

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 538 OF 2024

Mr. Farman Ullah
SDO O/O XEN Building
Division D.I.Khan

--- Appellant

Versus

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

--- Respondents

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Joint Parawise Comments on behalf of Respondent No.1 & 2	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	Govt of Khyber Pakhtunkhwa C&W Department Notification No. SOE/C&WD/8-12/2014 dated 14/10/2014	I	6
5	Govt of Khyber Pakhtunkhwa C&W Department Notification No. SOE/C&WD/8-12/2023 dated 20/01/2023	II	7-8
6	Minutes of the DPC Meeting dated 17/07/2023 of C&W Department	III	9-14
7	Govt of Khyber Pakhtunkhwa Establishment Department Letter No. SOR-V(E&AD)/1-1035/C&W-D/2023 dated 20/09/2023	IV	15
8	Govt of Khyber Pakhtunkhwa C&W Department Notification No. SOE/C&WD/4-2/2023 (SDOs) dated 28/11/2023	V	16-17

Deponent



Zeeshan,
Section Officer (Litigation)
C&W Department, Peshawar.

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 538 OF 2024

Mr. Farman Ullah
SDO O/O XEN Building
Division D.I.Khan

--- Appellant

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 17897

Dated 13-11-24

Versus

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

--- Respondents

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

Respectfully Sheweth

PRELIMINARY OBJECTIONS

- i. That the appeal is not maintainable in its present form.
- ii. That the appeal is bad for non-joinder and misjoinder of unnecessary parties
- iii. That the appellant has no cause of action and locus standi to file appeal.
- iv. That the appeal is time barred by law and limitation.

FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. As per record, the Sub Engineers having B-Tech (Hons) submitted a joint application for reservation of quota for their promotion to the post of SDO BS-17. In this connection a committee was constituted under Chief Engineer (CDO) C&W Peshawar to submit recommendations. The Committee proposed 3.5% share for Sub Engineers having B-Tech (Hons) on the basis of seniority-cum-fitness by curtailing 07% share quota reserved for Sub Engineer who acquired Degree of B.Sc Engineering (Civil/ Electrical/Mechanical) during service. The Establishment Department placed the case before SSRC for consideration on 19.06.2013. As per Law Department advice the case was referred to Public Service Commission for requisite NOC, who agreed with the proposed amendments for the post of Assistant Engineer/SDO/Junior Engineer/Assistant Research Officer BS-17. In view of SSRC recommendations, draft Notification forwarded to Law Department for vetting before circulation. Law Department vetted the notification with the observations and advised to examine minutely and ensure that it is in order.

In view of above, a note submitted to Chief Secretary with the proposal that the Notification regarding amendments for the post of Assistant Engineers/ SDOs/ Assistant Research Officers (BS-17) in the existing service rules may be approved. However, the Chief Secretary returned the case with direction to submit a revised working paper highlighting the observations of Law Department for placement before the SSRC for consideration/concurrence.

2

Accordingly, a revised working paper was placed before SSRC for consideration on 16.04.2014, the SSRC decided that the seniority in all cadres shall be determined from the date of initial appointment, therefore, the Department again submitted a note to Chief Secretary for proper approval of the notification. The Chief Secretary approved the note and after completion of all codal formalities, notification with necessary amendments duly recommended by SSRC and approved by Chief Secretary has been issued on 14.10.2014 (Annex-I).

6. Incorrect, Mr. Muhammad Humayun and Others B-Tec(Hons) Sub Engineer filed writ Petition No. 1320/2017 before the Peshawar High Court Peshawar with the plea that the respondents may be directed to amend the service rules dated 14.10.2014 regarding enhancement of B-Tech(Hons) Degree holder quota from 3.5% to 10%. After detail arguments on 04.05.2017 the Peshawar High Court directed the respondents to consider the grievances of the petitioner in light of the referred judgment, and decided the same accordingly. As per Court directions the grievances of the petitioners considered and the earlier fixed quota i.e. 3.5% was enhanced to 10% through Notification dated 26.03.2018.

Although, The Government is empowered to frame or amend the service rules of the Departments, while in the instant case, the Department placed the requests of B-Tech (Hons) Sub Engineers before SSRC for consideration, who recommended the amendments and accordingly a proper note placed before Chief Secretary for approval. While the plea of the appellant that circulation or option before issuance of amendment notification is totally against the policy and procedures of the Government. Besides this, the SSRC recommendations for amendments in the service rules are not circulated amongst the officers/officials for objection/ omission. If this trend once adopted the cases of necessary amendments in any rules/policy will not get finality.

