

12.04.2022

Counsel for the appellant present.

Let a pre-admission notice be issued to the respondents for the date fixed. To come up for reply/ preliminary hearing on 13.06.2022 before S.B.

13th June, 2022

Clerk to counsel for the appellant present. Chairman


Counsel are on strike. To come up for preliminary hearing on 30.06.2022 before S.B.


(Kalim Arshad Khan)
Chairman

30.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Majid Khan, Superintendent for respondents present.

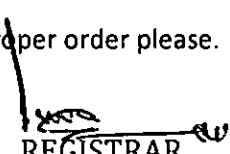
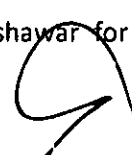

Learned AAG seeks time for submission of written reply/comments. To come up for reply/comments and preliminary arguments on 01.08.2022 before S.B.


(Fareeha Paul)
Member (E)

FORM OF ORDER SHEET

Court of _____

Case No.- 384 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2022	<p>The joint appeal of Mr. Muhammad Junaid and 1 other presented today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>11.04.2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Noted Junaid date 08/4/22 Zartaj Advocate Junaid</i></p> <p>11.04.2022 Counsel for the appellant present and heard. Come up for consideration tomorrow on 12.04.2022. This S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 384/2022

Muhammad Junaid and Others

(Appellants)

VERSUS

Govt of Khyber Pakhtunkhwa and Others

(Respondents)

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Appellants

Through

ZARTAJ ANWAR

Advocate High Court

Office FR, 3-4 Forth Floor

Bilour Plaza Peshawar Cantt.

Cell: 0331-9399185

Email: Zartaj9@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 381 /2022

1. Muhammad Junaid, (Assistant Director) S/O Muhammad Saeed, R/O House No 156, new colony Jahangir abad Tehkal Bala Peshawar.
2. Zia ur Rehman (Assistant Director) S/O Muhammad Yousaf R/O Zubair Colony Pakha Ghulam Dalazak Road Peshawar

(Appellants)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary, Establishment Department Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Industries, and Commerce Khyber Pakhtunkhwa Peshawar.

(Respondents)

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against not counting of contractual service for the purpose of pay fixation, and against which the appellants filed departmental appeal dated 25.11.2021, which is not yet responded despite the lapse of 90 days statutory period.

Prayer in appeal

On acceptance of this appeal the contractual service of the appellants followed by regularization may kindly be counted for the purpose of pay fixation, any other relief which may not asked specifically may also be awarded in favour of the appellants.

Respectfully Submitted:

1. That the appellants are the law abiding citizens of Pakistan and have all the legal and constitutional rights duly protected under the Law of the land.
2. That the Provincial Government promulgated Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 on 13.01.2014. The Establishment Ehtesab Commission is provided in Section 3 of the Act (ibid). Moreover Section 3A, 4, 9, 11 & 12 describes the structure and functions of the Commission. As per Ehtesab Commission Act the Directorate General and under the supervision different wings were functioning.
3. That initially the appellants were appointed on the post of Assistant Director Software BPS 17 in the Khyber Pakhtunkhwa Ehtesab Commission on contract basis vide appointment orders dated 23.06.2015. *(Copy of the appointment orders dated 01.08.2017 is attached as annexure A).*
4. That since their appointment the appellants performed their duties with great zeal and devotion and to the entire satisfaction of their superiors without any complaint whatsoever regarding their performance.
5. That the services of the appellants were regularized vide office order dated 01.08.2017, under section 5 of Khyber Pakhtunkhwa Ehtesab Commission Employees Service Regulation, 2017, *(Copy of the Regulation 2017 and order dated 01.08.2017 are attached as annexure B & C).*
6. That the Khyber Pakhtunkhwa Ehtesab Commission became defunct and the regular employees of the commission kept in the surplus pool under Section 6 of the Khyber Pakhtunkhwa Ehtesab Commission Employees Service Regulation Act 2019. *(Copy of the Act 2019 is attached as annexure D).*
7. That thereafter the appellants were posted as Assistant Director in the Directorate General of Industries & Commerce of Khyber Pakhtunkhwa vide office order dated 27.06.2019. *(Copy of the order dated 27.06.2019 is attached as annexure E).*

8. That the appellant submitted their departmental appeal vide dated 25.11.2021 for counting of contractual service for the purpose of pay fixation which were proceeded departmentally but not a fruitful or finding has not yet responded by the respondent department even after the laps of statutory period of 90 days. *(Copy of the departmental appeal is attached as annexure F).*
9. That being aggrieved from the act /omission of the respondent department the appellants file this Service Appeal on the following grounds amongst the others.

GROUND OF WRIT PETITION:

- A. That the appellants have not been treated in accordance with law and their rights secured and guaranteed under the law have been violated.
- B. That since their appointment the appellants performed their duties with great zeal and devotion and to the entire satisfaction of their superiors without any complaint whatsoever regarding their performance.
- C. That initially the appellants were appointed on the post of Assistant Director Software BPS 17 in the Khyber Pakhtunkhwa Ehtesab Commission on contract basis vide appointment orders dated 23.06.2015. the services of the appellants were regularized vide office order dated 01.08.2017, under section 5 of Khyber Pakhtunkhwa Ehtesab Commission Employees Service Regulation, 2017. but the respondents malafidely not counted the contractual service of the appellants for the purpose of pay fixation.
- D. That the appellants were posted as Assistant Director in the Directorate General of Industries & Commerce of Khyber Pakhtunkhwa vide office order dated 27.06.2019, since their posting the appellants performing their duties with great zeal and devotion.
- E. That in this regard issued the finance department notification dated 18.03.2021, in which the finance department allowed the pay protection to gazetted contract employees on their

regularization/appointment on regular basis, but despite of this notification the respondents decline the pay fixation to the appellants. *(Copy of the notification dated 18.03.2021 is attached as annexure G).*

F. That the respondent department issued a tentative seniority list of Assistant Director, where the service of the appellants counted from the date of their initial appointment i.e. 24.06.2015. *(Copy of the tentative seniority list is attached as annexure H).*

G. That the appellants performed their duties in the respondent department without any break and regularly, but not allowing pay fixation to the appellants is illegal, against the law and judgments of August Supreme Court Of Pakistan.

H. That according to the Fundamental Rules:-

F.R 22-A:- the initial substantive pay of a government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reason other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time scale as it stood prior to reduction, is regulated by rule 22 provided both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation from the public service, or after removal from Public service for inefficiency, misconduct or as disciplinary measure covered by clause (b) that it he either-

- i. The same post prior to reduction of its time-scale or*
- ii. a permanent or temporary post on the same time scale as the unreduced time scale of the post, or*
- iii. a permanent post other than a tenure post or a temporary post, on a time-scale of pay identical with the unreduced time scale of the post, such temporary post being on the same time –scale as a permanent post,*

I. That the fundamental rule 26 says that:-

F.R. 26. The following provisions prescribe the conditions on which service counts for increments in a time scale:-

(a) All duty in a post on a time-scale and periods of leave other than extraordinary leave count for increments in that time scale:-

J. That the August Supreme Court of Pakistan held in the its recent judgment dated 27.04.2021 as:-

In the above referred almost in similar circumstances as in the present case, the benefit of pay protection was given retrospectively, therefore the respondent being standing on the same pedestal also deserves the same treatment to be meted out in the spirit of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, so far as issues of laches is concerned, this point was specifically taken by the appellants before the learned service tribunal and the same was rightly discarded by the tribunal in paragraph no 5 of the impugned judgment by holding that being financial matter limitation will not have any adverse implication on respondent's claim

For what has been discussed above, we are of the candid view that the learned service tribunal has passed a well reason judgment to which no exception can be taken, this appeal having no merit is accordingly dismissed.

(Copy of the judgment is attached as annexure I).


K. That the August Supreme Court of Pakistan decided the same issue in its reported judgment 2008 SCMR 2014 as:-

Employees of Pakistan Broadcasting corporation drawing basic pay at Rs.2800 in BPS-18 as Assistant News Editor, Such employee left Corporation after joining Education Department as Assistant Professor (BPS-18) through Public Service Commission and proper channel. Fixation of pay of such employee in Education department at Rs 2100 as initial stage of BPS-18. Such employee would be entitled to protection of his last pay drawn in corporation in BPs-18 from the date of joining Education Department.

(Copy of the judgment is attached as annexure J).


L. That the appellants seek the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this Appeal.

It is, therefore, prayed that on acceptance of this appeal the contractual service of the appellants followed by regularization may kindly be counted for the purpose of pay fixation, any other relief which may not asked specifically may also be awarded in favour of the appellants.



Appellants

Through



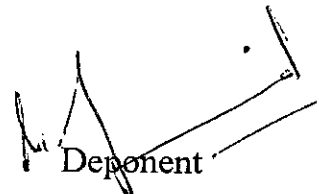
ZARTAJ ANWAR
Advocate Peshawar

&

IMRAN KHAN
Advocate Peshawar

AFFIDAVIT

I Muhammad Junaid, (Assistant Director) S/O Muhammad Saeed, R/O House No 156, new colony jehangir abad Tehkal Bala Peshawar), do hereby solemnly affirm and declare that the contents of the above Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.



Deponent



**KHYBER PAKHTUNKHWA
EHTESAB COMMISSION**



No. EC/HR/22-6(01)/2015

Date: 01.08.2017

To

Mr. Muhammad Junaid S/o Muhammad Saeed
R/o House No.156, New Colony Jehangir Abad, Tehkal Bala, District Peshawar.

Subject: **APPOINTMENT TO THE POST OF ASSISTANT DIRECTOR, WEB- BPS-17
(RS.30370-2300-76370)**

1. With reference to examination and subsequent recommendation by the Committee constituted under section 11(4) of KPEC Act, 2014 (as amended), the Director General, KP Ehtesab Commission is pleased to appoint you as **Assistant Director, Web (BPS-17) in KP Ehtesab Commission.**
2. The terms & conditions of appointment are as under:-
 - a. Your services will be governed in accordance with the KPEC Act (ibid) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPEC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
 - b. You will draw the pay in BPS-17 (RS. 30370-2300-76370) plus other allowances as admissible under the KP Government Rules and KPEC Employees Service Regulations, 2017.
 - c. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
 - d. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by HEC/concerned institute or board as the case may be.
 - e. You can be posted/ transferred/ attached anywhere in KP Ehtesab Commission, as considered necessary by the Competent Authority.
 - f. Your seniority would be determined in accordance with the KPEC Employees Service Regulations, 2017.
3. If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPEC within **07 days of issuance of this letter.**
4. Your appointment will be notified on the receipt of your joining report.

Director General
KP Ehtesab Commission
Peshawar

Assistant Director (HR)
KP Ehtesab Commission

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission
- Personal File
- Master File



**KHYBER PAKHTUNKHWA
EHTESAB COMMISSION**

8



Date: 01.08.2017

No. EC/HR/22-6(02)/2015

NOTIFICATION

On acceptance of terms and conditions laid down in the appointment offer communicated vide letter No.EC/HR/22-6(01)2015, dated. 01.08.2017, the Competent Authority is pleased to post Mr. Muhammad Junaid as Assistant Director Web (BPS-17) in I&DP Wing, KP Ehtesab Commission, with immediate effect and until further orders.

Director General
KP Ehtesab Commission

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission
- Officer Concerned.
- Personal File

Assistant Director (HR)
KP Ehtesab Commission

9

**KHYBER PAKHTUNKHWA
EHTESAB COMMISSION**



No. 11/HR/13/011/2017

Date: 01.08.2017

Mr. Liaqat Rehman Son Muhammad Younas
K-10/Chah Colony, Pakhs Ghauri, Dabzal Road, District Peshawar.

