

701/15

07.04.2017

None present for appellant, Mr. Muhammad Jan, Government Pleader for the respondents present. The court time is about to over but none appeared on behalf of the appellant.

In the light of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.

Member

ANNOUNCED
07.04.2017

Chairman

07.04.17.

28.11.2016

None present for the appellant. Mr. Ziaullah, GP for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on

7.4.17



(ABDUL LATIF)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

23.11.2015

None present for appellant. Mr. Saleem Shah, Supdt. alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.4.2016.


Chairman

11.04.2016

Clerk of counsel for the appellant and Mr. Saleem Shah, Supdt. alongwith Addl: AG for respondents present. Rejoinder not submitted. Requested for further time for submission of rejoinder. To come up for rejoinder and arguments on 5-8-16.



Member


Member

05.08.2016

None for the appellant present. Mr. Muhammad Jan, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for rejoinder and arguments on 28.11.2016.


Member


Member

Noted on 7/8/16
Muhammad Jan

3

29.06.2015

Appellant with counsel present. Learned counsel for the appellant argued that identical service appeal No. 311/2015 titled Engineer Atiq-ur-Rehman Vs Secretary C & W Department has already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 10.7.2015 before S.B to be heard alongwith the afore-stated appeal. Notice of stay application be also issued for the date fixed. Till the next date the impugned order is suspended and officer junior to appellant shall not be considered for promotion against the said position.

Appellant Deposited
Security & Process Fee




Chairman

10.07.2015

Appellant in person and Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 27.8.2015.


Member

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27.08.2015



None present for appellant. Mr. Saleem Shah, Supdt. alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 23.11.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 701/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.06.2015	<p>The appeal of Mr. Shabir Ahmad presented today by Mian Mohibullah Kakakhel 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	25-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-6-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 701 /2015

Eng. Shabir Ahmad.....Appellant

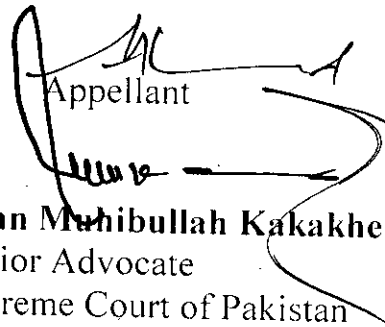
VERSUS


Govt of KPK and another.....Respondents

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5.	Copy of Degree	A	9
6.	Copy of appointment order	B	10
7.	Copy of order dt.16.01.2014	C	11
8.	Copy of impugned order dated 17.02.2015 and order dt.19.02.2015	D-E	12-13
9.	Copy of departmental appeal	F	14-15
10.	Copy of order dt.16.04.2015	G	16-18
11.	Copy of seniority list dt. 11.06.2015	H	19-20
12.	Wakalat Nama		

Through:


Appellant
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan

And

Saifullah Muhib Advocate
36-C, 2nd Floor
Cantonment Plaza Saddar Road
Peshawar Cantt
Cell # 0333-9167424

Dated: 22 06.2015

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 701 /2015

**G.W.F. Province
Service Tribunal**

Diary No. 736

Dated 22/6/2015

Eng. Shabir Ahmad S/o Abdur Rauf
R/o Village & PO Abuha, District Swat

.....Appellant

VERSUS

1. Secretary to Govt of KPK Communication & Works Department, KPK, Peshawar
2. Chief Secretary, Govt of KPK, Peshawar

.....Respondents

**SERVICE APPEAL U/S 4 OF KPK SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 17.02.2015 AND
19.02.2015 OF RESPONDENTS WHEREAS THE
APPELLANT WAS POSTED/ REVERTED BACK
FROM ASSISTANT DIRECTOR/ SDO TO SUB-
ENGINEER (BS-11)**

Prayer in Appeal:

On acceptance of this service appeal, the impugned orders dated 17.02.2015 and 19.02.2015 may be set aside and the appellant be promoted to BPS-17 from the first date of posting as SDO/ Assistant Director (OPS) i.e. dated 16.01.2014 with all back benefits.

Filed to-day

Signature

22/6/15

Any other order deemed appropriate in the circumstances of the case may also be passed. The appellant may be allowed to put forward any other argument/document at the time of hearing of this Service Appeal.

Respectfully Sheweth:

1. That the appellant got his BS in Civil Engineering in 1st Division from UET, Peshawar in 1989. (Copy of Degree is Annexure "A").
2. That the appellant was appointed as Sub-Engineer BPS-11 in C&W Department through Public Service Commission on 06.12.1990. (Copy of appointment order is Annexure "B").
3. That the appellant served as Sub-Engineer Building Division, Swat and on 16.01.2014 he was transferred / posted as Assistant Director/ SDO (OPS) in Matta-I, Swat. (Copy of order dt.16.01.2014 is Annexure "C").
4. That on 17.02.2015, the appellant was posted from SDO (OPS) Building, Sub-Division, Swat against the vacant post of Sub-Engineer and thereafter respondent issued an office order dated 19.02.2015, vide which he reverted back from SDO to Sub-Engineer (BSP-11) as Sub-Engineer C&W Division, Shangla. (Copy of impugned order dated 17.02.2015 and order dt.19.02.2015 is Annexure "D" & "E").
5. That the appellant filed departmental appeal on 21/03/2015 to the competent authority, but no order whatsoever has been passed by the respondents upto now. (Copy of departmental appeal is Annexure "F").
6. That in the meantime, some other Sub-Engineers filed service appeals before this Tribunal against the same impugned order dated 17.02.2015, which was suspended by the worthy Chairman Service Tribunal on 16.04.2015. (Copy of order dt.16.04.2015 is Annexure "G").
7. That according to seniority list dated 09.04.2013, the appellant is on Serial No.9 and as per current seniority list, he is on Serial No.5, but the

respondents have promoted other direct Graduate Sub-Engineers, who are junior to the appellant and also those who hold a Diploma in Engineering. (Copy of seniority list is Annexure "H").

