


FORM OF ORDER SHEET

Court of _____

Appeal No. 935/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/07/2024	<p>The appeal of Mr. Amjad Khan presented today by Mr. Shumail Ahmad Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 935 /2024

Engr Amjad Khan

versus

Government of Khyber Pakhtunkhwa *et al*

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APPELLANT

Through

Shujail Ahmad Butt,
Advocate Supreme Court of Pakistan

&
Sheraz Butt
Advocate, High Court(s)

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Cell# 03009598942

shirazbutt@yahoo.com

①

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

Service Appeal No. 935 /2024

Engr Amjad Khan son of Abdul Qayum,
Ex-Superintendent Engineer, Irrigation Department,
Government of Khyber Pakhtunkhwa, Peshawar.
R/O of House No. 188, Street 06,
Sector J-1, Phase II, Hayatabad

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary,
Civil Secretariat, Peshawar.
2. Irrigation Department,
Government of Khyber Pakhtunkhwa, Peshawar.
Through its Secretary,
3. Secretary, Establishment & Admin. Department,
(Regulation Wing), Government of Khyber Pakhtunkhwa, Peshawar.
4. Provincial Selection Board (PSB),
Through its Chairman,
Government of Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR
PROFORMA PROMOTION FROM BPS-19 TO BPS-20 AS
ILLEGALLY AND UNLAWFULLY DENIED TO THE APPELLANT
BEING NOT RECOMMENDED BY THE PROVINCIAL
SELECTION BOARD (PSB) IN ITS MEETING HELD ON 31.01.2024
AND CONSEQUENTLY THE IMPUGNED DECISION WAS
COMMUNICATED TO APPELLANT ON 28.02.2024, AFTER HE
GOT RETIRED ON 06.02.2024, ON THE BASIS OF SO-CALLED
AMENDMENT MADE IN THE SERVICE RULES WHICH
OTHERWISE NOT APPLICABLE UPON APPELLANT'S
PROMOTION.**

2

May it please this honorable Tribunal:

The Appellant very humbly implores for permission to plead its grievances at the hands of Respondents and seek solace thereon, as follows:

Facts leading to this Appeal:

1. That the appellant has done his Bachelor and Master Degrees in Mechanical Engineering from the University of Engineering and Technology, Peshawar in year 1988 and 2002 respectively. He had also completed MSc level course in Dams Engineering during 2018-19 and obtained 1st division / 4:00 GPA.

(Copies of Academic record is Annexure "A")

2. That the appellant had joined the Irrigation Department, Government of Khyber Pakhtunkhwa through PCS and initially was appointed as Assistant Engineer (Mechanical) BS-17 on 02.10.1989. Wherein he served the Department for almost 34 years and while promoting to BPS-19, remained on the following key posts i.e. Design Engineer, Executive Engineer (Tubewells) Irrigation Division, Deputy Director Remodeling of Warsak Canals system Project (RWCS), Deputy Director, Rehabilitation of Irrigation system, superintending Engineer Mardan Irrigation Circle, Director, Small Dams and Project Manager/Project Director RWCS, Peshawar, with unblemished track record of his employment, clear from any inquiry, whatsoever, against him. Due to outstanding performance he topped (in Merit) the panel of 9 No superintending Engineers considered for promotion in PSBs held on 07.9.2023 & 31-03.2024.

(Copies of Appointment Letter and Notification dated 02.10.1989 is Annexure "B")

3. That it is also worth mentioning here that the appellant also held position of most Senior Superintending Engineer since 07.09.2023 till his retirement. During 2022 & 2023 he has also performed duties against BPS-20 (Ops) as

(3)

Director General & PD BPS-20 (Ops) for Remodeling of Warsak Canal System. The mere fact that the appellant was posted on a post one grade higher than the actual grade of the Appellant (albeit on OPS basis) is an admission on part of the Respondent Government that the Appellant was otherwise fully qualified to be appointed on such position as per Notifications/Office Orders issued by Regulation Wing of the Finance Department, Govt of KP in respect of, "Appointment of Officer of a Lower grade to a post of Higher Grade".

(Copies of the Notification dated 13.01.2023 and Notifications dated 17.08.2012 & 01.01.2013 are Annexure "C")

4. That it is a matter of record that last year in September 2023 when the appellant's further promotion to BPS-20 was due, he being at top of the seniority list, amongst nine others, was considered by the Provincial Selection Board (PSB) on its meeting held on 07.09.2023, against three vacant posts of Chief Engineer / Director general BS-20. But unfortunately, only two posts were filled with the junior officers who were lower in seniority to Appellant and the appellant was not recommended only on the ground that as per amended (2011) Service Rules the Appellant does not have a degree in B.E/B.Sc. Engineering (Civil) from a recognized University and his B.E/M.Sc. (Mechanical) is not available in the Appendix of the so-called Service Rules., describing the methods of recruitment, qualification etc.

(Copy of complete working paper for Promotion of SE and minutes of the PSB meeting held on 07.09.2023 are Annexures "D" & "E" respectively)

5. That it is also pertinent to mention here that the said amendment brought through Notification dated 17.02.2011 in Service Rules of 1979, debarring the appellant from further promotion was actually introduced by a few biased officials just to deprive the Mechanical Staff from the promotion to highest rank i.e. Chief Engineer (BS-20) and to accommodate their blue-eyed officers. Before such amendment the method/criteria for the recruitment/qualification for the post of Chief Engineer/Director General (BPS-20) was read as follow:-

(4)

"By selection on merit from four senior most officers in the Irrigation Department and three in case of Public Health Engineering Department with at least seventeen years experience as Government service, seniority being considered on the case of officers of partially the same standard of merit"

Whereas after the said amendment this was altered/changed to as follows:

"By selection on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BS-17 and above, possessing degree in B.E/B.Sc. Engineering (Civil) from a recognized University"

(Copy of the impugned Notification dated 17.02.2011 along with Appendix is Annexure "F")

6. That it is also pertinent to mention here that the appellant was appointed in the year 1989 and his terms and conditions were set under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with Departmental Service Rules, 1979 thus the prevailing rules created a vested right for the appellant to be promoted to the post of Chief Engineer with such criteria already laid down in the Appendix/Schedule.
7. That it is also noteworthy here that earlier Engr Parvez Khan Jadoon (BSc Mech Engg) has been recommended by PSB & promoted to Regular BPS-20 during 2007-08 and he remained Chief Engineer/Director General Dams from 2007-09 in BPS-20 (Regular).
8. That the Appellant being aggrieved of such discriminatory decision immediately approached the Honorable Chief Minister and filed a Representation/Appeal dated 30.11.2023 through proper channel, which was allowed on 29.12.2023 and the concerned Departments were directed to process the case of the appellant promotion as per the precedents available in such case. Consequent to such development a special meeting of the Provincial Selection Board was

5

convened on 31.01.2014 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa.

(Copies of the representation dated 30.11.23 and decision dated 29.12.203 along with letters for streamlining PSB are Annexure "G")

9. That it is also worth mentioning here that Secretary, Irrigation Department also wrote a letter to Secretary, Establishment in favor of the Appellant explaining the present situation, where the Government cannot withdraw the benefits of employees which were already granted at the joining of their services and also categorically mentioned that the Amended Rules, 2011 has no nexus with the appellant's promotion case and the Rules of 1979 are applicable.

(Copy of the letter dated 30.01.2024 is Annexure "H")

10. That in these circumstances, where the appellant was sure enough that this time he will be granted promotion in accordance with his terms and conditions set under the Service Rules of 1979, but to utmost dismay of the appellant when this Board Meeting was held on 31.01.2024, he was again not recommended by the PSB while finding him ineligible in view of the existing Service Rules. This decision was, later on, after the retirement of the Appellant communicated to him through refusal letter 28.02.2024.

(Copies of minutes of the PSB meeting dated 31.01.2024 along with impugned letter dated 28.02.2024 are Annexure "I")

11. That being once again gravely dissatisfied and aggrieved of the impugned decision of the Respondents dated 31.01.2024 communicated on 28.02.2024 the Appellant again filed representation/appeal, on 27.03.2024, through proper channel.

(Copy of the second representation dated 27.03.2024 is Annexure "J")

12. That it is lamentable to mention here that now the statutory waiting period of ninety (90) days have been passed but unfortunately the Respondents have

(6)

neither decided the case, yet, nor fixed any hearing in the case to afford an opportunity to the appellant to explain his grievance.

13. That although the appellant has now been retired on 06.02.2024, but as his vested right was infringed, he still claims his *proforma* promotion at the position of Chief Engineer / Director general BS-20, from the date, when he was eligible/considered but not been recommended by the Provincial Selection Board (PSB) on its meeting held on 07.09.2023, due to so-called ineligibility mentioned in amended (2011) Service Rules.

14. That it is also settled principle laid down by the Judiciary in plethora of its judgment that a vested right cannot be taken away by an administrative order while giving it a retrospective effect. The appellant was appointed much prior to this amended (2011) Service Rules thus this Rules cannot effect the appellant retrospectively.

15. That it is also settled principle by the superior judiciary that a civil servant who for no fault of his own is wrongfully prevented from rendering service, in higher post to which he is admittedly entitled, should be given *proforma* promotion and the salary for that higher post, even after his retirement.

16. That in the alternate, the Appellant is also gravely aggrieved and dissatisfied from the amended Rule that allegedly disentitles the Appellant from seeking otherwise rightful promotion. Aforesaid amendment in rules, whereby all the mechanical engineers have been deprived from promotion, is not only ultra vires of the constitution and the parent law but also militates against the principles of fairness, proportionality and reasonableness.

17. That now as appellant's grievance is not redressed by the Respondent No. 1, while passing an appropriate order, within a specified time provided in the law, therefore, he once again feeling gravely dissatisfied and aggrieved of the actions and inactions of the Respondents, especially, impugned decisions of the Respondents dated 07.09.2023 and 31.01.2024, the Appellant is constrained to

(7)

file the instant Service Appeal, on following grounds and reasons, amongst others:

Grounds warranting this Appeal:-

- a) Because the impugned decisions not recommending the appellant for promotion, together with the amended Rules (2011) are without lawful authority/ justification, tainted with malafide, hence are liable to be declared illegal, based on error, wanton and void on the rights of the Appellant and need to be recalled/reversed.
- b) Because the Respondent No. 4 has erred while finding ineligible the appellant for the promotion to the post of Chief Engineer (BS-20).
- c) Because the impugned decisions of not recommending the appellant for promotion are violative of principles of natural justice.
- d) Because the actions and inactions of Respondents were hit by the doctrine of promissory estoppel.
- e) Because the impugned decisions were passed in an arbitrary manner and lacked reasonable basis.
- f) Because the worthy PSB has not taken into consideration the true facts of the case and has acted in a slipshod and hectic manner.
- g) Because one vacancy is still kept reserved by the PSB, due to plausible reasons regarding appellant's case that he was on the top of seniority list.
- h) Because the appellant was the senior most superintending Engineer in the Deptt. till his retirement and topped the panel in merit & ACRs' grading.

- i) Because the appellant have about 34 years spotless career at his credit and attained the ability due to which he was posted to perform against positions of BPS-20 (OPS) as Director General and Project Director 2022-23 in Irrigation deptt. The mere fact that the appellant was posted on a post one grade higher than the actual grade of the Appellant (albeit on OPS basis) is an admission on part of the Respondent Government that the Appellant was otherwise fully qualified to be appointed on such position as per Notifications/Office Orders issued by Regulation Wing of the Finance Department, Govt of KP in respect of, "Appointment of Officer of a Lower grade to a post of Higher Grade".

- j) Because due to appellant's hard work & exceptional performance in his services he was recognized and been honored by outstanding grades, both from the Reporting officer & Secretary Irrigation.

- k) Because the Appellant was appointed as Assistant Engr (BS-17), on 02-10-1989, in Irrigation Deptt, on the recommendations of Khyber Pakhtunkhwa Public Service Commission, under combined cadre rules of 1979 for promotion till BPS-20.

- l) Because the Appellant has topped PSC against one vacancy & obtained M.Sc. Engg Degree, with distinction, from UET Peshawar; having two Research Publications of International & National repute and obtained 'A' grade in Dams Engg Design of MS Engg level course.

- m) Because the Appellant is also position holder of Departmental Professional & Revenue exams which are mandatory for promotions to all Grades from BS-17-18-19 & then to BS-20.

