

3. 01.10.2013

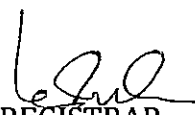
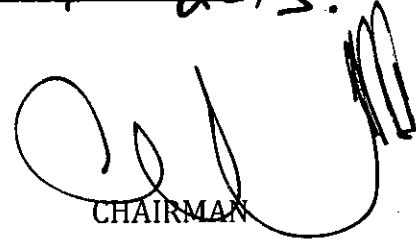
Counsel for the appellant present and requested for adjournment to produce appointment order of the appellant. To come up for further preliminary hearing on 11.10.2013.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1350/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/09/2013	<p>The appeal of Mr. Saleem-ur-rehman resubmitted today by Mr. Yousaf Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>1-10-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Saleem-ur-Rehman son of Gulistan Khan S.S. Stenographer received today i.e. on 17.09.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested.
2. 30 more copies/sets of the appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1323 /S.T,

Dt. 18/09 /2013


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Yousaf Khan Adv. Pesh.

Sir,

- 1- The needful has been done.
2. More copies will be provided after admission of the case for regular hearing.


18/9/13

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 1352 /2013

Saleem ur Rahman

..... Appellant

Versus

Govt. of KPK through Chief Secretary Etc.


..... Respondents

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4	Notification No. SOE/PHE/1-9/2010 dated 06-02-2013	"A"	<i>9-18</i>
5	Notification No. SO(E)PHE/1-9/2009 dated 06-12-2010	"B"	<i>19</i>
6	Copy of seniority list dated 31-12-2010	"C"	<i>20-21</i>
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Appellant

Through


Yousaf Khan

Advocate, High Court, Peshawar.

19-C, Cantonment Plaza,
Fakhr-e-Alam Road, Peshawar Cantt.
Cell No. 0313-9272588

Dated: *16* September, 13

①

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service appeal No. 1352 /2013.

Saleem ur Rahman S/O Gulistan Khan Senior Scale Stenographer (BPS-16) Office of the Superintending Engineer PHE Department Peshawar.

..... Appellant

VERSUS

A. W. F. Provost
1389
17-9-13

1. Government of Khyber Pakhtunkhwa, through its Chief Secretary, Peshawar.
2. Secretary, Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South), Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
4. Nizam Uddin S/O Qabul Din Superintendent, Office of the Superintending Engineer, PHE Peshawar.
5. Shadi Khan S/O Mir Kalām Khan Superintendent, Office of the Superintending Engineer, PHE Peshawar.
6. Muhammad Jan S/O Abdullah Janm Superintendent PHE FATA Peshawar
7. Abdul Wakil S/O Haji Gul Ahmad Assistant, Office of the Executive Engineer PHE Shangla
8. Mir Nawaz S/O Nawaz Khan Assistant, Office of the Executive Engineer PHE FATA Peshawar
9. Hamayun Khan S/O Bahramand Assistant, Office of the Executive Engineer PHE Malakand
10. Zafar Ali Shah S/O Mehrab Shah Assistant, Office of the Executive Engineer PHE Chitral
11. Gul Roshan S/O Abbas Khan Assistant, Office of the Superintending Engineer PHE Bannu
12. Liaqat Ali S/O Ghulam Hussain Assistant, Office of the Superintending Engineer PHE D.I.Khan
13. Zala Mir S/O Awal Khan Assistant, Office of the Superintending Engineer PHE Bannu
14. Muhammad Ibrahim S/O Mir Ali Khan Assistant, Office of the Executive Engineer PHE Swabi
15. Sherin Muhammad S/O Didar Muhammad Assistant, Office of the Executive Engineer PHE Mardan
16. Saddiq Shoukat S/O Atta Muhammad Assistant, Office of the Superintending Engineer PHE Abbottabad
17. Asfand Yar S/O Roidar Khan Assistant, Office of the Executive Engineer PHE Upper Dir

Not to be

190

17/9/13

Re-submitted to file and filed,

Law

18/9/13

27.12.2013.

Counsel for the appellant present and requested for extension of time to deposit security and process fee. Request is accepted. Process fee and security be deposited within 7 days. Thereafter, notices be issued to the respondents. To come up for written reply on 11.3.2014.

MEMBER

MEMBER

11.3.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Maazullah Supdt. for the official respondents present and requested for further time. None is available on behalf of private respondents. Fresh notices be issued to them through registered post. To come up for written reply on 20.5.2014.

MEMBER

MEMBER

20.05.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Maazullah, Supdt. for the official respondents No. 1 to 3 present and reply filed. Copy handed over to counsel for the appellant. Private respondent No. 24 in person present and requested for time. Fresh notices be issued to other private respondents. To come up for written reply of private respondents on 2.7.2014.

MEMBER

MEMBER

2.7.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Yaseen, Supdt. for the respondents No. 1 to 3 present and reply filed. None is available on behalf of private respondents No. 4 to 30 nor their written reply received, despite proper service, hence placed ex-parte. To come up for rejoinder on 23.10.2014.

MEMBER

MEMBER

*Appellant deposited
Process fee & Security
of Rs. 1440/- Bank Receipt
attached with file
(in A No. 1352, 1354/13)*

Appeal No. 1352/2013

Mr. Saleem-ur-Rehman

4.
11.10.2013

Counsel for the appellant present and submitted an application for placing on file order of the Public Health Engineering Department, Peshawar dated 29.10.2010 and notification of Finance Department dated 19.06.2012 which are place on file. Preliminary arguments heard. Counsel for the appellant contended that the appellant has not been treated in accordance with the law/rules. He further contended that the appellant was promoted to the post of Senior Scale Stenographer PBS-15 w.e.f 29.10.2010 and the rule for his upgradation/promotion were notified by the Government of Khyber Pakhtunkhwa Public Health Engineering Department vide notification dated 06.02.2010 where for Ministerial Establishment at S.No.7 Superintendent BPS-16 the following criteria has been laid down "(a) Seventy percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and (b) Thirty percent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographers with five years service as such. The government changed the said criteria as under "By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having five years service as such. **Note:-** A joint seniority list of assistants/Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistant and Senior Scale Stenographer respectively. In case of same date of appointment, Assistant shall rank senior." As such chances of promotion of appellant have been decreased. He filed departmental appeal on 04.06.2013 which has not been responded within the statutory period of 90 days, hence the present appeal on 17.09.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections/limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 27.12.2013 for submission of written reply. Appellant also filed an application for suspension of the impugned amendment and seniority list issued on 31.12.2010. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.

Member

5.
11.10.2013

This case be put before the Final Bench TP for further proceedings.

