion is not a temporary post yet if it is presumed to be a temporary post even then the same is to be filled in by promotion under the rules from amongst the officers concerned on the basis of seniority-cum-fitness. Additionally we were confronted with no rules or law suggesting acting charge promotion against a temporary post.

 29.08.16

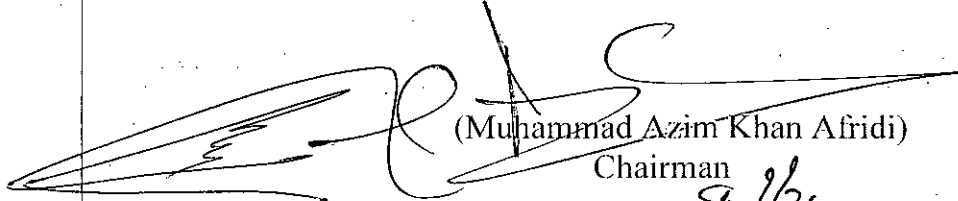
11. In case of Luqman Zareen and others reported as 2006-PLC (C.S) 1159 the August Supreme Court of Pakistan has observed that where a civil servant was qualified to be promoted to a higher post but put on higher post on officiating or acting charge basis and where he was subsequently found fit for such promotion then the civil servant would be entitled to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis.

12. In the light of the afore-stated discussion we hold that the appointment of the appellant, against the post reserved under the rules for departmental promotion, on acting charge basis, was not in accordance with the mandates of law and rules. We are fortified in our view by the precedent laid down by the August Supreme Court of Pakistan, in case of Federation of Pakistan Vs. Riaz Khan reported as 1993-SCMR-609, wherein it was ruled that a civil servant who had completed the requisite number of years in BPS-17 was entitled to regular promotion instead of promotion on current charge basis.

13. In the light of afore-stated discussion we are constrained to accept the present appeal and direct the respondents to consider the appointment of the appellant against the said post on regular basis and in case the appellant was found eligible for promotion to the post of Chief Engineer BPS-20 on the strength of his service record prior to the date of impugned notification dated 23.09.2015 then the Provincial Selection Board shall consider the appellant for promotion as Chief Engineer (BPS-

29.08.16

20) on regular basis w.e.f. the date of the said notification i.e. 23.09.2015. The appeal is allowed accordingly. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Azim Khan Afridi)  
Chairman

(Pir Bakhsh Shah)  
Member

29.08.16.

ANNOUNCED  
29.08.2016



25.07.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Learned counsel for the appellant submitted rejoinder, copy whereof handed over to learned GP. To come up for arguments on ~~29-8-16~~ before D.B.

  
MEMBER

  
MEMBER

11.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned notification dated 23.9.2015 appellant was appointed in BPS-20 as Chief Engineer on acting charge basis despite the fact that a regular vacancy was available and appellant was entitled to be promoted against the same where-against appellant preferred departmental appeal on 3.10.2015 which was not responded and hence the instant service appeal on 29.1.2016.

Appellant Deposited  
Security & Process Fee

That the appellant is entitled to regular promotion with effect from the date of availability of vacancy and as such the impugned notification is liable to be set-aside/modified.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 14.4.2016 before S.B.

  
Chairman

14.4.2016

Appellant with counsel and Mr. Saleem Shah, Supdt alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.05.2016 before S.B.

  
Chairman

26.05.2016



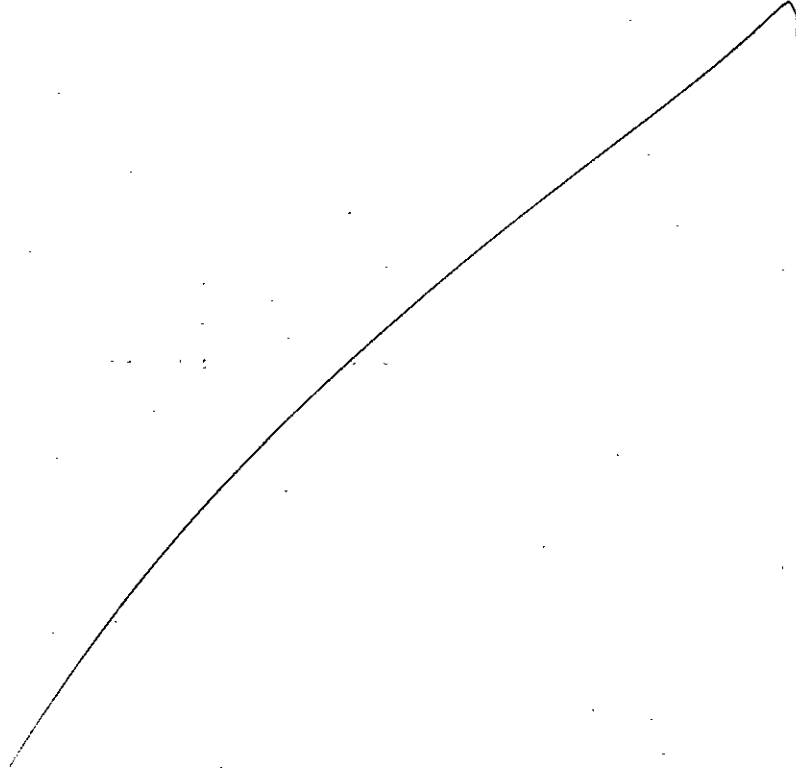
Counsel for the appellant and Mr. Saleem Shah, Supdt. alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 25.07.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 129/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.02.2016	<p>The appeal of Syed Daud Jan resubmitted today by Mr. Junaid Zaman Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>17-2-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Syed Daud Jan Chief Engineer North C&W Department Peshawar received to-day i.e. on 29.01.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Memorandum of appeal may be got signed by the appellant.

No. 152 /S.T,

Dt. 29.1 /2016

104 20 29/1/16  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Arshad Ali Adv. Pesh.

Resubmitted on 04.02.2015

Syed Arshad  
Ali  
JUNIOR ZAMAN  
(Advocate)

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

Service Appeal No. 129 / 2016

**Syed Daud Jan**

**...versus...**


**Govt. of KPK & others**

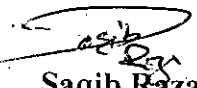
**INDEX**

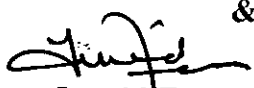
S. No	Description of Documents	Annexures	Pages
1.	Memo of Appeal		1-3
2.	Affidavit		4
3.	Memo of Addresses		5
4.	Copy of Working Paper for PSB	A	6-10
5.	Copy of relevant portion of recommendations	B	11-12
6.	Copy of notification dated 29.05.2015	C	13
7.	Copy of Charge Assumption Report	D	14
8.	Copy of relevant pages from the Budget Book	E-1 to E-5	15-21
9.	Copy of Departmental Representation	F	22
10.	Wakalatnama		

  
Appellant

Through

  
Syed Arshad Ali  
Advocate Supreme Court of Pakistan

  
Saqib Raza  
Advocate High Court(s)

&  
  
Junaid Zaman  
Advocate High Court(s)

Office no. 2 & 4, 2<sup>nd</sup> Floor,  
Cantonment Plaza,  
Fakhr-e-Alam Road,  
Peshawar Cantt, Peshawar.

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

Service Appeal No. 129 / 2016

Syed Daud Jan,  
Chief Engineer (North),  
(Acting Charge) C & W Department,  
Peshawar.

K.W.P. Provincial  
Service Tribunal  
Diary No. 74  
dated 29-1-2016

.....APPELLANT

Versus

1. **Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary,  
Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa,**  
C & W Department, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa**  
Establishment Department, Peshawar.
4. **Provincial Selection Board (PSB),**  
Through Secretary to Government Khyber Pakhtunkhwa,  
S & GA Department, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 23.09.2015 WHEREBY THE APPELLANT HAS BEEN APPOINTED AS CHIEF ENGINEER (BPS-20) ON ACTING CHARGE BASIS, AGAINST WHICH THE DEPARTMENT REPRESENTATION/ APPEAL HAS NOT BEEN REPLIED TO AFTER THE LAPSE OF STATUTORY PERIOD.**

**RESPECTFULLY SHEWETH:**

1. That the Appellant has been working in the C & W department with an unblemished record for the last 32/33 years.
2. That during the pendency of the above mentioned service appeal Mohammad Asaf was promoted to the post of Chief Engineer.
3. That there are (05) numbers of permanent posts of Chief Engineer BPS 20, the details of which are as following:-

I. Chief Engineer Centre

re-submitted to Asaf  
and filed.

Registration  
4/2/16

- II. Chief Engineer North
- III. Chief Engineer CDO
- IV. Chief Engineer FATA
- V. Chief Engineer East

4. **That** prior to the preparation and submission of working paper for Provincial Selection Board (hereinafter referred as "PSB") for filling the posts of Chief Engineers, there were only three posts, which were occupied by the officers in BPS-20.
5. **That** in the working paper it was incorrectly mentioned that one post is to be filled on permanent basis and two on acting charge basis.
6. **That** the PSB for considering the promotion of Superintending Engineers BPS-19 to the post of Chief Engineers BPS-20 was conducted on 12.06.2015, however the name of the Applicant was not considered by the PSB due to the reason that the seniority of the Applicant is disputed as reported by the Administrative Department.

(Copy of the Working Paper for the PSB is annexed herewith annexed as A)

7. **That** it is worth mentioning that after the promotion of Engr. Muhammad Asaf as Chief Engineer BPS-20, his name no more exists in the tentative seniority list of the Superintending Engineers BPS-19. Therefore, the seniority list of BPS-19 officers is no more disputed.
8. **That** thereafter meeting of the PSB held on 24.08.2015, the Appellant was recommended for the appointment to the post of Chief Engineer (BPS-20) on acting charge basis, and Engr. Fazle Kabir was appointed on regular basis. However, the Appellant being the senior most after Engr. Fazle Kabir was recommended against the acting charge post and not against the fifth regular vacant post.

(Copy of the relevant portion of the recommendations are annexed herewith marked as B)

9. **That** subsequently the Appellant was promoted to the post of Chief Engineer (BPS-20) on acting charge basis vide notification dated 23.09.2015 and as such the Appellant assumed the charge on 23.09.2015 on the post of Chief Engineer (North), C & W Department, Peshawar. It is imperative to mention here that one post of Chief Engineer is lying vacant and the Appellant has the requisite experience for promotion on regular post.

(Copies of the notification dated 23.09.2015 and Charge Assumption report are annexed herewith marked as C and D)

10. **That** it is important to mention here that there are five (5) nos of sanctioned regular posts for the Chief Engineers (BPS-20), and the same reflects in the Budget Book.

(Copy of relevant pages from the Budget Book are annexed herewith marked as E)

11. **That** the Appellant filed a departmental appeal against the order dated 23.09.2015, on 08.10.2015, however, after the lapse of 90 days the appeal has not been responded. Hence, the instant appeal on the following amongst other grounds:

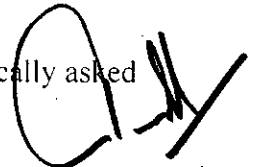
## GROUNDS

- A. **Because** the Appellant has not been treated in accordance with law, and his rights secured and guaranteed by the constitution are violated.
- B. **Because** according to section 9 (1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, appointments are made on acting charge basis only when the senior most civil servant concerned does not possess the specified length of service, whereas, the Appellant has 32/33 years of experience at his credit.
- C. **Because** the Appellant is eligible to be appointed/ promoted as Chief Engineer (BPS-20) on regular basis and fulfils all the prescribed requirements, and he is/was wrongly not considered for the post of Chief Engineer on regular basis.
- D. **Because** without prejudice to the above and in addition thereto; the Appellant has legitimate expectancy to be considered for the appointment/ promotion to the post of Chief Engineer (BPS-20) on regular basis.

It is, therefore, respectfully prayed that on acceptance of this appeal, this Honourable Tribunal may be pleased to:-

- i. **Declare** that the recommendation of Appellant for the appointment/ promotion to the post of Chief Engineer BPS-20 on regular basis from the date i.e. 19.03.2015 when the then incumbent Mr. Rashidullah retired.
- ii. **Direct** the Respondents No. 2 and 3 to consider the Appellant for appointment/ promotion to the post of Chief Engineer (BPS-20) on regular basis w.e.f. 19.03.2015.

**Any other relief** appropriate in the circumstances of the case but not specifically asked for may also be granted.



Appellant

Through



Syed Arshad Ali

Advocate Supreme Court of Pakistan



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

Service Appeal No. \_\_\_\_\_ / 2016

**Syed Daud Jan**

**...versus...**


**Govt. of KPK & others**

**AFFIDAVIT**

I, Syed Daud Jan, Chief Engineer (North), C&W Department, do hereby affirm and declare on oath that the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

**Identified by:**

  
**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**



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

Service Appeal No. \_\_\_\_\_ / 2016

**Syed Daud Jan**

...versus...

**Govt. of KPK & others**

**MEMO OF ADDRESSES**

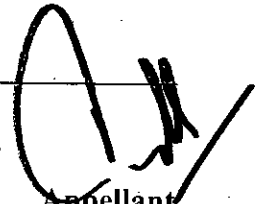
**APPELLANT**

**Syed Daud Jan,**  
Chief Engineer (North),  
C & W Department,  
Peshawar.

**RESPONDENTS**

1. **Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary,  
Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa,**  
C & W Department,  
Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa,**  
Establishment Department, Peshawar.
4. **Provisional Selection Board (PSB),**  
Through Secretary to Government Khyber Pakhtunkhwa,  
S & GA Department,  
Peshawar.

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Appellant

Through

  
Counsel

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

"A" / 6

Department: **Communication & Works Department**

1. Nomenclature of the post/Basic Scale **Chief Engineer (BPS-20)**  
 2. Service/Group/Cadre **Engineering (C&W)**  
 3. Sanctioned strength of the Cadre **Total posts 6 (4-regular and 2 Ex-Cadre) Annex-I**

	Direct	Promotion	Transfer
4. i. Percentage of share		100%	
ii. No. of posts allocated to each category	-	06	-
iii. Present occupancy position	-	03	-
1) Regular		03	
2) Acting charge		---	
iv. No. of vacancies in each category:			
a. Regular		01	
b. Acting charge		02	

- v. How did the vacancy(ies) under promotion quota accrue and since when
- Position of 01 No. Regular post**
- a. Due to retirement of Engr. Zard Ali Khan -- 01 Nos (Annex-II)
- Position of 02 Nos Ex-cadre posts**
- b. Due to posting of regular CE (BS-20) as MD PKHA (Annex-II-A) -- 01 Nos
- c. Due to posting of regular CE (BS-20) as Secretary Housing Deptt (Annex-II-B) -- 01 Nos
- 02 Nos

- vi. Recruitment Rules 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 (Annex-III).
- vii. Required length of service At least 17 (seventeen) years of service in BPS-17 and above
- viii. Whether to be promoted on regular basis or appointed on acting charge basis? On regular basis = 01 post  
Acting charge appointment = 02 posts
- ix. Mandatory training, if any Nil
- x. Minimum required score on EI. 70

Secretary

Dated 12/06/2015

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to

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**PANEL OF OFFICERS FOR CONSIDERATION**

S# Name of Officer	Remarks
<p>Engr. Shamsuz Zaman B.E (Civil)</p>	<p>The officer was inducted in C&amp;W Department as Assistant Engineer (BS-17) on 12.11.1981 through Public Service Commission and promoted to the rank of SE BS-19 on 13.03.2012. He is presently working as Director (Tech) O/O Chief Engineer (EQAA) Abbottabad and his date of birth is 03.01.1956. The officer was involved in inquiry case regarding "Substandard Civil works at Government Printing &amp; Stationery Department". In the instant case, formal inquiry conducted under E&amp;D Rules, 2011 against him and after approval of Competent Authority (CM), the exoneration Notification has issued by the Department (Annex-IV).</p> <p>The officer was also involved in an inquiry case regarding "Weeding out ill Reputed Government Servants". In the instant case, formal inquiry conducted through inquiry committee against him and after approval of Competent Authority (CM), the exoneration Notification has issued by the Department (Annex-V).</p> <p>Moreover, the officer was also involved in another inquiry case regarding non-compliance of the Administrative Department orders. In the instant case, formal inquiry was also conducted through inquiry committee against him and after approval of Competent Authority (CM), the exoneration Notification has issued by the Department (Annex-VI).</p> <p>Besides above, the officer is also involved in an inquiry case regarding "Illegal Appointment in PBMC C&amp;W Department". In the instant case, show cause notice containing major penalty of "compulsory retirement" was served upon him (Annex-VII) to which he replied. The reply was further processed and placed before Competent Authority (CM) for orders, which is under process. The officer is also involved in an inquiry case regarding draft para No.2.2.9 for the year 2010-11 relating to Provincial Building Maintenance Cell (PBMC) C&amp;W Department Peshawar. In the instant case, after approval of Competent Authority (CM), inquiry committee has been constituted and proper charge sheets/SOAs have been served upon involved officers/officials, including Engr. Shams-uz-Zaman on 16.02.2015. Now the report is received (Annex-VIII), which is under process and is being submitted to Competent Authority (CM) for orders.</p> <p>Moreover, the officer filed an appeal in the PHC Peshawar vide which he prayed for suspension of the posting order of Engr. Javed Ehsan (BS-19) as CE (North) C&amp;W Peshawar (OPS) and PSB be directed not to consider Respondent No.5 (Engr. Javed Ehsan) for promotion (Annex-IX). The Peshawar High Court has decided that the case of petitioner be consider by coming PSB and the remarks mentioned in the summary "institutionalized corruption" be expunged having no documentary support (Annex-X). The Department referred the decision of Peshawar High Court to Law Department for filling CPLA in the Supreme Court of Pakistan against the referred judgment. However Law Department did not consider it fit for filling CPLA.</p> <p>Besides above, the officer has also filed writ petition in PHC Peshawar. The court has disposed of the petition on 14.05.2014 with the direction to hold the PSB strictly in accordance with law and by observing merit and the seniority of the petitioner with other two candidates and that no impression should be given that the petitioner has in any manner being prejudiced. Let fair play in merit be the criteria followed by the respondents upcoming PSB (Annex-XI). The PSB recommended his supersession in its meeting held on 08.07.2014 (Annex-XII). The PSB has also recommended to defer his promotion in its meeting held on 30.12.2014 on account of said pending inquiries (Annex-XIII). Moreover, the officer has also filed writ petition No.2430-P/2014 in PHC Peshawar and prayed that:</p> <ol style="list-style-type: none"> <li>i. Set aside decision of the PSB and the consequent notification dated 22.07.2014, whereby respondent No.6 was promoted to BS-20.</li> <li>ii. Declare that pending enquiries against the petitioner should have been ignored while considering the petitioner's case for promotion and direct the respondents to issue notification of the petitioner's promotion to BS-20.</li> </ol>

ATC  


- iii. Declare that the pending proceedings against the petitioner are based on mala-fide and be aborted forthwith.
- iv. Any other relief, deemed appropriate in the circumstances, may kindly be granted.