**APPOINTMENT IN THE POST OF ASSISTANT DIRECTOR, SOFTWARE - BPS-17
(RS. 30370-2300-76370)**

With reference to examination and subsequent recommendation by the Commission (conducted under section 11(4) of KPCC Act, 2014 (as amended)), the Director General KP Ehtesab Commission is pleased to appoint you as Assistant Director, Software (BPS-17) in KP Ehtesab Commission.

The terms & conditions of appointment are as under:-

1. Your services will be governed in accordance with the KPCC Act (ibid) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPCC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
2. You will draw the pay of BPS-17 (RS. 30370-2300-76370) plus other allowances as admissible under the KP Government Rules and KPCC Employees Service Regulations, 2017.
3. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
4. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by the concerned institute or board as the case may be.
5. You can be posted/transferred, attached anywhere in KP Ehtesab Commission, as considered necessary by the Competent Authority.
6. Your seniority would be determined in accordance with the KPCC Employees Service Regulations, 2017.

If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPEC within 07 days of issuance of this letter.

Your appointment will be notified on the receipt of your joining report.

Director General
KP Ehtesab Commission
Peshawar

Copy to:

1. Director, Finance & Audit Wing, KP Ehtesab Commission
2. Personal File
3. Master File

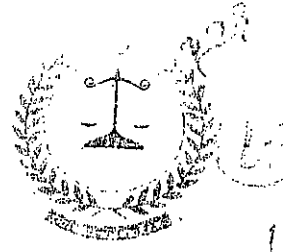
Assistant Director (HR)
KP Ehtesab Commission

Human Resource Wing, KPEC, Peshawar, Khyber Pakhtunkhwa, Pakistan.

(RS. 30370-2300-76370)

10/

KHYBER PAKHTUNKHWA
EHTE SAB COMMISSION

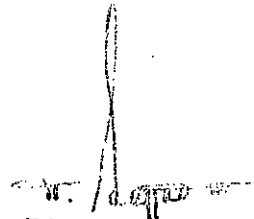


No. EC/HR/23-6(02)/2015

Date: 01.08.2017

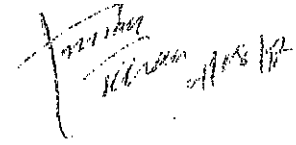
NOTIFICATION

On acceptance of terms and conditions laid down in the appointment offer communicated vide letter No.EC/HR/23-6(01)2015, dated. 01.08.2017, the Competent Authority is pleased to post **Mr. Zia Ur Rehman as Assistant Director Software (BPS-17)** in I&DP Wing, KP Ehtesab Commission, with immediate effect and until further orders.


Director General
KP Ehtesab Commission

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission
- Officer Concerned.
- Personal File


Assistant Director (HR)
KP Ehtesab Commission



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 22ND JUNE, 2017.

KHYBER PAKHTUNKHWA EHTE SAB COMMISSION

NOTIFICATION

Peshawar, dated: June 09, 2017

No. EC/HR/91-5(8)/2017.—In exercise of the powers conferred by section 9 (d) read in section 51 of the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. 1 of 2014) the Commission is pleased to make the following regulations namely:

KHYBER PAKHTUNKHWA EHTE SAB COMMISSION EMPLOYEES SERVICE REGULATIONS, 2017

1. Short title, application and commencement —(1) These regulations may be called the Khyber Pakhtunkhwa Ehtesab Commission Employees Service Regulations, 2017

(2) These regulations shall apply to all the employees of Directorate General of the Commission except the Investigation and Prosecution Wings, save as otherwise provided by these regulations.

(3) These regulations shall come into force at once.

2. Definitions. —In these regulations unless the subject or context otherwise requires, the following expressions shall have the meanings as assigned to them hereunder:-

- (a) "Act" means the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. 1 of 2014);
- (b) "Appendix" means the Appendix appended to these regulations;
- (c) "Directorate General" means the Directorate General of the Commission established under section 3-A of the Act;
- (d) "employee" means an employee of the Directorate General appointed on regular basis including the Ehtesab Courts staff;
- (e) "initial recruitment" means appointment made otherwise than by promotion or transfer;
- (f) "Selection and Promotion Board" means the Selection and Promotion Board constituted under these regulations;

3. Method of Appointment.—(1) Appointment to various posts in the Directorate General shall be made by initial recruitment, promotion or by transfer in the manner as specified in Appendix-I.

(2) The qualification and other conditions applicable to a post shall be such as specified in the Appendix.

(3) The qualification requisite experience and basic pay scales of Ehtesab Court staff shall be as specified in Appendix-II

4. **Appointing Authority.**—Save as otherwise provided in the Act, the Director General shall be the Appointing Authority for the purpose of appointment to various posts in the Directorate General including the Ehtesab Court staff on the recommendation of Selection and Promotion Board.

5. **Status of existing employees in the Directorate General.**—(1) The Committee constituted under sub-section (4) of section 11 of the Act shall scrutinize the existing employees of the Directorate General for their suitability for appointment on regular basis under these regulations.

(2) If an employee of the Directorate General is found eligible in accordance with the provisions of these regulations the Committee may recommend his name for appointment on regular basis under these regulations.

6. **Selection and Promotion Board.**—(1) There shall be a Selection and Promotion Board for the purpose of initial recruitment, promotion and transfer of all employees.

(2) The Selection and Promotion Board shall consist of -

(a)	Director HR Wing	Chairman
(b)	Additional Secretary, Establishment Department Govt. of Khyber Pakhtunkhwa.	Member
(c)	Two Directors to be nominated by the Commissioner. (one shall be from the Concerned Wing); and	Members
(d)	Assistant Director, Human Resource Wing.	Secretary

Provided that in case of appointment of Director HR Wing the Board shall be chaired by a Director to be nominated by the Commission.

Provided further that in case of initial recruitment, promotion and transfer of Ehtesab Court staff the senior amongst the Ehtesab Court's Judges shall be the chairman of the Board instead of Director HR Wing.

7. **Seniority.**—(1) The Appointing Authority shall maintain proper seniority lists of the employees of Directorate General and shall notify the same once in every calendar year, preferably in the month of January.

(2) The inter-se seniority of the employees in the various Wings shall be determined;-

(a) in the case of persons appointed by initial recruitment in accordance with the order of merit assigned by the Selection and Promotion Board under these regulations provided that persons selected for appointment in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of persons appointed other than by initial recruitment, with reference to the dates of their continuous regular appointment to the post; provided that persons selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se seniority as in the lower post.

(3) Seniority inter-se of the employees appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their appointment to a post in a Wing; provided that if the two dates are the same, the person appointed by promotion shall rank senior to the one appointed by initial recruitment.

8. Age relaxation.— The Commission may relax the upper age limit according to Government Policy.

Provided that no relaxation in qualification and experience shall be admissible in any circumstances.

9. Eligibility.—(1) A candidate for appointment shall be a citizen of Pakistan and bonafide resident of the Khyber Pakhtunkhwa.

(2) No person, who has been married with a foreign national or has dual nationality, shall be appointed to a post under these regulations.

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificate of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) No candidate shall be appointed to a post unless he is found, after such medical examination as per Government rules in vogue, to be in good mental and bodily health and free from physical defect/s likely to affect in the efficient discharge of his duties.

(5) Where a person appointed by initial recruitment to a post under these regulations not having Matric qualification to produce any documentary proof regarding his age, the Commission may send him to its medical officer or to any other Registered Medical Practitioner, selected by the Commission for his purpose and his opinion with regard to the age of the employee shall be final. Age of the employee as registered at the time of his employment shall be recorded as final and shall not be questioned by the employee.

(6) No person, who has been dismissed from service or terminated from service on ground of misconduct or inefficiency from any Government, Semi-Government, Autonomous Body or Organization or his contract of services terminated or not extended on these grounds shall be appointed to a post under these regulations.

10. Retirement— An employee of the Directorate General shall retire from service on attaining the sixtieth year of his age.

11. Probation.—(1) A person appointed to a post in Directorate General shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise, provided that if his work or conduct during the period of probation has, in the opinion of appointing authority, not been found satisfactory, the appointing authority may notwithstanding that the period of probation has not expired,—

- (a) dispense with his services, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed otherwise or if there will be no such post, dispense with his services; or
- (c) extend the period of probation for a period not exceeding one year in all and during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation.---Officiating service or service spent on transfer to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended, and if no orders have been made by the day on which the maximum period of probation expires, the employee shall be deemed to have satisfactorily completed his period of probation.

12. Confirmation.---On satisfactory completion of the probationary period, an employee shall be confirmed against a regular post.

13. Resignation.---(1) An employee may resign from the service of the Commission after giving one month prior notice in writing to the Appointing Authority, failing which he shall be liable to pay an amount equal to one month's salary in lieu of the notice.

(2) In case the services of an employee are to be dispensed with for any reason, the Directorate General shall give one month's prior notice or one month's pay in lieu of the notice.

14. Other matters.---(1) In all other matters not specifically provided for in these regulations the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis to the employees.

(2) All employees except these in the Prosecution Wing shall be entitled to special Ehtesab Allowance at the rate of 60% of the corresponding Government pay scale of the year 2015 while the employees of Investigation Wing shall be entitled to an additional allowance of 40% to be calculated in the same manner.

(3) All posts required to be filled by initial recruitment or contract appointment shall be duly advertised in at least three leading daily newspapers in their combined additions and uploaded on the website.

(4) A candidate for Initial recruitment to a post must possess the qualification and experience and must be within the age limit as specified in the Appendices I and II.

(5) A tentative merit list of the candidate shall be displayed on the website and notice board of the Directorate General accessible to the candidates for reasonable time.

(6) The marking system for appointment to regular posts in the Directorate General shall be such as provided in Appendix-III which shall be strictly followed.

Sd/-x-x-x
Justice (R) Hamid Farooq Durrani
Chief Ehtesab Commissioner

Sd/-x-x-x
Col. Abdul Wahid Jan Abbasi
Commissioner-I

Sd/-x-x-x
Ms. Syeda Sarwat Jehan
Commissioner-II

Sd/-x-x-x
Mumtaz Ali Khan
Commissioner-III

Sd/-x-x-x
Sahibzada Khurshid Ahmed
Commissioner-IV

Amended C 15

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 22ND MARCH, 2018

KHYBER PAKHTUNKHWA EHTE SAB COMMISSION

House No.21, Street No.2, Sector G-2, Phase-II, Hayatabad, Peshawar, Khyber Pakhtunkhwa, Pakistan
(Ph. #: 091-9219652)

No. EC/HR/88-2/2017

Date: 01.08.2017

ORDER

1. The Competent Authority is pleased to appoint following officers on the posts mentioned against their names, on regular basis, upon examination and subsequent recommendation by the Committee constituted under section 11(4) of KPEC Act, 2014 (as amended):

S.No.	Name	Designation & BPS
1	Akbar Zaman	Director Information & Data Processing (BPS-20)
2	Muhammad Farooq Khan	Assistant Director HR (BPS-17)
3	Imran Ullah Khan	Assistant Director HR (BPS-17)
4	Inayatullah	Accounts Officer, Ehtesab Courts (BPS-17)
5	Muhammad Junaid	Assistant Director Web (BPS-17)
6	Zia-ur-Rehman	Assistant Director Software (BPS-17)

2. Terms & conditions of their appointment are as under:-

- Their services will be governed in accordance with the KPEC Act (ibid) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPEC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
- They will draw the pay in their respective basic pay scales plus other allowances as admissible under the KP Government Rules and KPEC Employees Service Regulations, 2017.
- Their appointments are regular, however, their confirmation will be subject to satisfactory completion of probationary period.
- Their appointment shall be subject to satisfactory report regarding their security clearance and verification of degrees/ documents by HEC/ concerned institute or board as the case may be.
- They can be posted/ transferred/ attached anywhere in KP Ehtesab Commission, as considered necessary by the Competent Authority.
- Their seniority would be determined in accordance with the KPEC Employees Service Regulations, 2017.