- n) Because it is of vital importance that during joining a Govt service by high qualified Engineer especially when he can topped PSC, the applicant would never accepted the condition for restraining him to retire in BPS-19.

- o) Because like many others Engr fellows the competitors on 2nd & 3rd position for the cited post (of PSC) have joined other Govt deptts who have been retired in BS-21 & BS-22. Similarly all the works deptts are efficiently executing works under check & control of PAS and PMS Officers in the province.
- p) Because the appellant has been promoted, time to time, on the strength of his excellent performance as evident from his service record of having A-Grade ACRs and lastly promoted to BPS-19 on 06.08.2021 and then posted on merit to perform against posts of BPS-20 in OPS as described above.
- q) Because at the time of my appointment, the Irrigation Department (Recruitment & Appointment) Rules, 1979 were in-field, which created a vested right for the applicant which cannot be taken away by an administrative order.
- r) Because on the basis of earlier rules Engr. Pervez Jadoon B.Sc Engg (Mech) has already been promoted to BPS-20 on regular basis through Provincial Selection Board (PSB), thus the Appellant also cannot be deprived of his due right.
- s) Because the service rules ibid were skewed-up & changed biasedly to benefit blue-eyed persons unlawfully at the cost of affecting the career of others in the year 2010-11 in contrast to judgment of superior court reported as **2013 PLC (CS) 864**.
- t) Because the so called amendment is discriminatory in nature and thus its validity can be questioned, whether the authority was empowered to bring such changes or such rules are duly approved from the Cabinet & Governor or not?
- u) Because the amendment in service rules is irrational rather maleficent for the Govt Servant. Change in 1979 Rules after 32 years by SSRC in 2010-11 is deceptive in nature rather to mislead.
- v) Because the impugned amendment in service rules, falls foul to the mandate of the Constitution, as not only it permanently blocks the promotion avenues

of the mechanical engineers but is also in violation of Articles 4,9,25, 240 of the Constitution.

- w) Because the amendment in question is otherwise not sustainable being unreasonable and suffers from vices of disproportionality, excessive and unstructured, besides being discriminatory.
 - x) Because from 1979 till to-date, any higher-up has never given any adverse remarks in any ACR to differentiate in ability of engineers from both the said disciplines.
 - y) Because no retrospective effect can be given to such rules which are violative of vested rights are already created.
 - z) Because such an insidious amendment in Service Rule of 1979 during 2010-11 has no nexus/spectrum with Appellant's case rather Rules 1979 are attracted / applied to Appellant case as his vested rights are protected under Articles 4, 10-A & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
 - aa) Because the Apex judiciary of Pakistan, in plethora of its judgment settled down the principle that through an administrative order, no one's vested rights can be taken away while giving it a retrospective effect.
 - bb) Because it is an accepted principle of the Constitutional jurisprudence that a Constitution being a basic document is always treated to be higher than other statutes and whenever a document in the shape of law given by the Parliament or other competent authority is in conflict with the Constitution or is inconsistent then to that extent the same is liable to be declared unconstitutional.
 - cc) Because it is a settled maxim that the very concept of fundamental right is that it being a right guaranteed by the Constitution cannot be taken away by the law.
- PLD 1957 SC 9.

- dd) Because the constitution of the State is higher in authority than any law, direction, or order made by anybody or any officer assuming to act under it, since such body or officer must exercise a delegated authority, and one that must necessarily be subservient to the instrument by which the delegation is made; in any case of conflict the fundamental law must govern, and the act in conflict with it must be treated as of no legal validity.
- ee) Because the impugned amendment in service rules is unfair and unreasonable as declared in 2002 C.L.C 1819.
- ff) Because the impugned amendment in service rules is manifestly unjust as it disclosed bad faith and involved oppressive and gratuitous interference with the rights of appellant.
- gg) Because the impugned amendment also do not pass, test of constitutionality as it has been ascertained by way of judgment reported as, P.L.D 2011 Lahore 120.
- hh) Because the apex Supreme Court has vividly laid down in the judgment, PLD 1963 SC 486 that Constitution is the supreme law of the state and any law repugnant to its provisions shall be deemed null and void.
- ii) Because the worthy PSB has failed to act in accordance with the guidelines / procedure provided under the law.
- jj) Because the worthy PSB has failed to consider the matter in its true prospective and has acted in a partisan manner.
- kk) Because the impugned decision of refusal is not a speaking and clear decision and tantamount to injustice and is thus liable to be recalled.
- ll) Because the Impugned actions and inactions of the Respondents were hit by doctrine of legitimate expectation and *locus poenitentiae*.

- mm) Because it is an alienable and inherent right of the appellant to be treated in accordance with law and must not be deprived of its vested rights.
- nn) Because without prejudice to the appellant's stance of non-applicability of rule/condition laid down later on in year 2011, the Respondent No. 04 while passing impugned decision neither provided any justification of not considering such stance nor given any explanation to consider the case in view of existing service rules.
- oo) Because impugned decision of refusal do not pass the test of reasonableness and relevance and thus are liable to be rescinded/reversed.
- pp) Because since the appellant has been retired on 06.02.2024, so entire request / fight is being made just to retire with the due honor as Chief Engineer in BS-20.
- qq) Because the impugned decisions suffered from administrative highhandedness and questionable exercise of powers thus is liable to be reversed/set aside.
- rr) Because the impugned decisions are without lawful authority and of no legal effect and passed in clear violation of the actual applicable service rules.
- ss) Because if the impugned decisions and orders are not reverted/set aside the Appellants will be put to an insurmountable distress and loss.
- tt) Any other grounds rise later on in the best interest of Justice.


IT IS THEREFORE very humbly prayed that on acceptance of this Appeal, this Honorable Tribunal may very magnanimously hold, declare and Order that :-

1. The impugned decisions dated 27.09.2023 and 31.01.2024 communicated vide impugned letter dated 28.02.2024, regretting the promotion to appellant, are illegal, unlawful, void ab initio, nullity in the eyes of law and have no legal effect, thus be recalled and reversed, at once.

- II. That consequently while striking down or at the very least reading down the amendment brought in service rules, in year 2011, Proforma promotion of the appellant may be ordered to be allowed based upon the service rules applicable at the time of appellant's initial appointment, with effect from the date of meeting of the Provincial Selection Board.
- III. Any other relief, in favor of the Appellant, deemed just and appropriate.

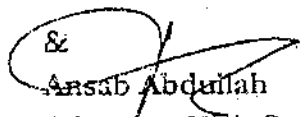

 APPELLANT

Through


 Shumail Ahmad Butt,
 ASC

&


 Sheraz Butt,

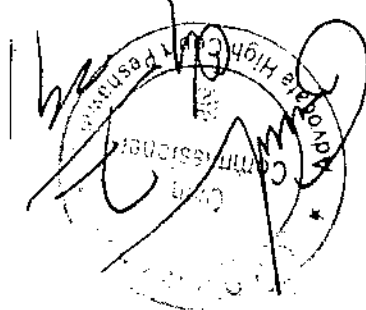
&

 Ansaab Abdullah
 Advocates High Court(s),

VERIFICATION

I, Engr Amjad Khan son of Abdul Qayum, Ex-Superintendent Engineer, Irrigation Department, Government of Khyber Pakhtunkhwa, Peshawar, do hereby solemnly verify that the contents of this Appeal are true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honorable Tribunal.




 DEPONENT



DEPONENT

[Handwritten signature]

I, Engt Amjad Khan son of Abdul Qayum, Ex-Superintendent Engineer, Irrigation Department, Government of Khyber Pakhtunkhwa, Peshawar, do hereby solemnly declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

AFFIDAVIT

Government of Khyber Pakhtunkhwa *et al*

DEFS

Engt Amjad Khan

Service Appeal No. _____ /2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

13A

Annex A

14

~~Annex B (17)~~

Registered No. 83-MECH/466
Session 2002

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Serial No.
00111

N.W.F.P. University of Engineering & Technology Pakistan

Upon recommendation of the Board of Advanced Studies & Research and
in consideration of the successful completion of the prescribed courses of study,
the University hereby confers the Degree of

Master of Science


in

MECHANICAL ENGINEERING

upon

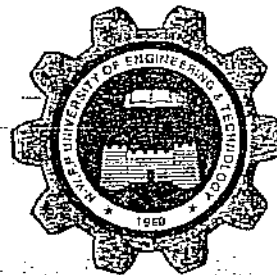
AMJAD KHAN SON OF ABDUL QAYUM

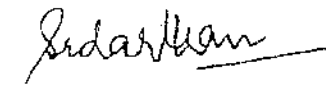
with all its attendant rights and privileges

Attested to be True
Copy 


Registrar

Peshawar, the 7TH SEPTEMBER, 2002.




Vice-Chancellor

15

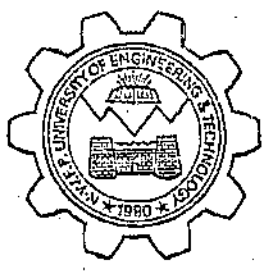
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Annex-13(a)

Roll No. 2371

Registered No. 83-Mech-466

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



Session 1985-86

This is to certify that

ANJAD KHAN SON OF ABDUL QAYUM

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

He has been placed in FIRST Division.

Attested to be True
Copy
[Signature]

[Signature]
Chancellor
[Signature]
Vice-Chancellor

29/28

Peshawar, the 23rd June, 1988.

[Signature]
Registrar

16



CECOS UNIVERSITY
OF IT & EMERGING SCIENCES
A PRESTIGIOUS NAME IN PROFESSIONAL EDUCATION AND EMERGING SCIENCES

Annex 3.

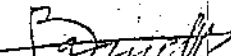
F-5, Phase-VI, Hayatabad
Peshawar, Pakistan
Phones: +92-91-5860291-3
Fax: +92-91-5860294
E-mail: home@cecos.edu.pk
Website: www.cecos.edu.pk

Ref. No: CU/Dean/2437

Date: December 28, 2019

TO WHOM IT MAY CONCERN

Certified that Engr. Amjad Khan S/O Mr. Abdul Qayum was registered in the course of Dams Engineering-I (CE-622) in Spring, 2019 under ID No. U-SC1-2019. He passed all the examinations (Mid Term and Final Term) and secured grade-A (GPA 4.0/4.0) in the said course.


Course Instructor


Associate Dean, Graduate Studies

Attested to be True
Copy

Annex-13 (c)

Registered No. 83-MECH/466

Session 2002, Sr. No 142

71

DIRECTORATE OF POSTGRADUATE STUDIES
NWFP UNIVERSITY OF ENGINEERING & TECHNOLOGY
PESHAWAR



DISTINCTION CERTIFICATE

This is to certify that AMJAD KHAN SON OF ABDUL QAYUM has the distinction to complete his Post Graduate Studies in Mechanical Engineering with Design related research and obtained 3.63 Grade Point Average (GPA) in an explicit short period, which is record.

ST 30

Amjad Khan
Attested to be true
Copy

Peshawar, The 7th Sep, 2002

Director Post Graduate Studies
NWFP University of Engineering
& Technology Peshawar Pakistan.

DIRECTOR
Post Graduate Studies
NWFP University of
Engineering & Technology
Peshawar

Annex "B"

GOVERNMENT OF PESHAWAR
IRRIGATION AND PUBLIC HEALTH
ENGINEERING DEPARTMENT.

18

Annex-4

Dated Pesh: the 2nd Oct: 1989.

NOTIFICATION.

NO.SO(E)I&PHE/4-14/73. Consequent upon the recommendations of the Public Service Commission, NWFP, the Provincial Government is pleased to appoint Mr. Amjad Khan S/O Abdul Qayum of Mohmand Agency (Zone-I) as Assistant Engineer (Mechanical) B-17 (Rs. 2065-155-3925) with usual allowances as admissible under the Rules in the Irrigation Department on temporary basis on the terms and conditions already accepted by him.

2. On appointment as Assistant Engineer (Mechanical) B-17 the services of Mr. Amjad Khan are hereby placed at the disposal of the Chief Engineer, Irrigation Department, NWFP, for further posting.

3. He should report to the Chief Engineer, Irrigation Department on or before 15-10-1989 otherwise his appointment order may be considered as cancelled.

Mohd. Amin

(Engr: Mohammad Amin Khattak),
Secretary to Govt: of N.W.F.P.
Irrigation and PHE Department.

Endst: No. SO(E)I&PHE/4-14/73, Dated 2.10.1989.

