

25.11.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 31.01.2023 before the D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

10.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Riaz Superintend for respondents present.

This case was heard by us on 10.05.2022 and judgment was reserved for 30.05.2022, but because of non availability of the bench on 30.05.2022, the order could not be recorded and announced. The matter was fixed for today but learned counsel for the appellant submitted an application that in view of the judgment of the august Supreme Court of Pakistan reported as 1996 SCMR 669; the matter was to be reheard and a request was made by learned counsel of the appellant for its rehearing by fixing on 14.10.2022 before D.B. Adjourned accordingly to 14.10.2022.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

14th Oct., 2022

Because of strike of the Bar, this matter is adjourned to 25.11.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

10th May, 2022

Mr. Noor Muhammad Khattak, Advocate for appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Muhammad Riaz, Superintendent for the respondents present.

Arguments heard. To come up for order on 30.05.2022 alongwith connected Service Appeal No. 16159/2020, before this D.B.


(Fareeha Paul)
Member(E)

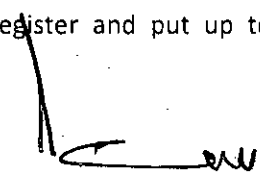
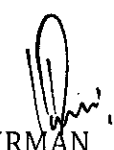



(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 16175 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/12/2020	<p>The appeal presented 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-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/12/21</u></p> <p> CHAIRMAN</p>
	12.02.2021	<p>Junior counsel for appellant present.</p> <p>Due to general strike of the bar, case is adjourned. To come up for preliminary hearing on 23.04 2021 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>
	28.04.2021	<p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 12.08.2021 for the same as before.</p> <p> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

JAMROZ KHAN

VS

~~EDUCATION DEPT.~~

Govt of KP

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APPELLANT

THROUGH:

[Signature]
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 16175 /2020

Diary No. 16737

Dated 21/12/2020

Mr. Jamroz Khan, Private Secretary (BPS-17),
PS to Secretary Communication & Works Department, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT ALLOWING THE EXECUTIVE ALLOWANCE/SCHEDULE POST ALLOWANCE @ 1.5 OF INITIAL BASIC PAY SCALE-2017 TO THE APPELLANT W-E-F 2ND FEBRUARY, 2018 AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 29-07-2020 COMMUNICATED TO THE APPELLANT ON 19-11-2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAD BEEN REJECTED WITH COLOURFUL JUSTIFICATIONS

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 29-07-2020 may very kindly be set aside and the respondents may please be directed to allow the executive allowance/Schedule Post Allowance @ 1.5 of initial basic pay of the appellant w-e-f 2nd February, 2018 with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is serving in the Civil Secretariat, Khyber Pakhtunkhwa, Peshawar as Private Secretary (BPS-17) and is regulated by the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the Khyber Pakhtunkhwa (Appointment, Promotion and Transfers) Rules, 1989 read with Khyber Pakhtunkhwa Secretariat Private Secretaries Rules, 2012. Copy of the Khyber

Filed to-day

Registrar

21/12/2020

Pakhtunkhwa Secretariat Rules, 2012- is attached as annexureA.

- 2- That during the budget session of 2016-17 the then Chief Minister announced to give some relief package to the civil servants working in BPS-17 and above, in response to the mentioned announcement the PCS officers association took up the matter with the Chief Minister and resultantly the process of granting the Executive Allowance was initiated and the same was properly forwarded to the Establishment Department via letter dated 11-11-2016. Copy of the application is attached as annexureB.
- 3- That a directive was issued by the then Chief Minister for the mentioned allowance and in response a summary for the mentioned allowance was moved before the respondent No. 3, that the respondent No. 3 answered and commented in detail on each and every point, and the financial implications rising out of this allowance was categorically explained, and recommended that the same may please be placed before the Cabinet Committee. Copies of the directive dated 11-11-2016, summary of the Respondent No. 2 and the comments of the respondents No. 3 are attached as annexureC, D &E.
- 4- That again another summary was moved after the matter was deliberated before the cabinet committee, and as a result the Executive Allowance was again recommended for the PMS, PCS and PAS cadres officers but when this second summary put forwarded before the competent authority, the competent authority approved the recommendations made in Para-8 as well as the competent authority added that "**However all the BPS-17 and above officers of the Private Secretaries and Paining cadres working in the Civil Secretariat Khyber Pakhtunkhwa may also be included**". Copies of the 2nd Summary along with the Chief Minister approval are attached as annexureF.
- 5- That it is important to mention here that the mala fide of the respondent No. 2 was clear but a righteous response was made by the competent authority by considering the Private Secretaries and other BPS-17 and above of the Civil Secretariat in Para-11 of the aforementioned summary.
- 6- That the mala fide of the Establishment department comes to suffice when they again preferred another summary before the Cabinet Committee and through third Summary the Competent authority approved the same only for the PMS, PCS and PAS officers and leaving the matter of the appellant cadre unresolved. Copy of the summary and approval of the

competent authority are attached as annexure
.....G & H.

- 7- That after the approval of the competent authority, the respondents issued the impugned order dated 02-02-2018, whereby the Executive Allowance was granted to the PMS, PCS and PAS Officers and leaving the appellant cadre officers, irrespective of the fact that the appellant cadre officers also perform the same kind of administrative function which is in nature a tough and difficult job. That the analogy on the basis of which the executive allowance was granted to the PMS, PCS and PAS are also applicable on the appellant. Copy of the impugned order dated 02-02-2018 is attached as annexure
.....I.
- 8- That it is important to mention here that the nomenclature of the Executive allowance was later on changed to the Scheduled Post Allowance in the meeting of the cabinet dated 24-05-2018 and the same was forwarded to the different departments of the Khyber Pakhtunkhwa Government vide letter dated 05-06-2018. Copy of the letter dated 05-06-2018 is attached as annexure
.....J.
- 9- That appellant feeling aggrieved from the impugned order dated 02-02-2018 preferred departmental appeal/representation before the respondents on 22-02-2018, but no response has been given by the respondent department till the expiry of statutory period of ninety days. Copy of the departmental appeal is attached as annexure
.....K.
- 10- That by not deciding the departmental appeal/ representation the appellant along with other colleagues preferred writ petition No. 3698/2018 and the same was decided/ disposed of vide judgment dated 10-03-2020 in view of the judgment in writ petition No. 606-P/2019 **"we without going to the merits of the case, are of the view that let the matter be referred to the Chief Secretary, Government of Khyber Pakhtunkhwa on the analogy of other writ petitions, referred to by this court, with the direction to look in to the matter and either pay the said allowance to all the eligible employees or none. The matter be decided within a period of three months, positively"**. Copy of the judgment dated 10-03-2020 along with the judgment in writ petition No. 606-P/2019 is attached as annexure
.....L.
- 11- That by not deciding the matter of allowance of the appellant within a period of three months according to the judgment

mentioned above, the appellant preferred COC petition wherein certain directions were made by the august Peshawar High Court Peshawar, and the respondents assailed the judgments passed in the writ petition mentioned above before the Apex Court of Pakistan in C.P No 210-P and C.P No. 211-P of 2020 and during the arguments the respondents produced the appellate order dated 29-07-2020, whereby the departmental appeal/ representation was rejected with very colorful justifications and the mentioned Civil Petition pending before the apex court was also decided vide judgment dated 19-11-2020 with the direction to the appellant that if they feeling aggrieved from the appellate order, they can approach the proper forum. Copies of the judgment dated 19-11-2020 and appellate order dated 29-07-2020 are attached as annexure**M&N.**

- 12- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the action and inaction of the respondents by rejecting the departmental appeal and not granting/ allowing the executive allowance/Schedule Post Allowance on the analogy of the PMS, PCS and PAS officers is illegal, against the law, facts, norms of natural justice.
- B- That the appellant has not been treated by the respondent Departments in accordance with law and rules 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 the action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- D- That as the act of the respondents is illegal, unconstitutional, without any legal authority and not only discriminatory but is also the result of mala fide on the part of respondents.
- E- That the respondents had also allowed Executive allowance/Schedule post allowance to those Personal Assistants BPS-16 who are working as Section Officers or Private Secretaries to Provincial Minister in their own pay and scale while the same had been denied to the appellant Cadre Officers of BPS-17 and above.

- F- That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the appellant from the executive allowance/ scheduled post allowance is unconstitutional and clear violation of fundamental rights.
- G- 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 entitled/eligible for the grant of Executive Allowance/ Scheduled Post Allowance.
- H- That the appellant seeks permission of this Honorable Court to raise any other grounds available at the time of arguments.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 17.12.2020


APPELLANT

JAMROZ KHAN

THROUGH:


NOOR MUHAMMAD KHATTAK

&


KAMRAN KHAN
ADVOCATES



Amirulior. (A) (6)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

NOTIFICATION

Peshawar dated the 6th December 2012.

No SOE-IV(E&AD)/1-35/2012:- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

PART-I
GENERAL

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Civil Secretariat (Private Secretaries) Service Rules, 2012.

(2) These rules shall apply to the recruitment and promotion of Stenographers, Senior Scale Stenographers, Personal Assistants, Private Secretaries and Senior Private Secretaries in the Secretariat, subject to the provisions of rule 5 of these rules.

(3) These shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires, the following expression shall have the meaning hereby respectively assigned to them that is to say:

(a) "existing Personal Assistants" mean Personal Assistants, who were serving as such on regular basis in Secretariat on the date of commencement of these rules;

(b) "existing Private Secretaries" mean Private Secretaries, who were serving as such in BPS-16 on regular basis in the Secretariat on the date of commencement of these rules;

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- (c) "Schedule" means Schedule attached to these rules;
- (d) "Secretariat" means Civil Secretariat as defined in clause (r) of rule (2) of the Khyber Pakhtunkhwa Rules of Business, 1985; and
- (e) "service" means the Secretariat (Private Secretaries) service.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973), and Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, or any other rules of Government for the time being in force.

PART-II
RECRUITMENT

- 3. **Composition of service.**---The service shall comprise of the posts specified in the Schedule and such other posts as may be determined by Government from time to time.
- 4. **Method of appointment.**---Method of appointment, qualifications and other conditions applicable to a post in the service shall be such as laid down in column 3 to 5 of the Schedule.
- 5. **Option as one time exercise.**---(1) The existing Private Secretaries (BS-16) shall, within a period of sixty (60) days of the notification of these rules, exercise their option to join Provincial Management Service, failing which they shall be deemed to have opted for the *service*. Those Private Secretaries who opt for Provincial Management Service shall remain in BPS-16. However, their promotion to Provincial Management Service shall be governed according to the Provincial Management Service rules. The option once exercised shall be final.

(2) The existing Personal Assistants shall, within sixty (60) days of the notification of these rules, exercise their option to join Provincial Management Service.

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failing which they shall be deemed to have opted for the *service*. The option once exercised shall be final.

(3) A joint seniority of such existing Private Secretaries and Personal Assistants who opt for Provincial Management Service shall be maintained and the Private Secretaries shall rank senior to the Personal Assistants:

Provided that their inter se seniority shall remain intact.

(4) The Personal Assistants, on their promotion, from Senior Scale Stenographer, within sixty (60) days, shall exercise option to join Provincial Management Service and those who do not exercise such option shall remain in the *service*. The option once exercised shall be final.

(5) The seniority of the Personal Assistants who opt for Provincial Management Service shall separately be maintained for the purpose of their promotion as Provincial Management Service officer according to their ratio specified for the said Service in the Provincial Management Service rules.

6. Application of general rules.---In all matters not expressly provided for in these rules, the terms and conditions of service of persons in the Khyber Pakhtunkhwa Civil Secretariat (Private Secretaries) service shall be such as have been provided in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), and Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989 or rules, as may be prescribed by Government from time to time.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

Endst: No. SOE-IV(E&AD)/1-35/2012, dated 6th December, 2012

Copy forwarded for information and necessary action to: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

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2. The Addl: Chief Secretary (FATA), Khyber Pakhtunkhwa.
3. The Chairman, Khyber Pakhtunkhwa Public Service Commission.
4. The Senior Member of Board of Revenue.
5. Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. The Chairman to Khyber Pakhtunkhwa Service Tribunal Peshawar.
9. The Director, STI, Establishment Department, Khyber Pakhtunkhwa, Peshawar
10. The Private Secretary to Chief Secretary Khyber Pakhtunkhwa.
11. The Private Secretary to Secretary Establishment Department.
12. The PA to Special Secretary (Estt), Establishment Department.
13. The P.A to Addl: Secretary (Estt/ Reg), Establishment Department.
14. The P.A to Addl: Secretary (HRD Wing) Establishment Department.
15. All the Deputy Secretaries in Establishment Department.
16. The Section Officers (E-II & Reg-IV), Establishment Department *with the request to take further necessary action as far as they are concerned.*
17. The Section Officer to Military Secretary to Governor, Governor's House, Khyber Pakhtunkhwa, Peshawar.
18. The Manager Government Printing Press for publication in the Extra Ordinary Gazette.
19. All Section Officers (Admn/Estt/Gen/) of the concerned Administrative Department of Civil Secretariat.

Note:- *The existing Private Secretaries/ Personal Assistants to exercise their options within 60 days of notifications of these rules as provided in Rule 5 through their respect Departments/ Offices addressed to SOE-IV, Establishment Department.*


(NASIR AMAN)
SECTION OFFICER (E.IV)

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SCHEDULE
(See Rule 3 & 4)

S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Senior Private Secretary.			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Private Secretary with atleast five years service as such.
2.	Private Secretary.			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Personal Assistant with atleast two years service as such.
3.	Personal Assistant.			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Senior Scale Stenographers with atleast three years service as such.
4.	Senior Scale Stenographer.	(i) Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minute in typing; and (iii) knowledge of computer in using MS Word, MS Excel.	20 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers, with atleast five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment.