Interim Relief

The recommendations of PSB and consequent notification dated 22.07.2014 may be suspended till the final disposal of instant petition.

On receipt of the aforesaid writ petition the department filed para-wise comments in PHC Peshawar. The court passed order/verdict, including the following:


"The court directed to hold a fresh meeting within one month positively for promotion of petitioner and consider his case fairly, just and without being biased of any of inquiries, as no such inquiry was pending on 08.07.2014 against him also direct the respondents to consider the petitioner from the date when he was illegally dropped in PSB meeting dated 08.07.2014, order accordingly"

It is clarified that a serious facts finding inquiry i.e. illegal appointment made by Engr. Shams-uz-Zaman while posted as SE PBMC C&W Peshawar was conducted on 02.05.2014 by Engr. Shahid Hussain SE C&W Department, meaning by that the officer remained under inquiry during PSB meeting held on 08.07.2014 Moreover another inquiry regarding "draft para No.2.2.9 for the year 2010-11 relating to PBMC" was also conducted by Engr. Saif-ur-Rehman SE C&W Department on 11.10.2013, whereby the officer remained involved in the referred inquiry. In the instant inquiry proper charge sheet/SOAs has been served upon him. Now the report is received which is under process and is being submitted to Chief Minister for orders. Therefore, the officer was remained under inquiry during PSB meeting held on 08.07.2014. Now the PHC Peshawar has disposed off the case on 19.05.2015 with remarks that in case the matter pertaining to the promotion of the petitioner is not placed before the PSB in the up-coming meeting, then the petitioner may approach the court a fresh through a COC (Annex-XIII-AA). His PER for the period 01.01.2014 to 31.07.2014 and 01.08.2014 to 31.12.2014 have been received, which referred to CE (East) Abbottabad for clarification Annex-XIV), He got 55.03 score out of quantification of PERS.

2.	Engr. Fazle Kabir B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 15.12.1981 through Public Service Commission and promoted to the rank of BS-19 on 13.03.2012. He is presently working as Chief Engineer (Centre), C&W Peshawar (OPS) and his date of birth is 01.08.1956. The officer was involved an inquiry case regarding "implementation of the project "Linkage of Nara Amazai and Bait Gali, District Haripur with Kala Dhaka Area of District Mansehra". After fulfillment of all codal formalities the officer has been exonerated from the charges leveled against him. (Annex-XV). He got 57.84 score out of quantification of PERS.
3.	Syed Daud Jan B.Sc. (Civil)	The officer was promoted to the rank of SE (BS-19) on 13.03.2012. The officer was inducted in the C&W Deptt as Assistant Engineer (BS-17) on 06.01.1988, on adhoc basis. In his appointment order it was mentioned that previous services rendered by him in the Local Govt. Board will be counted towards his pension and seniority. His services were regularized w.e.f. 23.01.1988 in light of the Provincial Assembly Regularization Act and he was placed at SI.No.23 (at the bottom of his batch). He filed an appeal in the Services Tribunal for counting of his previous services and fixation of seniority. The Tribunal decided the case in his favour vide orders dated 10.05.2004 (Annex-XVI). The Deptt approached to Law Deptt for filing CPLA in the apex court against the Services Tribunal judgment; however, the Law Deptt advised the Deptt that it is not a fit case for filing petition in the apex court (Annex-XVII). In light of Tribunal's orders, the officer's seniority was fixed and placed at SI.No.36 of the tentative seniority of Assistant Engineer (BS-17) of the Department. Engr. Muhammad Asaf while working as XEN Provincial Building (Constn) Division No.I, Peshawar approached for fixing of his seniority as per precedent of Syed Duad Jan XEN (BS-18). The request of the officer was further processed and finally on the direction of Establishment & Law Deptts the seniority of Engr. Muhammad Asaf has been fixed over & above of Engr. Syed Daud Jan XEN (BS-18).

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		Engr. Saif-ur-Rehman SE has filed service appeal in Service Tribunal against the seniority fixation of Engr. Muhammad Asaf and Engr. Syed Daud Jan which is under trial in the Service Tribunal. In the meanwhile, the Department placed the promotion case of SEs (BS-19) to the rank of BS-20, including the name of Engr. Muhammad Asaf to PSB for consideration. The PSB in its meeting held on 30.12.2014 recommended him for promotion to the post of CE (BS-20) on regular basis. In light of PSB minutes, the Department submitted summary to Chief Minister for approval, who approved. In the meanwhile, the Service Tribunal issued status-quo of the said promotion order, which was referred to Establishment Department, however, the Establishment Department issued promotion notification of Engr. Muhammad Asaf to the rank of CE (BS-20) on 11.02.2015. The next date of hearing of Service Tribunal is fixed on 15.06.2015. He got 57.03 score out of quantification of PERS.
4	Engr. Saif-ur-Rehman B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 18.04.1983 through Public Service Commission and promoted to the rank of BS-19 on 13.03.2012. He is presently working as Principal Design Engineer and holding the additional charge of the post of C E (CDO), C&W Peshawar, in addition to his own duties and his date of birth is 06.10.1953.  The officer has filed service appeal in the Service Tribunal against the seniority fixation of Engr. Muhammad Asaf and Engr. Syed Daud Jan which is under trial in the Service Tribunal. In the meanwhile, the Department placed the promotion case of SEs (BS-19) to the rank of BS-20, including the name of Engr. Muhammad Asaf to PSB for consideration. The PSB in its meeting held on 30.12.2014 recommended him for promotion to the post of CE (BS-20) on regular basis. In light of PSB minutes, the Department submitted summary to Chief Minister for approval, who approved. In the meanwhile, the Service Tribunal issued status-quo of the said promotion order, which was referred to Establishment Department; however the Establishment Department issued promotion notification of Engr. Muhammad Asaf to the rank of CE (BS-20) on 11.02.2015. The next date of hearing of Service Tribunal is fixed on 15.06.2015. He got 53.62 score out of quantification of PERS
5	Aslam Khan B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 11.11.1985 through Public Service Commission and promoted to the rank of BS-19 on 17.01.2013. He is presently working as SE in FATA and his date of birth is 03.04.1956. He got 59.44 score out of quantification of PERS
6	Muhammad Uzair B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 16.09.1987 through Public Service Commission and promoted to the rank of BS-19 on 17.01.2013. He is presently working as Director (Construction) PKHA Peshawar and his date of birth is 16.04.1963. He got 59.09 score out of quantification of PERS
7	Muhammad Tariq-I B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 16.09.1987 through Public Service Commission and promoted to the rank of BS-19 on 02.07.2013. He is presently working as SE C&W Circle Peshawar and his date of birth is 10.04.1963. His PER for the period from 01.01.2013 to 31.12.2013 is not available. He got 57.42 score out of quantification of PERS
8	Ijaz Hussain Ansari B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 26.05.1988 through Public Service Commission and promoted to the rank of BS-19 on 02.07.2013. He is presently working as Chief Engineer (OPS) East Abbottabad and his date of birth is 22.07.1962.. He got 57.07 score out of quantification of PERS
9	Muhammad Shahab Khattak B.E (Civil)	The officer was inducted in C&W Department as Assistant Engineer (BS-17) on 26.05.1988 through Public Service Commission and promoted to the rank of BS-19 on 02.07.2013. He is presently working as Project Director (PMU) C&W Peshawar and his date of birth is 05.04.1960. His PERs for the period from 01.01.2013 to 31.05.2013 and 01.01.2014 to 31.12.2014 are not available. He got 55.21 score out of quantification of PERS

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Certificate

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1. Certified that the officers included in the panel are eligible in all respects and possess the required length of service required for promotion.
2. Also certified that disciplinary action/proceedings are pending against the officers included in the panel as appearing at Sl. No. 1.
3. The seniority list of the officers included in the panel issued on 23.07.2012 (Annex-XVIII).

SECRETARY  
C&W

Dated 18/06/2015

ATC  
[Signature]

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SUBJECT: - PROMOTION/ACTING CHARGE APPOINTMENT OF SUPERINTENDING ENGINEER BS-19 TO THE POST OF CHIEF ENGINEER BS-20.

Secretary C&W apprised the Board that due to retirement, one post of Chief Engineer is lying vacant. Besides two posts of Chief Engineer BS-20 are also lying vacant due to posting of BS-20 officers on ex cadre posts which can be filled by appointment on acting charge basis.

2. According to service rules the post is required to be filled as under:-

"By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 years of service in BS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized university

3. The service record of the officers included in the panel was discussed as follows:

S. NO.	NAME OFFICER	OF RECOMMENDATIONS OF THE BOARD
1.	Engr. Shamsuz Zaman	His date of birth is 08.01.1956. He joined government service on 12.11.1981 in BS-17. He was promoted to BS-19 on 13.03.2012. The Board in its meeting held on 08.07.2014 recommended his supersession and deferred his promotion on 30.12.2014 as an enquiry was pending against him. Presently two enquires are pending against him. However according to C&W department Peshawar High Court has directed in an interim order that his promotion case should be considered fairly, just and without being biased of any of inquiries as no such inquiry was pending on 08.07.2014 against him. The Administrative Department reflected in the working paper that both of the above mentioned enquires were pending against him during the meeting of PSB held on 08.07.2014. Now Peshawar High Court Peshawar disposed of the case on 19.05.2015 with the direction that his promotion case should be placed in the upcoming meeting of PSB. The Secretary informed the Board that his PERs for the year 2014 have been received and referred to Chief Engineer (East) Abbottabad for clarification. The Secretary also informed the Board that a new enquiry has also been initiated against him. The Board observed that his efficiency index is below the

Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department



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		threshold required for promotion.  The Board recommended his supersession.
2.	Engr. Fazle Kabir	His date of birth is 01.08.1956. He joined government service on 15.12.1981 in BS-17. He was promoted to BS-19 on 13.03.2012. The Board in its meeting held on 30.12.2014 recommended to defer his promotion as an enquiry was pending against him. According to C&W department he has been exonerated from the charges leveled against him. No enquiry is pending against him. His service record upto 2014 is generally good.  The Board recommended the officer for promotion to the post of Chief Engineer BS-20 on regular basis. He will be on probation till retirement.
3.	Syed Daud Jan	His date of birth is 19.04.1957. He joined government service on 04.09.1982 in BS-17. He was promoted to BS-19 on 13.03.2012. His seniority has been fixed in pursuance of Service Tribunal Judgment dated 10.05.2004. However Engr. Saif ur Rehman Superintending Engineer has challenged the seniority in Service Tribunal which is under trial in the Court. No enquiry is pending against him. His PERs for the period from 01.01.2014 to 25.07.2014 was not written being broken period. His remaining service record upto 2014 is generally good.  The Board recommended the officer for appointment to the post of Chief Engineer BS-20 on acting charge basis.
4.	Engr. Saif ur Rehman	His date of birth is 06.10.1958. He joined government service on 18.04.1983 in BS-17. He was promoted to BS-19 on 13.03.2012. He has challenged the seniority position of Engr. Muhammad Asaf and Engr Syed Daud Jan which is still under trial in Service Tribunal. No enquiry is pending against him. His service record upto 2014 is generally good.  The Board recommended the officer for appointment to the post of Chief Engineer BS-20 on acting charge basis.

*Advised*  
*[Signature]*

Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the September 23<sup>rd</sup>, 2015

**NOTIFICATION**

**NO.SO(E-I)E&AD/9-232/2015.** The competent authority on the recommendations of the Provincial Selection Board is pleased to appoint the following Superintending Engineers (BS-19) as Chief Engineer (BS-20) on acting charge basis, with immediate effect:-

- i. Eng.Syed Daud Jan.
- ii. Engr.Saif-ur-Rehman

2. Consequent upon the above, the following adjustments are made henceforth:-

S. #	NAMES OF OFFICERS	FROM	TO
1.	Engr. Syed Daud Jan (BS-20 A/C)	Chief Engineer (OPS) (North), C&W Peshawar.	Chief Engineer (North), C&W Peshawar, against his already occupied post.
2.	Engr.Saif-ur-Rehman (BS A/C)	Principal Design Engineer (R&B), CDO office C&W, Peshawar	Chief Engineer (CDO) C&W Peshawar, against the vacant post.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

**Endst. No & Date even.**

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, C&W Department.
4. Commissioner Peshawar Division, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Deputy Commissioner, Peshawar.
7. Chief Engineer (Central) C&W, Peshawar.
8. Chief Engineer (North) C&W, Peshawar.
9. Chief Engineer (CDO) C&W, Peshawar.
10. Chief Engineer, EQAA, C&W Abbottabad.
11. Chief Engineer, PMIU Abbottabad
12. Chief Engineer (FATA), Works and Services, Warsak Road, Peshawar.
13. Managing Director, Khyber Pakhtunkhwa Highways Authority, Peshawar.
14. PS to Deputy Chairman, ERRA Islamabad.
15. PS to Chief Secretary, Khyber Pakhtunkhwa.
16. PS to Secretary Establishment, E&A Department/SO (Secret)/DS(Admn)/PA to Director (Protocol) E&AD/ACO Cypher E&AD.
17. Officers concerned.
18. Controller, Government Printing Press, Peshawar.

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESST-I)  
PH: & FAX #091-9210529

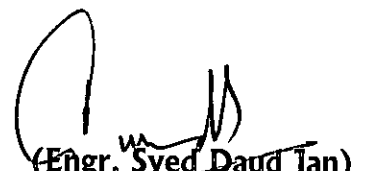


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**CHIEF ENGINEER (NORTH)**  
**COMMUNICATION & WORKS DEPARTMENT**  
**GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

**CHARGE ASSUMPTION REPORT**

In pursuance of Chief Secretary Govt. of Khyber Pakhtunkhwa Notification No.SO(E-I)E&AD/9-232/2015 dated 23<sup>rd</sup> September 2015, I Engr. Syed Daud Jan (BPS-20 A/C) assume the charge of the post of Chief Engineer (North) Communication & Works Department Peshawar today on the (Afternoon) of 23<sup>rd</sup> September, 2015.

  
(Engr. Syed Daud Jan)  
Chief Engineer (BPS-20)

Endst No: 1106/1-E

Dated: 23<sup>rd</sup> September, 2015

Copy forwarded to the:-

- 1- Principal Secretary, to Governor, Khyber Pakhtunkhwa.
- 2- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3- Secretary, to Govt. of Khyber Pakhtunkhwa C&W Department.
- 4- Commissioner, Peshawar Division, Abbottabad.
- 5- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 6- Deputy Commissioner Abbottabad.
- 7- Chief Engineer (Centre) C&W Department Peshawar.
- 8- Chief Engineer (CDO) C&W Department Peshawar.
- 9- Chief Engineer (EAST), C&W Abbottabad.
- 10- Chief Engineer PMIU Abbottabad.
- 11- Chief Engineer (FATA) W&S Department Peshawar.
- 12- Managing Director, PKHA Peshawar.
- 13- PS to Deputy Chairman ERRA Islamabad.
- 14- PS to Chief Secretary, Khyber Pakhtunkhwa / SO(Secret)DS(Admn)/  
PA to Director (Protocol) E&AD/ACO Cypher E&AD.
- 15- PS to Secretary Establishment E&A Department.
- 16- Controller, Govt: Printing Press Peshawar.
- 17- Cashier local.