Copy forwarded for information and n/action to the:-

1. Accountant General, N.W.F.P., Peshawar.
2. Private Secretary to Chief Secretary, NWFP, Peshawar.
3. Secretary, Public Service Commission, Peshawar w/r to his memo: No. 10440-Irri/6321, dated 8-8-1989.
4. Chief Engineer, Irrigation Department, NWFP, Peshawar.

Copy of undertaking and medical fitness certificate in respect of the above named officer are also sent herewith for record. A copy of the PSC letter No. quoted above, is also sent herewith.

5. Secretary to Chief Minister, NWFP, Peshawar.
6. Private Secretary to Minister for Irrigation & PHE.
7. Manager Govt: Printing Press for publication in the next issue of the Govt: Gazettee.
8. Mr. Amjad Khan S/O Abdul Qayum C/O Mohmand Medicose Near B.I.S.E. Jamrud Road, Peshawar.
9. Personal File of the officer.
10. Office order file.

Attested to be True

[Signature]

15

[Signature]
SECTION OFFICER (ESTT.)
IRRIGATION AND PHE DEPARTMENT.

(79)

GOVERNMENT OF N.W.F.P.,
IRRIGATION AND PUBLIC HEALTH
ENGINEERING DEPARTMENT.

NO. SO (E) J&PHE/4-14/73
Dated Pesh: the 26/9/1989.

From:

The Secretary to Govt. of NWFP,
Irrigation and PHE Department.

To

Mr. Anjad Khan S/O Abdul Qayum,
C/O Mohmand Medicose Near B.I.S.E. Jamrud Road,
Peshawar.

SUBJECT:- APPOINTMENT OF ASSISTANT ENGINEERS IN THE IRRIGATION/
PUBLIC HEALTH ENGINEERING DEPARTMENT/ENALH, IRRIGATION DEPARTMENT
ORGANISATION, N.W.F.P., PESHAWAR.

You are hereby offered a post of Assistant Engineer (Mech:) in the Irrigation/PHE Department/ENALH, IRRIGATION DEPARTMENT/ORGANISATION, N.W.F.P., Peshawar on temporary basis for the present in BPS GRADE-17 (2065-155-3925) with usual allowances as sanctioned by the Government from time to time on the following terms and conditions:-

- 1) a) You shall have to undergo a practical training for a period of 4 months. After successful completion of your practical training you will be allowed to take over independent charge of a Sub Division. This condition shall be waived for those who have already undergone this training or have 5 years experience as such;
- b) The emoluments during the training period will be the initial pay of the post plus usual allowances as sanctioned by the Govt. from time to time:-
- 2) Your starting pay from the date you actually take over independent charge as Assistant Engineer, will be Rs. 2065/- per month in the BPS Grade-17. Those who are already having appointment in this department will be allowed to draw pay which is admissible to them under the rules;
- 3) You shall be liable to serve anywhere in NWFP, including Agencies and Tribal Areas;
- 4) You shall be governed by such Rules, Regulations and orders governing the service relating to promotion, leave T.A. Medical Attendance and pension etc. as may be prescribed by the Government for the category of the Government Servants of your status from time to time.
- 5) Your services shall be liable for termination on the following conditions:-
 - (a) Your services shall be liable to termination at any time without notice and assigning any reason during the period of your probation if your work during this period is not found satisfactory. The probation period shall be for two years or such longer period as the Department may deem necessary;

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1. Withdrawal from Government
2. Discharge from Government
3. A medical certificate from the attending doctor
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The Government shall be responsible for the payment of the salary of the holder of the office during the period of his absence from duty.

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The Government shall be responsible for the payment of the salary of the holder of the office during the period of his absence from duty.

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(1) Confirmation in this Department in due course will be subject to your age being proved, educational qualified, and morally fit for employment in the Government service and passing such departmental professional examination, as prescribed by Government from time to time and your satisfactory record of service in the Department.

Handwritten signature

SECTION OFFICER (ESTABLISHMENT)
FOR SECRETARY TO GOVT OF N. Y. T. F.,
IRRIGATION AND P. M. E. DEPARTMENT.

Enst: No. 100 (1) 100/4-14/75,

Dated 26-9-1989.

Copy forwarded to the:-

- ✓ 1. Chief Engineer, Irrigation Department, Adla, Peshawar.
- 2. Personal File.

SECTION OFFICER (ESTT.)
IRRIGATION AND P. M. E. DEPARTMENT.

Handwritten date: 25/4.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

Dated Peshawar, the 13th January, 2023

NOTIFICATION:

No. SO(E)/IRR/4-9/77/Vol-VI:

The following posting/transfer of officers of Irrigation Department are hereby ordered, with immediate effect, in the public interest.

S#	Name of Officer	From	To
1.	Engr. Amjad Khan, Superintending Engineer (BS-19)	Awaiting posting	Director General (OPS), Jabba Dam Project, Peshawar by relieving Engr. Akhtar Rashid, Superintending Engineer, Merged Areas of the additional charge.
2.	Engr. Rooh ul Mohsin, Superintending Engineer (BS-19)	Director (North), Small Dams, Irrigation Department	Project Director (OPS), Remodeling of Warsak Canal System Project against the vacant post.

2. Consequent upon above, Engr. Rooh-ul-Mohsin, Project Director, Remodeling of Warsak Canal System Project, Peshawar is authorized to hold additional charge of the post of Director (North), Small Dams, Irrigation Department, in addition to his own duties with immediate effect, till further orders.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department

Endst: No. & Date as above

Copy of the above is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineers (**North/South/Merged Areas**), Irrigation Department.
3. The Director General, Small Dams, Irrigation Department.
4. The Officers concerned.
5. The Section Officer (General), Irrigation Department.
6. PS to Minister Irrigation, Khyber Pakhtunkhwa.
7. PS to Secretary Irrigation Department.
8. The Web Developer, Irrigation Department.
9. PA to Deputy Secretary (Admn), Irrigation Department.
10. Personal Files of the Officer.

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16/01/2023

(Maqsood Khan)
Section Officer (Estt:)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (PRC) 1-1/2012
Dated Peshawar (to): 17-08-2012

To:

1. All 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 Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A
POST OF HIGHER GRADE AND GRANT OF PAY OF THE
HIGHER POST.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No F.3(4)R-2/97-1204/09 dated 24-02-2009, the Government of Khyber Pakhtunkhwa has decided that pay of the higher post will be admissible to civil servants during the period of appointment on higher post subject to the following conditions:-

- i. The officer has been appointed on the higher post by the authority competent to make appointment on that post.
- ii. The officer is fully qualified in every respect to be appointed to that higher post.
- iii. The officer discharges all the duties and responsibilities of the higher post independently and severed all connections with his lower post.
- iv. The pay of the higher post will be fixed presumptively w.e.f the date the officer assumes charge of the higher post and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible. However, the officer will be entitled to the arrears of pay and allowances from the date he assumes the charge of the higher post.
- v. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of PA-25.

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- vi. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.
- vii. The Pay of the higher post will be given only with the concurrence of Finance Department.

All Administrative Departments are advised that only those cases may be referred to Finance Department which are covered under sub-para (i) to (ii) of para-1 above and pay of the concerned officers may be fixed / re-fixed in terms of sub-para (iv) to (vi) of para-1 above after obtaining prior concurrence of the Finance Department.

The above orders will be admissible w.e.f 16-12-2009.

Yours Faithfully,

(ROOH ULLAH)
Addl. Secretary (Regulation)

Endst: No. FD(PRC) 1-1 /2012,

Dated Peshawar the 17th August, 2012

A Copy is forwarded for information to the:-

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Secretaries to Government of Punjab, Sindh & Balochistan, Finance Department.
- 3. All Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Endst: No & Date even.

A copy for information is forwarded to:-

- 1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- 2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
- 3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 4. The Director, FMU, Finance Department.
- 5. The Treasury Officer, Peshawar.
- 6. All the Senior District Accounts Officers, Khyber Pakhtunkhwa.
- 7. All the District & Agency Accounts Officers, Khyber Pakhtunkhwa.
- 8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 9. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
- 10. The Private Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
 FINANCE DEPARTMENT
 (REGULATION WING)

25
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NO. FD (PRC) 1-1/2012
 Dated Peshawar the 01-01-2013

To

1. All 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 Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
12. All Divisional Commissioners in Khyber Pakhtunkhwa.

Subject: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST.

Dear Sir,

In continuation of this Department's circular letter of even number dated 17-08-2012 on the subject noted above and to state that certain Departments have approached this Department for the grant of benefits of higher post to the incumbent appointed from a lower post, but while examining the cases a question has arisen as how to ascertain / examine the eligibility under the conditions of para-i(ii) of this Department's circular letter No.FD (PRC) 1-1/2012 dated 17-08-2012.

2- The case has been examined in consultation with Finance Division, Islamabad and clarification with regard to para-i(ii) of the Finance Department's circular letter No.FD (PRC) 1-1/2012 dated 17-08-2012 is as under:-

"In cases of officers who are appointed to higher post by the competent authority and who discharge the duties of a higher post in their service / cadre, they would be allowed pay of the higher post only if they fulfill the prescribed conditions of promotion to the higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training (where so prescribed)".

3- I am therefore, directed to request that before forwarding any case to the Finance Department the above provision should invariably be examined by the concerned department and the following documents / information should also be furnished to this Department for proper disposal of the cases on merit:-

i. Approval of the competent authority & notification.

ii. Charge assumption report of higher post.

iii. Charge relinquishment report of lower post.

iv. Service statement duly attested by Accountant General / DDO etc.

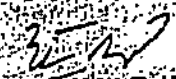
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 (Signature)

(cont'd. P/2)

- v. Completion certificate of mandatory training, where required.
- vi. Seniority list duly attested by concerned Administrative Department.
- vii. Specific conditions / requirements if any which necessitated the appointment of officer / official on higher post.
- viii. Reference of Recruitment Rules or copy of relevant recruitment rules applicable to the higher pay scale / post.

Yours Faithfully,



 (MUHAMMAD IMTIAZ AYUB)
 Additional Secretary (Regulation)

Endst. No. ED (PRC) 1-1 /2012

Dated Peshawar the 1st Jan, 2013

A Copy is forwarded for information to the:


1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Secretaries to Government of Punjab, Sindh & Balochistan, Finance Department
3. All Autonomous / Semi-Autonomous Bodies in Khyber Pakhtunkhwa.


 (MASOOD KHAN)
 Deputy Secretary (Reg-II)

Endst. No & Date even

A copy for information is forwarded to:

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the District & Agency Accounts Officers, Khyber Pakhtunkhwa / FATA.
7. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
8. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
9. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.


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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

No. SO(E)/Irr:/5-1/93/Vol-XI
Dated Peshawar the 25th July, 2023

"D"

(27)

To

The Section Officer (PSB),
Govt. of Khyber Pakhtunkhwa,
Establishment Department, Peshawar. —

(4) 27.7.2023

Subject: - **WORKING PAPER FOR PROMOTION OF SUPERINTENDING ENGINEERS (BS-19) TO THE POST OF CHIEF ENGINEERS (BS-20) IN IRRIGATION DEPARTMENT ON REGULAR BASIS.**

I am directed to the subject noted above and to forward herewith Seven (07) sets of Working Papers for promotion of Superintending Engineers (BS-19) to the post of Chief Engineers (BS-20) in Irrigation Department on regular basis (complete in all respect) for consideration of the Provincial Selection Board, please.

Encl: as above

Section Officer (Estt:)

Copy of the above is forwarded to: -

1. PS to Secretary Irrigation Department.
2. PA to Additional Secretary Irrigation Department.
3. PA to Deputy Secretary (Admn) Irrigation Department.

