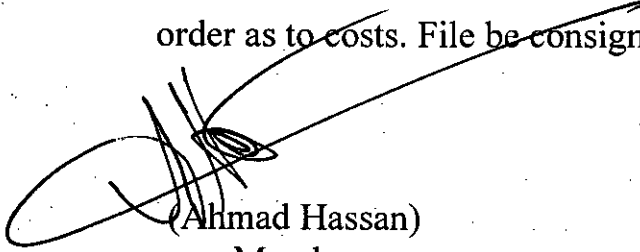
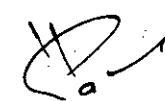


09.10.2019

Petitioner absent. Learned counsel for the petitioner absent. Case called but no one appeared on behalf of petitioner. Consequently the present application is dismissed in default. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
09.10.2019

14.03.2019

Learned counsel for the petitioner present. Notice of present application be issued to the respondents. Adjourn. To come for reply and arguments on 06.05.2019 before D.B. Original record be also requisitioned for the date fixed.


(M. AMIN KHAN KUNDI)
MEMBER


(M. HAMID MUGHAL)
MEMBER

06.05.2019

Counsel for the applicant and Addl. AG for the respondents present.

Learned counsel for the petitioner requests for further time to prepare brief regarding the question of delay in submission of application for restoration of the appeal.

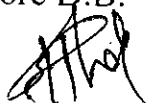
Adjourned to 28.06.2019 before D.B.



Member


Chairman

28.06.2019


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 23.08.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

23.08.2019

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 09.10.2019 for arguments before D.B.


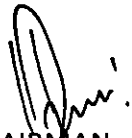





(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 392/2018

S.No.	Date of order. Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.10.2018	<p>The application for restoration of appeal no. 1412/2013 submitted by Mr. Yousaf Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>12-2-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
12.02.2019		<p>Petitioner absent. Learned counsel for the petitioner is also absent. Adjourn. To come up for further proceeding on 14.03.2019 before D.B.</p> <p style="text-align: center;">  (M. Amin Khan Kundi) Member </p> <p style="text-align: center;">  (Muhammad Hamid Mughal) Member </p>
14.03.2019		<p>Learned counsel for the petitioner present. Notice of present application be issued to the respondents. Adjourn. To come for reply and arguments on 06.05.2019 before D.B. Original record to be submitted by petitioner for the date fixed.</p> <p style="text-align: center;">  (AHMAD HASSAN) MEMBER </p> <p style="text-align: center;">  (M. AMIN KHAN KUNDI) MEMBER </p>

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

CM No. _____/2018

In *Restoration Application No. 392/2018*

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1412/13

Blk. 2016

Usman Ullah.....

Dated 29-10-18
Petitioner.

Versus

Chief Engineer and another..... Respondents.

APPLICATION FOR RESTORATION OF SERVICE APPEAL
NO. 1412/13.

Respectfully sheweth;

1. That the above titled appeal was pending adjudication before this Honorable Tribunal and was dismissed for non prosecution on 02/10/2018.
(Copy of the order is attached as annexure "A")
2. That on the date fixed the absence of the petitioner as well as his counsel was not willful or deliberate but was due to a mistake in noting date of hearing.
7. That on the date fixed counsel for the appellant was busy in his domestic engagements and could not attend the courts.
3. That law favours adjudication on merit and technicalities should be avoided.

4. That the instant application is well within time.
5. That there exist no legal bar on the acceptance of the instant application rather the same is in the interest of justice.

It is therefore, prayed that on acceptance of this application the above titled service appeal may kindly be restored.

Petitioner/appellant
Through
Yousaf Khan
Advocate High Court, Peshawar.

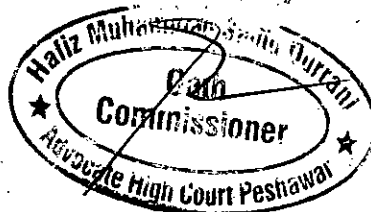
[Signature]
29-10-18

Affidavit
Declared on oath that the contents of this application are true and correct.

[Signature]
29-10-18
Advocate.

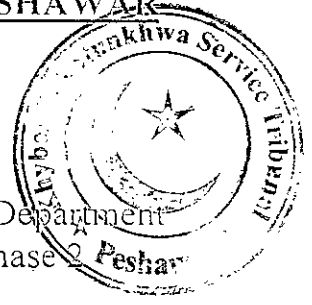
29 OCT 2018

ATTESTED



BEFORE THE HON'BLE SERVICE TRIBUNAL KPK. PESHAWAR

Service Appeal No. 1412 /2013



Usman Ullah Ex-Sub Engineer O/O the Executive Engineer PHE Department
Nowshera, Presently, R/O House No. 76, Sector J-3 Street No.5, Phase 2
Hayatabad Peshawar.

..... Appellant

VERSUS

d.w.r to
G.O. No. 1181
dated 11-10-18

1. Chief Engineer (South), Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Secretary, Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.

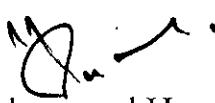
..... Respondent.

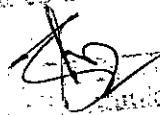
SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.1 DATED 01-07-2013 BEING VOID, ILLEGAL AND WITHOUT LAWFUL AUTHORITY

02.10.2018

Appellant absent. Learned counsel for appellant absent. The present case pertains to the year 2012. Absence of appellant as well as learned counsel for appellant depicts disinterest of the appellant in the present case. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)


(Muhammad Hamid Mughal)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Member Hussain Shah Date of Presentation of Application 18-10-18 Member Muhammad Hamid Mughal

ANNOUNCED Number of Words 400

02.10.2018 Copying Fee 4.00

Urgent 4.00

Total 4.00

Name of Copyist [Signature]

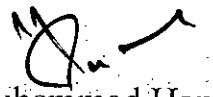
Date of Completion of Copy 29-10-18

Date of Delivery of Copy 29-10-18

02.10.2018

Appellant absent. Learned counsel for appellant absent. The present case pertains to the year 2012. Absence of appellant as well as learned counsel for appellant depicts disinterest of the appellant in the present case. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.

02.10.2018

06.04.2018

None for the appellant present. Addl: AG alongwith Mr. Saleem ur Rehman, AO for respondents present. Adjourned. To come up for arguments on 12.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

12.06.2018


Junior to counsel for the appellant and Mr. Usman Ghani, learned District Attorney alongwith Mr. Saleem AO for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 07.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07.08.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 02.10.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

26.10.2017

To Counsel

for the learned counsel for the appellant present and stated that the learned counsel for the appellant is busy in By-Election in Peshawar today. Requested for adjournment. Seeks adjournment. Granted. Addl AG alongwith Muhammad Yaseen, Superintendent for the respondents present. To come up for arguments on 12.01.2018 before the D.B.



Member


Chairman

12.01.2018


Counsel for the appellant present and Mr. Usman Ghani, District Attorney for the respondents present. Learned District Attorney informed this Tribunal that appeal of same nature is fixed today before D.B-II. That some other appeals of the same nature were also decided by the D.B-II comprising of Mr. Muhammad Hamid Mughal Member and Mr. Ahmad Hassan, Member on 24.07.2017. On the other hand the learned counsel for the appellant informed this Tribunal that there is no similarity between this appeal and those which were decided by Bench-II in the interest of justice this appeal is also entrusted to the D.B-II. It is for the learned counsel to prove dissimilarity between these cases. To come up for argument on 08.02.2018 before D.B-II.



Member


Chairman

08.02.2018

Clerk of the counsel for appellant present. Mr. Usman Ghani, District Attorney for the respondent present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Adjourned. To come up for arguments on 06.04.2018 before D.B.

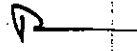

(Gul Zeb Khan)
Member



(Muhammad Hamid Mughal)
Member

04.08.2016

Appellant in person and Mr. Muhammad Yasin, Superintendent alongwith Mr. Usman Ghani, Sr.GP for respondents present. Appellant submitted rejoinder, copy whereof handed over to learned Sr:GP. To come up for arguments on

~~15-12-16~~ before D.B.


Member


Member

15.12.2016

Counsel for the appellant and Mr. Muhammad Yasin, Superintendent alongwith Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 28.04.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

28.04.2017

None present for appellant. Mr. Usman Ghani, Senior Government Pleader for the respondents as left the court due to his emergency at Islamabad. Adjourned for final hearing to 21.08.2017 before D.B.


Member


Chairman


21/8/2017


None for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Due to non-availability of DB, case to come up for argument on 26/10/2017 before DB.

Reader

3.12.2015

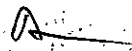
Appellant in person and Sr.GP with Muhammad Siddique Admn. Officer for the respondents present. Appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 11.12.2015



Member


Member

11.12.2015


Counsel for the appellant and Mr. Muhammad Siddique Admn. Officer alongwith Mr. Usman Ghani, Sr. GP for respondents present. Counsel for the appellant requested for adjournment. Therefore, the case is adjourned to 5.5.2016 for arguments.


Member


Member

05.05.2016

Clerk to counsel for the appellant and Mr. Muhammad Arshad, SO alongwith Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 04.08.2016.


Member


Member

12 13.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeals including service appeal No. 1313/2014 and appeals No. 724/14 to 729/14 have already been admitted to regular hearing.

Appellant Deposited
Security & Process Fee



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 for 13.5.2015 before S.B.


Chairman

13 13.05.2015

None present for appellant. Mr. Muhammad Yasin, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply on 10.8.2015 before S.B.


Chairman

14 10.08.2015

None present for appellant. Mr. Muhammad Yasin, Supdt. alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 3.9.2015 before S.B.


Chairman

03.09.2015

Counsel for the appellant and Mr. Muhammad Yasin, Supdt. alongwith Addl: A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 3.12.2015.


Chairman

9.
Reader Note:

17.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 31.12.2014 for the same.


Reader

10.
Reader Note:

31.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned 16.03.2015 for the same.


Reader

11.
16.03.2015


Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Adjourned for 13.04.2015 for preliminary hearing before S.B.


Member

6.

19.05.2014


Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 07.07.2014.


Member

7.

07.07.2014

Junior to counsel for the appellant (Mr. Shahid Khan, Advocate) and Mr. Ziaullah, GP for the respondents present. Junior to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 15.09.2014.


Member

8.

Reader Note.

15.09.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar effecting his status as District and Session Judge. To come up for preliminary hearing on 17.11.2014.


Reader

3.

28.11.2013

Counsel for the appellant present and submitted application for adjournment. Application is accepted. To come up for preliminary hearing on 12.02.2014.



Member

4.

12.02.2014

Counsel for the appellant present and moved an application for adjournment. To come up for preliminary hearing on 13.05.2014.


2108-11-88

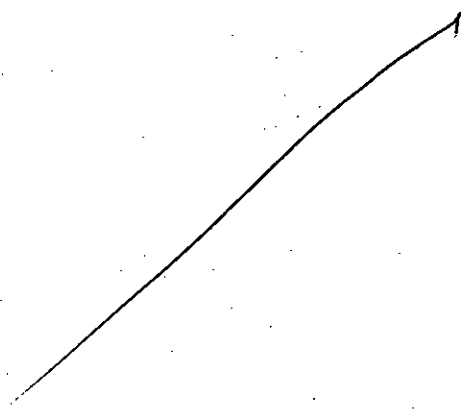

Member

5.

13.05.2014

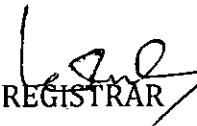

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 19.05.2014.


Member



Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1412/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/10/2013	<p>The appeal of Mr. Usman Ullah presented 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	23-10-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-11-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 1412 /2013

Usman Ullah

Appellant

Versus

Chief Engineer etc

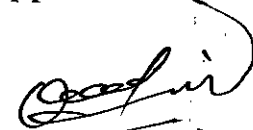
Respondent

INDEX

S. No.	Description of documents	Annexure	Page No.
1	Memò of Appeal with Application for temp. Injunction		1-4
2	Affidavit		5
3	Addresses of the parties		6
4	Copy of appointment order No. 5/E-4/PHE dated 23-02-2010	"A"	7
5	Copies of Service Book extracts etc	"B"	8-13
6	Copy of Notification No. SOSR-III/FD/12-1/2005 dated 27-02-2013	"C"	14
7	Copy of letter dated 20-06-2013 regarding vacant posts	"D"	15
8	Copy of office order No. 11/E-9/PHE dated 01-07-2013	"E"	16
9	Copy of Departmental Appeal	"F"	17
	Vakalatnama		18


Appellant

Through


Yousaf Khan

Advocate, High Court, Peshawar.

19-C, Cantonment Plaza,
Fakhr-e-Alam Road, Peshawar Cantt.
Cell No. 0333-9272588

Dated: 11-10-2013

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 1412 /2013

Usman Ullah Ex-Sub Engineer O/O the Executive Engineer PHE Department
Nowshera, Presently, R/O House No. 76, Sector J-3 Street No.5, Phase 2
Hayatabad Peshawar.

..... Appellant

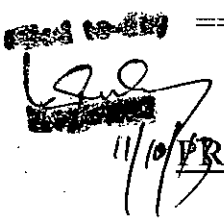
VERSUS

A.W.F. Peshawar
Case No. 1484
dated 11-10-13

- 1. Chief Engineer (South), Public Health Engineering Department,
Govt. of Khyber Pakhtunkhwa Peshawar.
- 2. Secretary, Public Health Engineering Department, Govt. of Khyber
Pakhtunkhwa Peshawar.

.....Respondent.

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER OF RESPONDENT
NO.1 DATED 01-07-2013 BEING VOID, ILLEGAL AND WITHOUT
LAWFUL AUTHORITY


11/10/13

PRAYER IN APPEAL

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER
DATED 01-07-2013 OF CHIEF ENGINEER MAY KINDLY BE
DECLARED VOID; ILLEGAL AND WITHOUT LAWFUL
AUTHORITY AND THE APPELLANT MAY KINDLY BE
REINSTATED AS SUB ENGINEER (BPS-11) WITH ALL BACK
BENEFITS

Respectfully Sheweth.

The Appellant humbly submits as under:-

1. That the Appellant was appointed as Sub Engineer (BPS-11) vide appointment order No. 5/E-4/PHE dated 23-02-2010 through prescribed manner with usual allowances as admissible under the rules by the Respondent. (Copy of appointment order is annexed as Annexure-A).
2. That on his appointment, the appellant was posted to serve in the Public Health Engineering Division Chitral where he made arrival and served as Sub Engineer to the best of his abilities, dedication and to the entire satisfaction of his superiors.
3. That the service book of the appellant was maintained and every year his pay was increased by allowing him annual increments, C.P. Fund was deducted and was allowed other Monetary benefits, meaning thereby that he was a regular employee of the department. (Copies of Service Book extracts etc is Annexed as Annexure-B).
4. That vide Notification No. SOSR-III/FD/12-1/2005 dated 27-02-2013, deductions on account of G.P. Fund was started from the salary of the appellant and the C.P. Fund was immediately transferred to their G.P. Fund like other Civil Servants.(Copy of Notification No. SOSR-III/FD/12-1/2005 dated 27-02-2013 is Annexed as Annexure-C).
5. That as per letter dated 20-06-2013 issued by the Administrative Officer, PHE Department, 44 posts of Sub Engineers (BPS-11) are still lying vacant with the Department. (Copy of letter dated 20-06-2013 is annexed as Annexure-D).
6. That after serving the department for about three years, the office order No. 11/E-9/PHE dated 01-07-2013 was issued by the respondent whereby the services of the appellant along with four others were terminated with immediate effect. (Copy of office order No. 11/E-9/PHE dated 01-07-2013 is annexed as annexure-E).
7. That feeling aggrieved of the impugned order, the appellant filed a departmental appeal on 03-07-2013. (Copy of Departmental Appeal is annexed as Annexure-F).
8. That the statutory period of 90 days has been elapsed but nothing was heard from the appellate forum, hence this service appeal on the following grounds inter-alia:-

GROUND

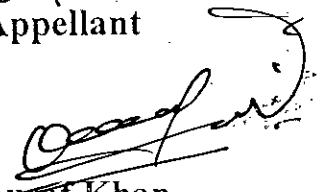
- A. That the impugned order of Chief Engineer is against the law of the land, norms of justice, void ab initio and the same is liable to be set-aside.
- B. That the impugned order has been issued with a malafie intention and in total disregard of the spirits of Natural justice and neither any prior notice has been given to the Appellant nor has he been heard.

- C. That the appellant was appointed on contract basis in the prescribed manner and he served the department for about three years continuously and without any break, meaning thereby he is a Civil Servant.
- D. That junior to the appellant were let free while services of the seniors were terminated . policy of last come first.
- E. That the appellant was not served with any notice what to speak of holding a regular/ proper inquiry into the matter. ~~Moreover the appellant is now over aged and~~
- F. That the impugned order is violative of the principle of locus poenetentia and liable to be set aside.
- G. That any other ground not specifically raised herein may kindly be allowed to be raised at the time of arguments.