7. Pertains to record.
8. Incorrect, in light of Khyber Pakhtunkhwa Service Tribunal judgment dated 07.10.2021, 10% quota reserved for promotion of B-Tech (Hons) degree holders Sub-Engineers to BS-17, was bifurcated at the @ of 06% and 04% share to those B-Tech (Hons) Sub Engineers who possess it before joining service in C&W Department and to those who acquire it during service in the Department respectively on 20.01.2023 after fulfillment all codal formalities (Annex-II). According to amended service rules, a DPC meeting held on 17.07.2023, in which the promotion cases of various cadres including the appellant B-Tech (Hons) graduates also came under consideration. The DPC while pondering the promotion cases of B-Tech recommended according to the existing scenario meaning thereby, 06 numbers Pre-Service B-Tech (Hons) Sub-Engineers considered for promotion to the rank of Assistant Engineers/SDOs (BS-17) to AT PAR bring them (Annex-III). In this regard, Establishment Department has also tendered advice (Annex-IV). A Note submitted to Chief Secretary Khyber Pakhtunkhwa for approval the recommendations of DPC minutes, including the promotion of pre-service B-Tech (Hons) Sub Engineers to the post of Assistant Engineers/SDOs (BS-17), who approved, and necessary Notification was issued on 28.11.2023 (Annex-V).
9. Incorrect. As per Para 8 of the facts, there is no mala-fide, no discrimination and no violation of rights of appellant. Seniority/promotion and framing of

3

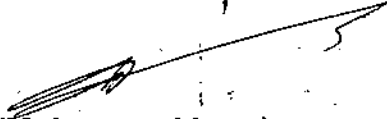
rules are strictly accordance to law under relevant rules and regulation. In fact as per Para-VI of the Promotion policy "promotion will always be notified with immediate effects.

10. Incorrect. No discrimination to any individual, including appellant, was done nor any Rule or Principle of law infringed. The apprehension of the appellant is misplaced. In fact, the Department is followed rules/policy strictly in the cases of promotion of officers/officials of the department.
11. Incorrect. The departmental appeal of the appellant received, which was properly processed and filed, having no weight-age.

GROUNDS

- A. Incorrect. No discrimination to any individual, including appellant, was done nor any Rule or Principle of law infringed. The apprehension of the appellant is misplaced. In fact, the Department is followed rules/policy strictly in the cases of promotion of officers/officials of the department
- B. Incorrect as explained in Para-8 of the fact, there is no discrimination to any individual including the appellant was done nor any rule or principle of law infringed, the apprehension of the appellant is miss-leading.
- C. Incorrect, as explained in Para B of the grounds.
- D. Incorrect as explained in Para-8 of the facts.
- E. Incorrect, and misconstrued, hence denied. Appellant cannot claim any vested right on policy decisions of the Government. The Government had formulated and framed its rules correctly and in public good. There is thus no scope/ need of amending in order to accommodate few blued eyed and that too at the expense of overall functioning of the entire Department.

In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.


(Muhammad Israr)
Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondents No.1 & 2)

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 538 OF 2024

Mr. Farman Ullah
SDO O/O XEN Building
Division D.I.Khan

--- Appellant

Versus

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

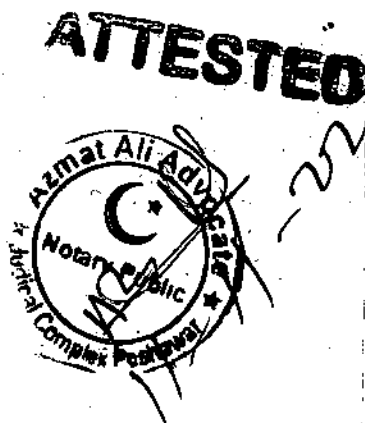
--- Respondents

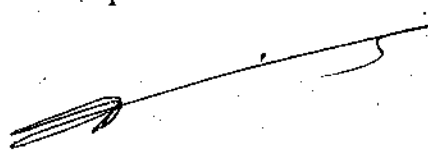
AFFIDAVIT

I, Muhammad Israr, Secretary to Govt of Khyber Pakhtunkhwa, C&W Department, Peshawar hereby affirm and declare that all the contents of the Application are correct to the best of my knowledge and belief and nothing has been concealed.