Section Officer (Estt:)

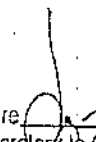
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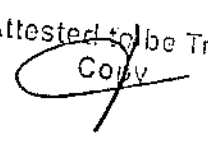
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WORKING PAPER FOR PROVINCIAL SELECTION BOARD
IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA

1.	Nomenclature of the post		Chief Engineer/Director General (BS-20)		
2.	Service Cadre		Provincial Engineering		
3.	Sanctioned Strength of regular cadre		04 (Annex-A)		
			Direct	Promotion	Transfer
4.	(i)	Percentage of share	--	100%	--
	(ii)	No. of posts allocated to each category	--	04	--
	(iii)	Present Occupancy position	--	01 (Annex-B)	--
	(iv)	No. of appointment on regular basis	--	03	--
	(v)	No. of appointment on Acting Charge Basis	--	00	--

- 5 (i) How did the vacancy (ies) occur
Three (03) regular posts of Chief Engineer/Director General (BS-20) are lying vacant due to retirement of Engr. Sahibzada Muhammad Shabir on 19.11.2022 and Engr. Ata ur Rehman, on 29.12.2022 and Engr. Nasir Ghafoor Khan, 10.01.2023 from Govt. service on attaining the age of superannuation i.e. 60 years (Annex-C)
- (ii) Recruitment Rules
By selection on merit from amongst the Senior Superintending Engineer and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/B.Sc Engineering (Civil) from a recognized University and have successfully completed the Senior Management Course (Annex-D)
- (iii) Required length of Service
(17) years' service in BS-17 & above
- (iv) Whether to be promoted on Regular Basis/Acting Charge Basis
On Regular Basis.
- (v) Mandatory training, if any
SMC
- (vi) Minimum required score on EI
70

Signature: 
 Designation: Secretary to Govt. of Khyber Pakhtunkhwa
 Irrigation Department
 Peshawar
 Dated 25th July, 2023

Attested to be True

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PANEL OF OFFICERS FOR CONSIDERATION

S#	Seniority No.	Name of Officer with qualification	Date of birth	Date of first entry into govt. service	Date of Appointment/Promotion to BS-17	Date of Regular Appointment/Promotion to the present scale	Whether fulfilled the prescribed length of service	Quantified score	Missing PERs	Disciplinary proceeding	Case in any court of law including NAB	Mandatory training	Research Papers	Present posting	Remarks
1	1	Engr. Amjad Khan, B.E (Mechanical)	07.02.1964	02.10.1969	02.10.1989	06.08.2021	Yes	59.9	No	No	No	Exempted	No	Director General (OPS), Jabba Dam Project	Not eligible
2	2	Engr. Wilayat Khan, B.E (Civil)	17.02.1968	05.12.1991	05.12.1991	06.08.2021	Yes	53.31	No	No	No	No	No	Chief Engineer (Merged Areas) (OPS)	Not Eligible
3	3	Engr. Zahoor Mohammad, BSc (Civil)	01.01.1965	05.12.1991	05.12.1991	06.08.2021	Yes	54.86	No	No	No	Exempted	No	Project Director (OPS), Raising of Baran Dam Project	Eligible
4	4	Engr. Ghulam Ishaq Khan, B.E (Civil)	14.08.1965	05.12.1991	05.12.1991	06.08.2021	Yes	55.22	No	No	No	To be exempted on 14.08.2023	No	Chief Engineer (North) (OPS)	Will become eligible on 14.08.2023
5	5	Engr. Mohammad Yaseer, B.E (Civil)	13.04.1964	05.12.1991	05.12.1991	19.04.2022	Yes	55.46-3=52.46	No	No	No	Exempted	No	Chief Engineer (South) (OPS)	Eligible
6	6	Engr. Aftab Ahmad, B.E (Civil)	01.01.1967	05.12.1991	05.12.1991	19.04.2022	Yes	55.5	No	No	No	No	No	Director, Jabba Dam Project	Not Eligible
7	7	Engr. Akhtar Rashid, MSc (Civil)	02.05.1967	20.05.1992	20.05.1992	06.08.2021	Yes	55.54	No	No	No	No	No	S.E (Merged Areas)	Not Eligible
8	8	Engr. Roshaf Mohsin, B.E (Civil)	28.04.1966	20.05.1992	20.05.1992	28.07.2022 (under Probation)	Yes	58.05	2022	No	No	No	No	Project Director, RWCS Project (OPS)	Not Eligible
9	9	Engr. Sarder Mohammad Zafar Khan, B.E (Civil)	28.10.1966	20.05.1992	20.05.1992	28.07.2022 (under Probation)	Yes	57.65	2022	No	No	No	No	Project Director, PHLCE Project (OPS)	Not Eligible



Engr. Amlad Khan

Personal No. 0009341



Domicile: Mohmand	Service/Group = Engineering (Irrigation)	Sen:
Educational Qualification	Date of Birth	Date of Superannua
B.E. (Mechanical)	07.02.1964	06.02.2024

SERVICE PARTICULARS.

Date of Joining Service	Date of Promotion in	Length of Service		Eligibility for consideration
	Present Scale	Total	In present Scale	
		Y M	Y M	
02.10.1989	06.08.2021	33 02	01 04	

Important Appointments held in the present Rank/Post

1.	Executive Engineer (Mechanical) Irrigation Division, Peshawar.		
2.	Deputy Director RWCS Project, Peshawar.		
3.	Director, Small Dams, Peshawar.		
4.	Project Manager, RWCS Project, Peshawar.		

Penalties: Nil

Training courses (other than mandatory training)

Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
BPS-17	---	05	19	---	---	---
BPS-18	---	08	---	---	---	---
BPS-19	---	---	---	---	---	---

Awarded Reports (PERs)	Additional Information (if any)
2021 & 2022	NIL

EFFICIENCY INDEX

Required Threshold	Score of PERs + Training Reports	Marks awarded by PSB	Total
70	59.9		

RECOMMENDATIONS OF PSB

Promoted	Deferrad	Superseded

Engr. Amlad Khan
Prepared by
Secretary (Estt)
Govt. of Khyber Pakhtunkhwa
Irrigation Department

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Checked by
Deputy Secretary (Admin)
Irrigation Department

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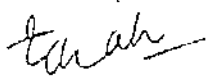
Engr. Wilayat Khan

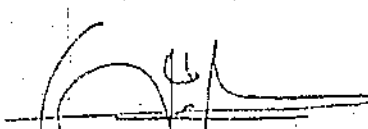
Personal No. 0030



Domicile: Mardan		Service/Group = Engineering (Irrigation)		Sen: No		
Educational Qualification		Date of Birth		Date of Superannuation		
B.E. (Civil)		17.02.1968		16.02.2028		
SERVICE PARTICULARS:						
Date of Joining Service	Date of Promotion in Present Scale		Length of Service		Eligibility for consideration	
			Total	In present Scale		
			Y M	Y M		
05.12.1991	06.08.2021		31 00	01 04		
Important Appointments held in the present Rank/Post						
1.	Executive Engineer Mardan Irrigation Division					
2.	Deputy Director, Bazal Irrigation Project, Mardan					
3.	Deputy Secretary (Technical) Irrigation Department					
4.	Superintending Engineer, Mardan Circle, Mardan.					
Penalties: NIL						
Training courses (other than mandatory training)						
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks In
BPS-17	---	08	10	01	---	---
BPS-18	---	05	02	---	---	---
BPS-19	---	01	---	---	---	---

Awaited Reports (PERs)		Additional Information (if any)			
NIL		NIL			
EFFICIENCY INDEX					
Required Threshold	Score of PERs + Training Reports		Marks awarded by PSB	Total	
70	53.81				
RECOMMENDATIONS OF PSB					
Promoted		Deferred		Superseded	


Prepared by
Section Officer (Estt)
Govt. of Khyber Pakhtunkhwa
Irrigation Department


Checked by
Deputy Secretary (Admin)
Irrigation Department

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Engr. Zahoor Mohammad

Personal No. 001

Domicile: Bannu		Service/Group = Engineering (Irrigation)		Ser. No		
Educational Qualification		Date of Birth		Date of Superannuation		
B.E. (Civil)		01.01.1965		31.12.2024		
SERVICE PARTICULARS.						
Date of Joining Service	Date of Promotion in Present Scale		Length of Service		Eligibility for consideration	
			Total	In present Scale		
			Y M	Y M		
05.12.1991	06.08.2021		31 00	01 04		
Important Appointments held in the present Rank/Post						
1	Executive Engineer Hydrology Irrigation Division Peshawar					
2	Deputy Director o/o Chief Engineer (South) Irrigation Department					
3	Superintending Engineer (H/Q) South, Irrigation Department					
4	Project Director, Raising of Baran Dam Project					
Penalties: NIL						
Training courses (other than mandatory training)						
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
BPS-17	---	08	14	---	---	---
BPS-18	---	05	01	---	---	---
BPS-19	---	01	--	--	--	--

Awaited Reports (PERs)		Additional Information (if any)	
NIL		NIL	
EFFICIENCY INDEX			
Required Threshold	Score of PERs + Training Reports	Marks awarded by PSB	Total
70	54.86		
RECOMMENDATIONS OF PSB			
Promoted	Deferred	Superseded	

Zahoor
 Prepared by
 Section Officer (Estt)
 Govt. of Khyber Pakhtunkhwa
 Irrigation Department

[Signature]
 Checked by
 Deputy Secretary (Admin)
 Irrigation Department

Attested to be True
[Signature]

33

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Engr. Ghulam Ishaq Khan

Personal No. 00

Domicile: Dir	Service/Group = Engineering (Irrigation)	Sen; N
Educational Qualification	Date of Birth	Date of Superannuation
B.E. (Civil)	14.08.1965	13.08.2025

SERVICE PARTICULARS.

Date of Joining Service	Date of Promotion in Present Scale	Length of Service				Eligibility for consideration
		Total		In present Scale		
		Y	M	Y	M	
05.12.1991	06.08.2021	31	00	01	04	

Important Appointments held in the present Rank/Post

1.	Executive Engineer Malakand Irrigation Division		
2.	Executive Engineer Swal Irrigation Division		
3.	Superintending Engineer Irrigation Circle Swal		
4.	Chief Engineer (OPS) (North)		

Penalties: Nil

Training courses (other than mandatory training)

Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
BPS-17	---	12	10	01	---	---
BPS-18	---	02	02	---	---	---
BPS-19	---	01	---	---	---	---

Awailed Reports (PERs)	Additional Information (If any)
NIL	NIL

EFFICIENCY INDEX

Required Threshold	Score of PERs + Training Reports	Marks awarded by PSB	Total
70	55.22		

RECOMMENDATIONS OF PSB

Promoted	Deferred	Superseded

tchah
 Prepared by
 Section Officer (Estt)
 Govt. of Khyber Pakhtunkhwa
 Irrigation Department

[Signature]
 Deputy Section Officer (Admin)
 Irrigation Department

Attested to be True
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[Signature]

34

104



Engr. Mohammad Yaseen

Personal No. (

Domicile: Bannu		Service/Group = Engineering (Irrigation)		Sen:		
Educational Qualification		Date of Birth		Date of Superannuation		
B.E. (Civil)		13.04.1964		12.04.2024		
SERVICE PARTICULARS.						
Date of Joining Service	Date of Promotion in Present Scale		Length of Service Total		Eligibility for consideration	
			In present Scale			
			Y M Y M			
05.12.1991	19.04.2022		30 01 00 08			
Important Appointments held in the present Rank/Post						
1.	Executive Engineer Bannu Canal Irrigation Division					
2.	Superintending Engineer Irrigation Circle D.I.Khan					
3.	Project Manager, RWCS Project, Peshawar					
4.	Superintending Engineer Irrigation Circle Bannu					
Penalties: Minor Penalty withholding of two increments for two years						
Training courses (other than mandatory training)						
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks In
BPS-17	...	08	12	02
BPS-18	...	05
BPS-19

Awarded Reports (PERs)		Additional Information (if any)	
NIL		NIL	
EFFICIENCY INDEX			
Required Threshold	Score of PERs + Training Reports	Marks awarded by PSB	Total
70	55.48-3= 52.48		
RECOMMENDATIONS OF PSB			
Promoted	Deferred	Superseded	

Engr. Muhammad Yaseen
 Prepared by
 Section Officer (Estt)
 Govt. of Khyber Pakhtunkhwa
 Irrigation Department

(Signature)
 Checked by
 Deputy Secretary (Admin)
 Irrigation Department

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PSB-III



Engr. Aftab Ahmad

Personal No. 00

Domicile: Mohmand		Service/Group = Engineering (Irrigation)				Sen: Ni	
Educational Qualification			Date of Birth		Date of Superannuation		
B.E. (Civil)			01.01.1967		31.12.2026		
SERVICE PARTICULARS.							
Date of Joining Service	Date of Promotion in Present Scale		Length of Service				Eligibility for consideration
			Total		In present Scale		
			Y	M	Y	M	
05.12.1991	19.04.2022		29	11	00	11	
Important Appointments held in the present Rank/Post							
1.	Executive Engineer Swat Irrigation Division						
2.	Executive Engineer Malakand Irrigation Division						
3.	Superintending Engineer (OPS) Irrigation Circle, Peshawar						
4.	Director, RWCS Project						
Penalties: NIL							
Training courses (other than mandatory training)							
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks In	
BPS-17	---	12	11	---	---	---	
BPS-18	---	05	---	---	---	---	
BPS-19	---	01	---	---	---	---	
Awarded Reports (PERs)				Additional Information (if any)			
NIL				NIL			
EFFICIENCY INDEX							
Required Threshold:		Score of PERs + Training Reports		Marks awarded by PSB		Total	
70		55.5					
RECOMMENDATIONS OF PSB							
Promoted		Deferred			Superseded		