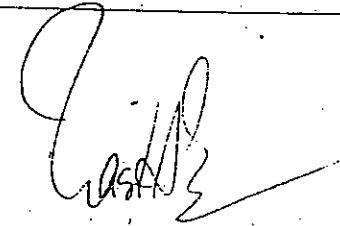
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S.No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
5.	Stenographer.	(i) Intermediate or equivalent qualifications from a recognized Board; and (ii) a speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and (iii) knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.

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(NASIR AMAN)
SECTION OFFICER (E.IV)

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Annul (B)

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PROVINCIAL CIVIL SERVICE OFFICERS' ASSOCIATION

Dated: 17/06/2016

To,

Honorable Chief Minister,
Government of Khyber Pakhtunkhwa.

Subject: EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS (PMS/ PAS)

Dear Sir,

Reference to meeting with your good self on the issues of PMS Officers dated 29/ 09/ 16, it is submitted that the PMS Officers are paid far less salaries vis-à-vis other cadres as well as the private sector. Besides, the salary package is meager given the level of responsibilities and challenging job of the PMS/ PAS Officers. The current pay structure is a source of demotivation thus affecting our efficiency and officers may resort to unfair means merely to fulfill their basic needs.

In light of the above, it is requested to review the pay structure of the PMS/PAS, which would lead to efficient service delivery and good governance. This Association has worked out a comprehensive package. A self-contained report is enclosed herewith. The financial implications are as follows:

FINANCIAL IMPLICATION OF PROPOSED EXECUTIVE ALLOWANCE (@2.5 INITIAL BASIC PAYS)

Grades	Sanctioned strength	PAS	PMS	Initial Basic Pays	Executive Allowance	Annual Financial Implication
17	726	48	678	25,440	63600	554,083,200
18	183	73	110	31,890	79725	175,076,100
19	122	61	61	49,370	123425	180,694,200
20	73	44	29	57,410	143525	125,727,900
21	16	10	6	63,780	159450	30,614,400
22	1	1	0	68,540	171350	2,056,200
GT	1121	237	884			1,068,252,000

Provision for 20%
Vacancies

(106,825,200)

213,650,400

TOTAL

854,601,600

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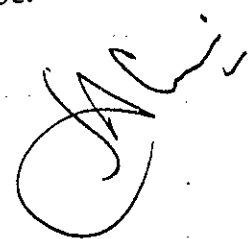
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TOTAL FINANCIAL IMPACT IS RS 85.4 CRORE PER ANUM

As evident from the above tables, the total financial implication of executive allowance from BPS 17 to BPS 22 is less than a billion.

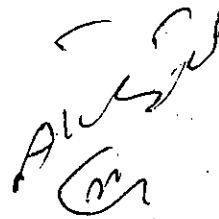
NOTE: THE EXPENDITURE IS 8.5 % OF THE HPA.

The aforementioned proposal is submitted for consideration please.



Coordinator,
FCS Officer Association, KP

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Ammanr. "C" 14



CHIEF-MINISTER'S SECRETARIAT
KHYBER PAKHTUNKHWA

No. SO (Admn)/CMS/KP/2016
Dated Peshawar the, 11th November, 2016

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

Subject:- EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS (PMS/PAS)

Dear Sir,

I am directed to forward herewith a copy of self-contained letter of Coordinator, PCS Association, Khyber Pakhtunkhwa bearing No. nil dated 17-06-2016, on the subject cited above for further necessary action, as desired by the Competent Authority, please.

Yours faithfully,

Encls: As above

AS/L

(Usman Ali Shah)
Section Officer (Admn.)

Endst: Even No. & Date

Copy for information is forwarded to:-

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department alongwith a copy of the above quoted letter for similar action.
2. Coordinator, PCS Association, Khyber Pakhtunkhwa.
3. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

AS/L

Section Officer (Admn.)

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Ali Sidi
(m)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Annex-D

15

SUMMARY FOR CHIEF MINISTER

Subject: - CHIEF MINISTER'S DIRECTIVES REGARDING EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS AND SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP.

The Chief Minister's Secretariat has conveyed the following directives of the Chief Minister regarding the subject allowances;

- i. Executive Allowance to Civil Servants (Annex-I)
- ii. Senior Executive Allowance for Chief Secretary and IGP / Provincial Police Officer, Khyber Pakhtunkhwa (Annex-II)

2. In their petition to the Chief Minister, the officers of the Provincial Civil Services Association have stated that the PAS / PCS / PMS officers working in the Provincial Government are underpaid as compared to other cadres and the private sector. Their salary package is meager and not in commensuration with their level of responsibilities and challenging nature of their job. The current pay structure is a source of de-motivation and affects their efficiency. In view of above facts, the Association has requested for reviewing the pay structure of PAS / PCS / PMS officers which would result in efficient service delivery. It has further been requested by them for grant of monthly executive allowance equal to 2.5 initial basic pays. The Chief Minister's Secretariat has desired for taking further necessary action in the matter.

3. PAS / PCS / PMS officers are responsible for running the government machinery and implementing the government policies. All of them are inducted through a competitive process by the Federal & Provincial Governments. Khyber Pakhtunkhwa has witnessed unprecedented militancy during past many years and the civil bureaucracy has performed its functions under extremely adverse circumstances with courage and valor. In view of the valuable services rendered by them, their request for grant of executive allowance @ 2.5 basic salaries merits consideration.

Reasons

4. In the second directive, the Chief Minister has desired that a summary may be submitted for his approval regarding grant of Senior

*Al-...
C*

a) Any special allowance to any one particular category of officers, particularly if it is of such a huge magnitude is likely to attract legal challenges from other...

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

16

Executive Allowance to the Chief Secretary Khyber Pakhtunkhwa and Inspector General of Police / Provincial Police Officer on the analogy of Governments of Punjab and Balochistan.

5. In this regard, it may be submitted that the Government of Punjab and Balochistan have granted Senior Executive Allowances to the Chief Secretary and IGP / PPO. in addition to their existing emoluments w.e.f. 26-01-2017 (Annex-III & IV).

- i. Senior Executive Allowance for the Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
- ii. Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.

6. The Chief Secretary and Inspectors General of Police / Provincial Police Officers are normally BS-22 officers posted in the provinces by the federal government. Their emoluments including all the allowances require to be similar as they perform similar nature of job in their respective provinces of posting. Since the Governments of Punjab and Balochistan have already granted Senior Executive Allowance to the office of Chief Secretary and IGP / PPO, it would be advisable to extend similar financial incentives to the Chief Secretary and Inspector General of Police Khyber Pakhtunkhwa.

7. In view of above, it is proposed that:-

- i. PAS / PCS / PMS officers (BS-17 to BS-21) may be allowed Executive Allowance at the rate of 2.5 initial basic pays per month (Financial implications may be seen at Annex-V).
- ii. Chief Secretary Khyber Pakhtunkhwa and Inspector General of Police Khyber Pakhtunkhwa may be allowed Senior Executive Allowance @ Rs. 400,000/- and Rs. 375,000/- per month respectively w.e.f. 01.02.2017. This will be reckonable towards the pension with the approval of the federal government.

Proposal

Ali

~~a) Any special allowance to any one particular category of officers, particularly if it is of such a huge magnitude is likely to attract legal challenges from other government employees.~~

~~ATTENDED~~



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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8. Para-7 of the summary is submitted for the approval of the Chief Minister, Khyber Pakhtunkhwa.

9. Finance Department may add views en-route.

[Signature]
13-02-2017

(DR. SYED AKHTAR HUSSAIN SHAH)
SECRETARY ESTABLISHMENT

~~CHIEF SECRETARY~~

10-PL add views

[Signature]

13.2.2017

~~Secretary Finance~~

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~~ADJUSTED~~

CHIEF MINISTER'S DIRECTIVE REGARDING EXECUTIVE ALLOWANCE
FOR CIVIL SERVANTS AND SENIOR EXECUTIVE ALLOWANCE FOR
CHIEF SECRETARY AND IGP

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11. Proposal of the Administrative Department contains two portions. The first part of the proposal regarding grant of executive allowance is as under:

"PAS/PCS/PMS officers (BS-17 to BS-21) may be allowed Executive Allowance at the rate of 2.5 initial basic pays per month (Financial implications may be seen at Annex-V)".

12. In support of the proposal at para-07(i) Establishment has submitted the following three reasons at para-03 of the summary.

- i) PAS/PMS/PCS officers are responsible for running of the government machinery and implementing the government policies.
- ii) All of them are inducted through a competitive process.
- iii) Civil bureaucracy has performed functions under extremely adverse circumstances with courage and valour.

13. In addition to these reasons presented by the Administrative Department following reasons have also been presented by the officers Provincial Civil Services Association in their petition to the Chief Minister as reproduced in paragraph - 2 of the summary.

- i) These officers are underpaid as compared to other cadres and the private sector.
- ii) Their salary package is meagre.
- iii) Their salary package is not in accordance with their level of responsibility and challenging nature of their job.
- iv) Their current pay structure is a source of demotivation and affects their efficiency.

14. Views of the Finance Department in respect of the proposal and in response to the arguments in support of the proposal included in the summary are as under:

- a) Any special allowance to any one particular category of officers, particularly if it is of such a huge magnitude is likely to attract legal challenges from other government employees.

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TESTED

- b) Courts of law usually examine and adjudicate such challenges in the light of Article 25 of the Constitution that contains the concept of equality of all citizens before the law and equal protection of law as enshrined in the Constitution of Pakistan as a fundamental right. Even otherwise under Article 38(e) of the Constitution, every effort must be made to reduce disparity in the income and earning of individuals, including persons in various classes in the service of Pakistan.
- c) Finance Department is of the view that the reasons presented in the summary are not exclusively applicable to PAS / PMS/PCS officers and the same arguments can be applied to virtually all other civil services in the Province of Khyber Pakhtunkhwa.
- d) Not just PAS /PMS/CS officers are responsible for running the government machinery and implementing the government policies, every other government servant is also responsible for the same.
- e) Not just these officers have been inducted through a competitive process. It is the responsibility of all appointing authorities to induct all civil servants through a competitive process. Most other civil servants are inducted either through a competitive process done by the Public Service Commission or through competitive processes conducted by the Departments themselves using various mechanisms including NTS etc.
- f) Not just these officers have performed functions under extremely adverse circumstances with courage and valour. All civil servants in the Province, particularly law enforcement agencies, have performed their functions under the same circumstances with courage and valour. In fact, it can be argued that even a school teacher is more exposed to the risks mentioned in paragraph-3 than any other civil servants.
- g) There is no objective comparison of these particular cadres being underpaid. It can in fact be argued that they are better paid in terms of perks and facilities allowed to them compared to other cadres of civil servants and private sector to a large extent.
- h) The meagerness of the salary of these officers is again a subjective matter. Comparatively the government servants in the lower grades have far meagre salaries in the real sense of the word. Officers in other cadres have either similar or lesser salaries when compared to proposed beneficiaries.

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ATTESTED

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- i) Similarly to state that the level of responsibilities and challenging nature of their job does not match their salary is a subjective matter and one can argue the same in the case of almost all other cadres as well.

15. In view of the above, Finance Department is of the view that it will not be possible to restrict the increase in salaries by virtue of this special allowance only to these three cadres. Provincial Government will be constrained sooner or later to allow similar allowances to all other cadres and in all grades.

16. The financial implications as attached at Annex-V is based on miscalculations and a short term view. These calculations exclude the officers posted in FATA. In view of the likely merger of FATA in Khyber Pakhtunkhwa this exclusion is not justified. This calculation also excludes the vacant positions, seeing the matter in a myopic perspective. The actual financial implications of the proposal are placed at Annex-VI and would amount to Rs. 1.083 billion provided the benefit somehow remains restricted to only Grade 17 and above PAS/PMS/PCS officers.

17. If the government at a later stage is impelled to extend similar allowances to all other government officers in all other departments the per annum financial implications would rise to Rs. 32.5 billion (Annex-VII). Finance Department is of the view that either as a result of legal actions or agitation, the government will sooner or later have to treat all other officers on the same pattern thus exposing itself to aforesaid financial implication.

18. Going further Finance Department is concerned that a similar allowance will have to be extended to all civil servants in the Province raising the per annum financial implications to Rs. 169 billion (Annex-VIII) virtually more than doubling the salary bill of the Province all of a sudden.

19. There is a mention of reckoning the allowance of the Chief Secretary and the Inspector General of Police towards pension in the proposal at para-07(ii). Finance Department considers that in case of approval of aforesaid proposal a similar treatment will have to be given to the proposed executive allowance and other allowances as well. The implication of such an eventuality for the pension bill for the Province in the future years has not been calculated but the likely impact will be colossal and thus utterly unsustainable.

ATTESTED

In view of the above Finance Department does not support the proposal at para-07(ii) of the Summary.

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21. The second part of the proposal of the Administrative department is as under:

"Chief Secretary, Khyber Pakhtunkhwa and Inspector General of Police Khyber Pakhtunkhwa may be allowed Senior Executive Allowance @ Rs. 400,000/- and Rs. 375,000/- per month respectively w.e.f 01.02.2017. This will be reckonable towards the pension with the approval of the federal government."

22. The Administrative Department has given only one argument in favour of its proposal at para-07(ii) i.e., that similar allowances have been given in Punjab and Balochistan. Finance Department is of the view that it is not an argument cogent enough for this purpose. All federating units have complete autonomy in respect of their policies and decision making. While adopting the policy from another province the concerned administrative department must present logical reasons based on ground realities, which has not been done in this case. Furthermore, following other Provinces can have serious consequences such as in case judicial allowance etc.

23. Another aspect of this proposal is reckoning the Senior Executive Allowance towards pension with the approval of the federal government. This part of the proposal has forced the Finance Department to raise the issue of a fundamental anomaly in the accounting and pension systems. Customarily, the liability of pension for APUG Officers falls on the Province where they retire. This practice is based on customs and apparently there is no legal coverage for it. Finance Department is of the view that APUG officers are employees of the federal government and the liability of their pension and other retirement benefits must fall squarely on the federal government.