Chief Engineer

A/c  
to

No BO/NIS will be accepted in which Employee Related Expenses have been claimed but not duly supported with details of posts in this proforma

**FEDERAL GOVERNMENT EMPLOYEES BY B.P.S.  
2015-2016 (Budget Estimates)**

Fund Code : C21F15 Fund Description : FATA  
Demand No : 97  
Fund Center Code : PR0386 Fund Center Description : P.W.D. Organization  
(DDO Code)

Post Code	No	BPS	Designation	Number of Posts		
				Total	Filled in	Vacant
	1	19	Superintending Engineer/Resident Director ✓	2	2	0
	2	18	Executive Engineer ✓	8	7	1
	3	17	Sub Divisional Officer/ADE/Equip Inspector ✓	16	15	1
	4	16	Divisional Accounts Officer ✓	5	5	0
	5	16	Superintendent ✓	2	1	1
	6	15	Senior Scale Stenographer ✓	2	1	1
	7	14	Assistant/Head Clerk ✓	9	5	4
	8	14	Circle Head Draftsman ✓	2	2	0
	9	13	Head Draftsman ✓	2	0	2
	10	12	Divisional Accountant ✓	3	3	0
	11	12	Junior Scale Stenographer ✓	7	6	1
	12	11	Computer Assistant ✓	5	3	2
	13	11	Draftsman ✓	9	8	1
	14	11	Sub Engineer ✓	30	25	5
	15	9	Accounts Clerk ✓	18	16	2
	16	9	Senior Clerk ✓	9	6	3
	17	8	Subedar Major Badragga ✓	1	1	0
	18	7	Junior Clerk ✓	33	26	7
	19	6	Road Inspector ✓	16	10	6
	20	6	Subedar Badragga ✓	1	1	0
	21	6	Surveyor ✓	2	1	1
	22	5	Badragga Driver ✓	2	1	1
	23	5	Carpenters ✓	2	2	0
	24	5	Lance Naik Badragga ✓	5	5	0
	25	5	Pump Operator ✓	1	1	0
	26	5	Tracer ✓	9	9	0
	27	4	Naib Subedar Badragga ✓	7	7	0
	28	3	Daffadar ✓	4	3	1
	29	3	Daftari ✓	4	4	0
	30	3	Havaladar Major Badragga ✓	1	1	0
	31	3	Mates ✓	39	38	1
	32	3	Naib Badragga ✓	20	20	0
	33	3	Subedar Badragga ✓	13	13	0

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No BO/NIS will be accepted in which Employee Related Expenses have been claimed but not duly supported with details of posts in this proforma

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**FEDERAL GOVERNMENT EMPLOYEES BY B.P.S.  
2015-2016 (Budget Estimates)**

Fund Code : C21F15

Fund Description : FATA

Demand No : 97

Fund Center Code : PR0386  
(DDO Code)

Fund Center Description : P.W.D. Organization

Post Code	No	BPS	Designation	Number of Posts		
				Total	Filled in	Vacant
	35	2	Behishti ✓	1	1	0
	36	2	Black Smith ✓	2	2	0
	37	2	Chowkidar ✓	10	9	1
	38	2	Chowkidar Badragga ✓	2	2	0
	39	2	Chowkidar cum Cook ✓	1	1	0
	40	2	Chowkidar cum Sweeper ✓	1	1	0
	41	2	Cook Badragga ✓	3	2	1
	42	2	Coolies ✓	257	255	2
	43	2	Driver ✓	13	12	1
	44	2	DRR Cleaner ✓	26	26	0
	45	2	DRR Driver ✓	26	25	1
	46	2	Electrician ✓	1	1	0
	47	2	Ferro Printer ✓	4	4	0
	48	2	Foot Badragga ✓	177	175	2
	49	2	Havaldar Badragga ✓	28	28	0
	50	2	Jamadar Badragga ✓	4	4	0
	51	2	Mali ✓	3	3	0
	52	2	Mason ✓	1	1	0
	53	2	Naib Qasid ✓	24	24	0
	54	2	Pay Dozer Cleaner ✓	1	1	0
	55	2	Pay Dozer Driver ✓	2	2	0
	56	2	Pipe Fitter ✓	2	2	0
	57	2	Plumber ✓	1	1	0
	58	2	Skilled Cooly ✓	14	14	0
	59	2	Store Colli ✓	7	5	2
	60	2	Store Munshi ✓	1	1	0
	61	2	Subedar Major Badragga ✓	9	9	0
	62	2	Sweeper ✓	4	3	1
	63	2	Sweeper Badragga ✓	1	1	0
	64	2	Truck Cleaner ✓	1	1	0
	65	2	Truck Driver ✓	1	1	0
	66	2	Tubewell Operator ✓	1	1	0

*Handwritten initials/signature*

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No BO/NIS will be accepted in which Employee Related Expenses have been claimed but not duly supported with details of posts in this proforma

**FEDERAL GOVERNMENT EMPLOYEES BY B.P.S.  
2015-2016 (Budget Estimates)**

Fund Code: C21F15

Fund Description: FATA

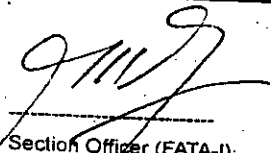
Demand No: 97

Fund Center Code (DDO Code): PR0386

Fund Center Description: P.W.D. Organization

Post Code	No	BPS	Designation	Number of Posts		
				Total	Filled in	Vacant
Total :				925	873	52

Note : Please ensure that the total number of posts reflected in this proforma are the same as in BO/NIS form.

  
 Section Officer (FATA-I)  
 Section Officer (F-I)  
 Finance Department  
 FATA Secretariate

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NCZ1018 (014)  
COMMUNICATION AND WORKS DEPARTMENT

## 045101 ADMINISTRATION

FUNCTIONAL CUM OBJECT CLASSIFICATION PARTICULARS OF THE SCHEME	NUMBER OF POSTS 2015-2016	BUDGET	RELEASED
		ESTIMATES 2015-2016	2015-2016
	Rs	Rs	Rs
04 ECONOMIC AFFAIRS			
045 CONSTRUCTION AND TRANSPORT			
0451 ADMINISTRATION			
045101 ADMINISTRATION			
PK5438 Chief Engineer (North)			
TOTAL EMPLOYEES RELATED EXPENSES.		<u>32,575,000</u>	<u>32,574,000</u>
0451011 TOTAL PAY	76	<u>17,422,000</u>	<u>17,422,000</u>
04510111 TOTAL PAY OF OFFICERS	24	<u>9,975,000</u>	<u>9,975,000</u>
Total Basic Pay Of Officer	24	<u>9,871,000</u>	<u>9,871,000</u>
✓ Chief Engineer (BPS-20)	1	826,000	826,000
Superintending Engineer (BPS-19)	1	723,000	723,000
Design Engineer (Buildings/Roads) (BPS-18)	1	600,000	600,000
Design Engineer (Electrical) (BPS-18)	1	600,000	600,000
Executive Engineer (Electrical/Mechanical) (BPS-18)	1	600,000	600,000
Assistant Engineer (Buildings/Roads) (BPS-17)	2	822,000	822,000
Chief Draftsman (Architect) (BPS-17)	1	447,000	447,000
Superintendent (BPS-17)	2	849,000	849,000
Sub-Divisional Officer (Electrical/Mechanical) (BPS-17)	2	884,000	884,000
Administrative Officer (BPS-16)	1	408,000	408,000
Assistant (BPS-16)	8	1,966,000	1,966,000
Budget & Accounts Officer (BPS-16)	1	408,000	408,000
Senior Scale Stenographer (BPS-16)	2	738,000	738,000
Personal pay		104,000	104,000
0451012 TOTAL PAY OF OTHER STAFF	52	<u>7,447,000</u>	<u>7,447,000</u>
04510121 Total Basic Pay Other Staff	52	<u>7,414,000</u>	<u>7,414,000</u>
Junior Scale Stenographer (BPS-14)	2	489,000	489,000
Divisional Head Draftsman (BPS-13)	2	530,000	530,000

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and

Budget Officer-I  
Govt. of Khyber Pakhtunkhwa  
Finance Department

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NC21018 (014)  
COMMUNICATION AND WORKS DEPARTMENT

ADMINISTRATION

TIME OBJECT CLASSIFICATION  
PARTS OF THE SCHEME

NUMBER OF  
POSTS  
2225-2266

BUDGET  
GENERAL  
SPECIAL

APPROVED  
REVISION

ECONOMIC AFFAIRS  
CONSTRUCTION AND TRANSPORT  
ADMINISTRATION  
ADMINISTRATION

Chief Engineer <sup>(Fast)</sup> Earth Quake Affected  
Areas (EQAA) in Khyber Pakhtunkhwa

19

		Rs	Rs	Rs
TOTAL EMPLOYEES RELATED EXPENSES			10,634,000	10,634,000
TOTAL PAY	23	4,978,000	4,978,000	4,978,000
TOTAL PAY OF OFFICERS	8	3,226,000	3,226,000	3,226,000
Total Basic Pay Of Officer	8	3,226,000	3,226,000	3,226,000
Chief Engineer (BPS-20)	1	725,000	725,000	725,000
Superintending Engineer (BPS-19)	1	468,000	468,000	468,000
Executive Engineer (BPS-18)	1	531,000	531,000	531,000
Administrative Officer (BPS-17)	1	286,000	286,000	286,000
Chief Draftsman (BPS-17)	1	349,000	349,000	349,000
Assistant (BPS-16)	1	290,000	290,000	290,000
Finance & Accounts Officer (BPS-16)	1	315,000	315,000	315,000
Senior Name Stenographer (BPS-16)	1	262,000	262,000	262,000
TOTAL PAY OF OTHER STAFF	15	1,752,000	1,752,000	1,752,000
Total Basic Pay Other Staff	15	1,752,000	1,752,000	1,752,000
Computer Operator (BPS-12)	2	376,000	376,000	376,000
Junior Clerk (BPS-11)	1	184,000	184,000	184,000
Accounts Clerk (BPS-09)	1	211,000	211,000	211,000
Tracer (BPS-05)	1	95,000	95,000	95,000
Driver (BPS-04)	3	250,000	250,000	250,000
Chowkidar (BPS-01)	1	95,000	95,000	95,000
Subi Qaid (BPS-01)	5	446,000	446,000	446,000
Sweeper (BPS-01)	1	95,000	95,000	95,000
TOTAL ALLOWANCES		5,656,000	5,656,000	5,656,000

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1,000  
15,000  
50,500  
95,000  
446,000  
95,000  
3,626,000

Budget Officer-I  
Govt of Khyber Pakhtunkhwa  
Peshawar

ATC  
to



E-4 / 2016

NC21018 (014)  
COMMUNICATION AND WORKS DEPARTMENT

## ADMINISTRATION

OBJECT CLASSIFICATION PARTS OF THE SCHEME	NUMBER OF POSTS 2015-2016	BUDGET	RELEASED
		ESTIMATES 2015-2016	2015-2016
		Rs	Rs
<b>ECONOMIC AFFAIRS</b>			
<b>CONSTRUCTION AND TRANSPORT</b>			
<b>ADMINISTRATION</b>			
<b>Chief Engineer (CDO)</b>			
TOTAL EMPLOYEES RELATED EXPENSES.		27,563,000	27,562,000
TOTAL PAY	<u>58</u>	<u>13,602,000</u>	<u>13,602,000</u>
TOTAL PAY OF OFFICERS	<u>17</u>	<u>7,301,000</u>	<u>7,301,000</u>
Basic Pay Of Officer	<u>17</u>	<u>7,270,000</u>	<u>7,270,000</u>
Chief Engineer (BPS-20)	1	712,000	712,000
Principal Design Engineer (BPS-19) Roads/Bridges	1	646,000	646,000
Principal Design Engineer (BPS-19) Buildings	1	603,000	603,000
Senior Design Engineer (BPS-18) Roads/Bridges	1	600,000	600,000
Senior Design Engineer (BPS-18) Buildings	1	504,000	504,000
Senior Engineer (Survey & RMC) (BPS-18)	1	504,000	504,000
Senior Engineers (BPS-17) Roads/Bridges	1	374,000	374,000
Senior Engineers (BPS-17) Buildings	1	370,000	370,000
Senior Engineer (Survey & RMC) (BPS-17)	1	370,000	370,000
Senior Engineer (E&M) (BPS-17)	1	378,000	378,000
Superintendent (BPS-17)	1	365,000	365,000
Administrative Officer (BPS-16)	1	370,000	370,000
Assistant (BPS-16)	5	1,474,000	1,474,000
Gratuity pay		31,000	31,000
TOTAL PAY OF OTHER STAFF	<u>41</u>	<u>6,301,000</u>	<u>6,301,000</u>
Basic Pay Other Staff	<u>41</u>	<u>6,296,000</u>	<u>6,296,000</u>
Steno-Grapher (BPS-14)	4	933,000	933,000

Budget Officer-I  
Govt. of Khyber Pakhtunkhwa  
Finance Department

ATC  
A

752,000

1,752,000

376

18

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*ES/2B*

ADMINISTRATION

PERSONAL EM OBJECT CLASSIFICATION  
OR HEADERS OF THE SCHEME

NUMBER OF  
POSTS  
2015-2016

BUDGET  
ESTIMATES  
2015-2016

RELEASED  
2015-2016

Rs

Rs

Rs

ECONOMIC AFFAIRS  
CONSTRUCTION AND TRANSPORT  
ADMINISTRATION  
ADMINISTRATION

PR5437 - Chief Engineer (Centre)

000	TOTAL EMPLOYEES RELATED EXPENSES			<u>36,207,000</u>	<u>36,206,000</u>
001	TOTAL PAY		75	<u>15,392,000</u>	<u>15,392,000</u>
0011	TOTAL PAY OF OFFICERS		26	<u>9,764,000</u>	<u>9,764,000</u>
	Total Basic Pay Of Officer		26	<u>9,525,000</u>	<u>9,525,000</u>
00110	Chief Engineer (BPS-20)		1	733,000	733,000
00111	Superintending Engineer (BPS-19)		1	692,000	692,000
00112	Design Engineer (Buildings/Roads) (BPS-18)		1	579,000	579,000
00113	Design Engineer (Technical) (BPS-18)		1	600,000	600,000
00114	Executive Engineer (Electrical/Mechanical) (BPS-18)		1	600,000	600,000
00115	Assistant Engineer (Buildings/Roads) (BPS-17)		2	626,000	626,000
00116	Chief Draftsman (BPS-17)		1	360,000	360,000
00117	Superintendent (BPS-17)		4	1,531,000	1,531,000
00118	Sub-Divisional Officer (Electrical/Mechanical) (BPS-17)		2	644,000	644,000
00119	Administrative Officer (BPS-16)		1	408,000	408,000
00120	Assistant (BPS-16)		8	1,723,000	1,723,000
00121	Budget & Accounts Officer (BPS-16)		1	408,000	408,000
00122	Senior Scale Stenographer (BPS-16)		2	621,000	621,000
	Personal pay			239,000	239,000
0012	TOTAL PAY OF OTHER STAFF		49	<u>5,628,000</u>	<u>5,628,000</u>
	Total Basic Pay Other Staff		49	<u>5,597,000</u>	<u>5,597,000</u>
00123	Junior Scale Stenographer (BPS-14)		2	319,000	319,000
00124	Head Draftsman (BPS-13)		2	552,000	552,000

Budget Officer  
Govt. of Khyber Pakhtunkhwa  
Finance Department

*AE*



"F" / 22

**CHIEF ENGINEER (NORTH)**  
**COMMUNICATION & WORKS DEPARTMENT**  
**GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**  
Block-C 3<sup>rd</sup> Floor, Attached Department Complex Khyber Road Peshawar  
PH: 091-9210456 FAX 091-9210478 E-mail: [cnwnorth@yahoo.com](mailto:cnwnorth@yahoo.com)

No. 1257/1E

Dated: 08/10/2015

To

The Chief Secretary Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Through: **PROPER CHANNEL**

Subject: **APPEAL AGAINST PROMOTION ON ACTING CHARGE TO BPS-20**

- 1- That I was posted as Chief Engineer (North) C&W Department Peshawar in the own pay and scale of BPS-19, vide Chief Secretary Govt. of Khyber Pakhtunkhwa Notification No.SO (E-I)E&AD/9-232/2015 dated 8<sup>th</sup> June, 2015, and have taken over the charge of the post on acting charge basis against BPS-20 (**Annexure-A**).
- 2- That I was promoted as Chief Engineer by the Provincial Selection Board (PSB) in its meeting held on 24<sup>th</sup> August, 2015 on acting charge basis from BPS-19 to BPS-20 vide Notification No.SO(E-I)E&AD/9-232/2015 dated 23-9-2015 (**Annexure-B**).
- 3- That there are (05) five Nos sanctioned post of Grade-20 in Communication & Works Department as per detail below Copy of the Budget Book (**Annexure-C**).
  - i. Chief Engineer (Centre) C&W Department.
  - ii. Chief Engineer (North) C&W Department.
  - iii. Chief Engineer (CDO) C&W Department.
  - iv. Chief Engineer (FATA) W&S Department.
  - v. Chief Engineer (East) C&W Department.
- 4- Following Officers are working against these post in BPS-20.

S#	Name of Officers	BPS	Present Posting
1	Engr. Zahid Arif	20	Secretary to Govt. of Khyber Pakhtunkhwa Housing Department (Ex-cadre)
2	Engr. Asif Khan	20	Secretary to Govt. of Khyber Pakhtunkhwa C&W Department
3	Engr. Muhammad Ijaz Yousafzai	20	Managing Director (PKHA) (Ex-cadre)
4	Engr. Fazle Kabir Khan	20	Chief Engineer (Centre) C&W Department Peshawar
5	Chief Engineer (East) C&W Department	20	Vacant

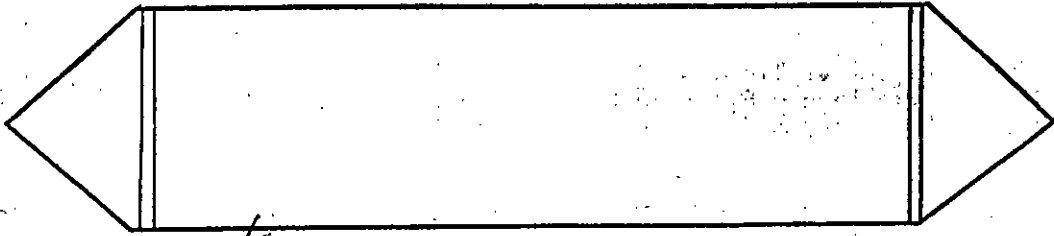
- 5- That the post of Chief Engineer (EQQA) now re-designated as Chief Engineer (East) is a sanctioned post alongwith other allied staff according to Budget Book 2015-16 (**Annexure-D**) and is looking after 02-No C&W Circle in Hazara and Six No. C&W Divisions and the post is vacant since the retirement of Engr. Rashidullah Marwat on 19<sup>th</sup> March, 2015.
- 6- It is pertinent to mention here that Mr. Rashidullah Marwat, the then Chief Engineer EQQA (East) was promoted against this post and retired from the same after attaining the age of superannuation on 19<sup>th</sup> March, 2015.
- 7- In view of the above my notification referred above may please be revised and I may be promoted on regular basis against the post of Chief Engineer (East).