Engr. Aftab Ahmad

Prepared by
Section Officer (Estt)
Govt. of Khyber Pakhtunkhwa
Irrigation Department

(Signature)

Checked by
Deputy Secretary (Admin),
Irrigation Department

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PSB-III

Engr. Akhtar Rashid

Personal No. 00157165

Domicile: Peshawar	Service/Group = Engineering (Irrigation)	Sen: No. 07
Educational Qualification	Date of Birth	Date of Superannuation
M.Sc. (Civil)	02.05.1967	01.05.2027

SERVICE PARTICULARS:

Date of Joining Service	Date of Promotion in Present Scale	Length of Service				Eligibility for consideration
		Total		in present Scale		
		Y	M	Y	M	
20.05.1992	06.08.2021	30	09	01	06	

Important Appointments held in the present Rank/Post

1.	Deputy Director Small Dams		
2.	Section Officer (Development), Irrigation Department		
3.	Executive Engineer Chitral Irrigation Division		
4.	Superintending Engineer Merged Areas Irrigation Department		

Penalties: Nil

Training courses (other than mandatory training)

Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
BPS-17	---	14	10	---	---	---
BPS-18	---	04	---	---	---	---
BPS-19	---	01	---	---	---	---

Awarded Reports (PERs)	Additional Information (if any)
NIL	NIL

EFFICIENCY INDEX

Required Threshold	Score of PERs + Training Reports	Marks awarded by PSB	Total
70	55.54		

RECOMMENDATIONS OF PSB

Promoted	Deferred	Superseded

Engr. Akhtar Rashid
 Prepared by
 Section Officer (Estt)
 Govt. of Khyber Pakhtunkhwa
 Irrigation Department

(Signature)
 Checked by
 Deputy Secretary (Admin)
 Irrigation Department

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PSB-III

Engr. Rooh-UI-Mohsin

Personal No. 00130922

Domicile: Charsadda		Service/Group = Engineering (Irrigation)				Sen: No. 08	
Educational Qualification			Date of Birth		Date of Superannuation		
B.E. (Civil)/ M.Sc (Water Resources)			28.04.1966		27.04.2026		
SERVICE PARTICULARS.							
Date of Joining Service	Date of Promotion in Present Scale		Length of Service				Eligibility for consideration
			Total		In present Scale		
			Y	M	Y	M	
20.05.1992	15.03.2017		29	11	05	01	
Important Appointments held in the present Rank/Post							
1.	Deputy Director (RWCS) Peshawar						
2.	Project Manager (OPS), (RWCS) Peshawar.						
3.	Superintending Engineer (OPS), Irrigation Circle, Swabi						
4.	Director (North) (OPS), Small Dams, Peshawar						
Penalties: Nil							
Training courses (other than mandatory training)							
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in	
BPS-17	---	18	06	---	---	---	
BPS-18	---	04	01	---	---	---	
Awarded Reports (PERs)				Additional Information (if any)			
NIL				NIL			
EFFICIENCY INDEX							
Required Threshold	Score of PERs + Training Reports		Marks awarded by PSB		Total		
70	58.05						
RECOMMENDATIONS OF PSB							
Promoted		Deferred			Superseded		

Rooh-UI-Mohsin

Prepared by
Section Officer (Estt)
Govt. of Khyber Pakhtunkhwa
Irrigation Department

Attested to be True
[Signature]

[Signature]

Checked by
Deputy Secretary (Admin)
Irrigation Department

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1976
PSB-III



Engr. Sardar Mohammad Zafar Khan

Personal No. 002

Domicile: Mardan		Service/Group = Engineering (Irrigation)				Ser. No.		
Educational Qualification			Date of Birth		Date of Superannuation			
B.E. (Civil)			20.10.1965		27.10.2026			
SERVICE PARTICULARS.								
Date of Joining Service	Date of Promotion In		Length of Service			Eligibility for consideration		
	Present Scale		Total		In present Scale			
			Y	M	Y			M
20.05.1992	23.05.2018		29	11	03	11		
Important Appointments held in the present Rank/Post								
1.	Executive Engineer Irrigation Division Swab-II							
2.	Deputy Director RWCS Project Peshawar							
3.	Executive Engineer Irrigation Division Mardan							
4.	Project Director PHLCE Project Swabi							
Penalties: Nil								
Training courses (other than mandatory training)								
Basic Pay Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks In		
BPS-17	---	13	12	---	---	---		
BPS-18	---	04	---	---	---	---		
Awarded Reports (PERs)			Additional Information (If any)					
NIL			NIL					
EFFICIENCY INDEX								
Required Threshold	Score of PERs + Training Reports		Marks awarded by PSB		Total			
70	57.65							
RECOMMENDATIONS OF PSB								
Promoted		Deferred			Superseded			

Zafar
 Prepared by
 Section Officer (Estt)
 Govt. of Khyber Pakhtunkhwa
 Irrigation Department

[Signature]
 Checked by
 Deputy Secretary (Admin)
 Irrigation Department

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Annex

E

ITEM NO. (22)

~~IRRIGATION DEPARTMENT~~

(Meeting of PSB held on 07.09.2023)

40

SUBJECT: - PROMOTION OF SUPERINTENDING ENGINEER BS-19 TO THE POST OF CHIEF ENGINEER / DIRECTOR GENERAL BS-20

Secretary Irrigation apprised the Board that due to retirement, three (03) posts of Chief Engineer / Director General BS-20 are lying vacant in Irrigation Department.

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

"By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years' service in BPS-17 and above, possessing Degree in B.E/B.Sc Engineering (Civil) from a recognized University and have successfully completed the Senior Management Course"

Note: The officer who is likely to retire within two years from service on attaining the age of superannuation on the scheduled date of commencement of training shall be exempted from the respective mandatory training of MCMC, SMC/NMC and NDC.

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

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Engr: Amjad Khan B.E (Mechanical)	His date of birth is 07.02.1964. He joined government service on 02.10.1989 in BS-17. He was promoted to BS-19 on 06.08.2021. He has completed prescribed length of service for promotion. He is exempted from mandatory training due to age factor. According to service rules, degree in B.E/B.Sc Engineering (Civil) from a recognized University is required whereas the officer possess degree in B.E (Mechanical) which is not available in the relevant service rules. The Board did not consider his promotion.
2.	Engr: Wilayat Khan B.E (Civil)	His date of birth is 17.02.1968. He joined government service on 05.12.1991 in BS-17. He was promoted to BS-19 on 06.08.2021. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. The Board recommended to defer his promotion.
3.	Engr: Zahoor Muhammad BSc (Civil)	His date of birth is 01.01.1965. He joined government service on 05.12.1991 in BS-17. He was promoted to BS-19 on 06.08.2021. He has completed prescribed length of service for promotion. He is exempted from mandatory training due to age factor. No inquiry is pending against him. His PERs dossier is complete.

Attested
[Signature]

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		<p>His service record upto 2022 is generally good. His quantified score is 55 and the Board awarded him 15 out of 30 marks.</p> <p>The Board recommended the officer for promotion to the post of Chief Engineer / Director General BS-20 on regular basis. He will be on probation for a period of one year.</p>
4.	<p>Engr. Ghulam Ishaq Khan B.E (Civil)</p> <p><i>Attested</i> <i>[Signature]</i></p>	<p>His date of birth is 14.08.1965. He joined government service on 05.12.1991 in BS-17. He was promoted to BS-19 on 06.08.2021. He has completed prescribed length of service for promotion. He is exempted from mandatory training due to age factor. No inquiry is pending against him. His PERs dossier is complete. His service record upto 2022 is generally good. His quantified score is 55 and the Board awarded him 15 out of 30 marks.</p> <p>The Board recommended the officer for promotion to the post of Chief Engineer / Director General BS-20 on regular basis. He will be on probation for a period of one year.</p>

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~~Amir F~~

Amir "F"

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

**GOVERNMENT KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT,**

NOTIFICATION

Dated Peshawar, the 17th February, 2011

NO. SO(E)IRR/23-5/73: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No. SO(E)IRR/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province
Irrigation Department.

688

Printed and published by the Manager,
G.P.O. Deptt, Khyber Pakhtunkhwa, Pesh.

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(32)

489 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011. APPENDIX

S#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	4	5
PART-I ENGINEERING STAFF				
1.	Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3.	Executive Engineer/Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<p>a. Sixty five percent by initial recruitment.</p> <p>b. ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.</p> <p>c. five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and</p> <p>d. twenty percent by promotion, on the basis of seniority cum fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such.</p> <p>Note: - Provided that where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<p>a. Eighty percent by initial recruitment; and</p> <p>b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Institute of Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.</p>

A. H. Sadiq
 10/04/2011
 ADMINISTRATIVE OFFICER
 KHYBER PAKHTUNKHWA GOVERNMENT
 PESHAWAR

Attested to be True
 (Signature)
 (Stamp)

3/3

65 Annex-8

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SCHEDULE

IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT

Sl. No.	Nomenclature of posts.	Qualification for appointment		Age for initial recruitment.		Method of recruitment.
		by initial recruitment or by transfer.	by promotion.	Minimum	Maximum.	
1.	2.	3.	4.	5.	6.	7.

POSTS CONCERNING TO IRRIGATION AND PUBLIC HEALTH ENGS. DEPARTMENT.

1. Chief Engineer.

By selection on merit from four senior most officers in the of Irrigation Deptt. and three case of Public Health Engrs. with at least seventeen years experience as Government servants seniority being considered in the case of officers of practically the same standard of merit.

2. Superintending Engineer.

Degree in Engineering from a recognised University.

By selection on merit from among the Executive Engineers or posts of equivalent posts in the Department concerned, in which the vacancy occurs, with at least twelve years service in grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.

3. Executive Engineer.

By selection on merit with due regard to seniority from amongst Assistant Engineers of the Department concerned in which the vacancy occurs, with at least six years service as such.

Copy tested to be true

23

SCHEDULE

IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT

S No	Nomenclature of the Post	Minimum qualification for appointment		Age for Initial Recruitment		Method of recruitment
		By initial recruitment or by transfer	By promotion	Minimum	Maximum	
1	2	3	4	5	6	7
POSTS (SIC) TO IRRIGATION AND PUBLIC HEALTH ENGG. DEPARTMENT						
1.	Chief Executive					By selection on merit from four senior most officers of Irrigation Deptt; and In the case of Public Health Engen: with at least seventeen ye experience as Government servant seniority being considered out the case of officers of practice the same standard of merit
2.	Superintending Engineer		Degree in Engineering from a recognized University			By selection on merit from the Executive Engineers or of equivalent posts in the De ment concerned, in which the vacancy occurs, with at least twelve years service in grade-17 and 18, seniority being consi only in the case of officers of practically the same standard merit.
3.	Executive Engineer					By selection on merit with due regard to seniority from among assistant engineer's of the department concerned with the vacancy in which the vacancy occurs with at least 6 years of service as such



Mardan Irrigation Circle, Mardan
 Government of Khyber Pakhtunkhwa, Irrigation Department
 (Phone & Fax 0937-9230194)
 Email: Mardan_circle@yahoo.com

~~Amjad Khan~~

No 1782/15-E

Dated Peshawar the: 30/11/2023

To,
 The honorable Chief Minister
 Government of Khyber Pakhtunkhwa

Amjad

G

45

(Through Proper Channel)

SUBJECT: APPEAL FOR JUSTIFIED PROMOTION FROM BPS-19 TO BPS-20 WITH REFERENCE TO CONSIDERATE DELIBERATION IN PSB HELD ON 07-09-2023.