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24. In view of the above, the proposal at para-07(ii) of the summary is not supported by the Finance Department.

25. It is proposed that the matter of Sr. Executive Allowance for Chief Secretary and Inspector General of Police may be reconsidered by the administrative department and if there are plausible grounds for the said proposal the same may be submitted to the competent authority for consideration routing the proposal through Finance Department. However, any such proposal must not include the inclusion of the said allowance in the salary

ATTESTED

for calculation of pension in view of the reasons mentioned at para- 19 above. Finance Department also proposes to take up the matter mentioned in para-19 with the Federal Government.

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26. Finance Department also proposes that the matter of salary of PMS/PAS/PCS officers may be handed over to a special cabinet committee to be assisted by the Finance Department with the mandate to propose adjustments in the salary structures on a sustainable basis.

~~Chief Secretary~~

Ali Raza

17.2.2017

Chief Secretary
Govt of Khyber Pakhtunkhwa

AR 17/2/17
All Raza Bhutta
Secretary, Finance Department

~~Chief Minister~~

27-

Recommendations of Finance Dept. in Paras 11-26 are approved & Special Cabinet Committee to be constituted in cabinet meeting

C.S.

27.3.2017

Chief Minister
Khyber Pakhtunkhwa

Ali Raza

ATTESTED

Annexure - E

~~MOST IMMEDIATE/CONFIDENTIAL~~



GOVERNMENT OF
KHYBER PAKHTUNKHWA **23**
ESTABLISHMENT DEPARTMENT

Annexure E
NO.SO (E-I)/E&AD/9-128/2017 (executive Allowance)
Dated Peshawar, the August 16, 2017

To

The Secretary to Government of Khyber Pakhtunkhwa,
Administration Department.

Attention:- Section Officer (Cabinet) Administration Department.

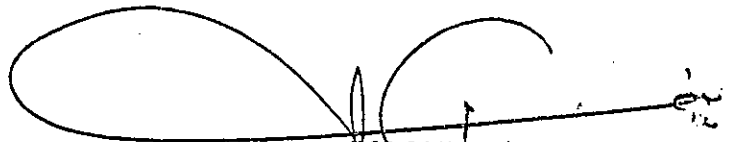
SUBJECT: - CHIEF MINISTER'S DIRECTIVES REGARDING SENIOR EXECUTIVE
ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE
ALLOWANCE FOR CIVIL SERVANTS.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith
(45 sets) of summary for Cabinet regarding Executive Allowance to PMS Officers, for
further necessary action please.

Encl:- As above

Yours faithfully,


(KASHIF IQBAL JILANI)
SECTION OFFICER (E-I)

Ali Sado

TESTED



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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

EXECUTIVE SUMMARY

Subject: - CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS.

Chief Minister's Secretariat has conveyed the directives of the Chief Minister regarding Executive Allowance for Civil Servants (PAS/PCS/PMS) and Senior Executive Allowance for Chief Secretary and IGP/Provincial Police Officer, Khyber Pakhtunkhwa.

2. In this regard, it may be submitted that the Government of Punjab and Balochistan have granted Senior Executive Allowances to the Chief Secretary and IGP / PPO, in addition to their existing emoluments w.e.f. 26-01-2017.

- i. Senior Executive Allowance for the Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
- ii. Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.

3. Establishment Department moved a summary through Finance Department for approval of the Chief Minister, Khyber Pakhtunkhwa and Chief Minister, Khyber Pakhtunkhwa has approved proposal of Finance Department, regarding handing over the subject matter to a special cabinet committee. The Cabinet Committee pondered on the issue and after a series of meetings submitted a report with the following recommendations:

- i. Executive Allowance shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at F/A) in connection with the cadre posts rather than the officer;
- ii. However, the provincial cabinet may decide the rate of Executive Allowance as per following proposals:

1) At the rate of 1.5 initial basic pay per month, with the total financial implication of Rs.462.92 million.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

- 2) At the rate of 02 initial basic pay per month, with the total financial implication of Rs. 617.22 million.
 - 3) At the rate of 2.5 initial basic pay per month, with the total financial implication of Rs. 771.53 million.
- iii. Senior Executive Allowance on the analogy of Punjab & Balochistan Governments, for:
- a) Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
 - b) Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.
- iv. The monetization report will be submitted separately to the provincial cabinet for decision

2/ The recommendations of Cabinet Sub-Committee at para-3 are placed before the Provincial Cabinet for consideration please.


06.06.2017
(DR. SYED AKHTAR HUSSAIN SHAH)
SECRETARY ESTABLISHMENT

~~ATTACHED~~

26

ANNEXURE-I

Sr. No.	NAME OF POST	NO. OF POST
1.	Additional Chief Secretary, P & D	1
2.	Additional Chief Secretary (FATA)	1
3.	Senior Member of Revenue	1
4.	Secretaries/Divisional Commissioners (Floating)	10
5.	Secretaries (Settled / FATA)	32
6.	Member Board of Revenue-I Member Board of Revenue-II	1+1=2
7.	Special Secretaries	12
8.	Divisional Commissioners.	4
9.	Director General, LG&RD	1
10.	Additional Secretaries	50
11.	Deputy Commissioners	26
12.	Additional Commissioners	7
13.	Political Agents	7
14.	Secretary, Board of Revenue	2
15.	Deputy Secretaries/PSO	98
16.	Secretary to Commissioner	7
17.	Additional Deputy Commissioner	25
18.	District Officer (F&P)	25
19.	Additional Political Agent	7
20.	Section Officers	290
21.	Assistant Political Agents.	25
22.	Assistant Commissioners	58
23.	Additional Assistant Commissioners	110
Total		794

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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SUBJECT:- REPORT OF THE MEETING OF THE SUB COMMITTEE OF THE CABINET REGARDING EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS AND SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP, HELD ON 18.5.2017 UNDER THE CHAIRMANSHIP OF SENIOR MINISTER FOR IRRIGATION AND SOCIAL WELFARE

The Provincial Cabinet in its meeting dated 3.5.2017 discussed the issue of Senior Executive Allowance for Chief Secretary/IGP and Executive Allowance for Civil Servants (PAS/PMS/PCS) officers and decided that:

"Secretary Establishment Department presented the item and briefed the Cabinet. The Cabinet after thorough discussion decided that the matter be referred to the already constituted Monetization Committee of the Cabinet, who in collaboration with the Cabinet Committee constituted under Senior Minister for Irrigation should resolve the present issue and the issues of Monetization of Transport and Houses Government Servants and come up with clear recommendations within one month"

2. Accordingly two meetings of the following sub-committees of the Cabinet on the subject were held to discuss Executive Allowance; first meeting held on 18.5.2017 at 10.30 a.m (Annex-I) and 2nd meeting held on 01.6.2017 at 10:30 am under the Chairmanship of Mr. Sikandar Hayat Khan Shepao, Senior Minister for Irrigation and Social Welfare, in the Committee Room of Establishment Department. Wherein the following participated:-

MEMBERS OF MONETIZATION COMMITTEE OF PERKS AND PRIVILEGES OF GOVERNMENT SERVANTS	MEMBERS OF PERMANENT CABINET COMMITTEE FOR LOOKING AFTER THE ISSUES OF PCS/PMS OFFICERS.
i. Additional Chief Secretary, P&D Khyber Pakhtunkhwa	i. Mr. Sikandar Hayat Khan Shepao, Senior Minister for Irrigation and Social Welfare (Chairman)
ii. Representative of SMBR	ii. Mr. Muzaffar Said Minister for Finance
iii. Representative of Secretary, Law Department.	iii. Mr. Muhammad Israr, Principal Secretary to Chief Minister.
iv. Secretary, Finance Department	
v. Secretary, LG&R Department.	
vi. Secretary Administration Department	
vii. Secretary, C&W Department.	
viii. Secretary Establishment Department	

3. The Chairman welcomed the participants and explained that in previous meeting a departmental sub-committee was constituted with the following TORs:

- (i) The sub-committee will look into the modalities of the allowance to ensure sustainability in the proposed adjustment in the salary structure as per Chief Minister's directive.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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- (ii) Chalk out details about those employees who were incentivized by the Government in terms of Special Allowance, up-gradation/revision of pay etc:
- (iii) Any other point, the committee deems necessary.

4. Mr. Muzaffar Said Minister Finance briefed the forum that the meeting of Cabinet committee on Monetization of Perks And Privileges of Government Servants was held on 26.5.2017 and apprised the forum about the progress made so far. Secretary Administration further informed that working on monetization is almost in final stage but there are some hurdles/challenges in finalization of the said report and will be finalized within 2/3 weeks. Therefore, the forum unanimously decided to deal the issue of monetization separately from Executive Allowance.

5. The cabinet committee adopted the report of departmental sub-committee constituted for determining the modalities of the Executive Allowance (Annex-II) with the following recommendations:

- i. Executive Allowance equal to 2.5 initial basic pay per month shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at (F/A) subject to following:
 - 1. Executive Allowance shall be connected to cadre posts (F/A) rather to officer.
 - 2. Executive allowance shall not be admissible to officers:-
 - 1) On deputation to or from provincial government.
 - 2) Ex-cadre officer posted on cadre post or cadre officer posted out of cadre post.

6. The Cabinet Committee adopted the report with slight modification that;

- i. Executive Allowance will be admissible to ex-cadre officer posted on cadre posts, because the justification behind the incentive is functions/job performed by these officers, so the ex-cadre officers posted against the cadre posts cannot be discriminated which might create unnecessary litigation for the government.
- ii. The rate of executive allowance recommended by departmental committee may not be presented to Provincial Cabinet as single option, but rather in form of multiple proposals i.e. at the rate of 1.5, 2 & 2.5 initial basic pay per month.

7. In pursuance of the decision of the Provincial Cabinet dated 03.5.2017, both the committees i.e. Permanent Cabinet Committee constituted for the issues of PCS /PMS Officers and Cabinet Committee on monetization of perks and privileges of Government Servants met twice and after threadbare deliberation on the task assigned,

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

unanimously submit the following recommendations before provincial cabinet for consideration and approval:

- i. Executive Allowance shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at F/A) subject to following;
 - a) Executive Allowance shall be connected to cadre posts (F/A) rather to officer.
 - b) Executive allowance shall not be admissible to officers:-
 - a) On deputation to or from provincial government.
 - b) Cadre officer posted out of cadre post.
- ii. However, the provincial cabinet may decide the rate of Executive Allowance as per following proposals:

- 1) At the rate of 1.5 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance@ 1.5 B.S	Implication/Annum
17	483	36180	221175360
18	164	47835	94139280
19	90	74055	79979400
20	51	86115	52702380
21	13	95670	14924520
GT	801		462920940

- 2) At the rate of 02 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance@ 2 B:S	Implication/Annum
17	483	50880	294900480
18	164	63780	125519040
19	90	98740	106639200
20	51	114820	70269840
21	13	127560	19899360
GT	801		617227920

- 3) At the rate of 2.5 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance @ 2.5 B.S	Implication/Annum
17	483	63,600	35,86,25,600
18	164	79,725	15,68,98,800
19	90	123,425	13,32,99,000
20	51	143,525	8,78,37,300
21	13	159,450	2,48,74,200
GT	801		77,15,34,900

- iii. Senior Executive Allowance on the analogy of Punjab & Balochistan Governments, for:
 - a) Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
 - b) Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.
- iv. The monetization report will be submitted separately to the provincial cabinet for decision

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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8. The recommendations of Cabinet Committee at para-7 may kindly be approved to place before the next meeting of the cabinet for consideration please.

(Signature)
MUZAFFAR SAID
MINISTER FOR FINANCE
Member
Permanent committee constituted
To resolve issues of PMS/PCS officers

(Signature)
MUSHTAQ AHMAD GHANI
SPECIAL ASSISTANT TO CHIEF MINISTER
FOR HIGHER EDUCATION DEPARTMENT
Member
Permanent committee constituted
To resolve issues of PMS/PCS officers

(Signature)
Muhammad Israr
Principal Secretary to Chief Minister
Member
Permanent committee constituted
To resolve issues of PMS/PCS officers

(Signature)
(SIKANDAR HAYAT KHAN SHERPAO)
SENIOR MINISTER IRRIGATION & SOCIAL
WELFARE
Chairman:
Permanent committee constituted
To resolve issues of PMS/PCS officers

CHIEF MINISTER, KHYBER PAKHTUNKHWA.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject: - CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS.

A summary on the subject is submitted for orders of the Chief Minister, Khyber Pakhtunkhwa please.

[Signature]
09-06-2017

(DR. SYED AKHTAR HUSSAIN SHAH)
SECRETARY ESTABLISHMENT

~~CHIEF SECRETARY~~

Secy Fuzul

~~CHIEF SECRETARY~~

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09/06/2017
CHIEF SECRETARY
Govt: Of Khyber Pakhtunkhwa

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~~ATTESTED~~

Date: 09/06/2017

N.P.P.

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Views of Finance Department are added at para-09-10 of the summary.

Signature
13.6.17

Shakeel Qadir Khan
Secretary, Finance Department

~~Chief Secretary~~

Ali Ineen
14.6.2017

CHIEF SECRETARY
Govt: Of Khyber Pakhtunkhwa

~~Principal Secretary to Chief Minister~~ (away)

Signature
16.8.17
PSO-II

To
Chief Minister
Khyber Pakhtunkhwa

~~Chief Secretary~~

Ali Ineen
14/8/2017

CHIEF SECRETARY
Govt: Of Khyber Pakhtunkhwa

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject: - CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS.

Chief Minister's Secretariat has conveyed the directives of the Chief Minister regarding Executive Allowance for Civil Servants (PAS/PCS/PMS) and Senior Executive Allowance for Chief Secretary and IGP/Provincial Police Officer, Khyber Pakhtunkhwa.