8. That according to Service Law, if a civil servant, who is working on officiating/ acting charge basis against a post, if qualified to hold the same will be entitled to be promoted/ appointed against the same should a vacancy arise.
9. That the appellant is a Graduate and is entitled to Grade-17 because of the reason that diploma holder, who are junior to him are working as his seniors.
10. That reversion is a punishment and cannot be awarded without following the prescribed procedure.
11. That the appellant has been condemned unheard.
12. That impugned orders dated 17.02.2015 and 19.02.2015 are illegal, without jurisdiction and without lawful authority besides being for ulterior motives.
13. That the impugned orders have been passed for political considerations and to accommodate their blue eyed chaps.
14. That the appellant has not been treated in accordance with law and discriminated against.

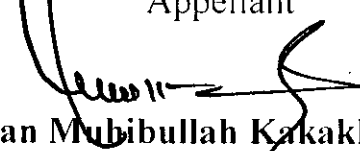
It is, therefore, respectfully prayed that on acceptance of this service appeal, the impugned orders dated 17.02.2015 and 19.02.2015 may be set aside and the appellant be promoted to BPS-17 from the first date of


posting as SDO/ Assistant Director (OPS) i.e. dated 16.01.2014 with all back benefits.

Any other order deemed appropriate in the circumstances of the case may also be passed. The appellant may be allowed to put forward any other argument/document at the time of hearing of this Service Appeal.

Through:


Appellant


Mian Mubibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan


and
Saifullah Muhib
Advocate, Peshawar

Dated: **22**.06.2015

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BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2015

Eng. Shabir Ahmad.....Appellant

V E R S U S

Govt of KPK and another.....Respondents

AFFIDAVIT

I, Eng. Shabir Ahmad S/o Abdur Rauf R/o Village & PO Abuha, District Swat, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


DEPONENT



(6)



BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2015

Eng. Shabir Ahmad.....Appellant

V E R S U S

Govt of KPK and another.....Respondents

MEMO OF ADDRESSES

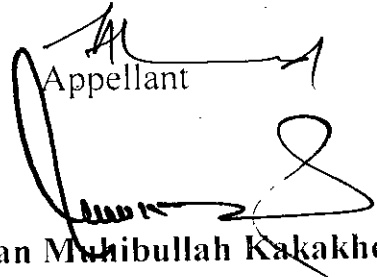
APPELLANT

Eng. Shabir Ahmad S/o Abdur Rauf
R/o Village & PO Abuha, District Swat

RESPONDENTS

1. Secretary to Govt of KPK Communication & Works Department, KPK,
Peshawar
2. Chief Secretary, Govt of KPK, Peshawar

Through:


Appellant

Mian Muhibullah Kakakhel
Senior Advocate,
Supreme Court of Pakistan
Peshawar.

(7)



BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2015

Eng. Shabir Ahmad.....Applicant/ Appellant

V E R S U S

Govt of KPK and another.....Respondents

**APPLICATION FOR SUSPENSION OF THE
OPERATION OF IMPUGNED ORDER DATED
17.02.2015 AND 19.02.2015, TILL FINAL
DISPOSAL OF THE INSTANT SERVICE
APPEAL.**

Respectfully Sheweth:

1. That the captioned service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the applicant/ appellant has got a good prima facie case and he is sanguine about its success.
3. That the balance of convenience also lies in favour of applicant/ appellant for grant of interim relief.
4. That if the operation of impugned order dated 17.02.2015 and 19.02.2015 are not suspended and the interim relief is not granted in

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favour of the applicant/ appellant, he would sustain irreparable loss which is not redeemable in terms of money.

5. That the facts and grounds of the main appeal may kindly be read as integral part of this application.

It is therefore, humbly prayed that the application as prayed for above may kindly be allowed.

Through:


Applicant/Appellant
Mian Muhibullah Kakakhel
Senior Advocate
Supreme Court of Pakistan

And

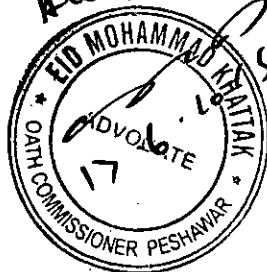
Dated: 22.06.2015

Saifullah Muhib
Advocate, Peshawar.

AFFIDAVIT:

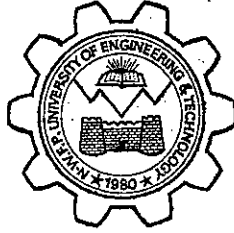
I, Eng. Shabir Ahmad, do hereby solemnly affirm and declare on oath that the contents of Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


DEPONENT



Annex A

N-W.F.P.
**University of Engineering
and Technology**



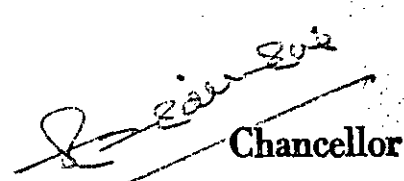
Session 1987-88

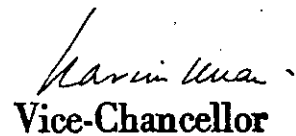
This is to certify that

SHABIR AHMAD SON OF ABDUL RAUF

of this University has been duly admitted to the degree
of Bachelor of Science in CIVIL Engineering.

He has been placed in FIRST Division.


Chancellor


Vice-Chancellor


Registrar

Peshawar, the 13th June, 1989.