IT IS THEREFORE, MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 01-07-2013 OF CHIEF ENGINEER MAY KINDLY BE DECLARED VOID, ILLEGAL AND WITHOUT LAWFUL AUTHORITY AND THE APPELLANT MAY KINDLY BE REINSTATED AS SUB ENGINEER (BPS-11) WITH ALL BACK BENEFITS


Appellant

Through


Yousaf Khan
Advocate, High Court, Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

C.M.No _____/2013

In

Service Appeal No. _____/2013

Usman Ullah

..... Appellant

Versus

Chief Engineer Etc

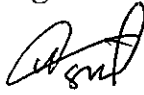
..... Respondents

APPLICATION FOR THE SUSPENSION OF THE OPERATION OF THE IMPUNGED ORDER NO. 11/E-9/PHE DATED 01-07-2013 OR ANY OTHER ACT PREJUDICIAL TO THE INTEREST OF THE APPELLANT TILL THE FINAL DISPOSAL OF THE ACCOMPANYING APPEAL.

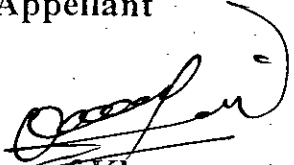
Respectfully Sheweth.

1. That the appellant/ petitioner is filing the accompanying appeal the contents of which may kindly be read as an integral part of this application.
2. That the appellant has got a very good prima facie case and is hopeful of its success.
3. That balance of convenience also lies in favour of the petitioner/ appellant.
4. That great irreparable loss would accrue to the petitioner if the application in hand is not accepted.

It is therefore, most humbly prayed that on acceptance of this Application, the relief as prayed for may kindly be granted.


Appellant

Through


Yousaf Khan
Advocate, High Court, Peshawar.

5

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2013

Usman Ullah

..... Appellant

Versus

Chief Engineer Etc

..... Respondents

AFFIDAVIT

I, Usman Ullah Ex-Sub Engineer O/O the Executive Engineer PHE Department Nowshera, Presently, R/O House No. 76, Sector J-3 Street No.5, Phase 2 Hayatabad Peshawar do hereby solemnly affirm and declare on oath that the contents of accompanying writ petition are true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent

Identified by:

Yousaf Khan,
Advocate, High Court, Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2013

Usman Ullah

..... Appellant

Versus

Chief Engineer etc

.....Respondent

Addresses of the parties

Address of the Appellant:

Usman Ullah Ex-Sub Engineer O/O the Executive Engineer PHE Department
Nowshera, Presently, R/O House No. 76, Sector J-3 Street No.5, Phase 2
Hayatabad Peshawar

Addresses of the Respondents:

1. Chief Engineer (South), Public Health Engineering Department,
Govt. of Khyber Pakhtunkhwa Peshawar.
2. Secretary, Public Health Engineering Department, Govt. of Khyber
Pakhtunkhwa Peshawar.

Appellant

Through

Yousaf Khan
Advocate, High Court,
Peshawar.

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

No. 2 / E-4 / PHE

Dated Pesh: the 23 / 02 / 2011.

7

Ameer A

To

Mr. Usman Ullah S/O Amanullah Khan,
R/O New Amir Abad Tangi Roaad Rajjar,
Charsadda.

Subject:- Offer of Appointment as Sub Engineer (BPS-11) on Contract basis in PHE Department Khyber Pakhtunkhwa.

You are hereby offered a post of Sub Engineer in the Public Health Engineering Department Khyber Pakhtunkhwa purely on Contract basis in BPS-11 with usual allowances as admissible under the rules from time to time on the following terms and conditions:-

- 1) You will get pay at the minimum of BPS-11 (Rs.4115 - 275 - 12365) including usual allowances as admissible under the rules. You will also be entitled to annual increment as per existing policy.
- 2) You shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- 3) You shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, you shall be entitled to receive such amount contributed by him towards Contributory Provident Funds (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- 4) Your employment in the PHE Department is purely temporary and you services are liable to be terminated without assigning any reason at fourteen One month notice or on the payment of one month salary in lieu of the notice. In case you wish to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
- 5) You shall, initially, be on probation for a period of two years extendable upto 3 years.
- 6) You shall produce a medical certificate of fitness from Medical Superintendent, District HQ Hospital Chitral before reporting your-self for duty to the Executive Engineer PHE Division Chitral, as required under the rules.
- 7) You have to join duty at your own expenses.
- 8) Your services on contract basis shall be regular under the terms & conditions of contract appointment of the Provincial Government.
- 9) You should not claim your seniority in the regular cadre of Sub Engineers of the Department.
- 10) You shall be liable to serve any where in Khyber Pakhtunkhwa including agencies and Tribal areas.
- 11) You shall not make any request for transfer from the PHE Division where you are posted.
- 12) Your services shall be terminated on arrival of recommendees of the Public Service Commission.

If you accept the post on above conditions, you should report for duty to the Executive Engineer PHE Division Chitral within one month of the receipt of this offer of appointment.

CHIEF ENGINEER

Copy to the :-

- 1) Section Officer (Estt) PHE Department Peshawar.
- 2) Chief Engineer (North) PHE Department Peshawar.
- 3) Superintending Engineer PHE Circle Malakand at Timergra.
- 4) Executive Engineer PHE Division Chitral.
- 5) District Accounts Officer Chitral.
- 3) Personal File of the official concerned.

CHIEF ENGINEER

3. Annette-B

(8)

The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Mr. USMANULLAH

Race: Akhundzada

Residence: New Amir Abad Tangi Road Rajar Charsada.

Father's name and residence: Mr. Amanullah Khan.

Date of birth by Christian era as nearly as can be ascertained: 07-05-1990.

Exact height by measurement: 6-0

Personal marks for identification: -NIL-

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: Ring Finger:

Middle Finger: Fore Finger:

Thumb:

Signature of Government Servant:


Signature and designation of the Head of the Office, or other Attesting Officer.

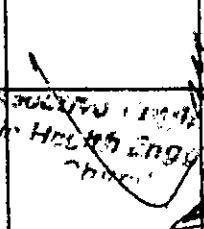
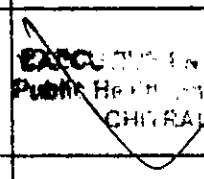
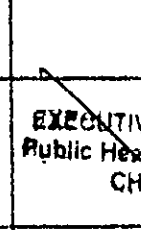
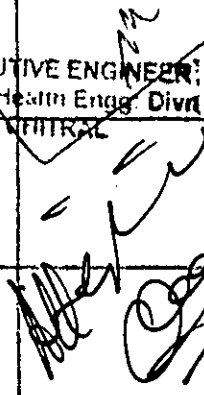
Public Health Officer

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
<p><u>BPS-11</u> 415-275-12365</p>	-		4115/pm.			23 ² / ₂₀₁₁	
<p><u>Revised BPS (2011)</u> 6600-460-20400 BPS-11</p>			6600/pm			17/2011	
<p>BPS-11 6600-460-20400</p>			7060			02/2011 12/2011	
		<p>Basic Pay Scales 2011 Office of The Accountant General Khyber Pakhtun Khwa Pay fixed in BPS-11 G.P. 6600-460-20400 A.P. 6600/- With New Increment on 01/12/2011</p>					<p>Qualification not made in 2011</p>
		<p>Accounts Officer Pay Fixation Khyber Pakhtun Khwa Peshawar</p>					

9	10	11	12	13		14	15
				Leave			
Nature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
	Appointed as Sub Engineer, BPS-11 (4115-225-12365) vide Chief Engineer, South Public Health Engg. DEPTT. No.08/E-4/PHE/dated 23-2/2011 arrival report for duty on 1-3-2011.						
							
	Pay fixed Provincially in BPS-11 (6600-460-201100) vide Finance Department KPK Peshawar of D No PD (PRC) 1-1-2011 Dated Peshawar 14/7/2011						
	30 ¹¹ / ₂₀₁₁ Annual Increment granted						
						Service Verified from the office copies of Pay Bills & Acq: Roll for the Period From 23-2-11 to 30-11-2011	
							

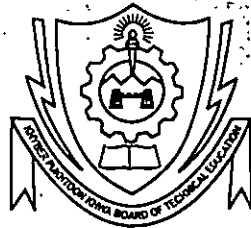
9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period		
<p><i>Reported Arrived to duty</i></p>							
<p><i>on 03-07-2013 (F.A. vide</i></p>							
<p><i>Chief Engr. PHE Deptt. South</i></p>							
<p><i>Office Order No 11/E-9 dt. 9/12/2012</i></p>							
				<p><i>[Signature]</i> Executive Engineer Public Health Engg. Division Nowshera</p>			
<p><i>On his termination from</i></p>							
<p><i>Service vide Chief Engineer</i></p>							
<p><i>(South) vide No. 11/EO-71 PHE</i></p>							
<p><i>Dated 01-7-2013</i></p>							
				<p>Executive Engineer Public Health Engg. Division Nowshera</p>		<p><i>[Signature]</i></p>	

Serial No. 29603

Roll No. 196306

19

KHYBER PUKHTOON KHWA BOARD OF TECHNICAL EDUCATION



PESHAWAR (PAKISTAN)

Diploma of Associate Engineer

Year 2010

(Annual / Supplementary)x

Certified that Mr. / Miss. USMAN ULLAH

Son / Daughter of Mr. AMAN ULLAH

Registration No. KIT/P/CT/07-7175

of KHYBER INSTITUTE OF TECHNOLOGY, PESHAWAR

has passed the Diploma of Associate Engineer CIVIL Technology Examination held by the Khyber Pukhtoon Khwa Board of Technical Education, Peshawar, in the month of MAY, 2010.

He / She secured 2182 Marks out of 3350 and has been placed in Grade 'B'

In recognition thereof, this

Diploma of Associate Engineer

is awarded to him / her at Peshawar on the 22nd day of August, 2011.

ASSISTANT SECRETARY

SECRETARY

This certificate / diploma is issued without any alteration or erasure.

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

Typed/Prepared by _____
[Signature]

Checked by _____
[Signature]

CHECKED & VERIFIED

[Signature]
Dealing
Clark
25/8/2019

[Signature]
Asstt: Secretary
NWFP, BTE, Peshawar

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

S.No. PB
129407

(13)



Roll No: 20790
Group : SCIENCE

PESHAWAR



**PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION ANNUAL-2007**

Usman Ullah Son / Daughter of Aman Ullah
of N.W.F.P AGRICULTURE UNIVERSITY PUBLIC S/C PESHAWAR

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the month of May 2007 as Regular Student

Subject	Marks	MARKS OBTAINED			
		Theory Paper A	Practical Paper B	Total	In Words
1. English	150	--	--	97	Ninety-Seven
2. Urdu	150	--	--	110	One Hundred Ten Only
3. Islamiyat (Comp)	75	41	--	41	Forty-One
4. Pakistan Studies	75	47	--	47	Forty-Seven
5. Maths	150	--	--	101	One Hundred One
6. Physics	100	57	13	70	Seventy Only
7. Chemistry	100	51	14	65	Sixty-Five
8. Biology	100	54	14	68	Sixty-Eight

Total 900

599-B Five Hundred Ninety-Nine Only

Remarks

Date of Birth: 07th May, 1990

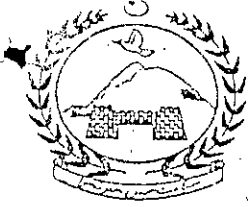
Issue Date: 16-07-2007

Controller of Examinations

Note: Errors/Omission accepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

Computer Cell BISE, Peshawar.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

14

Annexure C

No. SOSR-III/FD/12-1/2005
Dated Peshawar, the 27/02/2013

1. All the Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All the Divisional Commissioners in Khyber Pakhtunkhwa.
7. All the Head of attached Departments in Khyber Pakhtunkhwa.
8. The Registrar, Khyber Pakhtunkhwa, Public Service Commission.
9. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
10. The Registrar, Peshawar High Court Peshawar.
11. All the Deputy Commissioners/Political Agents/District and Session Judges in Khyber Pakhtunkhwa.

Subject: DEDUCTION OF GENERAL PROVIDENT FUND FROM THE PROVINCIAL CIVIL SERVANTS REGULARIZED UNDER KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT-2013.

Dear Sir,

The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill 2013 - passed by the Provincial Assembly on 15th January 2013 and assented to by the Governor of Khyber Pakhtunkhwa on 17th January 2013 - has been published as an Act of the Provincial Assembly of Khyber Pakhtunkhwa. Under the said Act, all Civil Servants appointed to a service or post on or after 1st July 2001 shall be deemed to have been appointed on regular basis and will be eligible for pension/deduction of G.P.Fund. Accordingly the following instructions/guidelines are issued for compliance of all concerned Departments/Organizations.

- a) Deductions on account of General Provident Fund at prescribed rates from all the Civil Servants, who have become eligible for pension under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 should be started forthwith.
- b) All deductions/subscriptions in respect of Contributory Provident Fund made before the commencement of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 from such Civil Servants, excluding Government counterpart share, shall immediately be transferred to their respective General Provident Fund Accounts. However, such Civil Servants will be entitled to markup on so declared G.P.Fund as announced on yearly basis from the date the C.P.Fund deductions / subscriptions were made.
- c) Markup on prescribed rates, as notified by the Provincial Government from time to time, may be added to the General Provident Fund Accounts of concerned Civil Servants/Subscribers as per prescribed mechanism for maintenance of such accounts.
- d) CNIC/Personal Numbers allotted to the subscribers will be used as General Provident Fund Account Numbers for such subscribers.
- e) Similar action /treatment may be afforded to all those Provincial Civil servants posted in FATA/PATA on deputation basis.

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- f) Existing arrangements for deduction of C.P.Fund from employees of Autonomous Medical Institutions appointed under Medical and Health Institutions and Regulation of Health Care Services Ordinance as amended in 2006 shall continue.

Note: The above guidelines/instructions are not applicable to those employees who are not Civil Servants as defined in Section 2 (b) of the Khyber Pakhtunkhwa Civil Servants Act 1973, like those on deputation to the Provincial Government or working on contract /work charge / contingent basis.



(MUHAMMAD IMTIAZ AYUB)
Additional Secretary Regulation

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director Finance, Lady Reading Hospital, Peshawar.
3. Director Finance, Khyber Teaching Hospital, Peshawar
4. Accountant General (PR) Sub office, Peshawar.
5. Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
6. Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
7. Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa Peshawar.
8. Director, FMIU, Finance Department.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. District Comptroller of Accounts Peshawar, Mardan, Kohat, Bannu, D I Khan, Abbottabad and Swat.
11. All the District/Agency Accounts Officers in Khyber Pakhtunkhwa/ FATA.
12. Treasury Officer, Peshawar.

With reference to meeting held in Finance Deptt on 12/02/2013.



(RAEES KHAN AFRIDI)
Deputy Secretary (Reg-I)

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. P.S to Minister for Finance Khyber Pakhtunkhwa.
2. P.S to Chief Secretary, Khyber Pakhtunkhwa.
3. P.S to Additional Chief Secretary, Khyber Pakhtunkhwa.
4. P.S to Finance Secretary Khyber Pakhtunkhwa.
5. P.A to Special Secretary Finance Khyber Pakhtunkhwa.
6. P.As to all Additional Secretaries and Deputy Secretaries in Finance Department.
7. All the Section Officers/Budget Officers in Finance Department.



(NAZMA SHAHEEN)
Section Officer (SR-III)

Annexure D 20-6-13

DETAIL OF VACANT POSTS IN PUBLIC HEALTH
ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA
AS STOOD ON 20.06.2013.

15

S#	BPS of Post	Nomenclature of Post	Total No. of Sanctioned Posts	No. of Vacant posts
1	BPS-20	Chief Engineer	02	--
2	BPS-19	Superintending Engineer	13	02
3	BPS-18	Executive/Design Engineer	33	--
4	BPS-17	SDO/ADE/Assistant Engineer	72	22
5	BPS-16	Administrative Officer	02	--
6	BPS-16	Budget Officer	02	02
7	BPS-11	Sub Engineer	175	44
8	BPS-16	Senior Scale Stenographer	12	04
9	BPS-16	Superintendent	12	04
10	BPS-12	Junior Scale Stenographer	25	02
11	BPS-14	Assistant	39	05
12	BPS-09	Accounts Clerk	62	06
13	BPS-09	Senior Clerk	92	04
14	BPS-07	Junior Clerk	250	03
15	BPS-17	Chief Draftsman	02	02
16	BPS-16	Circle Head Draftsman	08	--
17	BPS-13	Head Draftsman	25	04
18	BPS-11	Draftsman	33	06
19	BPS-05	Tracer	35	02

[Signature] 20.6.2013
Administrative Officer
C/O Chief Engineer (South)
Public Health Engineering Department
Khyber Pakhtunkhwa Peshawar

[Signature]

E
—

1-7-13

16

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

No. 11 / E-9 / PHE

Dated Pesh: the 01 / 07 / 2013.

Annexure A

OFFICE ORDER.