Director General
KP Ehtesab Commission
Peshawar

1468

Approved - D
16

**FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA**

**PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 04/01/2019.

No. PA/Khyber Pakhtunkhwa/Bills-9/2019/ 694 The Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 28th December, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th January, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA EHTESAB COMMISSION (REPEAL) ACT, 2018.
(KHYBER PAKHTUNKHWA ACT NO. V OF 2019)**

(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated the 04/01/2019).

(Here print as in the accompaniment).


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills-9/2018/ 695-97 Dated 04/01/2019

A copy of the above is forwarded to :-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Director Information, Khyber Pakhtunkhwa.
4. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

AN
ACT
to repeal the Khyber Pakhtunkhwa
Ehtesab Commission Act, 2014.

WHEREAS it is expedient to repeal the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018.

(2) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Anti-Corruption Establishment" means the Anti-Corruption Establishment, established under the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);

(b) "asset" means anything of the value includes but is not limited to property whether tangible or intangible, cash, investments, accounts receivables, loans granted, inventory, vehicles, furniture, plant and machinery, which is under the administrative control of the Ehtesab Commission before the commencement of this Act;

(c) "Department" means the Establishment and Administration Department of the Government;

(d) "Ehtesab Commission" means the Khyber Pakhtunkhwa Ehtesab Commission established under the repealed Act;

Asstt. Secy
Govt of Khyber Pakhtunkhwa
Islamabad

(e) "Government" means the Government of the Khyber Pakhtunkhwa;

(f) "record" means any information, documents, ledgers, books, accounts, data, dossiers, files, reports, archives, notes, minutes, transactions, proceedings, transcripts, certificates, deeds, instruments, diaries, logs, inventory lists, catalogues, case files, case studies, or otherwise anything that may be determined by Government to be record of the Ehtesab Commission; and

Secretary
Govt of the Khyber Pakhtunkhwa
Law Department

(g) "repealed Act" means the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), as repealed under section 3 of this Act.

3. Repeal.—The Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014), is hereby repealed and as a corollary thereof, the Ehtesab Commission established thereunder, shall stand dissolved.

4. Transfer of assets and liabilities, record and matters ancillary thereto.—On coming into force of this Act, all assets, liabilities, bank accounts, properties, debts, obligations, claims, proceedings before judicial forums, alongwith all necessary record of the Ehtesab Commission, shall be deemed to be assets, liabilities, bank accounts, properties, debts, obligations, claims, proceedings etc. of the Government.

5. Transfer of inquiries, investigation and references.—Notwithstanding the repeal of the repealed Act, on commencement of this Act,

(i) all complaints received by the Ehtesab Commission, on which the inquiries and investigations have not been initiated under the repealed Act, shall stand

transferred to the Anti-Corruption Establishment and shall be further inquired and investigated under the Prevention of Corruption Act, 1947 (II of 1947) and the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);

Asst. Secy. to Govt. of West Pakistan Law Department

(ii) all the pending inquiries and investigations, initiated by the Directorate General of the Ehtesab Commission, shall stand transferred to the Anti-Corruption Establishment and shall be further inquired and investigated under the Prevention of Corruption Act, 1947 (II of 1947) and the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (W.P. Ordinance No. XX of 1961);

(iii) all references pending adjudication before Ehtesab Courts shall stand transferred to Anti-Corruption Courts for further examination in accordance with the provisions of the repealed Act; and

(iv) all appeals and revisions except those of the employees of Ehtesab Commission, pending before the High Court shall be examined in accordance with the provisions of the repealed Act.

6. Status of the employees.—Notwithstanding anything contained in any law for the time being in force, on the commencement of this Act,-

- (a) the services of contractual employees of the Ehtesab Commission shall stand terminated;
- (b) the regular employees of the Ehtesab Commission and Ehtesab Courts shall be given an option either to continue their services as surplus employees or

accept the golden hand shake, offered by the Government, as per its policy;

- (c) the employees, who opt for the continuation of their services as surplus, shall be deemed to have been declared surplus and placed in the surplus pool of the Department;

Provided that a Scrutiny Committee shall be constituted by the Department to verify that-

Assistant Secretary
Government of Karnataka

- (i) the employees were appointed against those posts which fall in the initial quota;

- (ii) the employees possess such qualifications and experience as prescribed for the posts against which they were appointed on regular basis; and

- (iii) the employees were appointed after observance of all codal formalities; and

- (d) the option under clause (b) shall be exercised within a period of thirty (30) days and once exercised, shall deem to be final.

7. Removal of difficulties.--If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may pass any order, not inconsistent with the provisions of this Act, as may be deemed necessary for the purpose of removing such difficulty.

8. Bar of jurisdiction.--No Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in

relation to anything done in good faith or purported to have been done or intended to be done under this Act.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa



19

ANSWER E

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(ESTABLISHMENT WING)**

Dated Peshawar the June 27, 2019

Notification

No. SOE-III (E&AD)1-3/2019/E.H:- In exercise of the power vested under provision of Sr. No. 1 (b) of Rule-4 Appointment, Promotion and Transfer Rules, 1989 read with Para-5(c)(ii) of the Surplus Policy contained in E&A Department (Regulation Wing) Govt. of Khyber Pakhtunkhwa circular letter No. SOR-I (E&AD) 1-200/1998 dated 08-06-2001, the Competent Authority has been pleased to adjust the following Assistant Director HR (BPS-17), Assistant Director Software (BPS-17) and Assistant Director Web (BPS-17) (Surplus Pool Establishment & Administration Department) at the disposal of Industries Commerce and Technical Education Department for their further adjustment in the Directorate of Industries, Commerce & Technical Education, Khyber Pakhtunkhwa against the vacant posts of Assistant Director (BPS-17) under initial recruitment quota.

S/N	NAME	DESIGNATION
1)	Mr. Zia-Ur-Rehman	Assistant Director Software (BPS-17)
2)	Mr. Mohammad Farooq Khan	Assistant Director HR (BPS-17)
3)	Mr. Mohammad Junaid	Assistant Director Web (BPS-17)

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst: No. SOE-III (E&AD) 1-3/2019/E.H

Dated Peshawar the June 27, 2019.

Copy forwarded to the:

- Secretary to Govt. of Khyber Pakhtunkhwa Industries, Commerce & Technical Education Department.
- Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
- Deputy Secretary to Govt. of Khyber Pakhtunkhwa.
- Deputy Secretary to Industries, Commerce & Technical Education, Khyber Pakhtunkhwa.
- Deputy Secretary to Industries, Commerce & Technical Education, Khyber Pakhtunkhwa.
- Deputy Secretary to Industries, Commerce & Technical Education, Khyber Pakhtunkhwa.
- Deputy Secretary to Industries, Commerce & Technical Education, Khyber Pakhtunkhwa.
- Deputy Secretary to Industries, Commerce & Technical Education, Khyber Pakhtunkhwa.

[Signature]
Man All Khan
Officer (E-III)
27/6/19

To

20

Approved: - F

The Secretary to Government,
Industries, Commerce and Technical Education Department,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel

Subject: **CONSIDERATION OF CONTRACT SERVICE/ PAY FIXATION OF KHYBER PAKHTUNKHWA EHTESAB COMMISSION.**

R/Sir,

It is stated that the Provincial Government of Khyber Pakhtunkhwa repealed Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 under Khyber Pakhtunkhwa Ehtesab Commission (repeal) Act, 2018 (Act No. V of 2019) and employees of the defunct Khyber Pakhtunkhwa Ehtesab Commission (KPEC) kept surplus u/s 6(c) of the KPEC(repeal) Act, 2018 in KP Establishment Department vide Notification No. SOE-V(E&AD)14-25/W.EC/2018, Dated Peshawar, the May 14, 2019 (Copy attached) and then posted as Assistant Director in the Directorate General of Industries & Commerce of Khyber Pakhtunkhwa Industries, Commerce and Technical Education Department vide Notification No. SOE-III (E&AD)/1-3/2019/E.H, Dated Peshawar the June 27, 2019 (Copy attached).

It is pertinent to mention that the undersigned have been appointed as Assistant Director Web (BPS-17) in KPEC vide letter No. EC/HR/22-6/2015, Dated 24/06/2015 and assumed the charge of the said post on contract basis (Copy attached).

The KPEC made appointment on regular basis through selection committee under section 11(4) of KPEC Act, 2014 and regularization under the section 5 of KPEC Employees Service Regulation, 2017 where the contract/existing employees on their suitability/eligibility/qualification w.e.f 01/08/2017 the undersigned regularized vide letter No. EC/HR/23-6(02)/2015 dated 01/08/2017 on the same post as Assistant Director Web (BPS-17) (Copy attached).

In connection with above, Khyber Pakhtunkhwa Finance Department already clarified and allowed the subject matter in letter No. FD (SOSR-1) 12-2/2020 (34323), Dated Peshawar the: 18th March, 2021 (Copy attached) and also mentioning some of the same nature cases in the following references regarding the regularization of contractual employees from the date of their initial appointment of contractual service as under:

1. Peshawar High Court Writ Petition No. 4100-P/2015, date of hearing 27/10/2016.
2. Peshawar High Court Writ Petition No. 1614-P/2015, date of hearing 24/05/2017.
3. Peshawar High Court Writ Petition No. 1018-P/2018, date of hearing 16/05/2019.
4. Judgement Sheet of Punjab Service Tribunal, Lahore Appeals No. 4957/2015 to 4968/2015 and 3080/2016, date of hearing 27/11/2017.

It is, therefore, humbly requested that consider the contractual service during KPEC and pay fixation of the undersigned in regular service of this department, please.

Date: 25/11/2021



MUHAMMAD JUNAID
Assistant Director
Industries & Commerce

Copy forwarded for information and further necessary action to:

- Deputy Director (Admn), Industries and Commerce, Khyber Pakhtunkhwa
- PS to Secretary, IC&TE Department, Khyber Pakhtunkhwa
- PA to Director General Industries and Commerce. Khyber Pakhtunkhwa

To

The Secretary to Government,
Industries, Commerce and Technical Education Department,
Khyber Pakhtunkhwa, Peshawar.

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Through: Proper Channel

Subject: **CONSIDERATION OF CONTRACT SERVICE/ PAY FIXATION OF KHYBER PAKHTUNKHWA EHTESAB COMMISSION.**

R/Sir,

It is stated that the Provincial Government of Khyber Pakhtunkhwa repealed Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 under Khyber Pakhtunkhwa Ehtesab Commission (repeal) Act, 2018 (Act No. V of 2019) and employees of the defunct Khyber Pakhtunkhwa Ehtesab Commission (KPEC) kept surplus u/s 6(c) of the KPEC(repeal) Act, 2018 in KP Establishment Department vide Notification No. SOE-V(E&AD)14-25/W.EC/2018, Dated Peshawar, the May 14, 2019 (Copy attached) and then posted as Assistant Director in the Directorate General of Industries & Commerce of Khyber Pakhtunkhwa Industries, Commerce and Technical Education Department vide Notification No. SOE-III (E&AD)/1-3/2019/E.H, Dated Peshawar the June 27, 2019 (Copy attached).

It is pertinent to mention that the undersigned have been appointed as Assistant Director Software (BPS-17) in KPEC vide letter No. EC/HR/2-2/8-2015, Dated 23/06/2015 (Copy attached).

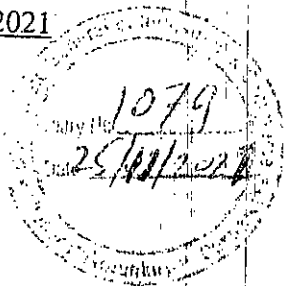
Later on, the Commission (KPEC) regularized the existing/contractual employees on regular basis w.e.f. Dated 01/08/2017 (Copy attached) against the same post. The undersigned had submitted application, dated 03/10/2017 to the then Director General of KPEC in the same capacity for the purpose of subject matter (Copy attached).