2. In this regard, it may be submitted that the Government of Punjab and Balochistan have granted Senior Executive Allowances to the Chief Secretary and IGP / PPO, in addition to their existing emoluments w.e.f. 26.01.2017.

- i. Senior Executive Allowance for the Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
- ii. Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.

3. Establishment Department moved a summary through Finance Department for approval of the Chief Minister, Khyber Pakhtunkhwa and Chief Minister, Khyber Pakhtunkhwa has approved proposal of Finance Department, regarding handing over the subject matter to a special cabinet committee.

4. The Provincial Cabinet in its meeting dated 3.5.2017 discussed the issue of Senior Executive Allowance for Chief Secretary/IGP and Executive Allowance for Civil Servants (PAS/PMS/PCS) officers and decided that:

"Secretary Establishment Department presented the item and briefed the Cabinet. The Cabinet after thorough discussion decided that the matter be referred to the already constituted Monetization Committee of the Cabinet, who in collaboration with the Cabinet Committee constituted under Senior Minister for Irrigation should resolve the present issue and the issues of Monetization of Transport and Houses to Government Servants and come up with clear recommendations within one month"

5. Accordingly two meetings of the sub-committees of the Cabinet on the subject were held to discuss Executive Allowance the Chairmanship of Mr. Sikandar Hayat Khan Sherpao, Senior Minister for Irrigation and Social Welfare.

6. The departmental sub-committee constituted for determining the modalities of the Executive Allowance submitted its report with the following recommendations (Annex-I):

- i. Executive Allowance equal to 2.5 initial basic pay per month shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at (F/A) subject to following;

ATTESTED

In this summary the
class of finance
see. were ignored
but the P.S cadre
was directed to
be included to
the CM in-8
para-8

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

1. Executive Allowance shall be connected to cadre posts (F/A) rather to officer.
2. Executive allowance shall not be admissible to officers:-
 - a) On deputation to or from provincial government.
 - b) Ex-cadre officer posted on cadre post or cadre officer posted out of cadre post.

7. The Cabinet Committee adopted the report with slight modification recommended that;

- i. Executive Allowance will be admissible to ex-cadre officer posted on cadre posts, because the justification behind the incentive is functions/job performed by these officers, so the ex-cadre officers posted against the cadre posts cannot be discriminated which might create unnecessary litigation for the government.
- ii. The rate of executive allowance recommended by departmental committee may not be presented to Provincial Cabinet as single option, but rather in form of multiple proposals i.e. at the rate of 1.5, 2 & 2.5 initial basic pay per month.
- iii. Senior Executive Allowance on the analogy of Punjab & Balochistan Governments, for:
 - a) Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
 - b) Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.
- iv. The monetization report will be submitted separately to the provincial cabinet for decision.

8. In terms of Rule 19 (1)(f) of Khyber Pakhtunkhwa Rules of Business 1985, the Chief Minister, Khyber Pakhtunkhwa may like to approve placement of the report of Cabinet Committee before the Provincial Cabinet in its next meeting.

(DR. SYED AKHTAR HUSSAIN SHAH)
SECRETARY ESTABLISHMENT

CHIEF SECRETARY

Secy Finance

09.6.2017
CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

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09.06.2017

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Subject: CHIEF MINISTER DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR THE CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS

09. Finance Department has examined the proposal regarding grant of Executive Allowance to Chief Secretary and IGP / PPO and civil servants and observed the following:

- i) The proposal of the Establishment Department at para-07 (i) regarding admissibility of the proposed Executive Allowance to ex-cadre officers posted against cadre posts is not supported as this is against the very essence of the Supreme Court Judgment in Crl. Org. Petition No.18/2015 in Crl. Org. Petition No. 89/2011 (Annex-II) which has not only nullified all the ex-cadre / cross cadre inductions but has also directed the Federal Government and all the Provincial Governments to immediately withdraw all the irregular absorption / induction made so far. The same has also been circulated in clear terms by Cabinet Secretariat Establishment Division Government of Pakistan Islamabad, vide their office memorandum No. 1/59/2013-Lit-IV dated 31-01-2014 (Annex-III).
- ii) In addition to the proposal at para-07 (ii), financial implications worked out in respect of the proposed Executive Allowance:
 - @ of 1.5 initial basic pay is 457.6 million per annum
 - @ of 02 initial basic pay is 610.2 million per annum
 - @ of 2.5 initial basic pay is 762.8 million per annum
- iii) The proposal contained at para-07(iii) and (iv), however, are endorsed.

Ali Qadir
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10. Proposal of Establishment Department contained in para-08 read with para-09 is endorsed for approval of the Chief Minister, Khyber Pakhtunkhwa.

Chief Secretary

Ali Qadir

14.6.2017
CHIEF SECRETARY,
Govt. Of Khyber Pakhtunkhwa

Shakeel Qadir Khan
Secretary, Finance Department

13.6.7

Chief Minister

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11.

Para-8 is approved. However all BPS-17 and above Officers of Private Secretaries and Planning Cadres working in the Civil Secretariat, Mysore. Panchajanya may also be included.

Approved
15-08-17

Approved
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Annex G-87

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER

SUBJECT: - CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR PAS/ PCS/PMS OFFICER IN KHYBER PAKHTUNKHWA

In a follow up meeting on regularization and up-gradation of employees held under the Chairmanship of Chief Minister, Khyber Pakhtunkhwa on 27.12.2017, the Chief Minister, Khyber Pakhtunkhwa has desired that the case of Executive Allowance of PAS, PCS and PMS officers of this Provincial Government, may be re-submitted by the Establishment Department for placement before Cabinet for consideration (Annex-I).

2. Moreover, Coordinator, PCS officers Association, has also requested to refer the long overdue executive allowance to Cabinet for final approval (Annex-II).

3. Background of the case is that the issue of Executive Allowance was discussed in Provincial Cabinet meeting dated 3.5.2017 and referred to sub-committee of the Cabinet under the Chairmanship of Mr. Sikandar Hayat Khan Sherpao, the then Minister for Irrigation and Social Welfare. The Cabinet Committee submitted its report (Annex-III).

4. The report of the Cabinet Committee was placed before the Provincial Cabinet in its meeting held on 17.9.2017, wherein it was decided to constitute a committee comprising Minister for Finance, Secretary Finance and Secretary Establishment to review the matter and took into the observations made by the Auditor General on the matter of similar nature case, in other Provinces (Annex-IV). The committee headed by Minister for Finance examined the Issue and finalized its report (Annex-V).

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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5. The Cabinet in its meeting held on 6.9.2017, had directed that a comprehensive/conclusive case involving apart from the above, the cases of up-gradation of Police and other Departments, regularization of contract employees recruited through NTS in all the Departments of the Province, should be compiled and examined with reference to its legal and financial aspects to be brought before Cabinet within a month (Annex-VI).

6. In view of the above, it is proposed that Chief Minister, Khyber Pakhtunkhwa may like to approve placement of the reports of Cabinet Committee headed by Minister for Finance (Annex-V bid) and Cabinet Committee headed by Mr. Sikandar Hayat Khan Sherpao (Annex-III bid), in terms of Rule-19(1) of Khyber Pakhtunkhwa Rules of Business 1985, before Provincial Cabinet for its consideration.

CHIEF SECRETARY

CHIEF MINISTER

(ARSHAD MAJEED)
SECRETARY ESTABLISHMENT

19/1/18

19/1/18
Chief Secretary
Govt: Of Khyber Pakhtunkhwa

Para 06 approved.

Signature
21-1-2018
Chief Minister
Khyber Pakhtunkhwa

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR PROVINCIAL CABINET

MINISTER INCHARGE:- CHIEF MINISTER, KHYBER
PAKHTUNKHWA

SECRETARY INCHARGE:- ARSHAD MAJEED

SUBJECT: - CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE
ALLOWANCE FOR CHIEF SECRETARY AND IGP AND
EXECUTIVE ALLOWANCE FOR PAS/ PCS/PMS OFFICERS IN
KHYBER PAKHTUNKHWA

Chief Minister's Secretariat had conveyed the directives of the Chief Minister regarding Executive Allowance for PAS/PCS/PMS officers and Senior Executive Allowance for Chief Secretary and IGP/Provincial Police Officer, Khyber Pakhtunkhwa (F/A).

2. Establishment Department moved a summary through Finance Department for approval of the Chief Minister, Khyber Pakhtunkhwa and Chief Minister, Khyber Pakhtunkhwa has approved proposal of Finance Department, regarding handing over the subject matter to a Special Cabinet Committee. The Cabinet Committee pondered on the issue and after a series of meetings submitted a report with the following recommendations (F/B):

- i. Executive Allowance shall be admissible to all PMS, PCS and PAS cadre officers, subject to following;
 - a) Executive Allowance shall be connected to cadre posts rather to officer.
 - b) Executive Allowance shall not be admissible to officers:-
 - On deputation to or from provincial government.
 - Cadre officer posted out of cadre post.
- ii. However, the provincial cabinet may decide the rate of Executive Allowance as per following proposals:
 - 1) At the rate of 1.5 initial basic pay per month, with the total financial implication of Rs. 462.92 million.
 - 2) At the rate of 02 initial basic pay per month, with the total financial implication of Rs. 617.22 million.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

3) At the rate of 2.5 initial basic pay per month, with the total financial implication of Rs. 771.53 million.

iii. Senior Executive Allowance on the analogy of Punjab & Balochistan Governments, for:

- a) Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
- b) Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.

3. The above report of the Cabinet Committee was placed before the Provincial Cabinet in its meeting held on 17.8.2017, wherein it was decided to constitute a Committee comprising Minister for Finance, Secretary Finance and Secretary Establishment to review the matter and look into the observations made by the Auditor General on the matter of similar nature case, in other Provinces (F/C). The Committee headed by Minister for Finance examined the issue and finalized its report with the conclusion (F/D):-

- (i) The proposed Senior Executive Allowance for Chief Secretary, Khyber Pakhtunkhwa and IGP/Provincial Police Officer, Khyber Pakhtunkhwa is associated with posts.
- (ii) The post of Chief Secretary and Provincial Police Officer are the sanctioned posts of the Provincial Government and all the emoluments connected are paid by the Provincial Exchequer.
- (iii) Article 240 of the Constitution of Pakistan provides for:-

"the appointments to and the conditions of service of persons in the service of Pakistan shall be determined-

- a) In the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of {Majlis-e-Shoora(Parliament)} and
 - b) In the case of the services of a province and posts in connection with the affairs of a province, by or under Act of the Provincial Assembly.
- (iv) The Provincial Government is competent to determine conditions to all posts (exist in the Provincial Budget) in connection with the affairs of a province.

4. Matter was placed before the Provincial Cabinet in its meeting held on 6.9.2017 wherein the Provincial Cabinet had directed that a

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

comprehensive/conclusive case involving apart from the above, the cases of up-gradation of Police and other Departments, regularization of contract employees recruited through NTS in all the Departments of the Province, should be compiled and examined with reference to its legal and financial aspects to be brought before Cabinet within a month (F/E).

5. Since the Honourable Chief Minister, Khyber Pakhtunkhwa has been pleased to approve the placement of the subject before the Provincial Cabinet, therefore, the recommendations of Cabinet Committee at para-2 and report of the Committee comprising Minister for Finance, Secretary Finance and Secretary Establishment are placed before the Provincial Cabinet for consideration please.


(ARSHAD MAJEED)
SECRETARY ESTABLISHMENT

28/11/2018

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RECORD NOTE OF FOLLOW UP MEETING OF THE HONORABLE CHIEF MINISTER ON REGULARIZATION AND UP-GRADATION OF EMPLOYEES HELD ON 27.12.2017

The subject meeting was held under the chair of the Chief Minister, Khyber Pakhtunkhwa, in the Chief Minister's House on 27.12.2017 at 12:00 hours was attended by the Senior Minister LG&RDD, Minister Finance, IGP Secretaries Finance, Establishment, LG&RDD P&D, Law Population Welfare, Environment. Forest.

The chair welcomed the participants and invited Secretary Establishment to make presentation. The Secretary Establishment Department made a comprehensive presentation as per following details. As a sequel to meeting held with Chief Minister on 31.10.2017, all departments were asked to share details of permanent nature projects. Subsequently, establishment department in consultation with Finance, P&D and Law Departments examined the projects.

At the outset, he highlighted the principle stance of Establishment department with regards to regularization of projects employees i.e. the department does not support regularization project employees as it is in contravention of Public Service Commission Ordinance, violation of Appointment, Promotion and Transfer Rules, 1989 against the provisions of project policy 2008, result in litigations and demands from other project employees for regularization. He further informed the forum that total 69 schemes including Adhoc doctors in health department have been submitted with sectioned strength of 7574 and working strength of 5978. The schemes recommended for conversion to regular budget are 54 with sanctioned/working strength 5667 & 4846 respectively. Thereafter department-wise schemes were discussed threadbare and following decisions were taken;

A. Following schemes were decided to be shifted to regular budget and their contract/project employees be regularize through a single regularization bill.

1. UPU SDU and Capacity Building of Planning & Development department.
2. Establishment of M&E system in Khyber Pakhtunkhwa.

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RECORD NOTE OF FOLLOW UP MEETING OF THE HONORABLE CHIEF MINISTER ON REGULARIZATION AND UPGRADATION OF EMPLOYEES FIELD ON 27-12-2017

The subject meeting was held under the chair of Chief Minister, Khyber Pakhtunkhwa in the Chief Minister's House on 27-12-2017 at 1200 hours. It was attended by the Senior Minister LG & RDD, Minister Finance, IGP, Secretaries Finance, Establishment, LG & RDD, P & D, Law, Population Welfare, Environment, Forest

The chair welcomed the participants and invited Secretary Establishment to make presentation. The Secretary Establishment Department made a comprehensive presentation as per following details. As a sequel to meeting held with Chief Minister on 31-10-2017, all departments were asked to share details of permanent nature projects. Subsequently, Establishment department in consultation with Finance, P&D and Law Departments examined the projects.