01496
ASID HUSSAIN
Attestation Officer
Higher Education Commission
Government of Pakistan
Islamabad.

10 MAR 2003



[Signature]
Registrar
NWFP University of Engg
& Technology, Peshawar.

ATTESTED
[Signature]

Teriq Amin Khan
Section Officer
Ministry of Foreign Affairs
Islamabad.

ATTESTED
[Signature]
Controller of Examinations
NWFP University of Engineering
& Technology, Peshawar
25/3/2003

[Signature]
Registrar
NWFP University of Engg
& Technology, Peshawar.

Embassy of the United Arab Emirates
ISLAMABAD
Consular Section
No. 192/2003
Date 11 MAR 2003
This Embassy is Not responsible for the contents of the document
CONSUL



M. Harib Al-Meharifi

Attested.
[Signature]
Controller of Examinations
N. W. F. P. University of
Engineering & Technology.

Prepared by... *[Signature]*

Checked by... *[Signature]*

25

11
10
Annex B
OFFICE OF THE CHIEF ENGINEER
C&W DEPARTMENT NWFP PESHAWAR

NO.848/3-E/2691 /E-I(2)

Dated Peshawar the 6/12/1990

To
Mr. Shabbir Ahmad S/O
Abdur Rauf Killi & PO Aboha
District Swat.

(B.Sc. Civil)

Subject: APPOINTMENT AS SUB ENGINEER.

1. On your selection by the Public Service Commission NWFP, you are hereby offered a post of temporary Sub-Engineer, Civil/Electrical/Mechanical on Rs.910/-PM in the Basic Pay Scale No.11 (Rs.910-46-1830) plus usual allowance as admissible under the rules.
2. The appointment is purely temporary and your services can be terminated at 14 (fourteen) days notice at any time without any reason being assigned irrespective of the fact that you may be holding post other than the one to which you were originally recruited or on payment of 14 days pay in lieu of the notice.
3. In case you wish to resign at any time you will have to give 14 days notice otherwise you shall be liable to forfeit 14 days pay.
4. The offer of appointment is subject to your producing the following documents and accepting the following conditions:
 - i- Original Domicile Certificate showing that you are of NWFP Domicile or Adjoining Tribal Areas.
 - ii- A Medical Certificate from the Medical Supdt. of your Distt. certifying that you are fit for Govt. service and are not suffering from any communicable disease.
 - iii- A certificate duly signed and dated by you to the effect that you are not a dismissed Govt. servant.
 - iv- Original Matric Certificate and Diploma from the Recognised Government Technical Institute.
5. No T.A. will be allowed to you for joining this appointment and your pay will commence from the date you report for duty, if in the forenoon, otherwise from the date following.
6. You shall be governed by such rules and orders relating to conditions of service, Leave, T.A., Medical Attendance Pay and Pension etc; as may be issued by the Govt. from time to time.
7. You will have to serve anywhere in the NWFP, including FATA and in any Deptt. of the Govt. of NWFP/Pakistan when called upon to do so in the interest of public service.
8. If you accept the offer on the above conditions you should report for duty/further posting orders to the Executive Engineer Building Division Swat.
9. This offer of appointment will be kept open to you upto 30/12/90. If you failed to join your duty by the above date this offer shall stand cancelled.

CHIEF ENGINEER

Copy to the:-

- 1- Chief Engineer ()
- 2- Superintending Engineer, C&W Circle, Malakand at S/Sharif SWAT.
- 3- Executive Engineer, Building Division Swat.
- 4- Project Director, Proj. Edu. Proj. II, C&W Deptt. Pesh.
- 5- P.P. of the official concerned.

ADMINISTRATIVE OFFICER
(Sas)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

(1)

Dated Peshawar the January 16, 2014

Annex 'C'

NOTIFICATION:

No.SOE/C&WD/3-1/2014: The Competent Authority is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name & Designation	From	To	Remarks
1.	Engr. Munir Khan AE (BS-17)	Waiting for posting	XEN (OPS) Highway Division Peshawar	Against vacant post
2.	Engr. Farmanullah AE (BS-17)	Waiting for posting	SDO C&W Sub Division Charsadda	--do--
3.	Engr. Mohsin Zafar AE (BS-17)	Waiting for posting	SDO C&W Sub Division Lakki Marwat	--do--
4.	Engr. Muhammad Zubair AE (BS-17)	XEN (OPS) FATA Building Division N.W. Agency	Assistant Design Engineer O/O CE (North) C&W Peshawar	--do--
5.	Mr. Shabir Ahmad Graduate Sub Engineer (BS-11)	Sub Engineer O/O XEN Building Division Swat	Service placed at the disposal of FATA Sectt. for further posting as SDO (OPS)	---

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Copy is forwarded for information to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
2. Accountant General Khyber Pakhtunkhwa, Peshawar
3. Secretary Admn, Infrastructure & Coord Deptt, FATA Sectt Warsak Road, Peshawar
4. Chief Engineer (Centre/North) C&W Peshawar
5. Chief Engineer (FATA) W&S Peshawar
6. Superintending Engineer C&W Circle Peshawar/Bannu/Swat
7. Executive Engineer C&W Division Charsadda/Lakki Marwat
8. Executive Engineer Building Division Swat
9. Executive Engineer FATA Building Division N.W. Agency
10. District Accounts Officer Charsadda/Lakki Marwat/Swat
11. Agency Accounts Officer N.W. Agency
12. Incharge Computer Cell, C&W Department, Peshawar
13. PS to Secretary, C&W Peshawar
14. PA to Deputy Secretary (Admn), C&W Peshawar
15. Officers concerned
16. Office order File/Personal File

801 / 4E
23 / 1 / 2014

(USMAN JAN)
SECTION OFFICER (ESTT)

Received on
23-1-2014

Annex "D" (12)

