

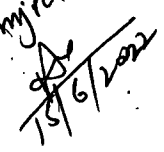
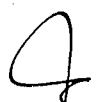
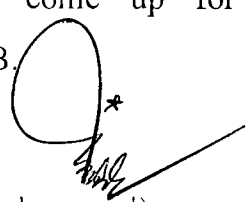


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 881/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2022	<p>The appeal of Mr. Tariq Kamal resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	14.6.22  14/6/22 Noted Amjad elase  15/6/2022	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>21-6-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	21.06.2022	<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar today. Adjourned. To come up for preliminary hearing on 10.08.2022 before S.B.</p> <p> (Mian Muhammad) Member (E)</p>


SCANNED
KPSI
Peshawar

The appeal of Mr. Tariq Kamal Assistant Director Staff Training Institute Establishment Department received today i.e. on 01.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of regularization Notification dated 07.03.2018 mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1213 /S.T,

Dt. 02/06 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

Resiv;

The objection has been removed &
and all the necessary reports has been
made.



Membar Copy

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

SERVICE APPEAL NO. 881 /2022

SCANNED
K.P.S.T.
Peshawar

TARIQ KAMAL

V/S

GOVT: OF K.P & OTHERS:

INDEX

S.N	DOCUMENTS	ANNEXURE	PAGE
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4	Regularization notification	B	7-8
5	Notification of up gradation & sanction of finance department	C & D	9-10
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7	Letter dt: 26.02.2008	F	12
8	Service rule	G	13-27
9	Departmental appeal	H	28-29
10	Wakalat Nama	30

Dated: 06.2022

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE
BC-10-0853
0345-9383141**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 881/2022

TARIQ KAMAL s/o Islam Shah, Assistant Director (BPS-17)
Staff Training Institute, Establishment Department Khyber
Pakhtunkhwa Civil Secretariat, Peshawar.

..... **Appellant**

Versus

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
- 2- The Secretary Establishment, Civil Secretariat, Peshawar.
- 3- The Secretary Administration, Civil Secretariat, Peshawar.
- 4- The Secretary Planning & Development Department Civil Secretariat, Peshawar.

..... **Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974 AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT BY THE RESPONDENTS REGARDING NON INCLUSION OF THE APPELLANT IN THE PROVINCIAL PLANNING SERVICE (PPS) CADRE OR PROVINCIAL INFORMATION TECHNOLOGY(IT) CADRE

PRAYER:

That on acceptance of this appeal the appellant being an employee of the Staff Training Institute Establishment Department, Khyber Pakhtunkhwa be included either in the Provincial Planning Services (PPS) cadre or in the Provincial Information Technology (IT) cadre and amendments be made in the services rules in these cadres to the extent of appellant.

Respectfully SHEWETH:

- 1- That the appellant being eligible in all respects was appointed as Assistant IT Manager (BPS-16) on contract basis in a project titled "Development of Common Application for Government of Khyber Pakhtunkhwa (E-office) and posted in the Directorate of Information Technology.
Copy of appointment order is attached as **Annexure-A**

2- That it is pertinent to mention that due to regularization of the project under the Khyber Pakhtunkhwa Regularization of Service Act, 2018 , the services of the appellant was accordingly regularized vide a Notification dated 01.11.2019 issued by the Establishment Department.
 Copy of Regularization Notification is attached as..... **Annexure-B**

3- That simultaneously, the post of the appellant was upgraded from BPS-16 to BPS-17, besides nomenclature of the post of Assistant Manager IT (BPS-17) was changed and re-designated as Assistant Director (BPS-17) with the direction that service rules may accordingly be amended through competent forum.

Copies of Notification of up gradation dated 1. -12-2019 of Administration Department and sanction of Finance Department for change of nomenclature of post are attached as **Annexure-C & D**

4- As a matter of fact, the appellant is serving as Assistant Director IT in the Staff Training Institute as such, in his case the parent and the regulating entity is Establishment & Administration Departments. The post is a technical oriented one which comes in the domain of technical cell of Establishment Department; however, since regularization & change of nomenclature of post i.e. 10-12-2019 service rules are yet to be formulated.
 Copy of order is attached as **Annexure-E**

5- That from the perusal of letter of Establishment department it transpires fully that the staff of STI are employees of the Civil Secretariat for whom the sponsoring, regulating and dealing entity is Establishment department.
 Copy of letter dated 26/02/2008 is attached as **Annexure-F**

6- That when the post of the appellant is a oriented one so it would be expedient that the appellant would have been inducted in the Provincial Planning Services Cadre under the administrative control of Planning & Development Department so that services of the appellant could be sponsored by an Administrative Department and the issue of formulation of service rules could be settled amicably.

7- That in the present scenario, from the nomenclature of post it can be presumed that the appellant has been placed in IT

cadre having its own service rules, way of promotion & seniority but the position of the appellant is still dubious since 2019 because of having no seniority and method of promotion ahead like PPS, PMS or IT cadre.

Copy of service rules of PPS cadre is attached as..... **Annexure-G**

- 8- That it is uncertain as to what will be the higher post to which the appellant on his turn in due course of time is to be promoted so the fate of the appellant with regard to his evaluation ahead is dark .
- 9- That felling aggrieved the appellant has made constant contacts with the respondent department for resolution of the issue but in vain.
- 10- That the appellant after being disappointed from the inaction of the respondent department has preferred departmental appeal before the respondent department but No response was received till time.
Copy of departmental appeal is attached as**Annexure-H**
- 11- That the appellant awaited till the expiry of statutory period of limitation but no response has been received, hence having no alternative remedy, appellant is filing this writ appellant on the grounds interalia as under:

GROUND:

- A- That the impugned order dated 10-12-2020 of the respondent department by not formulating service rules in respect of appellant is against law, facts, and norms of natural justice, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- that despite the fact the Establishment Department has earlier admitted itself that the staff of STI are employees of the Civil Secretariat meaning thereby the appellant comes in the definition of staff of the Establishment Department which is of course an administrative department of the civil secretariat, but still no way of promotion is known to him which is sheer violation of natural justice.