It is further stated on oath that in this appeal, the answering respondent neither has been placed ex-parte nor their defense has been struck off.

Deponent




MUHAMMAD ISRAR
SECRETARY
to Govt of Khyber Pakhtunkhwa
C&W Peshawar.
(Respondent No.1 & 2)

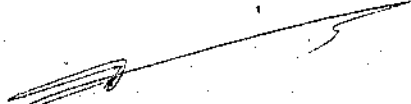


5

**GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT**

AUTHORITY LETTER

Mr. Zeeshan, Section Officer (Litigation), C&W Peshawar having CNIC 17301-2418439-1 is hereby authorized to file the Joint Parawise Comments in case titled "Service Appeal No. 538 of 2024 Farmanullah Vs Secretary to Govt Of Khyber Pakhtunkhwa through Chief Secretary & Others" on behalf of Secretary C&W Department.


**MUHAMMAD ISRAR
SECRETARY
to Govt of Khyber Pakhtunkhwa
C&W Peshawar.
(Respondent No.1 & 2)**



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the October 14, 2014

NOTIFICATION:

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

AMENDMENTS

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

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

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

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

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

(USMAN JAN)
SECTION OFFICER (Estb)



Annex - II
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Jan 20, 2023

NOTIFICATION:

No.SOE/C&WD/8-12/2023: In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby direct that in this Department Notifications No.SOE/C&WD/8-12/2009, dated 25th March, 2010, the following further amendments shall be made, namely:

AMENDMENTS

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

- whole*
- (i) Sixty five percent (65%) by initial recruitment; and
 - (ii) thirty five (35%) by promotion, on the basis of seniority-cum-fitness, in the following manner, namely:
 - (a) sixteen and-half percent (16.50%) by promotion, from amongst the holders of the posts of Sub-Engineer who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination, with ten (10) years service as such;
 - (b) five percent (5%) by promotion, from amongst the holders of the posts of Sub-Engineer who possess Degree of B.E or B.Sc Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination, with 03 (three) years service as such;
 - (c) three and half percent (3.5%) by promotion, from amongst the holders of the posts of Sub-Engineer who acquired Degree of B.E or B.Sc Engineering (Civil, Mechanical or Electrical) during service and have passed Departmental Professional Examination, with 03 (three) years service as such;
- Provided that if no suitable candidate is available for promotion, then the post shall be filled in the manner, as prescribed at clause (b) and vice-versa;
- (d) four percent (4%) by promotion, from amongst the holders of the posts of Sub-Engineer who have acquired B.Tech (Hons) four (04) years degree during service and have passed Departmental Professional Examination, with five (05) years service as such;
 - and
 - (e) six percent (6%) by promotion, from amongst the holders of the post of Sub-Engineers who possesses B.Tech (Hons) four (04) years degree at the time of appointment and have passed Departmental Professional Examination, with five (05) years service as such.

Note-I: The seniority in all cases shall be determinate from the date of initial appointment.

Provided that for the purpose of promotion to the post of Sub Divisional Officer, Assistant Engineer, Junior Engineer and Assistant Research Officer, the seniority of Sub Engineers, mentioned in the clause (c), shall be determined from the date of acquiring the Degree in B.E/B.Sc Engineering (Civil, Mechanical or Electrical) from a recognized University.

2

Secretary to Government of Khyber Pakhtunkhwa
Communication & Works Department
Peshawar

(b) For the purpose of promotion to the post of Sub-Divisional Office Assistant Engineer, Junior Engineer and Assistant Research Officer, the seniority of Sub Engineers under clause (e) shall be determined from the date of their regular appointment.

Provided that, if two or more officials have acquired B.Tech (Hons) four years Degree on the same date or two or more Sub Engineers are appointed on the same date, then their seniority shall be determined from the order of merit in the final merit list.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

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

Zahoor
20.01.2023
(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Zahoor

**MINUTES OF DEPARTMENTAL PROMOTION COMMITTEE MEETING
HELD ON 17.07.2023 AT 11:00 HOURS UNDER THE CHAIRMANSHIP OF
SECRETARY COMMUNICATION & WORKS DEPARTMENT**

Meeting of the Departmental Promotion Committee of the C&W Department was held on 17.07.2023 at 11:00 Hours under the Chairmanship of Secretary C&W in the committee room of C&W Department. The following attended the meeting:

- | | | |
|--|------|-----------------|
| 1. Mr. Syed Imtiaz Hussain Shah
Secretary C&W Department | ---- | In Chair |
| 2. Engr. Muhammad Tariq
Chief Engineer (Centre)
C&W Peshawar | --- | Member |
| 3. Mr. Jamshid Khan
Deputy Secretary (R-III)p
Establishment Department | --- | Member |
| 4. Mr. Saleem Khan
Deputy Secretary (SR)
Finance Department | --- | Member |
| 5. Zahid Mahsud
Deputy Secretary (Admn)
C&W Department | --- | Secy-Cum-Member |

2. The meeting started with the recitation from Holy Quran. The chair welcomed all the participants. The forum was informed that as per recruitment rules of the Department, the following position are required to be filled-in by way of promotion from amongst suitable officials.

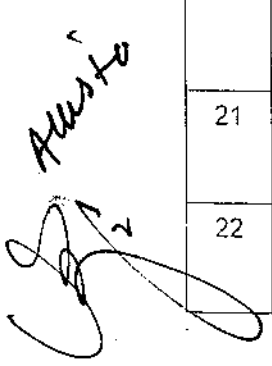
Item-I: PROMOTION OF DIPLOMA HOLDER SUB ENGINEERS TO THE POSTS OF ASSISTANT ENGINEERS/SDOs (BS-17) ON REGULAR BASIS IN THE C&W DEPARTMENT

According to clause (a) of the Service Rules of C&W Department, 16.50% posts of Assistant Engineer/SDO (BS-17) are to be filled "By Promotion", on the basis of seniority-cum-fitness, from amongst the Diploma Holder Sub Engineers having passed Departmental Professional Examination with at least ten years service as such".

After examining all relevant record of the officials and threadbare discussion, the promotion case of Diploma Holder Sub Engineers to the post of Assistant Engineer/SDO (BS-17) was considered against Twenty two (22) numbers clear vacancies on regular basis of the officials included in the panel in order of their seniority/fitness and made the following recommendations.

01	Hamidullah-I	The DPC recommended deferment of the official for promotion due to lack of his ACRs besides issuing Departmental Warning to him. The DPC further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs.
02	Tariq Hussain Shah	The DPC recommended deferment of the official for promotion due to lack of ACRs as well as pending inquiry and further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs, besides issuing Departmental Warning to the official.
03	Mumtaz Ahmad Malik	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
04	Ikramullah-II	The DPC recommended deferment of the official for promotion due to non-clearing/passing departmental professional Exam and lack of his ACRs and further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs, besides issuing Departmental Warning to the official.
05	Muhammad Shaukat	The DPC recommended deferment of the official for promotion due to pending inquiry.

06	Rehman Saeed	The DPC recommended deferment of the official for promotion due to non-clearing/passing departmental professional Exam.
07	Syed Jaffar Shah	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement.
08	Shah Tamas Khan	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement.
09	Muhammad Jamil-II	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement.
10	Muhammad Iqbal-IV	The DPC recommended deferment of the official for promotion due to lack of ACRs as well as pending inquiry and further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs, besides issuing Departmental Warning to the official.
11	Tariq Muhammad	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement. The Chief Engineer (Centre) C&W Peshawar has forwarded the XEN Highway Division Swabi letter. In the letter, it has certified that in the previous result of Departmental Promotion Exam Mr. Tariq Muhammad Sub Engineer may be considered as qualified.
12	Fida Muhammad	The DPC recommended deferment of the official for promotion due to lack of his ACRs besides issuing Departmental Warning to him. The DPC further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs.
13	Noor Zeb	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
14	Muhammad Abdul Khair	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
15	Asmatullah Khan-II	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement.
16	Salim Khan-III	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
17	Luqman Tariq	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
18	Syed Ali Raza Gillani	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
19	Muhammad Iqbal-V	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation till his retirement.
20	Muhammad Tariq-III	The DPC recommended deferment of the official for promotion due to lack of his ACRs besides issuing Departmental Warning to him. The DPC further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs.
21	Mudassir Shah	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
22	Fayyaz Gul-II	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.