Since Public Service Commission has furnished names of Selected persons for the post of Sub Engineers on the basis, requisition sent by Secretary PHE Department dated 10.02.2010, the Following contract Sub Engineers are hereby terminated with immediate effect:-

1. Mr. Abdullah Noor O/O Chief Engineer (FATA) Works & Services Department Peshawar.
2. Mr. Shahid Khan O/O Executive Engineer PHE Division Kohat.
3. Mr. Mujtaba Qureshi O/O Executive Engineer PHE Nowshera
4. Mr. Shahid Iqbal O/O Executive Engineer PHE Division Karak
5. Mr. Usman Ullah O/O Executive Engineer PHE Division Nowshera.

CHIEF ENGINEER

Copy to the:-

1. Chief Engineer (FATA) Works & Services Department Peshawar.
2. Superintending Engineer PHE Circle Peshawar / Kohat /
3. Executive Engineer PHE Division Nowshera / Kohat / Karak.
4. District Accounts Officer Nowshera / Kohat / Karak.
5. Officials concerned.

CHIEF ENGINEER

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To

The Secretary,
Govt. of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar

Subject: **RESTORATION OF SERVICE.**

Sir,

Respectfully it is submitted that the undersigned was appointed as Sub Engineer vide Chief Engineer (South) PHE Department dated 23-02-2011. (Copy of order is attached). The undersigned served the department with devotion and to the entire satisfaction of his superiors for a continuous period of about three years.


2. Unfortunately, the Chief Engineer (South) vide order dated 01-07-2013 (Annexure-II) terminated the services of the undersigned, unheard & without giving any cogent reasons for termination as required under the rules except that the Public Service Commission has furnished names of selected persons for the post of Sub Engineers which is not true. As there has been 44-Nos posts of Sub Engineers lying vacant in the department, whereas, the public service Commission has made recommendations of only 18 candidacies for appointment as Sub Engineers.

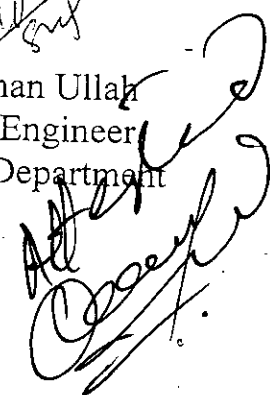
3. Moreover, the Govt. of Khyber Pakhtunkhwa vide Finance Department Circular letter (Annexure-III) has regularized all the Civil Servants appointed to service or post on after 01st July, 2001. In response to the said circular letter the respective audit offices have started deduction of G.P. Fund from the pay bills at prescribed rates regularly.

4. In view of the above, it is very humbly prayed that the above unlawful/impugned order of Chief Engineer (South) PHE Department may very kindly be set aside/withdrawn for which the undersigned shall be highly obliged.

Dated: Peshawar, the 03-07-2013

Yours Faithfully,


Usman Ullah
Sub Engineer
PHE Department



Before the Hon'ble Service Tribunal KPK Peshawar

Usman Ullah Vs Chief Engineer PHE

Application for adjournment

R/shewell.

1- That the above cited appeal is pending before this Hon'ble Tribunal which is fixed for today.

2. That the counsel for the appellant is busy before the Hon'ble Peshawar High Court due to which he is unable to attend this Hon'ble Tribunal.

It is therefore most humbly prayed that the above cited case may kindly be adjourned to some other date.

Dated 28th/₁₃

through

Appellant
(Sd/-)
Yousaf Khan
Adv. Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1412/2013

Usman Ullah, Ex-Sub Engineer (Appellant)

VERSUS

1. Chief Engineer (South) PHE Department.
2. Secretary PHE Department Khyber Pakhtunkhwa (Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 1 & 2

Respectfully Sheweth!

Para wise comments of Respondents No. 1 and 2 are as under:

Preliminary Objections:-

1. That the appellant has got no cause of action.
2. That the appellant is estopped by his own conduct to bring the instant appeal.
3. That the present appeal is not maintainable in its present form.
4. That the appellant has got no locus standi.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
7. That the appeal is barred by Law & limitation.
8. That this honourable Service Tribunal has get no jurisdiction to entertain the present appeal.



FACT

1. Incorrect. The appellant was not appointed on 23.2.2010 but appointed on 23.2.2011 (**Annexure-I**) through unlawful manner by unlawful authority without any test/Interview. The appointment of Sub Engineers is in the purview of Public Service Commission as per ESTA code **Annexure-II**, Public Service Commission Ordinance (**Annexure-III**) Recruitment Policy **Annexure-IV** and advise obtained from Establishment Department dated 17.3.2014 **Annexure-V**
2. The appellant order was unlawfully issued by unlawful authority and thus he came in to service through back door and pay drawn so is also illegal. Action against the then Chief Engineer who made illegal appointment of the appellant is also recommended to high ups for disciplinary action (**Annexure-VI**).
3. In correct. The appellant was unlawfully appointed on contract basis by the then Chief Engineer however, in the appointment order in Clause-12, it has clearly been mentioned that his service shall be terminated on arrival of suitable candidates recommended by the Public Service Commission. The appellant is responsible for not appearing in test and interview conducted by Public Service Commission for the post of Sub Engineer in 2011 and 2012 advertised on 7.4.2011 (**Annexure-VII**). Accordingly the service of appellant was terminated when Public Service Commission nominated suitable person. The appellant was illegally appointed without recommendation of Public Service Commission as per ESTA Code, Public Service Commission Ordinance, Recruitment Policy and advice of Establishment Department and as per Local Govt Ordinance 2001 Part-C Para 23 and 24 (**Annexure-VIII**). This was the reason that the name of the appellant was never included in the seniority list of Sub Engineer and the same was never challenged by the appellant (copy of seniority list as **Annexure-IX**). The Honourable High Court Peshawar in the writ Petition No. 271-P of 2013 dated 2.10.2013 and honourable Supreme Court of Pakistan in Civil Petition No. 2026 and 2029 dated 15.1.2014 declared the appointment of similar persons as illegal and also directed action against such persons (copy of judgment is enclosed as **Annexure-X** and **XI**).
4. The appellant was appointed through back door without any test/interview by the wrong authority without recommendation of Public Service Commission and as such he was not civil servant as his appointment was purely illegal, contrary to prevailing rules. One wrong cannot be justified through another wrong.



5. This is routine practice that the post become vacant and filled in the Department, which do not justify illegal appointments of the appellant. The post of Sub Engineer required to be filled through Public Service Commission as per rules according to ESTA Code, Public Service Commission Ordinance, Recruitment policy, Advice of Establishment Department and as well as Local Govt Ordinance 2001. The vacant post could not be filled through back door contrary to laid down procedure and rules.
6. The appellant joined duty on contract basis and appointed unlawfully by unlawful authority. Furthermore, the appointment of Sub-Engineer BPS-11 falls within the purview of Public Service Commission and respondents have got no power of making direct appointment on regular basis against such posts according to ESTA Code, Public Service Commission Ordinance, Recruitment Policy and as per advice of Establishment Department. The Honorable Supreme Court of Pakistan issued directions to the department that action shall be taken against such illegal appointment made in the department.
7. The appellant was unlawfully appointed by unlawful authority, there was no weight age/force in his departmental appeal hence not considered.
8. As per para 7 above.

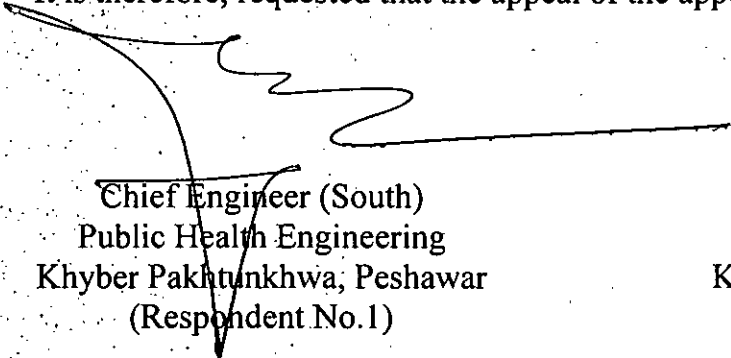
GROUNDS

- A. Incorrect, the impugned order is just, legal and have been passed in accordance with law and rules while following the directions of the Honorable Supreme Court of Pakistan.
- B. Incorrect, the impugned order was passed by the appointing/competent authority. As per Clause-12 of his appointment order, on recommendation of suitable nominees by Public Service Commission, the appellant was terminated being illegally appointed by unlawful authority, who has got no right to retain his service.
- C. Incorrect, the appellant was appointed by unlawful authority through back door contrary to rules. Illegal appointees never considered as civil servant.
- D. Incorrect, appellant has never been discriminated and respondent have terminated all those who were appointed illegally against the post fallen in the purview of Public Service Commission in compliance with direction of honourable Supreme Court of Pakistan.

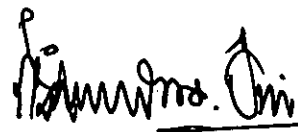
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- E. Incorrect, appellant was appointed on contract basis by unlawful authority without recommendation of Public Service Commission. Later on it came to light that the appointment order was made illegally. Therefore, the illegal appointment order creates no right on appellant.
- F. Incorrect, order once passed does not become irrevocable and past and closed transaction if the order is illegal. No perpetual right can be gained on the basis of illegal order. Therefore, principle of locus poenitentiae is not invoked.
- G. The respondents also seek permission of the Honorable Tribunal of raising other grounds during hearing of the case.

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



Chief Engineer (South)
Public Health Engineering
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)



Secretary
Public Health Engineering
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1412/2013

Usman Ullah S/O Ex-Sub Engineer (Appellant)

VERSUS

1. Chief Engineer (South) PHE Department.
2. Secretary PHE Department Khyber Pakhtunkhwa (Respondents)

AFFIDAVIT

I, Sanobar Khan, Chief Engineer (South) PHE Department Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm that the contents of the accompanying written statements are true and correct to the best of my knowledge and nothing has been concealed from this honourable this tribunal.


DEPONENT

Mr. Usman Ullah S O Amanullah Khan,
R O New Amir Abad Tangi Road Rajjar,
Charsadda.

Subject: Offer of Appointment as Sub Engineer (BPS-11) on Contract basis in PHE
Department Khyber Pakhtunkhwa.

You are hereby offered a post of Sub Engineer in the Public Health Engineering Department Khyber Pakhtunkhwa purely on Contract basis in BPS-11 with usual allowances as admissible under the rules from time to time on the following terms and conditions:-

- 1) You will get pay at the minimum of BPS-11 (Rs.4115 - 275 - 12365) including usual allowances as admissible under the rules. You will also be entitled to annual increment as per existing policy.
- 2) You shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- 3) You shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, you shall be entitled to receive such amount contributed by him towards Contributory Provident Funds (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- 4) Your employment in the PHE Department is purely temporary and you services are liable to be terminated without assigning any reason at fourteen One month notice or on the payment of one month salary in lieu of the notice. In case you wish to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
- 5) You shall, initially, be on probation for a period of two years extendable upto 3 years.
- 6) You shall produce a medical certificate of fitness from Medical Superintendent, District HQ Hospital Chitral before reporting your-self for duty to the Executive Engineer PHE Division Chitral, as required under the rules.
- 7) You have to join duty at your own expenses.
- 8) Your services on contract basis shall be regular under the terms & conditions of contract appointment of the Provincial Government.
- 9) You should not claim your seniority in the regular cadre of Sub Engineers of the Department.
- 10) You shall be liable to serve any where in Khyber Pakhtunkhwa including agencies and Tribal areas.
- 11) You shall not make any request for transfer from the PHE Division where you are posted.
- 12) Your services shall be terminated on arrival of recommendees of the Public Service Commission.

If you accept the post on above conditions, you should report for duty to the Executive Engineer PHE Division Chitral within one month of the receipt of this offer of appointment.

CHIEF ENGINEER

Copy to the :-

- 1) Section Officer (Estt) PHE Department Peshawar.
- 2) Chief Engineer (North) PHE Department Peshawar.
- 3) Superintending Engineer PHE Circle Malakand at Timergra.
- 4) Executive Engineer PHE Division Chitral.
- 5) Officer Accounts Officer Chitral.
- 6) Personal File of the official concerned.

No Entry in class file

register

CHIEF ENGINEER

Annex - C

Annex - C

ESTA CODE

(Establishment Code)

Khyber Pakhtunkhwa

Rs. 875

Law Books Publishers

S

- (viii) Shirani Area
- (ix) Merged Areas of Hazara and Mardan Division and Upper Tanawal
- (x) Swat District
- (xi) Upper Dir District
- (xii) Lower Dir District
- (xiii) Chitral District
- (xiv) Buner District
- (xv) Kala Dhaka Area
- (xvi) Kohistan District
- (xvii) Shangla District
- (xviii) Gadoon Area in Swabi District
- (xix) Backward areas of Mansehra and District Batagram
- (xx) Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazar Field Kanungo circle of Tehsil Ghazi

RECRUITMENT INCLUDING AGE RELAXATION POLICY**Subject: RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES AGE RELAXATION FOR SPECIAL POSTS.**

I am directed to refer to this Department circular letter of even number dated 1st February, 1993, on the subject cited above, and to say that new recruitment policy has been reviewed by the Provincial Government. It has been decided to revise the existing policy as under:-

- (a) Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zilladars and Sub-Engineers will continue to be made through the NWFP Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.
- (b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the NWFP Public Service Commission:-
 - (i) **All Departments including Board of Revenue, NWFP-**
 - (1) Senior Scale Stenographer (B-15)
 - (2) Data Processing Supervisor (B-14)
 - (3) Junior Scale Stenographer (B-12)
 - (4) Assistant (B-11)
 - (5) Draftsman (B-11)
 - (ii) **Board of Revenue-**
 - (1) Sub-Registrar (B-14)
 - (2) Excise and Taxation Inspector (B-11)

6

PLEASED TO MAKE AND PROMULGATE THE FOLLOWING ORDINANCE:

ENACTING THAT IN THAT BEHALF THE GOVERNOR OF THE NORTH WEST FRONTIER PROVINCE (CONSTITUTION (AMENDMENT) ORDER NO. 9 OF 1999, AND IN EXERCISE OF ALL POWERS CONSTITUTION ORDER NO. 11 OF 1999, READ WITH ARTICLE 4 OF THE PROVISIONAL FOURTEENTH DAY OF OCTOBER, 1999, HAS AMENDED AND THE PROVISIONAL NOW THEREFORE IN PURSUANCE OF THE PROCLAMATION OF EMERGENCY OF THE AND WHEREAS THE GOVERNOR OF THE NORTH WEST FRONTIER PROVINCE IS SATISFIED THAT CIRCUMSTANCES EXIST WHICH RENDER IT NECESSARY TO TAKE IMMEDIATE ACTION;

WHEREAS IN ITS EXPEDIENT (NUMBER) AND THE NORTH WEST FRONTIER PROVINCE PUBLIC SERVICE COMMISSION (AMENDMENT) 1978 (N.W.F.P. Ord. No. XI of 1978) FOR THE PURPOSES HEREIN APPEARING;

AND WHEREAS THE GOVERNOR OF THE NORTH WEST FRONTIER PROVINCE HAS FURTHER ORDERED THE NORTH WEST FRONTIER PROVINCE PUBLIC SERVICE COMMISSION (AMENDMENT) 2002;

ORDINANCE

AN
 N.W.F.P. ORDINANCE NO. XXVII OF 2002
 THE NORTH WEST FRONTIER PROVINCE
 PUBLIC SERVICE COMMISSION (AMENDMENT)
 ORDINANCE 2002

NO. LXXXI (20)/73/6131 - The following Ordinance by the Government of the North West Frontier Province is hereby published for general information:—

5th August 2002

NOTIFICATION

GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE
 LAW DEPARTMENT

PESHAWAR, FRIDAY, 9TH AUGUST, 2002

Published by Authority

North West Frontier Province

GAZETTE



GOVERNMENT

EXTRAORDINARY

REGISTERED NO. P.M.



ANNEXURE III

35. N.W.F.P. GOVERNMENT CATERING EXTRAORDINARY 19th AUGUST 2002
(1) The Ordinance may be called the
N.W.F.P. Public Service Commission (Amendment)
Short title and commencement

1. North West Frontier Province Public Service Commission, 2002
Ordinance, 2002.
(2) It shall come into force at once.

2. Amendment of section 3 of N.W.F.P. Ordinance No. XI of 1978. In the North West Frontier Province Public Service Commission Ordinance, 1978, hereinafter referred to as the said Ordinance, in section 3—
(a) the full stop appearing at the end shall be replaced by a colon and thereafter the following proviso shall be inserted:
"Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the term expired portion of his term as such member."
(b) the words and figure "and has been retired in past pay scale 20 or above" shall be added after the word "years" appearing in sub-section (4). The words and figure "and has been retired in past at the end of the term" shall be substituted.

