

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO 114/ 2024

MR. MASOOD KHAN

VS

THE GOVT: OF KP & OTHERS

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Dated: 11-11-2024

APPELLANT
THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO 114/ 2024

MR. MASOOD KHAN

VS

THE GOVT: OF KP & OTHERS

REPLY ON BEHALF OF PRIVATE RESPONDENTS Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17849

Dated 11-11-24

R/SHEWETH:

The impleaded private respondents submit as under:-

Preliminary Objections:

- i. That the appellant has got no locus standi of cause of action against the replying respondents.
- ii. That no discrimination/injustice has been done by the respondent to the appellant.
- iii. That the appellant has not approached to this Honourable Court with clean hands.
- iv. That due to concealment of material facts and misstatement, appeal is liable to be dismissed.
- v. That the appeal is barred by time and not maintainable in eyes of law.
- vi. That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary and proper parties.
- vii. The instant appeal is baseless, frivolous and concocted, based on malafide intentions for ulterior motives, hence not tenable at all.
- viii. The appellant is estopped by his own conduct to file the instant service appeal.

ON FACTS:

- 1) That Para No 1 of the appeal is correct to extent that the appellant alongwith others were appointed as Sub Engineer (BPS-11) in the Project titled "National Program for Improvement of Watercourses in Pakistan (Khyber

Pakhtunkhwa Component) vide District Officer OFWM National Program for Improvement/Lining of Water Courses in Pakistan (Project for Khyber Pakhtunkhwa) Bannu vide order dated 31/12/2004 for a period of one year with effect from 01/01/2005 to 31/12/2005 as per terms and conditions specified for project posts. Rest of the para is incorrect. Copy attached as annexure.....A

- 2) That Para No 2 of the appeal is incorrect hence denied. In the year 2011, the appellant alongwith others filed Writ Petition No 1897/2011 in Peshawar High Court Peshawar for regularization of their project services which was allowed by the Honourable Peshawar High Court Peshawar, vide order dated 07/03/2012 in favour of the petitioners. The Govt. of Khyber Pakhtunkhwa Agriculture department filed CPLA in the august Supreme Court of Pakistan against the decision dated 07/03/2012 of Peshawar High Court Peshawar.

Later on vide order dated 13/06/2013 rendered by the august Supreme Court of Pakistan in C.P. No. 302-P/2011 and others connected CPs referred the matter to the Hon'ble Chief Justice of Pakistan for constitution of Larger Bench to re-examine or revisit the judgments delivered by the High court as well as the Supreme Court of Pakistan. Copy of order dated 13/06/2013 is attached as annexure.....B

The Larger Bench of august Supreme Court of Pakistan decided CA 136-P/2013 (wherein the appellant was one of the respondent) & other connected cases vide judgment dated 24/02/2016 in which at Para-27 it was held that the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 clearly provides *"for the regularization of the employees appointed either on contract basis or Adhoc basis & were holding contract appointments on 31 December, 2008 or till the commencement of this Act. Admittedly, the respondents were appointed on one-year contract basis, which period of their appointments was extended from time to time and were holding their respective posts on the cut-of date provided in section 3(ibid)"*. Copies of judgment dated 24/02/2016 & Regularization of Service Act, 2009 are attached as annexure.....C&D

In pursuance to the judgment dated 02.2016 of Larger Bench of the august Supreme Court of Pakistan the services of the appellant along with others were regularized vide notification dated 30-11-2016 and placed in surplus pool created in office of the Secretary Agriculture due to non-availability of posts in On Farm Water Management department.

Copy of regularization notification dated 30/11/2016 is attached as annexure.....E

- 3) That Para No 3 of the appeal has already been explained in preceding paras.
- 4) That Para No 4 of the appeal is incorrect, hence denied. These regularized Sub Engineers were gradually adjusted in On Farm Water Management department upon availability of vacancies and finally surplus pool in office of the Secretary Agriculture was abolished and all the employees included Sub Engineers were adjusted in On Farm Water Management department. Consequently a draft seniority list **dated 21/02/2023 was prepared and circulated amongst all the incumbents (Sub Engineers) on which certain reservation / objections were raised.** The objections raised on the tentative seniority list dated 21/02/2023 were considered and a meeting under the Chairmanship of Director General on Farm Water Management of all the Sub Engineers was called on 25/05/2023 to discuss the reservations/ objections which was attended by the Sub Engineers including the appellant. All the reservations/ objections were discussed one by one with reference to the relevant rules regarding seniority of Civil Servants. Reference was made to the judgment of Larger Bench of Supreme Court of Pakistan dated 24/02/2016 and Section 4 of the Khyber Pakhtunkhwa (Regularization of Service Act, 2009) as the services of the incumbents of the seniority were regularized in accordance with the Khyber Pakhtunkhwa (Regularization of Service Act, 2009) and decision of the Larger Bench of Supreme Court of Pakistan, accordingly final seniority list dated 14/06/2023 of Sub Engineers of OFWM Department was issued wherein the appellant Mr. Masood Khan is placed at Seniority. No. 19. Copy of seniority list is attached as annexure.....F

It is pertinent to mention here that earlier some Water Management Officer (BPS-17), of On Farm Water Management department whose services were regularized in pursuance to judgment dated 24/02/2016 of Larger Bench of the august Supreme Court of Pakistan filed appeals in the Hon'ble Khyber Pakhtunkhwa Service Tribunal for determination of their seniority which were decided by the Khyber Pakhtunkhwa Service Tribunal, on 06/04/2018 with the direction that "*As a sequel to the above discussion, the impugned seniority list is set aside. The respondent department is directed to prepare revised seniority list in accordance with the judgment of Larger Bench of Supreme Court of Pakistan dated 24/02/2016 and in the light of Section-4 of the Khyber Pakhtunkhwa Employees (Regulation of Service) Act, 2009. The present appeals are*

disposed of in the above terms. Copy of order dated 06/04/2018 is attached as annexure.....G

- 5) That Para No 6 of the appeal is incorrect. The appellant never filed by application/departmental appeal against the final seniority list issued on 14/06/2023 before the present respondents.
- 6) The reply of the ground is as under:-

Grounds:-

- A) Para A of grounds of appeal is incorrect. The Seniority List dated 14/06/2023 was prepared and issued in accordance with the judgment dated 24/02/2016 of Larger Bench of Supreme Court of Pakistan, therefore, the seniority list is in accordance with law, facts and material on record, hence the plea of the appellant is not based on facts.
- B) Para B of grounds of appeal is incorrect. The Seniority List dated 14/06/2023 was issued in pursuance to judgment dated 24/02/2016 of Larger Bench of Supreme Court of Pakistan and order dated 06/04/2018 of this honourable Tribunal rendered in Appeal No 1326/2017, therefore, the seniority list is according to principles of fairness, norms of service law & natural justice.
- C) Para C of grounds of appeal is incorrect. The seniority list was issued in accordance with relevant rules regarding seniority of Civil Servants with particular reference to the judgment of the Larger Bench of Supreme Court of Pakistan dated 24/02/2016 and Section-4 of the Khyber Pakhtunkhwa (Regularization of Service Act, 2009), therefore, the plea of the ant is not based on facts and material on record.
- D) As explained in Para-C above the seniority list dated 14/06/2021 was prepared and issued an accordance with Judgment dated 24/02/2016 of Larger Bench of Supreme Court of Pakistan & Section-4 of Khyber Pakhtunkhwa (Regularization of Service Act, 2009), therefore, the plea of the appellant is not based on facts and material on record.
- E) The plea of the appellant is incorrect as all the relevant laws and rules have been adhered in issuance of the seniority list.
- F) Para F of grounds of appeal is incorrect. The seniority list was issued in accordance with Section-4 of Khyber Pakhtunkhwa (Regularization of Service Act, 2009), wherein it is clearly stated that the employee older in age shall rank senior to the younger

one, therefore, the plea of the appellant that he is senior in age and shown junior is not based on facts and material on record.

- G) That the plea of the appellant is incorrect as explained in above paras.
- H) Para H of grounds of appeal is incorrect. In issuance of the seniority list dated 14/06/2023 all the relevant rules regarding seniority of Civil Servants have been adhered.
- I) Para I of grounds of appeal is incorrect. The plea of the appellant is not based on facts and material on record as no one junior to the appellant in age and officiation is placed senior to him.
- J) Para J of grounds of appeal is incorrect. The plea of the appellant is not based on facts and material on record as explained in above paras.
- K) Para K of grounds of appeal is incorrect. The plea of the appellant is not based on facts as he was treated according to law & rules on the subject and have not been deprived in anyway.
- L) That the respondents also seek permission of this honourable Tribunal to raise additional ground during arguments.

It is therefore requested that on acceptance of the Instant para wise comments, the appeal of the appellant may kindly be dismissed.

Through

Impleaded Private Respondents

NOOR MOHAMMAD KHATTAK
Advocate Supreme Court

UMAR FAROOQ MOHMAND

WALEED ADNAN

KHANZAD GUL
Advocates High Court

AFFIDAVIT

I, Malik Naeem Iqbal, (private respondent No 6), do hereby solemnly affirm that the contents of this **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

OFFICE ORDER

N
6

In continuation /light of appointment/recruitment/selection committee constituted by the Prov: Govt of NWFP Agri, live stock, Coop: deptt: No:CEO(AD)WM-20/2004 Date:16/10/2004, meeting held under the chairmanship of District Coordination Officer Bannu Dated 31-12-2004, the following applicants/candidates for the post of Sub-Engineers are hereby recommended for recruitment/appointment by the Recruitment selection Committee as notified vide above noted reference letter No: are hereby appointed for period of one year purely on contract basis against the vacant posts of Sub Engineers Wef:01/01/2005 to 31/12/2005 in On-Farm Water Management National Program for improvement of water courses in Pakistan Project for (NWFP)Bannu in (B.P.S-11) (Grade = Rs. 2590-175-7840) with allowances subject to the following terms and conditions.

1. They will provide an agreement bond on stamp paper of Rs. 20/- duly attested from Oath Commissioner accepting the posts on contract basis for one year.
2. Their appointments are purely on temporary basis they will provide health and age certificate from the health department.
3. In case of resignation they will have to give one month notice in advance or in lieu their of his one month pay will be forfeited.
4. They will neither entitle for pension & G.P Fund nor any deduction will be made from their pay in this regard.
5. They will have provide the original three year Diploma in Associate Engineer (Civil) before joining their duties to the undersigned for verification & return, failing which their arrival report will not be accepted.
6. On their appointment as such, they will have no right of seniority and of regular appointment on the posts, or any other post in the project.

If they accept the order above terms and conditions they may report for duty to District Officer, On-Farm Water Management Bannu on 01/01/2005 or in seven days.

S.NO	NAME	F/NAME	ADDRESS
1.	Noor-ul-haq	Mahaj-ud-Din	C/O Zeb Cement Dealer, P/O Kot Beli, Bannu.
2.	Imran Khan	Naeem Khan	H.No. 568/D Mohalla Munshian Bannu City Bannu.
3.	Fayaz Muhammad	Muhammad Ayub Khan	H.No. 334/B Inside Hinjal Gate Bannu City Bannu.
4.	Kifayatullah	Abdur Rauf.	Vill: F.R. Kati Khel Barik khel P/O Kotka Muhammad Khan Bannu.
✓ 5.	Masood Khan.	Muhammad Aslam Khan.	Vill: Dharma Khel, P/O: Niazam Bazar Bannu.
6.	Asmatullah Khan	Amir, Qaid Khan	Vill: Khojari Babar, P/O: Khojari Khas, Bannu.
7.	Wasim Khan	Abdur Shad.	Vill: Ghari Dhari Sydan, Noghari Mamash khel Bannu
8.	Waheed Nawaz	Ghulam Muhammad	Vill: Kot Adil Bannu.
9.	Inam Rasool:	Jahan Zeb Khan.	Vill: Amandi Khanif P/O Amandi Sheidh Amir, Bannu.
10.	Sharafatullah.	Sher Ahmad Khan	Vill: Kotka Bahadur Khan P/O Torka Bazar Bannu.
11.	Qaisar Kamal.	Abdullah Khan	Vill: Basia Khel Surani P/O Torka Bazar Bannu.
12.	Zia Ullah Khan Hidayatullah Khan		Vill & P/O: Bada Mir abbas, Bannu.

Attested
SANA ULLAH
Admn: Officer to DG
On Farm Water Management,
Khyber Pakhtunkhwa, Peshawar

Sd/-(Mr. Gulistan Khan)
District Officer,
OFWM, N.P. for Impt/
Lining of W/Cs: in Pak:
(Project for NWFP),
Bannu.

No.858-73/D.O. OFWM, dated Bannu the, 31/12/2004.

Copy to :-

1. The Concerned applicant/Candidate.
2. The District Coordination Officer, Bannu.
3. The executive Distt: Officer, Agriculture, Bannu.
4. The Director General, On-Farm Water Management, NWFP Peshawar

For information and necessary action please:

District Officer, OFWM,
N.P. for Impt/Lining of
W/Cs: in Pak (Project for NWFP), Bannu.

ATTACHED

4B" (7) Annex -

409

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE SARMAJ JALAL OSMANY
MR. JUSTICE IQBAL HAMEEDUR RAHMAN

CIVIL PETITION NO. 302-P OF 2011
(on appeal from the judgment of the Peshawar High Court, Peshawar dated 24.03.2011 passed in Review Petition No. 103 of 2011 in W.P. No. 59 of 2009)

AND

C.M.A. NO. 17-P OF 2012 AND
CIVIL PETITION NO. 572-P OF 2011
(on appeal from the judgment of the Peshawar High Court, Peshawar dated 22.09.2011 in W.P. No. 2170 of 2011)

AND

C.M.A. NO. 267-P OF 2013 AND
CIVIL PETITION NO. 221-P OF 2012
(on appeal from the judgment of the Peshawar High Court, Peshawar dated 07.03.2012 in W.P. No. 1897 of 2011)

AND

C.M.A. NO. 264-P OF 2013 AND
CIVIL PETITION NO. 222-P OF 2012
(on appeal from the judgment of the Peshawar High Court, Abbottabad Bench dated 13.03.2012 in W.P. No. 200-A of 2012)

Government of KPK through
Secretary Agriculture & others

...Petitioners/Applicants.

VERSUS

Adnanullah
Amir Hussain & others
Muhammad Younas and others
Atia Ullah Khan & others

(in CP 302-P/11)
(in CP 572-P/12)
(in CP 221-P/12)
(in CP 222-P/12)
...Respondents.

For the Petitioners:

Mr. Zahid Yousaf, Addl. AG. KPK
a/w Sahibzada Alamgir, Director.

ATTESTED

For the Respondents:

(in CP 302-P/11)

and CP 221-P/12)

Mr. Imtiaz Ali, ASC.

(in CP 572-P/11)

(in CP 222-P/12)

Mr. Waseem-ud-Din Khattak, ASC.
Mr. Ejaz Anwar, ASC.

(CMA 267-P of 2013)

Nemo.

Sana Ullah
SANA ULLAH
Admin. Officer to DG
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

[Signature]
Supreme Court of Pakistan
Peshawar.

[Signature]
ATTESTED

Date of Hearing: 13.06.2013

8

ORDER

NASIR-UL-MULK, J. — These petitions for leave to appeal were heard on a number of dates. In order to appreciate the points involved in them, background facts need to be stated in some details with reference to previous litigation on the same subject.

2. The controversy relates to regularization of employees of the "N.W.F.P. On-Farm Water Management Projects/National Programme for Improvement of Watercourses in Pakistan (NWFP Component)". For the sake of facility the employees are divided into two groups, the "project employees" and the "regular employees". It may however be clarified that the status of the latter as to whether they were regular or project employees is disputed by the other group and is subject to determination. All these employees were appointed on different dates between the years 1980 to 2006. In order to regularize some of them, a Summary was prepared for the then Chief Minister, N.W.F.P. (now KPK) for the creation of 302 new posts against which the employees in the 'Development Projects' numbering more than 500 who have served for 10 to 30 years, would be appointed stage wise in three years. The Summary was approved on 21.12.2006. In order to give effect to it, notifications were issued by the Finance Department for the creation of the posts.