Chairman

18. Khurshid Ali Shah S/O Shahid Ullah Jan Assistant, Office of the Superintending Engineer PHE Kohat
19. Amir Hussain S/O Muhammad Nawaz Assistant, Office of the Executive Engineer PHE D.I.Khan
20. Pervez Ahmad S/O Shamroz Khan Assistant, Office of the Superintending Engineer PHE Mardan
21. Fazli Wahid S/O Abdul Malik Assistant, Office of the Chief Engineer PHE FATA Peshawar
22. Mehmud Shah S/O Sher Afzal Head Clerk PHE Nowshera
23. Hassan Gul S/O Zafir Gul Assistant, Office of the Superintending Engineer PHE Mardan
24. Muhammad Irshad S/O Muhammad Zaman Assistant, Office of the Executive Engineer PHE Haripur
25. Dil Nawab Khan S/O Muhammad Akbar Assistant, Office of the Superintending Engineer PHE FATA Peshawar.
26. Ihsan Ullah S/O Aman Ullah Assistant Office of the Chief Engineer(South) PHE Peshawar.
27. Asghar Ali Assistant, Office of the Superintending Engineer PHE Bannu
28. Muhammad Younas S/O Hassan Ali Assistant, Office of the Executive Engineer PHE Abbottabad.
29. Kalim Khan S/O Rais Khan Assistant, Office of the Executive Engineer PHE Kohat
30. Waris Khan S/O Faqir Khan Assistant Office of the Chief Engineer(South) PHE Peshawar.

.....Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THE NOTIFICATION NO. SO(E)PHE/1-9/2009 DATED 06-12-2010 TO THE EXTENT OF PARA/ RULE (IV) OF THE NOTIFICATION IBID MAY KINDLY BE DECLARED ILLEGAL, VOID AB INITIO

PRAYER IN APPEAL.

On acceptance of this appeal, the Notification No. SO(E)PHE/1-9/2009 dated 06-12-2010 to the extent of para/ rule (iv) of the notification ibid may kindly be declared illegal, void ab initio and the same may kindly be struck down and the promotion criteria to the post of Superintendent(B-16) on the basis of original promotion rules vide notification No. SOE/PHE/1-9/2010 dated 06-02-2010 may

kindly be restored. It is further requested that separate seniority list of Assistants and Senior Scale Stenographers may kindly be ordered to issue.

Respectfully Sheweth.

The Appellant humbly submits as under:-

1. That the appellant is working as Senior Scale Stenographer in Public Health Engineering department.
2. That Senior Scale Stenographers are working in BPS-16 while Assistants are in BPS-14 and in the past a separate seniority list was maintained by Department and promotion to the post of Superintendent (BPS-16) from both the cadres were made vide Notification No. SOE/PHE/1-9/2010 dated 06-02-2010 as per the following formula which is reproduced as under:-

- a) Seventy percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and
- b) Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with five years service as such.

(Copy of seniority list is annexed as Annexure- A)

3. That vide Notification No. SO(E)PHE/1-9/2009 dated 06-12-2010, amendments in promotions rules were made:-

(iv) "against S. No.7 in column No. 5 for the existing entry, the following shall be substituted, namely By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having five years service as such.

Note:- A joint seniority list of Assistants/ Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistants and Senior Scale Stenographer respectively. In case the same date of appointment, Assistant shall rank senior".

(Copy of seniority list is annexed as Annexure- B)

4. In this connection it is stated that the said amendments have been made to satisfy the vested interests of a certain group of employees as the Senior Scale Stenographers have not advanced any such demand/ request and the same is very harmful for the appellant.
5. Consequently a joint seniority list of Assistants and Stenographers was prepared and issued on 31-12-2010.
6. That due to the impugned amendments in promotion rules, Assistants (B-14) from S. No. 1 to 32 were placed at the top of the list while the appellant amongst others although working in B-16 was placed below of the alleged seniority list maintained by the Department.
(Copy of seniority list is annexed as Annexure- C).
7. That it is quite illogical that BPS- 14 officials are placed senior to BPS-16 officials which is unwarranted, illogical and against the service laws of the land.
8. That the appellant on 04-06-2013, filed a departmental appeal to the appellate authority and a statutory period of ninety days elapsed but nothing has been heard.
(Copy of Departmental appeal is annexed as Annexure- D)
9. That the appellant, feeling aggrieved by the impugned amendment and the impugned seniority list subsequently prepared, is preferring this service appeal on the following grounds inter alia:-

GROUNDS

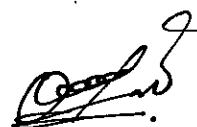
- A. That the impugned amendments and seniority list issued is against the law of the land, norms of justice, void ab initio and the same is liable to be set aside.
- B. That the impugned amendment has been made with a malafie intention and in total disregard of the spirits of Natural justice and neither any prior notice has been given to the appellant nor has he been heard.
- C. That through the recent amendments impugned herein, 30% quota of promotion from Senior Scale Stenographers to the post of Superintendent (B16) was totally abolished by providing for a joint seniority list at there the prospects for promotion of senior scale stenographers have virtually and practically been curbed and abolished.

- D. That the proposed amendment and curtailing of prospects of promotion of senior scale stenographers would not only deprive the appellants of their right of promotion but would also deprive the concerned department of the spirit and zeal of its important work force who would naturally get look wars in their response to the official duties finding no home of upward journey in their career.
- E. That while passing the impugned amendment the concerned authorities failed to notice that progression in career is the most basic right of every serviceman essential for maintaining efficiency and discipline in the department as well.
- F. That the impugned amendments are ultra vires of the civil servants act, 1973 and rules made thereunder.
- G. That the impugned order is violative of the principle of locus poenetentia.
- H. That the joint seniority list prepared after the impugned amendment was also wrongly prepared as Senior Scale Stenographers in BPS-16 have been placed junior to Assistants B-14 which is wrong, illegal, illogical and against the service discipline.

It is therefore, most humbly prayed that on acceptance of this appeal, the Notification No. SO(E)PHE/1-9/2009 dated 06-12-2010 to the extent of para/ rule (iv) of the notification ibid may kindly be declared illegal, void ab initio and the same may kindly be struck down and the promotion criteria to the post of Superintendent(B-16) on the basis of original promotion rules vide notification No. SOE/PHE/1-9/2010 dated 06-02-2010 may kindly be restored. It is further requested that separate seniority list of Assistants and Senior Scale Stenographers may kindly be ordered to issue.


Appellant

Through


Yousaf Khan
Advocate, High Court, Peshawar.

BEFORE THE HONORABLE SERVICES
TRIBUNAL, K.P.K PESHAWAR

Saleem ur Rahman Vs Govt etc.

**APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED AMENDMENT AND SENIORITY LIST ISSUED
ON 31/12/2010 TILL FINAL DISPOSAL OF THE
ACCOMPANYING APPEAL.**

Respectfully Sheweth,

Applicant submits as under:-

- 1) That the applicant has filed the accompanying appeal in this Honorable Tribunal wherein the next date of hearing is yet to be fixed.
- 2) That the applicant has got a prima facie case and is sanguine about its success.
- 3) That balance of convenience lies in the favour of petitioner.

It is, therefore, very humbly prayed that the relief as prayed for may kindly be granted.

Dated: 16/09/2013

THROUGH

[Signature]
Applicant/Appellant

[Signature]
Yousaf Khan Advocate

6

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2013

Saleem ur Rahman

..... Appellant

Versus

Govt. of KPK through Chief Secretary Etc.

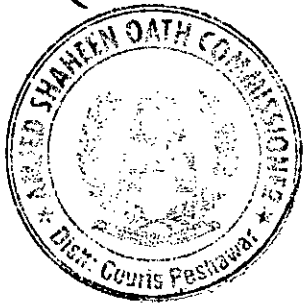
..... Respondents

AFFIDAVIT

I, Saleem ur Rahman S/O Gulistan Khan Senior Scale Stenographer (BPS-16) Office of the Superintending Engineer PHE Department Peshawar , do hereby solemnly affirm and declare on oath that the contents of accompanying Service Appeal are true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

ATTESTED
14.9.13

[Signature]
Deponent



Identified by:

[Signature]

Yousaf Khan, Advocate,
High Court Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2013

Saleem ur Rahman

..... Appellant

Versus

Govt. of KPK through Chief Secretary Etc.

..... Respondents

Addresses of the parties

Address of the Appellant:

Saleem ur Rahman S/O Gulistan Khan Senior Scale Stenographer (BPS-16) Office of the Superintending Engineer PHE Department Peshawar.

Addresses of the Respondents:

..... Appellant

VERSUS

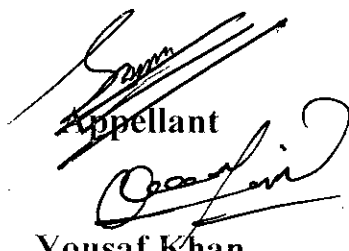
1. Government of Khyber Pakhtunkhwa, through its Chief Secretary, Peshawar.
2. Secretary, Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South), Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
4. Nizam Uddin S/O Qabul Din Superintendent, Office of the Superintending Engineer, PHE Peshawar
5. Shadi Khan S/O Mir Kalam Khan Superintendent, Office of the Superintending Engineer, PHE Peshawar
6. Muhammad Jan S/O Abdullah Janm Superintendent PHE FATA Peshawar,
7. Abdul Wakil S/O Haji Gul Ahmad Assistant, Office of the Executive Engineer PHE Shangla
8. Mir Nawaz S/O Nawaz Khan Assistant, Office of the Executive Engineer PHE FATA Peshawar
9. Hamayun Khan S/O Bahramand Assistant, Office of the Executive Engineer PHE Malakand
10. Zafar Ali Shah S/O Mehrab Shah Assistant, Office of the Executive Engineer PHE Chitral
11. Gul Roshan S/O Abbas Khan Assistant, Office of the Superintending Engineer PHE Bannu

8

12. Liaqat Ali S/O Ghulam Hussain Assistant, Office of the Superintending Engineer PHE D.I.Khan
13. Zala Mir S/O Awal Khan Assistant, Office of the Superintending Engineer PHE Bannu
14. Muhammad Ibrahim S/O Mir Ali Khan Assistant, Office of the Executive Engineer PHE Swabi
15. Sherin Muhammad S/O Didar Muhammad Assistant, Office of the Executive Engineer PHE Mardan
16. Saddiq Shoukat S/O Atta Muhammad Assistant, Office of the Superintending Engineer PHE Abbottabad
17. Asfand Yar S/O Roidar Khan Assistant, Office of the Executive Engineer PHE Upper Dir
18. Khurshid Ali Shah S/O Shahid Ullah Jan Assistant, Office of the Superintending Engineer PHE Kohat
19. Amir Hussain S/O Muhammad Nawaz Assistant, Office of the Executive Engineer PHE D.I.Khan
20. Pervez Ahmad S/O Shamroz Khan Assistant, Office of the Superintending Engineer PHE Mardan
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27. Asghar Ali Assistant, Office of the Superintending Engineer PHE-Bannu
28. Muhammad Younas S/O Hassan Ali Assistant, Office of the Executive Engineer PHE Abbottabad
29. Kalim Khan S/O Rais Khan Assistant, Office of the Executive Engineer PHE Kohat
30. Waris Khan S/O Faqir Khan Assistant Office of the Chief Engineer(South) PHE Peshawar.

Dated: September 16, 2013

Through


Appellant

Yousaf Khan
Advocate, High Court, Peshawar.

13-8-15

Appellant with counsel and Mr. Muhammad Jan, GP with Muhammad Yaseen, Supdt. for the official respondents present. ^{to} Due to rush of work, arguments could not be heard. To come up for arguments on 24.7.2015. Till then status quo is extended.


MEMBER


MEMBER

24.07.2015

Counsel for the appellant and Mr. Ziaullah, GP with Muhammad Yaseen, Supdt. and Muhammad Iqbal, Supdt. for the respondents present. Since court time is over, therefore, arguments could not be heard. To come up for arguments on 11.09.2015. Till then status quo is extended.

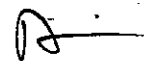

MEMBER


MEMBER

11.09.2015

Appellant in person, M/S Muhammad Yaseen, Supdt and Muhammad Iqbal, Supdt alongwith Mr. Usman Ghani, Sr. GP for respondents present. Appellant submitted an application for withdrawal of the instant appeal. In this respect his signature also recorded in the margin of the order sheet. Application is allowed and the appeal is dismissed as withdrawn. File be consigned to the record.

Announced
11.09.2015


Member


Member

17301-2634462-3
11/9/15

23.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Muhammad Yaseen, Supdt. for the respondents present. Counsel for the appellant needs time to file rejoinder. To come up for rejoinder on 07.1.2015.


MEMBER

07.1.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Yaseen Supdt. for the respondents present. The Tribunal is incomplete. To come up for the same on 17.3.2015.


READER

17.3.2015

Counsel for the appellant and Addl. AG with Muhammad Yaseen, Supdt. for the official respondents present. Rejoinder received on behalf of the appellant. The learned counsel for the appellant requested that in the meanwhile no promotion may be made so that the issue may not further be complicated. To come up for arguments on 13.05.2015. The respondent-department is restrained from making promotion on the basis of the disputed seniority list to the post of Superintendent till the date fixed.