Thanking You Sir

(Engr. Syed Daud Jan)  
BPS-20 (A/C) C&W Department  
Chief Engineer (North)

ATC  
①  
2015  
8/10/15

# بعدالت جینڈی صہ سرو اس فرمونی صہ



مکاتہ 2 مخانب

سید اوجا بنام گوتمہ صہ

موزخہ  
مقدمہ  
دعوی  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ایاز خلیل  
آن مقام صہ صہ کیلئے سید اوجا بنام گوتمہ صہ ایاز خلیل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعوی اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
نہ کوڑ کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سہدر ہے۔

المرقوم 29 ماہ 2016

بمقام گواہ العباد

کے لئے منظور ہے۔

4

Signature

Attorney at Law  
Syed Anwar Ali  
Advocate  
0300-5952779

Signature

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR  
SERVICE APPEAL NO. 129 OF 2016

Engr. Syed Daud Jan,  
Chief Engineer (North)  
C&W Department Peshawar

Appellant

**VERSUS**

- |    |  |     |             |
|----|--|-----|-------------|
| 1. | Chief Secretary Govt of<br>Khyber Pakhtunkhwa, Peshawar.                       | --- | Respondents |
| 2. | Secretary to Govt of Khyber Pakhtunkhwa<br>C&W Department, Peshawar.           |     |             |
| 3. | Secretary to Govt of Khyber Pakhtunkhwa<br>Establishment Department, Peshawar. |     |             |
| 4. | Provincial Selection Board (PSB)<br>Through Secretary Establishment Department |     |             |

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1-4**

Respectively Shewweth

**Preliminary Objections**

1. That the appeal is not maintainable
2. That the appeal is liable to be rejected on ground of non-joinder and mis-joinder of necessary parties.
3. That the appellant has never challenged in time any order in which his rights were ignored.
4. That the appeal is premature.
5. That the appellant has no cause of action and locus standi.

**FACTS**

1. Needs no reply.
2. Incorrect. As per record, the appellant has never challenged the seniority of Engr. Muhammad Asaf nor his promotion order which was issued after approval of Competent Authority (Chief Minister) in any court of law.
3. Incorrect. As per sanctioned strength of Chief Engineers (BS-20), there are 04 Nos regular posts of Chief Engineer (BS-20) instead of 05 Nos regular posts as claimed by the appellant. Moreover, this stance is further clarified that Finance Department is a Competent Authority to define the post as regular or temporary. It is pertinent to mention that the post of Chief Engineer (EQAA) was created for the rehabilitation of earthquake effected areas of Hazara Division in 2006. However, in this regard the Department later on, felt that the post of Chief Engineer (EQAA) is required to be re-designated, hence a summary was moved to Competent Authority (CM) with the proposal to re-designate the post of Chief Engineer (EQQA) as Chief Engineer (East) Abbottabad through Finance Department. The Finance Department was agreed with the re-designation of the post with the condition that the post of Chief Engineer (East) Abbottabad may not be considered as a regular post (Annex-I).

4. Incorrect. The case has explained in detail in para-3. However it is clarified that Finance Department has clearly mentioned that the post of Chief Engineer (East) Abbottabad may not be considered as regular post of BS-20.
5. Incorrect. As explained in para-3 above.
6. Incorrect. In the working paper the position of seniority of the officers, including the appellant was highlighted for consideration of the PSB as per their requirement and accordingly the appointment against the post of Chief Engineer (BS-20) on acting charge basis in respect of the appellant were recommended by the PSB. In compliance, the Department obtained approval of Competent Authority and issued notification by the concerned department. The appellant has accordingly accepted his promotion to the rank of BS-20 on acting charge basis (**charge assumption at Annex-II**) and the officer is still working on the referred position.
7. Correct to the extent, that the promotion of Engr. Muhammad Asaf to the rank of BS-20 has since been issued by the concerned Department, however the service appeal of Engr. Saif-ur-Rehman is still sub-judice in the Service Tribunal.
8. Incorrect. As explained in para-3 above.
9. Correct to the extent, as the appellant was promoted as Chief Engineer (BS-20) on acting charge basis and assumed the charge as mentioned by him, however for confirmation as regular Chief Engineer (BS-20), the issue has to place before Provincial Selection Board (PSB) for consideration. However the seniority is disputed due to litigation therefore, the case is pending in the Department.
10. Incorrect. As explained in para-3 above, that the Finance Department has clearly directed the Department on a summary that the post of Chief Engineer (East) Abbottabad may not be considered as a regular post. Therefore, how the PSB forum would consider the post of Chief Engineer (East) Abbottabad as regular post on the basis of only appearance in the Budget Book.
11. No comments

### GROUNDS

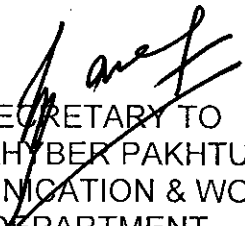
- A. Incorrect. No discrimination to appellant, was done nor any rules of principle of law infringed. The apprehension of the appellant is mis-happed.
- B. Incorrect. The Department placed working paper before PSB for consideration, whereby it has clearly mentioned that only one post of regular and two Nos posts of BS-20 on ex-cadre posts are lying vacant, which would be filled amongst the senior most of Superintending Engineer (BS-19). In the instant working paper, Engr. Fazli Kabir was senior most SE (BS-19) in the panel due to which the PSB forum recommended him for promotion to rank of Chief Engineer (Bs-20) on regular basis, while the PSB has also favoured with the appellant and recommended him against the post of Chief Engineer (Bs-20) on acting charge basis, being junior to Engr. Fazli Kabir.


C. Incorrect. There is no mala-fide intention of the respondents, no discrimination and no violation of rights of the appellant has been made. The promotion was strictly in accordance with law/regulations and existing service rules of the Department.

D. Incorrect, no constitutional right of the appellant has been violated.

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

**RESPONDENTS**

  
SECRETARY TO  
GOVT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS  
DEPARTMENT  
**(Respondents No. 1 & 2)**

  
SECRETARY TO  
GOVT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
**(Respondents No. 3 & 4)**

Annex-I



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

**SUMMARY FOR CHIEF MINISTER**

Subject: Change of Nomenclature of Chief Engineer (EQAA) Abbottabad as Chief Engineer (East) Abbottabad

A letter has been received from Advisor to the Chief Minister for C&W Khyber Pakhtunkhwa (**Annex-I**), mentioning therein that the office of Chief Engineer (EQAA) Abbottabad was established under the patronage of Earthquake Restoration & Rehabilitation Authority Islamabad with the view to rehabilitate the earthquake affected Northern areas of Khyber Pakhtunkhwa. The post of Chief Engineer (EQAA) is currently a regular post of C&W Department which is reflected in the Budget Book (**Annex-II**). Therefore, the Department may consider the change of its nomenclature as Chief Engineer (East) Abbottabad.

2. Chief Engineer (EQAA) Abbottabad besides the development activities of PERRA is also carrying out supervision of the developmental activities of C&W Department in Hazara Division. Presently Chief Engineer (EQAA) Abbottabad is looking after major infrastructure of the roads and buildings sectors. The C&W Department is of view that the existing nomenclature is not in commensurate with its functions and job description particularly of the C&W Department.

3. In view of above, C&W Department proposes that the existing nomenclature of the post of Chief Engineer (EQAA) may be re-named as Chief Engineer (East) Abbottabad, in order to bring it in consonance with its functions and job description with the proposed nomenclature.

4. Proposal contained in para-3/N is submitted for perusal and approval of Chief Minister please.

~~ADVISOR TO CM FOR C&W~~

~~SECRETARY FINANCE~~

SECRETARY  
C&W  
6.2.15

9.2.15  
Advisor to Chief Minister for  
Communication & Works,  
Khyber Pakhtunkhwa

Next Page

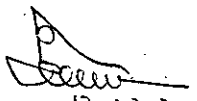


Subject: CHANGE OF NOMENCLATURE OF CHIEF ENGINEER (EQAA) ABBOTTABAD AS CHIEF ENGINEER (EAST) ABBOTTABAD

05. Finance Department endorses the proposal of Administrative Department contained in para-3 of the summary, subject to the condition that the proposed change in the nomenclature of the post will not be construed as conversion of the post to regular category.

Minister for Finance

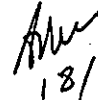
06.

  
13.02.2015  
Syed Said Badshah Bukhari  
Finance Secretary

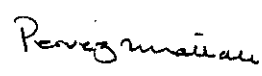
  
16/2/2015  
MUZAFFAR SAID  
Advocate  
Minister Finance  
Govt. of Khyber Pakhtunkhwa

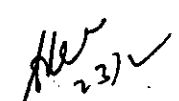
Chief Secretary

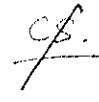
Chief Minister

  
18/2/2015  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

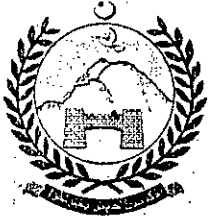
Para 3 read with Para 5 is approved.

  
20.2.15  
CHIEF MINISTER  
KHYBER PAKHTUNKHWA

  
23/2/15  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

  
Secretary C&W

Annex-II



**CHIEF ENGINEER (NORTH)**  
**COMMUNICATION & WORKS DEPARTMENT**  
**GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

**CHARGE ASSUMPTION REPORT**

16935  
28/09/2015

AS/BSA

29/9  
28/9

In pursuance of Chief Secretary Govt. of Khyber Pakhtunkhwa Notification No.SO(E-I)E&AD/9-232/2015 dated 23<sup>rd</sup> September 2015, I Engr. Syed Daud Jan (BPS-20 A/C) assume the charge of the post of Chief Engineer (North) Communication & Works Department Peshawar today on the (Afternoon) of 23<sup>rd</sup> September, 2015.

SO(E)

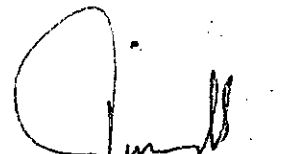
(Engr. Syed Daud Jan)  
Chief Engineer (BPS-20)

Endst No: 1106/1-E

Dated: 23<sup>rd</sup> September, 2015

Copy forwarded to the:-

- 1- Principal Secretary, to Governor, Khyber Pakhtunkhwa.
- 2- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3- Secretary, to Govt. of Khyber Pakhtunkhwa C&W Department.
- 4- Commissioner, Peshawar Division, Abbottabad.
- 5- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 6- Deputy Commissioner Abbottabad.
- 7- Chief Engineer (Centre) C&W Department Peshawar.
- 8- Chief Engineer (CDO) C&W Department Peshawar.
- 9- Chief Engineer (EAST), C&W Abbottabad.
- 10- Chief Engineer PMIU Abbottabad.
- 11- Chief Engineer (FATA) W&S Department Peshawar.
- 12- Managing Director, PKHA Peshawar.
- 13- PS to Deputy Chairman ERRA Islamabad.
- 14- PS to Chief Secretary, Khyber Pakhtunkhwa / SO(Secret)DS(Admn)/ PA to Director (Protocol) E&AD/ACO Cypher E&AD.
- 15- PS to Secretary Establishment E&A Department.
- 16- Controller, Govt: Printing Press Peshawar.
- 17- Cashier local.

  
Chief-Engineer

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR  
SERVICE APPEAL NO. 129 OF 2016

Engr. Syed Daud Jan,  
Chief Engineer (North)  
C&W Department Peshawar

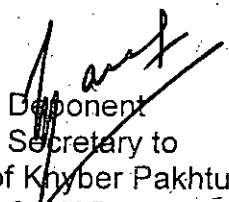
Appellant

**VERSUS**

- |    |  |     |             |
|----|--|-----|-------------|
| 1. | Chief Secretary Govt of<br>Khyber Pakhtunkhwa, Peshawar.                       | --- | Respondents |
| 2. | Secretary to Govt of Khyber Pakhtunkhwa<br>C&W Department, Peshawar.           |     |             |
| 3. | Secretary to Govt of Khyber Pakhtunkhwa<br>Establishment Department, Peshawar. |     |             |
| 4. | Provincial Selection Board (PSB)<br>Through Secretary Establishment Department |     |             |

**COUNTER AFFIDAVIT**

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

  
Deponent  
Secretary to  
Govt of Khyber Pakhtunkhwa  
C&W Department

2006 P L C (C.S.) 1267

[Sindh Service Tribunal]

Before Justice (Retd.) Abdul Ghani Shaikh, Chairman, Moula Bux Khatian Member-I and Ashique Hussain Memon-Member-II

Dr. MUHAMMAD HASSAN MEMON

Versus

PROVINCE OF SINDH through the Secretary, Health Department, Government of Sindh Karachi and 4 others

Appeal No. 159 of 1997, decided on 26th June, 2006.

**Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974---**

---R. 8-A(2)---Sindh Service Tribunals Act (XV of 1973), S.4---Regularization of promotion and seniority---Claim for---Appeal to Service Tribunal---Appellant, who was appointed on acting charge basis, despite being senior to respondents was ignored while respondents who were juniors were promoted on regular basis---Only basis for deferment of appellant's case was his low qualification due to non-availability of his A.C.Rs. of seven years, which, for the first time, were sent to the Principal of Medical College concerned for countersignature by Health Department---Ground of non-consideration for want of A.C.R.s, could not be allowed to be made a sole foundation to deprive appellant from being considered to be promoted on regular basis, because duty to fill up the A.C.R.s, lay with the superior officers---Respondents, who were juniors to appellant could not have been considered for regular promotion, so long as appellant held the acting charge appointment as per R.8-A(2) of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974---Departmental Selection Board, in utter violation of mandatory provision of law promoted three of appellant's juniors to the post of Professor (B-20) on regular basis, without any justifiable reason and showing any urgency, depriving appellant from being promoted to B-20 on regular basis despite appellant had completed 12 years minimum length of service for the purpose of promotion to B-20 as per S&GAD's Notification---Appellant was entitled to promotion on regular basis to the post of B-20 and he would be entitled to financial benefits of the same for relevant period as appellant had continuously performed function of Professor B-20 on acting charge basis during said period.

Sarwar Ali Khan v. Chief Secretary, Sindh and another PLD 1994 SC 233; 1987 PLC (C.S.) 168; 2003 PLC (C.S.) 212; 2005 PLC (C.S.) 1400; 2005 PLC (C.S.) 1068; Muhammad Anwar v. General Manager Pakistan Railways Lahore and others 1995 SCMR 950; Muhammad Boota's case 1999 SCMR 2652 = 1999 PLC (C.S.) 1. and Sardar Aftab Ahmed Khan's case 1999 PLC (C.S.) 40 ref.

M.M. Aqil Awan for Appellant.

Mrs. Tabasum Ghazanfar, A.-A.G. for Respondents Nos.1 & 2.

Manzoor Ali Khan for Respondent No.3.

Sanallah Noor Ghori for Respondent No.4.

Abdul Saltar Mughal and Kamalluddin, for Respondents Nos.5 & 6 are called absent.

Date of hearing: 7th June, 2006.

## JUDGMENT

**JUSTICE (RETD.) ABDUL GHANI SHAIKH (CHAIRMAN).**--Through the instant appeal, appellant has claimed regularization of his promotion to the post of Professor (Paediatrics) w.e.f. 2-3-1991 and seniority over and above the private respondents Nos.3 to 5.

2. Succinctly, the facts of the appeal are that, in 1969 appellant obtained degree of M.B.B.S. and joined Liaquat Medical College, Jamshoro as Registrar and most of his period spent in the Department of paediatrics. In 1972 he proceeded to United Kingdom for higher education and obtained degree of M.R.C.P. equivalent of F.C.P.S. in Pakistan. On return he was taken up as Senior Registrar (B-18) in the same College w.e.f. 21-8-1980 equivalent to the post of Assistant Professor (B-18). After being declared successful by the Sindh Public Service Commission, appellant was appointed as Assistant Professor in Medical Colleges, Health Services Sindh on 21-3-1982. He was promoted to the post of Associate Professor on 17-3-1985. In 1991 appellant's case for promotion was considered and he was promoted to the post of Professor (B-20) vide Notification dated 2-3-1991 but on acting charge basis instead of on regular basis. He protested and continuously approached the Authorities concerned for removing of stigma of "on acting charge basis" and for his promotion on regular basis. Lastly, he submitted such representation on 14-11-1996, which remained pending for considerable period. He then filed C.P. No.D-119/1997 before the Honourable High Court for issuance of direction to official respondents to dispose of his pending departmental representation. However, during its pendency appellant received a copy of letter dated 1-4-1997 of Secretary, Health Department, (endorsed to him by Principal. L.M.C. Jamshoro as per endorsement dated 10-10-1996) informing appellant that his request for regularization has been considered and rejected by the competent authority. Appellant has now filed the instant appeal before this Tribunal on 10-11-1997, praying that his promotion to B-20 may be reckoned on regular basis w.e.f. 2-3-1991 and he be declared senior in the cadre of Professors in the Sindh Health Medical Collegiate Service.

3. In their respective written statement, official as well as private respondents controverted the claim of appellant. It is the case of respondents that appellant was rightly, promoted "on acting charge basis" as by that time he had not completed 12 years of service which is a pre-requisite condition for promotion on regular basis to B-20. His case was then considered in Provincial Selection Board-I on 13-3-1995 but was deferred due to low quantification in over-all grading as according to promotion policy, the over all quantification must be 70% or above but appellant's quantification was much less than the required one. In the said meeting of P.S.B-I held on 13-3-1995 private respondent No.3 (Dr. D.S. Akram) was considered and promoted to B-20. Such Notification was issued on 7-5-1995. Once again appellant's case for promotion to B-20 was considered by the P.S.B-I on 29-8-1996 but appellant was deferred. However, private respondent Nos.4 and 5 were considered and cleared for promotion to B-20 on regular basis and such Notification was issued on 16-10-1996. It has further been stated that since appellant was earlier deferred twice and meanwhile private respondents were promoted to B-20 on regular basis, therefore, in the seniority list of Professors (B-20) the private respondents in view of section 8(4) of the Sindh Civil Servants Act, 1973 read with Rule 10 of the

Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975, were rightly shown seniors to the appellant and no irregularity and illegality has been committed by the department. It has also been contended that the appeal is time-barred.