- D- That the respondents acted in arbitrary and malafide manner by by not honoring to the numeral requests of the appellant which is contravention of service laws on the subject.
- E- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant is fully entitle for placement in the PPS cadre for having technical oriented post.
- F- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- G- That the action and inaction of the respondents is also violated of rule 3 sub rule 2 of the appointment, promotion and transfer rules, 1989.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the instant appeal may be accepted as prayed for.

APPELLANT



TARIQ KAMAL

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE SUPREME COURT



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

TARIQ KAMAL

V/S

GOVT: OF K.P & OTHERS

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

CERTIFICATION



Government of Khyber Pakhtunkhwa
Directorate of Information Technology

Unit No. IT/204/210 3rd Floor, 4th Floor, Trade Center, Opp. FC Gate, Islamabad Road, Peshawar, K.P.
Contact: 011-9211779-82, Fax: 011-9211779
http://www.khyberpakhtunkhwa.gov.pk

Annex 'A'

No. Directorate-IT/KP/Adin&HR/Appoint-Apr. & May 2015 (E-Office) 1257
Dated: May 30, 2015

To

Mr./Miss. Tariq Kamal
S/D/o Islam Shah

Subject: OFFER OF APPOINTMENT AS ASSISTANT IT MANAGER BPS-16 ON FIXED PAY/ CONTRACT BASIS.

On the recommendation of Selection Committee and in exercise of the power conferred under the Provincial Govt. Project Policy 2008 the Competent Authority has been pleased to offer the post of Assistant IT Manager BPS-16 on the basis of fixed pay @ Rs. 35,000/- per month with (5% Annual Increment) in the Project "Development of Common Application for Govt. of Khyber Pakhtunkhwa (E-Office)".

Terms and Conditions of your service will be as under:-

- i. Your fixed pay contract appointment will be initially for a period of One Year extendable or till completion of the Project.
- ii. Your appointment will be purely on contract basis and if your performance is found unsatisfactory, your services shall be terminated on 15 days notice or on payment of 15 days salary in lieu thereof.
- iii. You will work against the subject post for which you are recruited and will not be transferred to any other post in the project or any other project under the same department/government.
- iv. You will produce a Medical Fitness Certificate from any government Hospital.
- v. Your appointment will not confer on you any right for regular appointment/absorption against the post of Assistant IT Manager nor your services will count towards seniority/promotion/pension.
- vi. Your posting/duty station may be changed / transferred by the competent authority as per the requirement of the Project.

If the above terms and conditions are acceptable to you, you are advised to report for duty to the undersigned within 10 days of the issue of this offer, failing which this offer shall stand cancelled.

-Sd/-

DIRECTOR-IT

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Estab.) ST&IT Department.
3. Accountant, Directorate of IT.

~~RECEIVED~~

DIRECTOR-IT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Annex 'B'

7

NOTIFICATION

Dated Peshawar, the NOVEMBER 01, 2019

No. SOE-V(E&AD)/5-09/2009:

In light of the decision of Provincial Cabinet in its meeting held on 09-05-2019 as well as recommendations of Ministerial Committee, the following employees of the project "Office Automation System Pilots for 05 Departments (Reg Act)" temporarily regularized in Staff Training Institute vide this Department Notification of even No. dated 30-04-2019, are hereby regularized permanently in Staff Training Institute under DDO code PR-8089 w.e.f the date of promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 i.e 07-03-2018:-

S#	Name	Designation with BPS
1.	Muhammad Bilal Khattak	Deputy Director IT/ Manager IT (BS-18)
2.	Syed Rehman Mashwani	Programmer / Assistant Director IT (BS-17)
3.	Mian Haseeb Uddin	Trainer (BS-16)
4.	Muhammad Hamid	Assistant Manager IT (BS-16)
5.	Khalid Khan	Assistant Manager IT (BS-16)
6.	Tariq Kamal	Assistant Manager IT (BS-16)
7.	Muhammad Usman Khan.	Assistant Manager IT (BS-16)
8.	Muhammad Younas	Assistant Manager IT (BS-16)
9.	Syed Muhammad Abdullah	Network Engineer (BS-16)
10.	Muhammad Adil	Network Engineer (BS-16)
11.	Muhammad Asim Ali	Assistant Programmer (BS-16)
12.	Faizan Abbas	Assistant (BS-16)
13.	Noman	Computer Operator (BS-16)
14.	Mushtaq Hussain	Computer Operator (BS-16)
15.	Rehmat Hadi	Computer Operator (BS-16)
16.	Jamal Ahmad	Computer Operator (BS-16)
17.	Fawad Nazir	Computer Operator (BS-16)
18.	Shakir Ullah	Computer Operator (BS-16)
19.	Ijaz Hussain	Computer Operator (BS-16)
20.	Muhammad Junaid Khan	Computer Operator (BS-16)
21.	Sajjad Hussain	Computer Operator (BS-16)
22.	Aman Gul	Computer Operator (BS-16)
23.	Muhammad Ramzan	Computer Operator (BS-16)
24.	Faran Kamal	Computer Operator (BS-16)
25.	Usman Khan.	Computer Operator (BS-16)
26.	Muhammad Asad Khan	Computer Operator (BS-16)