3. Amendment of section 4 of N.W.F.P. Ordinance No. XI of 1978. In the said Ordinance, in section 4, for sub-section (1) the following shall be eligible for re-appointment:
(1) A member of the Commission shall hold office for a term of five years from the date on which he enters upon office and shall not be eligible for re-appointment.
Provided that a person holding office as Chairman or a member immediately before the commencement of the North West Frontier Province Public Service Commission (Amendment) Ordinance 2002 shall cease to hold office on such date as the Governor may direct.

4. Insertion of new section 4A in N.W.F.P. Ordinance No. XI of 1978. In the said Ordinance, after section 4, as so amended the following new section 4A shall be inserted, namely:
"4A. Oath of office.—Before entering upon office, the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman and before the Chairman in case of a member."

5. Insertion of new section 5 in N.W.F.P. Ordinance No. XI of 1978. In the said Ordinance, for section 5 omitted by N.W.F.P. Act No. XX of 1987, following shall be inserted, namely:
"5. Ineligibility for further employment.—On ceasing to hold office a member shall not be eligible for further employment in the Service Pakistan."

6. Responsibility for further employment.—On ceasing to hold office a member shall not be eligible for further employment in the Service Pakistan.

6. Amendment of section 7 of the Ordinance No. XI of 1978—(i) in the said Ordinance, for section 7 the following shall be substituted, namely:

7. Functions of the Commission—(1) The functions of the Commission shall be—

- (a) to conduct tests and examinations for recruitment of persons in connection with the affairs of the Province and civil posts in scales 16 and above or equivalent; and
- (ii) posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District cadre posts)—

- 1 Civil Secretariat (through) Establishment Department
- 2 Board of Revenue
- 3 Police Department
- 4 Prison Department
- 5 Services and Works Department
- 6 Irrigation Department
- 7 Industries, Labour and Manpower Department
- 8 Health Department
- 9 Education Department
- 10 Local Government and Rural Development Department
- 11 Excise and Taxation Department
- 12 Food Department
- 13 Physical Planning and Environment Department
- 14 Organizations, except autonomous bodies, under the Health and Education Departments.

(b) to advise the Governor—

- (i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a);
- (ii) on the principles to be followed in making

- (1) initial appointments to the services and posts referred to in clause (a);
- (2) appointments by promotion to posts in BPS-17 and above; and
- (3) transfer from one service to another; and

That I will not allow any personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill-will.

Peshawar,
Dated the 6th August, 2002

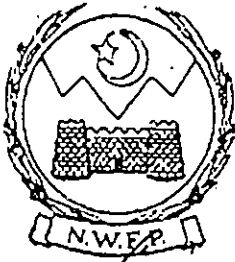
Lt. Gen. (Rtd) IFTIKHAR HUSSAIN SHAH,
Governor of the North West Frontier Province

SALIM KHAN,
Secretary to Government of North West Frontier Province
Law Department

Printed by the Controller,
Pig. & State Dept. NWFP Pesh

ANNEXURE-IV - 394/C

Annex-IV



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(REGULATION WING)

No. SOR-VI/E&AD/1-10/2005/Vol:IV
Dated Peshawar, the 15th November, 2007

To

The Accountant General
NWFP, Peshawar.

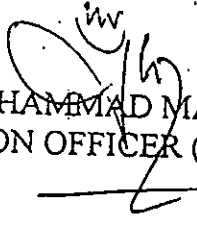
Subject: NEW RECRUITMENT POLICY/PROCEDURE OF
CONTRACT EMPLOYEES.

Dear Sir,

I am directed to refer to your letter No.T-23(48)Vol-
VIII/2559-60 dated 30-10-2007 on the subject noted above and to enclose
herewith copies of the following letters as desired:-

- 1.No.SORI(S&GAD)1-117/91(C) dated 12-10-93
- 2.No.SORVI(E&AD)1-10/2005 dated 9-5-2006
3. No.SORVI(E&AD)1-3/2007.dated 22-3-2007

Yours faithfully,


(MUHAMMAD MASOOD)
SECTION OFFICER (REG-VI)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.
No.T-23(48)/CoA/Vol-VIII/3012

Dated:-11-12-2007

Copy alongwith its enclosure forwarded for information and
necessary action to:-

1. PA to Addl: AG NWFP.
2. All DAGs in Main Office.
3. All DAOs/AAOs in NWFP.
4. All Pay Roll in AG Office.


ACCOUNTS OFFICER (C&M)
NWFP PESHAWAR

GOVERNMENT OF N.W.F.P.
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

Subject: RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES AGE RELAXATION FOR SPECIAL POSTS

I am directed to refer to this Department circular letter of even number dated 1st February, 1993, on the subject cited above, and to say that new recruitment policy has been reviewed by the Provincial Government. It has been decided to revise the existing policy as under:-

- (a) Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zailadars and Sub-Engineers will continue to be made through the NWFP Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.
- (b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the NWFP Public Service Commission:
 - (i) All Department including Board of Revenue, NWFP-
 - (1) Senior Scale Stenographer (B-15)
 - (2) Data Processing supervisor (B-14)
 - (3) Junior Scale Stenographer (B-12)
 - (4) Assistant (B-11)
 - (5) Draftsman (B-11)
 - (ii) Board of Revenue-
 - (1) Sub-Registrar (B-14)
 - (2) Excise and Taxation Inspector (B-11)
 - (iii) Home & Tribal Affairs Department-
 - (a) Police Department:
 - (1) Prosecuting Sub Inspector (B-14)
 - (b) Inspectorate of Prisons:
 - (1) Assistant Jail Superintendent (B-11)
 - (c) Reclamation and Probation Department:
 - (1) Parole/Probation Officer (B-11)
 - (iv) Industries, Commerce, Mineral Development, Labour and Transport Department-
 - (a) Directorate of Industries:
 - (1) Assistant Industrial Development Officer/Assistant Price Stabilization Officer (B-11)
 - (2) Royalty Inspector (B-11)
 - (3) Surveyor (B-11)
 - (b) Directorate of Manpower Training:
 - (1) Instructor T.T.C (B-14)
 - (v) Cooperative Societies:
 - (1) Inspector (B-11)

- (v) Cooperative Societies:
 - (1) Inspector (B-11)
 - (vi) Communication and Works Department-
 - (1) Assistant Architectural Draftsman (B-14)
 - (2) Senior Draftsman (B-13)
 - (vii) Irrigation Department-
 - (1) Computer Supervisor (B-14)
 - (viii) Public Health Engineering Department-
 - (1) Motivation Officer (B-15)
 - (2) Assistant Motivation Officer (B-14)
 - (3) Lady Health Educator (B-12)
 - (ix) Electric Inspectorate-
 - (1) Sub-Inspector (B-11)
 - (x) Food Department-
 - (1) Assistant Food Controller (B-8)
 - (2) Food Grain Inspector (B-6)
 - (xi) Directorate of Archives and Libraries-
 - (1) Preservation Assistant (B-11)
 - (2) Cataloguer/Classifier (B-11)
- (c) Initial recruitment to posts in BPS-15 and below other than the posts in the purview of the Public Service Commission, in all the departments shall continue to be made in accordance with Rules 10, 11 and 12 (Part-III) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the criteria as laid down in SGAD letter No. SORI(S&GAD)4-1/75, dated 11.2.1987 and the zonal allocation formula contained in S&GAD notification No. SOS-III(S&GAD)3-39/70, dated 2.10.1973 as amended from time to time.

(d) No adhoc appointment against any post in any pay scale shall be made.

(e) Relaxation in maximum age limit may be allowed to candidates for various posts having prescribed qualifications in specific fields upto a period of 5 years by the Competent Authority and for not more than 10 years by the S&GAD. The details of such posts are indicated in the annexure to this letter.

The age relaxation in respect of posts other than posts mentioned above may be confined to 5 years only. The Competent Authority may allow relaxation upto 2 years whereas the S&GAD may relax the age upto a period of 5 years.

*The age limit in respect of Govt. Servants who have completed at least four years service in the Government, on the closing day for submission of applications for the posts, shall be automatically relaxed by 10 years or a number of years an officer/official has actually served, whichever is less.

All the proposals for the grant of relaxation in upper age shall continue to be accompanied by:-

- (i) Full justification in support of the proposal; and
- (ii) A certificate to the effect that no eligible candidate within the prescribed age limits are/were available.

** An over age candidate shall be entitled to only one age concession whichever is beneficial to him.

3511 ✓
(f) The Regional/Zonal quota if not filled will be carried forward till suitable candidates are available from the Region/Zone concerned. No. "Substitute" recruitment shall be made. Existing backlog, if any, in respect of any zone will not be carried forward and the Commission shall take a fresh start in respect of the posts under its purview. However, this condition will not be applicable in respect of posts which have already been advertised by the NWFP Public Service Commission.

(g) The vacancies in all the Departments shall be advertised in leading newspapers on ~~****~~ ^{***} Sundays. The advertisement in electronic media should be to the extent of drawing attention of all concerned to the relevant newspapers in which the vacancies are advertised.

(h) Initial Recruitment to all the vacant posts shall be made on regular known periodic intervals in February and August each year after proper advertisement through electronic and national/regional media. After advertisement, a minimum period of 30 days should be allowed for receipt of applications. A waiting list of the eligible candidates shall be maintained for a period of six months.

(i) [Deleted].

**** (j) 2% quota for disabled persons already fixed earlier shall stand and should be enforced strictly. However, 2% quota has also been fixed for female candidates in all the services which are filled up through initial recruitment. The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall indicate the quota for women in the Requisition Form accordingly. The 2% quota shall be over and above the selection of women, if any, under general quota of merit etc. This quota shall, however, be restricted to those Departments where no separate female cadres exist.

(k) For initial appointment to posts in BPS-17 and below in the Autonomous Bodies/Corporations, the zonal allocation formula applicable for Provincial Services may be adopted. The method of recruitment shall also conform to sub-para (c) above.

(l) The Provincial Government have already agreed that recruitment to the post of PTC in Education Department in various districts shall be made on constituency-wise basis. For this purpose, the existing districts have been divided into various zones. Each zone shall correspond to the area of constituency of the Provincial Assembly. However, recruitment to the posts shall, in each case, be 50% on merit in open competition on district basis and 50% on constituency basis.

2. I am directed to request that the above decisions of the Provincial Government may be brought to the notice of all concerned for strict compliance.

Government of NWFP, S&GAD's
letter No.SORI(S&GAD)1-117/91(C) dated.12.10.93

* Added vide No.SOR-I(S&GAD)1-117/91(C)Vol-I dated 7.1.1999

** Added vide No.SOR-I(S&GAD)1-117/91(C)Vol-I dated 8.10.1999

*** Substituted vide No.SOR-I(S&GAD)1-117/91(C) dated 22.11.1997

**** Substituted vide No.SOR-I(S&GAD)4-1/80(III) dated 19.2.1999

Annex - 1



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/15-3/2009
Dated 17th March, 2014

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
PHE Department.

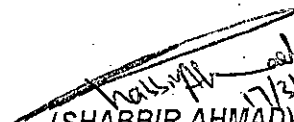
Subject: ADVICE REGARDING STATUS OF APPOINTMENT.

2-112/c

Dear Sir,

I am directed to refer to your letter No.SO(Estt)/PHED/1-90/2012-13/321 dated 04-3-2014 on the subject noted above and to state the post of Sub Engineer is Provincial Cadre post and fall under the purview of Public Service Commission. The Department is not empowered to fill the post without the recommendation of Public Service Commission. Therefore the person so appointed on the post of Sub Engineer BPS-11, his appointment is irregular, illegal. However the Department should initiate disciplinary action against the officer/officers who was/were involved in appointment of such illegal appointment of Sub Engineers and brought him/them to the justice.

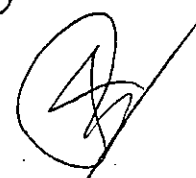
Yours faithfully,


(SHABBIR AHMAD)
SECTION OFFICER (REG-V)

DS/A

9
17
3

2/2/18/3/14.
S/E irregular
but up on

relevant file
Supd


Amir - V

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

No. 11 / E-4 / PHE

Dated Pesh: the 11 / 07/2013.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar.

Subject:- **ILLEGAL APPOINTMENT OF SUB ENGINEERS**

It is intimated that the then Chief Engineer (South) PHE Department Mr. Ghulam Mujtaba appointed the following Five Sub Engineers on 23.02.2011 on contract basis without observing procedure and formalities as mentioned in Esta Code:-

1. Mr. Abdullah Noor Ex-Sub engineer PHE Miranshah.
2. Mr. Shahid Khan Ex-Sub Engineer PHE Koht.
3. Mr. Mujtaba Ex-Sub Engineer PHE Nowshera.
4. Mr. Shahid Iqbal Ex-Sub Engineer PHE Karak.
5. Mr. Usman Ullah Ex-Sub Engineer PHE Nowshera.

The above named Sub Engineers have been terminated on 01.07.2013 on receiving list of recommendees of Public Service Commission.

The said posts were not advertised in the press. No test and interview were conducted. No departmental selection committee was constituted. Copies of the appointment letters are sent herewith for your perusal. Inquiry in this regards may be initiated against the then Chief Engineer for making illegal appointment of Sub Engineers.

Encl: As above.

CHIEF ENGINEER

9/20
10/7



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

No. 04 /E-13/South /PHE

Dated Peshawar, the 27 /02/2014

TH)
T
R

The Secretary to Govt of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar

Subject: **ENQUIRY INTO ILLEGAL APPOINTMENT**


Reference: Your letter No.SO(E)/PHE/8-27/2013/242-2

In this regard it is submitted that illegal appointments in PHE Department have been made in various times by various officers as under please:

A. The Departmental Selection Committee comprising of the following have recommended approved illegal selection of the appointments of Sub Engineers/Steno typists/Stenographer and Data Entry Operators which were in purview of Public Service Commission by violating all rules.

- | | |
|---|------------|
| 1. Mr. Allaudin Khan (Retired) Chief Engineer | Chairman |
| 2. Mr. Syed Bakar Shah S.O (E=II) W&SD | Member. |
| 3. Mr. Abdul Bashir ADO (SE HQ) | Member. |
| 4. Mr. Afsar Ali Qureshi Admn: officer | Secretary. |

B. Five No. Sub Engineers were illegally appointed by Mr. Ghulam Mujtaba the then Chief Engineer PHED directly without involvement of A.O or any staff Member. Similarly one Junior Clerk Mr. Farhanullah has also been promoted to the post of Sub Engineer by Mr. Ghulam Mujtaba the then Chief Engineer signed fake promotion letter with fake dispatch number without involvement of any staff member.


Chief Engineer (South)

Amere-VII

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212397

Dated: 07.04.2011

ADVERTISEMENT No. 02 / 2011.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by 07.05.2011 (candidates applying from abroad by 21.05.2011). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected without intimation to the candidates

AGRICULTURE, LIVESTOCK & CO-OPERATIVE DEPTT:

FIVE (05) POSTS OF FEMALE LIVESTOCK PRODUCTION OFFICER (HEALTH) IN L&DD DEPTT:

QUALIFICATION: (i) B.Sc (Hons) Animal Husbandry from a recognized University; OR (ii) Doctor of Veterinary Medicine (DVM) or equivalent qualification in veterinary sciences from a recognized university and registered with Pakistan Veterinary Medical Council.

AGE LIMIT: 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.
ALLOCATION: Two to Zone-1 and One each to Zone-2, 3 and 5.

THREE (03) POSTS OF SOIL CONSERVATION ASSISTANT

QUALIFICATION: (a) M.Sc Agriculture (Soil Science) from a recognized University, OR (b) B.Sc (Hons) Agriculture with Soil Science as major subject obtained after four years of academic instructions after F.Sc from a recognized university; OR (c) B.Sc Agriculture Engineering from a recognized university.

AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: One each to Merit, Zone-1 and 5.

ONE (01) POST OF BIO-CHEMIST

QUALIFICATION: Doctor of Veterinary Medicine (DVM) or equivalent qualification in veterinary sciences with M.Sc in Biochemistry or M.Sc (Hons) in Animal Nutrition recognized by Pakistan Veterinary Medical Council.

AGE LIMIT: 25 to 32 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes.
ALLOCATION: Merit.

C & W DEPARTMENT

THIRTEEN (13) POSTS OF JUNIOR SCALE STENOGRAPHER.

QUALIFICATION: (i) Intermediate or equivalent qualification from recognized a Board. (ii) A speed of 60 words per minute in Shorthand in English and 35 words per minute in typewriting in English and knowledge of Computer in using MS Word and MS Excel.

AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-12 **ELIGIBILITY:** Both Sexes
ALLOCATION: Three to Zone-1, Five each to Zone- 3 and 5.