At the outset, he highlighted the principle stance of Establishment department with regards to regularization of project employees i.e. the department does not support regularization of project employees as it is in contravention of Public Service Commission Ordinance, violation of Appointment, Promotion and Transfer Rules, 1989, against the provisions of Project Policy 2008, result in litigations and demands from other project employees for regularization. He further informed the forum that total of 69 schemes including Adhoc doctors in Health department have been submitted with sanctioned strength of 7574 and working strength of 5978. The schemes recommended for conversion to regular budget are 54 with sanctioned /working strength as 5667 & 4846 respectively. Thereafter, department-wise schemes were discussed and the following decisions were taken:-

A. Following schemes were decided to be shifted to regular budget and their contract/project employees be regularized through a single Regularization Bill -

1. UPU, SIDU and Capacity Building of Planning & Development Department
2. Establishment of M&E System in Khyber Pakhtunkhwa.

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3. Establishment of Emergency Rescue Service (Rescue 1122) in 16 districts.
4. Establishment of Planning Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
5. Roll Back Malaria Control Programme.
6. Prime Minister's programme for Prevention and control of hepatitis.
7. Establishment of Finance Management Cell in Health department.
8. Establishment of Safe blood transduction
9. TB Control programme in Health Department.
10. Establishment of Procurement Cell in office of DG Health Services.
11. MNCH programme.
12. Social Health Protection Initiative.
13. Establishment Bacha Khan Medical College Mardan.
14. 158 district Specialist of different cadres.
15. Integrated HIV, Hepatitis & Thalessemia Control Programme.
16. Contraction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
17. Higher Education Management Information System (HEMIS) Higher Education, Archives & Libraries department.
18. Project Management Unit (PMU) for Implementation of BS programme and Special Initiatives, Higher Education Archives & Libraries department.
19. Computerization of Arms License.
20. Prison Management Information System.
21. Development of Common Application for government department.
22. ICT Infrastructure for government of Khyber Pakhtunkhwa.
23. Strengthening of Planning Cell at Elementary & Secondary Education department.
24. Provision of free text book to all students of Khyber Pakhtunkhwa upto intermediate level (phase-XIV)
25. Strengthening of Planning Cell at Industries deptt.

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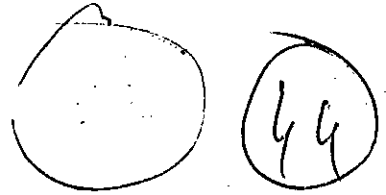
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3. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts
4. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter
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11. MNCH Program
12. Social Health Protection Initiative
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14. 158 District Specialist of different cadres
15. Integrated HIV, Hepatitis & Thalassemia Control Program (ADP)
16. Construction of Shaheed Mohitramma Benazir Bhutto Children Hospital Mardan
17. Higher Education Management Information System (HEMIS), Higher Education, Archives & Libraries, Department
18. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives, Higher Education, Archives & Libraries Department
19. Computerization of Arms License
20. Prison Management Information System
21. Development of Common Application for Government Departments
22. ICT Infrastructure for Government of Khyber Pakhtunkhwa
23. Strengthening of Planning Cell at Elementary & Secondary Education Department
24. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV)
25. Strengthening of Planning Cell at Industries Deptt

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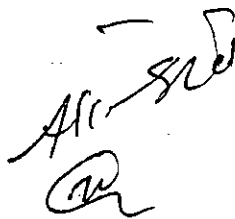
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26. Establishment of Special Cell in the Directorate of Information.
27. Strengthening of Information Department.
28. Establishment of three FM station at Kohat, Swat & Abbottabad.
29. Establishment of Planning cell at LG&RDD deptt.
30. Retirement Benefit & Death Compensation Cell.
31. Automation of Pension Payment System (APPS)
32. Capacity Building and strengthening of fiancé department.
33. Establishment of Planning Cell in Food department.
34. Automation of Food department.
35. Operationalization of Redesigned Energy & Power department.
36. Establishment Planning Cell Energy & Power department.
37. Computerization of Land Record.
38. Creation of CSR/MRS Cell in C&W Department.
39. Strengthening of Planning Cell & Monitoring Development.
40. Project Coordination Unit (PCU) for implementation of Law & Order Initiative.
41. Afghan Management & Repatriation Cell.
42. Traffic Control Management /FM Radio.
43. Strengthening of Prosecution Directorate PCMC & Planning Cell at Home Deptt.
44. Establishment of 100 Family Welfare Centers .
45. Establishment of Population & Research Training Institute & Social Mobilization.
46. Value Addition/Research & Development works on ore Minerals in KP.
47. Establishment of Model Coat mine at Shahkot district Nowshera.
48. Establishment of Zoo for Peshawar division.
49. Development & Management of National Park in KP.


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26. Establishment of Special Media Cell in the Directorate of Information
27. Strengthening of Information Department
28. Establishment of three FM Station at Kohat, Swat & Abbottabad
29. Establishment of Planning Cell at LG&RD Department
30. Retirement Benefit & Death Compensation Cell
31. Automation of Pension Payment System (APPS)
32. Capacity Building and Strengthening of Finance Department
33. Establishment of Planning Cell in Food Department
34. Automation of Food Department
35. Operationalization of Redesigned Energy & Power Department
36. Establishment Planning Cell in Energy & Power Department
37. Computerization of Land Record
38. Creation of CSIR/MRS Cell in C&W Department
39. Strengthening of Planning Cell & Monitoring of Developmental Projects of Agriculture Department
40. Project Coordination Unit (PCU) for implementation of Law & Order Initiative
41. Afghan Management & Repatriation Cell
42. Traffic Control Management/IM-Radio
43. Strengthening of Prosecution Directorate, PCMC & Planning Cell at Home Department
44. Establishment of 100 Family Welfare Centers
45. Establishment of Population & Research Training Institute & Social Mobilization
46. Value Addition/Research and Development works on ore Minerals in Khyber Pakhtunkhwa
47. Establishment of Model Coal Mine at Shahkot District Nowshera
48. Establishment of Zoo for Peshawar Division
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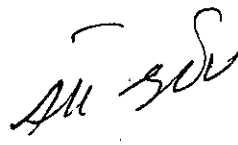

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50. Conservation & Management of Wildlife in Central & Northern division.
 51. Establishment of Monitoring valuation Grievance & Industry Cell in Administrative Deptt.
 52. Establishment of Climate Change Cell for Multilateral Environment agreements.
 53. Carbon Stock Assessment.
 54. Introduction of Range Management Initiatives in KP.
- B. A single regularization bill (Govt Bill)
1. Be drafted to be shared with all concerned departments for inputs/verifications of schemes & contract/adhoc employees to avoid any discrepancy.
 2. Law department shall be vet the draft bill within one day.
 3. The draft bill shall be discussed in a follow-up meeting will be convened by Chief Minister's Secretariat in the next week.
 4. The draft bill shall be submitted to the Cabinet in the forthcoming meeting.
- C. Modalities for regularization of staff of independent Monitoring Unit E&SE Deptt E&SE and Finance departments to work out and come up with proposal in the next follow-up meeting.
- D. Details of regularization and up-gradation in media may be ensured by the information department.
- E. Proposal for creation of post in BS-19 for Private Secretaries cadre on the basis of their sanctioned strength shall be submitted by Finance department to be discussed in the forthcoming meeting.
- F. The case of executive allowance for consolidation of Cabinet its next meeting may be re-submitted by the Establishment department.
- G. Up-gradation of the following carders of the Govt servants worked out by Finance department.
1. Sectary Union Council up-graded on the basis of the newly created service structure.
 2. Constables Head Constables, ASI up-graded Risk Allowance maintained.

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- 50. Conservation and Management of Wildlife in Central and Northern Division
- 51. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department
- 52. Establishment of Climate Change Cell for Multilateral Environmental Agreements
- 53. Carbon Stock Assessment
- 54. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa

B. A single Regularization Bill (Government Bill)

- 1. be drafted to be shared with all concerned departments for inputs/verifications of schemes and contract/adhoc employees to avoid any discrepancy
- 2. Law department shall vet the Draft Bill within one day
- 3. The Draft Bill shall be discussed in a follow-up meeting will be convened by Chief Minister's Secretariat in the next week
- 4. The Draft Bill shall be submitted to the Cabinet in the forthcoming meeting

C. Modalities for regularization of staff of Independent Monitoring Unit, E&SE Department: E&SE and Finance Departments to work out and come up with proposal in the next follow-up meeting

D. Details of Regularization and Up-gradation in media may be ensured by the Information Department.

E. Proposal for the Creation of posts in BS-19 for Private Secretaries Cadre on the basis of their sanctioned strength shall be submitted by the Finance Department, to be discussed in the forthcoming meeting.

F. The case of Executive Allowance ~~for the posts of Executive Secretaries and Joint Secretaries may be submitted by the respective departments.~~

G. Upgradation of the following Cadres of the Govt Servants, worked out by the Finance Department:

- 1. Secretary Union Council upgraded on the basis of the newly created Service Structure.
- 2. Constables, Head Constables, ASI upgrade; Risk Allowance maintained.

Executive allowance

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3. District Food controllers in Food department up-graded from BPS-16 to BPS-17.
4. Patwaris of Irrigation department up-graded at par with those of the BOR.
5. Forest department shall hold a meeting with Finance department to solve the issue of the up-gradation of the staff.
6. SMBR to hold a meeting with Finance & Establishment departments to solve the issue of Up-gradation of Naib Tehsildar and Tehsildar.
7. Any department left from up-gradation may discussed the cases with Finance department.

The meeting ended with votes of thanks.

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FROM : GENERAL BRANCH CM SECTT KP

FAX NO. : 0919210707

3 Jan. 2018, 4:24PM

3. District Food Controllers in Food Department upgraded from BPS-16 to BPS-17.
4. Patwaris of the Irrigation Department upgraded at par with those of the BoR.
5. Forest Department shall hold a meeting with Finance Department to solve the issue of the Up gradation of the staff.
6. SMDBR to hold a meeting with Finance and Establishment Departments to solve the issue of Up gradation of Naib Tehsildar and Tehsildars.
7. Any Department left from up gradation may discuss the cases with Finance Department.

The meeting ended with Votes of Thanks.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUBJECT:- REPORT OF THE MEETING OF THE SUB COMMITTEE OF THE CABINET REGARDING EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS AND SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP, HELD ON 18.5.2017, UNDER THE CHAIRMANSHIP OF SENIOR MINISTER FOR IRRIGATION AND SOCIAL WELFARE

The Provincial Cabinet in its meeting dated 3.5.2017 discussed the issue of Senior Executive Allowance for Chief Secretary/IGP and Executive Allowance for Civil Servants (PAS/PMS/PCS) officers and decided that:

"Secretary Establishment Department presented the item and briefed the Cabinet. The Cabinet after thorough discussion decided that the matter be referred to the already constituted Monetization Committee of the Cabinet, who in collaboration with the Cabinet Committee constituted under Senior Minister for Irrigation should resolve the present issue and the issues of Monetization of Transport and Houses to Government Servants and come up with clear recommendations within one month"

2. Accordingly two meetings of the following sub-committees of the Cabinet on the subject were held to discuss Executive Allowance; first meeting held on 18.5.2017 at 10.30 a.m (Annex-I) and 2nd meeting held on 01.6.2017 at 10:30 am under the Chairmanship of Mr. Sikandar Hayat Khan Sherpao, Senior Minister for Irrigation and Social Welfare, in the Committee Room of Establishment Department. Wherein the following participated:-

MEMBERS OF MONETIZATION COMMITTEE OF PERKS AND PRIVILEGES OF GOVERNMENT SERVANTS	MEMBERS OF PERMANENT CABINET COMMITTEE FOR LOOKING AFTER THE ISSUES OF PCS/PMS OFFICERS.
i. Additional Chief Secretary, P&D Khyber Pakhtunkhwa	i. Mr. Sikandar Hayat Khan Shepao, Senior Minister for Irrigation and Social Welfare (Chairman)
ii. Representative of SMBR	ii. Mr. Muzaffar Said Minister for Finance
iii. Representative of Secretary, Law Department.	iii. Mr. Muhammad Israr, Prindical Secretary to Chief Minister.
iv. Secretary, Finance Department	
v. Secretary, LG&R Department.	
vi. Secretary Administration Department	
vii. Secretary, C&W Department.	
viii. Secretary Establishment Department	

3. The Chairman welcomed the participants and explained that in previous meeting a departmental sub-committee was constituted with the following TORs:

- (i) The sub-committee will look into the modalities of the allowance to ensure sustainability in the proposed adjustment in the salary structure as per Chief Minister's directive.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

- (ii) Chalk out details about those employees who were incentivized by the Government in terms of Special Allowance, up-gradation/revision of pay etc.
- (iii) Any other point, the committee deems necessary.

4. Mr. Muzaffar Said Minister Finance briefed the forum that the meeting of Cabinet committee on Monetization of Perks And Privileges of Government Servants was held on 26.5.2017 and apprised the forum about the progress made so far. Secretary Administration further informed that working on monetization is almost in final stage but there are some hurdles/challenges in finalization of the said report and will be finalized within 2/3 weeks. Therefore, the forum unanimously decided to deal the issue of monetization separately from Executive Allowance.

5. The cabinet committee adopted the report of departmental sub-committee constituted for determining the modalities of the Executive Allowance (Annex-II) with the following recommendations:

- Executive Allowance equal to 2.5 initial basic pay per month shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at (F/A) subject to following;
1. Executive Allowance shall be connected to cadre posts (F/A) rather to officer.
 2. Executive allowance shall not be admissible to officers:-
 - 1) On deputation to or from provincial government.
 - 2) Ex-cadre officer posted on cadre post or cadre officer posted out of cadre post.