 A. H. S. T.

Item-II: PROMOTION OF PRE-SERVICE/IN-SERVICE GRADUATE SUB ENGINEERS TO THE POST OF ASSISTANT ENGINEERS /SDOs (BS-17) IN THE C&W DEPARTMENT

05% quota reserved for promotion of Pre-Service Graduate Sub Engineers to the Post of Assistant Engineer/SDO (BS-17) worked out as 12, all the posts are filled. Moreover, 3.5% quota reserved for promotion of In-service Graduate Sub Engineers to the post of Assistant Engineer/SDO (BS-17) worked out as 08, out of which 07 numbers In-service Graduate Assistant Engineers (BS-17) are available and one number vacancy remained vacant from the last DPC held on 21.02.2022. However, in the referred quota only one In-service Graduate Sub Engineer has promoted on 20.12.2021 and not completed the required length of service i.e 03 Years meaning thereby not eligible for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. In such like scenario, Clause (c) against Sl. No.4, column No.5 provides that if no suitable candidate is available for promotion, then the post shall be filled in the manner as prescribed at clause (b) and vice-versa. In the instant case, Engr. Muhammad Waqar In-service Graduate Sub Engineer has submitted an application for promotion as Assistant Engineer/SDO (BS-17). However, he has not completed the required length of service i.e 03-Years. Therefore, the DPC Forum has deferred the case.

Item-III: PROMOTION OF PRE-SERVICE B-TECH (Hons) SUB ENGINEERS TO THE POST OF ASSISTANT ENGINEER/SDO (BS-17) ON REGULAR BASIS IN THE C&W DEPARTMENT

According to clause (e) of the Service Rules of C&W Department, 06% posts of Assistant Engineer/SDO (BS-17) are to be filled "By Promotion", from amongst the Holders of the Post of Sub Engineers who possess B-Tech (Hons) four (04) Years degree at the time of appointment and have passed Departmental Professional Examination, with Five (05) Years' service as such. The DPC forum also thoroughly discussed the request of In-service B-Tech (Hons) Sub Engineers regarding considering the share of promotion of In-service B-Tech (Hons) Sub Engineers and Pre-service B-Tech (Hons) Sub Engineers against the available Six (06) numbers vacant posts of Assistant Engineer. However, the forum opined that the promotion of any category is made under the existing promotion share of quota under the Existing Promulgated Rules. The position is as under:

Sl. No.	Category	Share of Each Category	Presently Working	Short Fall/ Excess
1	Pre-Service B-Tech (Hons) Sub Engineer (06%)	14.04 say = 14	00	(-) 14
2	In-Service B-Tech (Hons) Sub Engineer (04%)	9.36 say = 09	17	(+) 08

Therefore, after examining all relevant record of the officials and threadbare discussion, the promotion case of Pre-service B-Tech (Hons) Sub Engineers to the post of Assistant Engineer/SDO (BS-17) was considered against Six (06) numbers clear vacancies on regular basis of the officials included in the panel in order of their seniority/fitness and made the following recommendations.

1	Ghani Khan Khattak	The DPC recommended deferment of the official for promotion due to lack of ACRs as well as pending inquiry and further recommended to ask Chief Engineer (Centre) C&W Peshawar to conduct fact finding inquiry with-regard to not completing the ACRs, besides issuing Departmental Warning to the official.
2	Awais-ur-Rehman	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
3	Zia-ur-Rehman	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
4	Farman Ullah	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
5	Muhammad Maaz	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.
6	Amir Ali	The DPC recommended for promotion to the post of Assistant Engineer/SDO (BS-17) on regular basis. He will be on probation for a period of one year.

Handwritten signature/initials

Item-IV:

PROMOTION OF SUPERINTENDENTS TO THE POST OF ADMINISTRATIVE OFFICER/BUDGET & ACCOUNTS OFFICER (BS-17) ON REGULAR BASIS.

According to Service Rules of C&W Department, the posts of Administrative Officer/Budget & Accounts Officer (BS-17) are filled "By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 05 years' service as such"

After examining all-relevant record of the officers and threadbare discussion, the promotion case of Superintendents to the posts of Administrative Officer/Budget & Accounts Officer (BS-17) were considered against Ten (10) numbers clear vacancies on regular basis of the officers included in the panel in order of their seniority/fitness and made the following recommendations.