P.T.O

~~ATTESTED~~

8

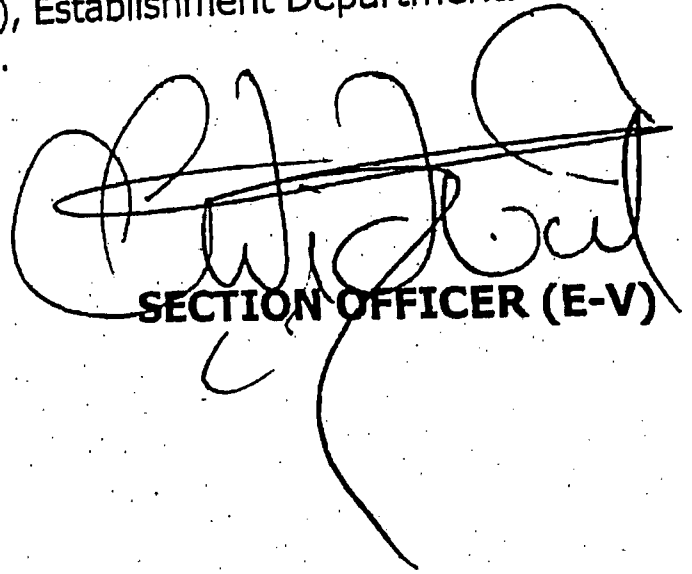
27.	Fawad Ahmad	Computer Operator (BS-16)
28.	Abdul Wali Khan	Driver (BS-06)
29.	Muhammad Taifullah	Naib Qasid (BS-03)

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

Endstt: No. & Date Even.

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. Section Officer (O&M), Establishment Department.
7. PS to Secretary, Finance Department.
8. PS to Secretary, Establishment Department.
9. PS to Secretary, Administration Department.
10. PS to Secretary, ST&IT Department.
11. PA to Deputy Secretary (Estt), Establishment Department.
12. Officers / Officials concerned.


SECTION OFFICER (E-V)

~~SECRETARY~~



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT**

Dated Peshawar the 10th December, 2019

Annex 'C'

9

OFFICE ORDER

No.SOF(AD)15(BB)/STI/2019. In pursuance of Finance Department letter No.SOF(FR)FD/7-20/2018/Estt dated 28/10/2019, sanction of the competent authority is hereby accorded for upgradation of the following posts of Office Automation System Pilots for Five Department (E-Office) from BPS-16 to BPS-17 with immediate effect in Staff Training Institute.

S.No	Designation	Upgraded posts with DPS	No of Posts
1	Assistant Manager IT / Assistant IT Manager (BPS-16)	Assistant Manager IT / Assistant IT Manager (BPS-17)	05
2	Network Engineer (BPS-16)	Network Engineer (BPS-17)	02

The expenditure involved is chargeable under Grant No.NC21048 (005) 01-General Public Service, 015- General Services, 015-1-Other General Services, 015-405-Centralized Data Processing Services PR-8089 Office Automation System Pilots for Five Department (E-Office) and will be met out within the sanctioned budget grant during the current financial year 2019-20.

**Secretary to Government of Khyber Pakhtunkhwa
Administration Department**

Encls: No. & Date Even

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa, for action.

SO(FR)
For further necessary action.
UCC
12/12

**Section Officer (FR)
Finance Department
Dated 10th Dec. 2019**

3. Secretary, Administration Department.
4. Director, Staff Training Institute, Establishment & Administration Department.
5. The Section Officer (FR), Finance Department w/r to his letter No.SOF(FR)/FD/7-20/2018/Estt dated 28/10/2019.
6. Section Officer (Bud & Dev), Administration Department.
7. Section Officer, Secret/ E-V/ Estate Officer/ Librarian Establishment & Administration Department.

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Mux-D

10

SOB(AD)15(88)/2017-E-Office

Dated Peshawar the 11-12-2019

The Secretary to Govt of Khyber Pakhtunkhwa,
Administration Department

Subject
Dear Sir

CHANGE OF NOMENCLATURE AS PER REGULAR SIDE.

I am directed to refer to your letter No.SOB(AD)15(88)/2017-18 dated 20/07/2019 on the subject noted above and to state that Finance Department agrees to change nomenclature of the following posts of the IT Staff of Staff Training Institute (Office) working in your department

S#	Existing Nomenclature	Approved Nomenclature
1	Assistant Manager IT (BS-17)	Assistant Director (BS-17)
2	Assistant Manager IT (BS-17)	Assistant Director (BS-17)
3	Assistant Manager IT (BS-17)	Assistant Director (BS-17)
4	Assistant Manager IT (BS-17)	Assistant Director (BS-17)
5	Assistant Manager IT (BS-17)	Assistant Director (BS-17)
6	Network Engineer (BS-17)	Assistant Director (BS-17)
7	Network Engineer (BS-17)	Assistant Director (BS-17)

Service rules may accordingly be amended through competent forum.

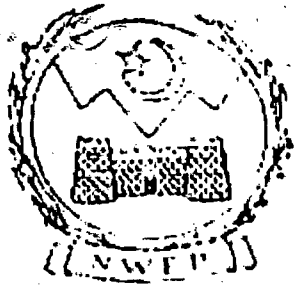
Yours faithfully,

SECTION OFFICER (FR)

Copy to:

1. Accountant General of Khyber Pakhtunkhwa, Peshawar.
2. Budget Officer-IV, Finance Department.
3. PS to Secretary Establishment Department.
4. PS to Special Secretary Finance Department.
5. PA to Additional Secretary Regulation, Finance Department.
6. IIR (FMIU), Finance Department.