In connection with above, Khyber Pakhtunkhwa Finance Department already clarified and allowed the subject matter in letter No. FD (SOSR-1) 12-2/2020 (34323), Dated Peshawar the: 18th March, 2021 (Copy attached) and also mentioning some of the same nature cases in the following references regarding the regularization of contractual employees from the date of their initial appointment of contractual service as under:

1. Peshawar High Court Writ Petition No. 4100-P/2015, date of hearing 27/10/2016.
2. Peshawar High Court Writ Petition No. 1614-P/2015, date of hearing 24/05/2017.
3. Peshawar High Court Writ Petition No. 1018-P/2018, date of hearing 16/05/2019.
4. Judgement Sheet of Punjab Service Tribunal, Lahore Appeals No. 4957/2015 to 4968/2015 and 3080/2016, date of hearing 27/11/2017.

It is, therefore, humbly requested that consider the contractual service during KPEC and pay fixation of the undersigned in regular service of this department, please.

Date: 25/11/2021



(ZIA UR RAHMAN)
ASSISTANT DIRECTOR
Industries and Commerce

Copy forwarded for information and further necessary action to:

- Deputy Director (Admn), Industries and Commerce, Khyber Pakhtunkhwa
- PS to Secretary, IC&TE Department, Khyber Pakhtunkhwa
- PA to Director General Industries and Commerce, Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department, Govt. Secretariat, Peshawar | <http://www.finance.gkp.pk> | [facebook.com/GOFPD](https://www.facebook.com/GOFPD) | mail@finance.gkp.pk

NO. FD (SOSR-1) 12-2/2020(34323)
Dated Peshawar the: 18th March, 2021

To

1. The Addl. Chief Secretary, P&D Department, Khyber Pakhtunkhwa
2. The Addl. Chief Secretary, Merged Areas Sectt, Khyber Pakhtunkhwa
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
5. The Principle Secretary to Governor, Khyber Pakhtunkhwa
6. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa
7. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
8. All Heads of Attached Departments in Khyber Pakhtunkhwa
9. The Registrar, Peshawar High Court, Peshawar
10. All District & Sessions Judges in Khyber Pakhtunkhwa
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa
13. All Deputy Commissioners in Khyber Pakhtunkhwa

7829
7193

Subject:

PROTECTION OF PAY OF CONTRACT EMPLOYEES ON REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir

In pursuance to the Finance Division's Office Memorandum No.4(2)R-2/2014-237 dated 7th April, 2015, the Competent Authority (Provincial Cabinet) is pleased to allow the pay protection to gazetted contract employees on their regularization / appointment on regular basis subject to the following conditions:

- i) That the contract appointment has been made in BPS on standard terms and conditions, circulated by this Provincial Government as amended from time to time
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break in service between contract service and regular service.

- v) That the service rendered on contract basis shall not qualify for pension / gratuity
- vi) That in case of regular appointment in lower grade, pay shall not be protected.
- vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old / new cases which are fulfilling the pay protection criteria mentioned above.

2. In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully,


(Muhammad Salim Shah)
Deputy Secretary (Reg. I & II)

Endst: No & Date even.

A Copy for information & necessary action is forwarded to the:-

1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
7. The Director, FMU Finance Dept. with the request to upload the same on Gov. Web. II.
8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
9. All the District Accounts Officers in Khyber Pakhtunkhwa.
10. The Section Officer (Cabinet) Estt. Dept. Khyber Pakhtunkhwa with the copy of Memo No. SOCEA/19-5/2021 dated 05-03-2021.
11. The Section Officer (Estt.) D&W, Estt. Dept. Khyber Pakhtunkhwa with the copy of Memo No. 26-10-2020 in respect of Eng. Ayub Nazir with the copy of Memo No. 19-5/2021 dated 05-03-2021.
12. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
13. The Private Secretary to Minister of Finance, Khyber Pakhtunkhwa.
14. The Private Secretary to Secretary, Finance Dept. Khyber Pakhtunkhwa.
15. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
16. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar.


(REHMAT KHAN)
SECTION OFFICER (SR)

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**TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTOR IN THE DIRECTORATE GENERAL INDUSTRIES & COMMERCE
KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2021**

TOTAL SANCTIONED PERMANENT POSTS OF ASSISTANT DIRECTORS =39-POSTS.

S.No.	Name of Officers with qualification.	Date of birth with domicile	Date of 1 st entry into Govt. Service	Regular appointment/ promotion to the present post.			Present appointment with date	Remarks
				Date	BPS	Method of Rectt./Apptt:		
1	2	3	4	5	6	7	8	9
1.	Mr. Mujahid Khan, M.Sc (Physics)	02.01.1968 Mohmand	06.02.1995	25.03.2013	17	Promotee	Assistant Director 25.03.2013	-
2.	Syed Sajjad Ali Shah M.Phil. (Economics)	25.04.1963 Nowshera	24.07.1996	25.03.2013	17	-do-	Assistant Director 25.03.2013	-
3.	Mr. Shahab Nawaz, M.A. (Economics)	15.05.1985 Malakand	20.05.2013	20.05.2013	17	By initial	Assistant Director 20.05.2013	-
4.	Syed Mohsin Ahmad Bukhari, M.Sc. (Economic)	30.11.1988 Peshawar	24.03.2008	02.06.2015	17	-do-	Assistant Director 02.06.2015	Seniority fixed according to merit list of PSC
5.	Syed Badshah, M.A (Polit: Science, Eng.& IR)	11.11.1984 Kuram	07.10.2011	30.04.2015	17	-do-	Assistant Director 30.04.2015	-do-
6.	Mr. Asif Raza, M.Sc. (Economics)	05.03.1985 Dir Lower	02.06.2015	02.06.2015	17	-do-	Assistant Director 02.06.2015	-do-
7.	Muhammad Rehman, LLB (Hons) Sharia & Law	01.01.1966 Kohistan	23.07.1995	14.10.2015	17	-do-	Assistant Director 14.10.2015	Adjusted from Surplus Pool
8.	Mr. Wajid Aman, MBA / BIT	28.03.1988 Karak	04.01.2016	04.01.2016	17	-do-	Assistant Director 04.01.2016	-
9.	Muhammad Junaid, M.Sc.	18.08.1983 Peshawar	24.06.2015	01.08.2019	17	-do-	Assistant Director 01.08.2019	Adjusted from Surplus Pool
10.	Mr. Zia-Ur-Rahman, MSCS	16.04.1987 Peshawar	24.06.2015	01.08.2019	17	-do-	Assistant Director 01.08.2019	-do-
11.	Muhammad Farooq Khan, MBA	14.08.1987 Charsadda	03.12.2014	01.08.2019	17	-do-	Assistant Director 01.08.2019	-do-
12.	Muhammad Riaz Khan Wazir, MBA	17.04.1985 S. Waziristan	15.05.2014	14.10.2019	17	Promotee	Assistant Director 14.10.2019	-


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13.	Muhammad Jamil, MBA(Marketing)	07.04.1980 Khyber	07.05.2008	01.10.2020	17	By initial	Assistant Director 19.11.2020	Adjusted from Surplus Pool
14.	Abdul Ghaffar MBA(Marketing)	17.07.1982 Chitral	08.05.2008	01.10.2020	17	-do-	Assistant Director 20.11.2020	-do-
15.	NiazBahadar MBA(Finance)	01.05.1978 Peshawar	15.05.2008	01.10.2020	17	-do-	Assistant Director 19.11.2020	-do-
16.	Mr. Asifullah, MBA	20.04.1984 Mardan	21.01.2016	23.11.2021	17	Promotee	Assistant Director 23.11.2021	-
17.	Muhammad Akhlaq, M.Sc. (Chemistry)	01.01.1986 Karak	19.02.2016	23.11.2021	17	-do-	Assistant Director 23.11.2021	-

Endst:No. 449 /1/42-DI-Admn:

Sd/- Director General, IC,
Khyber Pakhtunkhwa.
Dated. 20/11 /2022.

Copy of the above is forwarded to all concerned officers for information. They are requested to confirm their placement in the list and if there is any objection on their placement in the seniority list, they can submit representation within 15-days of the receipt of this communication otherwise it will be presumed that their placement are correct and seniority will be finally notified.


Administrative Officer,
Directorate General, Industries and Commerce,
Khyber Pakhtunkhwa, Peshawar

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Annex I

**IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)**

PRESENT:

**MR. JUSTICE GULZAR AHMED, CJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI**

CIVIL APPEAL NO. 39 OF 2021

*(On appeal against the judgment dated 27.12.2019
passed by the Khyber Pakhtunkhwa Service Tribunal,
Peshawar in Service Appeal No. 980/2016)*

*Government of KPK through Chief Secretary, KPK and others
...Appellant(s)*

VERSUS

*Muhammad Ismail and another
...Respondent(s)*

For the Appellant(s): Mr. Atif Ali Khan, Addl. A.G.

For the Respondent: Mr. Muhammad Asif Yousafzai, ASC

Date of Hearing: 27.04.2021

JUDGMENT

SAYYED MAZAHAR ALI AKBAR NAQVI, J. Through this appeal by leave of the Court under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, the appellants have assailed the judgment dated 27.12.2019 passed by the Khyber Pakhtunkhwa Service Tribunal whereby the Service Appeal filed by the respondent No. 1 was accepted and he was allowed pay protection.

2. Succinctly stated the facts of the matter are that on 25.03.2002, the respondent No. 1 was appointed as Master in Pak Studies/Lecturer (BPS-17) in Cadet College Razmak, North Waziristan. Later on, pursuant to the advertisement issued by the Khyber Pakhtunkhwa Public Service Commission for the posts of Subject Specialist (BPS-17), he applied through proper channel for the said post. The appellant passed through the selection criterion as such he was selected vide notification dated 19.09.2006, hence, posted at Government Higher Secondary School, Sheikhan, Peshawar. On 04.06.2011, the Finance Department, Government of KPK, issued a notification whereby it allowed pay protection to the employees of the autonomous bodies who had adopted pay scales of the Provincial Government. To get the benefit, the respondent filed departmental

ATTESTE

appeal but it was rejected vide order dated 20.04.2016. Being aggrieved, he filed Service Appeal before the KPK Service Tribunal, which has been allowed vide impugned judgment. Hence, this appeal by leave of the Court.

3. Learned Additional Advocate General, KPK, inter alia contended that the respondent was appointed as Subject Specialist (BPS-17) on 19.09.2006 whereas the notification on the basis of which the respondent claimed pay protection came on 04.06.2011 which was prospective in nature, therefore, the respondent was not entitled for the relief in question; that for the first time, the respondent claimed the relief of pay protection on 05.11.2015 through departmental appeal after more than four years of issuance of notification dated 04.06.2011 and the same was barred by laches; that the learned Tribunal did not take into consideration this aspect of the matter and passed the impugned judgment, which may be set aside.

4. On the other hand, learned counsel for the respondent No. 1 has supported the impugned judgment. He mainly contended that the respondent applied through proper channel after proper departmental permission, therefore, under the law and rules, he is legally entitled to pay protection because the Cadet College Razmak had also adopted the Basic Pay Scale and that if the respondent is deprived of the benefit in question, it would be against the principles of justice and fair play.