3. During the course of hearing, we were informed that against the newly created posts, 254 of the "regular employees" were appointed. A number of "project employees" filed Writ Petition No. 1645 of 2007 in the Peshawar High Court, praying for appointment against such newly created posts. Their Writ Petition was allowed on 22.12.2008, the Court directing, on the concessional statement made by the then Additional Advocate General KPK, to "adjust/regularize the petitioners in due course".

TESTED

[Signature]

the Court of Pakistan,
Peshawar

[Signature]

SANA ULLAH
Admn. Officer to O.G.
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

~~ATTACHED~~

on the vacant posts or posts whenever falling vacant in future but in order of seniority/eligibility. Against the said judgment and other similar orders passed by the High Court Review Petitions were filed by the Provincial Government. The same were dismissed on 01.12.2009. The Government by leave of the Court filed Civil Appeal Nos. 834 to 837 of 2010 titled Government of NWFP through Secretary Agriculture Livestock & Cooperative Department etc. v. Abdullah Khan etc. which were dismissed on 01.03.2011 on the ground that the services of the respondents before it stood regularized under the North-West Frontier Province Employees (Regularization of Services) Act, 2009 (hereinafter referred as to the Act of 2009), as there was nothing on the record produced either before the High Court or this Court that the said respondents were appointed on project posts.

4. Later 16 Writ Petitions by a large number of "project employees" were filed which were decided by a common judgment delivered in Writ Petition No. 360 of 2009. The petitions were allowed on the basis of the N.W.F.P. Civil Servants (Amendment) Act, 2005 (hereinafter referred as to the Act of 2005) and the Act of 2009, which provided for regularization of ad-hoc and contractual employees. This judgment was assailed before this Court. With reference to the afore-stated statutes, petitions for leave to appeals were dismissed through a common judgment delivered in Civil Petition Nos. 562-P to 571-P etc. of 2012 Government of KPK Agriculture Livestock & Cooperative Department etc. v. Amir Hussain and others on 22.03.2012 and the judgment of the High Court was maintained.

5. The judgment of the High Court in Writ Petition No. 1645 of 2007 dated 22.12.2008 as maintained by this Court in Civil Appeal Nos. 834 to 837 of 2010 dated 01.03.2011 was again followed by the High Court in Writ Petition No. 733 of 2011 decided on 08.12.2011. The High

RECORDED

[Signature]
Secretary,
High Court of Pakistan
Peshawar.

[Signature]

SANA ULLAH
Admin. Officer to DG

RECORDED

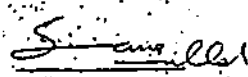
Court in similar case again granted relief in Writ Petition No. 1897 of 2011 decided on 07.03.2012. The present petition for leave to appeal arises from Writ Petition No. 59 of 2009, where direction was given on the concession of the Additional Advocate General KPK on 21.01.2007 to adjust the petitioners. This decision was based on a similar direction given in Writ Petition No. 357 of 2008. The Government of KPK had filed Review Petition No. 103 of 2011 against the judgment of 21.01.2009 passed in Writ Petition No. 59 of 2009. The same was dismissed on 24.03.2011. The said judgment now impugned in C.P. No. 302 of 2011. The same or similar questions are involved in the other connected petitions.

6. During the course of hearing of the present matters, it came to light that the total numbers of employees serving in National Programme for Improvement of Watercourses in Pakistan (NWFP Component) were 755. Against 302 newly created posts 254 of the "regular employees" have been appointed. Out of the balance of 48 posts, 10 were reserved for promotion quota, whereas the remaining 38 project employees were appointed pursuant to the judgments and orders passed by the High Court and this Court. However these were insufficient to adjust the many project employees granted relief by the Courts. Thus additional 155 employees had to be adjusted in Surplus Pool due to non-availability of posts. Upon our query, we were provided with a list of 31 Writ Petitions now pending before the Peshawar High Court, whereby the "Project Employees" have prayed for regularization of their services. Total number of the petitioners in these petitions are 264. If such Writ Petitions are also allowed on the touchstone of the judgments already delivered, the total number of employees to be appointed would add up to 673 against the newly created 302 posts. It seems that the said figures were not brought to the notice of the Courts when afore-stated

ATTESTED



Attorney General
Peshawar



SANA ULLAH
Admin. Officer to DC
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

ATTESTED

judgments were delivered. The appointment letters of the "project employees" showed that they were appointed on contract basis for the projects. As regards "regular employees", though they were appointed after selection through Public Service Commission but their letters of appointment also make reference to the projects.

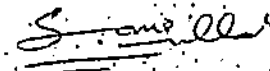
7. It may be stated that Section 3 read with clause (f) of Sub-Section (1) of Section 2 of the Act of 2009 provides for regularization of those employed on contract or ad-hoc basis on "posts under the Government or in connection with the affairs of the Government to be filled in on the recommendations of the N.W.F.P. Public Service Commission." From the judgments of this Court both in Civil Appeals No. 834 to 837 of 2010 (ibid) and Civil Petition Nos. 562-P to 571-P etc. of 2012 (ibid) it appears that it was not brought to the notice of the Court that the respondents were "project employee". In view of the circumstances that now emerges, the judgments delivered by the High Court as well as this Court need to be re-examined or revisited. Leave to appeal in all these cases is granted, *inter alia*, to consider whether:

- i.) the "project employees" as well as the "regular employees" were appointed on "project posts" or "regular posts" and in case the latter were appointed against "regular posts" would they be entitled to be appointed on the newly created posts in preference to the other group;
- ii.) in the event it is found that all the employees were appointed in Projects, should the 302 posts created be filled up on the basis of seniority;
- iii.) the "project employees" who were granted relief by the High Court were entitled to have their services regularized under the Act of 2009;
- iv.) in case the appellants are to be restricted to the 302 newly created posts and appointed on the basis of seniority, would those who have been appointed on the orders of the Courts and are to be excluded on account of

ATTESTED



Supreme Court of Pakistan
Peshawar


SANA ULLAH
Admin. Officer to DG
On Farm Visitor Management
Khyber Pakhtunkhwa, Peshawar

ATTESTED

their seniority position, would their appointments be reversed.

8. As the decision on Paragraph 6(iv) might effect the appointments of such employees, notices need to be issued to them in accordance with the list to be provided by the learned Additional Advocate General. The appeals be heard on the present record, with liberty to the parties to file additional documents.

9. Since the judgments of this Court in Civil Appeals No. 834 to 837 of 2010 (ibid) and Civil Petition Nos. 562-P to 571-P etc. of 2012 (ibid) were delivered by three Members Benches, let the matter be placed before the Honourable Chief Justice of Pakistan for constitution of a Larger Bench.

C.M.A. NOs. 17-P of 2012 and 264-P of 2013

These applications for filing additional documents and clubbing Civil Petition No. 222-P of 2012 with the above titled appeals respectively are allowed and both the applications are disposed off.

C.M.A. NO. 267-P of 2013

The application for impleadment as respondents is dismissed for non-prosecution.

Sd/- Nasir-ul-Mulk, J.
Sd/- Sarmad Jalal Amari
Sd/- Iqbal Hameedur Rahman

certified to be true copy

25-6-2013
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar

PESHAWAR
13th June 2013
Mudassar

"Not approved for reporting."

Sana Ullah
SANA ULLAH
Admin. Officer to C.O.
On Farm Water Management
Khyber Pakhtunkhwa Peshawar

ATTST

"C"
13

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI, HCF
MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE AMIR HANI MUSLIM
MR. JUSTICE IQBAL HAMEEDUR RAHMAN
MR. JUSTICE KHILJI ARIF HUSSAIN

CIVIL APPEAL NO.134-P OF 2013

(On appeal against the judgment dated 24-03-2011 passed by the Peshawar High Court, Peshawar, in Review Petition No.103/2009 in WP. No.59/2009)

Govt. of KPK thr. Secy. Agriculture Vs. Adnanullah
and others

CIVIL APPEAL NO.135-P OF 2013

(On appeal against the judgment dated 22-09-2011 passed by the Peshawar High Court, Peshawar, in Writ Petition No.2170/2011)

Chief Secy. Govt. of KPK & others Vs. Amir Hussain and others

CIVIL APPEAL NO.136-P OF 2013

(On appeal against the judgment dated 07-03-2012 passed by the Peshawar High Court, Peshawar, in Writ Petition No.1827/2011)

Govt. of KPK and others Vs. Muhammad Younas and others

CIVIL APPEAL NO.137-P OF 2013

(On appeal against the judgment dated 13-03-2012 passed by the Peshawar High Court, Abbotabad Bench, in Writ Petition No.200-A/2012)

Govt. of KPK and others Vs. Attaullah Khan and others

CIVIL APPEAL NO.138-P OF 2013

(On appeal against the judgment dated 20-06-2012 passed by the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in W.P. No.189-M/2012)

Govt. of KPK thr. Secy. Agriculture Vs. Muhammad Ayub Khan
Livestock Peshawar and others

CIVIL APPEAL NO.52-P OF 2015

(On appeal against the judgment dated 5-12-2012 passed by the Peshawar High Court, Peshawar in Writ Petition No.3087/2011)

Govt. of KPK thr. Chief Secretary Vs. Qalbe Abbas and another
and others

CIVIL APPEAL NO.1-P/2013

(On appeal against the judgment dated 10-05-2012 passed by the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in Writ Petition No.2474/2011)

District Officer Community Vs. Ghani Rehman and others
Development Department (Social
Welfare) and others

CIVIL APPEAL NO.133-P OF 2013

(On appeal against the judgment dated 17-05-2012 passed by the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat, in Writ Petition No.2001/2009)

Govt. of KPK thr. Secretary Vs. Ifikhar Hussain and others

ATTESTED

Court Associates
Supreme Court of Pakistan

ATTESTED

14

CA.232-P/2015
For the appellant(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK

For Respondent No.1 : Mr. Shoaib Shaheen, ASC

CP.600-P/2014
For the Petitioner(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK

For the Respondent(s) : Mst. Sadia Rehim (in person)

CP.496-P/2014
For the Petitioner(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK
Noor Afzal, Director, Population Welfare
Department.

For the Respondent(s) : Mr. Khushdil Khan, ASC

CP.34-P/2014
For the Petitioner(s) : Mr. Shakeel Ahmed, ASC

For the Respondent(s) : Syed R. Faqat Hussain Shah, AOR

CPs.526 to 528-P/2013
For the Petitioner(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK

For the Respondent(s) : Mr. Ijaz Anwar, ASC

CP.28-P/2014
For the Petitioner(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK

For the Respondent(s) : Mr. Ghulam Nabi Khan, ASC
Mr. Khushdil Khan, ASC

CPs.214-P/2014, 368-
371-P/2014 and 619-
P/2014 & 621-P/2015,
For the Petitioner(s) : Mr. Waqar Ahmed Khan, Addl. AG KPK

For the Respondent(s) : Not represented.

Date of hearing : 24-02-2016

JUDGMENT

AMIR HANI MUSLIM, J.:- Through this common judgment, we intend to decide the titled Appeals/Petitions, as common questions of law and facts are involved therein.

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CA.134-P/2013 etc

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CA.134-P/2013

On Farm Water Management Project, KPK.

2. On 27.10.2004, various posts in the "On Farm Water Management Project" were advertised. In response to the advertisement, the Respondent, Adnanullah, applied for the post of Accountant (BPS-11) for which he was selected and appointed for with effect from 31.12.2004. This appointment was initially for a period of one year and later was consistently extended from time to time on recommendation of the Petitioner. In the year 2006, a proposal was moved for creation of 302 regular vacancies to accommodate the contract employees working in different Projects. The Chief Minister KPK approved the proposal of 275 regular posts for this purpose with effect from 1.7.2007. During the interregnum, the Government of NWFP (now KPK) promulgated Amendment Act IX of 2009, thereby amending Section 19(2) of the NWFP Civil Servants Act, 1973 and NWFP Employees (Regularization of Services) Act, 2009. However, the newly created regular posts did not include the Respondent's post. Feeling aggrieved, he filed a Writ Petition which was allowed (on the conceding statement of Addl. Advocate General) with the direction that if the Respondent was eligible, his services should be regularized, subject to verification of his domicile. The Review Petition filed by the Govt. of KPK was dismissed being time barred. Thereafter, leave was granted in the Petition filed by the Government of KPK before this Court.

CA.No.135-P/2013 & Civil Petition No.600-P of 2013

On Farm Water Management Project, KPK

3. On 23.06.2004, the Secretary, Agriculture, got published an advertisement in the press, inviting Applications for filling up the posts of Water Management Officers (Engineering) and Water Management

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Officers (Agriculture) in BS-17, in the NWFP for the "On Farm Water Management Project" on contract basis. The Respondents applied for the said posts and in November, 2004 and February 2005 respectively, they were appointed for the aforementioned posts on contract basis, initially for a period of one year and later extendable to the remaining Project period, subject to their satisfactory performance and on the recommendations of the Departmental Promotion Committee after completion of requisite one month pre-service training. In the year 2006, a proposal for restructuring and establishment of Regular Offices for the "On Farm Water Management Department at District level was made. A summary was prepared for the Chief Minister, KPK, for creation of 302 regular vacancies with the recommendation that eligible temporary/contract employees working on different Projects may be accommodated against regular posts on the basis of their seniority. The Chief Minister approved the summary and accordingly, 275 regular posts were created in the "On Farm Water Management Department" at District level w.e.f 01.07.2007. During the interregnum, the Government of NWFP (now KPK) promulgated Amendment Act IX of 2009, thereby amending Section 19(2) of the NWFP Civil Servants Act, 1973 and NWFP Employees (Regularization of Services) Act, 2009. However, the services of the Respondents were not regularized. Feeling aggrieved, they filed Writ Petitions before the Peshawar High Court, praying that employees placed in similar posts had been granted relief, vide judgment dated 22.12.2008, therefore, they were also entitled to the same treatment. The Writ Petitions were disposed of, vide impugned orders dated 22.09.2011 and 06.06.2012, with the direction to consider the case of the Respondents in the light of the judgment dated

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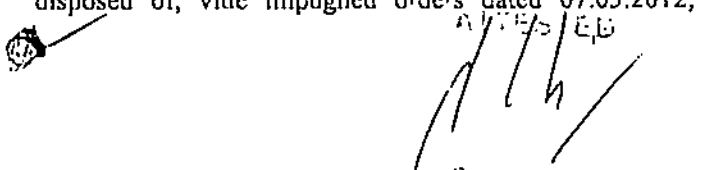
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22.12.2008 and 03.12.2009. The Appellants filed Petition for leave to Appeal before this Court in which leave was granted; hence this Appeal and Petition.

C.A.No.136-P of 2013 to 138-P of 2013
On Farm Water Management Project, KPK

4. In the years 2004-2005, the Respondents were appointed on various posts on contract basis, for an initial period of one year and extendable for the remaining Project period subject to their satisfactory performance. In the year 2006, a proposal for restructuring and establishment of Regular Offices of "On Farm Water Management Department" was made at District level. A summary was prepared for the Chief Minister, KPK, for creation of 302 regular vacancies, recommending that eligible temporary/contract employees who, at that time, were working on different Projects may be accommodated against regular posts on the basis of seniority. The Chief Minister approved the proposed summary and accordingly 275 regular posts were created in the "On Farm Water Management Department" at District level w.e.f 01.07.2007. During the interregnum, the Government of NWFP (now KPK) promulgated Amendment Act IX of 2009, thereby amending Section 19(2) of the NWFP Civil Servants Act, 1973 and NWFP Employees (Regularization of Services) Act, 2009. However, the services of the Respondents were not regularized. Feeling aggrieved, they filed Writ Petitions before the Peshawar High Court, praying therein that employees placed in similar posts had been granted relief, vide judgment dated 22.12.2008, therefore, they were also entitled to the same treatment. The Writ Petitions were disposed of, vide impugned orders dated 07.03.2012, 13.03.2012 and


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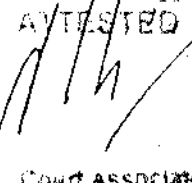
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20.06.2012, with the direction to consider the case of the Respondents in the light of the judgment dated 22.12.2008 and 03.12.2009. The Appellants filed Petition for leave to Appeal before this Court in which leave was granted; hence these Appeals.