SECTION OFFICER (FR)



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(REGULATION WING)

No. SO(O&M)E&AD/1-4/2007
Dated Peshawar, the 26th February, 2008

Annex 'E'

(11)

To

The Accountant General, NWFP.

Subject:

CLEARANCE OF THE STATUS OF STAFF TRAINING
INSTITUTE (STI) ESTABLISHMENT DEPARTMENT, GOVT. OF
NWFP.

Dear Sir,

I am directed to refer to the subject noted above and to state that Special Allowance and Utility Allowance are admissible to the officers/staff of STI as they are the employees of Civil Secretariat, NWFP and posted there by transfer.

Yours-Faithfully,


SECTION OFFICER (O&M)

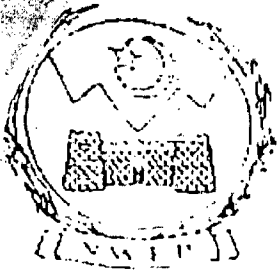
Copy to:-

The Section Officer (Admn). STI for information wither reference to his letter No. DD(S.T.I)E&AD/1(3)/2007-08, dated 23-02-2008.


SECTION OFFICER (O&M)

~~SECTION OFFICER (O&M)~~

Received
[Signature]
26/2/08



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(REGULATION WING)

Annex *E*

No. SO(O&M)E&AD/1-4/2002
Dated Peshawar, the 26th February, 2008

(AD)

To
The Accountant General, NWFP.

Subject: CLEARANCE OF THE STATUS OF STAFF TRAINING INSTITUTE (STI) ESTABLISHMENT DEPARTMENT, GOVT. OF NWFP.

Dear Sir,

I am directed to refer to the subject noted above and to state that Special Allowance and Utility Allowance are admissible to the officers/staff of STI as they are the employees of Civil Secretariat, NWFP and posted there by transfer.

Yours-faithfully,

SECTION OFFICER (O&M)

Copy to:-

The Section Officer (Admn), STI for information wither reference to his letter No. DD(S.T.I)E&AD/1(3)/2007-08, dated 23-02-2008.

*Recd
26/2/08*

(Signature)
SECTION OFFICER (O&M)

~~RECEIVED~~

~~UNDER ALL~~
&
KHANZAD GUL
ADVOCATES

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. III
GAZETTE

13

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 22nd FEBRUARY, 2018

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar, Dated: 22nd February, 2018

NO. SO(E)P&D/6-1/SR/PPS/2018 .- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA PROVINCIAL PLANNING SERVICE RULES, 2018.

1. Short title application and commencement.--- (1) These rules may be called the Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018.

(2) These rules shall apply to the recruitment and promotion to the posts in Provincial Planning Service.

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

2. Definitions.--- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "appointing authority" means the appointing authority as specified in rule 6 of these rules;

(b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(c) "Government" means the Government of the Khyber Pakhtunkhwa Province;

(d) "Department" means the Planning and Development Department;

(e) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;

1125 KHYBER PAKHTUNKHWA GOVT. GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

- (f) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-19 and 20 or any change in the training required from time to time;
- (g) "Schedule" means the Schedule appended to these rules;
- (h) "Service" means the Provincial Planning Service; and
- (i) "Secretariat" means the Civil Secretariat as defined in clause (r) of rule 2 of the Khyber Pakhtunkhwa Government Rules of Business, 1985.

3. Constitution of the Service.— The Service shall consist of the posts as specified in Schedule-I and such other posts as may be added to it from time to time.

4. Method of recruitment.— (1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be such as specified in Schedule-II.

(2) Initial recruitment to the Service shall be made through an examination conducted by the Commission.

(3) The standard and syllabus of examination for the Service shall be such as specified in Schedule-III.

5. Training.— On appointment to the post borne in the Service in BPS-17 via initial recruitment, every officer so appointed shall successfully complete six months mandatory training at any academy or institute decided by Government as per Module specified in Schedule-IV. The training shall be followed by a Departmental Examination as specified in Schedule-V, to be conducted by the Academy or institute, as the case may be.

6. Appointing Authority.— The Chief Secretary, Khyber Pakhtunkhwa shall be the appointing authority for posts borne on the Service in BPS-17.

7. Savings.— In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to the terms and conditions of service made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

8. Transitional.— The seniority position of various officers appointed in planning cadres of various Departments and brought on the strength of the Service on coming into force of these rules shall be considered from the date of their regular appointment to posts in their present Basic Scales of pay:

Provided that where two or more civil servants have been appointed to their present Basic Scale on the same day, the older in age shall be considered senior.

KHYBER PAKHTUNKWHA GOVT. GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1126

9. **Repeal and saving.**— (1) On coming into force of these rules, the service rules of the concerned line Departments shall stand repealed to the extent of the posts as given in Schedule-1.

(2) Any person appointed to a post specified in Schedule-1 before the commencement of these rules shall, on commencement of these rules, be deemed for all intents and purposes to have been validly appointed under these rules on the authority of the Planning and Development Department as assigned to it under the Khyber Pakhtunkhwa Government Rules of Business, 1985, and his/her affairs shall henceforth be administered by the Planning and Development Department in accordance with these rules and any other rules for the time being in force and made applicable to him/her in accordance with the Khyber Pakhtunkhwa Government Rules of Business, 1985.