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 17, 2015



ORDER:

No. SOE/C&WD/4-7/2015: The Competent Authority is pleased to relieve the following Graduate Sub Engineers (BS-11), who were posted as Assistant Engineers/ SDOs (OPS) to their original cadre i.e. Sub Engineer, with immediate effect. The Competent Authority is further pleased to place their services at the disposal of Chief Engineer (Centre) C&W Peshawar for further posting against the vacant posts of Sub Engineer:

Sl.No.	Name & present posting
1	Ghulam Qadir Mehsood SDO (OPS) Building Sub Division Dikhan
2	Noor Rehman SDO (OPS) C&W Sub Division Chitral
3	Sher Afzal Assisant Research Officer (OPS) RR&MT Lab Mardan
4	Shabir Ahmad SDO (OPS) Building Sub Division Swat
5	Hassan Jan Assistant Director (OPS) PMU C&W Peshawar
6	Attiq-ur-Rehman SDO (OPS) C&W Sub Division TOR GHAR
7	Muhammad Shafiq Assistant Director (OPS) PKHA Peshawar

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Copy is forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre/CDO/North) C&W Peshawar
3. Chief Engineer (EQAA) Abbottabad
4. Managing Director PKHA Peshawar
5. Project Director (PMU) C&W Peshawar
6. All Superintending Engineers concerned
7. All Executive Engineers concerned
8. All District Accounts Officers Concerned
9. Incharge Computer Cell, C&W Department, Peshawar
10. PS to Secretary C&W Peshawar
11. Officials concerned
12. Office order File/Personal File


(USMAN JAN)
SECTION OFFICER (Estb)



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

No. 18-E / 519 / CEC / C&WD

Dated Peshawar the 19 / 02 / 2015

OFFICE ORDER

Consequent upon their repatriation / relieving from the posts of SDO (OPS) and placing their services at the disposal of this office, vide Secretary C&W Department order No. SOE/C&WD/4-7/2015, dated 17/02/2015 (For the officials at Serial No. 1 to 7), the following posting/adjustment of Sub Engineers is hereby ordered, against the existing vacancies (their original cadre posts) as noted against each, with immediate effect, in the public interest : -

Sl. No.	Name	From	To	Remarks
1.	Ghulam Qadir Mehsood.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Division Tank.	Against the existing vacancy.
2.	Noor Rehman.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Division Chitral.	Against the existing vacancy.
3.	Sher Afzal.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Building Division Mardan.	Against the existing vacancy.
4.	Shabir Ahmad.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Division Shangla.	Against the existing vacancy.
5.	Hassan Jan.	Waiting for posting.	Sub Engineer, services placed at the disposal of Managing Director PKHA.	Against the existing vacancy.
6.	Attiq-ur-Rehman.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Building Division Swat.	Against the existing vacancy.
7.	Muhammad Shafiq.	Waiting for posting.	Sub Engineer O/O the Executive Engineer C&W Building Division Swat.	Against the existing vacancy.
8.	Muhammad Shaukat.	Sub Engineer O/O XEN C&W Division Battagram.	Sub Engineer O/O the Executive Engineer C&W Division Shangla.	Against the existing vacancy.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the : -

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) Secretary to Govt. of Khyber Pakhtunkhwa, C&WD Peshawar w/r to the above for information please.
- 3) Advisor to C.M. for C&W Department Khyber Pakhtunkhwa Peshawar.
- 4) Managing Director Pakhtunkhwa Highways Authority Peshawar.
- 5) Chief Engineers (North & CDO) C&W Department Peshawar.
- 6) Project Director PMU C&W Department Peshawar.
- 7) S.E. C&W Circle Mardan, Dir Lower, Swat, DIKhan & Battagram.
- 8) XENs C&W Division Tank, Chitral, Tor Ghar, Battagram & Shangla.
- 9) Executive Engineers Building Division Mardan, Swat & DIKhan.
- 10) District Accounts Officers District Mardan, Swat, Tank, Chitral, Tor Ghar, Battagram, Shangla and DIKhan.
- 11) Officials Concerned.

CHIEF ENGINEER (CENTRE)

To,

Amr "F" (14)

The Secretary Communication & Works Department,
KPK, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
DATED 17.02.2015 AND 19.02.2015, WHEREAS THE
APPELLANT WAS POSTED/ REVERTED BACK FROM
ASSISTANT DIRECTOR/ SDO TO SUB-ENGINEER (BS-11)


Respectfully Sheweth:

1. That the appellant got his BS in Civil Engineering in 1st Division from UET, Peshawar in 1988.
2. That the appellant was appointed as Sub-Engineer BPS-11 in C&W Department through Public Service Commission on 12.12.1990.
3. That the appellant served as Sub-Engineer in different districts of Khyber Pakhtunkhwa till 2004. On 17.04.2004, he was posted as Assistant Director/ SDO (OPS) in Drosh, Chitral.
4. That the appellant till February, 2015 worked as Assistant Director/ SDO in Chitral, Shangla, Haripur, Buner, Swabi and Mardan in OPS.
5. That in the meantime, some other Sub-Engineers filed service appeals before this Tribunal against the same impugned order dated 17.02.2015, which was suspended by the Honourable Chairman Service Tribunal on 16.04.2015.

- (15)
6. That according to Service Law, if a civil servant, who is working on officiating/ acting charge basis against a post, if qualified to hold the same will be entitled to be promoted/ appointed against the same should a vacancy arise.
 7. That the appellant is a Graduate and is entitled to Grade-17 because of the reason that diploma holder; who are junior to him are working as his seniors.
 8. That reversion is a punishment and cannot be awarded without following the prescribed procedure.
 9. That the appellant has been condemned unheard.
 10. That the appellant has not been treated in accordance with law and discriminated against.