MEMBER


MEMBER

GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE
PUBLIC HEALTH ENGINEERING DEPARTMENT

NOTIFICATION

Peshawar, dated: 6.02.2010.

No. SEPHHE/1-9/2010 - In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous notifications issued in this behalf, the Public Health Engineering Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in Column No. 3 to 5 of the Appendix appended to this Notification which shall be applicable to the post as mentioned in Column No. 2 of the said Appendix.



ATTESTED


18/9

Ann: "A"

(9)

(54)

APPENDIX

S.No.	Nomenclature of post.	Minimum qualification required for appointment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
I. Engineering Cadre:				
1.	Chief Engineer (BS-20).			By promotion, on the basis of selection on merit, from amongst the Superintending Engineers/Directors Design/Directors (Planning and Monitoring) with at least seventeen years service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
2.	Superintending Engineer / Director Design / Director (Planning and Monitoring) (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers Design Engineers Technical Officers with twelve years of service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
3.	Executive Engineer/ Design Engineer/ Technical Officer (BS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers/Sub Divisional Officers Design Engineers with five years service as such, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.

ATTESTED

[Signature]
18/9

[Signature]

4.	Assistant Engineer Assistant Design Engineer/Sub Divisional Officer (BS-17).	Degree in B.E./B.Sc Engineering (Civil) from a recognized University.	21 to 32 years	<p>(a) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possessed Degree of B.E./B.Sc Engineering (Civil) from a recognized University;</p> <p><u>Note:</u> The seniority for the purpose of promotion shall be reckoned from the date of acquiring degree of B.E./B.Sc Engineering (Civil) from a recognized University or date of appointment which ever is later.</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma and have passed Departmental Professional Examination with at least ten years service as such; and</p> <p>(c) seventy per cent by initial recruitment.</p>
5.	Sub Engineer (BS-11).	Diploma of Associate Engineering (Civil) / Electrical Mechanical from a recognized Technical Board.	18 to 30 years	<p>(a) Ten per cent by transfer, from amongst the Draftsmen with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology from a recognized Board; and</p> <p>(b) ninety per cent by initial recruitment.</p>

II. Ministerial Establishment:

6.	Budget and Accounts Officer/Administrative Officer (BS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with five years service as such.
7.	Superintendent (BS-16).			<p>(a) Seventy per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and</p> <p>(b) thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with five years service as such.</p>

18/9

8. Senior Scale Stenographers (BS-15).	(a) Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (b) a speed of 100 words per minute in English shorthand and 40 words per minute in English typing.	18 to 30 years	By promotion on the basis of seniority-cum-fitness, from amongst the Stenographers BS-15 with five years service as such. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
9. Junior Scale Stenographer (BS-12).	(a) Second Class Intermediate/ D.Com or equivalent qualification from a recognized Board; and (b) a speed of 50 words per minute in English shorthand and 35 words per minute in English typing.	18 to 30 years	By initial recruitment.

Qasbi
18/9

[Signature]

10.	Assistant Head Clerk (BS-14)	Second Class Bachelor's Degree from a recognized University.	11 to 32 years	<p>(a) Twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks, having graduation with five years service as such.</p> <p>(b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerk other than Graduates, with five years service as such.</p> <p>Provided that if qualified persons are not available for promotion, against the quota at (a), then the vacancy shall be filled in by way prescribed at (b) and</p> <p>(c) Twenty-five per cent by initial recruitment.</p>
11.	Accounts Clerk (BS-11).		--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with five years service as such.
12.	Senior Clerk (BS-09).		--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with three years service as such.
13.	Junior Clerk (BS-07).	<p>(a) Second Division Intermediate or equivalent qualification from a recognized Board; and</p> <p>(b) a speed of 30 words per minute in English typewriting.</p>	18 to 28 years	<p>(a) Twenty per cent by promotion, from amongst the Daftari, Record Lifter, Daffadar, Barkandaz, Naib Qasids and Chowkidars, who have passed Secondary School Examination and are under 45 years of age and have at least two years service as such; and</p> <p><u>Note:</u> For the purpose of promotion, the department shall maintain a joint seniority list of Daftary, Naib Qasids, Chowkidars, Record Lifter, Daffadar and Barkandaz based on the date of regular appointment to the post or that of acquiring the SSC whichever is later; provided that if two dates are the same the person older in age or having longer service, whichever is more beneficial to him, shall rank senior; and</p> <p>(b) eighty per cent by initial recruitment.</p>

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	Daftari/Record Lifter/ Daffadar/Barkandaz (BS-02).	Preferably literate; preference will be given to Ex-Service Man.	18 to 35 years	By promotion, from amongst the Naib Qasids/Chowkidars having Middle Standard qualification. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
15.	Naib Qasid (BS-01).	Middle Standard qualification.	18 to 40 years	By initial recruitment.
16.	Driver (BS-04).	Possessing a valid LTV/ HTV Driving License with five years experience, having Middle Standard qualifications from a recognized Board.	18 to 45 years	By initial recruitment.
17.	Chowkidar (BS-01).	Literate.	18 to 45 years	By initial recruitment.
18.	Sweeper (BS-01).		18 to 45 years	By initial recruitment.
19.	Data Entry Operator / Computer Aided Design, Computer Operator (BS-11).	Second Class Intermediate Certificate or equivalent qualification from a recognized Board and one year Diploma in Information Technology or Computer Science from a recognized Board.	18 to 30 years	By initial recruitment.

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III. Drawing Branch Establishment:

20.	Chief Draftsman (BS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman with five years service as such.
21.	Circle Head Draftsman (BS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Head Draftsman/ Divisional Head Draftsman with five years service as such.
22.	Head Draftsman / Divisional Head Draftsman (BS-14)			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman with five years service as such.
23.	Draftsman (BS-11)	(a)	Second Division Secondary School Certificate from a recognized Board; and	(a) Twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman Course of two years duration from recognized Board of Technical Education with three years service as such:
		(b)	two years duration Certificate Course in Civil Draftsmanship from a recognized Board of Technical Education.	(b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman, and having three years service as such: Provided that if no suitable candidates are available for promotion against the quota at (a) then the vacancy shall be filled in by way prescribed at (b) and vice versa; and
				(c) fifty per cent by initial recruitment.

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(a) Second Class Secondary School Certificate from a recognized Board; and (b) Survey course of at least 6-9 months duration.	18 to 30 years	(a) Twenty-five by promotion from amongst the Ferro-Printer/Ferro Khalasi with Secondary School Certificate with two year service as such; and (b) seventy-five per cent by initial recruitment.
25. Ferro-Printer/Ferro Khalasi (BS-02).	Middle Standard Qualification.	18 to 30 years By initial recruitment.