With profound reverence it is to state that I Engr Amjad Khan (BE Engg, MS Engg), submit my Appeal for promotion from BS-19 to BS-20. Against 3 No vacant posts of BS-20 a working paper having panel of 9 Engineers has been sent by Secretary Irrigation to Establishment Deptt. PSB meeting has been held on 07-9-2023. But after issuance of Notification No SO (B) /IRR/43/PSB/Vol-IV dt 06-11-2023, two Junior officers have been promoted. One vacancy has been kept in reserve by PSB, due to plausible reasons regarding my case that I was on the top of seniority list already qualified for promotion due to the explanation as per following details:

At the time of submission of working Paper for PSB, I was the senior most superintending Engr in the deptt till to-date and topped the panel in merit & ACRs' grading. I have about 34 years spotless career at my credit and attains the ability due to which I have been posted to perform against positions of BPS-20 (OPS) as Director General and Project Director dg 2021-22 in Irrigation deptt. Due to my hard work & exceptional performance my services were recognized and I have been honored by outstanding grades. Before mentioned positions I remained Director North in Directorate General Small dams and have got outstanding grades both from Reporting officer & Secretary Irrigation.

Respected Sir,

1. I have qualified as BSc Engg from UET Peshawar in the year 1988 & was appointed as Assistant Engr (BS-17), on 09-10-1989, in Irrigation Deptt, on the recommendations of Khyber Pakhtunkhwa Public Service Commission, under combined cadre rules of 1979 for promotion till BPS-20. It is worth to mention that I have topped PSC against one vacancy & obtained MSc Engg Degree, with distinction, from UET Peshawar, having two Research Publications of International & National repute and obtained 'A' grade in Dams Engg Design of MS Engg level course. I am also position holder of departmental's Professional & Revenue exams which are mandatory for promotions to all Grades from BS-17-18-19 & then to BS-20. It is of vital importance that during joining a Govt service by high qualified Engineer especially when he can topped PSC, will never accept the condition for restraining him to retire in BPS-19. Like many others our Engr fellows the competitors on 2nd & 3rd position for the cited post (of PSC) have joined other Govt depts who have been retired in BS-21 & BS-22. Similarly all the works depts are efficiently executing works under check & control of PAS and PMS Officers in the province.

2. I have been promoted, time to time, on the strength of excellent performance as evident from my service record of having A-Grade ACRs and lastly promoted to BPS-19 on 06.08.2021 and then posted on merit to perform against posts of BPS-20 in OPS as described above. As superintending Engineer I have got outstanding grades.

3. At the time of my appointment, the Irrigation Department (Recruitment & Appointment) Rules, 1979 were in-field, through which post of Chief Engineer was to be filled as under:
Chief Engineer - By selection on merit from four senior most officers in the Irrigation Department with at least seventeen years' experience as Government servant in BPS-17 and above, seniority being considered out of the case of officers of practically the same standard of merit.
On the basis of said rules Engr Pervez jadoon B.Sc Engg (Mech) has already been promoted to BPS-20 in 2007-09 on regular basis through Provincial Selection Board (PSB), Government of Khyber Pakhtunkhwa. While I have been deprived from promotion to BPS-20. Although we have been appointment before 2011 on 1979 Rules.

The rules ibid were skewed-up & changed biasedly to benefit a person unlawfully at the cost of affecting the career of other in the year 2010-11 and the relevant provisions whereof is reproduced as under which is in contrast to Clause, 2013 PLC (CS) 864.*

Chief Engineer - - By selection on merit from amongst the Senior Superintending Engineers and Directors, with at least 17 years' service in BPS-17 and above, possessing degree in BSc Engg (Civil) from a recognized University.
Minute perusal of the above would suggest that I am having a degree of BE Engg, MS Engg (Mech), appointed before prejudiced change made in the rules dg the year 2010-11: due to which I am being deprived unjustifiably from promotion to BPS-20.

Has the TORs of SSRC committee (dg 2010-11) under Chair of Secretary Irrigation at that time, empowered it for such type of change in the rule which can restrain an eligible officer from BS-19 to BS-20? Has these rules approved from Cabinet & Governor? The amendment is therefore irrational rather maleficent for the Govt Servant. Change in 1979 Rules after 32 years by SSRC in 2010-11 is deceptive in nature rather to mislead. It is essential to state that from 1979 till to-date, has any higher-up has given the adverse remarks in any ACR to differentiate in ability of engineers from both the said disciplines.

4. That, admittedly, I have about 34 years best record at my credit, and lastly I promoted to BPS-19 on 06.08.2021, and eligible from all aspects to be promoted to BPS-20 as Chief Engineer, against the substantive post which has been kept vacant by PSB.

5. That it is worth to mention herein that the biased Change in original Rules of 1979 as mentioned above, though debar members of service, having BE Engg Degree (Mech) & MS Engg, from promotion to BPS-20 but the same are not attracted into my case being appointed much prior of framing of rules ibid. Needless to add that the Amended Rules 2011 have no retrospective effect as per explanation enunciated in this appeal.


6. It is clearer than crystal and very easy to understand from minute perusal of the above that insidious amendment in Service Rule of 1979 during 2010-11 has no nexus/spectrum with my case rather Rules 1979 are attracted and, in view whereof, I am eligible for promotion to BPS-20 as Chief Engineer and, my such right, is protected under Articles 4, 10-A & 25 of the Constitution of Islamic Republic of Pakistan, 1973. Since the said amendment is intensively against the public interest that is why according to clause, 2013 PLC (CS) 864,* Govt can not withdraw the benefits of Employee which were already granted to him during joining of his service. I have left only 2 months to retire therefore PSB may kindly be directed to issue my notification for promotion to BPS-20 as per my legitimate right and precedence.

Attested to be True

Copy

Copy forwarded to:

- Chief Secretary Government of Khyber Pakhtunkhwa.
- Members Provincial Selection Board, Government of Khyber Pakhtunkhwa.
- Secretary Irrigation Government of Khyber Pakhtunkhwa.

SK 
 Engr Amjad Khan
 Superintending Engineer

SK 
 Engr Amjad Khan
 Superintending Engineer

26/25



GOVERNMENT OF KHYBER PAKHTUNKHWA,
CHIEF MINISTER'S SECRETARIAT

Annex-11

No.SO (Lit/Estt)/GMS/KP/4-1/Appeal/2023 /2698
Dated Peshawar the 29th December, 2023

To
PSO to Chief Secretary,
Govt. of Khyber Pakhtunkhwa

Subject: - APPEAL FOR JUSTIFIED PROMOTION FROM BPS-19 TO BPS-20 WITH REFERENCE TO CONSIDERATE DELIBERATION IN PSB HELD ON 07-09-2023.

Dear Sir,

I am directed to refer the subject noted above and to enclose herewith copy of appeal No.1782/15-E dated 30-11-2023 received from Engr. Amjad Khan, Superintending Engineer, Mardan Irrigation Circle, Mardan.

02. Engr. Amjad Khan further stated that Irrigation Department submitted a panel/working paper of 09 officers for promotion from BS-19 to BS-20 against 3 No vacant posts of BS-20 to Establishment Department (copy enclosed). However the applicant was not considered for promotion despite being at the top of seniority list due to non-eligibility as per the existing service rules of the department and officer at serial no 3 and 4 were promoted to the next grade. It is pertinent to mention that the officer is going to retire from service in February 2024 and has requested for promotion on the basis of the precedents of similar nature cases.

03. I am, therefore, directed to request that the concerned department(s) may kindly be directed to process the case of the promotion of the applicant as per the precedents available in such cases, please

Encl: As Above

Yours faithfully,

Attested to be True
Copy

(Shagufta Sarwar)
Section Officer (Lit/Estt)

Endst No and Date Even:

Copy is forwarded to PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

Section Officer (Lit/Estt)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMIN. DEPARTMENT
(REGULATION WING)

47

No.SOR-V(E&AD)/7-1/Irrigation/2023
Dated 1st January, 2024

6523
2-2-24
2024/01/01
01/01/2024

To
The Secretary to Government of Khyber Pakhtunkhwa,
Irrigation Department.

Subject:

APPEAL FOR JUSTIFIED PROMOTION FROM BPS-19 TO BPS-20
WITH REFERENCE TO CONSIDERATE DELIBERATION IN PSE
HELD ON 07.09.2023

Dear Sir,

I am directed to forward herewith a copy of self-explanatory appeal in respect of Engr. Amjed Khan, Superintending Engineer (BS-19) of Irrigation Department for his promotion to (BS-20) for further necessary action as per law/rules, please.

Yours's faithfully,



(Sultan Wazir Khan)
SECTION OFFICER (REG-V)

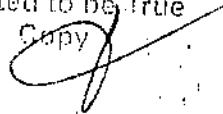
Encl: 018 Above
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Copy forwarded to: -

1. PA to Deputy Secretary (R-III) Establishment Department.
2. Master File.

SECTION OFFICER (REG-V)

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GOVERNMENT OF KHYBER PAKHTUNKHWA

ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-25/2022/PSB
Dated Peshawar, the January 17, 2024

48

To

All Administrative Secretaries
to the Govt. of Khyber Pakhtunkhwa.

Subject: - STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB)
MEETINGS.

Dear Sir,

I am directed to refer to this Department letter of even No. dated 23.12.2021 on the subject and to say that the PSB meeting is expected to be held in second week of February 2024. The working papers (complete in all respects) for promotion to be placed before the PSB meeting may be furnished well before the cut-off date which is fixed as 26.01.2024. Most importantly, working papers of the officers who are at the verge of retirement and falling in the promotion zone must be forwarded on priority basis.

2. I am further directed to say that no working paper will be received/accepted after the mentioned cut-off date and that the Administrative Department will be held responsible for any delay in submission of working papers and the resultant deprivation of any officer from promotion/consideration.

Yours faithfully,

SECTION OFFICER (PSB)

ENDST. EVEN NO. & DATE.

copy is forwarded to

1. All Section Officers in Regulation Wing of Establishment Department.
2. PS to Secretary Establishment, Govt. Khyber Pakhtunkhwa
3. PS to Special Secretary Regulation Establishment Department.
4. PAs to Additional Secretaries (Reg-I, & II), Establishment Department.
5. PAs to Deputy Secretaries (Reg-I, II & III), Establishment Department.
6. Section officers (E-I, E-II, E-IV & E-V).

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SECTION OFFICER (PSB)

17/1/24



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-25/2024/KC (02)
Dated Peshawar, the January 30, 2024

49

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - SPECIAL MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject noted above and to say that meeting of Provincial Selection Board will be held on 31st January 2024 at 12:30 PM (tentatively) under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in his office. Agenda of the meeting is as under:-

DESCRIPTION OF CASE	DEPARTMENT
Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 in Irrigation department	Irrigation
Promotion of Sub Divisional Wildlife Officer BS-17 to the post of Divisional wildlife officer BS-18 on Regular Basis	Environment
Promotion of Senior Instructor BS-17 to the post of Principal/Vice Principal BS-18 at Government Technical & Vocational Centers.	Industries

2. You are, therefore, requested to kindly make it convenient to attend the meeting. Working paper will be provided during the meeting.

Yours faithfully,

SECTION OFFICER (PSB) 30/1/24

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The PSO to Chief Secretary Khyber Pakhtunkhwa.
2. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
3. The P.S to Secretary Establishment Department.
4. The P.S to Special Secretary (Reg.) Establishment Department.

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SECTION OFFICER (PSB)

P.T.O

(50)

Endst. of even No. & date.

A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.

They are requested to kindly attend meeting of the PSB to be held on 31.01.2024 at 12:30 PM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

Endst of even No. & date.

A copy is forwarded to: -

1. The P.S to Additional Secretary (Reg-I/ Reg-II) Establishment Department.

P. J. Khan
30/1/24
SECTION OFFICER (PSB)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

(51)

Amjad "H"

No. SO(E)/Irr/23-5/SR/2020/Vol-VII
Dated Peshawar the 30th January, 2024

To
The Secretary
Establishment Department
Government of Khyber Pakhtunkhwa

Subject: - PROMOTION OF ENGR AMJAD KHAN SUPERINTENDING ENGINEER (BS-19) TO THE POST OF CHIEF ENGR (BS-20) IN IRRIGATION DEPARTMENT ON REGULAR BASIS.

Dear Sir

I am directed to refer to the subject noted above and to state that Engr Amjad Khan is performing as Superintending Engineer in BPS-19 on regular basis.

He joined his services as an Assistant Engineer (BPS-17) on 09-10-1989 after his appointment by provincial Government through Public Service Commission Khyber Pakhtunkhwa under recruitment & promotion Rules 1979. He served for 23 years in BPS-17, 8 years in BPS-18 and BPS-19 from 2021 till to date on regular basis. Response of Hon chief Minister Govt of Khyber Pakhtunkhwa to his appeal is supporting to process his promotion as per past precedence in such cases after 1989.