SCHEDULE-1
(see rule 3)

S. No	Department	Name of Posts	Basic Scale	No. of Posts	Total No.		
1	2	3	4	5	6		
1	Planning and Development Department	Main P&D	Senior Chief	20	4	51	
			Chief of Section	19	9		
			Director (M&E)	19	1		
			Assistant Chief	18	10		
			Research Officer	17	13		
		PPI Cell	Director	19	1		
			Assistant Chief	18	1		
			Research Officer	17	6		
		DG PERRA	Director Planning & Tech.	19	1		
			Program Manager	18	4		
			Assistant Director	17	1		
			Chief Planning Officer	19	1		10
			Senior Planning Officer	18	3		
Planning Officer	17	5					
Statistical Officer	17	1					
3	Higher Education, Archives and Libraries Department	Chief Planning Officer	19	1	06		
		Deputy Chief Planning Officer	18	1			
		Senior Planning Officer	18	1			
		Planning Officer	17	2			
		Statistical Officer	17	1			
4	Health Department	Chief Planning Officer	20	1	09		
		Deputy Chief Planning Officer	19	1			
		Senior Planning Officer	18	2			
		Planning Officer	17	5			
5	Industries, Commerce and Technical Education Department	Economic Advisor	19	1	04		
		Assistant economic Advisor	18	1			
		Research Officer	17	2			
6	Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.	Senior Planning Officer	18	1	03		
		Planning Officer	17	1			
		Monitoring Officer	17	1			

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S. No	Department	Name of Posts	Basic Scale	No. of Posts	Total No.
			3	4	5
7	Sports Tourism, Archaeology, Museum and Youth Affairs Department.	Planning Officer	17	1	01
8	Information and Public Relations Department	Planning Officer	17	1	01
9	Transport Department	Senior Planning Officer	18	1	02
		Planning Officer	17	1	
10	Excise and Taxation Department	Taxation Analyst cum SPO	18	1	03
		Economist	18	1	
		Research Officer	17	1	
11	Agriculture and Livestock Department	Chief Planning Office	19	1	06
		Deputy Director Planning	18	1	
		Deputy Director Monitoring	18	1	
		Planning Officer	17	1	
		Assistant Statistical Officer	17	1	
		Assistant Director Planning	17	1	
12	Public Health Engineering Department.	Planning Officer	17	1	01
13	Local Government, Elections and Rural Development Department	Planning Officer	18	1	01
14	Mineral Development Department	Chief Planning Officer	19	1	07
		Sr. Planning Officer	18	2	
		Planning Officer	17	4	
15	Science and Technology and Information Technology Department	Sr. Planning Officer	18	1	04
		Planning Officer	17	3	
16	Environment, Wildlife and Forestry Department	Deputy Director Planning	18	1	02
		Planning Officer	17	1	
17	Labour Department	Research Officer	17	1	01
18	Rescue 1122	Director Planning	19	1	04
		Deputy Director Planning	18	1	
		AD Planning	17	2	
19	District Positions	Planning/Technical Officers	17	25	25
	BPS-20		5		
	BPS-19		19		
	BPS-18		35		
	BPS-17		57 + 25 = 82		
	Grand Total		141		

SCHEDULE-II

(see rule 4(1))

S.No	Nomenclature of Posts	Minimum qualification	Age Limit	Method of Recruitment
I	II	III	IV	V
1	Provincial Planning Service (PPS) (BPS-20) as per detail at Schedule-I	---	---	By promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-19 and having at least five (05) years service in BPS-19 or seventeen (17) years service against posts in BS-17 and above and have undergone Senior Management Course (SMC) or any other training course prescribed by Government.
2	Provincial Planning Service (PPS) (BPS-19) as per detail at Schedule-I	---	---	<p>i. Eighty five percent (85%) by promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-18 and having at least seven (07) years service in BPS-18 or twelve (12) years service against posts in BS-17 and above and have undergone Mid Career Management Course (MCMC);</p> <p>ii. ten percent (10%) by transfer from amongst Officers of PAS/APUG/PMS/PCS; and</p> <p>iii. five percent (05%) by appointment through horizontal transfer from officers of Government owned autonomous organizations with at least twelve (12) years regular service in BPS-17 and above having qualification prescribed for initial recruitment of officers of Provincial Planning Service (PPS) (BPS-17).</p>

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3	Provincial Planning Service (PPS) (BPS-18) as per detail at Schedule-I	---	---	<p>i. Ninety percent (90%) by promotion on the basis of seniority-cum-fitness, from amongst the officers of Provincial Planning Service (PPS) in BS-17 having at least five (05) years service; and</p> <p>ii. ten percent (10%) by transfer from American Officers of PAS/PAO/PMS/PCS.</p>
4	Provincial Planning Service (PPS) (BPS-17) as per detail at Schedule-I	<p>a. At least Second Class Master's Degree or Bachelor of Studies (four years) from a recognized University or equivalent qualification in any of the fields namely Economics, Development studies, Agriculture Science, Health Planning and Management, Industrial Economics, Educational Planning and Management, Public Administration, Statistics, Business Administration, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, International Relations, Development Planning; or</p> <p>b. At least Second Class B.Sc/B.E Degree from a recognized University in Civil Engineering or Electrical Engineering or Urban and Regional Planning or City Development and Regional Planning or Town Planning.</p>	21 to 30 years	<p>i. Ten percent (10%) by initial recruitment through departmental examination in a prescribed manner to be determined by the Department and conducted by the Khyber Pakhtunkhwa Provincial Service Commission from amongst the in-service employees working in Planning Cells or various Departments and Planning Development Department, Department's Staff in BPS-11 and above.</p> <p>Provided that those shall be eligible who possess the required qualification as mentioned against the post in Column No III.</p> <p>Provided that upon selection, candidates shall undergo seven (07) days mandatory training in the field of project planning and management specified in Schedule IV.</p> <p>Provided that if no suitable person is available then by initial recruitment;</p> <p>ii. ninety percent (90%) by initial recruitment.</p>