14. Water Quality (WQ) Laboratory's Technical Staff:

26. Water Scientist / Senior Research Officer (WQ) (BS-18).	Second Division M.Sc (Micro-biology or Chemistry) from a recognized University.	By promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Research Officer (Water Quality) BS-17 with five years service as such
27. Research Officer (WQ) (BS-17).	Second Division M.Sc (Micro-biology or Chemistry), from a recognized University.	21 to 32 years (a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Assistant Research Officer (Water Quality) with three years service as such; and (b) fifty per cent by initial recruitment; and
28. Assistant Research Officer (WQ) (BS-16).	Second Division B.Sc (Microbiology or Chemistry) from a recognized University.	21 to 30 years By initial recruitment.

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Laboratory Technician (BS-14)	Second Division Secondary School Certificate or equivalent qualification from a recognized Board and relevant Laboratory Technician Course from a recognized Technical Board/Institute.	18 to 30 years	By initial recruitment.
30. Laboratory Attendant (BS-11)	Literate.	18 to 45 years	By initial recruitment.

Hydrogeology/Resistivity Survey Staff:

31. Research Officer/ Hydro-Geologist (BS-17)	Second Division M.Sc (Hydro-Geology) or B.Sc (Civil/Agriculture Engineering) with two years relevant experiences or Second Division M.Sc. (Water Resources/ Civil Engineering) from a recognized University.	21 to 32 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Assistant Research Officer (Resistivity Survey) with three years service as such; and (b) fifty per cent by initial recruitment.
Assistant Research Officer (R/Survey) (BS-16)	Second Division M.Sc (Hydro-Geology) or B.Sc (Civil/Agriculture Engineering) or Second Division M.Sc. (Water Resources/ Civil Engineering) from a recognized University.	21 to 30 years	By initial recruitment.

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33. Technician (BS-06)	Second Class Secondary School Certificate or equivalent qualification from a recognized Board and relevant Technician Course from a recognized Technical Board Institute.	18 to 30 years	By initial recruitment
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VI. Community Development/Health Hygiene Promotion Staff:

34. Assistant Social Organizer (BS-16)	Second Class Master's Degree in Social Sciences from a recognized University.	21 to 30 years	By initial recruitment.
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VII. EIA/Environment Section Staff:

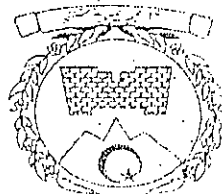
35. Environmentalist (BS-17)	Second Class Master's Degree in Environmental Sciences/Environmental Engineering from a recognized University.	21 to 30 years	By initial recruitment or by deputation from Environmental Protection Agency North-West Frontier Province.
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SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
PUBLIC HEALTH ENGINEERING DEPARTMENT.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT
Dated Peshawar, the December 6, 2010



NOTIFICATION

No. SO(E)/PHE/1-9/2009. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this department's Notification No. SOE/PHE/1-9/2010, dated 06-03-2010, the following amendments shall be made, namely:

AMENDMENTS

in the Appendix:-

- (i) against serial No.2 and 3, in column No.5, the word and brackets, "(Civil)" shall be deleted;
- (ii) against serial No.4, in column No.5, for the existing entry, the following shall be substituted, namely:

“(a) Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Direct Graduate Sub Engineers, who possessed Degree of B.E/B.Sc-Engineering (Civil) from a recognized University;

(b) Five per cent by promotion, on the basis of seniority-cum-fitness from amongst the in-service Graduate Sub Engineers, who possessed Degree of B.E/B.Sc-Engineering (Civil) from a recognized University;

(c) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who hold a Diploma in Civil / Electrical / Mechanical Technology and have passed Departmental Professional Examination with atleast ten years service as such; and

seventy percent by initial recruitment.”;

against serial No.5, in column No.5, for the existing entry, the following shall be substituted, namely:

“(a) ninety-five per cent by initial recruitment having Diploma of Associate Engineering (Civil) from a recognized Technical Institution;

(b) One per cent by initial recruitment having Diploma of Associate Engineering (Electrical) from a recognized Technical Institution;

(c) two per cent by initial recruitment having Diploma of Associate Engineering (Mechanical) from a recognized Technical Institution; and

(d) two per cent by transfer, from amongst the Draftsmen with atleast seven years service as such, having Diploma in Civil / Electrical

Mechanical Technology from a recognized Institution.”;

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ACCEPTED

(iv) against serial No.7, in column No.5, for the existing entry, the following shall be substituted, namely;

"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having five years service as such.

Note:- A joint seniority list of Assistants / Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistant and Senior Scale Stenographer respectively. In case of same date of appointment, Assistant shall rank senior."

(v) against serial No.11.-

a. in column No.2, for the existing entry, the following shall be substituted, namely;

"Accounts Clerk / Senior Clerk"; and

b. in column No.5, for the words "Senior Clerks with five", the words "Junior Clerks with three", shall be substituted.

(vi) entries against serial No.12 shall be deleted;

(vii) against serial No.13, in column No.3, for the existing entry at clause (a), the following shall be substituted, namely;

"(a) Second class Secondary School Certificate from a recognized Board; and"

(viii) against serial No.19, in column No.2 & 3, for the existing entry, the following shall be substituted, namely;

Column No.2	Column No.3
Computer Operator (BPS-12)	"Second class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education."

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

ENDST: No. SO(E)PHE/1-9/2009

Dated Peshawar, the December 6, 2010

Copy forwarded to the:-

1. All Administrative Secretaries to the Govt. of Khyber Pakhtunkhwa Province
2. Secretary to Governor Khyber Pakhtunkhwa Province.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Province.
4. PS to Chief Secretary Khyber Pakhtunkhwa Province.
5. Accountant General Khyber Pakhtunkhwa Province Peshawar.
6. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
7. Chief Engineer (North & South) PHE Department.
8. Secretary Public Service Commission.
9. Registrar Peshawar High Court / Services Tribunal Peshawar.
10. All Superintending Engineers PHE Circles / XENs PHE Department.
11. Manager Government Stationary & Printing Department.
12. PS to Secretary / DS (Admn) PHE Department.
13. Office Order File

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18/9

(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)

Ann: "C"

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Public Health Engineering Department