Civil Petition No.619-P/2014
Establishment of Database Development Based on Electronic Tools (Project)

5. In the year 2010 and 2011, in pursuance of an advertisement, upon the recommendations of the Project Selection Committee, the Respondents were appointed as Data Base Developer, Web Designer and Naib Qasid, in the Project namely "Establishment of Data Base Development Based on Electronic Tools" including "MIS, Social Welfare and Women Development Department", on contract basis, initially for one year, which period was extended from time to time. However, the services of the Respondents were terminated, vide order dated 04.07.2013, irrespective of the fact that the Project life was extended and the posts were brought under the regular Provincial Budget. The Respondents impugned their termination order by filing Writ Petition No.2428 of 2013, before the Peshawar High Court, which was disposed of by the impugned judgment dated 18.09.2014, holding that the Respondents would be treated at par, if they were found similarly placed, as held in judgments dated 30.01.2014 and 01.04.2014 passed in Writ Petitions No.2131 of 2013 and 353-P of 2013. The Appellants challenged the judgment of the learned High Court before this Court by filing Petition for leave to Appeal.



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Civil Petitions No.368-P of 2014 to 371-P of 2014
Industrial Training Centre Garhi Shehsdad and Industrial Training Centre Garha Tajak,
Peshawar

6. In the year 2008, upon the recommendations of the Departmental Selection Committee, after fulfilling all the codal formalities, the Respondents were appointed on contract basis on various posts in Industrial Training Centre Garhi Shehsdad and Industrial Training Centre Garha Tajak, Peshawar. Their period of contract was extended from time to time. On 04.09.2012, the Scheme in which the Respondents were working was brought under the regular Provincial Budget, but the services of the Respondents despite regularization of the Scheme were terminated vide order dated 19.06.2012. The Respondents filed Writ Petitions No.351-P, 352, 353 and 2454-P of 2013, against the order or termination and for regularization of their services on the ground that the posts against which they were appointed stood regularized and had been converted to the regular Provincial Budget, with the approval of the Competent Authority. The learned Peshawar High Court, vide common judgment dated 01.04.2014, allowed the Writ Petitions, reinstating the Respondents in Service from the date of their termination with all consequential benefits. Hence these Petitions by the Petitioners.

Civil Petition No.214-P of 2014
Welfare Home for Destitute Children, Charsadda.

7. On 17.03.2009, a post of Superintendent BS-17 was advertised for "Welfare Home for Destitute Children", Charsadda. The Respondent applied for the same and upon recommendations of the Departmental Selection Committee, she was appointed at the said post on 30.04.2010, on contractual basis till 30.06.2011, beyond which period her contract was extended from time to time. The post against which the

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Respondent was serving was brought under the regular Provincial Budget w.e.f 01.07.2012. However, the services of the Respondent were terminated, vide order dated 14.06.2012. Feeling aggrieved, the Respondent filed Writ Petition No.2131 of 2013, which was allowed, vide impugned judgment dated 30.01.2014, whereby it was held that the Respondent would be appointed on conditional basis subject to final decision of this apex Court in Civil Petition No.344-P of 2012. Hence this Petition by the Govt. of KPK.

Civil Petition No.621-P of 2015
Daar-ul-Aman Haripur

8. On 17.03.2009, a post of Superintendent BS-17 was advertisement for "Darul Aman", Haripur. The Respondent applied for the said post and upon recommendations of the Departmental Selection Committee she was appointed w.e.f. 30.04.2010, initially on contract basis till 30.06.2011, beyond which her period of contract was extended from time to time. The post against which the Respondent was serving was brought under the regular Provincial Budget w.e.f 01.07.2012. However, the services of the Respondent were terminated, vide order dated 14.06.2012. Feeling aggrieved, the Respondent filed Writ Petition No.55-A of 2015, which was allowed, vide impugned judgment dated 08.10.2015, holding that "we accept this writ Petition and pass same order as has already been passed by this Court in W.P.No2131-P of 2013 decided on 30.01.2014 and direct the respondents to appoint the Petitioner on conditional basis subject to final decision of the Apex Court in Civil Petition No.344-P of 2012." Hence this Petition by the Govt. of KPK.

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Civil Petition No.28-P of 2014
Darul Kafala, Swat.

9. In the year 2005, the Government of KPK decided to establish Darul Kafalas in different districts of the Province between 01.07.2005 to 30.06.2010. An advertisement was published to fill in various posts in Darul Kafala, Swat. Upon recommendations of the Departmental Selection Committee, the Respondents were appointed on various posts on contract basis for a period of one year w.e.f 01.07.2007 to 30.06.2008, which period was extended from time to time. After expiry of the period of the Project in the year 2010, the Government of KPK has regularized the Project with the approval of the Chief Minister. However, the services of the Respondents were terminated, vide order dated 23.11.2010, with effect from 31.12.2010. The Respondents challenged the aforesaid order before the Peshawar High Court, *inter alia*, on the ground that the employees working in other Darul Kafalas have been regularized except the employees working in Darul Kafala, Swat. The Respondents contended before the Peshawar High Court that the posts of the Project were brought under the regular Provincial Budget, therefore, they were also entitled to be treated at par with the other employees who were regularized by the Government. The Writ Petition of the Respondents was allowed, vide impugned judgment dated 19.09.2013, with the direction to the Petitioners to regularize the services of the Respondents with effect from the date of their termination.

Civil Petitions No.526 to 528-P of 2013
Centre for Mentally Retarded & Physically Handicapped (MR.&PH), Nowshera, and Welfare Home for Orphan Female Children Nowshera

10. The Respondents in these Petitions were appointed on contract basis on various posts upon the recommendations of the

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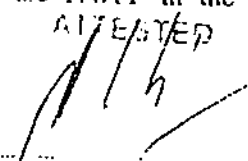
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Departmental Selection Committee in the Schemes titled "Centre for Mentally Retarded & Physically Handicapped (MR&HP)" and "Welfare Home for Orphan Female Children", Nowshera, vide order dated 23.08.2006 and 29.08.2006, respectively. Their initial period of contractual appointment was for one year till 30.06.2007, which was extended from time to time till 30.06.2011. By notification dated 08.01.2011, the above-titled Schemes were brought under the regular Provincial Budget of the N.W.F.P. (now KPK) with the approval of the Competent Authority. However, the services of the Respondents were terminated w.e.f 01.07.2011. Feeling aggrieved, the Respondents filed Writ Petitions No.376, 377 and 378-P of 2012, contending that their services were illegally dispensed with and that they were entitled to be regularized in view of the KPK Employees (Regularization of Services Act), 2009, whereby the services of the Project employees working on contract basis had been regularized. The learned High Court, while relying upon the judgment dated 22.03.2012, passed by this Court in Civil Petitions No.562-P to 578-P, 588-P to 589-P, 605-P to 608-P of 2011 and 55-P, 56-P and 60-P of 2012, allowed the Writ Petitions of the Respondents, directing the Petitioners to reinstate the Respondents in service from the date of their termination and regularize them from the date of their appointments. Hence these Petitions.

Civil Appeal No.52-P of 2015

11. On 23.06.2004, the Secretary, Agriculture, published an advertisement in the press, inviting Applications for filling up the posts of Water Management Officers (Engineering) and Water Management Officers (Agriculture), BS-17, in the NWFP in the "On Farm Water

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Management Project” on contract basis. The Respondent applied for the said post and was appointed as such on contract basis, on the recommendations of the Departmental Promotion Committee after completion of a requisite one month pre-service training, for an initial period of one year, extendable till completion of the Project, subject to his satisfactory performance. In the year 2006, a proposal for restructuring and establishment of Regular Offices of the “On Farm Water Management Department” at District level was made. A summary was prepared for the Chief Minister, KPK, for creation of 302 regular vacancies, recommending that eligible temporary/contract employees working on different Projects may be accommodated against regular posts on the basis of their seniority. The Chief Minister approved the summary and accordingly, 275 regular posts were created in the “On Farm Water Management Department” at District level w.e.f 01.07.2007. During the interregnum, the Government of NWFP (now KPK) promulgated Amendment Act IX of 2009, thereby amending Section 19(2) of the NWFP Civil Servants Act, 1973 and enacted the NWFP Employees (Regularization of Services) Act, 2009. However, the services of the Respondent were not regularized. Feeling aggrieved, he filed Writ Petition No.3087 of 2011 before the Peshawar High Court, praying that employees on similar posts had been granted relief, vide judgment dated 22.12.2008, therefore, he was also entitled to the same treatment. The Writ Petition was allowed, vide impugned order dated 05.12.2012, with the direction to the Appellants to regularize the services of the Respondent. The Appellants filed Petition for leave to Appeal before this Court in which leave was granted; hence this Appeal.

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Civil Appeal No.01-P of 2013

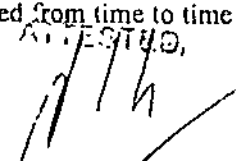
Welfare Home for Female Children, Malakand at Batkhela and Industrial Training Centre at Garhi Usman Khel, Dargol.

12. In response to an advertisement, the Respondents applied for different positions in the "Welfare Home for Female Children", Malakand at Batkhela and "Female Industrial Training Centre" at Garhi Usman Khel. Upon the recommendations of the Departmental Selection Committee, the Respondents were appointed on different posts on different dates in the year 2006, initially on contract basis for a period of one year, which period was extended from time to time. However, the services of the Respondents were terminated, vide order dated 09.07.2011, against which the Respondents filed Writ Petition No.2474 of 2011, *inter alia*, on the ground that the posts against which they were appointed had been converted to the budgeted posts, therefore, they were entitled to be regularized alongwith the similarly placed and positioned employees. The learned High Court, vide impugned order dated 10.05.2012, allowed the Writ Petition of the Respondents, directing the Appellants to consider the case of regularization of the Respondents. Hence this Appea. by the Appellants.

Civil Appeals No.133-P

Establishment and Upgradation of Veterinary Outlets (Phase-III)-ADP

13. Consequent upon recommendations of the Departmental Selection Committee, the Respondents were appointed on different posts in the Scheme "Establishment and Up-gradation of Veterinary Outlets (Phase-III)ADP", on contract basis for the entire duration of the Project, vide orders dated 4.4.2007, 13.4.2007, 17.4.2007 and 19.6.2007, respectively. The contract period was extended from time to time when on 05.06.2009, a

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notice was served upon them, intimating them that their services were no longer required after 30.06.2009. The Respondents invoked the constitutional jurisdiction of the Peshawar High Court, by filing Writ Petition No.2001 of 2009, against the order dated 05.06.2009. The Writ Petition of the Respondents was disposed of, by judgment dated 17.05.2012, directing the Appellants to treat the Respondents as regular employees from the date of their termination. Hence this Appeal by the Appellants.

Civil Appeal No.113-P of 2013

Establishment of One Science and One Computer Lab in Schools/Colleges of NWFP

14. On 26.09.2006 upon the recommendations of the Departmental Selection Committee, the Respondents were appointed on different posts in the Scheme "Establishment of One Science and One Computer Lab in School/Colleges of NWFP", on contract basis. Their terms of contractual appointments were extended from time to time when on 06.06.2009, they were served with a notice that their services were not required any more. The Respondents filed Writ Petition No.2380 of 2009, which was allowed on the analogy of judgment rendered in Writ Petition No.2001 of 2009 passed on 17.05.2012. Hence this Appeal by the Appellants.

Civil Appeals No.231 and 232-P of 2015

National Program for Improvement of Water Courses in Pakistan

15. Upon the recommendations of the Departmental Selection Committee, the Respondents in both the Appeals were appointed on different posts in "National Program for Improvement of Water Courses in Pakistan", on 17th January 2005 and 19th November 2005, respectively, initially on contract basis for a period of one year, which was extended


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from time to time. The Appellants terminated the service of the Respondents w.e.f 01.07.2011, therefore, the Respondents approached the Peshawar High Court, mainly on the ground that the employees placed in similar posts had approached the High Court through W.Ps.No.43/2009, 84/2009 and 21/2009, which Petitions were allowed by judgment dated 21.01.2009 and 04.03.2009. The Appellants filed Review Petitions before the Peshawar High Court, which were disposed of but still disqualified the Appellants filed Civil Petitions No.85, 86, 87 and 91 of 2010 before this Court and Appeals No.834 to 837/2010 arising out of said Petitions were eventually dismissed on 01.03.2011. The learned High Court allowed the Writ Petitions of the Respondents with the direction to treat the Respondents as regular employees. Hence these Appeals by the Appellants.

Civil Petition No.496-P of 2014,
Provision of Population Welfare Programme

16. In the year 2012, consequent upon the recommendations of the Departmental Selection Committee, the Respondents were appointed on various posts in the project namely "Provision of Population Welfare Programme" on contract basis for the entire duration of the Project. On 08.01.2012, the Project was brought under the regular Provincial Budget. The Respondents applied for their regularization on the touchstone of the judgments already passed by the learned High Court and this Court on the subject. The Appellants contended that the posts of the Respondents did not fall under the scope of the intended regularization, therefore, they preferred Writ Petition No.1730 of 2014, which was disposed of, in view of the judgment of the learned High Court dated 30.01.2014 passed in Writ

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CAs 134-P/2013 etc

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Petition No.2131 of 2013 and judgment of this Court in Civil Petition No.344-P of 2012. Hence these Appeals by the Appellants.

Civil Petition No.34-P of 2015

Pakistan Institute of Community Ophthalmology Hayatabad Medical Complex, Peshawar

17. The Respondents were appointed on various posts in the "Pakistan Institute of Community Ophthalmology Hayatabad Medical Complex", Peshawar, in the years 2001, 2002 and from 2007 to 2012, on contract basis. Through advertisement dated 10.01.2014, the said Medical Complex sought fresh Applications through advertisement against the posts held by them. Therefore, the Respondents filed Writ Petition No.141 of 2004, which was disposed of more or less in the terms as state above. Hence this Petition.

18. Mr. Waqar Ahmed Khan, Addl. Advocate General, KPK, appeared on behalf of Govt. of KPK and submitted that the employees in these Appeals/ Petitions were appointed on different dates since 1980. In order to regularize their services, 302 new posts were created. According to him, under the scheme the Project employees were to be appointed stage wise on these posts. Subsequently, a number of Project employees filed Writ Petitions and the learned High Court directed for issuance of orders for the regularization of the Project employees. He further submitted that the concessional statement made by the then Addl. Advocate General, KPK, before the learned High Court to "adjust/regularize the petitioners on the vacant post or posts whenever falling vacant in future but in order of seniority/eligibility." was not in accordance with law. The employees were appointed on Projects and their appointments on these Projects were to be terminated on the expiry of the Project as it was stipulated that they will not

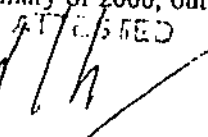
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claim any right of absorption in the Department against regular posts as per existing Project policy. He also referred to the office order dated 31.12.2004 regarding appointment of Mr. Adnanullah (Respondent in CA. No.134-P/2013) and submitted that he was appointed on contract basis for a period of one year and the above mentioned office order clearly indicates that he was neither entitled to pension nor GP Fund and furthermore, had no right of seniority and or regular appointment. His main contention was that the nature of appointment of these Project employees was evident from the advertisement, office order and their appointment letters. All these reflected that they were not entitled to regularization as per the terms of their appointments.