1	Mehboob Ali	Recommended for promotion to the post of, Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation for a period of one year.
2	Muddasir Anwar	Recommended for promotion to the post of Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation for a period of one year.
3	Shoaib Khan	Recommended for promotion to the post of Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation for a period of one year.
4	Muhammad Iqbal	Recommended for promotion to the post of Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation for a period of one year.
5	Fazal Rabbi	Recommended for promotion to the post of Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation till his retirement.
6	Fazal Amin	Recommended for promotion to the post of Administrative Officer/Budget & Accounts Officer (BS-17) on regular basis. He will be on probation till his retirement.
7	Hazrat Umer	The DPC recommended deferment of the officer due to lack of required length of service i.e. 05 years.
8	Inamullah Shah	The DPC recommended deferment of the officer due to lack of required length of service i.e. 05 years.
9	Amanat Ali Shah	The DPC recommended deferment of the officer due to lack of required length of service i.e. 05 years.
10	Fazal Hadi	The DPC recommended deferment of the officer due to lack of required length of service i.e. 05 years.

Item-V:

PROMOTION OF CIRCLE HEAD DRAFTSMAN TO THE POST OF CHIEF DRAFTSMAN (BS-17) ON REGULAR BASIS IN THE C&W DEPARTMENT

According to Service Rules of C&W Department, the posts of Chief Draftsman (BS-17) are to be filled "By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman, with at least (03) years' service as such".

After examining all relevant record of the officials and threadbare discussion, the promotion case of Circle Head Draftsman to the posts of Chief Draftsman (BS-17) were considered against Eight (08) numbers clear vacancies on regular basis of the officials included in the panel in order of their seniority/fitness and made the following recommendations.

1	Muhammad Ayub	The DPC recommended for promotion to the post of Chief Draftsman (BS-17) on regular basis. He will be on probation for a period of one year.
2	Saeed Ullah	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.
3	S. Muhammad-Ali Shah	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.
4	Fayyaz Khan	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.

13

5	Tila Muhammad	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.
6	Ali Marjan	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.
7	Iftikhar Ali	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.
8	Shafqat Ullah	The DPC recommended deferment of the official due to lack of required length of service i.e. 03 years.

Item-VI: PROMOTION OF ASSISTANTS & SENIOR SCALE STENOGRAPHER TO THE POST OF SUPERINTENDENT (BS-17) ON REGULAR BASIS

According to Service Rules of C&W Department, the method of recruitment/ appointment of Superintendents is as under:-

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

Note: For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior."

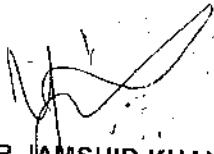
After examining all relevant record of the officials and threadbare discussion, the promotion of Assistants/Senior Scale Stenographers to the posts of Superintendents (BS-17) on regular basis were considered against Twenty (20) clear vacancies and made the following recommendations:-

1	Javeria Tahir	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
2	Inayat Khan	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
3	Asadullah Khan	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
4	Nekam Khan	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
5	Badshah Hussain	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
6	Muhammad Idrees	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
7	Muhammad Tariq	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
8	Rahim Dad	The DPC recommended for promotion to the post of Superintendent (BS-17) on regular basis. He will be on probation for a period of one year.
9	Hayat Ali	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
10	Wali Ullah	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
11	Inamullah	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
12	Muhammad Ishtiaq	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
13	Jamshaid Khan	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
14	Arshad Iqbal	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
15	Riaz Ali Shah	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
16	Muhammad Ibrahim	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
17	Raza Muhammad	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.


Alwaha


18	Muhammad Zeb	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
19	Rozi Gul	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.
20	Miftahuddin	The DPC recommended deferment of the official due to lack of required length of service i.e. 05 years.

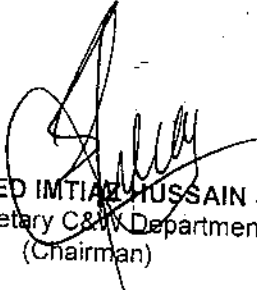
3. The meeting ended with mutual vote of thanks.



(MR. JAMSHID KHAN)
 Deputy Secretary (Reg-III)
 Establishment Department
 (Member)

Saleem
(MR. Saleem Khan)
 Deputy Secretary (Reg)
 Finance Department
 (Member)


(ENGR. MUHAMMAD TARIQ)
 Chief Engineer (Centre)
 C&W Peshawar
 (Member)


(MR. ZAHID MAHSOD)
 Deputy Secretary (Admn) C&WD
 (Secretary-Cum-Member)


(ENGR SYED IMTIAZ HUSSAIN SHAH)
 Secretary C&W Department
 (Chairman)

Attest




Annex-11
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING) 15

No. SOR-V(E&AD)/1-1035/C&W-D/2023

Dated Peshawar the 20th September 2023

To

6909
22-9-23
AS(A)/SOE
The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department.