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1130

SCHEDULE-III
(see rule 4(3))

The Syllabus and standard of examination for the Provincial Planning Service shall include the following five compulsory papers and viva voce as per the details given below:

S.No.	Subject/Paper		Maximum Marks	Syllabus
1	English (Précis & Composition)		100	(1) Grammar and Vocabulary (2) Reading Comprehension and Analysis (3) Précis Writing
2	English Essay		50	Candidates will be required to write one or more essays in English. A wide choice of subjects will be given.
3	General Knowledge	Economy of Pakistan (70 Marks)	150	<ol style="list-style-type: none"> 1. Definition and measurement of development, characteristics of under development, rethinking on the concept of development, Growth vs. Redistributive Justice, absolute and relative poverty, basic needs approach. 2. Planning experience of Pakistan: A critical evaluation of the strategy of economic planning. 3. Agricultural development in Pakistan: Changes in agriculture policies over plan periods, major monetary and fiscal measures to promote agricultural development, Green Revolution strategy and its implications for growth and redistribution, Land Reforms and changes in the tenure system 1950 - 1980, Cooperative Farming. 4. Industrial development in Pakistan: Early industrialization strategy, creation of Financial and Development Institutions, major monetary and fiscal measures to promote industrial development, changing role of public sector over the plan periods, evaluation of nationalization policy, concentration of industrial income and wealth. 5. Role of foreign trade and aid in economic development, Trends of Pakistan's Balance of Payments, changes in direction of trade, trends in Pakistan's major exports and imports, causes of significant changes in the trends, the role of migration and remittances in Pakistan's economy, costs and benefits of Foreign Aid. 6. Privatization, denationalization and deregulation, conceptual and operational aspects, international comparisons.

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	<p>Current Affair (50 Marks)</p>		<p>Candidates will be expected to display such general knowledge of History, Geography and Politics as is necessary to interpret current affairs:</p> <ol style="list-style-type: none"> Pakistan's relations with its neighbours. Pakistan's relations with big powers. International economic issues and Pakistan. Pakistan's role in regional and international organizations. Structure of Pakistan's economy, economic planning and development strategies. Central issues and problems in the educational system. Major economic, social and political issues of the world as reflected and discussed in periodicals and newspapers.
	<p>Everyday Science (30 marks)</p>		<ul style="list-style-type: none"> • Introduction Nature of science; Brief history, contribution of Muslims in the evolution and development of science. Impact of science on society. • The Physical Sciences <ol style="list-style-type: none"> Constituents and structure:- Universe, galaxy, solar system, sun, earth, minerals Processes of Nature:- Solar and Lunar Eclipses; day and night and their variation: Energy :- Sources and resources of energy, energy conservation; <ol style="list-style-type: none"> Ceramics, Plastics, Semiconductors; Computers, Satellites; Antibiotics, Vaccines, Fertilizers, Pesticides • Biological Sciences <ol style="list-style-type: none"> The basis of life – the cell, chromosomes, genes, nucleic acids The building blocks – proteins, hormones and other nutrients, Concept of balanced diet, Metabolism. The human body – a brief account of human physiology and human behavior.

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1132

4	Islamiyat	50	<ol style="list-style-type: none"> 1. Need of religion and its role in human life, Islam and other religions 2. Fundamental beliefs and practices of Islam. <ol style="list-style-type: none"> (a) Tauheed (Unity of Allah), Risalat (Finality of Prophethood), Akhirat (Day of Judgment) (b) Salat, Soum, Zakat, Hajj, Jihad 3. Islamic way of life <ol style="list-style-type: none"> (i) Sources of Shariah: The Quran, Sunnah, Ijma (Consensus), Qiyas and Ijtihad (Reasoning) (ii) Social system in Islam: Responsibilities and mutual relationship of members of family, separate role of man and woman in an Islamic social setup, concept of women's freedom in Islam, responsibilities of man and woman in character-building of new generation (iii) Islamic political system: - Legislative system, Judicial system (iv) Muslim ummah: Role and objectives of Muslim Ummah 4. Quranic Ayat and their translation Following last (10) surrahs of the Holy Quran and their translations:- Surrah Al-Feel to Surrah An-Nas.
5	Economics	100	<ol style="list-style-type: none"> 1. Micro Economics: Consumer behaviour, determination of market demand and supply, theory of the Firm, producer's equilibrium pricing of the factors of production. 2. Macro Economics: Basic economic concepts, National Income Accounting, consumption function and multiplier, determination of equilibrium level of income and output, inflation. 3. Money and banking: Functions of money, Quantity Theory of money, the Fisher and Cambridge Formulations, systems of note issue, credit creation, functions and central banks, instruments of credit control, Theory of Liquidity Preference. 4. Public Financing: Government expenditure, sources of government revenue, types of taxes, incidence of different taxes, public debt, objectives, methods of repayment, deficit financing. 5. International Trade: Theory of comparative cost, arguments for protection, balance of payments, international liquidity, international money and banking institutions.