19. In the month of November 2006, a proposal was floated for restructuring and establishment of Regular Offices of "On Farm Water Management Department" at District level in NWFP (now KPK) which was approved by the then Chief Minister KPK; who agreed to create 302 posts of different categories and the expenditure involved was to be met out of the budgetary allocation. The employees already working in the Projects were to be appointed on seniority basis on these newly created posts. Some of the employees working since 1980 had preferential rights for their regularization. In this regard, he also referred to various Notifications since 1980, whereby the Governor KPK was pleased to appoint the candidates upon the recommendations of the KPK Public Service Commission on different Projects on temporary basis and they were to be governed by the KPK Civil Servants Act 1973 and the Rules framed thereunder, 302 posts were created in pursuance of the summary of 2006, out of which 254 posts

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 Supreme Court of Pakistan

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were filled on seniority basis, 10 through promotion and 38 by way of Court orders passed by this Court and or the learned Peshawar High Court. He referred to the case of Govt. of NWFP vs. Abdullah Khan (2011 SCMR 898) whereby, the contention of the Appellants (Govt. of NWFP) that the Respondents were Project employees appointed on contractual basis were not entitled to be regularized, was not accepted and it was observed by this Court that definition of "Contract appointment" contained in Section 2(1)(aa) of the NWFP Employees (Regularization of Services) Act, 2009, was not attracted in the cases of the Respondent employees. Thereafter, in the case of Government of NWFP v. Kaleem Shah (2011 SCMR 1004), this Court followed the judgment of Govt. of NWFP vs. Abdullah Khan (*ibid*). The judgment, however, was wrongly decided. He further contended that KPK Civil Servants (Amendment) Act 2005, (whereby Section 19 of the KPK Civil Servants Act 1973, was substituted), was not applicable to Project employees. Section 5 of the KPK Civil Servants Act 1973, states that the appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf. But in the cases in hand, the Project employees were appointed by the Project Director, therefore, they could not claim any right to regularization under the aforesaid provision of law. Furthermore, he contended that the judgment passed by the learned Peshawar High Court is liable to be set aside as it is solely based on the facts that the Respondents who were originally appointed in 1980 had been regularized. He submitted that the High Court erred in regularizing the employees on the touchstone of Article 25 of the Constitution of the Islamic Republic of Pakistan as the

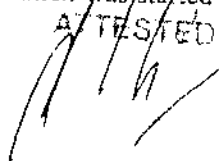
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employees appointed in 2005 and those in 1980 were not similarly placed and, therefore, there was no question of discrimination. According to him, they will have to come through fresh inductions to relevant posts if they wish to fall under the scheme of regularization. He further contended that any wrongful action that may have taken place previously, could not justify the commission of another wrong on the basis of such plea. The cases where the orders were passed by DCO without lawful authority could not be said to have been made in accordance with law. Therefore, even if some of the employees had been regularized due to previous wrongful action, others could not take plea of being treated in the same manner. In this regard, he has relied upon the case of Government of Punjab vs. Zafar Iqbal Dogar (2011 SCMR 1239) and Aodul Wahid vs. Chairman CBR (1998 SCMR 882).

20. Mr. Ghulam Nabi Khan, learned ASC, appeared on behalf of Respondent(s) in C.As.134-P/2013, 1-P/2013 and C.P.28-P/2014 and submitted that all of his clients were clerks and appointed on non-commissioned posts. He further submitted that the issue before this Court had already been decided by four different benches of this Court from time to time and one review petition in this regard had also been dismissed. He contended that fifteen Hon'ble Judges of this Court had already given their view in favour of the Respondents and the matter should not have been referred to this Bench for review. He further contended that no employee was regularized until and unless the Project on which he was working was not put under the regular Provincial Budget as such no regular posts were created. The process of regularization was started by the Government itself

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without intervention of this Court and without any Act or Statute of the Government. Many of the decisions of the Peshawar High Court were available, wherein the directions for regularization were issued on the basis of discrimination. All the present cases before this Court are related to the category in which the Project became part of the regular Provincial Budget and the posts were created. Thousands of employees were appointed against these posts. He referred to the case of Zulfiqar Ali Bhutto Vs. The State (PLD 1979 SC 741) and submitted that a review was not justifiable, notwithstanding error being apparent on face of record, if judgment or finding, although suffering from an erroneous assumption of facts, was sustainable on other grounds available on record.

21. Hafiz S. A. Rehman, Sr. ASC, appeared on behalf of Respondent(s) in Civil Appeal Nos. 135-136-P/2013 and on behalf of all 174 persons who were issued notice vide leave granting order dated 13.06.2013. He submitted that various Regularization Acts i.e. KPK Adhoc Civil Servants (Regularization of Services) Act, 1987, KPK Adhoc Civil Servants (Regularization of Services) Act, 1988, KPK Employees on Contract Basis (Regularization of Services) Act, 1989, KPK Employees on Contract Basis (Regularization of Services) (Amendment) Act, 1990, KPK Civil Servants (Amendment) Act, 2005, KPK Employees (Regularization of Services) Act, 2009, were promulgated to regularize the services of contractual employees. The Respondents, including 174 to whom he was representing, were appointed during the year 2003/2004 and the services of all the contractual employees were regularized through an Act of legislature i.e. KPK Civil Servants (Amendment) Act, 2005 and the KPK Employees

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(Regularization of Services) Act, 2009, was not applicable to present Respondents. He referred to Section 19(2) of the KPK Civil Servants Act 1973, which was substituted vide KPK Civil Servants (Amendment) Act, 2005, provides that "A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointment on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on regular basis " Furthermore, vide Notification dated 11.10.1989 issued by the Government of NWFP, the Governor of KPK was pleased to declare the "On Farm Water Management Directorate" as an attached Department of Food, Agriculture, Livestock and Cooperation Department, Govt. of NWFP. Moreover, it was also evident from the Notification dated 03.07.2013 that 115 employees were regularized under section 19 (2) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005 and Regularization Act, 2009 from the date of their initial appointment. Therefore, it was a past and closed transaction. Regarding summaries submitted to the Chief Minister for creation of posts, he clarified that it was not one summary (as stated by the learned Addl. Advocate General KPK) but three summaries submitted on 11.06.2006, 04.01.2012 and 20.06.2012, respectively, whereby total 734 different posts of various categories were created for these employees from the regular budgetary allocation. Even through the third summary, the posts were created to regularize the employees in order to implement the judgments of Hon'ble Peshawar High Court dated 15.09.2011, 8.12.2011 and Supreme Court of Pakistan dated 22.3.2012. Approximately, 20-30% employees were

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recruited through KPK Public Service Commission and the Public Service Commission is only meant to recommend the candidates on regular posts.

22. Mr. Imtiaz Ali, learner ASC, appearing on behalf of the Respondent in CA No.134-P/2013, submitted that there was one post of Accountant which had been created and that the Respondent, Adnanullah, was the only Accountant who was working there. He contented that, even otherwise, judgment dated 21.9.2009 in Writ Petition No.59/2009, was not questioned before this Court and the same had attained finality. He further submitted that his Writ Petition was allowed on the strength of Writ Petition No. 356/2008 and that no Appeal has been filed against it.

23. Mr. Ayub Khan, learned ASC, appeared in C.M.A 496-P/2013 on behalf of employees whose services might be affected (to whom notices were issued by this Court vide leave granting order dated 13.06.2013) and adopted the arguments advanced by the senior learned counsels including Hafiz S. A. Rehman.


24. Mr. Ijaz Anwar, learner ASC, appeared in C.A 137-P/2013 for Respondents No. 2 to 6, CPs.526-P to 528-P/2013 for Respondents and for Appellant in Civil Appeal No.605-P/2015 (JR) and submitted that the Regularization Act of 2005, is applicable to his case and if benefit is given to some employees then in light of the judgment of this Court titled Government of Punjab Vs. Samina Perveen (2009 SCMR 1), wherein it was observed that if some point of law is decided by Court relating to the terms and conditions of a Civil Servant who litigated and there were other who had not taken any legal proceedings, in such a case the dictates of justice

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and rules of good governance demand that the benefit of the said decision be extended to others also who may not be parties to that litigation. Furthermore, the judgment of Peshawar High Court which included Project employees as defined under Section 19(2) of the KPK Civil Servants Act 1973 which was substituted vide KPK Civil Servants (Amendment) Act, 2005, was not challenged. In the NWFP Employees (Regularization of Services) Act, 2009, the Project employees have been excluded but in presence of the judgment delivered by this Court, in the cases of Govt. of NWFP vs. Abdullah Khan (ibid) and Govt. of NWFP vs. Kaleem Shah (ibid), the Peshawar High Court had observed that the similarly placed persons should be considered for regularization.

25. While arguing Civil Appeal No. 605-P/2015, he submitted that in this case the Appellants/ Petitioners were appointed on contract basis for a period of one year vide order dated 18.11.2007, which was subsequently extended from time to time. Thereafter, the services of the Appellants were terminated vide notice dated 30.05.2011. The learned Bench of the Peshawar High Court refused relief to the employees and observed that they were expressly excluded from the purview of Section 2(1)(b) of KPK (Regularization of Services) Act, 2009. He further contended that the Project against which they were appointed had become part of regular Provincial Budget. Thereafter, some of the employees were regularized while others were denied, which made out a clear case of discrimination. Two groups of persons similarly placed could not be treated differently, in this regard he relied on the judgments of Abdul Samad vs.

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 Supreme Court of Pakistan
 Islamabad

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Federation of Pakistan (2002 SCMR 71) and Engineer Nariandas vs. Federation of Pakistan (2002 SCMR 82).

26. We have heard the learned Law Officer as well as the learned ASCs, representing the parties and have gone through the relevant record with their able assistance. The controversy in these cases pivots around the issue as to whether the Respondents are governed by the provisions of the North West Frontier Province (now KPK) Employees (Regularization of Services) Act, 2009, (hereinafter referred to as the Act). It would be relevant to reproduce Section 3 of the Act:

"3. Regularization of Services of certain employees.—All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008, or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience."

27. The aforesaid Section of the Act reproduced hereinabove clearly provides for the regularization of the employees appointed either on contract basis or adhoc basis and were holding contract appointments on 31st December, 2008 or till the commencement of this Act. Admittedly, the Respondents were appointed on one year contract basis, which period of their appointments was extended from time to time and were holding their respective posts on the cut-of date provided in Section 3 (*ibid*).

28. Moreover, the Act contains a non-obstante clause in Section 4A which reads as under:

"4A. Overriding effect.—Notwithstanding any thing to the contrary contained in any other law or

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rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect."

29. The above Section expressly excludes the application of any other law and declares that the provisions of the Act will have overriding effect, being a special enactment. In this background, the cases of the Respondents squarely fall within the ambit of the Act and their services were mandated to be regulated by the provisions of the Act.

30. It is also an admitted fact that the Respondents were appointed on contract basis on Project posts but the Projects, as conceded by the learned Additional Advocate General, were funded by the Provincial Government by allocating regular Provincial Budget prior to the promulgation of the Act. Almost all the Projects were brought under the regular Provincial Budget Schemes by the Government of KPK and summaries were approved by the Chief Minister of the KPK for operating the Projects on permanent basis. The "On Farm Water Management Project" was brought on the regular side in the year 2006 and the Project was declared as an attached Department of the Food, Agriculture, Livestock and Co-operative Department. Likewise, other Projects were also brought under the regular Provincial Budget Scheme. Therefore, services of the Respondents would not be affected by the language of Section 2(a) and (b) of the Act, which could only be attracted if the Projects were abolished on the completion of their prescribed tenure. In the cases in hand, the Projects initially were introduced for a specified time whereafter they were transferred on permanent basis by attaching them with Provincial

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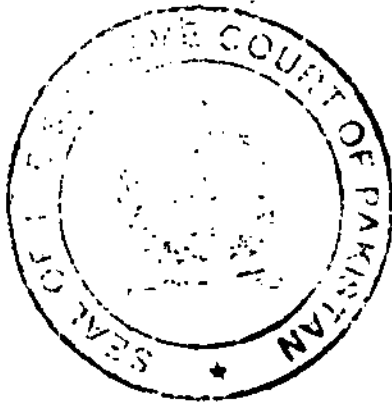
Court Associate
Supreme Court of Pakistan

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Government departments. The employees of the same Project were adjusted against the posts created by the Provincial Government in this behalf.

31. The record further reveals that the Respondents were appointed on contract basis and were in employment/service for several years and Projects on which they were appointed have also been taken on the regular Budget of the Government, therefore, their status as Project employees has ended once their services were transferred to the different attached Government Departments, in terms of Section 3 of the Act. The Government of KPK was also obliged to treat the Respondents at par, as it cannot adopt a policy of cherry picking to regularize the employees of certain Projects while terminating the services of other similarly placed employees.

32. The above are the reasons of our short order dated 24.2.2016, which reads as under:-



"Arguments heard. For the reasons to be recorded separately, these Appeals, except Civil Appeal No.605 of 2015, are dismissed. Judgment in Civil Appeal No.605 of 2015 is reserved"

Sd/- Anwar Zaheer Jamali, HCF
Sd/- Mian Saqib Nisar, J
Sd/- Amir Hani Muslim, J
Sd/- Iqbal Hameedur Rahman, J
Sd/- Khilji Arif Hussain, J

Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad the,
24-02-2016
Approved for reporting.

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20.5.2016

CR No. _____ Civil Appeal I
Date _____
No. of Pages _____
Request for _____
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THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,-

(a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;

(aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011


²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011


SANA ULLAH
Admin. Officer to O.C.
On Form Visitor Management,
Khyber Pakhtunkhwa, Pakistan

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. Regularization of services of certain employees.---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Sana Ullah

SANA ULLAH
 Admin. Officer to DG
 On Farm Water Management
 Khyber Pakhtunkhwa, Peshawar

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Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal.---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

Sanaullah

SANAULLAH
Additional Secretary (IG)
On Family Staff Management
Khyber Pakhtunkhwa, Peshawar

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT**

Dated the Peshawar the November 30, 2016

NOTIFICATION

No.SOE(AD)/17-131/2004 Consequent upon the judgment of Peshawar High Court Peshawar in W.P.2-P Dated 9/8/2016 & COC No.351 of 2012 in WP No.1897/2011 and in light of judgment of Larger Bench of the Supreme Court of Pakistan dated 24.02.2016 passed in Civil Appcals No.134-P/2013 etc, the competent authority is pleased to accord approval for adjustment of the following officers/ officials of "National Program for Improvement of Watercourses (Khyber Pakhtunkhwa Component) (In order of merit) in the Surplus Pool in the office of Secretary Agriculture, Livestock and Cooperative Department from the date the law came into force i.e. the Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2005 and Regularization Act, 2009 as applicable, subject to final verdict of the Supreme Court of Pakistan in Review Petition. These posts shall automatically stand abolished after adjustment of the concerned officers and officials in order of merit/ seniority:-

S.No.	Official Name	Designation	Pay Scale	Date of Appointment
1	Sadia Rehman	Water Management Officer (WMO)	BS-17	24.11.2004
2.	Mehreen Ghous	WMO	BS-17	4/2/2005
3.	Qalbe Abbas	WMO	BS-17	12/03/2007
4.	Muhammad Younas	Sub Engineer	BS-11	18/01/2005
5.	Kamil Khan	Sub Engineer	BS-11	01/11/2005
6	Muhammad Riaz	Sub Engineer	BS-11	18/01/2005
7	Adnan Shah Khattak	Sub Engineer	BS-11	28.06.2005
8	Tahir Khan	Sub Engineer	BS-11	8/6/2005
9	Muhammad Idrees Khan	Sub Engineer	BS-11	23/6/2005
✓ 10	Shahid Khan	Sub Engineer	BS-11	5/1/2005
11	Muhammad Tufail	Sub Engineer	BS-11	16/6/2005
✓ 12	Umer Farooq	Sub Engineer	BS-11	4/1/2005
13	Asghar Ali	Sub Engineer	BS-11	4/1/2005
14	Shakil Ahmad	Sub Engineer	BS-11	18/4/2005
15	Muncer Iqbal	Sub Engineer	BS-11	8/1/2005
16	Syed Amjad Ali Shah	Sub Engineer	BS-11	8/1/2005
17	Sardar Ali	Sub Engineer	BS-11	26/4/2005
18	Muhammad Shoaib	Sub Engineer	BS-11	8/1/2005
19	Farooq shah	Sub Engineer	BS-11	24/4/2005
20	Muhammad Tariq	Sub Engineer	BS-11	23/11/2005
21	Asad Ali	Sub Engineer	BS-11	12/1/2005