It is, therefore, respectfully prayed that on acceptance of this departmental appeal, the impugned orders dated 17.02.2015 and 19.02.2015 may be set aside and the appellant be promoted to BPS-17 from the first date of posting as SDO/ Assistant Director (OPS) i.e. dated 01.05.2004 with all back benefits.

Appellant


Eng. Sher Afzal
S/o Sherin Khan
R/o Village Gandef (Gadoon Area)
Tehsil Topi, District Swabi

Dated: 21/03/2015

Annex 9 (16)

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. 311 /2015

Service Tribunal
Diary No. 331
Dated 10-4-2015

Eng. Atiq ur Rehan S/o Syed Muhammad Ibrahim
R/o Old Village Sakha Kot, Malakand Agency

Appellant

VERSUS

- Secretary to Government of Khyber Pakhtunkhwa, Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
- Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.04.2015, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 17.02.2015 RESPONDENT NO.1, WHEREBY THE APPELLANT WAS RELIEVED TO HIS ORIGINAL CADRE I.E. SUB-ENGINEER, WAS DISMISSED.

PRAYER: On acceptance of this service appeal, the impugned orders dated 17.02.2015 and appellate order dated 06.04.2015 may be set aside being illegal, without jurisdiction and without lawful authority, besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grad-e-B Departmental Promotion Examination according to entry made in service book. The seniority of the appellant may be directed to be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

Handwritten signature and date 10/4/15

Respectfully Sheweth:

- That the appellant has got Diploma of Associate Engineer in Civil Technology from Govt. Polytechnic Institute Haripur in 1986 and was initially appointed as Sub-Engineer in Basic Pay scale-III on 19.03.1988. (Copies of appointment order dated 13.03.1988 and diploma are attached as annexure A & B).

ATTESTED

Service Tribunal
Peshawar

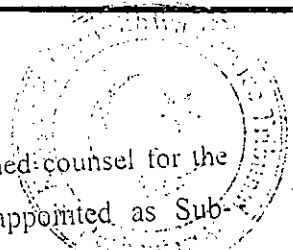
That diploma holders with 10 years service and after passing Grade-B Departmental Exam, are eligible to be appointed in BPS-16.

That the appellant is officiating in BPS-17 since 23.11.2007 being qualified to be appointed against the same on the basis of seniority and decree in Engineering.

Diary No. 7768
17/4/15

Handwritten signature and date 17/4/15

16.04.2015



17

Counsel for the appellant present. Learned counsel for the appellant argued that appellant was initially appointed as Sub-Engineer in BPS-11 in the year 1988 and after completion of 10 years service and qualifying departmental examination placed in BPS-16 and there-after appointed as SDO in BPS-17 on officiating basis w.e.f 23.11.2007 and since then served as such on different places of posting. That the appellant is entitled to be promoted to the post of SDO BPS-17 from the date of his entitlement and availability of vacancy as laid down in the reported case of the august Supreme Court of Pakistan reported as 2006 SCMR 1938, C. As No.860 to 861 of 2010 Supreme Court of Pakistan and followed by august Peshawar High Court Peshawar in W.P No. 1384-P/2015.

That the appellant preferred departmental appeal on 18.02.2015 which was rejected on 06.04.2015 and hence the present service appeal on 10.04.2015.

That the appellant is entitled to be considered for promotion against BPS-17 from the date of his appointment on officiating basis i.e 23.11.2007 and in preference to others/juniors to the appellant.

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 25.05.2015 before S.B.

Notice of stay application be also issued for the date fixed. Till date the impugned order dated 17.02.2015 is suspended and the officers junior to appellant shall not be considered for promotion against the said position. III

Sd/-
Chairman

Appellant Deposited
Security & Process Fee

Certified to be true copy
Peshawar High Court
Peshawar

Date of Presentation of Copy: 16-4-2015
 Number of Words: 800
 Copying Fee: 6-0
 Urgent: Yes
 Total: 6-0
 Name of Copy: [Signature]
 Date of Completion of Copy: 17-4-2015
 Date of Delivery of Copy: 17-4-2015



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the June 05, 2015

18

NOTIFICATION:

No.SOE/C&WD/4-7/2015: In pursuance to the Service Tribunal Khyber Pakhtunkhwa orders dated 16.04.2015, the Competent Authority is pleased to hold in abeyance the order of even number dated 17.02.2015, whereby Graduate Sub Engineer (BS-11) posted as Assistant Engineers/SDOs (OPS) were relieved for further posting against their original cadre i.e. Sub Engineers, with immediate, 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. Chief Engineer (Centre/CDO/North) C&W Peshawar
3. Chief Engineer (EQAA) Abbottabad
4. Managing Director PKHA Peshawar
5. Project Director (PMU) C&W Peshawar
6. All Superintending Engineers concerned
7. All Executive Engineers concerned
8. Registrar Service Tribunal Khyber Pakhtunkhwa, Peshawar
9. All District Accounts Officers Concerned
10. Incharge Computer Cell, C&W Department, Peshawar
11. PS to Secretary C&W Peshawar
12. Officials concerned
13. Office order File/Personal File

(USMAN JAN)
SECTION OFFICER (Estb)

(19)

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

No. 266-E / 498 / CEC / C&WD

Dated 11/06/2015

FINAL SENIORITY LIST

In pursuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Acts 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25/03/2010 (for S.No.4(C) The FINAL Seniority list of Sub Engineer (BPS-II) (Direct Graduate (Civil/Electrical/Mechanical)) of C&W Department as stood on 10/06/2015 is hereby Notified :-