	<p>EIGHT (08) POSTS OF MALE SERVEYOR IN MINES AND MINERALS DEPTT:</p> <p>QUALIFICATION: F.SC Pre Engineering or equivalent qualification from recognized Board of Intermediate and Secondary Education with (a) Mine Surveyor Competency Certificate under Mines Act 1923 and (b) Certificate in Auto cad from a recognized institute</p> <p>AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Male ALLOCATION: Two each to Zone-1,2,3 and One each to Zone-4 & 5.</p>
70.	<p>THREE (03) POSTS OF COMPUTER OPERATOR IN DIRECTORATE GENERAL OF TECHNICAL EDUCATION AND MANPOWER TRAINING</p> <p>QUALIFICATION: (a) Bachelor Degree from a recognized University and (b) Diploma of one year duration in Information Technology from a recognized Institute.</p> <p>AGE LIMIT: 20 to 32 years. PAY SCALE: BPS-11 ELIGIBILITY: Male ALLOCATION: One each to Zone-1, 2 and 3.</p>
PUBLIC HEALTH ENGINEERING DEPTT:	
71.	<p>TWO (02) POSTS OF RESEARCH OFFICER/ HYDRO-GEOLOGIST.</p> <p>QUALIFICATION: Second Division M.Sc (Hydro-Geology) OR B.Sc (Civil/ Agriculture Engineering) with two years relevant experience Or Second Division M.Sc (Water Resources/ Civil Engineering) from a recognized University.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes ALLOCATION: One each to Merit and Zone-1.</p>
72.	<p>EIGHTEEN (18) POSTS OF ASSISTANT SOCIAL ORGANIZER.</p> <p>QUALIFICATION: Second Class Master Degree in Social Sciences from a recognized University.</p> <p>AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes ALLOCATION: Five to Merit, Three each to Zone-1, 2, 3 and Two each to Zone-4&5.</p>
73.	<p>TWO (02) POSTS OF ASSISTANT SOCIAL ORGANIZER (WOMEN QUOTA).</p> <p>QUALIFICATION: Second Class Master Degree in Social Sciences from a recognized University.</p> <p>AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Female ALLOCATION: Merit.</p>
74.	<p>SEVEN (07) POSTS OF ASSISTANT RESEARCH OFFICER (WATER QUALITY).</p> <p>QUALIFICATION: Second Division B.Sc (Microbiology or Chemistry) from a recognized University.</p> <p>AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Merit, Zone-2, 3, 4, 5 and Two to Zone-1</p>

EIGHT (08) POSTS OF JUNIOR SCALE STENOGRAPHER.

QUALIFICATION: (i) 2ND Class Intermediate/ D.com or equivalent qualification from recognized a Board; and (ii) A speed of 50 words per minute in English Shorthand and 35 words per minute in English Typing.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes
ALLOCATION: Two each to Zone-1, 2 & 3 and One each to Zone-4 and 5.

76. **EIGHTEEN (18) POSTS OF SUB ENGINEER CIVIL.**

QUALIFICATION: Three years Diploma of Associate Engineering Civil from a recognized Institute.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Male
ALLOCATION: Four each to Zone-1, 2, 3 and Three each to Zone-4 and 5.

77. **TWO (02) POSTS OF SUB ENGINEER CIVIL (WOMEN QUOTA).**

QUALIFICATION: Three years Diploma of Associate Engineering Civil from a recognized Institute.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Female
ALLOCATION: Merit.

78. **FOUR (04) POSTS OF DRAFTSMAN.**

QUALIFICATION: (i) Second Division Secondary School Certificate from a recognized Board and (ii) Two years duration Certificate Course in Civil Draftsmanship from a recognized Board of Technical Education.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Both Sexes
ALLOCATION: One each to Zone-1, 2, 3 and 4.

PROVINCIAL PUBLIC SAFETY AND POLICE COMPLAINT COMMISSION

79. **ONE (01) POST OF FEMALE JUNIOR SCALE STENOGRAPHER CUM COMPUTER OPERATOR**

QUALIFICATION: (i) FA/ F.SC in second division from recognized Board (ii) One year diploma in Computer Science from an institute recognized by the Board of Technical Education. (iii) A speed of 60 words per minute in English Shorthand and 35 words per minute in English Typewriting.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Female
ALLOCATION: Merit

SPORTS, TOURISM, CULTURE, ARCHAEOLOGY & MUSEUMS DEPARTMENT

80. **ONE (01) POST OF ADMINISTRATOR**

QUALIFICATION: Bachelor Degree from a recognized university with at least five years experience in management / administration.

AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Male
ALLOCATION: Zone-1

Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.

- (iii) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (vi) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and/or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

- (1) Main Branches of:
Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (3) Tehsil Bazar Branch Charsadda, Nowshera Cantt. Branch, Bank Square Branch Mingora and City Branch Tank

Note: -The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(ATTA-UR-REHMAN)
Secretary
Khyber Pukhtoonkhwa
Public Service Commission
Peshawar

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✓ Annex VIII
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**GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT
DEPARTMENT**

NOTIFICATION

Dated Peshawar the 30th October, 2001

No. ADMN(LG)/DG/1(28)-2001.--- In exercise of the powers enforced by section 191 of the North-West Frontier Provincial and Local Government Ordinance, 2001 (N.-W.F.P. Ord. XIV of 2001) read with section 31 thereof, the Government of the North-West Frontier Province is pleased to make the following rules; namely-

**THE NORTH-WEST FRONTIER PROVINCE DISTRICT
GOVERNMENT RULES OF BUSINESS, 2001.**

**PART A
GENERAL**

1. **Short title and commencement.**--- (1) These rules may be called the North-West Frontier Province District Governments Rules of Business, 2001.

(2) It shall come into force at once.

2. **Definitions.**--- (1) In these rules, unless the context other-wise requires,-

1. "body corporate" means a body having perpetual succession and a common seal, with power to sue and be sued;
2. "budget" means an official statement of income and expenditure for a financial year;
3. "business" includes all work done by a local government;
4. "component" means the offices mentioned in column 2 of Schedule I to the Ordinance;

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4. **Organization of Offices.**--- (1) The Organization of various offices shall be the same as provided in the Ordinance or, where the Ordinance has not so provided, as determined by Government.

(2) The Executive District Officer shall, by means of standing orders, distribute the work of the office among the officers subordinate to him.

(3) The cases enumerated in Schedule II shall be submitted to the Zilla Nazim before issuance of orders;

(4) Reports on any of the matters specified in Schedule III shall be submitted to the Zilla Nazim for his information;

5. **Secretariat of District Government.**--- (1) There shall be a secretariat of the District Government headed by the District Coordination Officer and comprising of the decentralized departments or groups of departments as shown in the First Schedule to the Ordinance.

(2) Each decentralized group of departments shall be headed by an Executive District Officer appointed or nominated by the Government for the purpose.

(3) Each Executive Officer shall be responsible to Zilla Nazim through the District Coordination Officer and shall channelize his correspondence through him.

6. **Deputation of civil servants and power of District Coordination Officers.**---
- (1) The civil servants posted in the decentralized departments shall continue to be civil servants for all intents and purposes of the relevant civil servants laws and the rules framed thereunder with the modification that-

(a) all civil servants in BPS-16 to BPS-20 shall be appointed by Government or the Federal Government, as the case may be, and posted in decentralized Departments from time to time.

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(b) the District Coordination Officer shall have the powers of the appointing authority in respect of the officers/officials in BPS-1 to BPS-15:

Provided that no vacancies are to be filled in by way of direct recruitment or transfers and the officers/officials of the surplus pool are to be absorbed/adjusted against the vacancies:

Provided further that even after the said period has on recruitment shall continue till it is lifted by Government in the Finance Department.

(2) No civil servant shall be transferred from his post in a district except under the orders of the Government:

Provided that the District Coordination Officer, or as the case may be, the Executive District Officer, may, suo moto or on the initiation of the Nazim, initiate disciplinary proceedings against a civil servant for his inefficiency or malpractices and submit the outcome of the proceedings to competent authority for decision.

(3) In disciplinary matters, the Zilla Nazim, in case of officers in BPS-19, and District Coordination Officer, in the case of officers in BPS-16 to BPS-18, shall refer the cases to the competent authority for decision under the North-West Frontier Province Removal from Service (special Powers) Ordinance 2000 (N.-W.F.P. Ord. No. V of 2000), through the administrative Secretary concerned.

7. General procedure for disposal of business.--- (1) The channel for obtaining or transmitting the orders of the Zilla Nazim is the Executive District Officer or an officer specifically authorized in this behalf by the District Coordination Officer.

(2) All orders shall be passed in writing, where a verbal order is given, it should be reduced to writing at the earliest opportunity by the officer receiving it.

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(3) If any doubt or dispute arises as to the Department to which a case properly pertains, the matter shall be referred to the District Coordination Officer for decision.

(4) Detailed instructions for the disposal of business in the District administration shall be issued by the District Coordination Officer.

(5) If any order happens to contravene a law, rule or policy, it shall be the duty of the next below officer to point out this to the authority passing the order.

(6) While submitting a case for the orders of the Zilla Nazim, it shall be the duty of the Executive District Officer/District Coordination Officer to suggest a definite line of action.

8. **Office administration and record.**--- The manual of instructions for Provincial Civil Secretariat issued by the Chief Secretary of Government from time to time shall, mutates mutandis, be applicable to the secretariat of the District Government and the District Coordination Officer shall have the powers to issue instructions in addition there to and not in derogator of the instructions already issued.

9. **Official language.**--- (1) The official language of the District Government for official correspondence with the Provincial Government and Federal department shall be English and efforts shall be made to conduct the correspondence with the people representative and public in general in Urdu.

(2) All notices affecting the citizens shall be published at least in two Urdu dailies having wide circulation in the local area.

10. **Zilla Nazim.**--- (1) A Zilla Nazim shall assume the charge of his office from the date on which he takes upon himself the oath of such office.

(2) Government shall notify the dates of assumption of the offices of the Zilla Nazim in the Official Gazette.

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11. **District Coordination Department.**— (1) An officer appointed as District Coordination Officer shall, on assuming charges, as such, exercise such powers and perform such functions and duties as are mentioned in section 28.

12. **District Police Officer.**— (1) The District Police Officer shall keep the Zilla Nazim generally informed of all matters affecting public tranquillity. He shall, in particular, submit report through the Zilla Nazim, to Provincial Government of all cases likely to have major political repercussions.

(2) The District Superintendent of Police shall coordinate with the Zilla Nazim for the maintenance of law and order in the district and shall comply with all of his orders.

PART-B

DEPARTMENTAL PROCEDURE

13. **Enforcement and interpretation of rules.**— (1) The Executive District Officer shall be responsible for the careful observance of these rules in his Department/Component of offices assigned to him and if any doubt or dispute arises as to the interpretation of these rules, it shall be referred to Government through District Coordination Officer, whose decision shall be final. The District Coordination Officer shall obtain the orders of the Zilla Nazim, where necessary.

(2) Instructions ancillary to these rules shall, wherever considered necessary, be issued by the District Coordination Officer.

Provided that any special or general orders required to be made by the Departments in terms of these rules may be issued by them in consultation with the District Coordination Officer.

14. **Authentication of orders, instruments, agreements, contract, etc.**— (1) All executive action of a District Government shall be expressed to be taken in the name of the Nazim of the respective District Government.

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iii. interpretation of rules and orders relating to service matters, other than rules and orders issued by the District Government; and

iv. any change in the terms and conditions of service or the statutory rights and privileges of Federal/Provincial Government Servants serving in the District.

(4) No order in respect of the emoluments, promotion or condition of service of any officer employed in the Finance and Planning Department shall be passed and no expenditure proposal relating to that Department shall be sanctioned without prior concurrence of the Coordination Department. The District Coordination Officer shall exercise in respect of such matters, the functions of the Executive District Officer, Finance and Planning Department.

17. Consultation with Finance and Planning Departments.--- (1) No Department shall, without previous consultation with the Finance and Planning Department, authorize any orders, other than orders in pursuance of any general or special delegation made by the Finance and Planning Department, which directly or indirectly affects the finances of the District, or which in particular involves-

- (a) relinquishment, remission or assignment of revenue, actual or potential, or grant of guarantee against it or grant of lease of land or mineral, forest or water power rights;
- (b) expenditure for which no provision exists;
- (c) levy of taxes, duties, fees, or cesses;
- (d) re-appropriation within budget grants; and
- (e) alteration in financial procedure or in the method of compilation of accounts or of the budget estimates.

(2) No amendment or interpretation of the District Services Rules, if any, as have no financial implication shall be made or issued by the Finance and Planning Department without the prior concurrence of the Coordination Department.

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(3) No proposal, which requires previous consultation with the Finance and Planning Department under sub-rule (1) but in which the Finance and Planning Department has not concurred, shall be proceeded with, unless a decision to that effect has been taken by the Zilla Council. Formal order shall, nevertheless, issue only after the Finance and Planning Department has exercised scrutiny over the details of the proposal.

(4) Except to the extent that power may have been delegated to Departments under rules framed by the Finance and Planning Department, every order of a Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities through the Finance and Planning Department.

18. Consultation with Provincial Law, Parliamentary Affairs and Human Rights Department.— (1) The Provincial Law, Parliamentary Affairs and Human Rights Department shall be consulted by the District Government—

- (a) on all legal questions arising out of any case;
- (b) on the interpretation of any law;
- (c) before instituting criminal or civil proceedings in a court of law in which Government is involved; and
- (d) wherever criminal or civil proceedings are instituted against District Government.

The Public Prosecutor, Government Pleader, Additional Public Pleader and Additional Government Pleader shall conduct civil and criminal cases against a District Government on behalf of that Government on a case to case basis, by the District Coordination Officer or the District Government.

Government shall adopt and follow the model bye-laws and any other bye-laws under the ordinance, not the bye-laws, which shall be sent to the Law Department and may, after such vetting and approval,

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(3) The Coordination Department shall issue notice of a meeting, together with the agenda, well in advance of the meeting, except that urgent items may be considered at short notice.

(4) Executive District Officers' Committee meeting shall be attended only by Executive District Officers and Assistant Executive District Officers of District Departments, or such other officers as may be required by the District Coordination Officer.

(5) Minutes of the meeting shall be recorded by an officer of the Coordination Department, who shall attend the meeting for the purpose, and shall be circulated, after approval by the District Coordination Officers as soon as possible.

(6) Conclusion reached at the meeting of the Executive District Officers' Committee shall not be taken as decision of the District Government. Any further action required shall be taken by the Department concerned in accordance with the rules.

22. Relations of the District Government and Zilla Council.— (1) The District Government shall present all the bye-laws prepared under the Ordinance to the Zilla Council for approval.

(2) The District Government shall obtain approval of the Zilla Council for imposition of taxes on the subjects specified in Para-1 of the Schedule-II.

(3) The District Government shall get approval of the Zilla Council for long term and short term development plans, annual and supplementary, budgetary proposals of the District Government and where required intra-district fiscal transfers.

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19. **Consultation between the District Departments and Provincial Offices.**— Cases requiring the approval of the Provincial Government shall be referred in as complete form as possible to the Administrative Department concerned by the Heads of District Departments through District Coordination Officer and shall ordinarily be settled in personal discussion between the Head of the District Department and the Secretariat Officers dealing with the case.

20. **Relations with Provincial Local Government Commission.**— (1) The Zila Nazim shall cooperate with the Provincial Local Government Commission in the due discharge of its functions under Article 132 of the Ordinance.

(2) Between any department of Government and the District Government or between two District Governments, the Nazim shall cause to prepare a complete case with all the documents required and require the District Coordination Officer to forward the same to the secretariat of the Provincial Local Government Commission;

Provided that if the dispute is not amicably resolved, the aggrieved party may move the case before the Chief Executive of the Province for resolution through the Chief Secretary of Government and the decision of the Chief Executive thereon shall be final.

21. **Executive District Officers' Committee.**—(1) There shall be constituted an Executive District Officers' Committee with the District Coordination Officer as its Chairman, to facilitate coordination amongst Government Departments, to provide a venue for the consideration of matters of common interest and to tender advice on any case that may be referred to it by the Zilla Nazim or the Zilla Council.

(2) An Executive District Officer who wishes that a particular matter be discussed in the Executive District Officers' Committee meeting shall inform the Coordination Department of his intention of doing so and forward twenty copies of a brief note on the subject which would form the basis of discussion.

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PART-C

SERVICES

23. **Public Service Commission.**— The advice of the Public Service Commission shall ordinarily be accepted by the District Government(s) in all matters where it is obligatory to consult the Commission under any rules or regulations for the time being in force. If it is proposed not to accept the advice of the Commission, it shall be submitted to the Chairman, Local Government Commission, who may give an opportunity to the Public Service Commission of further justifying its recommendation before a final decision is taken.

24. **Selection Board.**— (1) District Government may constitute one or more Selection Boards and specify the appointments and promotions to posts, other than those to be made on the advice of the Public Service Commission, to be made on the advice of such Selection Boards, under the District Service Rules, when framed.

(2) In case, a Department does not propose to accept the advice of Selection Board in regard to a matter in which its advice is required under sub-rule (1), the case shall be returned to the Selection Board for reconsideration, and the Selection Board shall reconsider such case. If on reconsideration the difference still persists, the case shall be submitted to the Zilla Nazim through the Coordination Department, for his orders.