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22	Qaisar Alam	Sub Engineer	BS-11	1/3/2005
23	Zia-ur-Rehman	Sub Engineer	BS-11	8/1/2005
24	Muhammad Iqbal	Sub Engineer	BS-11	7/1/2005
25	Habibi Ullah	Sub Engineer	BS-11	7/1/2005
26	Shaukat Ali	Sub Engineer	BS-11	6/1/2005
27	Iqbal Muhammad	Sub Engineer	BS-11	7/1/2005
28	Bashir Ahmad	Sub Engineer	BS-11	14/5/2005
29	Asif Ahmad	Sub Engineer	BS-11	28/3/2005
30	Shaukat Ali S/o Sufi Muhammad	Sub Engineer	BS-11	26/3/2005
31	Hafiz-ul-Asad	Sub Engineer	BS-11	26/3/2005
32	Atiqullah	Sub Engineer	BS-11	1/6/2005
33	Irfan Mashal	Sub Engineer	BS-11	3/1/2005
34	Muhammad Tahir	Sub Engineer	BS-11	3/1/2005
35	Malak Naeem Iqbal	Sub Engineer	BS-11	1/1/2005
36	Abdur Raheem	Sub Engineer	BS-11	1/1/2005
37	Mubashir Hussain	Sub Engineer	BS-11	1/1/2005
38	Munir Aslam	Sub Engineer	BS-11	28/6/2005
39	Mazhar Iqbal	Sub Engineer	BS-11	4/3/2005
40	Samiullah	Sub Engineer	BS-11	25/1/2005
41	Saifullah	Sub Engineer	BS-11	26/1/2005
42	Shakir Ullah	Sub Engineer	BS-11	18/1/2005
43	Javed Khan	Sub Engineer	BS-11	18/1/2005
44	Haroor-ur-Rashid	Sub Engineer	BS-11	18/1/2005
45	Muhammad Sajid	Sub Engineer	BS-11	18/1/2005
46	Muhammad Khalid	Sub Engineer	BS-11	18/1/2005
47	Gohar Zaman	Sub Engineer	BS-11	18/01/2005
48	Sohail Qureshi	Sub Engineer	BS-11	7/1/2005
49	Abdul Manan	Sub Engineer	BS-11	1/10/2006
50	Ikramullah	Sub Engineer	BS-11	18/1/2005
51	Waheed Ullah	Sub Engineer	BS-11	12/1/2005
52	Khan Bhadar	Sub Engineer	BS-11	12/1/2005
53	Parvez Khan	Sub Engineer	BS-11	20/6/2005
54	Kirikhar Khan	Sub Engineer	BS-11	1/1/2005
55	Waheedullah S/o Habibullah Khan	Sub Engineer	BS-11	1/1/2005
56	Masood Khan	Sub Engineer	BS-11	1/1/2005
57	Kifayatullah	Sub Engineer	BS-11	18/1/2005
58	Rifaqat Hussain	Sub Engineer	BS-11	4/1/2005
59	Zulfiqar Ahmad	Sub Engineer	BS-11	28/6/2005
60	Fazal Haider	Sub Engineer	BS-11	1/1/2005
61	Attaullah Khan	Sub Engineer	BS-11	10/1/2005
62	Safdar Zaman	Sub Engineer	BS-11	17/1/2005
63	Kamran Nasim	Sub Engineer	BS-11	19/4/2005
64	Irfanullah	Sub Engineer	BS-11	22/4/2006
65	Nazir Jan	Sub Engineer	BS-11	1/9/2006
66	Nasir Iqbal	Sub Engineer	BS-11	1/11/2007
67	Nizam Hazrat	Sub Engineer	BS-11	14/10/2005
68	Aslam Khan	Sub Engineer	BS-11	31/10/2005
69	Rehmat Elahi	Sub Engineer	BS-11	1/9/2006

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70	Muhammad Atif	Sub Engineer	BS-11	29/4/2005
71	Molisin Ali	Sub Engineer	BS-11	1/1/2005
72	Muhammad Abid	Sub Engineer	BS-11	1/1/2005
73	Zakir Muhammad	Field Assistant	BS-06	5/9/2006
74	Khadim Hussain	Field Assistant	BS-06	17/1/2005
75	BAkht Baidar	Field Assistant	BS-06	1/1/2005
76	Muhammad Nawab Khan	Field Assistant	BS-06	8/1/2005
77	Shakir Ullah	Rodman	BS-01	3/1/2005
78	Iqtidar Ali	Rodman	BS-01	25/4/2005
79	Bakht Jamal	Rodman	BS-01	25/4/2005
80	Kishwar Khan	Rodman	BS-01	1/12/2005
81	Asif	Rodman	BS-01	1/1/2005
82	Haydar All	Rodman	BS-01	8/1/2005
83	RAidullah	Rodman	BS-01	29/4/2005
84	Tahir Ali	Rodman	BS-01	11/1/2005
85	Shoaib Khan	Rodman	BS-01	8/1/2005
86	Muhammad Irfan	Rodman	BS-01	13/1/2005
87	Muhammad Sohail	Rodman	BS-01	12/1/2005
88	Hanif Ullah Khan	Rodman	BS-01	12/1/2005
89	Syed Fazal Mabood Jan	Rodman	BS-01	17/1/2005
90	Mati Ullah	Rodman	BS-01	17/1/2005
91	Aslam Jan	Rodman	BS-01	1/6/2005
92	Amjad Ali	Rodman	BS-01	27/6/2005
93	Muhammad Islam	Rodman	BS-01	10/1/2005
94	Asif Raza	Rodman	BS-01	11/1/2005
95	Kashif Mehmood	Rodman	BS-01	16/6/2005
96	Khaista Jan	Rodman	BS-01	4/5/2005
97	Akbar Jan	Rodman	BS-01	4/1/2005
98	Ali Aqdas Abbas	Rodman	BS-01	2/1/2005
99	Muhammad Riaz	Rodman	BS-01	4/2/2005
100	M.Aslam Nawaz	Rodman	BS-01	4/2/2005
101	Naseer Khan	Rodman	BS-01	24/12/2004
102	Ravid Khan	Rodman	BS-01	17/9/2005
103	Ayaz Ali Shah	Rodman	BS-01	24/1/2005
104	Islam Badshah	Rodman	BS-01	1/1/2005
105	Khan Laiq	Rodman	BS-01	1/1/2005
106	Ayub Rehman	Rodman	BS-01	1/1/2005
107	Ghulam Sadique	Rodman	BS-01	1/1/2005
108	Anwar-ul-Haq	Rodman	BS-01	1/1/2005
109	Badar-e-Alam	Rodman	BS-01	1/12/2006
110	Muhammad Zarin	Rodman	BS-01	31/12/2004
111	Gul Paraz	Rodman	BS-01	1/12/2006
112	Abid Ali	Rodman	BS-01	1/12/2006
113	Muhammad Ayub Khan	Rodman	BS-01	30/9/2005
114	Inayat Ullah	Rodman	BS-01	21/11/2005
115	Rehmat Ullah	Rodman	BS-01	29/11/2005
116	Ghulam Abbas	Rodman	BS-01	24/3/2006
117	Sajidullah	Chowkidar	BS-01	15/7/2005

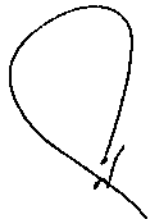
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118	Farmanullah	Rodman	BS-01	1/1/2005
119	Wazir Gul	Rodman	BS-01	31/8/2005
120	Bakht Biland	Chowkidar	BS-01	1/10/2006
121	Hidayatullah	Rodman	BS-01	1/1/2005
122	Zubair Ahmad	Rodman	BS-01	15/8/2005
123	Falak Sher	Naib Qasid	BS-01	1/1/2005
124	Shafiullah	Rodman	BS-01	12/12/2006
125	Rizwanullah	Rodman	BS-01	1/12/2007
126	Waheed Iqbal S/o Abid Khan		BS-01	
127	Yar Khan	Rodman	BS-01	21/4/2005
128	Sham-ul-Haq	Rodman	BS-01	20/4/2005

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2. Terms and Conditions of their regularization in service are as under:-

1. Their services will be considered regular and are entitled to GP Fund in such a manner and at such rates as may be prescribed by the Government under Khyber Pakhtunkhwa Civil Servants (Amendments) Act, 2013.
2. Their service will be liable to termination on one month's notice from either side. In case of resignation without notice, his two month's pay/allowances shall be forfeited to Government.
3. They will be governed under such rules and regulations as may be issued from time to time by the Government.
4. In case of misconduct, they will be proceeded against the Government Servants (E&D) Rules, 2011 and the Rules framed from time to time.
6. If they accept the posts on these conditions, they should report for duty to their place of posting within 30 days of the issuance of this notification. Furthermore, their service condition and salaries shall be settled in light of judgment pending in the Supreme Court in Review Petition.



Sd/x
SECRETARY AGRICULTURE



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Endst. of even No. & Date.

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Copy forwarded for information and necessary action to:-

1. Registrar, Hon'ble Supreme Court of Pakistan.
2. Registrar Hon' able Peshawar High Court, Peshawar.
3. The Director General, On Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. The PS to Chief Secretary, Khyber Pakhtunkhwa.
7. The Budget Officer, Government of Khyber Pakhtunkhwa Finance Department w/r to his letter No.BOVII/FD/2-3/SNE/2012-13 dated 18.10.2012.
8. All District/Agency Accounts Officers in Khyber Pakhtunkhwa.
9. The Manager, Government Printing Press, Peshawar.
10. The Chief Planning Officer, Planning Cell, Agriculture Department.
11. Officers/Officials Concerned.
12. PS to Minister Agriculture, Khyber Pakhtunkhwa, Peshawar.
13. PS to Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
14. PS to Secretary Agriculture, Live Stock and Cooperative Department.
15. PS to Secretary to Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department.
16. Master file.

(DR.MIR AHMAD KHAN)
SECTION OFFICER ESTABLISHMENT

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**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR**

**FINAL SENIORITY LIST OF SUB ENGINEERS OF ON FARM WATER MANAGEMENT DEPARTMENT KHYBER
PAKHTUNKHWA AS ON 31/12/2022**

NOTIFICATION

No. 1065 /DG OFWM/Estt: dated Peshawar the 14/6/ 2023

In pursuance of Section/8(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, Final Seniority List of Sub Engineers of the On Farm Water Management Department Khyber Pakhtunkhwa as stood on 31/12/2022 is notified:

S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
1	Sheikh Jamsheed DAE Civil	DIKhan 03/02/1967	09/05/1988	09/05/1988	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
2	Shoukat Ali DAE Auto	Peshawar 10/04/1967	19/10/1989	19/10/1989	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Peshawar	
3	Muhammad Ayaz DAE Civil	Karak 27/03/1967	28/11/1989	28/11/1989	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Kohat	
4	Irshad Ahmad DAE Mechanical	DIKhan 08/09/1963	13/12/1989	13/12/1989	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Lakki Marwat	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
5	Shakeel Akhtar DAE Mechanical	DIKhan 13/01/1966	23/08/1989	21/12/1989	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Tank	
6	Ijaz Tehsin DAE Mechanical	Karak 02/08/1966	23/11/1989	05/06/1991	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bannu	
7	Hussain Ahmad DAE Mechanical	DIKhan 01/01/1969	09/01/1991	09/01/1991	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Lakki Marwat	
8	Muhammad Nawaz DAE Civil	Battagram 03/03/1979	10/12/2004	10/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Battagram	
9	Muhammad Riaz Khan B.A + DAE Civil	Battagram 07/04/1979	10/12/2004	10/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Torghar	
10	Zarmast Khan DAE Civil	Battagram, 03/03/1982	10/12/2004	10/12/2004	16	By Initial Recruitment	Sub Engineer o/o District Officer OFWM Battagram	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
11	Fazal Haider DAE Civil	Dir Lower 07/02/1970	21/12/2004	21/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
12	Iftikhar Khan DAE Civil	Dir Lower 20/03/1980	21/12/2004	21/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
13	Shahid Khan DAE Civil	Mardan 10/02/1966	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
14	Umar Farooq DAE Civil	Mardan 01/03/1971	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
15	Malak Naeem Iqbal DAE Civil	Hangu 18/04/1978	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Nowshera	-
16	Abdur Rashid DAE Civil	Hangu 10/01/1980	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Hangu	-
17	Mubashir Hussain DAE Civil	Hangu 20/03/1983	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Kohat	-
18	Waheedullah Khan DAE Civil	Bannu 02/03/1970	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o District Officer OFWM Bannu	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
19	Masood Khan DAE Civil	Bannu 16/04/1975	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bannu	-
20	Mohsin Ali DAE Civil	Abbottabad 19/02/1976	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Abbottabad	-
21	Shabir Ahmad DAE Civil	Abbottabad 05/05/1977	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Khyber	-
22	Kifayatullah Khan DAE Civil	Bannu 15/04/1978	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bannu	-
23	Muhammad Tahir DAE Civil	Kohat 30/08/1977	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Kohat	-
24	Rifaqat Hussain DAE Civil	Kohat 15/03/1978	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohat	-
25	Mr. Irfan Mashal DAE Civil	Kohat 01/5/1979	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohat	-
26	Shahzad Ali DAE Civil	Swat 01/04/1976	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Upper	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
27	Naveed Hilal DAE Civil	Swat 13/08/1976	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	
28	Abdullah DAE Civil	Swat 20/01/1977	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	
29	Anwar Ali DAE Civil +B.Tech (Hons)	Swat 01/04/1977	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa, Peshawar	
30	Ahmad Ali DAE Civil	Swat 30/12/1978	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Chitral Lower	
31	Nasir Khan DAE Civil+B.Tech (Hons)	Swat 27/01/1979	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	
32	Shujaat Ali Khan DAE Civil + Ph.d Physics	Swat 15/07/1979	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	
33	Asif Khan DAE Civil	Swat 23/05/1981	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Shangla	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
34	Farhad Ali DAE Civil+B.Tch (Hons) in Civil Tech:	Swat 01/04/1982	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Swabi	-
35	Syed Amjad Ali shah DAE Civil	Buner 11/03/1969	08/01/2005	08/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	-
36	Zia-ur-Rehman DAE Civil	Dir Upper 01/09/1979	08/01/2005	08/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Upper	-
37	Attaullah Khan DAE Civil + MA Islamyat	Battagram 01/04/1972	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Battagram	-
38	Jamil Ahmad DAE Civil	Mansehra 04/02/1974	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
39	Azam Mehboob DAE Civil	Mansehra 09/03/1979	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra .	-
40	Mazhar Iqbal DAE Civil+B.Tech (Hons) in Civil Tech:	Mansehra 04/06/1979	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Abbottabad	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
41	Akhtar Munir DAE Civil	Mansehra 17/03/1980	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mansehra	-
42	Nasir Hussain Shah DAE Civil	Mansehra 15/03/1982	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
43	Waheedullah DAE Civil	Tank 10/11/1974	12/01/2005	12/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM South Waziristan	-
44	Khan Bahadar DAE Civil	Tank 01/05/1978	12/01/2005	12/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kurrum	-
45	Haroon Rashid DAE Civil	DIKhan 21/04/1970	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
46	Javed khan DAE Civil	DIKhan 05/04/1976	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM D. I. Khan	-
47	Gohar Zaman DAE Civil + B.Sc	DIKhan 04/01/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM North Waziristan	-
48	Kamran Naseem DAE Civil	DIKhan 03/04/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Tank	-
49	Shakirullah DAE Civil	DIKhan 03/04/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
50	Ikramullah DAE Civil	DIKhan 09/06/1980	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Tank	
51	Muhammad Sohail Qureshi DAE Civil	DIKhan 05/01/1981	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM South Waziristan	
52	Safdar Zaman DAE Civil	Dikhan 09/01/1981	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
53	Muhammad Khalid DAE Civil	DIKhan 01/04/1982	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
54	Abdul Manan DAE Civil	DIKhan 14/04/1982	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
55	Muhammad Sajid DAE Civil	DIKhan 10/11/1983	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
56	Muhammad Naeem DAE Civil	Mansehra 04/04/1973	21/02/2005	21/02/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohistan lower	
57	Muhammad Tariq DAE Civil	Haripur 15/01/1972	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	
58	Masood Khan DAE Civil	Haripur 07/03/1976	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the Director Merged Area OFWM Khyber Pakhtunkhwa Peshawar	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
59	Muhammad Asim DAE Civil	Haripur 12/03/1979	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Haripur	-
60	Qaiser Alam DAE Civil	Malakand 12/06/1977	16/03/2005	16/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	-
61	Mushtaq Ahmad DAE Civil	Battagram 04/03/1980	16/03/2005	16/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kolai Palas	-
62	Gulistan Khan DAE Civil	Haripur 12/03/1981	01/04/2005	01/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	-
63	Farooq Shah DAE Civil	Malakand 15/04/1974	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	-
64	Shakil Ahmad DAE Civil	Malakand 27/01/1978	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	-
65	Sardar Ali DAE Civil	Malakand 01/04/1978	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	-
66	Mohammad Ishfaq DAE Civil	Mansehra 20/01/1980	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Peshawar	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
67	Qazi Aziz-ur-Rehman DAE Civil	Haripur 16/06/1978	26/04/2005	26/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	-
68	Safeer Ahmad DAE +B.Tech (Hons) Civil	Haripur 21/01/1981	26/04/2005	26/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Haripur	-
69	Muhammad Iqbal DAE Civil	Dir Lower 12/12/1963	14/05/2005	14/05/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa Peshawar	-
70	Bashir Ahmad DAE Civil	Dir Lower 31/10/1976	14/05/2005	14/05/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa Peshawar	-
71	Farman Ali DAE Civil	Swat 06/06/1980	07/06/2005	07/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
72	Tahir Khan DAE Civil + B,Tech (Hons)	Peshawar 21/08/1984	07/06/2005	07/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	-
73	Muhammad Idrees Khan DAE Civil	Charsadda 01/04/1985	13/06/2005	13/06/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa, Peshawar	-
74	Muhammad Tufail DAE Civil	Mardan 06/03/1979	16/06/2005	16/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
75	Zulfiqar Ahmad DAE Civil	Peshawar 15/03/1975	18/06/2005	18/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	-
76	Pervaiz Khan DAE Civil	Nowshera 01/01/1969	20/06/2005	20/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	-
77	Saif Ullah DAE Civil	Laki Marwat 13/01/1983	20/06/2005	20/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Lakki Marwat	-
78	Shahid Anjum DAE Civil	Mansehra 12/02/1975	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
79	Munir Aslam DAE Civil + B.Tech (hon) Civil	Karak 01/01/1982	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Karak	-
80	Adnan Shah Khattak DAE Civil + B.Tech in Civil	Nowshera 20/04/1983	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	-
81	Zahid Javed DAE Civil	Mansehra 15/01/1980	28/06/2005	28/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohistan Upper	-
82	Abdul Salam DAE Civil	Abbottabad 05/11/1965	15/08/2005	15/08/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swabi	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
83	Sajjad Ahmad DAE Civil	Haripur 04/04/1973	17/08/2005	17/08/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	-
84	Nizam Hazrat DAE Civil	Dir Upper 08/07/1963	30/09/2005	30/09/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Dir Upper	-
85	Zia Ullah DAE Civil	Swat 21/02/1973	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mohmand	-
86	Harinder Kumar DAE Civil	Swat 15/04/1973	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
87	Muhammad Niaz Khan DAE Civil	Swat 10/04/1977	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Peshawar	-
88	Farman Ali Shah DAE Civil	Mardan 12/04/1977	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
89	Shahid Khan DAE Civil	Swat 09/03/1978	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
90	Fawad Ali DAE Civil	Swat 25/07/1978	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bajur	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
91	Javed Ali Khan DAE Civil	Swat 01/03/1980	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mohmand	-
92	Rahim Badshah DAE Civil	Swat 30/03/1980	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
93	Naveed Ahmad DAE Civil	Swat 09/04/1981	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	-
94	Akhtar Ali DAE Civil	Swat 14/08/1982	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
95	Abdul Subhan DAE Civil	Swat 12/04/1983	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kolai Palas	-
96	Sher Shah DAE Civil+B.Tech (Hons) in Civil Tech:	Swat 07/04/1984	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	-
97	Faisal Hayat DAE Civil	Abbotabad 24/01/1984	31/07/2006	31/07/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Khyber	-
98	Ibrar Zeb DAE Civil	Abbotabad 30/09/1977	02/08/2006	02/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kurrum	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
99	Nazir Jan DAE Civil+B.Tech (Hons) in Civil Tech:	Dir Lower 15/04/1977	21/08/2006	21/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
100	Rahmat Elahi DAE Civil	Dir Lower 01/08/1982	21/08/2006	21/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Chitral Upper	-
101	Arif Khan DAE Civil	Mansehra 28/04/1974	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
102	Muhammad Asad DAE Civil	Mansehra 12/12/1978	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
103	Fazl-ur-Rehman DAE Civil	Battagram 29/09/1979	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Torghar	-
104	Shafiq-ur-Rehman DAE Civil	Abbotabad 29/12/1977	13/09/2006	13/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kurrum	-
105	Muhammad Said DAE Civil	Swabi 11/04/1968	18/09/2006	18/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
106	Muhammad Uzair DAE Civil	Mansehra 07/05/1980	15/11/2006	15/11/2006	16	By Initial Recruitment	Sub Engineer o/o the District OFWM Kohistan Upper	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
107	Khalid Mehmood DAE Civil	Haripur 01/06/1978	23/11/2006	23/11/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	
108	Tahir Khaleeq DAE Civil+B.Tech (Hons) in Civil Tech:	Bannu 19/04/1984	08/06/2007	08/06/2007	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	
109	Liaqat Ali DAE Civil	Kohistan 01/01/1984	12/06/2007	12/06/2007	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Shangla	
110	Aslam Khan DAE Civil+B.Tech (Hons) in Civil Tech:	Dir Lower 20/04/1982	23/07/2007	23/07/2007	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swabi	
111	Nasir Iqbal DAE Civil	Dir Upper 01/07/1981	01/11/2007	01/11/2007	16	By Initial Recruitment	Sub Engineer working on deputation basis in Irrigation Department.	

Certified that the Seniority list is circulated, undisputed & final.

Endst. Of Even No. & Date

- 1 The Director HRD On Farm Water Management Training Centre DIKhan.
- 2 All District Directors OFWM in Khyber Pakhtunkhwa.
- 3 All District Officers OFWM In Khyber Pakhtunkhwa.
- 4 All District Officers OFWM In Khyber Pakhtunkhwa.
- 5 Officers concerned.

For Information.

Director General
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

ATTACHED

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"9" (61)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1326/17

Date of Institution ... 28.11.2017
Date of Decision ... 06.04.2018



Mr. Qayum Khan, Water Management Officer,
Office of District Director On Farm Water Management, District Peshawar.
... (Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and 14 others. ... (Respondents)

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate --- For appellant.
MR. MUHAMMAD RIAZ PAINDAKHEL,
Assistant Advocate General --- For official respondents
MR. BILAL AHMAD KAKAZAI,
Advocate --- For private respondent no. 6
to 11 and 13 to 15.

Appeal No. 842/2017

Date of Institution ... 28.07.2017
Date of Decision ... 06.04.2018

Mr. Rafiq ur Rehman S/O Kashmir Khan, Water Management Officer,
Office of District Director On Farm Water Management, District Swat.
... (Appellant)

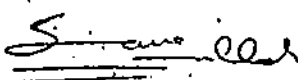
VERSUS

2. The Chief Secretary, to Govt. of Khyber Pakhtunkhwa Peshawar and 22
others. ... (Respondents)

MR. MUHAMMAD AYUB KHAN SHINWARI,
Advocate --- For appellant.
MR. MUHAMMAD RIAZ PAINDAKHEL,
Assistant Advocate General --- For official respondents
MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate --- For private respondent
no. 10, 12, 14 and 18.

MR. BILAL AHMAD KAKAZIA,

ATTESTED


SANJULLAH
Admin. Officer to D.D.
On Farm Water Management,
Khyber Pakhtunkhwa Peshawar.


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATT/STED

dismissed on 1.03.2011. That services of the appellant were regularized vide order dated 07.06.2011 from the date of initial appointment i.e 24.11.2004. Subsequently, 28 project employees, filed Writ Petition before Peshawar High Court for regularization of their services, which was allowed vide judgment dated 15.9.2011. Again the aforementioned judgment assailed before the Supreme Court of Pakistan was dismissed on 22.03.2012. The official respondents were directed to regularize the services of the appellant and others in the light of Amendment Act 2005 and Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2009. Due to non-availability of posts they were sent to the surplus pool vide order dated 10.01.2013, while their services were regularized vide order dated 03.07.2013 but they were kept in the surplus pool. Eleven employees belonging to the group of 28 Water Management Officers, who were placed in the surplus pool filed 2nd writ petition in the Peshawar High Court challenging the seniority of the appellant and 15 other colleagues, who were regularized vide order dated 07.06.2011. The Peshawar High Court vide judgment dated 22.09.2012 gave a roadmap to the respondents for finalizing the issue. The respondent-department through civil petition, challenged the judgment of Peshawar High Court dated 22.09.2012 in the Supreme Court of Pakistan and vide judgment dated 13.06.2013 certain directions were given to the respondents. The larger bench of Supreme Court of Pakistan in civil petition no. 134-PTO-38-P/13 reopened all the court cases decided by the High Court as well as Supreme Court of Pakistan and rendered an all encompassing judgment on 24.02.2016. The August Supreme Court of Pakistan held that the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 clearly provided for the regularization of employees. The non-obstante clause in Section 4-A of 2009 Act expressly excludes the application of any other law and declares that the provision of this Act will have overriding effect being a special enactment. The cases of the respondents squarely fall within the ambit of the act and their services were required to be regularized under the provisions of the Regularization Act 2009. The On Farm Water Management Project was brought on regular side in 2006 and the respondents were in service for several years and the project in which they were appointed had also been taken on regular budget of the provincial government. Therefore their status as project

Sana Ullah
SANA ULLAH
 Admin. Officer to O.E.
 On Farm Water Management
 Khyber Pakhtunkhwa Peshawar

ATTESTED
[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

ATTESTED

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For private respondents
no. 7, 8, 9 and 22

Advocate

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:-

This judgment shall dispose of the instant service appeal, as well as connected service appeal no. 1327/2017 titled Mr. Abdullah Khan and no. 843/17 titled Mr. Faisal Younas as similar question of law and facts are involved therein.


2. Arguments of the learned counsel for the parties heard and record perused.

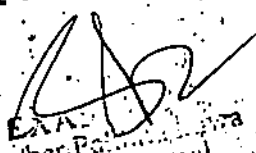
FACTS

3. The brief facts are that the appellant has impugned seniority list dated 02.03.2017, which allegedly was not circulated amongst the affected officials. They got knowledge of the list in August, 2017. The appellant has been shown junior to the respondents no. 6 to 13. Feeling aggrieved he filed departmental appeal on 24.08.2017, which was not responded within the stipulated period, hence, the instant service appeal.

ARGUMENTS

4. Learned counsel for the appellants (Qayum Khan and Abdullah Khan) argued that after fulfillment of edcal formalities he was appointed as Water Management Officer (BPS-17) on contract basis in the Agriculture Department on 24.11.2004. That in 2006 a summary was moved to the Chief Minister, Khyber Pakhtunkhwa for creation of 302 regular posts so as to regularize/adjust employees working in various projects which was approved by the competent authority. Through order dated 31.07.2007 and 03.09.2007 some project employees were regularized, while remaining posts were left vacant. Feeling aggrieved the appellant and others filed writ petition in Peshawar High Court for regularization of their services which was allowed vide judgment dated 22.12.2008. An appeal was filed against the said judgment in the Supreme Court of Pakistan which was


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Khyber Pakhtunkhwa, Peshawar

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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employees has ended once their services were regularized in terms of Section-3 of 2009 Act. That the government of Khyber Pakhtunkhwa was also obliged to treat the respondents at par as it cannot adopt a policy of cherry picking to regularize the employees of certain projects, while terminating the services of the similarly placed employees. The respondents issued impugned seniority list dated 02.05.2017 which was never circulated amongst the employees and they got knowledge of the same in August 2017. That they filed departmental appeal on 24.08.2017 which was not responded within stipulated period, hence, the instant service appeal. It was not prepared according to the spirit of the judgment of Supreme Court of Pakistan dated 24.02.2016. The Act of 2005 is basically an amendment in Section-19 of the civil servant Act, 1973 which deals with pay and not regularization/seniority of employees. The question of seniority was decided in the Act of 2009. Section 4-A of the said Act gives overriding effect being special enactment so the respondents were required to resolve the issue of seniority in accordance with the provisions of this Act. Furthermore the aforementioned Act provides that if the date of continuous officiating appointment is the same in case of two or more employees, the employee older in age shall rank senior to the younger one. As the dates of appointment of the appellant and respondents no.6 to 15 are same i.e being older in age so they should be considered senior to those who are younger in age.

3. On the other hand learned counsel for private respondents no. 6 to 11 and 13 to 15 argued that the appellant and answering respondents were appointed in a project in 2004 in two different cadres i.e. Engineering cadre and Agriculture cadre. The appellant belongs to Engineering cadre, while respondents no. 7 to 14 belong to Agriculture cadre having different qualification. Judgment of the Supreme Court of Pakistan dated 24.02.2016 through which all pending appeals were dismissed but judgment of Peshawar High Court dated 22.09.211 was upheld. The impugned seniority list was issued in accordance with law and rules and judgment of Peshawar High Court and Supreme Court of Pakistan. Answering respondents were regularized under the Act of 2005 and as such they are senior to the appellant.

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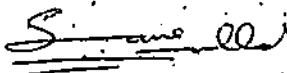
2009, was not applicable to them. The relevant rules provide that seniority shall be assigned to a civil servant on the basis of merit and regular officiation in the service/cadre.

6. Counsel for appellants, Mr. Rafiq-ur-Rehman and Mr. Faisal Younas argued that after qualifying test and interview and by securing 91.5 marks, he was appointed as WMO Agriculture on 24.11.2004. After promulgation of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005 through which the services of all contract employees were regularized but the same benefits were denied to the appellant, so he filed writ petition in Peshawar High Court for regularization of his services. The Peshawar High Court vide judgment dated 15.9.2011 directed the respondents to regularize his services alongwith others. This judgment was assailed in appeal before the Supreme Court of Pakistan, which was dismissed on 22.03.2014 and judgment of the Peshawar High Court was upheld. Later on further petitions were filed in the Supreme Court of Pakistan, which were dismissed on 24.02.2016. In pursuance of Section-19(2) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act 2005 his services were regularized on 03.07.2013. The department issued impugned seniority list dated 02.03.2017, wherein the appellant has been shown junior to respondents no. 5 to 23 in violation of Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989. The appellant stood 2nd in the merit list, whereas respondent no. 5 to 19 were below in the merit list as they had secured less marks. Moreover, respondents no. 20 to 23 were promoted after appointment of the appellant. He filed departmental appeal on 31.03.2017, which was not responded within the stipulated period, hence, the instant service appeal.