S.No	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Year of Passing Professional Exam	Remarks
1	Sher Bahadar	Abdul Jabbar	Dir Lower	B.Sc(C) 1989	03/05/1965	19/12/1990	19/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
2	Ghulam Qadir Mahsood	Awaz Khan	SWA	B.Sc(C) 1989	15/05/1961	08/12/1990	08/12/1990	2008	Seniority fixed as per merit order assigned by the NWFP PSC.
3	Muhammad Karim	Abdul Ghaffar	Swat	B.Sc(C)	10/05/1963	08/12/1990	08/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
4	Noor Rehman	Hassan Gul	Bajaur	B.Sc(M)	06/01/1962	07/12/1990	07/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
5	Sher Afzal Khan	Sherin Khan	Swabi	B.Sc(C) 1988	04/11/1963	12/12/1990	12/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
6	Shabir Ahmed	Abdur Rauf	Swat	B.Sc(C) 1989	31/03/1964	20/12/1990	20/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
7	Amjad Ali	Fazli Khaliq	Charsadda	B.Sc(C) 1991	30/12/1966	07/07/1994	07/07/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
8	Fazal Mabood-II	Khadim Muhammad	Swat	B.Sc(C) 1992	16/02/1969	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
9	Masih-Ur-Rehman	Rehman Barki	Peshawar	B.Sc(C) 1991	04/08/1966	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
10	Muhammad Siddiq Khattak	Muhammad Ali	Bannu	B.Sc(C) 1992	09/08/1969	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
11	Tariq Afzal	Muhammad Asif Khan	NWA	B.Sc(C) 1993	01/04/1968	20/04/1995	20/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
12	Masood Shah	Yaqoob Shah	Charsadda	B.Sc(C) 1992	17/04/1968	25/04/1995	25/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
13	Ziaullah Khan	Mohibullaha Khan	Malakand	B.Sc(C) 1993	09/01/1969	26/04/1995	26/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.

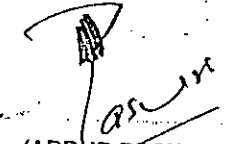
20

	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Year of Passing Professional Exam	Remarks
14	Anwar Ali Shah	S. Amir Shah Lala	Swat	B.Sc(C) 1992	26/07/1969	23/04/1995	23/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
15	Hassan Jan-II	Mian Khan	Lakki	B.Sc(C) 1988	20/10/1964	23/04/1995	23/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
16	Muhammad Adnan	Fida Muhammad	Peshawar	B.Sc(C) 2010	12/02/1987	01/08/2011	01/08/2011	—	under deceased sons quota
17	Syed Wasiaq Zahid Shah	S. Zahid Hussain Shah	Mansehra	B.Sc(C) 2011	30/09/1987	01/08/2011	01/08/2011	—	under deceased sons quota
18	Muhammad Islam	Muhammad Sadiq	Peshawar	B.Sc (C) 2012	02/01/1988	01/09/2014	01/09/2014	—	Public Service Commission Nominee. Seniority as per merit of Khyber Pakhtunkhwa PSC.

Copy of the above forwarded to:-

1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. The Chief Engineer (North) C&W Department, Peshawar.
3. The Chief Engineer (CDC) C&W Department, Peshawar.
4. The Chief Engineer (FATA), W&S Department, Peshawar.
5. The Chief Engineer (EQAA), C&W Department at Abbottabad.
6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
7. Project Director FMR/PMU C&W Department Peshawar.
8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
9. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).


 (ENGR. FAZLI KABIR)
 CHIEF ENGINEER (CENTRE)


 (ABDUR RASHID TAREEN)
 ADMINISTRATIVE OFFICER

بعدالت سرویس ٹریبونل HPK

22 جول 2015ء مخانب سائل
بنام

مورخہ

مقدمہ

دعویٰ

جرم

سرویس اسٹریٹ
انجنیئر شمس الدین احمد گورکھپنڈی

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کسٹومرز کیلئے سائل حسب التماس کا حامل و سید الشہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار، اختیار
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ 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
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 22 جول 2015ء

بمقام سید الشہ کے لئے منظور ہے۔
واہ العباد

MIAN MUHIBULLAH KAKAKHA
ADV PESH

(SAIFULLAH MUHIB)
ADV PESH

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 701 OF 2015

Engr. Shabir Ahmad
Village & P.O. Abuha
District Swat

--- Appellant

Versus

1. Secretary to
Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar

--- Respondents

2. Chief Secretary
Govt of Khyber Pakhtunkhwa
Peshawar

Joint Parawise Comments on behalf of Respondents No. 1 & 2

Respectfully Sheweth

Preliminary Objections

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

Facts

1. Pertains to record needs no comments
2. Pertains to record
3. Pertains to record
4. Incorrect. The Department has relieved all Graduate Sub Engineers (BS-11), including appellant from the post of SDO own pay and scale and directed them to report to Chief Engineer (Centre) C&W Peshawar for further posting as Sub Engineer (**Annex-I**). Later on, in pursuance to the Service Tribunal Khyber Pakhtunkhwa judgment dated 16.04.2015, the Competent Authority was pleased to held in-abeyance the order dated 17.02.2015 (**Annex-II**).
5. Incorrect, no departmental appeal of the appellant has been received.
6. No comments, as explained in para-4 of the facts
7. Incorrect. According to the recruitment rules of C&W Department notified on 25.03.2010 which were amended in 14.10.2014, the method of recruitment for the post of Assistant Engineer/SDO is as under (**Annex-III**):
 - a. Seventy Sixty five percent (65%) by initial recruitment;
 - b. twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
 - c. eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;

- d. three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and
- e. three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"


Note: The seniority in all cases shall be determined from the date of initial appointment

In light of instant service rules, the seniority list of In-service Graduate Sub Engineers are not yet finalized.