25. **Posting and transfer.**— (1) Posting/Transfer of Officers/Officials shown in Column 2 of Schedule-IV shall be made by the authorities shown against such officers/officials in column 3 thereof.

(2) the District Coordination Department of the District shall consult Government if it is proposed to-

(a) transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and

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PART-D

ZILLA COUNCIL

26. **Manner of submission of cases to the Zilla Nazim.**— (1) The Executive District Officer of the Department concerned shall transmit to the District Coordination Officer, a concise and lucid memorandum of the cases (hereinafter referred to as the "Summary") giving the background and relevant facts, the points for decision and the recommendation of the Executive District Officer, for appropriate orders of the Zilla Nazim.

(2) The summary shall be self-contained as far as possible, and may include as appendices such relevant papers as are necessary for the proper appreciation of the case.

(3) Where a case concerns more than one Department, the summary shall not be forwarded to the Zilla Nazim unless the case has been considered by all the Departments concerned. In the event of a difference of opinion, the points of difference between them, shall be clearly stated in the Summary, a copy of which shall be sent by the sponsoring Department to other Department concerned simultaneously with the transmission of the Summary to the Zilla Nazim.

(4) No Summary containing a proposal involving financial implications shall be submitted to the Zilla Nazim unless the Finance and Planning Department has been consulted and its views incorporated in the Summary.

(5) The Coordination Department shall satisfy itself that the papers submitted by the Executive District Officer are complete and in appropriate form. It shall ordinarily return a case which does not meet the requirements of these rules, or any other instructions on the subject.

27. **Procedure regarding meetings of the Zilla Council.**— (1) Regular meetings of the Zilla Council to discuss ordinary business shall normally be held once a month on a day and time to be fixed by the Zilla Nazim;

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Provided that the Zilla Nazim may direct any variation in day and time. may call for special meetings of the Zilla Council at any time on any day to discuss urgent business.

(2) All drafts of bye-laws or orders having the force of law shall be submitted to the Zilla Council after the same have been vetted by the Law Department, and no changes shall be made therein except with the knowledge of the Law Department.

(3) No case for inclusion in the agenda shall be accepted unless it reaches the Convener of the Zilla Council at least four clear days in advance of the meeting.

(4) The Convener of the Zilla Council shall ordinarily issue notices to the members of the Zilla Council at least three days in advance of a meeting, the agenda of the meeting together with the summaries relating to the items on agenda. In the case of special meetings, the circular notice may be issued less than three days in advance.

(5) The Executive District Officer concerned with a case shall attend the meeting of the Zilla Council in which the case is under discussion. He shall, however, take no part in the discussion unless invited to do so.

(6) The District Coordination Officer shall attend all meetings, prepared record of the discussion and submit the same for approval of the Zilla Nazim.

28. Action on the decisions of the Zilla Council.— (1) When a case has been decided by the Zilla Council, the Department concerned shall take prompt action to give effect to the decision.

(2) To ensure implementation of the Zilla Council's decision, the Executive District Officer of each Department shall keep a record of all the decisions conveyed to him and shall watch progress of action until it is completed. It shall be his responsibility as Executive District Officer of the Department sponsoring the

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case, to consult or inform any other Department concerned, in order to ensure full implementation of the decision.

(3) The District Coordination Officer shall watch the implementation of each decision of the Zilla Council, and the Executive District Officer in the Department concerned shall supply to the District Coordination Officer such documents as the latter may, by general or special request, require to enable him to complete his record of the case.

(4) Each Department shall maintain record of cases submitted to the Zilla Council.

(5) The Governor and the Chief Minister of the North-West Frontier Province may require to submit for their consideration any matter on which a decision has been taken by the Zilla Nazim or the Zilla Council, as the case may be.

29. Procedure regarding Committees of the Zilla Council.--- (1) Meetings of the Committees of the Zilla Council shall be convened by the District Coordination Officer under the direction of the Convener/Chairman of the Committee, who shall preside over the meeting(s).

(2) Officers/Officials of the Department concerned may be associated with the deliberations of the Committees as and when considered necessary.

(3) The provision of rule 20, 21, and 22 shall apply mutatis mutandis to the manner of submission of cases to, and the procedure for the meetings of the Committees.

PART-F

MISCELLANEOUS PROVISIONS

30. **Protection and Communication of Official Information.**--- (1) No information, acquired directly or indirectly from official documents or relating to official matters, shall be communicated by a District Government servant to the press, to non-official or officials belonging to other Government offices, unless he has been generally or specially empowered to do so.

(2) Detailed instructions shall be issued by the District Coordination Officer for the treatment and custody of official documents and information of a confidential character.

(3) Ordinarily all official news and information shall be conveyed to the press through the Public Relation Officer to the Zilla Nazim and the manner in which this may be done shall be prescribed, generally or specially in each case by the District Coordination Officer. The District Coordination Officer and such officers as may be authorized, shall act as official spokesman of the District Government.

31. **Channels of communication.**--- (1) Correspondence with the Provincial Government shall be conducted directly by the Departments in respect of subjects allocated to them, and it shall ordinarily be addressed to the Head of the Attached Department concerned.

(2) All correspondence between District Governments and the Secretary of the Provincial Government Departments shall be conducted through the Heads of the Attached Department concerned.

(3) All inter-District correspondence shall be conducted by the Executive District Officer of the Departments through the District Coordination Officer.

(4) All correspondence within a District between the Departments shall be conducted through the Executive District Officers.

(IFTIKHAR ALI SHAH)
SECRETARY, LOCAL GOVERNMENT &
RURAL DEVELOPMENT DEPARTMENT,
NORTH-WEST FRONTIER PROVINCE

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SCHEDULE - I

See rule 3 (2)

DISTRIBUTION OF BUSINESS AMONG GROUPS OF DISTRICT OFFICES

Sr. No.	Group of District Offices	Allocated Business
1.	Agriculture	Agriculture (Extension, Livestock, On Farm Water Management, Soil Conservation, Cooperatives, Wild Life, Fisheries and Forests).
	a: <u>Agriculture (Extension)</u>	<ol style="list-style-type: none">(1) Administration, financial and technical control of the field formation in the district.(2) Achievement of area and production targets of crops.(3) Implementation of crop production strategy including agronomy and plant protection prepared by the Provincial Agriculture Department.(4) Preparation of detailed training schedule of all trainers within the frame work of phases decided by Provincial Agriculture Department and dissemination of production technology through training programme in every village of the district.(5) Feedback of researchable problems to Provincial Agriculture Department.(6) Identification, preparation and implementation of projects approved by competent authorities.(7) Implementation, preparation and implementation of projects approved by

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competent authorities.

- (8) Implementation of Agriculture laws.
- (9) Management of agriculture extension farms and gardens.
- (10) Service matters relating to the district cadre.
- (11) Maintenance of government buildings.
- (12) Purchase of stores and capital goods.
- (13) Participation alongwith requisite data in review meetings held by Provincial Agriculture Department.
- (14) Feedback to Provincial Agriculture Department on all the above, as per time to time instructions.
- (15) Implementation of crop production strategy including agronomy and plant protection.
- (16) Achievement of area and production targets of all crops.

b: Livestock

Matters relating to:

- (1) Artificial Insemination
- (2) Promotional efforts for establishment of Dairy Farms in Private Sector.
- (3) Promotional efforts for establishment of Poultry Farms in Private Sector.
- (4) Prevention of animal/poultry diseases, extension services.
- (5) Training of Villagers on:
 - (i) Prophylactic vaccination
 - (ii) Management aspects
 - (iii) First Aid Treatment
- (6) Enforcement of Prevention of Cruelty to Animals Act, 1890.
- (7) Prophylactic Vaccination.

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- (16) Child Welfare.
- (17) Dar-til-Aman.
- (18) Prisoner's Welfare.
- (19) Patient Welfare.
- (20) Eradication of Beggary.
- (21) Senior Citizens Homes.

e: Zakat and Usher:

District Zakat and Ushar
Office:

In each District, a District Zakat and Usher
Committee shall be constituted by the Provincial Zakat
Council.

- (a) Subject to such guidelines, as given by the
Central Zakat Council or Provincial Zakat
Council, the District Zakat Committee, under
the Zakat and Ushar Ordinance, 1980, is
required to:
 - (i) Eversee, generally, the functioning of
administrative organization of Zakat and,
more particularly, the assessment of Ushar
and Attiyat and the disbursement and
utilization of the moneys in the District
Zakat Fund and the local Zakat Funds.
 - (ii) For the purposes mentioned in clause (a)
make plans for the district in such form
and manner as may be prescribed.
 - (iii) Prepare and maintain accounts of the
District Zakat fund in such form and
manner as prescribed by the Central or
Provincial Zakat Council.
 - (iv) Compile accounts of the local Zakat funds
for the district in such form and manner as

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**Tehsil Zakat and Ushar
Office:**

prescribed.

- (v) Arrange, in the prescribed manner, audit of the Local Zakat funds in the district, and
- (vi) Constitute Tehsil Zakat Committee and Local Zakat Committee in the district.

Each Tehsil Zakat Committee, as constituted by the respective District Zakat Committee, performs the following functions, subject to the laid down guidelines of either the Central Zakat Council or the Provincial Zakat Council or the District Zakat Committee.

- (a) Oversee assessment of Ushar and collection of Zakat, Ushar and Attiyat and the disbursement and utilization of the moneys in the local Zakat funds by the Local Zakat Committees in the Tehsil or sub-divisions.
- (b) For the purposes mentioned in clause (a), make plans for the Tehsil or sub-division as the case may be in such form and manner as may be prescribed.
- (c) Compile accounts of the Local Zakat funds for the Tehsil or sub-division as the case may be in such form and manner as may be prescribed; and
- (d) Tender to the District Zakat Committee advice on any matter connected with the collection, disbursement or utilization of Zakat and Ushar.

II Works and Services:

a: Government Buildings

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- (1) Planning, designing, construction, equipment, maintenance and repairs of all district specific Government Buildings, residential and non-residential including rest houses, but excluding inspection Huts Bungalows which shall be under the Administration/jurisdiction of the District Works and Services Department.
- (2) Evaluation, fixation of rent, control, management, lease of district specific Government buildings and sale of those government buildings where prior permission of Provincial Government has been obtained.
- (3) Water Supply and Sanitary Works, pertaining to government buildings and government estates except provincial assets and those assigned under main heading S&GAD under Sr. No. 24 in the schedule-II of the N.-W.F.P. Government Rules of Business 1947.
- (4) Preparation of architectural plans/drawings of buildings under control of district government.

b: District Roads

- (1) Administration of West Pakistan Highway Ordinance, 195 (Amended) wherever it pertains to District.
- (2) Laying standards and specifications for various types of roads and bridges for the district.
- (3) Planning and designing roads and connected works for the district roads financed from district (Provincial and/or Central Funds).
- (4) Construction, maintenance, repairs and improvement of roads, bridges, culverts, causeways, boat bridges and ancillary bridges under the control of District Government and

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financed from District Provincial and / or Central Funds.

- (5) Administration of roads, bridges and boat bridges toll collection and leases of land for filling/service stations and access roads thereof on roads wider the control of district.
- (6) District Testing Laboratories for works but other than the 'Divisional Level Testing Laboratories' already established at Divisional Head Quarters and under the Administrative Jurisdiction of the Frontier Highway Authority.
- (7) Execution of works on behalf of other Agencies/ Departments as Deposit works.
- (8) Service matters except those entrusted to Works and Services Département or/and Establishment and Administration Département.
- (9) Purchase of stores and capital goods for the District Government.

e: Water Supply and Sanitation:

Designing and implementation of inter-district Water Supply Schemes.

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SCHEDULE – II.

See rule 4 (3)

1. Annual Budget Statement.
2. Laying of supplementary statement of expenditure before the Zila Council.
3. Cases in which Provincial Government has issued directions.
4. Complaints to the Provincial Government Commission about disputes between any department of the Government and District Government or between two District Governments.
5. All cases which are liable to involve District Government into controversy with Provincial Government or with another District Government.
6. Recommendations for the grant of honours and awards.

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SCHEDULE - III

See rule 3 (2)

1. All periodical reports of District Coordination Officer, District Police Officer and Executive District Officers.
2. Press notes issued by District Coordination Officer, District Police Officer and Executive District Officers.
3. All Periodical and special reports relating to law and order such as fortnightly situation reports submitted by the police.
4. Intelligence reports.
5. Report of Committees of inquiry appointed by District Government.

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FIRST SCHEDULE
[See sections 14 and 35]]

Part-A

Decentralized Offices

- i) Civil Defence
- ii) Agriculture (Extension)
- iii) Livestock
- iv) On-Farm Water Management
- v) Soil Conservation
- vi) Soil-Fertility
- vii) Fisheries
- viii) Farm-forestry ✓
- ix) Labour
- x) Social Welfare
- xi) Sports and Culture
- xii) Cooperatives
- xiii) Boys Schools
- xiv) Girls Schools
- xv) Technical Education
- xvi) Colleges, (other than professional)
- xvii) Sports
- xviii) Special Education
- xix) Accounts, (excluding District Accounts Offices)
- xx) Basic & Rural Health
- xxi) Child & Woman Health
- xxii) Population Welfare
- xxiii) Hospitals
- xxiv) Environment
- xxv) Land Revenue, Estate
- xxvi) Excise and Taxation
- xxvii) Housing Urban and Physical Planning and ~~Public Health Engineering~~
- xxviii) Local Government & Rural Development
- xxix) District Roads and Buildings
- xxx) Transport.

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

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NOTIFICATION

Dated Peshawar, the 7th October, 2005

No. SO(LG-I)3-196/E.M/05. - In exercise of the powers conferred by section 31 of North-West Frontier Province Local Government Ordinance, 2001 (N.W.F.P. Ordinance No. XIV of 2001), the Government of North-West Frontier Province is pleased to make the following amendment in the North-West Frontier Province District Government Rules of Business, 2001:

AMENDMENT

In rule 6, in sub-rule (1) (b), except the provisions thereunder, the following shall be substituted, namely:

"(b) The District Coordination Officer shall have the powers of the appointing authority in respect of officials in BPS-11 to 15 in all the devolved departments while the Executive District Officer shall be the appointing authority in respect of officials in BPS-1 to BPS-10 in the concerned department."

SECRETARY TO GOVERNMENT OF N.W.F.P.,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endst. No. SO(LG-I)3-196/E.M/05 Dated Peshawar, the 7th October, 2005

Copy is forwarded to:-

1. The PS to Chief Minister, N.W.F.P., Peshawar.
2. The PS to Senior minister, N.W.F.P., Peshawar.
3. All the Provincial Ministers in N.W.F.P.
4. The PS to Chief Secretary, N.W.F.P., Peshawar.
5. All the Administrative Secretaries in N.W.F.P.
6. All Heads of the Attached Departments in N.W.F.P.
7. All the Administrators/Districts Coordination Officers in N.W.F.P.
8. The Manager, Government Printing press, N.W.F.P., Peshawar for publication in the official gazette. He is requested to provide 100 printed copies of the said notification for official use to this Department.

Jil Muhammad

(JIL MUHAMMAD)

SECTION OFFICER (ESTAB.)

[Handwritten signatures and initials]

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GOVERNMENT OF N.W.F.P.
ESTABLISHMENT DEPTT.

NO.SOS.POOL(E&AD)3-6/2002

Dated 02.01.2006

To

All District Coordination Officers in NWFP.

Subject:

CLARIFICATION REGARDING ADJUSTMENT AUTHORITY

Dear Sir,

I am directed to refer to the subject noted above and to say that under para-7 of the Surplus Pool Policy notified vide letter No.SOR.I(E&AD)1-200/98 dated 08.6.2001, the competent authority to notify/order absorption/adjustment of a surplus employee, shall be the respective appointing authority under the relevant rules for the post.

2. Under Local Government Deptt Notification No.SO(LG-I)3-196/E.M/05 dated 07.10.05, DCO has been declared appointing authority for the posts in B-11 to B-15 in all the devolved departments while EDOs have been declared appointing authority for the posts in B-1 to B-10 in the concerned Departments. Instances have come to the notice of this Deptt that some DCOs have issued adjustment orders in non-devolved departments without jurisdiction.

3. I am, therefore, directed to clarify that under the Policy, DCOs being appointing authority in respect of posts in BPS-11 to BPS-15 are competent to issue adjustment orders of surplus staff in devolved departments exclusively. In case of requisition for provision of surplus staff for adjustment in the non-devolved departments, DCOs may simply place the services of surplus staff available in their Surplus Pool, at the disposal of respective appointing authority in the non-devolved departments who under the Policy are competent to issue adjustment orders.