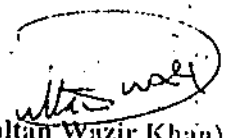
Subject:

REQUEST FOR COMPLIANCE OF RULES FOR PROMOTION OF
B-TECH (HONS) SUB ENGINEER AS ASSISTANT (BPS-17) C&WD

Dear Sir,

I am directed to refer to your letter No. SOE/C&WD/4-2/2022 dated 11.08.2023 on the captioned subject and to state that Note may be moved for approval of Chief Secretary Khyber Pakhtunkhwa in light of recommendations of DPC meeting held on 17.07.2023, please.

Yours faithfully,

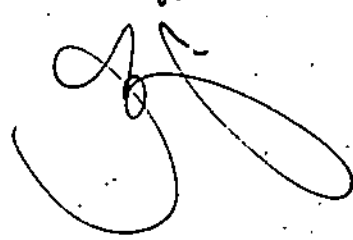

(Sultan Wazir Khan)
SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded to:-

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

SECTION OFFICER (REG-V)

Alister




GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Nov 28, 2023

NOTIFICATION:

No.SOE/C&W/4-2/2023 (SDOs): On the recommendation of Departmental Promotion Committee (DPC), the Competent Authority has been pleased to promote the following Pre-service B-Tech (Hons) Sub Engineers to the post of Assistant Engineers/SDOs (BS-17) of C&W Department on regular basis, with immediate effect:

- | | | |
|--------------------|-----|------------------|
| 1. Awais-ur-Rehman | --- | On Regular basis |
| 2. Zia-ur-Rehman | --- | On Regular basis |
| 3. Farman Ullah | --- | On Regular basis |
| 4. Muhammad Maaz | --- | On Regular basis |
| 5. Amir Ali | --- | On Regular basis |

2. The above officers shall remain on probation for a period of one year in terms of Rule-15 of (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion as Assistant Engineers/SDOs (BS-17) on regular basis, the Competent Authority is further pleased to order the transfer/posting of the following officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name of Officers	Existing posting	Proposed for actualization/ Adjustment	Remarks
1	Awais-ur-Rehman (BS-17)	Sub Engineer (BS-12) C&WD, presently working as Assistant Director (OPS) Directorate of Works & Implementation Sports & Tourism Department, Peshawar on deputation basis	Assistant Design Engineer O/O CE (Maintenance) Peshawar for actualization of his promotion as Assistant Engineer/SDO (BS-17) C&WD on regular basis and reposted as Assistant Director Directorate of Works & Implementation Sports & Tourism Department, Peshawar on deputation basis	---
2	Zia-ur-Rehman (BS-17)	Sub Engineer O/O XEN Building Division Mansehra	SDO O/O XEN Highway Division Mohmand	Var
3	Farman Ullah (BS-17)	Sub Engineer O/O XEN C&W Division Karak	SDO O/O XEN Building Division DIKhan	---
4	Muhammad Maaz (BS-17)	Sub Engineer O/O XEN Mega Projects, Swat	SDO O/O XEN Building Division Mohmand	---
5	Amir Ali (BS-17)	Sub Engineer O/O XEN Highway Division Mardan	SDO O/O XEN Building Division Charsadda	---

SECRETARY TO
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. All Chief Engineers C&W Department
3. Managing Director PKHA Peshawar
4. Superintending Engineer C&W Circle concerned
5. Director Sports & Tourism Department Peshawar
6. Executive Engineer C&W Divisions concerned
7. Executive Engineer Building Divisions concerned
8. Executive Engineer Highway Divisions concerned
9. District Accounts Officers concerned
10. Accounts Officers Tribal Districts concerned
11. PS to Minister for C&W Khyber Pakhtunkhwa Peshawar
12. PS to Secretary C&W Department, Peshawar
13. PA to Additional Secretary (Admn/Tech) C&W Department, Peshawar
14. PA to Deputy Secretary (Admn/Tech) C&W Department, Peshawar
15. Officers concerned
16. Office order File
17. The Manager Govt Printing Press, Khyber Pakhtunkhwa, Peshawar

Zahoor
 28.11.2023
 (ZAHOOR SHAH)
 SECTION OFFICER (Estb).

Alw...