The Cabinet Committee adopted the report with slight modification that;

Executive Allowance will be admissible to ex-cadre officer posted on cadre posts, because the justification behind the incentive is functions/job performed by these officers, so the ex-cadre officers posted against the cadre posts cannot be discriminated which might create unnecessary litigation for the government.

The rate of executive allowance recommended by departmental committee may not be presented to Provincial Cabinet as single option, but rather in form of multiple proposals i.e. at the rate of 1.5, 2 & 2.5 initial basic pay per month.

In pursuance of the decision of the Provincial Cabinet dated 03.5.2017, the committees i.e. Permanent Cabinet Committee constituted for the issues of PCS PMS Officers and Cabinet Committee on monetization of perks and privileges of Government Servants met twice and after thorough deliberation on the task assigned,

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

unanimously submit the following recommendations before provincial cabinet for consideration and approval:

- i. Executive Allowance shall be admissible to all PMS, PCS and PAS cadre officers, (cadre post detail at F/A) subject to following:
 - a) Executive Allowance shall be connected to cadre posts (F/A) rather to officer.
 - b) Executive allowance shall not be admissible to officers:-
 - a) On deputation to or from provincial government.
 - b) Cadre officer posted out of cadre post.
- ii However, the provincial cabinet may decide the rate of Executive Allowance as per following proposals:

- 1) At the rate of 1.5 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance@ 1.5 B.S	Implication/Annum
17	483	38160	221175360
18	164	47835	94139280
19	90	74055	79979400
20	51	86115	52702380
21	13	95670	14924520
GT	801		482920940

- 2) At the rate of 02 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance@ 2 B.S	Implication/Annum
17	483	50880	294900480
18	164	63780	125519040
19	90	98740	106639200
20	51	114820	70269840
21	13	127560	19899360
GT	801		617227920

- 3) At the rate of 2.5 initial basic pay per month

Grades	Sanctioned strength	Executive Allowance @ 2.5 B.S	Implication/Annum
17	483	63,600	36,86,25,600
18	164	79,725	15,68,98,800
19	90	123,425	13,32,99,000
20	51	143,525	8,78,37,300
21	13	159,450	2,48,74,200
GT	801		77,16,34,900

- iii. Senior Executive Allowance on the analogy of Punjab & Balochistan Governments, for:
 - a) Chief Secretary @ Rs. 400,000/- per month subject to all applicable taxes.
 - b) Senior Executive Allowance for IGP / PPO @ Rs. 375,000/- per month subject to all applicable taxes.
- iv. The monetization report will be submitted separately to the provincial cabinet for decision

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

8. The recommendations of Cabinet Committee at para-7 may kindly be approved to place before the next meeting of the cabinet for consideration please.

[Signature]
MUZAFFAR SAID
MINISTER FOR FINANCE
Member

Permanent committee constituted
To resolve issues of PMS/PCS officers

[Signature]
MUSHTAQ AHMAD GHANI
SPECIAL ASSISTANT TO CHIEF MINISTER
FOR HIGHER EDUCATION DEPARTMENT
Member

Permanent committee constituted
To resolve issues of PMS/PCS officers

[Signature]
Muhammad Israr
Principal Secretary to Chief Minister
Member

Permanent committee constituted
To resolve issues of PMS/PCS officers

[Signature]
(SIKANDAR HAYAT KHAN SHERPAO)
SENIOR MINISTER IRRIGATION & SOCIAL
WELFARE
Chairman:

Permanent committee constituted
To resolve issues of PMS/PCS officers

CHIEF MINISTER, KHYBER PAKHTUNKHWA.

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~~IMMEDIATE SECRET~~

CABINET BUSINESS



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)

No.SOC(E&AD)27-297/2017

Dated Peshawar the 21st August, 2017.

To,

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

SUBJECT: DECISIONS OF MEETING OF THE PROVINCIAL CABINET
DATED 17.08.2017.

Dear Sir,

I am directed to forward the following decision of meeting of the Provincial Cabinet held on 17.08.2017 under the chairmanship of the Chief Minister, Khyber Pakhtunkhwa for implementation:-

Additional Item No. 7

Chief Minister's Directive Regarding Senior Executive Allowance for Chief Secretary and IGP and Executive Allowance for Civil Servants.

Secretary Establishment Department presented the item "Chief Minister's Directive Regarding Senior Executive Allowance for Chief Secretary and IGP and Executive Allowance for Civil Servants" in detail. The Cabinet decided to constitute a committee comprising Minister Finance, Secretary Finance and Secretary Establishment to review the matter and also to look into the observations made by the Auditor General in such issues in other Provinces. They were further directed that a report be presented in the next meeting of the Provincial Cabinet for decision.

2. I am to request that an implementation report of the Cabinet decisions as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

SECTION OFFICER (CABINET)

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23.8.17

1 of 3

Report

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REPORT OF SPECIAL COMMITTEE OF CABINET HEADED BY MR. MUZAFAR SAID MINISTER FINANCE CONSTITUTED IN CABINET MEETING DATED 17.08.2017

The report was placed before the Provincial Cabinet in its meeting dated 17.08.2017 (Annex-I), wherein it was decided to constitute a committee comprising of Minister for Finance, Secretary Finance and Secretary Establishment to review the matter and look into the observations made by the Auditor General on the matter of similar nature of other Provinces (Annex-II). The Committee was further directed to present its report in the next meeting of the Provincial Cabinet for decision.

2. Government of Khyber Pakhtunkhwa, Administration Department notified the following committee for the purpose (Annexure-III);

- i. Mr. Muzafar Said, Minister for Finance.
- ii. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
- iii. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.

3. The committee reviews the matter of Senior Executive and Executive Allowance and discussed the observations made by the Auditor General of Pakistan in detail.

4. The Auditor General of Pakistan made certain observations with reference to the approval of Superior Executive Allowance (SEA) by the Government of Balochistan, when the Government of Balochistan approached the Accountant General office, Balochistan for payment of the said allowance to the officers, they took up the case with the Auditor General of Pakistan for clarification.

5. The Auditor General of Pakistan raised the following observations and communicated the same to Establishment Division;

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1. "The Auditor General has ruled that in accordance with FR. 44 the Central Government (in case of the Central Government Officers) may first specify rates and conditions and then permit subordinate authorities to grant compensatory allowance subject to maximum rate and to the conditions"

FR.44 also explains that:

"the local government (Provincial Government in the subject case) can grant such allowance to any Government servant who fall under its (administrative) control".

FR.44 also holds that:

2. "The amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient".

6. Furthermore, the Auditor General of Pakistan asked the Federal Government to clarify whether prior approval of the Federal Government had been obtained in the subject case and whether the rules allowed payment of such monthly allowance to the Officers of Federal Government without its approval.

7. The Committee deliberated on the issue and come to the conclusion that;

- i. the proposed Senior Executive Allowance for Chief Secretary, Khyber Pakhtunkhwa and IGP/Provincial Police Officer, Khyber Pakhtunkhwa is associated with posts.
- ii. the post of Chief Secretary and Provincial Police Officer are the sanctioned posts of the Provincial Government and all the emoluments connected are paid by the Provincial exchequer.
- iii. Article 240 of the Constitution of Pakistan provides for;
"the appointments to and the conditions of service of persons in the service of Pakistan shall be determined-
 - a) In the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan

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APPROVED

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Services, by or under Act of {Majlis-e-Shoora (Parliament)} and

b) In the case of the services of a province and posts in connection with the affairs of a province, by or under Act of the Provincial Assembly.

iv. The Provincial Government is competent to determined conditions to all posts (exist in the Provincial Budget) in connection with the affairs of a province.

Report is submitted for consideration of the Provincial Cabinet for decision.

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(SHAKEEL QADIR KHAN)
SECRETARY FINANCE

[Handwritten signature]
05-09-2017

(DR. SYED AKHTAR HUSSAIN SHAH)
SECRETARY ESTABLISHMENT

[Handwritten signature]

(MUZAFFAR SAIB)
MINISTER FOR FINANCE

[Handwritten signature]
5/9/2017

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CABINET BUSINESS



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(CABINET WING)

No.SOC(E&AD)27-304/2018

Dated Peshawar the 13th Feb 2018.

To

1. Mr. Inayat Ullah Khan, Senior Minister.
2. Mr. Shah Farman, Minister.
3. Mr. Shahram Khan, Senior Minister.
4. Mr. Muhammad Atif, Minister.
5. Mr. Ali Amin Khan, Minister.
6. Mr. Mahmood Khan, Minister.
7. Mr. Habib Ur Rehman, Minister.
8. Mian Jamshidud Din, Minister.
9. Mr. Ikramullah Khan Gandapur, Minister.
10. Mr. Qalandar Khan Lodhi, Minister.
11. Mr. Muzaffar Said, Minister.
12. Mr. Imtiaz Shahid Quershi, Minister.
13. Mr. Mushtaq Ahmad Ghani, Minister.
14. Syed Muhammad Ishtiaq, Minister.
15. Malik Qasim Khan Khattak, Advisor.
16. Haji Abdul Haq, Advisor.
17. Mr. Shakeel Ahmad, Advisor.
18. Mr. Akbar Ayub, Advisor.
19. Mr. Arif Yousaf, Special Assistant.
20. Mr. Abdul Munim, Special Assistant.
21. Mr. Mohibullah Khan, Special Assistant.
22. Malik Shah Muhammad Khan Wazir, Special Assistant.
23. Dr. Amjad Ali, Special Assistant.

SUBJECT: MINUTES OF MEETING OF THE PROVINCIAL CABINET DATED 25.01.2018.

Dear Sir,

I am directed to enclose herewith a copy of minutes of meeting of the Provincial Cabinet held on 25.01.2018 at 11:30 AM under the chairmanship of Chief Minister Khyber Pakhtunkhwa in the Cabinet Room of Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

I am to request that after perusal, these minutes may kindly be returned to the Cabinet Section under a sealed cover.

Yours faithfully,

Encl:(As above).

(QASIM JAN)

SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy with a copy of the minutes is forwarded for perusal and return to the Cabinet Section, Administration Department Govt. of Khyber Pakhtunkhwa:

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. P.S. to Chief Secretary Khyber Pakhtunkhwa.
4. P.S. to Secretary Administration Department.

SECTION OFFICER (CABINET)

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

ITEM NO. 3
AMENDMENT IN THE SPECIFIC RELIEF ACT, 1877.

Decision of the Cabinet:

Secretary Law, Parliamentary Affairs & Human Rights Department briefed the Cabinet about the salient features of the item. After detailed discussion the Cabinet approved the item.

Implementing Department: Law, Parliamentary Affairs & Human Rights Deptt:

ITEM NO. 4
CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR PAS/PCS/PMS OFFICERS IN KHYBER PAKHTUNKHWA.

Decision of the Cabinet:

Secretary Establishment Department briefed the Cabinet about the salient features of the item and after detailed discussion the Cabinet approved Senior Executive Allowance @ of Rs. 400,000/- to the Chief Secretary, Khyber Pakhtunkhwa and Rs. 375,000/- to Inspector General of Police, Khyber Pakhtunkhwa per month whereas Executive Allowance to the tune of 1.5 initial Basic Pay per month as per Pay Scale 2017 to PMS, PAS, and PCS Officers working on scheduled posts of the Province. However, Officers posted against scheduled posts in autonomous/semi-autonomous bodies, authorities, or projects already drawing authority allowance, project allowance or any other such allowance shall be entitled to one of the allowances, whichever is more beneficial.

Implementing Department: Establishment/Finance Departments.

ITEM NO. 5
AGITATION AGAINST GRANTING / AUCTION OF MINOR MINERALS IN MALAKAND DIVISION (PATA)

Decision of the Cabinet:

Secretary Mines & Mineral Department briefed the Cabinet about the salient features of the item. After detailed discussion the Cabinet conditionally approved the item with the directions that Mr. Mehmood Khan, Minister for Sports & Irrigation, Mr. Habib-Ur-Rehman, Minister for Auqaf, Hajj, Religious and Minority Affairs, Secretary Law and Secretary Mines & Mineral Departments would jointly chalk out a system to streamline and regulate installation & functioning of the mining enterprises.

Implementing Department: Mines & Mineral Department

IMMEDIATE/SECRET

CABINET BUSINESS



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)27-304/2018
Dated Peshawar the 1st Feb, 2018.

57

To,

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.

Ps / Secy (E & AD)
Diary No. 857
Dated 9-2-2018

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 25.01.2018.

Dear Sir,

I am directed to forward herewith the following decisions of the meeting of Provincial Cabinet held on 25.01.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

ITEM NO. 4

CHIEF MINISTER'S DIRECTIVE REGARDING SENIOR EXECUTIVE ALLOWANCE FOR CHIEF SECRETARY AND IGP AND EXECUTIVE ALLOWANCE FOR PAS/PCS/PMS OFFICERS IN KHYBER PAKHTUNKHWA.

Decision of the Cabinet:

Secretary Establishment Department briefed the Cabinet about the salient features of the item and after detailed discussion the Cabinet approved Senior Executive Allowance @ of Rs. 400,000/- to the Chief Secretary, Khyber Pakhtunkhwa and Rs. 375,000/- to Inspector General of Police, Khyber Pakhtunkhwa per month whereas Executive Allowance to the tune of 1.5 initial Basic Pay per month as per Pay Scale 2017 to PMS, PAS, and PCS Officers working on scheduled posts of the Province. However, Officers posted against scheduled posts in autonomous/semi-autonomous bodies, authorities, or projects already drawing authority allowance, project allowance or any other such allowance shall be entitled to one of the allowances, whichever is more beneficial.

Implementing Department: Establishment/Finance Departments.