Although the appellant was posted as SDO Building Sub Division Swat in his own pay and scale on 28.01.2014 (**Annex-IV**), his posting was made purely as stop gap arrangement, at that time, his seniority position amongst the Direct Degree Holder Sub Engineers was at Sl.No.08 (**Annex-V**). The temporary arrangement for the smooth running of Sub Division was in interest of the public, due to shortage of Assistant Engineers as there was dispute amongst the Engineers of C&W & PHE Departments, due to which initial recruitment through Public Service Commission was not possible at that time.

8. Incorrect. In fact the appellant was posted as SDO in own pay & scale. The temporary arrangement for the smooth running of Sub Division was in interest of the public, due to shortage of Assistant Engineers as there was dispute amongst the Engineers of C&W & PHE Departments, due to which initial recruitment through Public Service Commission was not possible at that time.
9. Incorrect. The respondents will process the promotion case of the appellant in accordance with the rules and regulation only, after occurrence of vacancies against promotion quota. He will be considered as per service rules of the Department.
10. Incorrect. The promotion cases are considered by the Departmental Promotion Committee (DPC) as per service rules and on the completion of codal formalities, whereas the appellant posting as SDO in own pay and scale cannot be termed as promotion.
11. Incorrect, as explained in para-10 above
12. Incorrect. The appellant was correctly dealt with in accordance with law/equity. No rights of appellant has been infringed/jeopardized, because he is posted against his original post and scale i.e. BS-11 as Sub Engineer.
13. Incorrect, as explained in para-12 above
14. Incorrect. Since the appellants' case is not covered under the rules, he had not been deprived of any fundamental or constitutional rights.

In view of the above, it is, therefore, humbly prayed that the appeal being without any substance, may kindly be dismissed with costs.


SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT
(RESPONDENTS NO. 1 & 2)

Annex-I

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the February 17, 2015



ORDER:

No.SOE/C&WD/4-7/2015: The Competent Authority is pleased to relieve the following Graduate Sub Engineers (BS-11), who were posted as Assistant Engineers/ SDOs (OPS) to their original cadre i.e. Sub Engineer, with immediate effect. The Competent Authority is further pleased to place their services at the disposal of Chief Engineer (Centre) C&W Peshawar for further posting against the vacant posts of Sub Engineer:

Sl.No.	Name & present posting
1	Ghulam Qadir Mehsood SDO (OPS) Building Sub Division DIKhan
2	Noor Rehman SDO (OPS) C&W Sub Division Chitral
3	Sher Afzal Assisant Research Officer (OPS) RR&MT Lab Mardan
4	Shabir Ahmad SDO (OPS) Building Sub Division Swat
5	Hassan Jan Assistant Director (OPS) PMU C&W Peshawar
6	Attiq-ur-Rehman SDO (OPS) C&W Sub Division TOR GHAR
7	Muhammad Shafiq Assistant Director (OPS) PKHA Peshawar

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

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3. Chief Engineer (EQAA) Abbottabad
4. Managing Director PKHA Peshawar
5. Project Director (PMU) C&W Peshawar
6. All Superintending Engineers concerned
7. All Executive Engineers concerned
8. All District Accounts Officers Concerned
9. Incharge Computer Cell, C&W Department, Peshawar
10. PS to Secretary C&W Peshawar
11. Officials concerned
12. Office order File/Personal File


(USMAN JAN)
SECTION OFFICER (Estb)



Dated Peshawar, the June 05, 2015

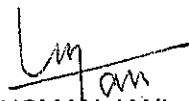
NOTIFICATION:

No.SOE/C&WD/4-7/2015: In pursuance to the Service Tribunal Khyber Pakhtunkhwa orders dated 16.04.2015, the Competent Authority is pleased to hold in abeyance the order of even number dated 17.02.2015, whereby Graduate Sub Engineer (BS-11) posted as Assistant Engineers/SDOs (OPS) were relieved for further posting against their original cadre i.e. Sub Engineers, with immediate, in the public interest.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

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3. Chief Engineer (EQAA) Abbottabad
4. Managing Director PKHA Peshawar
5. Project Director (PMU) C&W Peshawar
6. All Superintending Engineers concerned
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8. Registrar Service Tribunal Khyber Pakhtunkhwa, Peshawar
9. All District Accounts Officers Concerned
10. Incharge Computer Cell, C&W Department, Peshawar
11. PS to Secretary C&W Peshawar
12. Officials concerned
13. Office order File/Personal File


(USMAN JAN)
SECTION OFFICER (Estb)

Annex III



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the October 14, 2014

NOTIFICATION:

No.SO/E/C&WD/8-12/2014: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department Notification No.SO/E/C&WD/8-12/2009, dated 25th March, 2010, the following amendment shall be made, namely:

AMENDMENTS

In the Appendix, against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely:

- (a) Sixty five percent (65%) by initial recruitment;
- (b) twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;
- (c) eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;
- (d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and
- (e) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such"

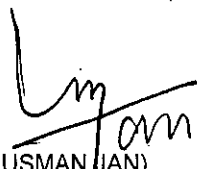
Note: The seniority in all cases shall be determined from the date of initial appointment

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) W&S Peshawar
6. Chief Engineer EQAA Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Department Peshawar
11. Assistant Legal Drafter-I, Law Department Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
14. PS to Secretary C&W Department Peshawar
15. PA to Addl: Secretary C&W Department Peshawar
16. PA to Deputy Secretary (Admn) C&W Department Peshawar
17. Office File


(USMAN JAN)
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the January 28, 2014

NOTIFICATION:

No.SOE/C&WD/7-4/2014: The Competent Authority is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the public interest:

Sl. No	Name & Designation	From	To	Remarks
1.	Mr. Shabir Ahmad Graduate Sub Engineer	Under transfer to FATA Sectt:	SDO (OPS) Building Sub Division Swat	Against vacant post
2.	Engr. Asmatullah Khan (BS-17)	Assistant Research Officer RR&MT Lab, DIKhan	Services placed at the disposal of FATA.	As substitute of Engr. Muhammad Zubair SDO

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Copy is forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Secretary Admn, Infrastructure & Coord Deptt, FATA Sectt Warsak Road, Peshawar
3. Chief Engineer (North/Centre) C&W Peshawar
4. Chief Engineer (FATA) W&S Peshawar
5. Superintending Engineer C&W Circle Swat
6. Executive Engineer Building Division Swat
7. District Accounts Officer Swat
8. Incharge Computer Cell, C&W Department, Peshawar
9. PS to Secretary, C&W Peshawar
10. PA to Deputy Secretary (Admn), C&W Peshawar
11. Officers concerned
12. Office order File/Personal File


(USMAN JAN)
SECTION OFFICER (ESTT)

Annex - V

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

No. 266-EI / 1188 / CEC/C&WD

Dated 21/02/2014

NOTIFICATION

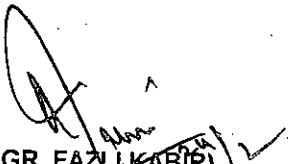
In pusuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Acts 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25/03/2010 (for S.No.4(b) Final Seniority list of Sub Engineer (BPS-11) (Direct Graduate (Civil/Electrical/Mechanical)) of C&W Department as stood on 31/12/2013 is hereby notified as under:-

S.No	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Year of Passing Professional Exam	Remarks
1	Shahid Nawaz-II	Mumtaz Khan	Peshawar	B.Sc(C)	01/08/1964	19/12/1990	19/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
2	Sher Bahadar	Abdul Jabbar	Dir Lower	B.Sc(C) 1989	03/05/1955	19/12/1990	19/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
3	Bakht Rehman	Bakht Rawan	Dir Lower	B.Sc(C)	18/02/1963	08/12/1990	08/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
4	Ghulam Qadir Mahsood	Awaz Khan	SWA	B.Sc(C) 1989	15/05/1961	08/12/1990	08/12/1990	2008	Seniority fixed as per merit order assigned by the NWFP PSC.
5	Muhammad Karim	Abdul Ghaffar	Swat	B.Sc(C)	10/05/1963	08/12/1990	08/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
6	Noor Rehman	Hassan Gul	Bajaur	B.Sc(M)	06/01/1962	07/12/1990	07/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
7	Sher Afzal Khan	Sherin Khan	Swabi	B.Sc(C) 1988	04/11/1963	12/12/1990	12/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
8	Shabir Ahmed	Abdur Rauf	Swat	B.Sc(C) 1989	31/03/1964	20/12/1990	20/12/1990	—	Seniority fixed as per merit order assigned by the NWFP PSC.
9	Amjad Ali	Fazli Khaliq	Charsadda	B.Sc(C) 1991	30/12/1966	07/07/1994	07/07/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
10	Fazal Mabood-II	Khadim Muhammad	Swat	B.Sc(C) 1992	16/02/1969	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
11	Masih-Ur-Rehman	Rehman Barki	Peshawar	B.Sc(C) 1991	04/08/1966	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
12	Muhammad Siddiq Khattak	Muhammad Ali	Bannu	B.Sc(C) 1992	09/08/1969	29/06/1994	29/06/1994	—	Seniority fixed as per merit order assigned by the NWFP PSC.
13	Tariq Afzal	Muhammad Asif Khan	NWA	B.Sc(C) 1993	01/04/1968	20/04/1995	20/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
14	Masood Shah	Yaqoob Shah	Charsadda	B.Sc(C) 1992	17/04/1968	25/04/1995	25/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.

S.No	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Year of Passing Professional Exam	Remarks
15	Ziaullah Khan	Mohibullah Khan	Malakand	B.Sc(C) 1993	09/01/1969	26/04/1995	26/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
16	Anwar Ali Shah	S. Amir Shah Lata	Swat	B.Sc(C) 1992	26/07/1969	23/04/1995	23/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
17	Hassan Jan-II	Mian Khan	Lakki	B.Sc(C) 1988	20/10/1964	23/04/1995	23/04/1995	—	Seniority fixed as per merit order assigned by the NWFP PSC.
18	Muhammad Adnan	Fida Muhammad	Peshawar	B.Sc(C) 2010	12/02/1987	01/08/2011	01/08/2011	—	under deceased sons quota
19	Syed Wasiaq Zahid Shah	S. Zahid Hussain Shah	Mansehra	B.Sc(C) 2011	30/09/1987	01/08/2011	01/08/2011	—	under deceased sons quota

Copy of the above forwarded to:-

1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. The Chief Engineer (North) C&W Department, Peshawar.
3. The Chief Engineer (CDO) C&W Department, Peshawar.
4. The Chief Engineer (FATA), W&S Department, Peshawar.
5. The Chief Engineer (EQAA), C&W Department at Abbottabad.
6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
7. Project Director FMR/PMU C&W Department Peshawar.
8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
9. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).


(ENGR. FAZLI KABIR)
CHIEF ENGINEER (CENTRE)


(ABDUR RASHID TAREEN)
ADMINISTRATIVE OFFICER

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 701 OF 2015

Engr. Shabir Ahmad
Village & P.O. Abuha
District Swat

--- Appellant

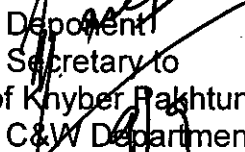
Versus

1. Secretary to
Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
2. Chief Secretary
Govt of Khyber Pakhtunkhwa
Peshawar

--- Respondents

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