1133 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

'6	Viva Voce	50
1.	English (Précis & Composition)	100 Marks
2.	English Essay	50 Marks
3.	General Knowledge	150 Marks
4.	Islamiat	50 Marks
5.	Economics	100 Marks
6.	Viva Voce	50 Marks
	Total:	500 Marks

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1134

SCHEDULE-IV
(see rule 5)

**Training Module for Provincial Planning Service,
Khyber Pakhtunkhwa officers**

(Twenty four (24) weeks Training including four (4) weeks for study tours)

Module I: General Management and Organizational Development (three (3) weeks)

Module II: Personal Knowledge and Skills (two (2) weeks)

Module III: E-Government (three (3) weeks)

Module IV: Project Planning and Management (seven (7) weeks)

Module V: Secretariat - Office Management (five (5) weeks)

Module	Course	Contents	Duration
I	General Management and Organizational Development.	<ul style="list-style-type: none"> • How to manage through subordinates. • To know the process of hiring, firing, or promotion of employees. • To have knowledge about effective planning, delegating, coordinating, staffing, organizing, and decision making to attain better service delivery. • Gender sensitization 	3 weeks
II	Personal Knowledge and Skills	<ul style="list-style-type: none"> • Drafting skills and the manner of writing official letters, summaries, notes, minutes of the meetings, file note etc (both manual and computerized) • Listening skills • Speaking/communication skills • Presentation skills • Briefing skills • Report writing (general & technical) • Time management • Stress management • Dispute resolution • Team building • Humaneering and attitude building. 	2 weeks
III	E-Government	<p>Specific:</p> <ul style="list-style-type: none"> • MS Word • MS Excel • MS PowerPoint • MS Project • File Tracking • E-Office • HR Data basing <p>General:</p> <ul style="list-style-type: none"> • Using internet, browsing, surfing, downloading • Email • MIS 	3 weeks

1135 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

Module	Area	Contents	Duration
IV	Project Planning and Management	<ol style="list-style-type: none"> 1. Basic concepts i.e. economic development, economic growth, Gross Domestic Produce (GDP), Gross National Produce (GNP), determinants of economic development, features of developing economy. 2. Economic planning---characteristics of planning, objective and types. 3. Evolution of planning machinery in Pakistan. 4. Project and project cycle 5. Project documents i.e. PC-II, PC-I, PC-III, PC-IV & PC-V. 6. How planned projects are practically implemented. 7. Composition and competency of development forums i.e. DDAC, DDWP, PDWP, CDWP, ECNEC, NEC. 8. Concepts of Sponsoring Agency, Executing Agency, Planning Manual, PSDP, ADP, Pre-PDWP meeting, Umbrella project, Non-ADP project, project revision and its types, administrative approval, audit copy, re-appropriation, punching of funds and BOQ. 9. Tendering. 10. Identification and valuation of costs and benefits, NPV, IRR. 11. Cost effectiveness analysis. 12. Network analysis - PERT / CPM for project management. BC Ratio, sensitivity analysis. CPM. Gantt Chart. Pie Diagram. RBM framework. 13. Project Policy 14. Role and responsibilities of Project Director and Project Management Professional Course (PMP). 	7 weeks

KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1136

<p>Secretariat - Office Management</p>	<ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa Organ gram - various Administrative, regulatory setups. 2. Coordination mechanisms between administrative authorities, Departments, attached Departments and autonomous, semi-autonomous bodies. 3. Charter of duties of different government Departments devolved and non-devolved with special introduction to regulatory Departments such as Finance Department, Planning and Development Department, Law Department and Establishment Department. 4. The Khyber Pakhtunkhwa Civil Servants Act, 1973. 5. The Khyber Pakhtunkhwa Government Rules of Business, 1985. 6. The Khyber Pakhtunkhwa Civil Servants Appointment, Promotion and Transfer Rules, 1989. 7. Manual of Secretariat Instructions, Appeal and Conduct Rules. 8. Court cases-time limitations and procedure. 9. Revised Leave Rules, 1981. 10. Policies-recruitment, postings, transfers, deputation, surplus pool. 11. Delegation of Powers Rules. 12. Anti-corruption laws - NAB Ordinance. 13. The Khyber Pakhtunkhwa Local Government Act, 2013. 14. Assembly Business. 	<p>5 weeks</p>
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Note: The duration of modules only indicates the time given to them five lectures per day of one hour each, five days a week. Monthly tests shall be conducted for each Module.

Study Tour: Four Weeks:

Destination	Focal Point	Duration
<p>Punjab</p>	<p>Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Lahore. Study of any signature project of development sector.</p>	<p>One Week</p>
<p>Sindh</p>	<p>Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Karachi. study of any signature project of Development sector.</p>	<p>One week</p>
<p>Islamabad</p>	<p>Pakistan Planning and Management Institute, Pakistan Institute of development Economics, CDA.</p>	<p>One week</p>
<p>Baluchistan</p>	<p>Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Quetta. Study of any signature project of development sector.</p>	<p>One week</p>

SCHEDULE-V
(see rule 5)

Departmental Examination

Last week of training shall also include written examination and finalization of marks based on the following outline:	
Written Test (Modules)	50 Marks
Various Assignments during Training (Preparation of Project Documents/ADP/Re-appropriation proposals/Working Papers/Minutes of the meeting)	20 Marks
Conduct Reports During Training (Punctuality, participation, discipline, initiatives, Group Discussions, attitude, response)	20 Marks
Module Based Test Scores	10 Marks
Total	100 Marks
Note: Passing marks will be 60	

Attachment: The trainees, for the purpose of acquaintance with practical disposal of Official/Government business, shall undergo three month attachment on rotation at different sections of Planning and Development Department, Finance Department, Project Implementation Units (PIUs) and Planning Cells of different line departments.