7. Learned Assistant Advocate General relied on para-4 of the para-wise comments submitted by the official respondents.

CONCLUSION

8. The present controversy for determination of seniority of Water Management Officers dates back to 2006, when upon approval of the Chief Minister, Khyber Pakhtunkhwa 302 regular vacancies were created in On-Farm Water Management Department w.e.f 01.07.2007. It was also decided that eligible contract employees working

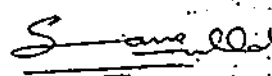

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Against these posts would be regularized, according to invogue rules. Subsequently, services of certain project employees were regularized, while other posts were left vacant. That Services of sixteen Water Management Officers, who were initially appointed in NPIW project on contract basis on 24.11.2004 (at S.no. 7 to 22) of the impugned seniority list were regularized on 07.06.2011. It was done in pursuance of judgment dated 01.03.2011 of the Supreme Court of Pakistan rendered in Civil Appeal no. 834-837/10. Thereafter 28 WMOs, who were initially appointed in NPIW Project on contract basis on 24.11.2004 were also regularized through judgment of the Supreme Court of Pakistan, dated 22.03.2012. As regular vacant posts were not available in the department so they were placed in the surplus pool of Secretary Agriculture. That their services were regularized vide notification dated 03.07.2013, under the Act of 2005; and 2009 but they continued to remain in surplus pool. That on 18.11.2013 three officers were posted/adjusted from the surplus pool to the On Farm Water Management Project. Eleven petitioners belonging to the batch of 28 Water Management Officers challenged the seniority position by filing 2nd Writ Petition no. 2170/2011 in Peshawar High Court. It was prayed that some of the WMOs regularized through order dated 07.06.2011 were junior to them on the merit list. The department informed the High Court that being project employees their names were not borne on any seniority list. The Peshawar High Court vide judgment dated 22.09.2012 directed the respondents to deal with the issue in accordance with law and rules. The department filed Civil Petition no. 572-P/11 in the Supreme Court of Pakistan against the aforementioned judgment of Peshawar High Court. The Supreme Court of Pakistan in its order dated 13.06.2013 referred the matter to the Chief Justice of Pakistan for constituting a larger bench. To fulfill legal requirement officers/officials involved in court cases were made party and notices were issued to them on 11.07.2013. The larger bench of Supreme Court of Pakistan decided the issue vide judgment dated 24.02.2016. This judgment have laid down certain parameters for resolving the issue of seniority. Section-3 of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 provides that:


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3. Regularization of Services of certain employees.—All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31.12.2008, or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience.

It is established beyond doubt that the appellant/respondents were holding posts on contract basis on the cutoff date i.e 31.12.2008. Moreover, Section-4 contains a non-obstante clause:-

4A. Overriding effect—Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

As rightly observed by the Supreme Court of Pakistan in para-29 of the judgment the cases of respondents squarely fall within the ambit of the Act 2009 and their services were mandated to be regulated by the provisions of the said Act. The posts against which they were working on contract post for several years were later on regularized and as such they were no more project employees. Similarly Section-4 lays down criteria for determination of seniority of employees which is reproduced below:-

- (1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- (2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre: Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

The respondents have not firm up the impugned seniority list dated 02.03.2017 in accordance with the judgment of the Supreme Court of Pakistan dated 24.02.2015

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Admin. Officer to DC
On Farm Visitor Management
Khyber Pakhtunkhwa, Peshawar

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Service Tribunal
Peshawar

and provisions of Act 2009 Act, which is illegal and unlawful in the eyes of law.

The seniority list is not maintainable in its present forum.

9. As a sequel to the above discussion, the impugned seniority list is set aside. The respondent-department is directed to prepare revised seniority list in accordance with the judgment of Larger Bench of Supreme Court of Pakistan dated 24.02.2016 and in the light of Section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2009. The present appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- Ahmad Hassan, Member
Sd/- M. Hamid Nigral, Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(MUHA)

ANNOUNCED
06.04.2018

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SANA ULLAH
Admin. Officer to DC
On Farm Visitor Management
Khyber Pakhtunkhwa, Peshawar

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OFFICE ORDER

On the recommendation of District Recruitment Committee

Mr. Umer Farooq S/O Mehar Mohammad Pehsil Mardan District Mardan.
is hereby offered a temporary post of Sub Engineer B-11 for National Program for
Improvement /Lining of Watercourses in Pakistan (Project in NWFP) with usual
allowance as per Govt. rules.

His appointment will be purely on contract basis and his contract shall be terminated on
31/12/2005 or termination of the project which is earlier. He will be on probation for a
period of six months. His services will be liable to terminate if not found satisfactory.

His services will be governed by contract policy, 2002 rules, and all other relevant orders
issued in this respect from time to time. In case he resigns, he shall submit advance notice
of 15 days or in lieu, his one-month pay shall be forfeited.

This appointment will not confer on him any right of claiming seniority or regulation in
service. If he accepts the offer, he shall report for duty along with medical fitness / age
certificate to the office of the undersigned up to 1/1/2005 positively.

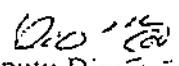
Sd/(Ijaz Ahmad Khattak)
Deputy Director
Water Management
District Mardan

No. 1388-92 /DD/WM/ District Mardan dated 31/12 /2004

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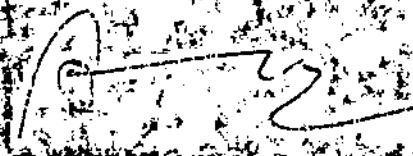
1. Director General Water Management NWFP, Peshawar.
2. District Coordination Officer, Mardan.
3. Executive District Officer Agriculture Mardan.
4. District Account Officer Mardan.
5. All concerned for information and necessary action.





Deputy Director
Water Management
District Mardan

Copy to:

1. The Director General Water Management NWFP Peshawar.
2. The Executive District Officer (Agriculture) Hangu.
3. The Assistant Director Water Management, Hangu.
4. The District Account Officer, Hangu.
5. Official Concerned.



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OFFICE ORDER

On the recommendation of District Recruitment Committee

Mr. Shahid Khan S/O Khurshid Zaman, Tehsil Mardan, District Mardan, is hereby offered a temporary post of Sub Engineer-B-1 for National Program for Improvement /Lining of Watercourses in Pakistan (Project in NWFP) with usual allowance as per Govt. rules.

His appointment will be purely on contract basis and his contract shall be terminated on 31/12/2005 or termination of the project which is earlier. He will be on probation for a period of six months. His services will be liable to terminate if not found satisfactory.

His services will be governed by contract policy 2002 rules, and all other relevant orders issued in this respect from time to time. In case he resigns, he shall submit advance notice of 15 days or in lieu, his one-month pay shall be forfeited.

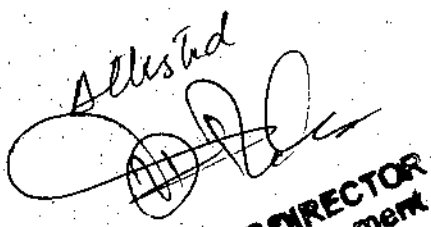
This appointment will not confer on him any right of claiming seniority or regulation in service. If he accepts the offer, he shall report for duty along with medical fitness / age certificate to the office of the undersigned up to 1/1/2005 positively.

Sd/(Ijaz Ahmad Khattak)
Deputy Director
Water Management
District Mardan

No. 1393-97 /DD/WM/ District Mardan dated 31/12/2004

Copy to:

1. Director General Water Management NWFP, Peshawar.
2. District Coordination Officer, Mardan
3. Executive District Officer Agriculture Mardan.
4. District Account Officer Mardan.
5. All concerned for information and necessary action.

Attested

DISTRICT DIRECTOR
Water Management
Mardan

Ijaz Ahmad Khattak
 Deputy Director
 Water Management
 District Mardan

OFFICE OF THE DISTRICT COORDINATION OFFICER HANGU

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No. _____ /AG-I/DCO(H)

Dated Hangu the, 31/12/2004

OFFICE ORDER

Consequent upon the approval of the District Selection Committee held on 30-12-2004 the Competent Authority is pleased to appoint Mr. Mubbashir Hussain S/o Bahar Hussain r/o Village & P.O Khawaja Khizar, Tehsil & District Hangu, as Sub Engineer (BPS-11) on Contract basis, under the Umbrella Project titled "National Program for improvement/lining of Water Courses in Pakistan/World Bank Assisted Project (Phase-IV) District Hangu" in the office of Assistant Director Water Management Hangu District

TERMS & CONDITION

- i. You will be placed in minimum of BPS-11 with usual allowances as permissible to Government Servant of the same pay scale.
- ii. Your services will be governed under the Government of NWFP contract policy 2002.
- iii. Your initial contract will be for three years, which shall be renewable based on satisfactory performance, till completion of Project.
- iv. Either party can terminate the contract on two months notice or two months salary in lieu thereof.
- v. You will be provided equal opportunities for local training.
- vi. You will not have any seniority right in the Department of Or. Farm Water Management.
- vii. Your service will be required according to the agreement.
- viii. You will avail the benefit of CPF through 5% contribution of minimum of your pay and 5% contribution to be made by the Government.
- ix. You will not contribute of GPF and shall not be entitled for pension and gratuity benefits.

If the above offer of appointment on contract basis is acceptable to you on the above terms and conditions, you are advised to report to office of Water Management Hangu for duty, after medical examination from the Medical Superintendent Hangu.

ATTACHED

District Coordination Officer
Hangu

Endst No. 11143-47 /AG-I/DCO(HU)

Copy to:

1. The Director General Water Management NWFP Peshawar.
2. The Executive District Officer (Agriculture) Hangu.
3. The Assistant Director Water Management, Hangu.
4. The District Account Officer, Hangu.
5. Official Concerned.

OFFICE OF THE DISTRICT COORDINATION OFFICER HANGU

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No. _____ /AG-I/DCO(H)
Dated Hangu the, 31/12/2004

OFFICE ORDER

Consequent upon the approval of the District Selection Committee held on 30-12-2004 the Competent Authority is pleased to appoint Mr. Malik Naeem Iqbal S/o Malik Fazal Noor r/o Mohallah Muslim Abad, Tehsil & District Hangu, as Sub Engineer (BPS-11) on Contract basis, under the Umbrella Project titled "National Program for improvement/lining of Water Courses in Pakistan/World Bank Assisted Project (Phase-IV) District Hangu" in the office of Assistant Director Water Management Hangu District

TERMS & CONDITION

- i. You will be placed in minimum of BPS-11 with usual allowances as permissible to Government Servant of the same pay scale.
- ii. Your services will be governed under the Government of NWFP contract policy 2002.
- iii. Your initial contract will be for three years, which shall be renewable based on satisfactory performance, till completion of Project.
- iv. Either party can terminate the contract on two months notice or two months salary in lieu thereof.
- v. You will be provided equal opportunities for local training.
- vi. You will not have any seniority right in the Department of On Farm Water Management.
- vii. Your service will be required according to the agreement.
- viii. You will avail the benefit of CPF through 5% contribution of minimum of your pay and 5% contribution to be made by the Government.
- ix. You will not contribute of GPF and shall not be entitled for pension and gratuity benefits.

If the above offer of appointment on contract basis is acceptable to you on the above terms and conditions, you are advised to report to office of Water Management Hangu for duty, after medical examination from the Medical Superintendent Hangu.

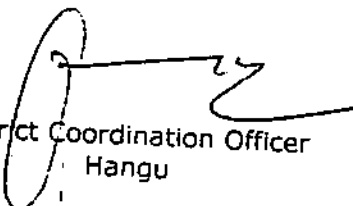
District Coordination Officer
Hangu

Endst No. 11149-53 /AG-I/DCO(HU)

Copy to:

1. The Director General Water Management NWFP Peshawar.
2. The Executive District Officer (Agriculture) Hangu.
3. The Assistant Director Water Management, Hangu.
4. The District Account Officer, Hangu.
5. Official Concerned.

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District Coordination Officer
Hangu

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPART

Writ Petition No. 1897 of 2011.

JUDGMENT

Date of hearing 07.03.2012

Petitioners (Muhammad Younas etc) by M/S Imtiaz Ali and Jehanzeb Khan
Muhammadzai, Advocates.

Respondents (Government of Khyber Pakhtunkhwa etc) by Mr. Naveed Akhtar,
Additional Advocate General.

WAQAR AHMAD SETH, J.- Petitioners have asked for an appropriate writ, directing the respondents to act in accordance with law by extending the benefit of regularization of their services under section-19 subsection(2) of the Khyber Pukhtunkhwa Civil Servants Act, 1973 as amended vide KPK Civil Servants (Amended) Act, 2005 in line with other who have been regularized vide notification dated 07.06.2011 in compliance with the judgment dated 22.12.2008 and 01.12.2009 of this Hon'ble Court upheld by the Apex Court vide its judgment dated 01.03.2011.

2. The controversy involved in the writ petition is that petitioners therein are appointed as Sub-Engineers in BPS-11, and Rod-man (Class-IV) on contract basis, for project 'National program of improvement of water courses in Pakistan (for NWFP)' during the period December, 2004 to June, 2005. Their

ATTORNEY

EXAMINED
Peshawar High Court

appointments were on contract basis initially for a period of one year, which have been later, extended from time to time and they are performing their duties till today. As per their appointment orders, their services were to be governed by Government of KPK contract policy, 2002.

3. That alongwith petitioners number of Water Management Officer/Assistant Directors etc, were also appointed in the same manner and on similar terms and conditions of service in the very same program i.e. National Program of improvement of water courses in Pakistan (for NWFP). They subsequently approached this Hon'ble Court in W.P. No.1645/2007 for their regularization in service and the said writ petition was allowed vide judgment dated 22.12.2008.

4. Thereafter, yet another group of employees of the same project approached this Hon'ble Court vide writ petitions No.43/2009 etc, and this Hon'ble Court was pleased to allow the same vide judgment dated 21.01.2009 and 04.03.2009 on the basis of earlier judgment dated 22.12.2008.

5. The respondents/department did not give effect to the aforesaid judgments but filed review petition. The said review petition came-up for hearing but was dismissed and subsequently the matter went before the apex court of Pakistan in civil appeal No.834 to 837 and the Hon'ble Supreme Court of Pakistan reiterated and approved the view of Peshawar High Court, Peshawar.

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Peshawar High Court

6. After the dismissal of respondents appeals by the apex court, the respondents implemented the judgments of this Hon'ble Court and as a result thereof vide notification No.SOE (AD)17-131/2009 dated 07.06.2011, the services of the employees/petitioners in the said writ petitions were regularized under section 19 subsection(2) of the KPK Civil Servants (Amended) Act, 2005.

7. The petitioners are the employees of the same project and are similarly placed, on all fours. They are seeking benefit under the provisions of KPK, Civil Servants (Amended) Act, 2005 and similar legislation made in the shape of KPK, employees (Regularization of Services), Act, 2009 on the basis of reported judgment 1996 SCMR-1185 the relevant portion whereof is reproduced herein below for ready reference:-

"We may observe that if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forums.

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Federal High Court

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earlier round of litigation and the present one except that the

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PLD 2010 Supreme Court-878 wherein it has been unequivocally laid down that:-

Once a judicial determination, be it of a point of fact or of a point of laws, has been made and if such a determination covers not only the ones litigating before the courts but some others also, then the dictates of justice would command that the benefits accruing from such a determination should not be restricted only to the litigating parties but should be extended even to those who had not indulged in litigation unless there were some extraordinary un-exceptionable reasons to the contrary and that all powers, including the powers inherent in the courts be invoked for the purpose. Such would not only ensure justice for all but would also have the effect of Eli muting un-necessary litigation".

8. Learned AAG present on behalf of the respondents/department argued that the earlier decided writ petitions are quite different from the present one because W.P.No.1645/2007 was in respect of Water Management Officer etc, whereas the present petitioners are Sub-Engineers and Rodman in BPS-11 and BPS-1 respectively, as such the said writ petition has got no relevancy.