Seniority List of Assistants (B-14) / Stenographers (B-15) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Previous	Date of Appointment to Present Post	Remarks
✓1	Nizam ud Din	Qabul Din	Khyber	Matric	20.11.1955	20.12.1973	20.01.1982	21.11.1988	
2	Syed Hazrat Yousaf	S.Muhammad Ismail	Malakand	Matric	05.08.1952	09.05.1974	19.01.1984	02.12.1989	
3	Shadi Khan	Mir Kalam Khan	FR Bannu	Matric	28.06.1955	17.08.1974	18.10.1986	23.08.1993	
✓4	Muhammad Jan	Abdullah Jan	D.I.Khan	Matric	09.10.1953	25.11.1974	18.10.1986	23.08.1993	
✓5	Abdul Wakil	Haji Gul Ahmad	Mardan	B.A	01.01.1954	27.11.1974	18.10.1986	23.08.1993	
✓6	Mir Nawaz	Nawab Khan	Lakki	Matric	02.01.1956	02.12.1974	14.11.1986	05.12.1993	
✓7	Hamayun Khan	Bahramand	Malakand	B.A	14.04.1954	18.12.1973	18.10.1986	15.08.1994	
✓8	Zafar Ali Shah	Mehrab Shah	Chitral	Matric	01.03.1955	16.05.1974	27.03.1990	19.06.1994	
✓9	Gul Roshan	Abbas Khan	FR Bannu	Matric	28.07.1956	11.01.1975	11.04.1987	07.05.1995	
✓10	Liaqat Ali	Ghulam Hussain	D.I.Khan	D.Com	28.11.1954	18.02.1975	11.04.1987	17.12.1995	
✓11	Zala Mir	Awal Khan	FR Bannu	Matric	02.02.1956	04.03.1975	11.04.1987	01.08.1996	
✓12	Muhammad Ibrahim	Mir Ali Khan	Karak	Matric	03.03.1957	01.06.1975	11.04.1987	29.10.2010	
13	Khurshid Iqbal		Dir	Matric	23.03.1952	16.12.1974	01.10.1987	29.10.2010	
✓14	Sherin Muhammad	Didar Muhammad	Mardan	Matric	29.07.1956	01.10.1975	01.10.1987	29.10.2010	
15	Qayum Nawaz	Ahmad Nawaz	D.I.Khan	Matric	25.01.1952	02.03.1977	05.09.1989	29.10.2010	
✓16	Saddiq Shoukat	Atta Muhammad	Abbotabad	M.A	04.01.1955	12.03.1977	05.09.1989	29.10.2010	
17	Asfand Yar	Roidar Khan	Peshawar	M.A	02.04.1955	01.03.1977	05.09.1989	29.10.2010	
18	Khurshid Ali Shah	Shahid Ullah Jan	Lakki	Matric	09.03.1957	16.02.1977	05.09.1989	29.10.2010	
19	Amir Hussain	Muhammad Nawaz	D.I.Khan	D.Com	01.01.1958	11.03.1977	30.04.1991	29.10.2010	
20	Pervez Ahmad	Shamroz Khan	Mardan	Matric	24.01.1959	16.03.1977	23.04.1991	29.10.2010	
21	Fazal Qadeem	H.Mian Shamsul Qamar	Charsadda	Matric	02.09.1951	22.03.1977	23.04.1991	29.10.2010	
22	Fazli Wahid	Abdul Malik	Charsadda	Matric	15.01.1954	13.06.1978	23.04.1991	29.10.2010	
23	Mushtaq Ahmad	Ghulam Mohiud Din	Abbotabad	Matric	11.05.1953	12.09.1978	23.04.1991	29.10.2010	
24	Mehmood Shah	Sher Afzal	Khyber	Matric	14.06.1955	07.10.1978	01.05.1991	29.10.2010	
25	Hassan Gul	Zafir Gul	Mardan	Matric	25.08.1958	30.09.1978	12.01.1995	29.10.2010	
26	Mohammad Irshad	Muhammad Zaman	Haripur	Matric	16.11.1957	01.10.1978	16.10.1993	29.10.2010	
27	Dil Nawab Khan	Muhammad Akbar	Karak	B.A	22.09.1958	19.10.1978	16.10.1993	29.10.2010	
28	Ihsan Ullah	Aman Ullah	Peshawar	Matric	04.12.1958	30.09.1978	16.10.1993	29.10.2010	
29	Asghar Ali		Bannu	Matric	04.12.1958	04.10.1978	16.10.1993	29.10.2010	
30	Muhammad Younas	Hassan Ali	Abbotabad	F.A	01.01.1958	27.09.1978	16.10.1993	29.10.2010	

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Seniority List of Assistants (B-14) / Stenographers (B-15) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Previous	Date of Appointment to Present Post	Remarks
31	Kalim Khan	Rais Khan	Karak	Matric	06.04.1960	05.10.1978	16.10.1993	29.10.2010	
32	Waris Khan	Faqir Khan	Peshawar	Matric	21.04.1958	15.02.1979	16.10.1993	29.10.2010	
(R) 33	Asadullah	Maghfoor Khan	Charsadda	B.A	30.11.1951	02.04.1978	16.10.1993	29.10.2010	
(R) 34	Umar Nawaz Shah (SR)	Muhammad Shah	Bannu	D.Com	01.03.1953	25.05.1981	25.05.1981	29.10.2010	
35	Jehan Shah (SR)	Mir Jehan Shah	Bannu	D.Com	24.08.1961	11.06.1985	11.06.1985	29.10.2010	
36	Muhammad Bakhsh (SR)	Fateh Muhammad	D.I.Khan	Matric	01.12.1958	01.07.1985	01.07.1985	29.10.2010	
37	Mukaram Khan (SR)	Zigrawar Khan	Mardan	M.A	07.05.1959	11.02.1986	18.02.1986	29.10.2010	
38	Said Ghani (SR)	Gul Sahib	Mardan	B.A	08.04.1966	15.09.1987	15.09.1987	29.10.2010	
39	Shahab ud'Din (SR)	Abdul Matin	Lower Dir	B.A	02.01.1966	01.10.1987	29.09.1987	29.10.2010	
40	Saleem ur Rehman (SR)	Gulistan Khan	Karak	M.A	07.05.1966	04.02.1985	01.04.1990	29.10.2010	
41	Abid ur Rehman (SR)	Mir Sadat Shah	Bannu	D.Com	01.05.1968	27.03.1990	27.03.1990	29.10.2010	

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←

[Signature]
Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Endstt: No. 06/E-16/PHE Dated Peshawar the 28/3 /2011

Copy of the Seniority List is forwarded to the: -

- 1 Chief Engineer (North) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
- 2 All Superintending Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 3 All Executive Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 4 Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar

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[Signature]
Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Ann: "D"

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To
The Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Through proper Channel.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION.