Objectives:

- (i) To acquaint the trainee with general office work of the Departments.
- (ii) To educate the trainee towards understanding the provincial budget making, planning and financial processes.
- (iii) To expose the trainee to development initiatives of different sectors, both private and public funded.
- (iv) To inculcate proper attitude in the U.I with regard to interaction with the general public.

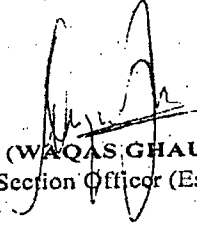
Secretary to,
Government of the Khyber Pakhtunkhwa
Planning and Development Department.

Endst. No. SO(E)P&D/6-1/SR/PPS/2018

Dated Peshawar the February 22, 2018.

Copy forwarded to the: -

1. Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government Khyber Pakhtunkhwa.
6. Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. All Chief of Sections, P&D Department.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director Information, Khyber Pakhtunkhwa.
12. PSO to Chief Secretary Khyber Pakhtunkhwa.
13. PS to Additional Chief Secretary, P&D Department.
14. PS to Secretary, P&D Department.
15. PA to Chief Economist, P&D Department.
16. Manager, Govt. Printing Press Peshawar.


(WAQAS GHAUS)
Section Officer (Estt.)

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Ps/C. S Khyber Pakhtunkhwa
Diary No. 940(w/e)
Date. 02-07-2022

PS/Secy E&D KP
Diary No. 706
PTS No. 7/2/22
Date

O/A Spt Secretary (Regulation)
Establishment Department
D.No. 523(w/p)
Date 3-2-22

The Chief Secretary to Govt: of Khyber Pakht
Civil Secretariat, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR MAKING AMENDMENTS IN PPS RULES 2018 AND INCLUDING THE APPELLANT INTO PPS CADRE UNDER ADMINISTRATIVE CONTROL OF PLANNING AND DEVELOPMENT DEPARTMENT.

Dear Sir,

1. That the appellant was appointed as Assistant IT Manager BPS-16 on contract basis in project titled "Development of Common Application For Govt: of Khyber Pakhtunkhwa (E-Office) on 30th May, 2016 in Directorate of Information Technology.
(Copy of appointment order is attached as Annex-A)
2. That under Khyber Pakhtunkhwa regularization of service Act, 2018, the project of the appellant was regularized and the services of the appellant was regularized vide notification NO:SOE-V(E&D)/5-09/2009 dated: 01/11/2019 of establishment Department w.e.f 7/3/2018.
(Copy of regularization notification is attached as annex-B)
3. That it is pertinent to mention here that the post of the appellant were upgraded from BPS-16 to BPS-17 vide office order dated 10-12-2019. Keeping in view that the nomenclature of the post of the appellant alongwith other regularized employees, changed from Assistant Manager IT to Assistant Director vide Finance Department NOTIFICATION NO:SO(FR)FD/7-16/VOL-I/2017/E-OFFICE dated: 11/12/2019 of the Finance department.
(Copy of up-gradation & change of nomenclature of post are annexed as C & D)
4. That now presently the appellant is posted in Staff Training Institute, Establishment Department as Assistant Director BPS-17, which is a technical oriented post of the technical cell of establishment department.

Adiff Secy, Estab (E&D)
Establishment Department
Civil Secretariat
Peshawar
03/02/22

SOE-V
3-2-22

ASE
SBR
ASR-1

9/2
SPS 3/2

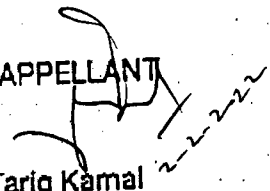
Secy: Estab
Chief Secretary
Govt: of Khyber Pakhtunkhwa

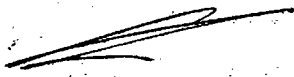
That the establishment department vide his letter dated: 26/02/2008 addressed to Accountant General Khyber Pakhtunkhwa admitted by itself that the officers/staff of the STI are employees of Civil Secretariate, Khyber Pakhtunkhwa. Meaning thereby that the appellant is the employee of establishment department which is an administrative department and being technical oriented post of the cell of establishment department, it is the dire need to be included the technical oriented posts of the cell of establishment department into the PPS Cadre under the PPS Rules 2018 under the administrative control of planning and development department for the better carrier prospects and opportunities. It is further stated that there is no service structure and promotion opportunities for appellant if the appellant was not included into the PPS cadre.

(Copy of letter is attached as E)

That the post of the appellant may be included into the First schedule of the PPS rules 2018 and for this purpose, the establishment department may forward a request to the planning & development department for making necessary amendments int the rules and the post of the appellant may be included into the PPS cadre.

It is therefore, most humbly submitted that keeping in view the above cited facts, the post of the appellant may be included into the PPS cadre by making necessary amendments in the PPS Rules 2018 for better future prospects and promotion opportunities, please.

APPELLANT

Tariq Kamal
S/O
Islam Shah
Assistant Director BPS-17
STI, Establishment
Department,
Civil Secretariat, Peshawar
NIC No.17301-6567614-7
Cell No.0346-9130346



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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

NO: _____ OF 2022

Tariq Kamal (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gort of K.P & Others (RESPONDENT)
(DEFENDANT)

I/We Tariq Kamal

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022

[Handwritten signature]

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

HAIDER ALI

&
KHANZAD GUL
ADVOCATES