5. We have heard learned Law Officer as well as learned counsel for the respondent No. 1 and have perused the record.

6. On our specific query, learned Additional Advocate General conceded that the Cadet College Razmak where the respondent was earlier working as Master in Pak Studies/Lecturer (BPS-17) had adopted the Basic Pay Scales and the respondent had applied through proper channel after getting permission from the department for the post of Subject Specialist. The only point on which he emphasized is that the notification dated 04.06.2011 on the basis of which the respondent claimed pay protection is prospective in nature and it does not allow retrospective claims. However, we do not tend to agree with the learned Law Officer. While passing the impugned judgment, the learned Service Tribunal has relied upon a judgment of this Court dated 27.1.2019 passed in Civil Appeal No. 1308/2019. In that case the respondent was appointed as Lecturer in the University of Engineering and Technology, Peshawar on 03.12.1986. Later on he applied for the post of Inspector in

the Mines Department through proper channel and was got selected vide order dated 21.06.1989. On the basis of the notification dated 04.06.2011 referred above, he claimed pay protection which was ultimately granted by the Service Tribunal and appeal against the order of the Tribunal was dismissed by this Court. It would be advantageous to refer to the relevant portion of the order dated 27.11.2019 passed by this Court, which reads as under:-

2. Learned Additional Advocate General has stated that the respondent was appointed as a Lecturer in the University of Engineering and Technology, Peshawar on 03.12.1986. The respondent applied for being appointed as Inspector Mines through proper channel in the Mines Department and ultimately, succeeded in the same and was appointed as an Inspector Mines vide order dated 21.06.1989. Learned Addl. AG further contends that by virtue of the letter dated 04.06.2011, as reproduced above, the respondent was not entitled to pay protection. This letter has been considered by the Service Tribunal in its impugned judgment and even on our own reading, we are unable to agree with the learned Addl. AG that this has affected the case of the respondent, for that, the very letter used the word "henceforth" and provides to discontinue the benefit of pay protection of the employees of autonomous bodies. However in the last line it gives such benefit of pay protection to the employees of such autonomous organizations who have adopted the Scheme of Basic Pay Scale in toto on their appointment in Government Offices. In the first place, the very letter shows that it will apply from 04.06.2011 and will not affect the employees who have already been employed in Government service from the autonomous organizations and the case of the respondent being that of appointed on 21.06.1989, the same is not affected. Further, it is also an admitted fact that the University, in which the respondent was working, has adopted the Scheme of Basic Pay Scale in toto in the Government service. Besides, the respondent has applied for the post through proper channel, therefore, the condition of applying through proper channel has been satisfied."

7. In the above referred case, almost in similar circumstances as in the present case, the benefit of pay protection was given retrospectively, therefore, the respondent being standing on the same pedestal also deserves the same treatment to be meted out in the spirit of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973. So far as the issue of laches is concerned, this point was specifically taken by the appellants before the learned Service Tribunal and the same was rightly discarded by the Tribunal in paragraph No. 5 of the impugned judgment by holding that being a financial matter, limitation will not have any adverse implication on respondent's claim.

8. For what has been discussed above, we are of the candid view that the learned Service Tribunal has passed a well reasoned

Civil Appeal No. 39/2021

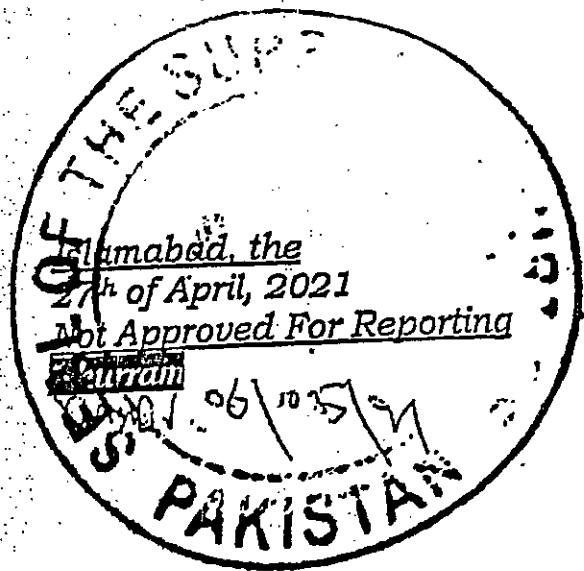
:- 4 :-

judgment to which no exception can be taken. This appeal having no merit is accordingly dismissed.

Sd/CJ

Sd/J

Sd/J



Certified to be True Copy

Senior Associate
Supreme Court of Pakistan
Islamabad

GR no: 7790/21 Civil/Criminal

Date of Presentation: 27.04.21

No of Words: 1200

No of Pages: 12

Requisition: 5-00

Copy For: 7544

Court: 12-64

Date of: 7/5/21

Date of Dec: 17-5-21

29
v. Imp
Raza Khan J

2008 S.C.M.R. 14

[Supreme Court of Pakistan]

Present: **Hana Bhagwandas, Actg. C.J.** and **Sardar Muhammad Raza Khan, J**

Syed ABDUS SAMAD PIRZADA—Appellant

Veritas

GOVERNMENT OF PUNJAB through **Secretary Finance, Finance Department, Punjab Secretariat, Lahore** and another—Respondents

Civil Appeal No. 1399 of 2006, decided on 26th June, 2007.

(On appeal from the judgment, dated 28-1-2006 passed by Punjab Service Tribunal, Lahore in Appeal No. 316 of 2005).

Pakistan Broadcasting Corporation Act (XXXII of 1973)—

—S. 12—Employee of Pakistan Broadcasting Corporation drawing basic pay at Rs. 2,800 in BPS-18 as Assistant News Editor—Such employee left Corporation after joining Education Department as Assistant Professor (BPS-18) through Public Service Commission and proper channel—Fixation of pay of such employee in Education Department at Rs. 2,100 as initial stage of BPS-18—Validity—Such employee would be entitled to protection of his last pay drawn in Corporation in BPS-18 from the date of joining Education Department—Principles.

Pakistan Broadcasting Corporation's case 1995 SCMR 1593; Amjad Hussain's case 1998 SCMR 1442 and Nafeez Ahmad's case 2000 SCMR 1864 rel.

Farrukh Javed Panni, Advocate Supreme Court with M.S. Khattak, Advocate-on-Record for Appellant.

Mrs. Afshan Ghazanfar, Assistant Advocate-General Punjab, for Respondents.

Date of hearing: 26th June, 2007.

JUDGMENT

SARDAR MUHAMMAD RAZA KHAN, J.— Syed Abdus Samad Pirzada, Associate Professor of History Government College Satellite Town Rawalpindi, has been granted leave to appeal from the judgment dated 28-1-2006 of the Punjab Service Tribunal, Lahore, whereby, his appeal, asking for fixation of pay in BPS-18 with effect from 4-9-1984, was dismissed.

2. The appellant was Assistant News Editor in Pakistan Broadcasting Corporation drawing basic pay at Rs. 2,800. Against an advertisement issued by Punjab Public Service Commission, he applied for the post of Assistant Professor of History through proper channel. He was selected and relieved of his duties from Pakistan Broadcasting Corporation. On appointment as Assistant Professor in the Education Department of the Government of Punjab, his pay was fixed at Rs. 2,100, the initial stage of BPS-18. His prayer for re-fixation of his pay in BPS-18

with effect from 4-9-1984 by protecting his previous pay was not acceded to either by the department or the Tribunal.

3. The Corporation where the appellant has previously served, was a creation of Pakistan Broadcasting Corporation Act, 1973 with effect from 20-12-1972. The Broadcasting concern, prior to that, was known as Radio Pakistan, as department of the Government of Pakistan, headed by the Director-General Radio Pakistan. All the employees thereof were in the service of Pakistan and serving in connection with the affairs of Federal Government. When such organization was turned into a Corporation, the services of civil servants stood transferred to the Corporation on the same terms and conditions to which they were entitled immediately before such commencement, under section 12 of the Act. Similar was the advantage given to the persons of Information Service of Pakistan under section 12(4) of the Act whose services, stood transferred to the Corporation. The purpose of the above reference is to realize that when the organization from Government service was turned into Corporation, the terms and condition of service of the civil servants were not changed to their detriment. Thus, on the principle of justice, equity and fair play, such privileges should not be denied to a person who being a Corporation employee joins a civil service through Public Service Commission and through proper channel.

4. The above was the principle of equity and justice that prevailed with a full Bench of this Court in a case of this very Pakistan Broadcasting Corporation 1995 SCMR 1593 where it was held that the Pakistan Broadcasting Corporation being a Government controlled regimented Corporation playing an important role in the media of information was like a department of the Government and further that the employees of the Corporation holding a civil post will be covered by the definition of civil servants as given in section 2(a) of the Service Tribunals Act, 1973. The point to be noticed, with emphasis, is that this status was given to the employees of Corporation when subsequently inserted section 2-A of the Service Tribunals Act was not even in view.

5. An employee of Pakistan Broadcasting Corporation though not a civil servant in the strict sense of term yet granted the status thereof through the above judgment, it was followed by a full Bench of this Court in Amjad Hussain's case 1998 SCMR 1442 where the matter of fixation of pay was determined in the light of F.R.22(A)(i). It was a case where, conversely to the one in hand, a civil servant was inducted into an autonomous body and in the given circumstances it was held that he was entitled to the protection and fixation of his pay in terms of Fundamental Rules (supra), in the light of principles laid down in Chairman Pakistan Broadcasting Corporation 1995 SCMR 1593. F.R.22(A)(i) can also be applied to the cases where a person through proper channel leaves the present Corporation to join civil service.

6. It may be advantageous to refer to another case of Nafees Ahmad 2000 SCMR 1864 where, again a full Bench of this Court while dealing with the case of an employee of State Bank of Pakistan (an autonomous body/Body-Corporate under the State Bank of Pakistan Act, 1956), who was transferred to Government service through Federal Public Service Commission in the Federal Bureau of Statistics, Statistics Division, this Court has gone to the extent of granting him pensionary benefits of previous service under autonomous body. The authorities concerned were held bound, inter alia, to follow the law regarding protection of pay and counting of his period of service with the autonomous body towards the pensionary benefits.

7. The appellant has placed on record an order No.249/U0 No.FD.SR-III-I-93/84, dated Lahore the 29th December, 1985, whereby, Finance Department, Government of Punjab had given Mr. Aleemud Din Bhatti, a Sub-Engineer Road Construction Division, Rawalpindi nine advance increments on entry into Government service in lieu of his past service in the WAPDA, which

also happened to be an autonomous body. He further produced another copy dated 26-4-1984 of the Government of Punjab Department of Housing, Physical and Environmental Planning (No.S.O.(E)H&PP-1-2/83) whereby one Mr. Altaf Hussain, Assistant Director (Town Planning) was granted two advance increments in lieu of his past service of about three years as Town Engineer in the Sargodha Improvement Trust. The appellant also demanded the same privilege whereby his previous pay could be protected.

8. For what has been discussed above, the instant appeal is accepted, the impugned judgment, dated 28-1-2006 of the Federal Service Tribunal is set aside and the respondent Government is directed to fix the pay of the appellant in BPS-18 with effect from his joining the Education Department by giving him protection of pay that he had last drawn in the Pakistan Broadcasting Corporation.

S.A.K/A-62/SC

Appeal accepted.

EHTESAB COMMISSION
KHYBER PAKHTUNKHWA

32



No. ECHR/22-6/2015

Date: 29/06/2015

NOTIFICATION


No. ECHR/22-6/2015. On the recommendations of the Selection Board and acceptance of Terms & Conditions laid down in the respective Contract, the competent Authority is pleased to appoint Mr. Muhammad Junaid recommended against the vacant post of Assistant Director (Web), on contract basis:-

Director General
Ehtesab Commission
Khyber Pakhtunkhwa, Peshawar

Endst: No. & Date Even.