4. In support of appeal, learned counsel for the appellant in his oral as well as in written arguments contended that as a matter of fact appellant was already cleared by the Provincial Selection Board-I for promotion to the post of B-20 on regular basis in the year, 1990 but in the Notification dated 2-3-1991 appellant was shown promoted to B-20 on acting charge basis instead of on regular basis, presumably for the reason that he had not completed 12 years service. While referring unreported judgment in Appeal No.28/1992 decided by the learned N.-W.F.P. Service Tribunal, Peshawar (Professor Dr. 'Fait Muhammad v. N.-W.F.P. through Chief Secretary, N.-W.F.P. and others) decided on 25-10-1992, learned counsel contended that as per Regulation framed by the Pakistan Medical and Dental Council duly approved on 15-1-1984, the minimum qualification and experience required for promotion to the post of Professor (B-20) is 3 years teaching experience as an Associate Professor in the respective specialty provided that total experience as Assistant Professor and Associate Professor is not less than 8 years and that admittedly appellant at the time of issuance of Notification dated 2-3-1991 fulfilled the requisite experience of 8 years in teaching as an Assistant and Associate-Professor. He also stated that since Regulations of Pakistan Medical and Dental Council 1984 are special law the same have preference over the General law viz. the Notification dated 27-2-1984 issued by the Government of Sindh, S&GAD (Regulation Wing), whereby the minimum length of service for promotion to B-20 is 12 years. Learned counsel further submitted that appellant's case was twice placed before the P.S.B-I i.e. firstly in the year, 1995 when he was deferred due to low quantification and secondly in the year, 1996 when he was deferred for the same reasons for want of A.C.Rs, but factually and legally appellant cannot be penalized for non-completion of A.C.Rs which in fact were sent for the first time for countersignature to the Principal. L.M.C., Jamshoro in the years 1998 vide Health Department's memo. dated 10-9-1998 and that after countersignature and completion of A.C.Rs. appellant's quantification in every year exceeds 70%. In the last, learned counsel stated that in any case even as per General law/Rules notified vide Notification dated 27-2-1984, appellant completed 12 years service on 21-3-1994, therefore, in the given circumstances he is entitled to pro forma promotion to the post of Professor (B-20) on regular basis w.e.f. 21-3-1994. On the point of limitation, learned counsel argued that appellant was not expecting that his promotion on acting charge basis would remain in field for such a long period, therefore, in view of case of Sarwar Ali Khan v. Chief Secretary, Sindh and another, PLD 1994 SC 233, the appeal cannot be treated or thrown out as time-barred.

5. In rebuttal, learned counsel for the private respondents have challenged the very maintainability of the appeal on the ground that the impugned order dated 10-10-1997 is an original order against which no departmental appeal which is a condition precedent for invoking the jurisdiction of this Tribunal has been filed. Besides, the appeal is time-barred, as appellant has neither challenged the Notification dated - 2-3-1991 whereby he was promoted to B-20 on acting charge basis so also his subsequent deferment in the year 1995 and 1996. On merits, they have argued that since the appellant has not completed the minimum length of service of 12 years in 1991, therefore, he was promoted to B-20 on acting charge basis, and his name was rightly not included in the seniority list of Professors (B-20). They have further contended that appellant was twice deferred and superseded and thus lost his seniority so far present private respondents are concerned. Lastly, they have stated that appellant on attaining the age of superannuation has already been retired from service w.e.f. 13-1-2006. therefore, the question of seniority is no more alive and appeal being infructuous may be dismissed. They placed reliance on 1987-PLC (C.S.)-168, 2003 PLC (C.S.) 212, 2005 PLC (C.S.) 1400 and 2005 PLC (C.S.) 1068.

6. Learned Assistant A.G. appearing for official respondents also argued that matter at length and adopted the arguments advanced by learned counsel for private respondents and prayed for dismissal of appeal.

7. We have considered the above submissions, perused the case papers with the able assistance of learned counsel for the parties and also have gone through the case-law referred to by them.

8. Before dealing with the merits of the appeal, we like to deal with legal objections with regard to maintainability of appeal and limitation raised on behalf of respondents. Contention that letter dated 1-4-1997 (communicated to appellant through endorsement dated 10-10-1997) is an original order against which no departmental appeal had been filed, as such, the appeal is not maintainable in terms of section 4 of the Sindh Service Tribunals Act, 1973, has no force. As it appears from the perusal of record, appellant was promoted to B-20 on acting charge basis vide Notification dated 2-3-1991. He protested against the stigma of 'on acting charge basis' but with no response. Again vide Notification dated 7-5-1995 private respondent No.3 was promoted on regular basis and finally private respondent Nos.4 and 5 were promoted on regular basis vide Notification dated 16-10-1996. Feeling aggrieved, appellant challenged the said Notification being an original impugned order by way of his representation/departmental appeal dated 14-11-1996 which was rejected as per letter dated 1-4-1997, which being an appellate order, appellant has filed the instant appeal, which is proper and maintainable within the meaning of section 4 of the Sindh Service Tribunals Act, 1973. Next contention that appeal is time-barred, has also no force. Appellant was continuously approaching the Authorities concerned for promotion on regular basis. Lastly, he filed departmental representation on 14-11-1996 which was rejected as per letter dated 1-4-1997 on merits and not as being time-barred. In a case of Muhammad Anwar v. General Manager Pakistan Railways Lahore and others, 1995 SCMR 950, it has been held that appellant's departmental appeal was not dismissed on the ground of limitation but it was dismissed on merits, the delay, if any, in making representation, thus in the circumstances deemed to have been condoned. Similar was the view taken in Muhammad Boota's case reported in 1999 SCMR 2652 = 1999 PLC (C.S.) 1. and Sardar Aftab Ahmed's case reported in 1999 PLC (C.S.) 40. In this case, appellant's departmental representation was not rejected as being time-barred but on merits, therefore, this appeal filed within 30 days of communication of letter dated 1-4-1997 is well within time.

9. On merits, the case of appellant is that he was appointed on regular basis as Assistant Professor on 21-3-1982 and was promoted as Associate Professor on 17-3-1985. He was promoted to the post of Professor 'on acting charge basis' on 2-3-1991 instead of on regular basis for the reason that by that time he had not completed 12 years minimum length of service on 20-3-1994. Thereafter the meeting of Provincial Selection Board-I was held on 13-3-1995 but this time appellant was deferred on account of low quantification due to non-availability of A.C.Rs. of few years. Once again meeting of the P.S.B-I was held on 29-8-1996 and this time too the appellant was deferred for the same reason. He was ultimately, however, cleared for promotion to B-20 on regular basis in a meeting of P.S.B-I held on 25-3-1999. Admittedly, appellant was senior to the private respondents but he was ignored while his juniors were promoted on regular basis. The only basis for deferment of appellant's case was low quantification due to non-availability of A.C.Rs. for seven years i.e. 1987, 1988, 1990, 1992, 1993, 1994 and 1995, which for the first time were sent to the Principal, Liaquat Medical College, Jamshoro for countersignature by the Health Department, Government of Sindh through letter dated 10-9-1998. In our considered view, this ground of non-consideration for want of A.C.Rs. could not be allowed to be made a sole foundation to deprive the appellant from being considered to be promoted on regular basis, because the duty to fill up the A.C.Rs. lies with the superior officers. The remissness

of superior cannot be made a ground to deprive appellant. Before preparation of list of candidates to be considered for promotion, there was sufficient period with the Authorities concerned to get it completed/countersigned by the countersigning officer. As it appears, this was deliberately done just to deprive the appellant from promotion to B-20 on regular basis. It may be stated that appellant was promoted to B-20 'on acting charge basis' vide Notification dated 2-3-1991 for the reason that by that time he had not completed 12 years minimum qualifying service for promotion to B-20 on regular basis. In that eventuality, the private respondents who were juniors to appellant could not have been considered for regular promotion, so long as appellant hold the acting charge appointment. as per Rule 8-A(2) of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, which reads as under;

"8-A(1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) xxxxxxxxxxxxxxxxxxxxxxxxx.

However, the Departmental Selection Board-I in utter violation of the mandatory provision of law promoted three of appellant's juniors to the post of Professor (B-20) on regular basis, without any justifiable reason and showing any urgency, thus deprived the appellant from being promoted to B-20 on regular basis. Although appellant completed 12 years' minimum length of service on 21-3-1994 for the purpose of promotion to B-20 as per S&GAD's Notification dated 27-2-1984, yet the meeting of Provincial Selection Board-I was convened on 13-3-1995 in which private respondent No.3 Dr. D.S. Akram was considered and promoted to B-20 while appellant was deferred due to low quantification in over all grading on account of non-availability of A.C.Rs. for seven years which were sent for countersignature for the first time to the Principal, L.M.C., Jamshoro vide letter dated 10-9-1998 and for such inordinate delay on the part of Government functionaries appellant cannot be penalized. Had the same been completed in time, he could have definitely been cleared for promotion on regular basis in Selection Board's meeting held on 13-3-1995. He was finally cleared for promotion in a P.S.B. meeting dated 25-3-1999 which amounted to a promotion 'delayed through no fault of the appellant by three years. Such being the case appellant is entitled for promotion on regular basis w.e.f. 7-5-1995 when the promotion of respondent No.3 was notified.

10. Contention that since appellant has already been retired from service on attaining the age of superannuation w.e.f. 13-1-2006, therefore, the question of his seniority is no more alive, has no force, so far the facts and circumstances of the instant case are concerned. As observed above, appellant is entitled for promotion on regular basis to the post of B-20 w.e.f. 7-5-1995, therefore, he would be entitled to the financial benefits of the same for the period from 7-5-1995 till March, 1999, as appellant had continuously performed the functions of Professor (B-20) from March, 1991 on acting Charge.

11. In the light of what has been discussed above, the appellant shall be deemed to have been promoted on regular basis w.e.f. 7-5-1995 and he would be entitled to all the financial benefits w.e.f.



7-5-1995 onwards. The appeal in the above terms stands allowed, leaving the parties to bear their own costs.

12. Announced in open Court.

H.B.T./13/KST

Appeal allowed.

1997 S.C. MR 1730

## [Supreme Court of Pakistan]

Present: Saiduzzaman Siddiqui, Irshad Hasan Khan  
and Mukhtar Ahmad Junejo, JJPAKISTAN RAILWAYS through G.M.,  
Lahore and another---Appellants

versus

ZAFARULLAH, ASSISTANT ELECTRICAL  
ENGINEER and others---RespondentsCivil Appeals Nos. 179 to 190 of 1995, 923 of 1994, decided on 29th May  
1997.

(On appeal from the judgment of Federal Service Tribunal, dated  
28-6-1993 in Appeals Nos. 57, 58, 59 and 60-L of 1993, dated 8-7-1993 in  
Appeals Nos. 171, 172, 173, 174 and 175-L of 1993, dated 29-9-1993 in  
Appeals Nos. 282-L/93, 286-L/93, dated 30-9-1993 in Appeal No. 284-L/93  
and 7-8-1993 in Appeal No. 76-K/93).

## (a) Constitution of Pakistan (1973)---

---Art. 212(3)---Move-over---Civil servant working on acting charge basis---  
Leave to appeal was granted to consider the contention as to whether a civil  
servant who was working on acting charge basis against a post was entitled to  
move-over in the next higher grade. [p. 1732] A

## (b) Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

---R. 8-B---O.M.F. 1(82)R-3/85, dated 1-1-1986---ESTACODE, pp. 657 to  
659---Move-over---Essential condition---Guidelines for considering cases of  
move-over of employees---Appointment of civil servant on acting charge  
basis/current charge basis---Entitlement to move-over to next grade---  
Appointment by way of acting charge or on current charge basis being not of  
permanent nature but only stop-gap arrangement, same would not confer any  
vested right for regular promotion to that post and such appointment would not  
amount to a regular appointment against the post or cadre, or confer any right to  
claim seniority or move-over---One of the essential conditions for grant of  
move-over is that the persons concerned must be a regular member of the  
service, cadre or post concerned.

The appointments on current charge basis are of a purely temporary  
nature or a stop-gap arrangement which are to remain operative for a very short  
duration until a regular appointment is made against the post. In fact

the instructions no sooner an appointment is made on current charge  
basis, a proposal for regular appointment according to rule is to be  
submitted. [p. 1737] B

Sub-rules (6) and (7) of rule 8-B of the Civil Servants (Appointment,  
Promotion and Transfer) Rules, 1973 are relevant and clearly provide that  
appointment on acting charge basis shall not amount to appointment by  
promotion on regular basis for any purpose including seniority. It further  
provides that the appointment on acting charge basis does not confer any vested  
right for regular promotion to the post held on acting charge basis. From reading  
the instructions which appear at page 206 of the ESTACODE and Rule 8-B, it  
is quite clear that the appointment by way of acting charge or on current charge-  
basis are not of permanent nature but only stop-gap arrangements and that it  
does not confer any right for regular promotion to that post and that appointment  
on acting charge or current charge basis do not amount to a regular  
appointment against the post or cadre. Appointments on acting charge or current  
charge basis also do not confer any right to claim seniority on account of that  
appointment. One of the essential conditions for grant of move-over is  
that the person concerned must be a regular member of the service, cadre or  
post concerned. [p. 1738] C

## Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

R. 8-B---Civil servants working on acting or current charge basis---Move-  
over---Allegation of discriminatory treatment by civil servants---Move-over in  
senior cases was allowed by the Department under the orders of Tribunal of  
competent jurisdiction---Mere failure on the part of department to challenge  
the orders further, which according to the department was on account of  
incompetence of its staff, could not amount to discriminatory treatment of the civil  
servants. [p. 1739] D

## Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

R. 8-B---Appointments on current or acting charge basis---Continuance of  
such appointments for a number of years is negation of the spirit of instructions  
of the Rules---Supreme Court desired that where appointments on current or  
acting charge basis are necessary in the public interest, such appointments should  
not continue indefinitely and every effort should be made to fill the post through  
regular appointments in shortest possible time. [p. 1739] E

by Mukhtar Ahmad Junejo, J., Contra.---[p. 1739] F

Ch. Fazal-i-Hussain, Advocate Supreme Court for Appellants (in all  
the above Cases).

Farooq Zaman Qureshi, Advocate Supreme Court for Respondents (in  
Appeals Nos. 179 to 182/95).

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

...vs...

**Govt. of KPK & others**

**INDEX**

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Petitioner

Through:

  
Syed Arshad Ali

Advocate Supreme Court of Pakistan

Office no. 2&4, first floor, Cantonment Plaza,  
Fakhr-e-Alam Road, Peshawar Cantt, Peshawar  
0300-595277

25/7/16

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

**...VS...**

**Govt. of KPK & others**

**REJOINDER FOR AND ON BEHALF OF THE APPELLANT TO THE JOINT  
PARAWISE COMMENTS FILED BY RESPONDENTS NO.1 TO 4.**

**Respectfully Sheweth:**

**On Preliminary Objections:**

1. Denied as laid. The Appeal is not only maintainable in its present form but requires positive consideration of the Hon'ble Tribunal as valuable rights of the Appellant for promotion as Chief Engineer BPS-20 has accrued.
2. False and misleading. All the necessary parties for the disposal of the Appeal are arrayed as Respondents. Furthermore, the Appellant has not called into question the promotion of any other Civil Servant and has only challenged denial of Respondents to promote the Appellant to the post of Chief Engineer on regular base.
3. Incorrect. The service appeal of the Appellant is filed within time.
4. Denied as laid. The Appeal is not premature.
5. Incorrect and misleading. The plea of the Respondents that the Appellant has no cause of action is without any force.

**ON FACTS:**

1. Needs no reply.
2. Correct to the extent that the Appellant has not challenged the promotion of Engr. Muhammad Asaf, however, the promotion order of Engr. Muhammad Asaf has been challenged by Saif ur Rehman before this Hon'ble Tribunal and the same is pending before this Hon'ble Tribunal.
3. Denied as laid. Indeed the post of Chief Engineer (EQQA) was re-designated as Chief Engineer (East), however, the notion that the said post is not a regular post is misconceived, as the same post is reflected in the Budget Book.

4. Contents false and misconceived. The post of Chief Engineer (East) like the other four Chief Engineers appears in the Budget Book and was a Regular Post prior to the change in its nomenclature, this fact is evident from the summary of the Administrative Department. Therefore, the change in the nomenclature would not change the status of the said post. Furthermore, the view of the Finance Department that the post of Chief Engineer (East) is not regular is based on misunderstanding and the said view does not reflect in the Notification No. SOE/C&WD/17-1/78 dated 26.02.2015.
- 5-6. Contents of Para 5 of the Appeal are reiterated, indeed, it was/is mentioned in working paper that one post is to be filled on permanent basis and two on acting charge basis. Since two posts of Chief Engineer were available, therefore, the department was required to mention this fact in the summary. By not doing so, the department has deprived the Appellant of his vested right to be considered for promotion on regular base.
7. Contents of the corresponding para of the parawise comments are correct to the extent that service appeal of Engr. Saif-ur-Rehman is sub-judice before this Hon'ble Tribunal.
8. The Para under reply has not been specifically denied, hence, stands admitted.
9. Contents false and incorrect. The Respondents have not denied the availability of a vacant post of Chief Engineer in their comments. The sole reason that the service appeal of Engr. Saif-ur-Rehman is pending adjudication wherein the Appellant has been frivolously arrayed as a Respondent could not be made a hurdle in the promotion of the Appellant against the regular vacant post of Chief Engineer. It would be pertinent to note that indeed it was the seniority of Muhammad Asif which was challenged before this Honourable Tribunal and despite that he was promoted on regular base. Thus it does not lie from the mouth of the Respondents to raise this objection.
10. Denied as laid. The post of Chief Engineer (East) was a regular post which is evident from the summary of the Administrative Department and the change in nomenclature of a post does not change the status of a post.
11. The Para under reply has not been specifically denied, hence, stands admitted.