2. I am to request that an implementation report of the Cabinet decisions as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

Qasim Jan.
(QASIM JAN)

SECTION OFFICER (CABINET)

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DATE: 02-02-2018
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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 02/02/2018

NOTIFICATION

No.FD(SOSR-II)8-7/2016-17. The Government of Khyber Pakhtunkhwa has been pleased to sanction Executive Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department as per rates mentioned against each in the following table with immediate effect-

S #	Pay Scale	Initial Basic Pay	Rate of Executive Allowance Per Month
01.	PAS/PCS/PMS officers in BS-21	Rs.76,720/-	Rs.1,15,080 /-
02.	PAS/PCS/PMS officers in BS-20	Rs.69,090/-	Rs.1,03,635 /-
03.	PAS/PCS/PMS officers in BPS-19	Rs.59,210/-	Rs.88,815/-
04.	PAS/PCS/PMS officers in BS-18	Rs.38,350/-	Rs.57,525/-
05.	PAS/PCS/PMS officers in BS-17	Rs.30,370/-	Rs.45,550/-

- The above allowance will be admissible subject to the following conditions:-
1. It will be admissible to PAS, PCS and PMS officers working against scheduled posts only.
 2. Officers of other cadres working against scheduled posts are not entitled to the above allowance.
 3. PAS, PCS and PMS officers posted against scheduled post and are in receipt of such allowances other than regular allowances shall be entitled to one of the allowances, whichever is more beneficial.
 4. Executive Allowance shall not be counted towards pension and gratuity.
 5. Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ENDST: NO. & DATE EVEN.

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Senior Member Board of Revenue.
5. The Additional Chief Secretary FATA.
6. The Additional Chief Secretary P&D Department.
7. The Secretary KP-Public Service Commission, Peshawar.
8. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
9. All the Divisional Commissioners in Khyber Pakhtunkhwa.
10. All the Deputy Commissioners in Khyber Pakhtunkhwa.
11. All the District Account Officers in Khyber Pakhtunkhwa.
12. Director, FMIU Finance Department.
13. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
14. Budget Officer-IV, Finance Department.
15. The PS to Secretary Finance Department.
16. The PS to Special Secretary Finance Department.
17. The PA to Additional Secretary (Regulations), Finance Department.
18. Master File.

SECTION OFFICER (SP-1)

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

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Subject: MINUTES OF THE MEETING OF PROVINCIAL CABINET HELD ON MAY 24th, 2018 AT 12:00 PM UNDER THE CHAIRMANSHIP OF MR. PERVEZ KHATTAK, CHIEF MINISTER, KHYBER PAKHTUNKHWA.

Minutes of the meeting of Provincial Cabinet of Khyber Pakhtunkhwa held on May 24th, 2018 at 12:00 PM in the Cabinet Room of Civil Secretariat, Peshawar, are submitted for approval please.

(Signature)
(ARSHAD MAJEED)
SECRETARY ADMINISTRATION

CHIEF SECRETARY

(Signature)
28/5/18
Chief Secretary
Govt. Of Khyber Pakhtunkhwa

PRINCIPAL SECRETARY TO CHIEF MINISTER.

Submitted for approval pl

HCM

(Signature)
28/5
Principal Secretary
to Chief Minister
Khyber Pakhtunkhwa

Approved.

CS

ATTESTED

(Signature)

(Signature)
28-5-2018

Chief Minister
Khyber Pakhtunkhwa

Date: 28-5-18



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

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ITEM NO. 14
TRANSPARENCY IN RECRUITMENT PROCESSES THROUGH ETEA.

Decision of the Cabinet

Coordinator PMRU, Office of the Chief Secretary briefed the Cabinet about the salient features of the item. The Cabinet approved the item with the directions that the right of first refusal should not be granted to ETEA and the response of ETEA should be made time bound.

Implementing Department: Higher Education Department.

ADDITIONAL. 06
RE-VOCATION OF MOU WITH CCCC

Decision of the Cabinet:

Secretary Transport & Mass Transit Department briefed the cabinet about the salient features of the item. After detailed discussion, the Cabinet approved the item with the directions that specific timelines should be mentioned in the fresh MoU with CRCC and PRACS.

Implementing Department: Transport & Mass Transit Department

ITEM NO. 16
PLACEMENT OF THE KHYBER PAKHTUNKHWA LABOUR POLICY, 2018 AND CHILD LABOUR POLICY, 2018 BEFORE THE CABINET

Decision of the Cabinet:

Secretary Labour Department briefed the Cabinet about the salient features of the item. After detailed discussion, Cabinet approved the item.

Implementing Department: Labour Department

ITEM NO. 18
MINUTES OF THE MEETING OF THE SUB-COMMITTEE OF STANDING COMMITTEE NO.1 ON PROCEDURE & CONDUCT OF BUSINESS RULES, PRIVILEGES AND IMPLEMENTATION OF GOVERNMENT ASSURANCES

Decision of the Cabinet:

Secretary Finance apprised the Cabinet that Up-gradation and restructuring is the domain of Up-gradation & Restructuring Committee (s) and both the committee (s) has deliberated upon the issue. The Up-gradation committee has regretted up-gradation as the cadre has been up-graded in 2012 and as per Provincial Up-gradation policy successive up-gradation within a span of ten years is not allowed. He further informed that after a thorough deliberative process

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

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between Finance and Establishment Department, the process of restructuring has recently been completed. Therefore, no further action is required on part of the Provincial Government. The Cabinet endorsed/approved the view point as explained above.

Implementing Department: Establishment Department

ITEM NO. 21

MINERAL INVESTMENT FACILITATION AUTHORITY (MIFA) CASE

Decision of the Cabinet:

Secretary Mines & Mineral Development Department briefed the Cabinet about the salient features of the item. After detailed discussion the Cabinet directed that the Chief Secretary will form a committee to look into the issue in detail and devise a comprehensive plan and modalities required for grant of Mineral titles in forest areas.

Implementing Department: Mines & Mineral Dev: Department.

ITEM NO. 23

APPROVAL OF RELEASE OF THE OUTSTANDING TOBACCO DEVELOPMENT CESS SHARE OF FUNDS / SHARES

Decision of the Cabinet:

Secretary Excise & Taxation Department briefed the Cabinet about the salient features of the item. After detailed discussion the Cabinet approved the demand for release of 50 % share in receipt of Tobacco Development Cess to District Swabi through supplementary grant and the remaining 50% share is to be allocated to Swabi (Anbar) University.

Implementing Department: Excise & Taxation Department.

ITEM NO. 24

EXTENSION OF AGREEMENT OF TAX FACILITATION CENTRE PESHAWAR

Decision of the Cabinet:

Secretary Excise & Taxation Department briefed the Cabinet about the salient features of the item. After detailed discussion the Cabinet approved the item.

Implementing Department: Excise & Taxation Department.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

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MINUTES OF MEETING OF THE PROVINCIAL CABINET

(MAY 24TH, 2018)

52nd Meeting of the Provincial Cabinet was held on Thursday 24th May, 2018 at 12:00 P.M in the Cabinet Room of Civil Secretariat, Peshawar under the Chairmanship of Mr. Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa. List of participants is at "Flag-A". The meeting started with recitation of the Holy Quran.

The Chair thanked the Cabinet members, Advisors/Special Assistants and the Provincial bureaucracy for their cooperation and support in realizing the vision of the provincial government regarding "bringing the Change". The Chair narrated the multifarious challenges faced by the province including precarious law & order situation, financial instability, corruption and maladministration, when the present government came into power. He appreciated the whole hearted efforts of bureaucracy in successful delivery of good governance and ensuring implementation of the reforms agenda of the government in all sectors particularly in Health, Education, Police, Environment etc. surpassing the performance of the previous governments.

The Chief Secretary on behalf of the Provincial bureaucracy expressed gratitude over the appreciating words of the chair and expressed his resolve & commitment to serve the interests of the people of the province. He lauded the present government for ensuring the system of merit and transparency and creating an environment wherein the bureaucracy was allowed to work independently and free from any political interference in the administrative domain.

Thereafter, the Cabinet considered the agenda and decided as under:-

ITEM NO. 19
SUSTAINABILITY OF GOVERNANCE & REFORMS INITIATIVES

Decision of the Cabinet:

Coordinator PMRU, Office of the Chief Secretary briefed the Cabinet about the salient features of the item. After detailed discussion, Cabinet approved the item with certain proposed additions. The Cabinet further directed that the Chief Secretary would furnish a certificate of compliance in this connection to cabinet every six months.

Implementing Department: Establishment Department

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT
(CABINET WING)

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6. The Cabinet was informed that during its meeting held on 4th of May 2018, while it had approved de-notification of Members of Board of Governors, Qazi Hussain Ahmad Complex, Nowshera, it had overlooked nomination of authority to exercise powers of Board of Governors, in the intervening period till new members are selected. The Cabinet authorized the Secretary Health for the purpose to exercise powers of the Board of Governors till new Members are appointed to it.

Implementing Department: Health Deptt:

7. The Secretary Irrigation briefed the Cabinet regarding the agenda item titled "Demand of the Khyber Pakhtunkhwa association of Government Engineers" discussed in the previous cabinet meeting held on 17-05-2018. The Cabinet agreed to reconsider its decision in the following manner:

- i. The Cabinet approved technical allowance @ 1.5 times of the initial basic pay scale to all engineers working in provincial government departments with effect from 1st July, 2018
- ii. The Cabinet approved to allow the Engineers for private practice. The ToRs. and Conditions for the permission of private practice will be finalized and approved by the Committee constituted under the Chairmanship of Secretary Establishment.
- iii. The Cabinet approved, in principle, the demand of "Upgradation/restructuring of the Engineers" for which necessary modalities should be submitted for approval of the Cabinet.

Implementing Department: Irrigation/Establishment Deptts:

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CABINET BUSINESS



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)**

No.SOC(E&AD)27-312/2018

Dated Peshawar the 05th June, 2018.

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

J-64

**SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED
24.05.2018.**

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

NON AGENDA ITEM NO. 03

SCHEDULED POST ALLOWANCE FOR POLICE, PAS/PCS/PMS OFFICERS

Decision of the Cabinet:

After detailed briefing by the Secretary Finance on various aspects of the earlier approved Executive Allowance for the Officers of PAS/PCS/PMS and subsequent extension of the same for police officers, the Cabinet decided to change the nomenclature of "Executive Allowance "to that of "Scheduled Post Allowance" which would be applicable to both police officers and officers of PAS/PCS and PMS. The Cabinet further decided that the Risk Allowance and Fixed Daily Allowance admissible to police officers would be abolished in the wake of approval of subject Scheduled Post Allowance. The committee already constituted for the purpose shall identify and calculate the exact financial implication for the same & thereafter Finance Department shall issue necessary notification accordingly

Implementing Department: Home & TAs Department.

change of nomenclature.

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

(QASIM JAN)

SECTION OFFICER (CABINET)

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CABINET BUSINESS



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)27-312/2018
Dated Peshawar the 05th June, 2018.

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To,

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

MISCELLANEOUS

7. The Secretary Irrigation briefed the Cabinet regarding the agenda item titled "Demand of the Khyber Pakhtunkhwa association of Government Engineers" discussed in the previous cabinet meeting held on 17-05-2018. The Cabinet agreed to reconsider its decision in the following manner:
- i. The Cabinet approved technical allowance @ 1.5 times of the initial basic pay scale to all engineers working in provincial government departments with effect from 1st July, 2018
 - ii. The Cabinet approved to allow the Engineers for private practice. The ToRs and Conditions for the permission of private practice will be finalized and approved by the Committee constituted under the Chairmanship of Secretary Establishment.
 - iii. The Cabinet approved, in principle, the demand of "Upgradation/restructuring of the Engineers" for which necessary modalities should be submitted for approval of the Cabinet.

Implementing Department: Irrigation/Establishment Deptts:

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

(QASIM JAN)

SECTION OFFICER (CABINET)

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To

The Hon'ble Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: APPEAL FOR NON-GRANT OF EXECUTIVE ALLOWANCE TO THE SENIOR PRIVATE SECRETARIES (BS-18) AND PRIVATE SECRETARIES (BS-17) OF CIVIL SECRETARIAT, PESHAWAR.

Respected Sir,

With profound regards, it is brought to your kind notice that the Government of Khyber Pakhtunkhwa, in Finance Department has granted Executive Allowance @ 1.5 initial basic pay per month to all PAS/PCS/PMS officers in Khyber Pakhtunkhwa vide Notification No. FD (SOSRII)8-7/2016-17, dated 02-02-2018 (Annex-I) depriving the Senior Private Secretaries (BPS-18) and Private Secretaries (BPS-17) of Civil Secretariat, Peshawar from the said allowance. This act sheerly forms injustice and discrimination to the said class of Government Servants. The following few points are submitted for your favourable consideration:-

- I. In the present scenario, there are two categories of officers who join the PMS:
 - Those who are directly recruited through Public Service Commission as PMS Officers; and
 - Those who are promoted from amongst the Personal Assistants and Superintendents whose Parent Department is Establishment and Administration Department and join PMS when promoted as Section Officers.
- II. At the end of 2012, the Section Officer (E-IV), Establishment and Administration Department issued a circular letter to the Personal Assistants regarding option under Rule-5 of the Khyber Pakhtunkhwa, Civil Secretariat (Private Secretaries) Service Rules, 2012 vide circular letter No. SOE-IV(E&AD)1-35/2012 dated 18.12.2012 (Annex-II).