Copy forwarded to:-

1. Prosecutor General, Ehtesab Commission, Khyber Pakhtunkhwa, Peshawar.
2. Director Finance & Audit, Ehtesab Commission, Khyber Pakhtunkhwa, Peshawar
- ✓ 3. Director IT & Data Processing, Ehtesab Commission, Khyber Pakhtunkhwa, Peshawar
4. PS to Director General, Ehtesab Commission, Khyber Pakhtunkhwa, Peshawar.
5. Assistant Director Admn, Ehtesab Commission, Khyber Pakhtunkhwa, Peshawar.
6. Officials concerned.
7. Master file


Director HR
Ehtesab Commission
Khyber Pakhtunkhwa, Peshawar

Tele : 091-9223417

MOST IMMEDIATE / OUT TODAY

33



**GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND
TECHNICAL EDUCATION DEPARTMENT**

No. E&A(IND)9-5/2021 / 2665-66

5th October, 2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

Subject: - CONSIDERATION OF PREVIOUS SERVICE / PAY PROTECT
OF KHYBER PAKHTUNKHWA EHTESAB COMMISSION
PRESENT SERVICE

Dear Sir,

I am directed to refer to your letter No. SOR-VI/E&AD/8-17/2021
19.05.2021 and to enclose herewith a copy of letter No. 10777/ 2 / 1233-DI-Admn
04.10.2021 along with its enclosures received from Directorate General, Industri
Commerce Peshawar which is self-explanatory for information and further nece
action.

Yours faithfully,

05-10-21

SECTION OFFICER (ADM)

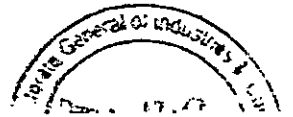
Copy for information to the Director, Industries & Commerce Peshawar
with reference to his letter referred above.

SECTION OFFICER (ADM)

DD Admn

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7/10



349

**DIRECTORATE GENERAL
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR**

No. 10906 /2/1233-DI-Admn:
To

Dated 5/10 /2021.

✓
The Section Officer (Admn:),
Government of Khyber Pakhtunkhwa,
Industries, Commerce & Technical
Education Department, Peshawar.

Subject:


**CONSIDERATION OF PREVIOUS SERVICE/ PAY PROTECTION OF KHYBER
PAKHTUNKHWA EHTESAB COMMISSION IN PRESENT SERVICE.**

I am directed to refer to the subject noted above and to enclose herewith application alongwith its enclosures (copy attached) in respect of M/S Muhammad Junaid and Ziaur Rehman, Assistant Directors (BPS-17) of the Directorate General, Industries and Commerce, Khyber Pakhtunkhwa for consideration of Previous Service / Pay Protection of Khyber Pakhtunkhwa Ehtesab Commission in Present Service.

It is therefore requested to approach the Finance Department for advice in the subject matter please.

An early action will be highly appreciated

Encls: A.A


Administrative Officer,
Directorate General Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar

ACTION
M



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND
TECHNICAL EDUCATION DEPARTMENT

35

No.E&A(IND)9-5/2021
21st October, 2021

wt
/ 4079

To

The Secretary to Government of Khyber Pakhtunkhwa
Finance Department,
Peshawar.

Subject: - CONSIDERATION OF PREVIOUS SERVICE / PAY PROTECTION OF KHYBER
PAKHTUNKHWA EHTESAB COMMISSION IN PRESENT SERVICE

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 10906/2/1233-DI-Admn dated 05.10.2021 alongwith its enclosures received from Directorate of Industries and Commerce, Peshawar which is self-explanatory and to state that the same may kindly be examined and views / comments be furnished to this Department to proceed further in the matter.

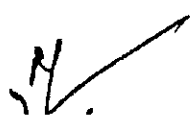
Yours faithfully,


For SECTION OFFICER (ADMN)

Endst of Even No. & Dated

Copy forwarded for information to the Director Industries and Commerce, Peshawar with reference to his letter quoted above.


For SECTION OFFICER (ADMN)
o/c





GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND
TECHNICAL EDUCATION DEPARTMENT

114
36

Phone #: 091-9223417

No. E&A(IND)9-5/2021

ND
4316

28th October, 2021

To

The Director,
Industries & Commerce,
Peshawar.

Subject: -

**CONSIDERATION OF PREVIOUS SERVICE / PAY PROTECTION
OF KHYBER PAKHTUNKHWA EHTESAB COMMISSION IN
PRESENT SERVICE**

I am directed to refer to your letter No. 10777/ 2 / 1233-DI-Admn dated 04.10.2021 and to enclose herewith a copy of letter No. SOR-VI/E&AD/8-17/2021 dated 27.10.2021 along with its enclosures received from Establishment Department, Peshawar, which is self-explanatory for information and further necessary action.


SECTION OFFICER (ADMN)
ok

21/10
28/10



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/8-17/2021

Dated Peshawar, the October 27th, 2021

37
500

To ✓ The Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education Department.

Subject: CONSIDERATION OF PREVIOUS SERVICE / PAY PROTECTION OF
KHYBER PAKHTUNKHWA EHTESAB COMMISSION IN PRESENT
SERVICE.

Dear Sir,

I am directed to refer to your letter No. E&A(IND)9-5/2021/2665-66, dated: 05.10.2021 on the subject noted above and request to properly examine the case as per instruction, dated: 17.02.1991 (copy enclosed) at your own level and if need be, approach this Department for advice specifying the point on which required.

Yours faithfully,

SECTION OFFICER (REG-VI)

Cases seeking advice of E&AD.

I am directed to say that under sub-rule (4) of Rule 9 of the NWFP Rules of Business, 1985, interpretation of rules and orders relating to service matters, other than rules and orders, issued by the Finance Department, has been assigned to this Department. In pursuance of this, this Department has in addition to publishing and supplying copies of the Establishment Manual (Vol.I), also issued from time to time, a large number of instructions covering almost all aspects of service matters to all concerned. In this connection, attention is invited to this Department circular letter No.SOR-III(S&GAD)(Misc-G)9(12)/86, dated 1.2.86 and even numbers dated 15.3.87, 30.6.88 and 14.11.89, on the above noted subject. It has, however, been observed that departments continue to refer cases without examination at their own level, for the advice of this Department and that too in an incomplete form and often without specifying point on which advice is required.

2. I am, therefore, directed to request once again that, in future, only those cases may please be referred to S&GAD for advice, where no clear rules/ instructions/clarification are available and the case cannot be decided without advice of this Department. Nevertheless, cases requiring advice of this Department may be referred in future, which may, inter alia contain the following information:-

- i) Subject matter.
- ii) Detailed background of the case and point for advice.
- iii) Whether the case was referred earlier to the S&GAD and if so, what advice was given.
- iv) Whether the case has also been referred to Finance Deptt/Law Deptt for examination and advice.
- v) Whether the case actually concerns S&GAD and is being referred to S&GAD with the prior approval of Administrative Secretary concerned or otherwise.

3. Cases which are not referred in the above format alongwith detailed reasons/ justification shall be returned straight away without any examination.

4. I am, therefore, to request that in future the afore mentioned procedure may kindly be observed strictly.

(Authority S&GAD letter No.SORI(S&GAD)1-54/87, dated 17.2.1991)

EHTESAB COMMISSION
KHYBER PAKHTUNKHWA

39



No. EC/HR/2-2/8-2015

Dated: 23 /06/2015

From: Director General
Ehtesab Commission
Khyber Pakhtunkhwa, Peshawar.

To: Muhammad Junaid S/O Muhammad Saeed

Subject: **SELECTION OF MUHAMMAD JUNAID S/O MUHAMMAD SAEED
FOR APPOINTMENT AS ASSISTANT DIRECTOR (WEB) ON LUMP
SUM CONTRACT BASIS IN KHYBER PAKHTUNKHWA EHTESAB
COMMISSION, PESHAWAR**

1. This is to inform you, that you have been selected for appointment as Assistant Director (Web) on lump sum contract basis in Khyber Pakhtunkhwa Ehtesab Commission Peshawar on the following terms and conditions:-

Post	Assistant Director (Web)
Place of Posting:	Khyber Pakhtunkhwa Ehtesab Commission Peshawar (Transferable)
Period of Contract:	Two Years w.e.f the date of joining
Probation Period	Three months w.e.f the date of joining, however the said period may be extended to further three months if required so.
Remuneration:	Rs.125,000/- Per Month
Traveling Allowance/Daily Allowance	TA/DA as per instructions
Accommodation:	Accommodation will not be provided.
Pension:	The services rendered under the present contract shall not qualify for a pension or gratuity
General Provident Fund:	You shall not be required to contribute to General Provident Fund
Leave:	20 days leave per year with full pay.
Termination of Contract:	This appointment of your contract shall be liable to termination on one month's advance notice or one month's total remuneration in lieu thereof by the either side.
Discipline	The appointment of contract shall be liable to termination without any further notice in case the charge of misconduct proved against you.

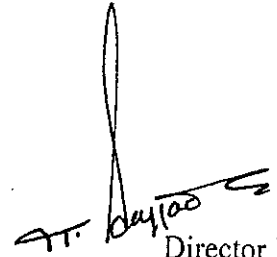
EHTESAB COMMISSIN KHYBER PAKHTUNKHWA
House # 21, Street 2, Sector G2, Phase 2, Hayatabat Peshawar, Khyber Pakhtunkhwa, Pakistan

48

Other Matters:	<ol style="list-style-type: none">i. You will not accept any brief against Khyber Pakhtunkhwa Ehtesab Commission for one year after termination of this contract. Further you will also not accept brief in those cases in which you remained associated during the course of duty with Ehtesab Commission (for Advocates etc)ii. In respect of other matters not specified in this contract, you will be governed by the rules/regulations/SOPs framed and issued by the Khyber Pakhtunkhwa Ehtesab Commission from time to time.iii. During the period of this contract, you shall not be entitled to hold any other office or occupy any other position carrying the rights to remuneration.
----------------	---

2. If you accept the above terms and conditions of appointment, please convey your acceptance within 7 days of the date of issue of this contract and report to place of posting.

3. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof within the time specified in para-2 above.


Director HR,
Ehtesab Commission,
Khyber Pakhtunkhwa.

Cc.

1. DDO, Ehtesab Commission, Khyber Pakhtunkhwa.
2. PS to Director General, Ehtesab Commission, Khyber Pakhtunkhwa.

EHTESAB COMMISSIN KHYBER PAKHTUNKHWA

House # 21, Street 2, Sector G2, Phase 2, Hayatabat Peshawar, Khyber Pakhtunkhwa, Pakistan

**EHTESAB COMMISSION
KHYBER PAKHTUNKHWA**

411



No. FC HR/2-28/2015

Date: 13/06/2015

From: Director General
Ehtesab Commission
Khyber Pakhtunkhwa, Peshawar.

To: Zia Ur Rahman S/O Muhammad Yousaf

Subject: SELECTION OF ZIA UR RAHMANS/O MUHAMMAD YOUSAF FOR APPOINTMENT ASSISTANT DIRECTOR (SOFTWARE) ON LUMP SUM CONTRACT BASIS IN KHYBER PAKHTUNKHWA EHTESAB COMMISSION, PESHAWAR

This is to inform you, that you have been selected for appointment as Assistant Director (Software) on lump sum contract basis in Khyber Pakhtunkhwa Ehtesab Commission, Peshawar on the following terms and conditions:

Post	Assistant Director (Software)
Place of Posting	Khyber Pakhtunkhwa Ehtesab Commission, Peshawar (Transferable)
Period of Contract	Two Year w.e.f the date of joining.
Probation Period	Three Months w.e.f the date of joining, however the said period may be extended to further three months if required.
Remuneration	Rs. 125,000/- Per Month
Traveling Allowance Daily Allowance	T/A/D/A as per instructions
Accommodation	Accommodation will not be provided.
Pension	The services rendered under the present contract shall not qualify for a pension or gratuity.
General Provident Fund	You shall not be required to contribute to General Provident Fund.
Leave	20 days leave per year with full pay.
Termination of Contract	This appointment of your contract shall be liable to termination on one month's advance notice or one month's total remuneration in lieu thereof by the either side.
Discipline	The appointment of contract shall be liable to termination without any further notice in case the charge of misconduct proved against you.