**ON GROUNDS:**

- A. Denied as laid. The Appellant is entitled for promotion as Chief Engineer (BPS-20) on regular basis for the reason that a vacant post is available. The Appellant cannot be left to serve on an acting charge post for indefinite period especially when the Appellant is eligible and in presence of vacant post.
- B. Incorrect hence denied. It is hereby reiterated that appointments are made on acting charge basis only when the senior most civil servant concerned does not possess the

specified length of service, the Appellant has the requisite experience along with being otherwise eligible.

- C. Denied as laid. Not promoting the Appellant on a regular post in the presence of a vacant post is utter violation of the rights of the Appellant.
- D. Contents of the corresponding Para of the comments are absolutely incorrect. The Appellant has legitimate expectancy to have been considered for the appointment/promotion to the post of Chief Engineer (BPS-20) on regular basis.

**In view of the above,** it is very humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for.

**Appellant**

**Through**

  
**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

...VS...

**Govt. of KPK & others**

**AFFIDAVIT**

I, Syed Daud Jan, Chief Engineer (North), C&W Department, do hereby affirm and declare that the contents of the accompanied Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT

Identified by:



Syed Arshad Ali,

Advocate Supreme Court of Pakistan.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 26, 2015.

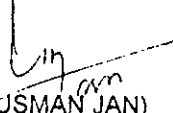
**NOTIFICATION:**

No.SOE/C&WD/17-1/78: The Competent Authority is pleased to re-name the nomenclature of the post of Chief Engineer (EQAA) as Chief Engineer (East) Abbottabad, in order to bring it in consonance with its functions and job description, with immediate effect, in the public interest.

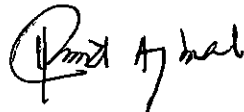
SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Copy is forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa Finance Department, Peshawar
4. Secretary Admn. Infrastructure & Coord FATA Sectt, Warsak Road, Peshawar.
5. All Chief Engineers in C&W Department
6. Chief Engineer (East) Abbottabad
7. Managing Director PKHA Peshawar
8. Project Director PMU C&W Peshawar
9. All Superintending Engineers in C&W Department
10. Superintending Engineer PBMC C&W Peshawar
11. Director (P&M) C&W Department, Peshawar
12. All District Accounts Officer Khyber Pakhtunkhwa
13. All Deputy Secretaries C&W Department, Peshawar
14. All Section Officers C&W Department, Peshawar
15. PS to Secretary, C&W Peshawar
16. PA to Additional Secretary, C&W Peshawar
17. Office order File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

Attested



Superintending Engineer (HQ)  
c/o Chief Engineer (North)  
C&W Department Peshawar.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 04, 2015

**NOTIFICATION:**

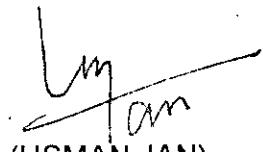
No.SOE/C&WD/1-19/81: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, ~~Engr. Rashidullah Khan Chief Engineer (BS-20)~~, presently working as Chief Engineer (East) Abbottabad, shall stand retire from Government Service with effect from 19.03.2015 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 20.03.1955.


SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department


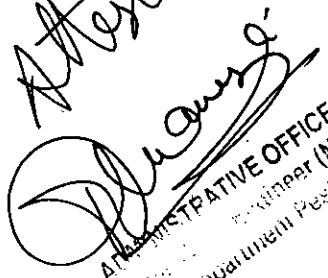
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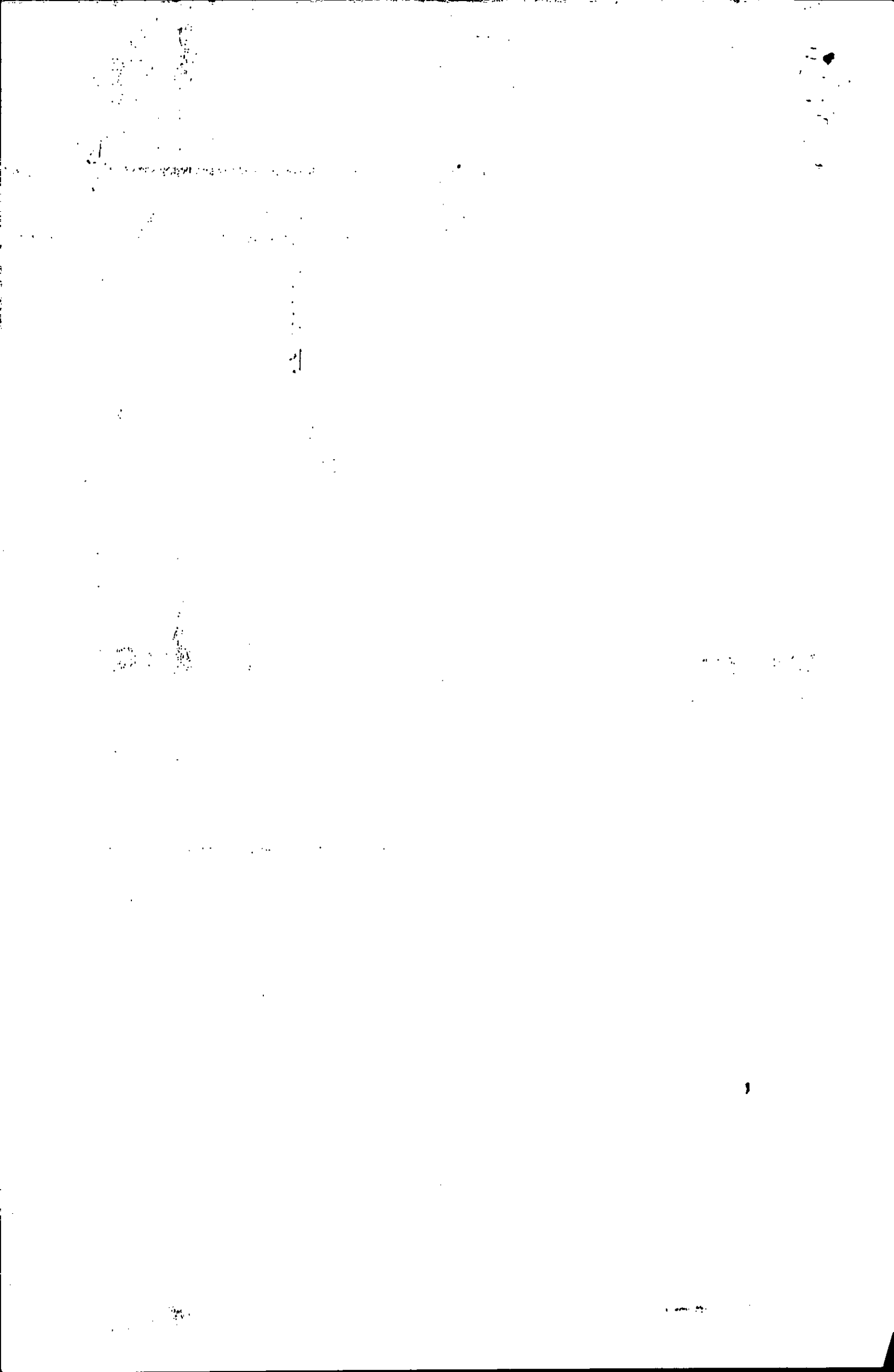
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2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Chief Engineer (East) Abbottabad
5. Engr. Rashidullah Khan Chief Engineer (East) Abbottabad
6. District Accounts Officer Abbottabad
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

  
05/03/015

  
  
ADMINISTRATIVE OFFICER  
Chief Engineer (North)  
C&W Department Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the May 17, 2016

**NOTIFICATION:**


No.SOE/C&WD/1-42/79: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, **Engr. Muhammad Ijaz Chief Engineer (BS-20)** C&W Department stand retired from Government Service with effect from 06.05.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 07.05.1956.


SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

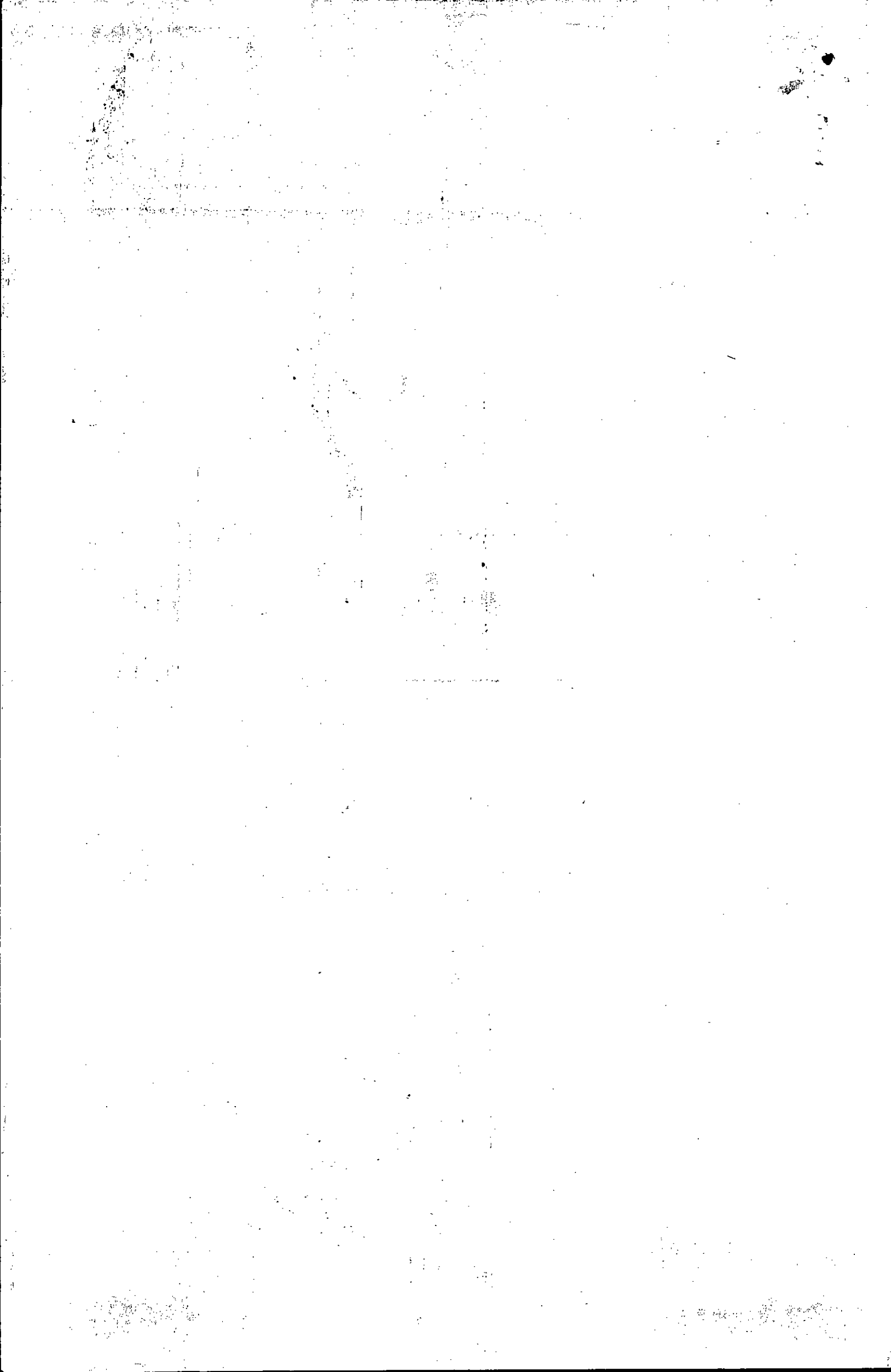
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4. Manging Director PKHA Peshawar
5. Chief Engineer (East) Abbottabad
6. Engr. Muhammad Ijaz Chief Engineer (retired) C&W Department
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

  
18.5.16  
ADMINISTRATIVE OFFICER  
CIG the Chief Engineer (North)  
C&W Department Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the October 29, 2015

**NOTIFICATION:**

No.SOE/C&WD/1-26/78: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, **Engr. Zahid Arif Chief Engineer (BS-20)** C&W Department, presently working as Secretary to Government of Khyber Pakhtunkhwa Housing Department, shall stand retire from Government Service with effect from 15.02.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 16.02.1956.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

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5. Section Officer (E-I) Establishment Department, Peshawar
6. Section Officer (Etab) Housing Department, Peshawar
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
8. Engr. Zahid Arif Secretary Housing Department, Peshawar
9. Incharge Computer Cell, C&W Department, Peshawar
10. PS to Secretary, C&W Peshawar
11. Office order File/Personal File

*Attested*  
*Muawaz*  
ADMINISTRATIVE OFFICER  
OIG the Chief Engineer (North)  
C&W Department Peshawar

*Usman Jan*  
(USMAN JAN)  
SECTION OFFICER (Estb)

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

**...vs...**

**Govt. of KPK & others**

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6.	Copy of Notification dated 29.10.2015		

**Petitioner**

**Through:**

  
**Syed Arshad Ali**

**Advocate Supreme Court of Pakistan**

Office no. 2&4, first floor, Cantonment Plaza,  
Fakhr-e-Alam Road, Peshawar Cantt, Peshawar  
0300-595277

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

**...vs...**

**Govt. of KPK & others**

**REJOINDER FOR AND ON BEHALF OF THE APPELLANT TO THE JOINT  
PARAWISE COMMENTS FILED BY RESPONDENTS NO.1 TO 4.**

**Respectfully Sheweth:**

**On Preliminary Objections:**

1. Denied as laid. The Appeal is not only maintainable in its present form but requires positive consideration of the Hon'ble Tribunal as valuable rights of the Appellant for promotion as Chief Engineer BPS-20 has accrued.
2. False and misleading. All the necessary parties for the disposal of the Appeal are arrayed as Respondents. Furthermore, the Appellant has not called into question the promotion of any other Civil Servant and has only challenged denial of Respondents to promote the Appellant to the post of Chief Engineer on regular base.
3. Incorrect. The service appeal of the Appellant is filed within time.
4. Denied as laid. The Appeal is not premature.
5. Incorrect and misleading. The plea of the Respondents that the Appellant has no cause of action is without any force.

**ON FACTS:**

1. Needs no reply.
2. Correct to the extent that the Appellant has not challenged the promotion of Engr. Muhammad Asaf, however, the promotion order of Engr. Muhammad Asaf has been challenged by Saif ur Rehman before this Hon'ble Tribunal and the same is pending before this Hon'ble Tribunal.
3. Denied as laid. Indeed the post of Chief Engineer (EQQA) was re-designated as Chief Engineer (East), however, the notion that the said post is not a regular post is misconceived, as the same post is reflected in the Budget Book.

4. Contents false and misconceived. The post of Chief Engineer (East) like the other four Chief Engineers appears in the Budget Book and was a Regular Post prior to the change in its nomenclature, this fact is evident from the summary of the Administrative Department. Therefore, the change in the nomenclature would not change the status of the said post. Furthermore, the view of the Finance Department that the post of Chief Engineer (East) is not regular is based on misunderstanding and the said view does not reflect in the Notification No. SOE/C&WD/17-1/78 dated 26.02.2015.
- 5-6. Contents of Para 5 of the Appeal are reiterated, indeed, it was/is mentioned in working paper that one post is to be filled on permanent basis and two on acting charge basis. Since two posts of Chief Engineer were available, therefore, the department was required to mention this fact in the summary. By not doing so, the department has deprived the Appellant of his vested right to be considered for promotion on regular base.
7. Contents of the corresponding para of the parawise comments are correct to the extent that service appeal of Engr. Saif-ur-Rehman is sub-judice before this Hon'ble Tribunal.
8. The Para under reply has not been specifically denied, hence, stands admitted.
9. Contents false and incorrect. The Respondents have not denied the availability of a vacant post of Chief Engineer in their comments. The sole reason that the service appeal of Engr. Saif-ur-Rehman is pending adjudication wherein the Appellant has been frivolously arrayed as a Respondent could not be made a hurdle in the promotion of the Appellant against the regular vacant post of Chief Engineer. It would be pertinent to note that indeed it was the seniority of Muhammad Asif which was challenged before this Honourable Tribunal and despite that he was promoted on regular base. Thus it does not lie from the mouth of the Respondents to raise this objection.
10. Denied as laid. The post of Chief Engineer (East) was a regular post which is evident from the summary of the Administrative Department and the change in nomenclature of a post does not change the status of a post.
11. The Para under reply has not been specifically denied, hence, stands admitted.

**ON GROUNDS:**

- A. Denied as laid. The Appellant is entitled for promotion as Chief Engineer (BPS-20) on regular basis for the reason that a vacant post is available. The Appellant cannot be left to serve on an acting charge post for indefinite period especially when the Appellant is eligible and in presence of vacant post.
- B. Incorrect hence denied. It is hereby reiterated that appointments are made on acting charge basis only when the senior most civil servant concerned does not possess the



specified length of service, the Appellant has the requisite experience along with being otherwise eligible.

- C. Denied as laid. Not promoting the Appellant on a regular post in the presence of a vacant post is utter violation of the rights of the Appellant.
- D. Contents of the corresponding Para of the comments are absolutely incorrect. The Appellant has legitimate expectancy to have been considered for the appointment/promotion to the post of Chief Engineer (BPS-20) on regular basis.