In the instant case according to law Govt can not withdraw the benefits of Employee which were already granted to him during joining of his service. The rules amended during 2011 by this deptt has no nexus with his case rather rules 1979 are applicable.

I am further directed to inform that the officer has successfully performed when he was assigned the duties to work against the posts of BPS-20 (OPS) for 2 years during 2021 to 2023. He will be retired from his services on 06-02-2024. He may therefore be considered for his promotion to BPS-20 on regular basis in upcoming PSB, please.

Yours faithfully,

Section Officer (Estt)

Copy to:

1. PS to Chief Secretary Government of Khyber Pakhtunkhwa.
2. PS to Secretary Irrigation Government of Khyber Pakhtunkhwa.

Section Officer (Estt)

Attested to be True
COB

(52)

Annex-1.

CONFIDENTIAL

PSB meeting 31.01.2024

Annex I

ITEM NO. (01)

IRRIGATION DEPARTMENT

(Meeting of PSB held on 31.01.2024)

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

At the very outset, the Board was informed that the instant special meeting of Provincial Selection Board has been scheduled for the officers being eligible and senior most in the seniority list falling in promotion who are going to be retired in a week.

2. Secretary Irrigation apprised the Board that due to retirement, a post of Chief Engineer BS-20 is lying vacant in Irrigation Department.


3. According to service rules, the post is required to be filled as under:-
"By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years' service in BPS-17 and above, possessing Degree in B.E/B.Sc Engineering (Civil) from a recognized University and have successfully completed ten (10) weeks In-service Technical Training Course, as prescribed by the Department".

4. The service record of the officer included in the panel, was discussed as follows:-

S #	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Engr. Amjad Khan B.E (Mechanical)	His date of birth is 07.02.1964. He joined government service on 02.10.1989 in BS-17. He was promoted to BS-19 on 06.08.2021. He has completed prescribed length of service for promotion. He is exempted from mandatory training due to age factor. As per service rules, degree in B.E/B.Sc Engineering (Civil) from a recognized University is mandatory for promotion to BS-20 whereas the officer possesses degree in B.E (Mechanical). To a query from the Board that when the case was not covered under the relevant service rules and the officer has also been shown as "not eligible" by the Administrative Department, what was the reason for presenting the case to Board, Secretary Irrigation apprised the Board that the officer is going to be retired from service w.e.f. 06.02.2023 on attaining the age of superannuation as his date of birth is 07.02.1964 and

Attested
Secretary Irrigation
Govt. of Punjab
Establishment Department

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Annex-1.

CONFIDENTIAL

PSB meeting 31.01.2024

<p>Attested P. J. Khan Secretary (PSB) Govt. of Khyber Pakhtunkhwa Irrigation Department</p>	<p>submitted a representation to the Chief Minister, Khyber Pakhtunkhwa with the request to consider his promotion to the post of Chief Engineer BS-20 on the basis of Service Rules notified in 1979 and precedent available in the department. Secretary Irrigation further informed that working paper for amendment in the service rules providing avenues of promotion to the Superintending Engineers (BS-19) possessing B.E (Mechanical) degree was submitted for consideration of SSRC in October 2022. But due to the request / appeal of Superintending Engineers holding B.E / B.Sc Engineering (Civil), the working paper regarding amendment in the proposed service rules was withdrawn in November, 2022. He further apprised the Board that as far as precedent i.e. promotion of Superintending Engineers BS-19 to the post of Chief Engineer BS-20 holding B.E (Mechanical) degree is concerned, they were promoted prior to amendments in the relevant service rules i.e. 2011.</p> <p>The Board thoroughly discussed the case and found the officer ineligible for promotion to the post of Chief Engineer BS-20 in view of the existing service rules, hence could not recommend him for promotion.</p>
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Annex-2



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

No.SOR-V(E&AD)/4-6/General/Irri/2023
Dated 28th February, 2024

To

Engr. Amjed Khan, Ex-Superintending Engineer (BS-19),
Irrigation Department
Cell No.0300-5953830.

Subject: APPEAL FOR JUSTIFIED PROMOTION FROM BPS-19 TO BPS-20 WITH REFERENCE TO CONSIDERATE DELIBERATION IN PSB HELD ON 07.09.2023.

I am directed to inform you regarding your appeal No.1782/15-E dated 30.11.2023 to Hon'ble Chief Minister in the subject matter case.

2. Your case has been considered by Provincial Selection Board (PSB) in its meeting dated 31.01.2023 but was not recommended your promotion from BS-19 to BS-20 due to Service Rules framed during 2011, which states that, "by selection on merit from amongst the senior Superintending Engineers & Directors with at least 17 years' service in BS-17 and above, possessing degree in B.Sc Engineering (Civil) from a recognized University.

Yours's faithfully,

(Sultan Wazir Khan)
SECTION OFFICER (REG-V)

Ends: of even No. & Date.


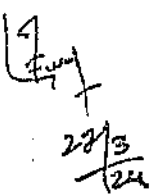
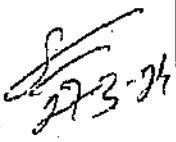
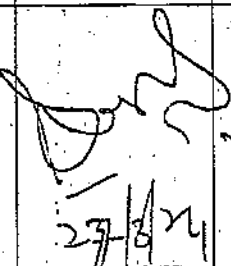
Copy forwarded to: -

1. CSO to Chief Secretary, Khyber Pakhtunkhwa.
2. P.S to Secretary Irrigation Department.
3. PA to Deputy Secretary (R-III) Establishment Department.
4. Master File.

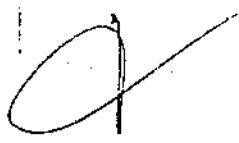
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SECTION OFFICER (REG-V)

Signatures of Officials of Diary/Dispatch Sections for Receiving Representation/Appeal=10 Pages with 14 Annexures from Engr Amjad Khan (Ex-Superintending Engr Irr Deptt) for Honorable Chief Minister, Chief Secretary, Secretary Establishment and Secretary Irrigation, Govt of Khyber Pakhtunkhwa on 27-03-2024. (55)

Sr No	Authority/Department	Diary No/Date	Receiving signature	Name/ Desig.	Cell No
1	Chief Minister, Government of Khyber Pakhtunkhwa, Peshawar	197 / 27-03-2024		Arshad S.S-steno Annex "J"	091-9211705
2	Chief Secretary, chairman Provincial Selection Board (PSB),	CS NO. 1111 27/03/2024		Fazla Rabani Dispatch Section.	
3	Secretary, Establishment & Admn: Department, (Regulation Wing), Government of Khyber Pakhtunkhwa, Peshawar.	D. P.E. 1930 27/3/24		Sajidsh.	
4	Irrigation Department, Government of Khyber Pakhtunkhwa, Peshawar.	Dairy No. 7787 27.03.24.		Junaid	

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56

Before the Honorable Chief Minister, Government of
Khyber Pakhtunkhwa, Peshawar

Representation / Appeal No. _____ of 2024 [10 Pages]

[Index of 14 No Annexures on Page No 10]

Engr Amjad Khan,
Ex-Superintendent Engineer, Irrigation Department,
Government of Khyber Pakhtunkhwa, Peshawar.
R/O of House No. 188, Street 06,
Sector J-1, Phase II, Hayatabad

..... Applicant/Appellant

Versus


1. Irrigation Department,
Government of Khyber Pakhtunkhwa, Peshawar.
Through its Secretary,
2. Secretary, Establishment & Admn: Department,
(Regulation Wing), Government of Khyber Pakhtunkhwa, Peshawar.
3. Provincial Selection Board (PSB),
Through its Chairman,
Government of Khyber Pakhtunkhwa, Peshawar.

..... Respondents

REPRESENTATION / APPEAL FOR JUSTIFIED PROMOTION FROM
BPS-19 TO BPS-20 AS ILLEGALLY AND UNLAWFULLY DENIED TO
THE APPELLANT BEING NOT RECOMMENDED BY THE
PROVINCIAL SELECTION BOARD (PSB) IN ITS MEETING HELD ON
31.01.2024 (Annex-1) AND CONSEQUENTLY THE IMPUGNED
DECISION WAS COMMUNICATED TO APPELLANT ON 28.02.2024
(Annex-2) ON THE BASIS OF SO-CALLED AMENDMENT MADE IN
THE SERVICE RULES WHICH OTHERWISE NOT APPLICABLE
UPON APPELLANT'S PROMOTION.

PRAYER

ON ACCEPTANCE OF THIS REPRESENTATION / APPEAL, THE
IMPUGNED DECISION DATED 31.01.2024 COMMUNICATED ON 28.02.2024,
REGRETTING THE PROMOTION TO APPELLANT, MAY KINDLY BE
RECALLED AND REVERSED AND CONSEQUENTLY WHILE READING
DOWN THE AMENDMENT BROUGHT IN SERVICE RULES, IN YEAR 2011,
THE PROMOTION CASE OF THE APPELLANT BE CONSIDERED UPON
THE SERVICE RULES APPLICABLE AT THE TIME OF APPELLANT'S
INITIAL APPOINTMENT, WITH EFFECT FROM THE DATE OF
MEETING OF THE PSB, AS IT IS SETTLED PRINCIPLE LAID DOWN BY
THE SUPERIOR JUDICIARY IN ITS PLETHORA OF JUDGMENTS THAT
THROUGH AN ADMINISTRATIVE ORDER A VESTED RIGHT OF ANY
PERSON CANNOT BE TAKEN AWAY.

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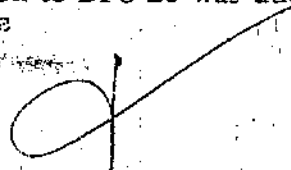
Respectfully Sheweth;

The Applicant/Appellant very humbly implores for permission to plead its grievances at the hands of Respondents and seek solace thereto, as follows:

Facts leading to this Representation / Appeal:

1. That the applicant/appellant has done his Bachelor and Master Degrees in Mechanical Engineering from the University of Engineering and Technology, Peshawar in year 1988 and 2002 respectively. He had also completed MSc level course in Dams Engineering during 2018-19 and obtained 1st division / 4:00 GPA. (Annex-3).
2. That the applicant/appellant had joined the Irrigation Department, Government of Khyber Pakhtunkhwa through PCS and initially was appointed as Assistant Engineer (Mechanical) BS-17 on 02.10.1989 (Annex-4). Wherein he served the Department for almost 34 years and while promoting to BPS-19, remained on the following key posts i.e. Design Engineer, Executive Engineer (Tubewells) Irrigation Division, Deputy Director Remodeling of Warsak Canals system Project (RWCS), Deputy Director, Rehabilitation of Irrigation system, superintending Engineer Mardan Irrigation Circle, Director, Small Dams and Project Manager/Project Director RWCS, Peshawar, with unblemished track record of his employment, clear from any inquiry, whatsoever, against him. Due to outstanding performance he topped (in Merit) the panel of 9 No — superintending Engineers (Annex-5) considered for promotion in PSBs held on 07.9.2023 & 31-03.2024.
3. That it is also worth mentioning here that the applicant/appellant also held position of most Senior Superintending Engineer since 07.09.2023 (Annex-6) till his retirement. During 2022 & 2023 he has also performed duties against BPS-20 (Ops) as Director General & PD BPS-20 (Ops) for Remodeling of Warsak Canal System.
4. That it is a matter of record that last year in September 2023 when the applicant/appellant's further promotion to BPS-20 was due, he being at top of

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the seniority list, amongst nine others, was considered by the Provincial Selection Board (PSB) on its meeting held on 07.09.2023, against three vacant posts of Chief Engineer / Director general BS-20. But unfortunately, only two posts were filled with the junior officers (Annex-7) who were lower in seniority to Appellant and the appellant was not recommended only on the ground that as per amended (2011) Service Rules the Applicant / Appellant does not have a degree in B.E/B.Sc. Engineering (Civil) from a recognized University and his B.E/M.Sc. (Mechanical) is not available in the Appendix of the so-called Service Rules., describing the methods of recruitment, qualification etc.