EHTESAB COMMISSION KHYBER PAKHTUNKHWA

House # 21, Street 2, Sector G2, Phase 2, Hayatabad Peshawar, Khyber Pakhtunkhwa, Pakistan

Other Matters

- i. You will not accept any brief against Khyber Pakhtunkhwa Ehtesab Commission for one year after termination of this contract. Further you will also not accept brief in those cases in which you remained associated during the course of duty with Ehtesab Commission (for Advocates etc)
- ii. In respect of other matters not specified in this contract, you will be governed by the rules/regulations/SOPs framed and issued by the Khyber Pakhtunkhwa Ehtesab Commission from time to time
- iii. During the period of this contract, you shall not be entitled to hold any other office or occupy any other position carrying the rights to remuneration

2. If you accept the above terms and conditions of appointment, please convey your acceptance within 7 days of the date of issue of this contract and report to place of posting.

3. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof within the time specified in para-2 above

[Signature]
 Director HR,
 Ehtesab Commission,
 Khyber Pakhtunkhwa

CC: DO, Ehtesab Commission, Khyber Pakhtunkhwa.
 To Director General, Ehtesab Commission, Khyber Pakhtunkhwa

[Handwritten signature]
 25/06/2015

EHTESAB COMMISSION KHYBER PAKHTUNKHWA

Street 2, Sector G2, Phase 2, Hayatabad Peshawar, Khyber Pakhtunkhwa, Pakistan



43

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

NOTIFICATION

Dated Peshawar, the MAY 14, 2019

No. SOE-V(E&AD)14-25/W.EC/2018: In pursuance of exercise of their option under Section 6 (c) of Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018, the following employees of defunct Ehtesab Commission are hereby declared as "Surplus" with effect from the date of promulgation of the ibid Act i.e 04-01-2019 and will be adjusted as per prevailing Surplus Policy of the Provincial Government:-

S#	Name	Designation with BPS
1)	Akbar Zaman	Director I&DP (BS-20)
2)	Imran Ullah Khan	Assistant Director HR (BS-17)
3)	Muhammad Junaid	Assistant Director Web (BS-17)
4)	Zia-ur-Rehman	Assistant Director Software (BS-17)
5)	Muhammad Farooq Khan	Assistant Director HR (BS-17)
6)	Fahad Imtiaz	Admin Officer (BS-17)
7)	Inayat Ullah	Accounts Officer (BS-17)
8)	Jamil Ahmad Qureshi	Superintendent (BS-16)
9)	Muhammad Sohaib Younis	Superintendent (BS-16)
10)	Amjad Khan	Accountant (BS-16)
11)	Muhammad Ibrahim Durrani	Accountant (BS-16)
12)	Qaisar Hussain	Senior Scale Stenographer (BS-16)
13)	Nadeem Khan	Senior Scale Stenographer (BS-16)
14)	Aslam Gul	Reader/Assistant (BS-16)
15)	Noor Ullah	Reader/Assistant (BS-16)
16)	Syed Adil Ali Abid	Computer Operator (BS-16)
17)	Fahad Rauf Jan	Computer Operator (BS-16)
18)	Naeem Ullah	Computer Operator (BS-16)
19)	Fawad Saeed	Computer Operator (BS-16)
20)	Abdullah	Computer Operator (BS-16)
21)	Shabeer Ahmad	Computer Operator (BS-16)
22)	Yasir Ali Khali	Computer Operator (BS-16)
23)	Abdul Basit	Computer Operator (BS-16)
24)	Yousaf Ali	Computer Operator (BS-16)
25)	Tariq Nawab	Computer Operator (BS-16)
26)	Hamid Jan	Computer Operator (BS-16)
27)	Tahseen Ullah	Record Keeper (BS-11)
28)	Adil Nawaz	Junior Clerk (BS-11)
29)	Faiz ul Haq	Junior Clerk (BS-11)

30)	Asad Ali Siddiqui	Junior Clerk (BS-11)
31)	Muhammad Jawad	Junior Clerk (BS-11)
32)	Faqir Muhammad	Junior Clerk (BS-11)
33)	Fayaz Ahmad	Junior Clerk (BS-11)
34)	Abdul Baseer	Junior Clerk (BS-11)
35)	Mehboob Alam	Junior Clerk (BS-11)
36)	Muhammad Attab	Driver (BPS-05)
37)	Yasir Ali	Driver (BPS-05)
38)	Younis	Driver (BPS-05)
39)	Habib ur Rehman	Driver (BPS-05)
40)	Ali Akbar	Driver (BPS-05)
41)	Amanullah	Driver (BPS-05)
42)	Arsalan Ali Khan	Driver (BPS-05)
43)	Ashiq Hussain	Driver (BPS-05)
44)	Mubarak Said	Driver (BPS-05)
45)	Junaid Ali	Driver (BPS-05)
46)	Bakht Muhammad	Driver (BPS-05)
47)	Muhammad Yasir	Driver (BPS-05)
48)	Sajjad Khan	Driver (BPS-05)
49)	Azmat Shah	Driver (BPS-05)
50)	Mamraiz Khan	Driver (BPS-05)
51)	Noor ul Basar	Driver (BPS-05)
52)	Raheem Khan	Driver (BPS-05)
53)	Mufeed Jan	Driver (BPS-05)
54)	Adil Khan	Driver (BPS-05)
55)	Faisal Sadq	Driver (BPS-05)
56)	Waqar Ahmad	Driver (BPS-05)
57)	Gul Habib	Driver (BPS-05)
58)	Taimoor Khan	Naib Qasid (BPS-01)
59)	Muhammad Rashid	Naib Qasid (BPS-01)
60)	Muhammad Bilal Jan	Naib Qasid (BPS-01)
61)	Muhammad Zubair	Naib Qasid (BPS-01)
62)	Ismail	Naib Qasid (BPS-01)
63)	Abdul Nazir	Naib Qasid (BPS-01)
64)	Ismail Khan	Naib Qasid (BPS-01)
65)	Hazrat Hilal	Naib Qasid (BPS-01)
66)	Awal Shah	Naib Qasid (BPS-01)
67)	Naseeb ur Rehman	Naib Qasid (BPS-01)
68)	Faheemullah	Naib Qasid (BPS-01)
69)	Muhammad Mushtaq	Naib Qasid (BPS-01)
70)	Muhammad Kamran	Naib Qasid (BPS-01)
71)	Sheraz Akhtar	Naib Qasid (BPS-01)
72)	Muhammad Diyar	Naib Qasid (BPS-01)
73)	Zamin Khan	Naib Qasid (BPS-01)
74)	Ikramullah	Naib Qasid (BPS-01)
75)	Hamdullah	Naib Qasid (BPS-01)

30)	Asad Ali Siddiqui	Junior Clerk (BS-11)
31)	Muhammad Jawad	Junior Clerk (BS-11)
32)	Faqr Muhammad	Junior Clerk (BS-11)
33)	Fayaz Ahmad	Junior Clerk (BS-11)
34)	Abdul Baseer	Junior Clerk (BS-11)
35)	Mehboob Anam	Junior Clerk (BS-11)
36)	Muhammad Aftab	Driver (BPS-05)
37)	Yasir Ali	Driver (BPS-05)
38)	Younas	Driver (BPS-05)
39)	Habib ur Rehman	Driver (BPS-05)
40)	Ali Akbar	Driver (BPS-05)
41)	Amanullah	Driver (BPS-05)
42)	Arsalan Ali Khan	Driver (BPS-05)
43)	Ashiq Hussain	Driver (BPS-05)
44)	Mubarak Said	Driver (BPS-05)
45)	Junaid Ali	Driver (BPS-05)
46)	Bakht Muhammad	Driver (BPS-05)
47)	Muhammad Yasir	Driver (BPS-05)
48)	Sajjad Khan	Driver (BPS-05)
49)	Azmat Shah	Driver (BPS-05)
50)	Mamraz Khan	Driver (BPS-05)
51)	Noor ul Basar	Driver (BPS-05)
52)	Raheem Khan	Driver (BPS-05)
53)	Mufeed Jan	Driver (BPS-05)
54)	Adil Khan	Driver (BPS-05)
55)	Faisal Sadiq	Driver (BPS-05)
56)	Waqar Ahmad	Driver (BPS-05)
57)	Gul Habib	Driver (BPS-05)
58)	Taimoor Khan	Naib Qasid (BPS-01)
59)	Muhammad Rashid	Naib Qasid (BPS-01)
60)	Muhammad Bilal Jan	Naib Qasid (BPS-01)
61)	Muhammad Zubair	Naib Qasid (BPS-01)
62)	Ismail	Naib Qasid (BPS-01)
63)	Abdul Nazir	Naib Qasid (BPS-01)
64)	Ismail Khan	Naib Qasid (BPS-01)
65)	Hazrat Hilal	Naib Qasid (BPS-01)
66)	Awal Shah	Naib Qasid (BPS-01)
67)	Naseeb ur Rehman	Naib Qasid (BPS-01)
68)	Faheemullah	Naib Qasid (BPS-01)
69)	Muhammad Mushtaq	Naib Qasid (BPS-01)
70)	Muhammad Kamran	Naib Qasid (BPS-01)
71)	Sheraz Akhtar	Naib Qasid (BPS-01)
72)	Muhammad Diyar	Naib Qasid (BPS-01)
73)	Zamin Khan	Naib Qasid (BPS-01)
74)	Ikramullah	Naib Qasid (BPS-01)
75)	Hamdullah	Naib Qasid (BPS-01)

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5/10/00

76)	Muhammad Arsalan	Naib Qasid (BPS-01)
77)	Nazar Ali	Naib Qasid (BPS-01)
78)	Mushtaq Ahmad	Naib Qasid (BPS-01)
79)	Yasin Khan	Naib Qasid (BPS-01)
80)	Muhammad Fouseef Khan	Naib Qasid (BPS-01)
81)	Naseer Muhammad	Naib Qasid (BPS-01)
82)	Shahid Khan	Naib Qasid (BPS-01)
83)	Muhammad Adnan	Naib Qasid (BPS-01)
84)	Anir Mahmood	Naib Qasid (BPS-01)
85)	Abdul Latif	Naib Qasid (BPS-01)
86)	Akhtar Hussain	Naib Qasid (BPS-01)
87)	Fahim Ullah	Naib Qasid (BPS-01)
88)	Amjad Khan	Mali (BPS-01)
89)	Shoukat Khan	Mali (BPS-01)
90)	Shafiq ur Rehman	Mali (BPS-01)
91)	Ghuncha Gul	Mali (BPS-01)
92)	Zubair Ahmad	Mali (BPS-01)
93)	Imran Khan	Chowkidar (BPS-01)
94)	Sajid Ali	Chowkidar (BPS-01)
95)	Tariq Khan	Chowkidar (BPS-01)
96)	Muhammad Kamran	Chowkidar (BPS-01)
97)	Zahid Shah	Chowkidar (BPS-01)
98)	Muhammad Kamran	Chowkidar (BPS-01)
99)	Faisal Tanveer	Sweeper (BPS-01)
100)	Irfan Munir	Sweeper (BPS-01)
101)	Danish Sultan	Sweeper (BPS-01)
102)	Waqas Sabir	Sweeper (BPS-01)
103)	Humair Amjad	Sweeper (BPS-01)
104)	Samina Aslam Gill	Sweeper (BPS-01)

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(S. In. A.)