**In view of the above,** it is very humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for.

**Appellant**

**Through**

  
**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**

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

Service Appeal No. \_\_\_\_/2016

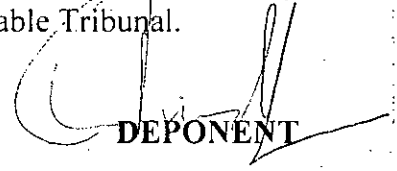
**Syed Daud Jan**

**...VS...**

**Govt. of KPK & others**

**AFFIDAVIT**

I, Syed Daud Jan, Chief Engineer (North), C&W Department, do hereby affirm and declare that the contents of the accompanied Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

**Identified by:**



**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 26, 2015

NOTIFICATION:

No. SOE/C&WD/17-1/78: The Competent Authority is pleased to re-name the nomenclature of the post of Chief Engineer (EQAA) as Chief Engineer (East) Abbottabad, in order to bring it in consonance with its functions and job description, with immediate effect, in the public interest.

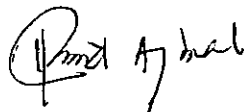
SECRETARY TO  
Government of Khyber Pakhtunkhwa  
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4. Secretary Admn. Infrastructure & Coord FATA Sectt, Warsak Road, Peshawar.
5. All Chief Engineers in C&W Department
6. Chief Engineer (East) Abbottabad
7. Managing Director PKHA Peshawar
8. Project Director PMU C&W Peshawar
9. All Superintending Engineers in C&W Department
10. Superintending Engineer PBMC C&W Peshawar
11. Director (P&M) C&W Department, Peshawar
12. All District Accounts Officer Khyber Pakhtunkhwa
13. All Deputy Secretaries C&W Department, Peshawar
14. All Section Officers C&W Department, Peshawar
15. PS to Secretary, C&W Peshawar
16. PA to Additional Secretary, C&W Peshawar
17. Office order File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

Attested



Superintending Engineer (C&W)  
c/o Chief Engineer (East)  
C&W Department, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 04, 2015

**NOTIFICATION:**

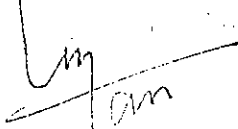
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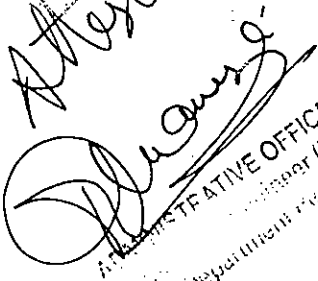
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4. Chief Engineer (East) Abbottabad
5. Engr. Rashidullah Khan Chief Engineer (East) Abbottabad
6. District Accounts Officer Abbottabad
7. Incharge Computer Cell, C&W Department, Peshawar
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(USMAN JAN)  
SECTION OFFICER (Estb)

  
05/03/015

  
  
ADMINISTRATIVE OFFICER  
Establishment Department (North)  
C&W Department Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the May 17, 2016

**NOTIFICATION:**

No.SOE/C&WD/1-42/79: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Muhammad Ijaz Chief Engineer (BS-20) C&W Department stand retired from Government Service with effect from 06.05.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 07.05.1956.

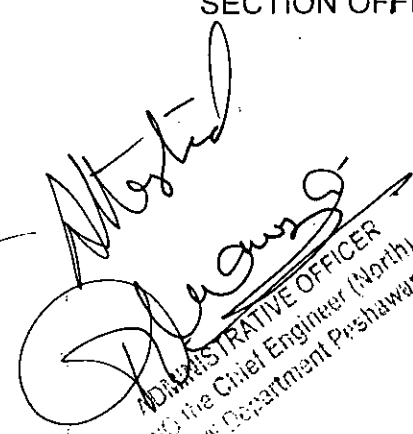
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5. Chief Engineer (East) Abbottabad
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(USMAN JAN)  
SECTION OFFICER (Estb)

  
ADMINISTRATIVE OFFICER  
CWO the Chief Engineer (North)  
C&W Department Peshawar

18-5-16



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the October 29, 2015

**NOTIFICATION:**

No.SOE/C&WD/1-26/78: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Zahid Arif Chief Engineer (BS-20) C&W Department, presently working as Secretary to Government of Khyber Pakhtukhwa Housing Department, shall stand retire from Government Service with effect from 15.02.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 16.02.1956.

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8. Engr. Zahid Arif Secretary Housing Department, Peshawar
9. Incharge Computer Cell, C&W Department, Peshawar
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*Attested*  
*Muawaz*  
ADMINISTRATIVE OFFICER  
OIC the Chief Engineer (North)  
C&W Department Peshawar

*Uman Jan*  
(USMAN JAN)  
SECTION OFFICER (Estb)

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

...vs...

**Govt. of KPK & others**

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**Petitioner**

**Through:**

  
**Syed Arshad Ali**

**Advocate Supreme Court of Pakistan**

Office no. 2&4, first floor, Cantonment Plaza,  
Fakhr-e-Alam Road, Peshawar Cantt, Peshawar  
0300-595277

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

Service Appeal No. \_\_\_\_/2016

**Syed Daud Jan**

...VS...

**Govt. of KPK & others**

**REJOINDER FOR AND ON BEHALF OF THE APPELLANT TO THE JOINT  
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**Respectfully Sheweth:**

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1. Needs no reply.
2. Correct to the extent that the Appellant has not challenged the promotion of Engr. Muhammad Asaf, however, the promotion order of Engr. Muhammad Asaf has been challenged by Saif ur Rehman before this Hon'ble Tribunal and the same is pending before this Hon'ble Tribunal.
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**In view of the above,** it is very humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for.

**Appellant**

**Through**

  
**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**

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

Service Appeal No: \_\_\_\_/2016

**Syed Daud Jan**

...VS...


**Govt. of KPK & others**

**AFFIDAVIT**

I, Syed Daud Jan, Chief Engineer (North), C&W Department, do hereby affirm and declare that the contents of the accompanied Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

**Identified by:**

  
**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 26, 2015

NOTIFICATION:

No.SOE/C&WD/17-1/78: The Competent Authority is pleased to re-name the nomenclature of the post of Chief Engineer (EQAA) as Chief Engineer (East) Abbottabad, in order to bring it in consonance with its functions and job description, with immediate effect, in the public interest.

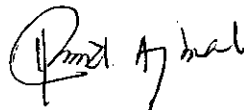
SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

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5. All Chief Engineers in C&W Department
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9. All Superintending Engineers in C&W Department
10. Superintending Engineer PBMC C&W Peshawar
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12. All District Accounts Officer Khyber Pakhtunkhwa
13. All Deputy Secretaries C&W Department, Peshawar
14. All Section Officers C&W Department, Peshawar
15. PS to Secretary, C&W Peshawar
16. PA to Additional Secretary, C&W Peshawar
17. Office order File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

Attested



Superintending Engineer (C&W)  
in Charge (East)  
C&W Department



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 04, 2015

**NOTIFICATION:**

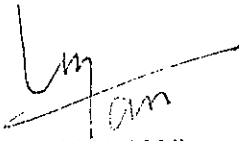
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SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department


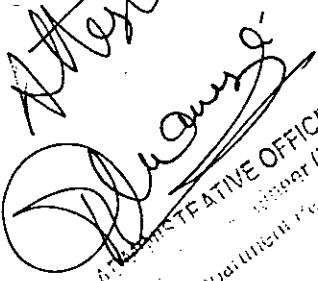
Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Chief Engineer (East) Abbottabad
5. Engr. Rashidullah Khan Chief Engineer (East) Abbottabad
6. District Accounts Officer Abbottabad
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

  
05/03/015

  
  
PROVINCIAL REPRESENTATIVE OFFICER  
Peshawar (North)  
C&W Department Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the May 17, 2016.

**NOTIFICATION:**

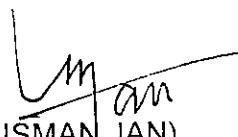
No.SOE/C&WD/1-42/79: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Muhammad Ijaz Chief Engineer (BS-20) C&W Department stand retired from Government Service with effect from 06.05.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 07.05.1956.


SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Managing Director PKHA Peshawar
5. Chief Engineer (East) Abbottabad
6. Engr. Muhammad Ijaz Chief Engineer (retired) C&W Department
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

  
ADMINISTRATIVE OFFICER  
Off the Chief Engineer (North)  
C&W Department Peshawar

18.5.16



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the October 29, 2015

**NOTIFICATION:**

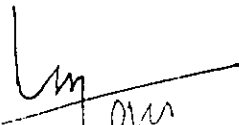
No.SOE/C&WD/1-26/78: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Zahid Arif Chief Engineer (BS-20) C&W Department, presently working as Secretary to Government of Khyber Pakhtukhwa Housing Department, shall stand retire from Government Service with effect from 15.02.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 16.02.1956.

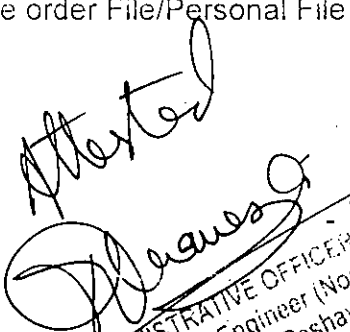
SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa Housing Department Peshawar
4. All Chief Engineers C&W Department
5. Section Officer (E-I) Establishment Department, Peshawar
6. Section Officer (Etab) Housing Department, Peshawar
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
8. Engr. Zahid Arif Secretary Housing Department, Peshawar
9. Incharge Computer Cell, C&W Department, Peshawar
10. PS to Secretary, C&W Peshawar
11. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

  
ADMINISTRATIVE OFFICER  
OIG the Chief Engineer (North)  
C&W Department Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 26, 2015.

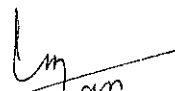
**NOTIFICATION:**

No.SOE/C&WD/17-1/78: The Competent Authority is pleased to re-name the nomenclature of the post of Chief Engineer (EQAA) as Chief Engineer (East) Abbottabad, in order to bring it in consonance with its functions and job description, with immediate effect, in the public interest.

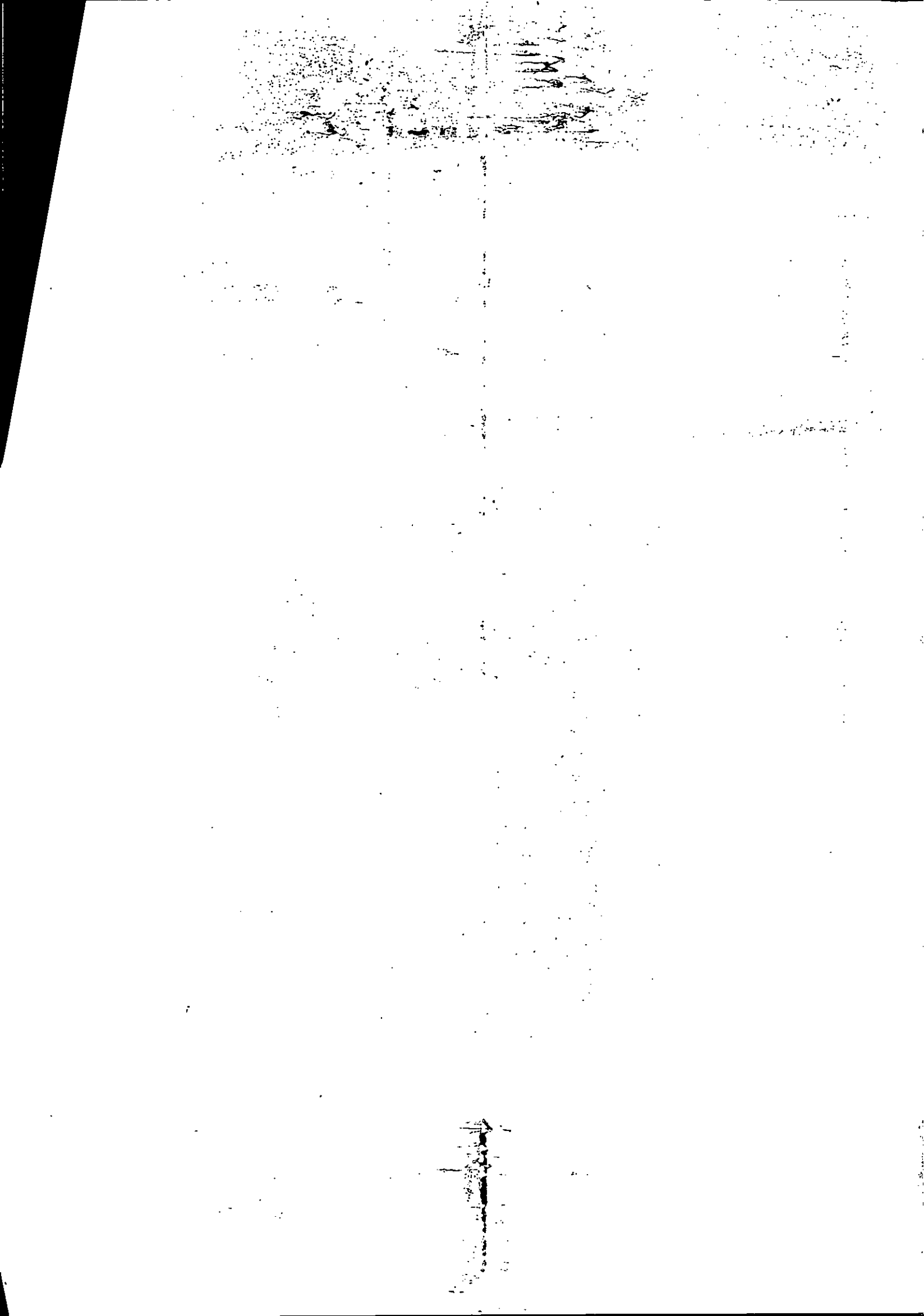
SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Copy is forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa Finance Department, Peshawar
4. Secretary Admn, Infrastructure & Coord FATA Sectt, Warsak Road, Peshawar.
5. All Chief Engineers in C&W Department
6. Chief Engineer (East) Abbottabad
7. Managing Director PKHA Peshawar
8. Project Director PMU C&W Peshawar
9. All Superintending Engineers in C&W Department
10. Superintending Engineer PBMC C&W Peshawar
11. Director (P&M) C&W Department, Peshawar
12. All District Accounts Officer Khyber Pakhtunkhwa
13. All Deputy Secretaries C&W Department, Peshawar
14. All Section Officers C&W Department, Peshawar
15. PS to Secretary, C&W Peshawar
16. PA to Additional Secretary, C&W Peshawar
17. Office order File

  
(USMAN JAN)  
SECTION OFFICER (Estb)





**BEFORE THE KHYBER PAKHTUNKHW SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 129/2016

**Syed Daud Jan**

...VS...

**Govt. of KPK & others**

**I N D E X**

<b>Sr. No.</b>	<b>Description of Document</b>	<b>Annexure</b>	<b>Page No.</b>
1.	Application along with Affidavit		1-2
2.	Notification dated 05.09.2006	A	3
3.	Notification dated 14.10.2006	B	4
4.	S.N.E for the creation of Post of Chief Engineer (EQAA)	C	5-6
5.	Copy of Relevant Portion of Budget Book	D	7

**Applicant/Appellant**

**Through**



**Syed Arshad Ali**

**Advocate Supreme Court of Pakistan**

Office No.2, 2<sup>nd</sup> Floor,  
Cantonment Plaza  
Fakhre Alam Road, Peshawar Cantt.  
Cell: 0300 5952779.

**BEFORE THE KHYBER PAKHTUNKHW SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 129/2016

**Syed Daud Jan**

...VS...

**Govt. of KPK & others**

**APPLICATION FOR AND ON BEHALF OF APPELLANT FOR PLACING ON**  
**RECORD ADDITIONAL DOCUMENTS.**

**Respectfully Sheweth;**

1. **That** the above titled Service Appeal is pending adjudication before this Hon'ble Tribunal and is fixed for hearing on 26.08.2016.
2. **That** the Appellant by the instant application is seeking permission of this Hon'ble Tribunal to place on record the additional documents.
3. **That** the additional documents pertain to the creation of the post of Chief Engineer (EQQA) later on re-designated as Chief Engineer (East).
4. **That** the Appellant was not in possession of the additional documents at the time of filing the service appeal.
5. **That** bringing on record the additional documents is essential for the Service Appeal to be adjudicated upon.
6. **That** due to the aforesaid reasons, the Appellant may kindly be allowed to submit the additional documents.

It is, therefore, most humbly prayed that the accompanied documents may kindly be placed on record.

**Applicant**

**Through**



**Syed Arshad Ali,**

**Advocate Supreme Court of Pakistan.**

**BEFORE THE KHYBER PAKHTUNKHW SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 129/2016

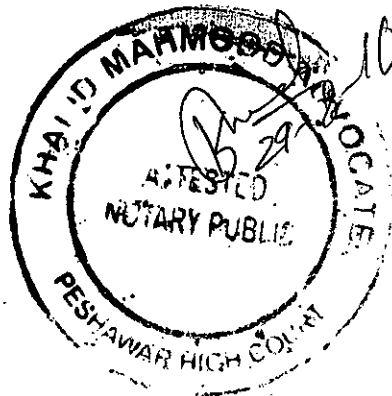
**Syed Daud Jan**

...VS...

**Govt. of KPK & others**

**AFFIDAVIT**

I, **Syed Daud Jan**, Chief Engineer (North), C&W Department, do hereby solemnly affirm that the contents of this application are true and correct to the best of my knowledge & information and nothing has been concealed from this Hon'ble Tribunal.



**DEPONENT**

Dated: 29/8/2016

A/3

GOVERNMENT OF NWFP  
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the September 05, 2006

NOTIFICATION

No. SO(E-I)/W&S/17-1/78 The Competent Authority has been pleased to approve the creation of the o/o Chief Engineer PERRA, Works & Services Department with the following posts at the Provincial level with immediate effect.