Yours faithfully,

Saeed Turk
2/1/06
(AKHTAR SAEED TURK)
Section Officer (S.Pool)

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Government of NWFP
Establishment Department

Dated Peshawar the 14th of June, 07

NOTIFICATION

No. SOE-V(E&AD)2-5/2007: The Competent Authority is pleased to order the transfer of surplus employees in BS-1 to BS-15 to their respective districts of domicile alongwith their surplus posts against which they were drawing pay and place them at the disposal of the District Coordination Officers concerned for further adjustment. In this regard the following procedure shall be strictly followed:

- (a) The surplus employees, so placed at the district surplus pool, would be adjusted in order of their seniority against initial recruitment posts falling vacant. However, till such time a surplus employee is adjusted, the DCO shall assign him duties in the district offices where his services could be utilized;
- (b) Before initiating a case for initial recruitment in the district, the DCO shall ensure that no employee of equivalent grade is available in the district surplus pool and issue NOC in this respect. However, in cases of initial recruitment against posts in BS-1 to BS-5, relaxation of ban on appointments would continue to be obtained from the Chief Minister NWFP as already intimated vide Establishment Department Letter No. SO(SP)/E&AD/1-6/2003 Dated 7th of April, 2004;
- (c) The surplus Senior Clerks (BS-7) shall be adjusted against the vacant posts of Junior Clerks (BS-5) falling to the initial recruitment quota subject to the condition that their pay shall stand protected under Section 11A of the NWFP Civil Servants Act, 1973 and as per surplus pool policy of the Provincial Government and they would be placed at the top of the seniority list of the Junior Clerks (BS-5) on adjustment as such;
- (d) The surplus PTC teachers belonging to District Nowshera shall be adjusted against the vacant posts of PTC teachers within District Nowshera;
- (e) On adjustment, a surplus employee shall report for duty within fifteen days failing which such an employee will be proceeded against under the Removal From Service Ordinance 2000 and his salary would be stopped forthwith.

SECRETARY ESTABLISHMENT NWFP

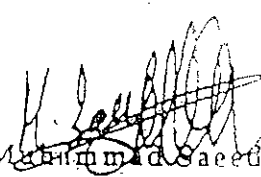
Endst of even number and date

Copy for necessary action to:

1. All Administrative Secretaries to Government of NWFP for shifting surplus employees of their Departments in BS-1 to BS-15 to their districts of domicile
2. Secretary to Government of NWFP Finance Department to kindly shift the surplus posts of these employees from the Provincial Government Departments to the Districts concerned as indicated in the list attached.
3. All DCOs in NWFP with a copy of list of surplus employees in BS-1 to BS-15 of their district for action as per orders of the competent authority stated above

Copy for information to:

1. Secretary to Governor NWFP
2. Principal Secretary to Chief Minister NWFP
3. The Secretary Administration & Coordination, Civil Secretariat FATA
4. The Special Secretary (Regulation) Establishment Department
5. All Additional Secretaries in E&A Department
6. All Deputy Secretaries in E&A Department
7. Manager Government Printing Press
8. Director Information NWFP
9. PS to Chief Secretary NWFP
10. All Section Officers in E&A Department
11. PS to Secretary Establishment NWFP


(Muhammad Saeedullah)
Section Officer Establishment



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

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Dated Peshawar, December 27, 2012

NOTIFICATION

NO. SO(E-I)E&AD/4-49/2012: In pursuance of the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012), hereinafter referred to as the Act, the Government of Khyber Pakhtunkhwa is pleased to make the following consequential administrative arrangements to take effect from January 01, 2013, namely:

- i) the district setup of Government Departments shall stand segregated from Local Government Institutions established under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Act No. XIV of 2001) and shall realign with their Administrative Departments at provincial level under the Act;
- ii) the functions of erstwhile District Coordination Officer and District Officer (Revenue & Estate) are integrated in the office of Deputy Commissioner in each district. The sub-divisional setup of Deputy District Officers (Revenue) and Deputy District Officers (Judicial) is replaced with Assistant Commissioners and Additional Assistant Commissioners. The Board of Revenue will process relocating the functions of Collector and Assistant Collector in the office of Deputy Commissioners and Assistant Commissioner in accordance with the new administrative setup;
- iii) each district shall be provided a District Officer (Finance and Planning), a Planning Officer, a Finance Officer and a Secretary District Public Safety Commission. The positions of Assistant Coordination Officer, Human Resource Development Officer and Deputy District Officer (Finance) shall stand abolished.
- iv) the positions of Executive District Officer at district level shall stand abolished;
- v) Local Government Elections and Rural Development Department shall notify constitution of each Local Council and make transitional interim arrangement/management in pursuance of section 224 of the Act;
- ~~vii) The Agriculture Department at district level shall be re-organized as under:~~
 - a. Agriculture (Extension) shall be manned by District Director, Subject Matter Specialists, Agriculture Officers, Plant Protection Officers, Assistant Horticulture Officers and Assistant Agronomists.
 - b. Livestock & Dairy Development (Extension) shall have District Director, Senior Veterinary Officers and Veterinary Officers.
 - c. On Farm Water Management shall have District Directors, District Officers and Water Management Officers.
 - d. Soil Conservation shall have District Officers Soil Conservation and Soil Conservation Assistants.
- vii) Elementary and Secondary Education Department at district level shall be re-organized under District Education Officers separately for Male and Female assisted by Deputy District Education Officers (Male and Female) and Sub Divisional Education Officers;

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th Department at district level shall be re-organized under District
th Officers assisted by Deputy District Health Officers and
Coordinators;

ix) the Public Health Engineering Department and Communication and
Works Department will continue with their existing organizational
hierarchy at the sub-divisional, district and regional level;

x) Account-IV modality for transfer of funds to districts shall remain
operational with Deputy Commissioners as Principal Accounting Officer
for Account-IV and Chairman of the District Development Committee
(DDC) of their respective districts. In addition to oversight of the
accounting aspects of the reorganization, the Finance Department shall
notify the deletion of existing posts and creation of replacements as per
requirements of Government Departments; and

xi) the Commissioner shall oversee transition, facilitate Government
Departments, coordinate relocation of functions and ensure continuation
of services in their respective divisions.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. of even and date.

Copy forwarded to the:-

1. Chief Secretary, Government of the Punjab, Sindh, Balochistan and Gilgit Baltistan.
2. Additional Chief Secretary, P&D, Khyber Pakhtunkhwa.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Additional Chief Secretary, FATA Secretariat.
5. Secretary to Governor, Khyber Pakhtunkhwa.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. Provincial Police Officer, Khyber Pakhtunkhwa.
10. Accountant General, Khyber Pakhtunkhwa.
11. All District Coordination Officers in Khyber Pakhtunkhwa.
12. All Political Agents in FATA
13. Director, Information, Khyber Pakhtunkhwa.
14. Manager, Govt. Printing Press Peshawar.

P.A.E
(2)

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)

Public Health Engineering Department

Final Seniority List of Sub Engineer (**BPS-11**) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
1	Saleem Khan	Sohrab Khan	Lakki	DAE	11.12.1959	13.09.1980	08.09.1980	
2	Fazle Mabood	Habib ur Rehman	Malakand	DAE (C)	10.04.1961	26.07.1981	06.05.1982	
3	Sajjad Ali	Rahim Dad	Swabi	DAE	01.03.1962	08.09.1981	06.05.1982	
4	Mushtaq Ahmad	Khushal Khan	Mansehra	DAE (C)	20.10.1956	17.10.1981	06.05.1982	
5	Alam Zeb	Sar Biland Khan	FR Bannu	DAE (C)	24.08.1960	16.03.1982	06.05.1982	
6	Allah Nawaz	Shah Nawaz	Bannu	DAE (C)	05.12.1959	27.03.1982	06.05.1982	
7	Khurshid Anwar	Haji Fateh ullah	D.I.Khan	DAE (C)	04.03.1960	04.04.1982	06.05.1982	
8	Muhammad Ilyas	Fazal Razaq	Dir Upper	DAE (C)	08.09.1958	15.04.1982	06.05.1982	
9	Karamat Ullah	Khan Azam	Bannu	DAE (C)	15.03.1961	18.05.1982	18.05.1982	
10	Laiq Zaman	Gul Shaib Khan	Bannu	DAE (C)	27.01.1959	03.07.1982	23.06.1982	
11	Asif Farooq	Karim Nawaz	Karak	DAE (C)	02.01.1960	22.11.1982	20.11.1982	
12	Inamul Haq	Lal Ghaffar	Karak	DAE (C)	18.03.1963	06.04.1983	06.04.1983	
13	Khurshid Iqbal	H.Abdul Rashid	Haripur	DAE (C)	03.01.1959	01.12.1984	20.11.1984	
14	Umer Hayat	H.Gulam Nabi	Bannu	DAE (C)	25.03.1962	24.11.1984	20.11.1984	
15	Hassan Khan	Sar Biland Khan	Malakand	DAE (C)	08.02.1963	22.11.1984	20.11.1984	
16	Arif Saeed	Amal Rehman	Karak	DAE (C)	03.04.1963	01.12.1984	20.11.1984	
17	Lajbar Khan	Zabata Khan	Mardan	DAE (C)	18.04.1963	01.12.1984	20.11.1984	
18	Falak Naz	Shah Nam Raza	Swat	DAE (C)	03.01.1957	31.12.1984	23.12.1984	
19	Muhammad Yousaf	Muhammad Ibrahim	D.I.Khan	DAE (M)	20.05.1964	25.04.1985	08.04.1985	
20	Muhammad Pervez	Faqir Muhammad	D.I.Khan	DAE (C)	01.10.1960	06.07.1985	03.07.1985	
21	Sahib Zarin	Mohayoud Din	Dir Lower	DAE (C)	22.07.1958	18.12.1985	18.12.1985	
22	Samiullah Jan	Danish Khan	Peshawar	DAE (C)	16.06.1959	18.12.1985	18.12.1985	

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Date

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013


S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
23	Muhammad Ali	Muhammad Zaman	Swat	DAE (C)	21.04.1964	26.12.1985	18.12.1985	
24	Muhammad Riaz	Muhammad Khan	Malakand	DAE (C)	01.01.1965	30.12.1985	18.12.1985	
25	Shahid Saeed	Saeed ur Rehman	Mansehra	DAE (C)	26.08.1965	23.12.1985	18.12.1985	
26	Allaud Din	Muhammad Ajun Khan	Mansehra	DAE (C)	21.06.1961	10.07.1986	09.07.1986	
27	Anwar Khan	Ghulam Khan	Mansehra	DAE (C)	06.04.1963	19.07.1986	09.07.1986	
28	S.Abid Hussain Shah	Syed Pir Zaman Shah	Abbottabad	DAE	13.03.1964	17.07.1986	09.07.1986	
29	Bashir Ahmad	Wazir Zada	Dir Lower	DAE (C)	08.12.1964	23.10.1986	23.10.1986	
30	Aziz ur Rehman	Mehmood Khan	Bannu	DAE (C)	15.12.1960	28.10.1981	18.04.1987	
31	Zoor Ali	Said Muhammad	FR Bannu	DAE (C)	05.03.1960	11.01.1982	18.04.1987	
32	Mekail Khan	Muhammad Shebli	Bannu	DAE (C)	09.10.1961	27.12.1982	18.04.1987	
33	Najeeb ur Rehman	Abdur Rehman	Karak	DAE (C)	02.02.1963	09.02.1983	18.04.1987	
34	Khuzb ur Rehman	Mir Abas	FR Bannu	DAE (C)	10.03.1964	18.05.1987	18.05.1987	
35	Abbas Khan	Ali Akbar Khan	Abbottabad	DAE (C)	01.02.1966	18.05.1987	18.05.1987	
36	Rashid Ahmad	H.Muhammad Saddique	Lakki	DAE (C)	14.03.1959	09.06.1987	09.06.1987	
37	Said Faisal	Syed Wahid Shah	Swabi	DAE (C)	03.01.1959	29.05.1979	29.05.1979	
38	Muhammad Shafiq Shah	Abdul Hamid Shah	SWA	DAE (C)	01.05.1963	20.10.1987	20.10.1987	
39	Abdur Rehman	Mehar Dil Khan	Tank	DAE (C)	06.09.1963	11.10.1987	08.10.1987	
40	Nisar Ali	Haji Gujar Khan	Swat	DAE (C)	01.04.1964	10.10.1987	10.10.1987	
41	Aslat Khan	Muhammad Azim	Mardan	DAE (C)	06.02.1965	14.10.1987	14.10.1987	
42	Muhammad Yaseen	Faqir Shah	Swabi	DAE (C)	04.03.1964	14.10.1987	14.10.1987	
43	Muhammad Ashraf	Amir Zada	Peshawar	DAE (C)	02.11.1967	18.10.1987	18.10.1987	
44	Islam Gul	M.Sahib Gul	Karak	DAE (C)	10.09.1963	26.10.1987	21.10.1987	
45	Muhammad Younis	Rehan ud Din	Sawbi	DAE (C)	02.01.1959	29.08.1989	29.08.1989	
46	Khalid Wahab	Dost Muhammat	Karak	DAE (C)	15.07.1961	29.08.1989	29.08.1989	
47	Karim Nawaz	Gul Daraz	D.I.Khan	DAE (C)	01.03.1962	09.06.1985	29.08.1989	
48	Irshad Ahmad	Malik Elahi Bakhsh	D.I.Khan	DAE (C)	28.03.1962	03.03.1986	29.08.1989	
49	Bahre Karam	Rahmat Shah	Malakand	DAE (C)	15.04.1958	15.04.1986	29.08.1989	

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Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
50	Khalid Afzal	Mir Sahib Jan	NWA	DAE	20.02.1960	29.08.1989	29.08.1989	
51	Muhammad Yousaf Jan	Abdullah jan	D.I.Khan	DAE (G)	01.04.1961	18.10.1987	29.08.1989	
52	Muhammad Hamayun	Dure Marjan	Karak	DAE (C)	10.09.1963	29.08.1989	29.08.1989	
53	Muhammad Kamal	Hazrat Jamal	Mardan	DAE (C)	01.04.1962	13.01.1988	29.08.1989	
54	Sikandar Azam	Amir Daraz Khan	NWA	DAE (C)	15.11.1961	12.12.1989	06.12.1989	
55	Muhammad Iqbal	Abdul Rahim	Bajaur	DAE (C)	01.08.1964	11.12.1989	06.12.1989	
56	Muheet Khan	Rias Khan	Karak	DAE (C)	08.06.1965	10.12.1989	06.12.1989	
57	Syed Zia ur Rehman	S.Hidayat ur Rehman	Mardan	DAE (C)	01.04.1965	09.12.1989	06.12.1989	
58	Hazrat Hussain	Muhammad Hanif	Swat	DAE (C)	15.03.1960	22.08.1987	06.12.1989	
59	Sardar Ijaz Anwar	Muhammad Yaqoob	Abbottabad	DAE (C)	01.04.1966	09.12.1989	06.12.1989	
60	Iftikhar Ahmad	Dr. M.Zakir Khan	Mansehra	DAE (C)	02.05.1965	09.12.1989	06.12.1989	
61	Akhtar Hussain	Amir Amanullah Khan	Swat	DAE (C)	05.01.1968	14.12.1989	06.12.1989	
62	Muhammad Tahir	Aibat Khan	Kohat	DAE (C) Bs.C	16.03.1965	31.03.1990	26.03.1990	
63	Walayat Said		Dir Lower	DAE (C)	15.09.1967	05.04.1990	05.04.1990	
64	Syed Haleem Shah	S.Imdad Hussain Shah	Mansehra	DAE (C)	11.04.1965	01.04.1990	26.03.1990	
65	Misal Khan		D.I.Khan	DAE (C)	15.07.1966	06.05.1990	06.05.1990	
66	Imdad Hussain Shah	Syed M.Afzal shah	Mansehra	DAE (C)	25.04.1971	14.11.1992	12.11.1992	
67	Muhammad Amjad		Bannu	DAE (C)	18.04.1969	16.09.1993	16.09.1993	
68	Saqi Muhammad	Amir Muhammad	Swabi	DAE (C)	19.04.1969	25.09.1993	16.09.1993	
69	Nasir Nawaz Khan	M.Nawaz Khan	Mansehra	DAE (C)	01.02.1973	06.03.1996	26.02.1996	
70	Mehboob ur Rehman	Habib ur Rehman	Haripur	DAE	10.04.1971	11.04.1996	26.02.1996	