Respected Sir,

The undersigned submits as under:-

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1. That the undersigned is working as Senior Scale Stenographer in Public Health Engineering department.
2. That Senior Scale Stenographers are in BPS-16 while Assistants are in BPS-14 in the past and a separate seniority list was maintained by Department and promotion to the post of Superintendent (BPS-16) for both the cadres were made vide Notification No. SOE/PHE/1-9/2010 dated 06-02-2010 as per the following formula which are reproduced as under:-
 - i. Seventy percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and
 - j. Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with five years service as such.
3. That vide No. SO(E)PHE/1-9/2009 dated 06-12-2010, amendments in promotions rules were made:-

(iv) "against S. No.7 in column No. 5 for the existing entry, the following shall be substituted, namely By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having five years service as such.

Note:- A joint seniority list of Assistants/ Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistants and Senior Scale Stenographer respectively. In case the same date of appointment, Assistant shall rank senior."

In this connection it is stated that the said amendments have been made to satisfy the vested interests of a certain group of employees as the Senior Scale Stenographers have not advanced any such demand/ request and the same is very harmful for us.

- 5. Consequently a joint seniority list of Assistants and Stenographers was prepared and issued on 31-12-2010.
- 6. That due to the impugned amendments in promotion rules, Assistants (B-14) from S. No. 1 to 34 were placed at the top of the list while the undersigned amongst others although working in B-16 was placed at S. No. 40 of the alleged seniority list maintained by the Department. (Copy of seniority list is attached).
- 7. That it is quite illogical that BPS- 14 officials are placed senior to BPS-16 officials which is unwarranted, illogical and against the service laws of the land.

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It is therefore, most humbly prayed that on acceptance of this appeal, the Notification No. SO(E)PHE/1-9/2009 dated 06-12-2010 to the extent of para/ rule (iv) of the notification ibid may kindly be declared illegal, void ab initio and the same may kindly be struck down and the promotion criteria to the post of Superintendent(B-16)on the basis of original promotion rules vide notification No. SOE/PHE/1-9/2010 dated 06-02-2010 may kindly be restored. It is further requested that separate seniority list of Assistants and Senior Scale Stenographers may kindly be ordered to issue.

Yours Obediently,

Received.
4/6 *[Signature]*

4/06
03
[Signature]
Saleem ur Rahman S/O Gulistan Khan
Senior Scale Stenographer(BPS-16)
PHE Department,

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

C.M.No _____/2013

In

Service Appeal No. _____/2013

Saleem ur Rahman

Versus

Govt. of K.P.K. etc

**APPLICATION FOR PLACING ON FILE LETTER NO. 11/E-9/PHE
DATED 29-10-2010 AND NOTIFICATION NO. FD/SO(FR) 10-22/2013.**

Respectfully Sheweth.

1. That the above cited case is pending before this Hon'ble Tribunal and is fixed for 11-10-2013.
2. That the appellant wants to place the above mentioned documents on the court file.
3. That the documents mentioned in the subject are very necessary for the assistance of this Hon'ble Tribunal in reaching a just decision.

It is therefore, most humbly prayed that on acceptance of this Application, the documents mentioned above may kindly be ordered to be place on file.

Appellant

Through


Yousaf Khan

Advocate, High Court, Peshawar.

OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG. DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

129

No. 11 / E-9/PHE

1E-23/PHE

Dated Peshawar the 29 / 10 / 2010.

1E-2-B/PHE

OFFICE ORDER.

Consequent upon the recommendation of the Departmental Promotion Committee, made in its meeting held on 01.10.2010, the competent authority is pleased to promote the following Junior Scale Stenographer are hereby promoted to the rank of Senior Scale Stenographer (BPS-15) with immediate effect:-

- (1) Umar Nawaz Shah (2) Jehan Shah (3) Muhammad Bakhsh (4) Mukarram Khan (5) Muhammad Karim
(6) Shahab-ud-Din (7) Said Ghani (8) Amanat Ali Shah (9) Saleem-ur-Rehman (10) Abid-ur-Rehman

As a result of above promotion the competent authority is further pleased to order their posting orders as under:-

S.No.	Name	Place of posting
1	Umar Nawaz Shah	Senior Scale Stenographer PHE Circle Kohat
2	Jehan Shah	Senior Scale Stenographer Chief Engineer (South) PHE Department Peshawar
3	Muhammad Bakhsh	Senior Scale Stenographer PHE Circle D.I.Khan
4	Mukarram Khan	Senior Scale Stenographer PHE Circle Mardan
5	Muhammad Karim	Senior Scale Stenographer Chief Engineer (North) PHE Department Peshawar.
6	Shahab-ud-Din	Senior Scale Stenographer PHE Circle Swat
7	Said Ghani	Senior Scale Stenographer PHE Circle Malakand at Timergara
8	Amanat Ali Shah	Senior Scale Stenographer PHE Circle Abbottabad
9	Saleem-ur-Rehman	Senior Scale Stenographer PHE Circle Peshawar
10	Abid-ur-Rehman	Senior Scale Stenographer PHE Circle Bannu

M.A. (Printed)

sd/
CHIEF ENGINEER

- Copy to the:-
- 1) Accountant General Khyber Pakhtunkhwa, Peshawar.
 - 2) Chief Engineer (North) PHE Department Peshawar.
 - 3) Section Officer (Estt.) PHE Department Peshawar.
 - 4) All Superintending Engineers PHED in K.P.K.
 - 5) All Executive Engineers PHED in K.P.K.
 - 6) All District Accounts Officer in K.P.K.
 - 7) Official Concerned.

Attested T.C.
Qasim

cap
ADMINISTRATIVE OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(Regulation Wing)

Dated Peshawar the, 19th June 2012

NOTIFICATION

No.FD/SO(FR)10-22/2012.

The competent authority has been pleased to accord sanction to the enhancement of pay scales of the following posts, wherever exists, in all the Departments / Offices (except Secretariat Departments) of the Government of Khyber Pakhtunkhwa, with effect from 23.12.2011:

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale.
1.	Stenographers	BPS-12	BPS-14
2.	Senior Scale Stenographer	BPS-15	BPS-16
3.	Personal Assistants	BPS-15	BPS-16
4.	Private Secretaries	BPS-16	BPS-17

- i). The pay of the existing incumbents of the posts shall be fixed in the higher pay scale at a stage next above the pay in the lower pay scale.
- ii). With effect from 23.12.2011, the academic qualification for initial recruitment against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS-16) will be Graduation or equivalent.
- iii). All the concerned Departments, will amend their service rules, accordingly.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No. & Date Even.

Copy is forwarded to:

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. Registrar, Peshawar High Court, Peshawar.
9. All District Coordination Officers/Political Agents/District & Session Judges/ Executive District Officers in Khyber Pakhtunkhwa.
10. Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
11. Registrar Service Tribunal, Khyber Pakhtunkhwa.
12. All the Autonomous and Semi Autonomous Bodies, Khyber Pakhtunkhwa.
13. Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I.Khan.
15. The Treasury Officer, Peshawar.
16. All District/Agency Accounts Officer in Khyber Pakhtunkhwa/FATA.
17. PS to Minister for Finance Khyber Pakhtunkhwa.
18. PS to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
20. Director, Treasuries and Accounts, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
22. Director FMIU, Finance Department for placing the same on the Website of Finance Department.
23. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
24. PAs to all Additional Secretaries/Deputy Secretaries in Finance Department, Khyber Pakhtunkhwa.
25. All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.