SNo.	Designation	Scale	No. of posts
1.	Chief Engineer	20	1
2.	Director	19	2
3.	Deputy Director	18	4
4.	Assistant Director	17	10
5.	Necessary relevant staff as computer operators, office Assistants, Drivers and Chowkidars etc.		



SECRETARY TO GOVT. OF NWFP  
WORKS & SERVICES DEPARTMENT

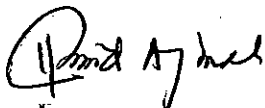
Endst of even number & date

Copy is forwarded to the:-

1. Deputy Chairman PERRA, Prime Minister's Secretariat Islamabad.
2. Secretary to Governor NWFP.
3. Secretary to Chief Minister NWFP.
4. All Administrative Secretaries, Govt. of NWFP.
5. Director General PERRA Peshawar.
6. Accountant General NWFP, Peshawar
7. Chief Engineer, Works & Services/FATA/PHE Peshawar.
8. District Coordination Officer Abbottabad/Mansehra/Battagram/Kohistan/Shangla.
9. Executive District Officer Works & Service Abbottabad/Mansehra/Battagram/Kohistan/Shangla.
10. PS to Secretary W&S.
11. Incharge Computer Cell, W&S Peshawar.

 (ARSHAD KHAN AFRIDI)  
SECTION OFFICER (Estt-I)

Attested



Superintending Engineer (HQ)  
o/o Chief Engineer (North)  
C&W Department Peshawar.

B/4

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

Dated Peshawar, the October 14, 2006

**NOTIFICATION**

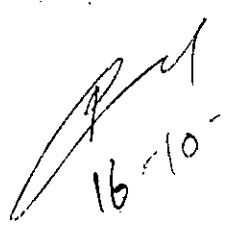
No.SOE-I/W&S/17-1/78 The Chief Engineer Reconstruction PERRA is authorized to exercise all the powers vested in the post of Chief Engineer Works & Services including all the developmental works provincial ADP works, all the donors assisted projects etc. for the five earthquake affected districts i.e. Abbottabad, Battagram, Kohistan, Mansehra and Shangla in addition to his own duties, all the existing Works & Services staff in these five districts is hereby placed at his disposal, with immediate effect till further orders.

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

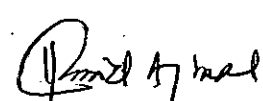
**Endst of even No. & Date**

- 1) Secretary to Chief Minister NWFP
- 2) Secretary-cum-Director General PERRA
- 3) Chief Engineer Works & Services, Peshawar.
- 4) District Co-ordination Officers, Abbottabad, Mansehra, Kohistan, Battagram and Shangla.
- 5) Executive District Officer Works & Services Abbottabad, Mansehra, Kohistan, Battagram and Shangla.
- 6) Deputy Directors Works & Services, Abbottabad, Mansehra, Kohistan, Battagram and Shangla.
- 7) District Accounts Officer Abbottabad, Mansehra, Kohistan, Battagram and Shangla.
- 8) PS to Chief Secretary NWFP
- 9) PS to Additional Chief Secretary NWFP
- 10) PS to Secretary Works & Services, Peshawar.

  
(ARSHAD KHAN AFRIDI) 16/10/06  
SECTION OFFICER (ESTT-I)

  
16-10-06

Attested

  
Superintending Engineer (HQ)  
o/o Chief Engineer (North)  
C&W Department Peshawar.

2/5/

**GOVERNMENT OF NWFP  
FINANCE DEPARTMENT**

No. BO1/1-28/2006-07/FD  
Dated Peshawar, the 14/12/2006

To  
The Secretary to Govt. of NWFP,  
Works and Services Department,  
Peshawar.

Subject:- S.N.E. FOR CREATION OF POST OF THE CHIEF ENGINEER,  
EQAA (EARTH QUAKE AFFECTED AREA) NWFP, ALONGWITH  
COMPLIMENTRY TAFF.

Dear Sir,

I am directed to refer to your letter No. Acct/W&S/1-4/2006 on the subject noted above and to say that on approval of the competent authority, Finance Department agrees to the creation of the following 23 (twenty three) number of posts for establishment of Chief Engineer, Earth quake Affected Area (EQAA), in Works and Services Department, with effect from 01/8/2006 to 30/6/2007 at a total cost of Rs.3,896,000/- as per details given below, subject to the observance of all codal formalities:-

FUNCTION CUM OBJECT CLASSIFICATION		BPS	No. of Posts	Budget Estimates Rs.
A01	TOTAL EMPLOYEES RELATED EXPENSES			3,199,000
A011	TOTAL PAY		23	1,880,000
A011-1	TOTAL PAY OF OFFICERS		6	1,035,700
C040	Chief Engineer, Earthquake Affected Area (EQAA)	20	1	270,400
D063	Superintending Engineer/Director (HQ)	19	1	233,800
D365	Deputy Director	18	1	177,000
C038	Chief Draftsman	17	1	146,300
A021	Administrative Officer	16	1	104,100
B050	Budget & Accounts Officer	16	1	104,100
A011-2	TOTAL PAY OF OTHER STAFF		17	844,300
S061	Senior Scale Stenographer	15	1	91,700
A057	Assistant	11	1	65,800
C082	Computer Operator	11	2	131,100
A006	Accounts Clerk	9	1	57,800
T029	Tracer	5	1	45,500
J013	Junior Clerk	5	1	45,500
D112	Driver	4	3	126,900
N005	Naib Qasid	Fixed Pay	5	200,000
C057	Chowkidar	Fixed Pay	1	40,000
S162	Sweeper	Fixed Pay	1	40,000
A012	TOTAL ALLOWANCES			1,319,000
A012-1	TOTAL REGULAR ALLOWANCES			1,304,000
A01201	Senior Post Allowance			7,000
A01202	House Rent allowance			545,300
A01203	Conveyance Allowance			350,500
A01204	Medical Allowance			119,000
A01205	Entertainment			6,000
A01206	Computer Allowance			20,000
	Adhoc Relief 15% (2006)			250,800
A01270	014- Integrated Allowance			5,400

Attested

*(Signature)*  
Superintending Engineer  
Chief Engineer  
Department

A012-2	TOTAL OTHER ALLOWANCES (ECLUding TA)		15,000
A01274	Medical Charges.		10,000
A01278	Leave Salary		5,000
A032	TOTAL OPERATING EXPENSES		607,000
A032	TOTAL COMMUNICATIONS		55,000
A03201	Postage and Telegraph.		5,000
A03202	Telephone & Trunk Calls		50,000
A033	TOTAL UTILITIES		80,000
A03301	Gas		20,000
A03303	Electricity		50,000
A03304	Hot and Cold Weather Charges		10,000
A034	OCCUPANCY COSTS		150,000
A03402	Rent for Office Building		150,000
A038	TOTAL TRAVEL & TRANSPORTATION		252,000
A03805	Traveling Allowance		50,000
A03807	POL Charges		200,000
A03808	Conveyance Charges		2,000
A039	TOTAL GENERAL		70,000
A03901	Stationary		50,000
A03902	Printing and Publication		10,000
A03905	Newspapers Periodicals & Books		5,000
A03907	Advertising & Publicity		5,000
A09	EXPENDITURE ON ACQUIRING OF PHYSICAL ASSETS		90,000
A092	COMPUTER EQUIPMENTS		60,000
A09201	Hardware		60,000
A097	TOTAL PURCHASE OF FURNITURE & FIXTURE		30,000
A09701	Furniture and Fixture		30,000
<b>Grand Total:</b>			<b>3,896,000</b>

2. The expenditure involved is debit to the function classification under New Accounting Model (NAM) NC21018 (014) "04-Economic Affairs 045-Construction and Transport 0451-Administration 045101-Administration, PR4183 Chief Engineer Works and Services" and will be met through Supplementary Grant to be adjusted in the Revised Estimates 2006-07.

Yours faithfully,

*[Signature]*  
(Fida Muhammad)  
Budget Officer-I

**Endst. No. & Date Even.**

Copy is forwarded to:-

- 1) The Accountant General, NWFP, Peshawar.
- 2) The District Coordination Officer, Mansehra.
- 3) The Chief Engineer (Earthquake Affected Area), Mansehra.
- 4) The EDO Finance and Planning, Mansehra.
- 5) The PSO to Chief Minister NWFP, Peshawar.
- 6) PS to Additional Chief Secretary, NWFP, Peshawar.
- 7) The District Accounts Officer, Mansehra.

*[Signature]*  
Budget Officer-I

*Received all copies*  
*[Signature]*  
*14/12/06*



D/7

NC21018 (014)  
COMMUNICATION AND WORKS DEPART

ADMINISTRATION			
OBJECT CLASSIFICATION HEADS OF THE SCHEME	NUMBER OF POSTS 2015-2016	BUDGET ESTIMATES 2015-2016	RELEASED 2015-2016
	Rs	Rs	Rs
<b>ECONOMIC AFFAIRS CONSTRUCTION AND TRANSPORT ADMINISTRATION ADMINISTRATION</b>			
2270 Chief Engineer Earth Quake Affected Areas (EQAA) in Khyber Pakhtunkhwa ✓			
TOTAL EMPLOYEES RELATED EXPENSES.		10,634,000	10,604,000
TOTAL PAY	23	4,978,000	4,978,000
TOTAL PAY OF OFFICERS	8	3,226,000	3,226,000
Total Basic Pay Of Officer	8	3,226,000	3,226,000
Chief Engineer (BPS-20)	1	725,000	725,000
Superintending Engineer (BPS-19)	1	468,000	468,000
Executive Engineer (BPS-18)	1	531,000	531,000
Administrative Officer (BPS-17)	1	286,000	286,000
Chief Draftsman (BPS-17)	1	349,000	349,000
Assistant (BPS-16)	1	290,000	290,000
Budget & Accounts Officer (BPS-16)	1	315,000	315,000
Senior Scale Stenographer (BPS-16)	1	262,000	262,000
TOTAL PAY OF OTHER STAFF	15	1,752,000	1,752,000
Total Basic Pay Other Staffs	15	1,752,000	1,752,000
Computer Operator (BPS-12)	2	376,000	376,000
Junior Clerk (BPS-11)	1	184,000	184,000
Accounts Clerk (BPS-09)	1	211,000	211,000
Traget (BPS-05)	1	95,000	95,000
Driver (BPS-04)	3	250,000	250,000
Chowkidar (BPS-01)	1	95,000	95,000
Naib Qasid (BPS-01)	5	446,000	446,000
Sweeper (BPS-01)	1	95,000	95,000
TOTAL ALLOWANCES		5,656,000	5,626,000

Budget Officer-I  
Govt. of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 19, 2015

**NOTIFICATION:**

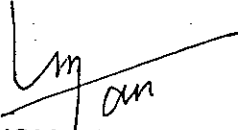
No.SOE/C&WD/1-39/79: In supersession of this Departments' notification of even number dated 03.02.2015, under Rule 3.5(i) of the West Pakistan Civil Servants Pension Rules, 1965, the Competent Authority is pleased to approve the premature retirement of Engr. Zard Ali Khan. (BS-20) Chief Engineer (CDO) C&W Peshawar on his own request, w.e.f. 03.02.2015 instead of 12.01.2015.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (CDO/Centre/North) C&W Peshawar
4. Engr. Zard Ali Khan Chief Engineer (retired) C&W Department
5. Incharge Computer Cell C&W Department, Peshawar
6. Section officer (PAC) C&W Department, Peshawar
7. PS to Secretary C&W Department Peshawar
8. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 17, 2015

9

**NOTIFICATION:**

No.SOE/C&WD/1-18/81:

In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Javaid Ihsan Chief Engineer (BS-20), presently working as Managing Director Pakhtunkhwa Highways Authority Peshawar, shall stand retire from Government Service with effect from 20.02.2015 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 21.02.1955.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Chief Engineer (EQAA) Abbottabad
5. Managing Director Pakhtunkhwa Highways Authority Peshawar
6. Engr. Javaid Ihsan Managing Director Pakhtunkhwa Highways Authority Peshawar
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

*JFI*  
18-2-15

*lm*  
(USMA)  
SECTION OF



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the May 17, 2016

10

**NOTIFICATION:**

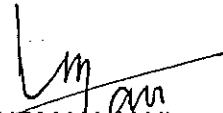
No.SOE/C&WD/1-42/79: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Engr. Muhammad Ijaz Chief Engineer (BS-20) C&W Department stand retired from Government Service with effect from 06.05.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 07.05.1956.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Manging Director PKHA Peshawar
5. Chief Engineer (East) Abbottabad
6. Engr. Muhammad Ijaz Chief Engineer (retired) C&W Department
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(HUSMAN JAN)  
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 04, 2015

12

**NOTIFICATION:**

No.SOE/C&WD/1-19/81: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, ~~Engr. Rashidullah Khan Chief Engineer (BS-20)~~, presently working as Chief Engineer (East) Abbottabad, shall stand retire from Government Service with effect ~~from 19.03.2015 (A/N)~~ on attaining the age of superannuation i.e. 60 years, as his date of birth according to the record is 20.03.1955.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Chief Engineer (Centre/CDO/North) C&W Peshawar
4. Chief Engineer (East) Abbottabad
5. Engr. Rashidullah Khan Chief Engineer (East) Abbottabad
6. District Accounts Officer Abbottabad
7. Incharge Computer Cell, C&W Department, Peshawar
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the October 29, 2015

12

**NOTIFICATION:**

No.SOE/C&WD/1-26/78: In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, ~~Engr. Zahid Arif, Chief Engineer (BS-20) C&W Department,~~ presently working as Secretary to Government of Khyber Pakhtunkhwa Housing Department, shall stand retire from Government Service with effect from 15.02.2016 (A.N) on attaining the age of superannuation i.e. 60 years, as his date of birth according to the records is 16.02.1956.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa Housing Department Peshawar
4. All Chief Engineers C&W Department
5. Section Officer (E-I) Establishment Department, Peshawar
6. Section Officer (Estb) Housing Department, Peshawar
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
8. Engr. Zahid Arif Secretary Housing Department, Peshawar
9. Incharge Computer Cell, C&W Department, Peshawar
10. PS to Secretary, C&W Peshawar
11. Office order File/Personal File

(USMAN JAN)  
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

13

No. SOE/C&WD/4-12/2013  
Dated Peshawar, the August 12, 2016

TO

Engr. Syed Daud Jan  
Chief Engineer (North)  
C&W Peshawar

Subject: Provision of Information under Right to Information Act, 2013

I am directed to refer to your office letter No.498/26-G dated 26.07.2016 on the subject noted above and to forward herewith photo copy of minutes of PSB meeting held on 30.12.2014 under Right to Information Act, 2013 as desired please.

(USMAN JAN)

SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Section Officer (General) C&W Department, Peshawar
2. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

**SUBJECT: - PROMOTION OF SUPERINTENDING ENGINEER BS-19 TO THE POST OF CHIEF ENGINEER BS-20.**

Secretary C&W apprised the Board that the post of Chief Engineer (EQ) Abbottabad is a regular post as appearing in the budget book which is lying vacant and another post of Chief Engineer will also become vacant after the retirement of Enr Javed Ihsan on 20.02.2015.

2. According to service rules the post is required to be filled as under:-

By selection, on merit from amongst Superintending Engineers/Principals Design Engineers, with at least 17 years of service in BS-17 and above possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognised university

3. The service record of the officers included in the panel was discussed as follows:

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Javed Ahmad Turk	His date of birth is 15.02.1955. He joined government service on 09.09.1979 in BS-17. He was promoted to 19 on 12.11.2010. The Board in its meeting held 03.09.2013 recommended to defer his promotion and 08.07.2014 recommended his supersession as an enquiry was pending against him. Position is still the same.  The Board recommended to defer his promotion.
2.	Engr. Shamsuz Zaman	His date of birth is 08.01.1956. He joined government service on 12.11.1981 in BS-17. He was promoted to 19 on 13.03.2012. The Board in its meeting held 08.07.2014 recommended his supersession as an enquiry was pending against him. Position is still the same.  The Board recommended to defer his promotion.
3.	Engr. Rashidullah Khan	His date of birth is 20.03.1955. He joined government service on 15.12.1981 in BS-17. He was promoted to 19 on 13.03.2012. No enquiry is pending against him. Service record upto 2013 is generally good.

Secretary (Estab)  
Govt of Punjab Peshawar  
C&W Department

Attended  
  
Section Officer (Estab)  
C&W Department  
Peshawar



		The Board recommended the officer for promotion to the post of Chief Engineer BS-20 on regular basis. He will be on probation till retirement.
4.	Engr. Fazi Kabir	His date of birth is 01.03.1956. He joined government service on 15.12.1981 in BS-17. He was promoted to BS-19 on 13.03.2012. According to C&W an enquiry is pending against him.  The Board recommended to defer his promotion.
5.	Muhammad Asaf	His date of birth is 25.12.1957. He joined government service on 21.08.1982 in BS-17. He was promoted to BS-19 on 13.03.2012. The Secretary C&W has certified that there is no issue of his seniority. No enquiry is pending against him. His PER for the 2011 & 2012 are not available and his PER for the period from 01.01.2013 to 29.07.2013 and 11.11.2013 to 31.12.2013 were not written as his posting period with each reporting officer was less than three months. His remaining service record upto 2013 is generally good.  The Board recommended the officer for promotion to the post of Chief Engineer BS-20 on regular basis after the retirement of Engr. Javed Ihsan on 20.02.2015 and subject to earning satisfactory PER for the years 2011 & 2012. He will be on probation for a period of one year.

*Attested*

*Attested*  
 Section Officer (Estab)  
 Govt of Khyber Pakhtunkhwa  
 Establishment Department

*Attested*  
 Section Officer (Estab)  
 C&W Department  
 Peshawar

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