9. We have gone through the comments filed by respondents No.2 and 3 and the submissions made at the bar and are of the view that there is not a single point of different between the status and terms and conditions of the employees in

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earlier round of litigation and the present one except that the petitioners in earlier round were officials in BPS-17 and above whereas the petitioners in the present writ petition are low paid employees, belonging to the same project. Before parting with the judgment it is also brought on record that number of other writ petitions, besides mentioned above, came-up for hearing in this respect and once again a detail and elaborat judgment was delivered in W.P.No.360/ 2009 on 15.09.2011. We, therefore, entertain no amount of doubt that the petitioners are entitled to the prayer relief because services of exactly similarly placed employees of different institutions/departments and specially of the same project, who were appointed on contract basis were held to have been regularized through the provisions of various enactments, moreso, when the main judgment of this Court was upheld by the Hon'ble apex Court, therefore, no distinction can be drawn between the case of the petitioners and of those to whom the same and similar benefit was extended by this Court. Even otherwise, once the law has been interpreted in the earlier judgments of this Court in favour of the employees then, the subsequent Division Bench, in view of the long chain of authorities/dictas of the Hon'ble apex Court cannot deviate from the previous view, moreso, when we have no reason to differ with the earlier view.

10. Accordingly, we allow the writ petition and issue a writ, directing the respondents to treat the petitioners as

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EXAMINER
Peshawar High Court,

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regular/permanent employees from the date the law came into force by treating him at par with the other regular employees of the project/department. The C.M.No.921/2011 and 607/2011 for impleadment as petitioners are also allowed.

sd/ DOST Mub *dkw*
C.T
sd/ Waqar Ahmad Sethi

CERTIFIED TO BE TRUE COPY

SP

Lawyer
Peshawar 18/3/12
Authorized by the Government of Peshawar
The Oath-taking Act No. 27 of
The Government of Peshawar 1984

Announced:
Dated 07.03.2012.

office
15.3.12

Date of Presentation of Application	12476
No of Pages	11 P 16/3/12
Copying fee	/
Urgent Fee	/
Total	22 -
Date of Payment	16/3/12
Date Given for	16/3/12
Date of Delivery	16/3/12

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE DEPARTMENT

Dated Peshawar the 25th October, 2023 / 2

NOTIFICATION

No. SOE-II(AD)V-8/DPC/WM/23: On the recommendations of the Departmental Promotion Committee in its meeting held on 18.08.2023, the following Sub-Engineers (BS-16), Directorate of On Farm Water Management, Khyber Pakhtunkhwa are hereby promoted to the post of Assistant Director / Assistant Director Planning / Assistant Director Technical/ Assistant Director (FO) / Instructor and Water Management Officer (BS-17) on regular basis:

Sl. No.	Name
01.	Muhammad Nawaz
02.	Muhammad Riaz Khan
03.	Mr. Zarmast Khan

02. The above officers will be on probation for a period of one year extendable to another one year under Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) Rules, 1989.

Sd/-
SECRETARY AGRICULTURE

Endst. No. & Date Even:

Copy forwarded for information and necessary action to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa for necessary action and submission of adjustment / posting transfer proposal of the above officers.
3. P.S to Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
4. P.A to Deputy Secretary (Admn) Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
5. Officers concerned.
6. Master File.

(SYED SARDAR BADSHAH)
SECTION OFFICER (E-II)

DDCEST

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30/10/2023

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**FINAL SENIORITY LIST OF SUB ENGINEERS OF
ON FARM WATER MANAGEMENT DEPARTMENT KHYBER PAKHTUNKHWA
AS ON 01-01-2024**

ATTACHED

Notification

No. 671 /DG OFWM/Estt: dated Peshawar the 13/05 /2024

In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules 1989, final Seniority List of Sub Engineers of On Farm Water Management as stood on 01-01-2024 is Notified/Circulated.

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
1	Fazal Haider DAE Civil	Dir Lower 07/02/1970	21/12/2004	21/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
2	Iftikhar Khan DAE Civil	Dir Lower 20/03/1980	21/12/2004	21/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
3	Shahid Khan DAE Civil	Mardan 10/02/1966	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-

S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
4	Umar Farooq DAE Civil	Mardan 01/03/1971	31/12/2004	31/12/2004 ✓	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
5	Malak Naeem Iqbal DAE Civil	Hangu 18/04/1978	31/12/2004	31/12/2004 ✓	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	-
6	Abdur Rashid DAE Civil	Hangu 10/01/1980	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Hangu	-
7	Mubashir Hussain DAE Civil	Hangu 20/03/1983	31/12/2004	31/12/2004	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Kohat	-
8	Waheedullah Khan DAE Civil	Bannu 02/03/1970	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o District Officer OFWM Bannu	-
9	Masood Khan DAE Civil	Bannu 16/04/1975	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bannu	-
10	Mohsin Ali DAE Civil	Abbottabad 19/02/1976	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Abbottabad	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
11	Shabir Ahmad DAE Civil	Abbottabad 05/05/1977	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Khyber	-
12	Kifayatullah Khan DAE Civil	Bannu 15/04/1978	01/01/2005	01/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bannu	-
13	Muhammad Tahir DAE Civil	Kohat 30/08/1977	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Kohat	-
14	Rifaqat Hussain DAE Civil	Kohat 15/03/1978	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohat	-
15	Mr. Irfan Mashal DAE Civil	Kohat 01/5/1979	03/01/2005	03/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohat	-
16	Shahzad Ali DAE Civil	Swat 01/04/1976	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Upper	-
17	Naveed Hilal DAE Civil	Swat 13/08/1976	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
18	Abdullah DAE Civil	Swat 20/01/1977	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
19	Anwar Ali DAE Civil + B.Tech (Hons)	Swat 01/04/1977	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa, Peshawar	-
20	Ahmad Ali DAE Civil	Swat 30/12/1978	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Chitral Lower	-
21	Nasir Khan DAE Civil + B.Tech (Hons)	Swat 27/01/1979	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	-
22	Shujaat Ali Khan DAE Civil + Ph.d Physics	Swat 15/07/1979	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
23	Asif Khan DAE Civil	Swat 23/05/1981	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Shangla	-
24	Farhad Ali DAE Civil + B.Tch (Hons)	Swat 01/04/1982	06/01/2005	06/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Swabi	-

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S.No.	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks/Service Book Date
				Date	BPS	Method of Recruitment		
25	Syed Amjad Ali shah DAE Civil	Buner 11/03/1969	08/01/2005	08/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	-
26	Zia-ur-Rehman DAE Civil	Dir Upper 01/09/1979	08/01/2005	08/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Upper	-
27	Attaullah Khan DAE Civil + MA Islamyat	Battagram 01/04/1972	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Battagram	-
28	Jamil Ahmad DAE Civil	Mansehra 04/02/1974	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
29	Azam Mehboob DAE Civil	Mansehra 09/03/1979	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
30	Mazhar Iqbal DAE Civil+ B.Tech (Hons)	Mansehra 04/06/1979	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Abbottabad	-
31	Akhtar Munir DAE Civil	Mansehra 17/03/1980	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mansehra	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
32	Nasir Hussain Shah DAE Civil	Mansehra 15/03/1982	10/01/2005	10/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	
33	Waheedullah DAE Civil	Tank 10/11/1974	12/01/2005	12/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM South Waziristan	
34	Khan Bahadar DAE Civil	Tank 01/05/1978	12/01/2005	12/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kurrum	
35	Haroon Rashid DAE Civil	DIKhan 21/04/1970	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	
36	Javed khan DAE Civil	DIKhan 05/04/1976	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM D. I. Khan	
37	Gohar Zaman DAE Civil+ B.Sc	DIKhan 04/01/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM North Waziristan	
38	Kamran Naseem DAE Civil	DIKhan 03/04/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM DIKhan	
39	Shakirullah DAE Civil	DIKhan 03/04/1979	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
40	Ikramullah DAE Civil	DIKhan 09/06/1980	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Tank	-
41	Muhammad Sohail Qureshi DAE Civil	DIKhan 05/01/1981	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
42	Safdar Zaman DAE Civil	DIKhan 09/01/1981	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
43	Muhammad Khalid DAE Civil	DIKhan 01/04/1982	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
44	Abdul Manan DAE Civil	DIKhan 14/04/1982	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
45	Muhammad Sajid DAE Civil	DIKhan 10/11/1983	17/01/2005	17/01/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM DIKhan	-
46	Muhammad Naeem DAE Civil	Mansehra 04/04/1973	21/02/2005	21/02/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohistan lower	-
47	Muhammad Tariq DAE Civil	Haripur 15/01/1972	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
48	Masood Khan DAE Civil	Haripur 07/03/1976	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the Director Merged Area OFWM Khyber Pakhtunkhwa Peshawar	
49	Muhammad Asim DAE Civil	Haripur 12/03/1979	09/03/2005	09/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Haripur	
50	Qaiser Alam DAE Civil	Malakand 12/06/1977	16/03/2005	16/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	
51	Mushtaq Ahmad DAE Civil	Battagram 04/03/1980	16/03/2005	16/03/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kolai Palas	
52	Gulistan Khan DAE Civil	Haripur 12/03/1981	01/04/2005	01/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	
53	Farooq Shah DAE Civil	Malakand 15/04/1974	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	
54	Shakil Ahmad DAE Civil	Malakand 27/01/1978	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	

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S.No.	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
55	Sardar Ali DAE Civil	Malakand 01/04/1978	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Malakand	
56	Mohammad Ishfaq DAE Civil	Mansehra 20/01/1980	18/04/2005	18/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Peshawar	
57	Qazi Aziz-ur-Rehman DAE Civil	Haripur 16/06/1978	26/04/2005	26/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	
58	Safeer Ahmad DAE Civil+ B.Tech (Hons)	Haripur 21/01/1981	26/04/2005	26/04/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Haripur	
59	Bashir Ahmad DAE Civil	Dir Lower 31/10/1976	14/05/2005	14/05/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa Peshawar	
60	Farman Ali DAE Civil	Swat 06/06/1980	07/06/2005	07/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	
61	Tahir Khan DAE Civil + B.Tech (Hons)	Peshawar 21/08/1984	07/06/2005	07/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
62	Muhammad Idrees Khan DAE Civil	Charsadda 01/04/1985	13/06/2005	13/06/2005	16	By Initial Recruitment	Sub Engineer o/o the Director General OFWM Khyber Pakhtunkhwa, Peshawar	
63	Muhammad Tufail DAE Civil	Mardan 06/03/1979	16/06/2005	16/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	
64	Zulfiqar Ahmad DAE Civil	Peshawar 15/03/1975	18/06/2005	18/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	
65	Pervaiz Khan DAE Civil	Nowshera 01/01/1969	20/06/2005	20/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	
66	Saif Ullah DAE Civil	Laki Marwat 13/01/1983	20/06/2005	20/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Lakki Marwat	
67	Shahid Anjum DAE Civil	Mansehra 12/02/1975	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	
68	Munir Aslam DAE Civil + B.Tech (Hon)	Karak 01/01/1982	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Karak	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
69	Adnan Shah Khattak DAE Civil + B.Tech (Pass)	Nowshera 20/04/1983	24/06/2005	24/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	
70	Zahid Javed DAE Civil	Mansehra 15/01/1980	28/06/2005	28/06/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kohistan Upper	
71	Abdul Salam DAE Civil	Abbottabad 05/11/1965	15/08/2005	15/08/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swabi	
72	Sajjad Ahmad DAE Civil	Haripur 04/04/1973	17/08/2005	17/08/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Nowshera	
73	Zia Ullah DAE Civil	Swat 21/02/1973	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mohmand	
74	Harinder Kumar DAE Civil	Swat 15/04/1973	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	
75	Muhammad Niaz Khan DAE Civil	Swat 10/04/1977	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
76	Farman Ali Shah DAE Civil	Mardan 12/04/1977	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
77	Shahid Khan DAE Civil + B.Tech (Hons)	Swat 09/03/1978	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-
78	Fawad Ali DAE Civil	Swat 25/07/1978	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Bajur	-
79	Javed Ali Khan DAE Civil	Swat 01/03/1980	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Mohmand	-
80	Rahim Badshah DAE Civil	Swat 30/03/1980	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Peshawar	-
81	Naveed Ahmad DAE Civil	Swat 09/04/1981	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Buner	-
82	Akhtar Ali DAE Civil	Swat 14/08/1982	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swat	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
83	Abdul Subhan DAE Civil	Swat 12/04/1983	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kolai Palas	-
84	Sher Shah DAE Civil+ B.Tech (Hons)	Swat 07/04/1984	28/10/2005	28/10/2005	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	-
85	Faisal Hayat DAE Civil	Abbotabad 24/01/1984	31/07/2006	31/07/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Khyber	-
86	Ibrar Zeb DAE Civil	Abbotabad 30/09/1977	02/08/2006	02/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Hangu	-
87	Nazir Jan DAE Civil	Dir Lower 15/04/1977	21/08/2006	21/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Dir Lower	-
88	Rahmat Elahi DAE Civil	Dir Lower 01/08/1982	21/08/2006	21/08/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Chitral Upper	-
89	Arif Khan DAE Civil	Mansehra 28/04/1974	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-
90	Muhammad Asad DAE Civil	Mansehra 12/12/1978	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mansehra	-

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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
91	Fazl-ur-Rehman DAE Civil	Battagram 29/09/1979	05/09/2006	05/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Torghar	-
92	Shafiq-ur-Rehman DAE Civil	Abbotabad 29/12/1977	13/09/2006	13/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Kurrum	-
93	Muhammad Said DAE Civil	Swabi 11/04/1968	18/09/2006	18/09/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Mardan	-
94	Muhammad Uzair DAE Civil	Mansehra 07/05/1980	15/11/2006	15/11/2006	16	By Initial Recruitment	Sub Engineer o/o the District OFWM Kohistan Upper	-
95	Khalid Mehmood DAE Civil	Haripur 01/06/1978	23/11/2006	23/11/2006	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Haripur	-
96	Tahir Khaleeq DAE Civil+ B.Tech (Hons)	Bannu 19/04/1984	08/06/2007	08/06/2007	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Charsadda	-
97	Liaqat Ali DAE Civil	Kohistan 01/01/1984	12/06/2007	12/06/2007	16	By Initial Recruitment	Sub Engineer o/o the District Officer OFWM Shangla	-

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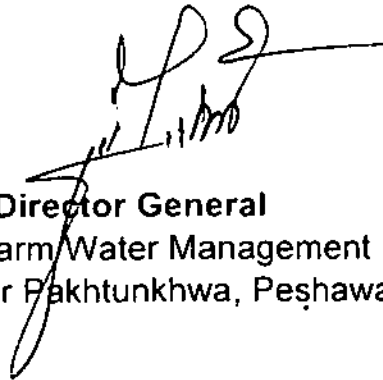
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S.No	Name of Official with Academic Qualification	Date of Birth/Domicile	Date of entry into Govt. Service	Date of Regular appointment/promotion to the present post			Present Posting	Remarks / Service Book Date
				Date	BPS	Method of Recruitment		
98	Aslam Khan DAE Civil+ B.Tech (Hons)	Dir Lower 20/04/1982	23/07/2007	23/07/2007	16	By Initial Recruitment	Sub Engineer o/o the District Director OFWM Swabi	-
99	Nasir Iqbal DAE Civil	Dir Upper 01/07/1981	01/11/2007	01/11/2007	16	By Initial Recruitment	Sub Engineer working on deputation basis in Irrigation Department.	-

Certified that the above list is final, circulated and undisputed.

Endst. Of Even No. & Date

- 1 Director Merged Area On Farm Water Management Khyber Pakhtunkhwa, Peshawar.
- 2 All District Directors On Farm Water Management in Khyber Pakhtunkhwa.
- 3 All District Officers On Farm Water Management in Khyber Pakhtunkhwa.
- 4 All Sub Engineer concerned.


Director General
 On Farm Water Management
 Khyber Pakhtunkhwa, Peshawar

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