C.E. (S) 
 P.O. No

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013


S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
71	Jehanzeb	Shadi Gul	NWA	DAE@BE(E)	01.04.1971	27.02.1996	26.02.1996	
72	Amir Zada	Bahadar Khan	Mardan	DAE (C)	14.05.1965	04.03.1996	26.02.1996	
73	Ishfaq Ahmad	Zarbat Shah	FR Kohat	DAE (C)	01.05.1970	26.02.1996	26.02.1996	
74	Muhammad Khan	Sher Ahmad Khan	Haripur	DAE (C)	23.01.1954	27.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
75	Amanullah		Peshawar	DAE (C)	02.03.1955	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
76	Abdul Hameed	Abdul Latif	Kohat	D.A.E	18.09.1959	24.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
77	Intizar Muhammad		Swabi	DAE (C)	20.12.1960	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
78	Dilawar Khan	Muhammad Rehman	SWA	DAE (C)	23.02.1962	22.11.1988	29.03.2008	absorbed in PHED on 13.3.2008
79	Muhammad Ilyas	Khanza Gul	NWA	DAE (C)	25.03.1962	28.11.1988	22.05.2008	absorbed in PHED on 13.3.2008
80	Aziz ur Rehman		Khyber	DAE (C)	08.10.1962	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
81	Muhammad Rais	Hazrat Khan	SWA	DAE (C)	20.04.1963	26.11.1988	31.05.2008	absorbed in PHED on 13.3.2008
82	Tariq Khan		Swat	DAE (C)	01.04.1964	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
83	Muhammad Nazif	Muhammad Hussain	Nowshera	DAE (C)	05.01.1964	30.11.1988	28.03.2008	absorbed in PHED on 13.3.2008
84	Abdali Shah	Haji Sufaid Shah	Malakand	DAE (C)	01.02.1966	26.11.1988	26.03.2008	absorbed in PHED on 13.3.2008
85	Arif Qayum Khan	Abdul Qayum	Bannu	DAE (C)	12.10.1966	23.11.1988	29.03.2008	absorbed in PHED on 13.3.2008
86	AminGul		Malakand	DAE (C)	15.10.1966	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
87	Asghar Hussain	Gul Akbar	Khyber	DAE (C)	14.11.1968	22.11.1988	31.03.2008	absorbed in PHED on 13.3.2008
88	Mislah-ud-Din	Sharif Ullah	Dir Lower	DAE (C)	20.02.1965	24.11.1988	26.03.2008	absorbed in PHED on 13.3.2008
89	Atta Muhammad	Muhammad Younas	Mansehra	DAE (C)	10.04.1971	08.09.1997	01.07.2008	
90	Raheel Shahzad	Muhammad Farid	Mansehra	DAE (C)	16.09.1976	30.03.1997	01.07.2008	
91	Sheikh Islam ud Din	Sheikh Nizam-ud-Din	D.I.Khan	DAE (C)	08.03.1961	29.08.1987	11.02.2009	
92	Farid Ullah	Sherin Dad	Bannu	DAE (C)	10.01.1962	01.09.1987	11.02.2009	

C.E. (S)
Pajno

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
93	Mumtaz Khan	Zardad Khan	Bannu	DAE (C)	01.03.1963	27.12.1987	11.02.2009	
94	Imtiaz Muhammad	Hazrat Wali	Swabi	DAE (C)	09.01.1971	20.12.1994	11.02.2009	
95	Shujaul Mulk	Shahi Mulk	Swat	DAE (C)	01.04.1970	03.10.1995	11.02.2009	
96	Shahid Ayaz	Mir Shad Ali	Karak	DAE (M)	03.03.1963	07.02.1990	11.02.2009	
97	Zahid Ullah		Dir	DAE (C)	11.08.1972	28.06.1995	11.02.2009	
98	Farman Ullah	Farid Gul	Bannu	DAE (C)	04.04.1971	26.09.1995	11.02.2009	
99	Abdul Salam	Mir Khalim Khan	D.I.Khan	DAE (C)	25.08.1968	02.07.1995	30.07.2009	


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


Endstt: No. 05/E-16/PHE

Dated Peshawar the

28/10/2013

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


Administrative Officer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Amesha



IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 311 of 2014

1. Mr. [Name] Advocate, Peshawar

2. Mr. [Name] Advocate, Peshawar

3. Mr. [Name] Engineer, in Public Health Engineering department,
District Peshawar, Peshawar Division, Peshawar

4. Mr. [Name] Secretary, Civil Secretariat Peshawar

5. Mr. [Name] Engineer, Secretary,
District Peshawar, Peshawar Division, Peshawar

6. Mr. [Name] Engineer, Public Health Engineering,
District Peshawar, Peshawar Division, Peshawar

7. Mr. [Name] Engineer, Public Health Engineering,
District Peshawar, Peshawar Division, Peshawar

ATTESTE

EXAMINER
Peshawar High Court

20 FEB 2014

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. 271-P of 2013 with interim relief (N).

JUDGMENT

Date of hearing: 2.10.2013.

Petitioner/Mushtaq Ahmad etc. by Mr. Shah Nawaz
Khan, advocate.

Respondent/*Govt. Mr. Muhammad Nisar Khan*

MUSARRAT HILALI, J.- This judgment shall also decide
W.P. 663-P of 2013 entitled "Muhammad Nisar Khan Vs.
Govt." as common question of law and fact is involved in
both these petitions.

2. According to the petitioners, they obtained Diploma
of Associate Engineer in the year, 1995 in different
technologies and since then are working in various
Government Organizations/Projects. However, on 2.1.2011
they were appointed as Sub-Engineers in the
respondent/department on ad-hoc basis after due process.
They were still in service when the respondents re-appointed
them vide office order dated 8.1.2012. Prior to the
appointment of petitioners, the Provincial Government
promulgated Act No.XVI of 2009 vide which services of all

ATTESTE

EXAMINEE
Peshawar High C

20 FEB 2014

the adhoc/contract employees of the Province were regularized, however, the same benefit was not extended to the petitioners. Moreover, services of some six Sub-Engineers have been regularized after appointment of the petitioners. The petitioners preferred an application/appeal to the competent authority as well as to the Human Rights Cell of this court. In this respect, a letter dated 21.12.2013 was addressed to Human Rights Cell by the respondents, wherein, it was stated that Sub-Engineers, namely, Sher Hayat and Musatib Ahmad, who were 38 and 39 years old, respectively and were debarred from future employment in any institution of the Provincial/Federal Government for the reasons beyond their control. Nevertheless, handsome share of posts of Sub-Engineers were lying in the department and as a gesture of good will, the petitioners can be accommodated on regular basis. According to the petitioners, they waited for some time but did not receive any fruitful result from the respondents whereas their tenure is going to expire, hence necessitated the filing of instant constitutional petitions.

3. Learned counsel for petitioners contends that the respondents have acted mala fide by regularizing the services of other employees similarly placed, who were appointed after the petitioners but the same benefit has been

denied to the petitioners, thus, the treatment meted out to them is discriminatory, which is not tenable in law. He was of the view that the petitioners and their families will stand in long line of jobless people and would face hardship, if not regularized. He maintained that the act of respondents is in violation of judgments of superior courts rendered in various cases. Further contended that the petitioners have become overage for appointment in any institution of the Provincial/Federal Government, which fact is beyond their control and if not regularized will spoil their future. Also contended that there are vacant posts available against which the petitioners can be accommodated. According to the learned counsel, the impugned act of respondents is in violation of Article 25 (2) of the Constitution, therefore, they be directed to regularize the services of the petitioners like other similarly placed employees.

4. Learned AAG controverted the arguments from other side and straight away referred to the advertisement dated 23rd April, 2010 against which the petitioners were appointed as Sub-Engineers, wherein it was clearly mentioned that the term of appointment would be on adhoc basis for one year or till the arrival of the recommendees of the Public Service Commission or whichever is earlier. He was of the view that as the period of one year has elapsed,

ATTESTED
2011/10/20

whichever is earlier. The petitioners amongst others also participated in the test/interview. However, after due process, they were appointed on 2nd January, 2010. On 28.2.2012, the petitioners were re-appointed as Sub-Engineers as a stop-gap arrangement.

6. The petitioners are taking the shelter behind Act No. XVI of 2009 and can be pressed into service in case of these adhoc employees, who were holding the posts on 31st December, 2008 or till the commencement of the Act, which is not the case in hand, therefore, the plea taken is of no help to them. Moreover, the learned AAG produced a copy of the letter dated 1.7.2013 showing that these employees, who were retained by the respondent/department have also been terminated after the arrival of candidates from Public Service Commission.

Keeping in view the above discussion, we are of the considered opinion that the petitioners have failed to make out a case for interference in the constitutional jurisdiction of this court, hence this petition being without any legal substance is hereby dismissed.

Sd/- Nisar Hussain Khan - J
Sd/- Ms. Misarret H. Sali - J

Announced:

17/2/2013

CERTIFIED TO BE TRUE COPY

Examiner
 Peshawar High Court
 Authorised Under
 The Qanun-e-Shahadat

20 FEB 2013

20-02

(19)

Ph: 9082235
Fax:9220406

REGISTERED

Nos. C.P. 2026 & 2029 of 2013 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 16/11/2014.

The Registrar,
Supreme Court of Pakistan,
Islamabad.

The Registrar,
Peshawar High Court,
Peshawar.

Subject: **CIVIL PETITION NOS. 2026 & 2029 OF 2013.**
Mushtaq Ahmed & another ...in C.P. 2026/2013
Muhammad Nasir Ali & others ...in C.P. 2029/2013
VERSUS
Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar & others ...in both cases

**On appeal from the Judgment/Order of the
Peshawar High Court, Peshawar dated
02.10.2013 in W.P. 271-P & 663-P/2013**

Dear Sir,


I am directed to enclose herewith a certified copy of the Order of this Court dated 15.01.2014 **dismissing** the above cited civil petitions **with directions** for information and further necessary action.

I am also to invite your attention to the directions of this Court contained in the enclosed Order.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order

Yours faithfully,



(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Copy with a certified copy of the Order of this Court dated 15.01.2014 is forwarded to Mr. Sikandar Khan, Chief Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar for immediate necessary action and report compliance.

Encl: Order



ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI
MR. JUSTICE EJAZ AFZAL KHAN

C. Ps. No. 2026 and 2029 of 2013.

(On appeal against the judgment
dt. 2.10.2013 passed by the
Peshawar High Court, Peshawar in
W. Ps. No. 271-P and 663-P of 2013).

Mushtaq Ahmed and another,
Muhammad Nasir Ali and others.

(in CP. 2026/13)

(in CP. 2029/13)

....Petitioners

Versus:

Government of KPK through Chief Secretary,
Peshawar and others.

(in both cases)

....Respondents

For the petitioners:

Mr. Ghulam Nabi Khan, ASC.
Syed Safdar Hussain, AOR.

For the respondents:
(on court notice):

Sikandar Khan, Chief Engineer, PHEK, KPK.

Date of hearing:

15.01.2014.

ORDER

ANWAR ZAHEER JAMALI, J. - After hearing the arguments

of the learned ASC for the petitioners and careful perusal of the case
record particularly the reasons assigned in the impugned judgment,
we are satisfied that no case for grant of leave to appeal is made out,
including the plea of discrimination raised by the petitioners, as one
wrong or any number of wrongs, cannot be made basis to justify an
illegal action under the garb of Article 25 of the Constitution. Both
these petitions are, therefore, dismissed. Leave is refused.

2. So far as some other illegalities in the appointments
brought to our notice is concerned, in response to our earlier order
dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health
Engineering, Department, KPK is present in Court, he states that

ATTESTED



Superintendent
Supreme Court of Pakistan

although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

Sd/ Ammar Zabeer Jawali
Sd/ Ejaz Afzal Khan

Certified to be True Copy

[Signature] 16-1-14

Superintendent
Supreme Court of Pakistan
Islamabad



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1412/2013

Usman Ullah

..... *Appellant*

VERSUS

Chief Engineer etc

..... *Respondents*

Rejoinder to parawise comments file by respondent No. 1 to 3

Respectfully Sheweth,

The Appellant humbly submits as under:-

Preliminary Objections

1. Misconceived, frivolous, thus denied. The appellant has been terminated from service without any lawful cause and authority.
2. Denied. Instead it is the Respondents who have stopped by their own conduct as the appellant has been appointed and kept remained in service for almost three years.
3. Denied. Appeal is in proper form, thus has been admitted for full hearing.
4. Denied for being misconceived. The appellant locus standi infatal.
5. Frivolous, thus denied.
6. Misconceived, thus denied. All necessary parties have been arrayed as necessary party.
7. The appeal is in accordance with law and within time, hence the objection is not maintainable.
8. Misconceived, thus denied. Under the law and the orders of the Hon'ble Peshawar High Court and Apex Supreme Court of Pakistan per se suggest

that no court or forum other than this Hon'ble Tribunal is to entertain this appeal.

ON FACTS.

Para-1. Having offered no comments by the Respondents; though need not any rejoinder, however, it is reiterated that the qualifications and credentials of the appellant have been admitted by the Respondents which depicts that appellant is highly skilled and qualified.

Para-2. Admitted to the extent that appellant was appointed against duly advertised post to be appointed within a period of one year or till the arrival of selectees of Public Service Commission whichever is earlier. Within the stipulated period of one year none of the selectees was arrived. Thus, beyond that stipulated period of appellant job was continued for about 2-1/2 years. Thus, by all implications otherwise duly qualified the condition of arrival of selectees of Public Service Commission has become void. The Respondent Department is stopped by its own conduct/ omission to do away with the services of the appellant who is now been regularized after completion of probation period. Now the condition of the agreement regarding one year employment stand automatically revoked after regularization of the services of the appellant by the respondent department.

The comments as drafted are highly misconceived. In fact the respondents concealed the facts narrated from para -2 where in the appellant without any resistance has gone through all the due process and procedure through which appellant has been asked for by the department; that include the advertisement, test and interview, the recommendation of the DSC and terms and conditions of appointments, the period of employments and satisfactory service performance, the length of service of almost 3 years. It may also be noted that on the post of appellant no selectee has been appointed yet. The seniority list attached with the parawise comments is invalid and distorted as well as hardly relevant but substantiate the fact that

the appellant were being discriminated. As regards inclusion of the name of the appellant in the seniority list. The same list is updated by the department from time to time as and when convenient to them. The names of the newly appointed incumbents however, are included in the list after completion of their probation period. As stated earlier that Peshawar High Court or Supreme Court of Pakistan has never declared the appointment of the appellant as illegal, as he was appointed after fulfilling all the codal formalities such as advertisement, test and interview, selection by Departmental Selection committee etc.

Para-3. The Respondents already admitted the fact that the appellant was appointed on contract basis; the rest of the Para is highly misconceived, thus denied. The appellant was not required to appear in test & interview conducted by the PSC for the post of Sub-Engineer in 2012 as the appellant was appointed on contract by the competent authority against properly advertised posts after test & interview conducted by the Departmental Selection Committee and he has completed his probation period of 2 years and had become a regular employee of the department as per departmental practice. Where an appointment is made on properly advertised post after test and interview, how illegality can be attributed to such an appointment?

Para-4. Incorrect. Para-4 of the reply of the respondents is self-contradictory. On one hand the respondents are admitting the status of the appellant as contract employee and on the other hand they are pleading that he was appointed through back door and the Chief Engineer has no authority to make appointments on regular basis. As the appointment of the appellant was not made on regular basis but on contract basis but after appellant's service of about 3 years with completion of his probation period the appellant became a regular employee of the department.

Para-5. Incorrect hence denied. While Para 5 of the appeal is correct

Para-6. As the appellant was appointed after observing all the codal formalities i.e Advertisement, test and interview etc. Further replied earlier in para 3 & 4.

Para-7. Not correct. The appeal filed by the appellant was having proper weightage which has been admitted by the Hon'ble Service Tribunal for regular hearing.

Para-8. As stated in preceding Paras above.

Grounds

- A. Incorrect. The order of termination passed by the respondent is illegal and unlawful. As the required legal formalities such as show cause Notice, Charge Sheet, Formation of inquiry etc have not been fulfilled which is a clear violation of Civil Servant Act, 1973. The Supreme Court of Pakistan has never directed the respondents to termination the appellant.
- B. The department has admitted that the Chief Engineer is competent authority. Since the appointment of the appellant as Sub-Engineer was issued by the same authority then how it can be taken as illegal appointment. The department has adopted double standard policy in the case of the appellant and respondents are stopped by their own conduct.
- C. Misconceived, thus, denied. The appellant was appointed as Sub-Engineer by the Chief Engineer (who according to the respondents Ground-II of the reply is competent authority) after due process through Departmental Selection Committee and has completed his probation period and his termination was illegal and there was no formality of enquiry and charge sheet as required under the rules were fulfilled.
- D. The respondent failed to deny the fact that the way the appointment of the appellant was in fact a standard practice of the department and there are still more than 250 employees working in the department who have been appointed in the same manner and "Standard practice" through which the appellant was appointed, thus, the appellant has been proceeded in

isolation, therefore, the impugned order of termination of the appellant is not only hit by Article 25 of the Constitution but principle of estoppel is also attracted.

(Copy of the list/ detail of 45 employees appointed through the same procedure and are still working).

Further it is worth to add that 30 employees appointed in 2013 with many others from time to time through the same procedure and are still working.

- E. As per Ground-C
- F. As already discussed above.
- G. Already replied above.

It is therefore, most humbly prayed that on acceptance of this Rejoinder/ appeal, the order of termination by the respondents may kindly be declared as illegal, unlawful, arbitrary and void ab initio and the appellant may kindly be reinstated into his service with all back benefits.

Or any other relief deemed appropriate by this Hon'ble Tribunal under the circumstances may please also be granted.

Appellant

Through

Yousaf Khan

&

Shahid Khan

Advocates High Court, Peshawar

Dated