- 5. That it is also pertinent to mention here that the said amendment brought through Notification dated 17.02.2011 in Service Rules of 1979, debarring the appellant from further promotion was actually introduced by a few biased officials just to deprive the Mechanical Staff from the promotion to highest rank i.e. Chief Engineer (BS-20) and to accommodate their blue-eyed officers. Before such amendment the method/criteria for the recruitment/qualification for the post of Chief Engineer/Director General (BPS-20) was read as follow:-

"By selection on merit from four senior most officers in the Irrigation Department and three in case of Public Health Engineering Department with at least seventeen years experience as Government service, seniority being considered on the case of officers of partially the same standard of merit" (Annex-8)

Whereas after the said amendment this was altered/changed to as follows:

"By selection on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BS-17 and above, possessing degree in B.E/B.Sc. Engineering (Civil) from a recognized University" (Annex-9)

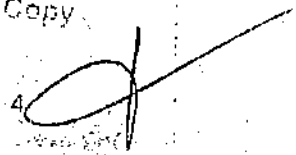
- 6. That it is also pertinent to mention here that the Applicant / appellant was appointed in the year 1989 and his terms and conditions were set under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)

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Rules 1989 read with Departmental Service Rules, 1979 thus the prevailing rules created a vested right for the appellant to be promoted to the post of Chief Engineer with such criteria already laid down in the Appendix/Schedule.

- 7. That it is also noteworthy here that earlier Engr Parvez Khan Jadoon (BSc Mech Engg) has been recommended by PSB & promoted to Regular BPS-20 during 2007-08 and he remained Chief Engineer/Director General Dams from 2007-09 in BPS-20 (Regular).
- 8. That the Applicant/Appellant being aggrieved of such discriminatory decision immediately approached the Honorable Chief Minister and filed a Representation/Appeal dated 30.11.2023(Annex-10) through proper channel, which was allowed on 29.12.2023 (Annex-11) and the concerned Departments were directed to process the case of the appellant promotion as per the precedents available in such case. Consequent to such development a special meeting of the Provincial Selection Board was convened on 31.01.2024 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa.
- 9. That it is also worth mentioning here that Secretary, Irrigation Department also wrote a letter to Secretary, Establishment in favor of the Applicant/Appellant (Annex-12) explaining the present situation, where the Government cannot withdraw the benefits of employees which were already granted at the joining of their services and also categorically mentioned that the Amended Rules, 2011 has no nexus with the appellant's promotion case and the Rules of 1979 are applicable.
- 10. That in these circumstances, where the applicant/appellant was sure enough that this time he will be granted promotion in accordance with his terms and conditions set under the Service Rules of 1979, but to utmost dismay of the applicant/appellant when this Board Meeting was held on 31.01.2024, he was again not recommended by the PSB while finding him ineligible in view of the existing Service Rules. This decision was, later on, after the retirement of the Applicant/Appellant communicated to him through refusal letter 28.02.2024.

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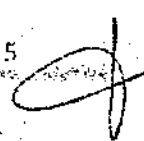


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11. That now once again feeling gravely dissatisfied and aggrieved of the impugned decision of the Respondents, dated 31.01.2024 communicated on 28.02.2024 the Applicant/Appellant is constrained to file the instant representation/appeal, on following grounds and reasons, amongst others:

Grounds warranting this Representation / Appeal:-


- a) Because the impugned decision not recommending the appellant for promotion is without lawful Authority/ justification, tainted with *malafide*, hence is liable to be declared illegal, based on error, wanton and void on the rights of the Appellant and needs to be recalled/reversed.
- b) Because the Respondent No. 3 has erred while finding ineligible the appellant for the promotion to the post of Chief Engineer (BS-20).
- c) Because the impugned decision of not recommending the applicant/appellant for promotion is violative of principles of natural justice.
- d) Because the actions and inactions of Respondents were hit by the doctrine of promissory estoppel.
- e) Because the impugned decision was passed in an arbitrary manner and lacked a reasonable basis.
- f) Because the worthy PSB has not taken into consideration the true facts of the case and has acted in a slipshod and hectic manner.
- g) Because one vacancy is still kept reserved by the PSB, due to plausible reasons regarding appellant's case that he was on the top of seniority list.
- h) Because the appellant was the senior most superintending Engineer in the Deptt. till his retirement and topped the panel in merit & ACRs' grading.
- i) Because the applicant/appellant have about 34 years spotless career at his credit and attained the ability due to which he was posted to perform against positions of BPS-20 (OPS) as Director General and Project Director dg 2022-23 in Irrigation deptt.
- j) Because due to applicant's hard work & exceptional performance in his services he was recognized and been honored by outstanding grades, both from the Reporting officer & Secretary Irrigation as a Director Dams Irrigation department.



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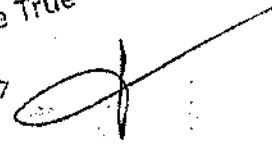
- k) Because the applicant/Appellant was appointed as Assistant Engr (BS-17), on 02-10-1989, in Irrigation Deptt, on the recommendations of Khyber Pakhtunkhwa Public Service Commission, under combined cadre rules of 1979 for promotion till BPS-20.
- l) Because the applicant/Appellant has topped PSC against one vacancy & obtained BSc Engg Degree (First Division) (a), M.Sc. Engg Degree (GPA 3.63/4) (b), with distinction (c) [(Annex-13 (4 docts))], from UET Peshawar; having two Research Publications of International & National repute (d). Obtained 'A' grade in Dams Engg Design of M.Sc Engg level course (Annex-3).
- m) Because the applicant is also position holder of Departmental Professional & Revenue exams which are mandatory for promotions to all Grades from BS-17-18-19 & then to BS-20.
- n) Because It is of vital importance that during joining a Govt service by high qualified Engineer especially when he can topped PSC, the applicant would never accepted the condition for restraining him to retire in BPS-19.
- o) Because like many others Engr fellows the competitors on positions at 2nd, 3rd et; all, for the cited post (of PSC) have joined other Govt deptts who have been retired in BS-21 & BS-22. It is relevant to state that Design works of Canals, Tunnels, Aqueducts, and Siphons etc are carried out by Consultant Engineering Firms who have Doctorate Engineers in different Engg disciplines that is PhD Structure Engg, PhD Hydrology, PhD Geo tech Engg & others to carry out design of all types of Engineering infrastructures by their joint efforts following monitoring and supervision of the projects during executions. The PhD Engineers of Consultancy firms prepare engineering feasibilities...PC-IIs and PC-IIIs and projects estimates based on their design. Subsequently the said documents are signed by Executive Engrs, superintending Engrs and Chief Engrs with final signature of Secretary of department for execution by contractor under supervision of Consultants' Engineers. It is also to mention that Executive Engrs, superintending Engrs and Chief Engrs are required to have Bachelor degree of BSc Engg except Secretary of deptt who is normally PMS or PAS officer. The departmental Engineering staff under the head of department inspects the works with parallel guidance of Consultants. They also hold the meetings of DDWPs, PDWPs and CDWPs and DSCC both at provincial and Federal levels. The said practice is continued since last 5 decades or more under combined cadre of 1979 Rules of promotion to different levels from BPS-17 to 18, 19 & BPS-20.
- p) Because the applicant/appellant has been promoted, time to time, on the strength of his excellent performance as evident from his service record of having A-Grade ACRs and lastly promoted to BPS-19 on 06.08.2021 and then posted on special merit to perform against posts of BPS-20 in OPS as described above.

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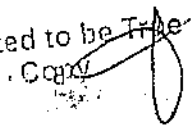


- q) Because at the time of my appointment, the Irrigation Department (Recruitment & Appointment) Rules, 1979 were in-field, which created a vested right for the applicant which cannot be taken away by an administrative order.
- r) Because on the basis of earlier rules Engr. Pervez Jadoon B.Sc Engg (Mech) has already been promoted to BPS-20 on regular basis through Provincial Selection Board (PSB), thus the Applicant also cannot be deprived of his due right.
- s) Because the service rules ibid were skewed-up & changed biasedly to benefit blue-eyed persons unlawfully at the cost of affecting the career of others in the year 2010-11 in contrast to judgment of superior court reported as 2013 PLC (CS) 864.
- t) Because the so called amendment is discriminatory in nature and thus its authenticity can be questioned, whether the authority was empowered to bring such changes or such rules are duly approved from the Cabinet & Governor or not?
- u) Because the amendment in service rules is irrational rather maleficent for the Govt Servant. Change in 1979 Rules after 32 years by SSRC in 2010-11 is deceptive in nature rather to mislead.
- v) Because from 1979 till to-date, any higher-up has never given any adverse remarks in any ACR to differentiate in ability of engineers from both the said disciplines.
- w) Because no retrospective effect can be given to such rules which are violative of vested rights are already created.
- x) Because such an insidious amendment in Service Rule of 1979 during 2010-11 has no nexus/spectrum with applicant's case rather Rules 1979 are attracted / applied to Applicant case as his vested rights are protected under Articles 4, 10-A & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- y) Because the Apex judiciary of Pakistan, in plethora of its judgment settled down the principle that through an administrative order, no one's vested rights can be taken away while giving it a retrospective effect.
- z) Because it is an accepted principle of the Constitutional jurisprudence that a Constitution being a basic document is always treated to be higher than other statutes and whenever a document in the shape of law given by the Parliament or other competent authority is in conflict with the Constitution or is inconsistent then to that extent the same is liable to be declared un-constitutional.

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- aa) Because it is a settled maxim that the very concept of fundamental right is that it being a right guaranteed by the Constitution cannot be taken away by the law. PLD 1957 SC 9.
- bb) Because the constitution of the State is higher in authority than any law, direction, or order made by anybody or any officer assuming to act under it, since such body or officer must exercise a delegated authority, and one that must necessarily be subservient to the instrument by which the delegation is made; in any case of conflict the fundamental law must govern, and the act in conflict with it must be treated as of no legal validity.
- cc) Because the impugned amendment in service rules is unfair and unreasonable as declared in 2002 C L C 1819.
- dd) Because the impugned amendment in service rules is manifestly unjust as it disclosed bad faith and involved oppressive and gratuitous interference with the rights of applicant/appellant.
- ee) Because the impugned amendment also do not pass, test of constitutionality as it has been ascertained by way of judgment reported as, P L D 2011 Lahore 120.
- ff) Because the apex Supreme Court has vividly laid down in the judgment, PLD 1963 SC 486 that Constitution is the supreme law of the state and any law repugnant to its provisions shall be deemed null and void.
- gg) Because the worthy PSB has failed to act in accordance with the guidelines / procedure provided under the law.
- hh) Because the worthy PSB has failed to consider the matter in its true prospective and has acted in a partisan manner.
- ii) Because the impugned decision of refusal is not a speaking and clear decision and tantamount to injustice and is thus liable to be recalled.
- jj) Because the Impugned actions and Inactions of the Respondents were hit by doctrine of legitimate expectation and *locus poenitentiae*.
- kk) Because it is an alienable and inherent right of the appellant to be treated in accordance with law and must not be deprived of its vested rights.
- ll) Because without prejudice to the appellant's stance of non-applicability of rule/condition laid down later on in year 2011, the Respondent No. 03 while passing impugned decision neither provided any justification of not considering

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such stance nor given any explanation to consider the case in view of existing service rules.

mm) Because impugned decision of refusal do not pass the test of reasonableness and relevance and thus are liable to be rescinded/reversed.

nn) Because since the applicant/appellant has been retired on 06.02.2024, so entire request / fight is being made just to retire with the due honor as Chief Engineer in BS-20.

oo) Because the impugned decision suffered from administrative highhandedness and questionable exercise of powers thus is liable to be reversed/set aside.


pp) Because the impugned decision is without lawful authority and of no legal effect and passed in clear violation of the actual applicable service rules.

qq) Because if the impugned decision and order is not reverted/set aside the Appellants will be put to an insurmountable distress and loss.

rr) Any other grounds rise later on in the best interest of Justice.

IT IS, THEREFORE, MOST HUMBLY PRAYED THAT on acceptance of this representation / appeal the impugned decision dated 31.01.2024 which was communicated on 28.02.2024, regretting the promotion to appellant, may kindly be recalled and reversed and consequently while reading down the amendment brought in service rules, in year 2011, the promotion case of the appellant be considered upon the service rules applicable at the time of appellant's initial appointment, with effect from the date of meeting of the Provincial Selection Board. Any other remedy not specifically asked for may also be granted if deemed Just, fit and appropriate in the circumstance of the case.

APPLICANT/APELLANT


Engr. Anjad Khan 27/3/2024
Ex-Superintending Engineer,
Irrigation Department, Govt of KP,
Peshawar. (0300-5953830)

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