2. Whereas, the following employees of defunct Ehtesab Commission, who have opted for acceptance of golden handshake policy, will draw their salaries from surplus pool till finalization of Golden handshake policy:-

S#	Name	Designation with BPS
1)	Arshad Khan	Naib Qasid (BPS-01)
2)	Wisal Nawaz	Sweeper (BPS-01)

3. Furthermore, after issuance of this Notification, no employee shall be allowed to further change his / her option.

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

Endst.No. and date even.

Copy forwarded to the:-

46

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Section Officer (E-III), Establishment Department alongwith Personal Files of all the aforesaid surplus employees **(in original)** for further necessary action under prevailing Surplus Policy of the Provincial Government accordingly.
5. PS to Secretary, Establishment Department.
6. PA to Deputy Secretary (Estt), Establishment Department.
7. Master File.


(Shahab Muhammad Khan)
SECTION OFFICER (E-V)

82/71
47 113

DIRECTORATE GENERAL
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 10777 /2/1233-DI-Admn:

Dated. 4/10 /2021.

To

The Section Officer (Admn)
Government of Khyber Pakhtunkhwa,
Industries, Commerce and Technical Education,
Department, Peshawar.

Subject:

CONSIDERATION OF PREVIOUS SERVICE / PAY PROTECTION OF
KHYBER PAKHTUNKHWA EHTISAB COMMISSION IN PRESENT
SERVICE.

I am directed to refer to your letter No. E&A(IND)/9-5/2021/6053 dated 25.05.2021 on the subject cited above and to submit reply is as under:-

- i. It is stated that Mr. Zia Ur Rehman, Assistant Director (BPS-17) of this Directorate General adjusted form Surplus Pool has requested for Consideration of the previous service/pay protection of Khyber Pakhtunkhwa Ehtesab Commission in present service.
- ii. It is stated that the Provincial Government of Khyber Pakhtunkhwa repealed Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 under Khyber Pakhtunkhwa Ehtesab Commission (repeal) Act, 2018 (Act No. V of 2019), and employees of the defunct Khyber Pakhtunkhwa Ehtesab Commission (KPEC) kept surplus's under section 6(c) of the KPEC (repeal) Act, 2018 in Khyber Pakhtunkhwa Establishment Department vide Notification No. SOE-V(E&AD)/14-25/W.EC/2018, Dated Peshawar, May 14, 2019 (Copy attached) and then posted as Assistant Director in the Directorate of Industries & Commerce of Khyber Pakhtunkhwa Industries, Commerce and Technical Education Department vide Notification No. SOE-III (E&AD)/1-3/2019/E.H. Dated Peshawar June 27, 2019 (Copy attached).

It is pertinent to mention that the undersigned has been appointed as Assistant Director Software (BPS-17) in KPEC vide office letter No. EC/HR/2-2/8-2015, Dated 23/06/2015 and assumed the charge of the said post on a contract basis (Copy attached).

Later on, the Commission (KPEC) regularized the existing/contractual employees on regular basis u/s 5 of Khyber Pakhtunkhwa Ehtesab Commission Employees Service Regulation, 2017 w.e.f. Dated 30/08/2017 (Regular appointment copy attached) and the undersigned regularized vide KPEC office letter No. EC/HR/23-6(01)/2015, dated 01/08/2017 on the same post as Assistant Director Software-BPS-17 (Copy attached).

It is further added that the undersigned had submitted an application, dated 03/10/2017 to the Director-General of KPEC during the service at KPEC in the same capacity for the purpose of subject matter (Copy attached).

- iii. The case was not referred to earlier to the S&GAL.
- iv. The case has not been referred to Finance Department / Law Department for examination and advice.
- v. Yes, the case was referred to Administrative Department Vide letter No. 3112/2/1233-DI-Admn dated. 01.04.2021.

You are therefore requested to approach Establishment Department for advice in the matter, please.

Encl: A.A.

Administrative officer,
Directorate General, Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar

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1998 SC MR 1442

[Supreme Court of Pakistan]

Present: Aftab Mian, C. J., Sh. Riaz Ahmad and Ch. Muhammad Arif, JJ

AMJAD HUSSAIN -- Appellant

versus

SECRETARY, FINANCE DIVISION, MINISTRY OF FINANCE, ISLAMABAD and 2 others -- Respondents

Civil Appeal No. 26 of 1995, decided on 4th June, 1998.

(On appeal from the judgment dated 3-5-1994 of the Federal Service Tribunal, Islamabad in Appeal No. 33(R) of 1994).

(a) Fundamental Rules--

--- F.R. 22(A)(i)---Constitution of Pakistan (1973), Art. 212(3)---Salary---Selection of civil servant in BS-18 in autonomous body managed and controlled by Federal Government---Petitioner although was selected against BS-18 yet his pay was less than what he was drawing while in Government service---Petitioner's application for protection and fixation of his pay was dismissed as also his appeal before Service Tribunal---Validity---Leave to appeal was granted to consider whether petitioner was entitled to protection of his pay particularly keeping in view cases of other employees similarly placed which were differently treated and they were given protection to salaries which they were drawing in their parent department.

Mrs. M.N. Arshad and others v. Mrs. Nadeem Khan and others PLD 1990 SC 612; Chairman, Pakistan Broadcasting Corporation, Islamabad v. Nasir Ahmad and others 1995 SCMR 1593; Dr. Rashid Anwar v. Federation of Pakistan through Secretary, Establishment Division, Islamabad and others 1996 SCMR 1572 and Secretary, Ministry of Science and Technology and another v. Nasrullah Khan and another Civil Petition No. 1134 of 1997 ref.

(b) Fundamental Rules--

--- F.R. 22(A)(i)---Constitution of Pakistan (1973), Art. 212---Salary---Induction of civil servant in autonomous body in higher grade---Pay in new department being less than the one which employee was drawing in his earlier assignment, he applied for protection and fixation of his pay in terms of F.R. 22(A)(i)---Employee failed to get relief either from his department or from Service Tribunal---Validity---Salary, which civil servant was entitled to could not be denied on any technical ground---Government was duty bound to pay salary as per Rules---Status of employee having remained as that of civil servant, therefore, he was entitled to invoke F. R. 22(A)(i) for protection of his salary which he was drawing in his parent department---Authorities were directed to re-fix salary of employee from the date on which he was entitled to draw the same.

Appellant in person.

Tanvir Bashir Ansari, Advocate Supreme Court and Imtiaz M. Khan, Advocate-on-Record for Respondents.

[Handwritten signature and notes]

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Date of hearing: 4th June, 1998.

JUDGMENT

AJMAL MIAN, C.J.—This is an appeal with the leave of this Court against the judgment dated 3-5-1995 passed by the learned Federal Service Tribunal, Islamabad (hereinafter referred to as the Tribunal) in Appeal No.33(R) of 1994 filed by the appellant for claiming fixation and protection of his salary under Fundamental Rule 22, clause A(i), dismissing the same.

The brief facts are that the appellant was working as an Assistant Director in BS-17 in the Pakistan Council of Research in Water Resources when he applied for the post of Assistant Scientific Advisor BS-18 in the Ministry of Science and Technology. It appears that on the recommendation of Federal Service Commission he was appointed as Assistant Scientific Advisor vide Notification dated 9-12-1990 issued by the Ministry of Science and Technology and was placed on probation for a period of one year with effect from 24-11-1990. His initial pay was fixed in BS-18 at Rs.2,710 whereas he was drawing Rs.3,150 per month in BS-17 in his parent department. He applied to the Ministry of Science and Technology for re-fixation of his pay protecting his earlier pay in BS-17, but the same was declined on the ground that the employees of autonomous body did not qualify for protection of pay on their recruitment in the Federal Government as his above appointment was treated as fresh appointment. Eventually, he filed an appeal before the Tribunal which also failed. Thereupon, the appellant filed petition for leave to appeal, which was granted to consider, whether the appellant was entitled to protection of his above pay, particularly keeping in view the cases of other employees similarly placed, namely, Ayyaz, Hamid, Muhammad Saleem, Dr. Abdul Ghani, M.M. Zaffar and Dr. Itaf which were differently treated and they were given protection to salaries which they were drawing in their parent department.

In support of the above appeal the appellant has appeared in person and vehemently contended that in view of the judgments of this Court inter alia in the cases of Mrs. M.N. Arshad and others v. Mrs. Naeem Khan and others (PLD 1990 SC 612), Chairman, Pakistan Broadcasting Corporation, Islamabad v. Nasir Ahmad and others (1995 SCMR 1593), Dr. Rashid Anwar v. Federation of Pakistan through Secretary, Establishment Division, Islamabad and others (1996 SCMR 1572) and in a recent unreported order dated 3-3-1998 in Civil Petition NO. 1134 of 1997 (Secretary, Ministry of Science and Technology and another v. Nasrullah Khan and another), it has now been well settled that the employees of a body created by the Government through a resolution retain their status as civil servants and that the learned Tribunal erred in holding that the appellant was an employee of an autonomous body and was not entitled to invoke the above Fundamental Rule 22(A)(i).

Mr. Tanvir Bashir Ansari, learned counsel for the respondents is unable to controvert the above legal position. However, he submitted that the appellant's appeal before the Tribunal was barred by time and there was no plausible reason for the delay as he deliberately wasted time or acted negligently inasmuch as after the dismissal of the departmental appeal, the appellant approached the Ombudsman's office and then filed a review.

In our view the respondents should not raise such technical objection when the question of payment of salary of a civil servant is involved. The salary which a civil servant is entitled to cannot be denied on any technical ground. On the other hand, it is the duty of the Government to pay the salary as per rules. Since the status of the appellant remained as that of a civil servant in view of the above judgments rendered by this Court, he was entitled to invoke Fundamental Rule 22(A)(i) for protection of his salary which he was drawing in his parent

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<http://www.pisbeta.com/LawOnline/law/content21.asp?Caseid...>

department

In this view of the matter, the appeal is allowed, the judgment of the Tribunal is set aside and the respondents are directed to re-fix the salary as above from the date on which the appellant was entitled to draw. There will be no order as to costs.

A.A.1A-73/S

Appeal accepted.

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwara Sewice Tribunal Peshawar
Muhammad Junaid and others

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of PK and officers

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/we, the undersigned, do hereby nominate and appoint

ZARAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____
Zaraj Anwar *M. Junaid*

Imran Khan
IMRAN KHAN
Advocate High Court
Mob. 0345-9090648

Zaraj Anwar
ZARAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FK-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwara Service Tribunal Peshawar
Muhammed Junaid and others } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of PK and officers } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Zia-ur-Rahman
M. Junaid

Imran Khan
IMRAN KHAN
Advocate High Court
Mob: 0345-9090618

Zartaj Anwar
ZARTAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No.....384..... of 20 22

Muhammad Junaid & others.....Appellant/Petitioner
 Versus

Through.....Chief Secy KP Pesh.....Respondent
 Respondent No.....2.....

Notice to: The Secretary Establishment Dept: KP Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....13/6/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....18/6.....

Day of.....April.....20 22

(For Reply)

Signature
 PS/Secy E&AD KP

Diary No.....
 ETS No.....

Signature

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No.

384

22

Muhammad Tunaid and others

of 20

Appellant/Petitioner

Through ~~Govt~~ ^{Versus} Secy KP Pesh

Respondent

Respondent No.

3

Notice to:

Govt, g. PPK Through Secretary Industries.
and Commerce KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 13/6/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No..... dated.....

18th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... April 22 20

(For Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

26-4-22

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No. 384 of 2022.

Muhammad Junaid and others Appellant/Petitioner

Versus

Through Chief Secy K.P. Pesh: Respondent

Respondent No. 1

Notice to: Govt. of KPK Through Chief Secretary
KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner, in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/6/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 18th

Day of April 20 22

(For Reply)

Handwritten signature and stamp of the Registrar

Handwritten signature of the Registrar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.