Attended
[Signature]

[Signature]
SECTION OFFICER (FR)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(Regulation Wing)

Dated Peshawar the, 19th June 2012

NOTIFICATION

No.FD/SO(FR)10-22/2012.

The competent authority has been pleased to accord sanction to the enhancement of pay scales of the following posts, in the Provincial Secretariat, of the Khyber Pakhtunkhwa, with effect from 23.12.2011:

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale.
1.	Stenographers	BPS-12	BPS-14
2.	Senior Scale Stenographer	BPS-15	BPS-16
3.	Personal Assistants	BPS-15	BPS-16
4.	Private Secretaries	BPS-16	BPS-17

- i). The pay of the existing incumbents of the posts shall be fixed in the higher pay scale at a stage next above the pay in the lower pay scale.
- ii). With effect from 23.12.2011, the academic qualification for initial recruitment against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS-16) will be Graduation or equivalent.
- iii). The Establishment & Administration Department, will amend the service rules, accordingly.
- iv). For the posts of Stenographers, Senior Scale Stenographers, Personal Assistants and Private Secretaries, in the Secretariat, a separate "Private Secretaries" cadre will be constituted and notified by the Establishment & Administration Department.
- v). The existing Private Secretaries of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days, from the date of issuance of notification for the constitution of separate "Private Secretaries cadre". The option once exercised shall be final, and shall not be modified or withdrawn.
- vi). Only those Private Secretaries of the Secretariat, will be entitled for the enhanced Pay Scale (BS-17) who opt for "Private Secretaries cadre". Those who opt for the PMS cadre, will continue to be in BS-16.
- vii). The Personal Assistants (BPS-16) of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days from the date of issuance of notification, for the separate "Private Secretaries cadre". The option once exercised shall be final and shall not be modified or withdrawn.
- viii). If a Private Secretary or a Personal Assistant of the Secretariat fails to exercise his option for any one of the cadre, within the prescribed limit of 60-days, it will be deemed that he has opted for the "Private Secretaries cadre" and as such he will not be allowed to change the cadre later on.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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Endst: No. & Date Even.

Copy is forwarded to:

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
7. Registrar, Peshawar High Court, Peshawar.
8. Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
9. Registrar Service Tribunal, Khyber Pakhtunkhwa.
10. Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
11. PS to Minister for Finance Khyber Pakhtunkhwa.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
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14. Director FMIU, Finance Department for placing the same on the Website of Finance Department.
15. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
16. PAs to all Additional Secretaries/Deputy Secretaries in Finance Department, Khyber Pakhtunkhwa.
17. All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.

SECTION OFFICER (FR)

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

Service Appeal No.1352/2013

Saleem-ur-Rehman..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through

Chief Secretary and others..... (Respondents)

SUBJECT: REPLY ON BEHALF OF RESPONDENTS NO.1 TO 3.

Preliminary Objections:

- a) The appeal is not based on facts.
- b) The appeal is not maintainable in present form.
- c) The appeal is bad for miss-joinder and non-joinder of necessary parties.
- d) The appeal is barred by law and limitation.
- e) The appellant is estopped by his own conduct to file the present appeal.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:

1. This Para pertains to the service record of the appellant which is not concerned with the appeal, therefore needs no comments.
2. Correct to the extent that earlier separate seniority lists of Senior Scale Stenographer and Office Assistant were maintained and promotion formula of 30:70 to the rank of Office Superintendent was in vogue, however, maintenance of separate seniority lists of both cadres was do away with by promulgation of impugned notification.
3. Correct to the extent that the government issued the impugned notification in the interest of public and department aiming

devising uniform policy providing equal chances of promotion to the rank of Office Superintendent.

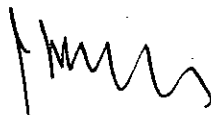
4. Incorrect, the impugned notification was promulgated with sole aim and object to ensure equal treatment of the civil servants.
5. Correct to the extent that joint seniority list was issued.
6. Incorrect the seniority list was prepared in accordance with amended notification.
7. Incorrect, Office Assistants are charged with basic duties of Office Management therefore the law giver correctly placed Office Assistant Senior to Stenographer.
8. Incorrect, there was no force in the departmental appeal of appellant.
9. Incorrect, appellant has challenged the vires of the impugned notification at very belated stage.

GROUND:-

- A. Incorrect, the impugned notification was promulgated in the interest of civil servants and department. The seniority list was prepared in accordance with the norms of the amended law.
- B. Incorrect, the impugned amendments were made to ensure justice and equity in promotion to the rank of Office Superintendent. Furthermore, issuance of notice to civil servants prior to the amendment finds no place in law and rules.
- C. Incorrect, senior scale stenographers were already availing benefits of BPS-16 therefore seniority of different cadres was correctly fixed in accordance with rules.
- D. Incorrect, the impugned amendments were made after due deliberations and consulting with the concerned departments. The strength of senior scale stenographer is very meager in the department therefore specification of quota for their promotion to the rank of Office Superintendent was uncalled for as it was impeding the due rights of Office Assistants.
- E. Incorrect, the impugned amendments were approved for promulgation after threadbare discuss of its pro and cons. In order to provide equal chance of promotion to the deserving candidates, the specified quota of promotion was abolished.

- F. Incorrect, the impugned amendments were made by the competent authority while exercising powers vested in him in sub rule-2 of rules 3 of the North-West Frontier Province (KPK) Civil Servant (Appointment, Promotion and Transfer) Rules 1989.
- G. Incorrect, appellant has wrongly invoked the principle of locus poenetentia.
- H. Incorrect, the joint seniority list was prepared in accordance with law and rules.

It is therefore, prayed the appeal of appellant may be dismissed with costs.



**Secretary,
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
(Respondents No.1 & 2)**



**Chief Engineer (South),
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)**

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR


1. Service Appeal No. 1352&1354/2013
2. Saleem ur Rehman & Jehan Shah Appellant

Versus

3. Govt of Khyber Pakhtunkhwa through
Chief Secretary & Others Respondent

AFFIDAVIT

I, Sikandar Khan Chief Engineer (South) Public Health Engineering Department Peshawar do hereby solemnly affirm that the contents of the accompanying written statement are true and correct to the best of my knowledge and nothing has been concealed from this honourable Court.



DEPONENT