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- III. It is presumed that if they would not have asked for option in the year 2012, then definitely all Personal Assistants were supposed to join PMS as per past practice/before the offering of the said option owing to the fact that the job of both the cadres is of the same nature in the wake of promotion to the higher grade. The Establishment Department has offered option just to equally benefit both the cadres to serve the high echelon in order to utilize the specialty of the both cadres with the senior civil servants i.e. Governor, Chief Minister, Seniors Ministers, Ministers, Chief Secretary, ACS and Administrative Secretaries.
- IV. The Senior Private Secretaries/Private Secretaries are also efficiently performing their duties against the responsible seats with Honb'le Chief Minister, Honb'le Governor, Ministers, Advisors to CM, Honb'le Chief Secretary, Additional Chief Secretary and Administrative Secretaries, and remain sitting late till evening. They remain busy all the day in the official work which is purely related to schedule posts i.e. PAS/PCS/PMS. It is to be mentioned that in the past and even now most of the Section Officers (PMS) were and are serving against the post of Private Secretaries. This indicates that job of the Private Secretaries and that of Section Officers is equal and relate to the scheduled post.
- V. The total number of posts of Private Secretaries/Senior Private Secretaries are only 81 (Eighty one) (71+10= 81) hence nominal financial implication of Rs.45.711 million per annum. In view of the fact that no post of SPS/PS exists all over the Province connected to the scheduled post.
- VI. Those Personal Assistants who were junior to the Private Secretaries and joined PMS through the said option are in receipt of more allowances then their seniors which is an anomaly in the strictest sense of justice.
- VII. The graduates Junior Clerks and Stenographers who joined the Secretariat service and after exercising options for both the cadres were not equally treated; the Junior Clerks after promotion get the scheduled post while the same Government Servant with the same experience after promotion is deprived from the scheduled allowance this is again injustice in the eyes of Law.

APPROVED

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VIII. All the Superintendents and Personal Assistants who joined PMS and those who are directly recruited through Public Service Commission are performing their duties under one roof, discipline and timing and there is no difference in our qualification/performance of nature of job, timing and place of duty. It is worth mentioning and honestly speaking that time of duty of PS cadres is longer than the other colleagues in the Secretariat cadres. It is also pointed out that during the process of approval of the Executive Allowance, the Hon'ble Chief Minister was pleased to add the following remarks at Para-11 of the Summary submitted for approval of Cabinet Committee Report:-

"Para-8 is approved. However, all PBS-17 and above officers of the Private Secretaries and Planning Cadres working in the Civil Secretariat Khyber Pakhtunkhwa may also be included."

2. In view of the above facts, it is requested your kind honour that the Private Secretaries (BPS-17) and above may also be allowed Executive Allowance with effect from 2nd February, 2018 to dispense with the justice and remove the discrimination amongst the Officers of the Civil Secretariat, Khyber Pakhtunkhwa by modifying the Notification dated 02-02-2018.

3. We hope that our appeal will be considered sympathetically and we will be given our due right having equal right working under one roof.

Yours Faithfully,

JAMROZ KHAN
Private Secretary

L-69

IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3698/2018

1. **Mr. Muhammad Nawaz Khan S/O Muhammad Yousaf, Senior Private Secretary**
2. **Mr. Basir Ud Din S/O Munawar Din, Senior Private Secretary**
3. **Mr. Gul Rait Khan S/O Muhammad Rahim Shah, Senior Private Secretary**
4. **Mr. Umar Badshah S/O Gul Badshah, Senior Private Secretary**
5. **Mr. Siraj-ud-Din S/O Mehrab Khan, Senior Private Secretary**
6. **Mr. Sajjad Ali S/O Noor ul Hassan, Senior Private Secretary**
7. **Syed Arifullah Shah S/O Syed Anwar Shah, Senior Private Secretary**
8. **Syed Abdur Rahim Shah S/O Syed Amir Shah, Senior Private Secretary**
9. **Mr. Riazullah S/O Mughul Baz, Senior Private Secretary**
10. **Mr. Mir Muhammad, S/O Pir Muhammad Senior Private Secretary**
11. **Mr. Nooran Shah S/O Syed Dawran Shah, Private Secretary**
12. **Miss. Rehanalsha, D/O Muhammad Ishaq, Private Secretary**
13. **Mr. Irshad Ali S/O Khalil urRehman, Private Secretary**
14. **Mr. Samiullah S/O Wazirullah, Private Secretary**
15. **Mr. Riaz Ahmad S/O Muhammad Bakhshish, Private Secretary**
16. **Mr. Abdul Wase S/O Hafiz Abdullah Jan, Private Secretary**
17. **Mr. Muzammil Shah S/O Sikendar Shah, Private Secretary**
18. **Mr. Ahmad Hussain S/O Ghulam Habib, Private Secretary**
19. **Syed Irfan Shah S/O Syed Chiragh Shah Private Secretary**
20. **Mr. Muhammad Ibrahim S/O Karim Bakhish, Private Secretary**
21. **Mr. Habibul Hassan S/O Zaheer Ali, Private Secretary**
22. **Mr. Sher Nawab S/O Haibat Khan, Private Secretary**
23. **Syed Mubarak Shah S/O Muhammad Ali Shah, Private Secretary**
24. **Mr. Jamroz Khan S/O Nawroz Khan, Private Secretary**
25. **Mr. Mazhar Ali S/O Abbas Ali, Private Secretary**
26. **Mr. Fazli Rahim S/O Muhammad Ghafoor, Private Secretary**
27. **Mr. Saecd Pervez S/O Redi Gul, Private Secretary**
28. **Mr. Amin Khan S/O Gulap Khan, Private Secretary**
29. **Mr KhanzadGui S/O Inzar Gul, Private Secretary**

- (5) 70
30. Mr Gohar Ali S/O Abdul Mastan, Private Secretary
 31. Mr Khalid Parvez S/O Taj Muhammad, Private Secretary
 32. Mr. Rais Ahmad S/O Mian Muhammad Anees, Private Secretary
 33. Mr. Habib Ahmad Shakir S/O AllaudinShakir, Private Secretary
 34. Mr. RehmatUllah S/O Hazratullah, Private Secretary
 35. Mr Muhammad Javed S/O Murad Khan, Private Secretary
 36. Mr Shafi Muhammad S/O Lal Sher, Private Secretary
 37. Mr. Nasir Khan S/O Sandal Khan, Private Secretary
 38. Syed Wali Shah S/O Tawab Shah, Private Secretary
 39. Mr. Sajjad Ahmad Jan S/O Ali Ahmad Jan, Private Secretary
 40. Mr. Haji Muhammad S/O Paya Gul, Private Secretary
 41. Mr. Muhammad Iqbal Swati S/O Abdul Qayyum, Private Secretary
 42. Mr. Sufaid Gul S/O Amin Gul, Private Secretary
 43. Mr. Ismail Shah S/O Zargul Shah, Private Secretary
 44. Mr. RookhAyaz Khan S/O Sultan, Private Secretary
 45. Mr. Naik Dar Ali S/O Muhammad Noor, Private Secretary
 46. Mr. Muhammad Iqbal S/O Sher Jan, Private Secretary
 47. Mr. Hazrat Dayan S/O Syed Rehman, Private Secretary
 48. Mr. FazliHaq S/O Hamid Nawaz, Private Secretary
 49. Mr. Rafiullah S/O Murad Khan, Private Secretary
 50. Syed Ayaz Ali Shah S/O Syed Waris Ali Shah, Private Secretary
 51. Mr. Muhammad Rafiq S/O Muhammad Latif, Private Secretary
 52. Mr. Muhammad Ayub S/O Kameen Shah Gul, Private Secretary
 53. Syed Sadiq Shah S/O Syed Sikandar Shah, Private Secretary
 54. Mr. Sharifullah S/O Ayub Khan, Private Secretary
 55. Mr. Jamshed Iqbal S/O Amir Bakhish, Private Secretary
 56. Mr. Jamshed Khan S/O Taza Gul, Private Secretary
 57. Mr. Usman Ghani S/O Fazal e Mola, Private Secretary
 58. Mr. Qaiser Khan S/O Mir Bakhish, Private Secretary
 59. Mr. Nisar Muhammad S/O Saz Muhammad, Private Secretary
 60. Mr. Aurangzeb Abbasi S/O Taj Muhammad, Private Secretary
 61. Mr. Mir Shahbaz Khan S/O Muhammad Shah, Private Secretary
 62. Mr. Khalil-ur-Rehman S/O HazratRehman, Private Secretary
 63. Mr. Ghufraan Shah S/O Abdul Jabbar Shah, Private Secretary
 64. Mr. Ali Farman S/O Muhammad Zaman, Private Secretary

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- (71)
65. Mr. FazliGhafoor S/O Gul Rehman, Private Secretary
 66. Mr. Habibullah S/O Abdullah Jan, Private Secretary
 67. Mr. Muhammad Javed S/O Umar Gul, Private Secretary
 68. Mr. Abdul Hameed S/O Baaz Gul, Private Secretary
 69. Mr. Banat Khan S/O Gul Badshah, Private Secretary
 70. Mr. Badshah Khan S/O Feroz Khan, Private Secretary
 71. Mr. Muhammad Din S/O Mir Ahmad, Private Secretary
 72. Mr. DiI Nawaz Khan Gul Jehan Shah, Private Secretary
 73. Mr. Nisar Muhammad Khan S/O Bahadar Khan, Private Secretary
 74. Mr. Shah Zaman Khan S/O Fariqullah, Private Secretary
 75. Mr. Muhammad Ibrahim Khan S/O Muhammad Hakim Khan, Private Secretary
 76. Mr. Ikram-ul-Haq S/O Muhammad Naeem, Private Secretary
 77. Mr. WaqarAhmad S/O Abdul Wahid, Private Secretary
 78. Mr. Mirza Ghulam S/O Your Massi, Private Secretary
 79. Mr. Fazl-e-Rabi S/O Rahim Shah, Private Secretary
 80. Mr. Momin Khan S/O Akbar Khan, Private Secretary
 81. Mr. Tila Khan S/O Noor Gul Private Secretary All employees of Civil Secretariat Peshawar.

.....Petitioners

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. Secretary Establishment Department, Government of Khyber Pakhtunkhwa Peshawar.
3. Secretary Finance Department, Government of Khyber Pakhtunkhwa Peshawar.
4. Honourable Chief Minister, Khyber Pakhtunkhwa, through Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

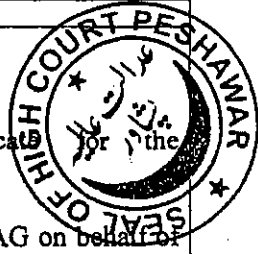
**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973**

ATTORNEY

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PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
10.03.2020	<p><u>Writ Petition No. 3698-P/2018.</u></p> <p>Present: Naveed Akhtar, advocate for the petitioners.</p> <p>Syed Qaiser Shah, Addl. AG on behalf of respondents.</p> <p>*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> For the reasons recorded in connected writ petition bearing No. 606-P of 2019, of even date, this writ petition is disposed of accordingly. ✓</p> <p style="text-align: right;">Chief Justice</p> <p style="text-align: right;">Judge</p> <p style="text-align: center;">SCANNED</p>



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EXAMINER
Peshawar High Court, Peshawar
Established Under Article 217 of
the Constitution of Pakistan Order 1984

08 MAY 2020

Tariq Jan PS.

DB, Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Ijaz Anwar, JJ.

ATTACHED

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PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
10.03.2020	<p><u>Writ Petition No. 606-P/2019.</u></p> <p>Present: Naveed Akhtar, advocate, the petitioners.</p> <p>Syed Qaiser Shah, Addl. Advocate, the respondents.</p> <p>*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Through this constitutional petition, we intend to decide the instant petition as well as connected writ petition bearing No. 3698-P/2018, being identical in nature.</p> <p>2. Engineer Ziarat Khan, Commissioner Mines & others, petitioners herein aggrieved from the acts / inactions of respondents have directed this petition with the following relief:-</p> <p>a. It is, therefore, humbly prayed that on acceptance of this petition the impugned exclusion of the petitioners from benefits of the Technical Allowance through notification dated 19.10.2018 and subsequent refusal vide letter dated 19.12.2018 may kindly be declared illegal, unlawful, against the law and the constitution and thus ineffective upon the rights of the petitioners being discriminatory.</p> <p>b. It is further prayed that, the impugned decision conveyed vide letter dated 19.12.2018 may kindly be set aside and the Technical Allowance allowed to engineers</p>



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EXAMINER
Peshawar High Court

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working in different government departments vide notification dated 19.10.2018 may kindly be extended to the petitioner as well.

3. Petitioners of the instant writ petition are Engineers, serving in the attached departments of Minerals Development Department, seeking grant of Technical Allowance on the analogy of notification No. FD (SO SR-II) 8-7/2018-19 dated Peshawar the 19th October, 2018 whereby the competent authority has granted Technical Allowance, to the Engineers holding Engineering qualification recognized by the Higher Education Commission, and serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering & Local Government Departments of Khyber Pakhtunkhwa; whereas petitioners of the connected writ petition quoted above, are Private Secretaries, performing their duties in the Civil Secretariat, have sought the grant of Executive Allowance rather Scheduled Post Allowance, on the analogy Notification No. FD (SOSR-II)8-7/2016-17 dated Peshawar the 02/02/2018, whereby the Competent Authority has granted Executive Allowance

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EXAMINER
Peshawar High Court

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to the PAS / PCS & PMS Officers, working against the scheduled posts of Establishment & Administration Department. Learned Addl. AG at the very outset, objected to the maintainability of the writ petition in view of the judgment reported as 2018 FLC (CS) Note-40 and unreported judgment of this Court rendered in writ petition bearing No. 1226-A/2018 dated 30.05.2019, and states that allowances in question are part and parcel of the pay falling in terms and conditions of service, for which the Service Tribunal has the jurisdiction in view of Article-212 of the Constitution.

4. Although, learned counsel representing petitioners in rebuttal of the maintainability has also placed reliance on some reported judgments, however, we without going to the merits of the case, are of the view that let the matter be referred to the Chief Secretary, Govt. of Khyber Pakhtunkhwa, on the analogy of other writ petitions, referred to by this Court, with the direction to look into the matter and

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EXAMINER
Peshawar High Court

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either pay the said allowance to all the eligible employees or none. The matter be decided within a period of three months, positively.

[Signature]
Chief Justice

[Signature]

Judge



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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
The Courts-Sindh Order 1951

08 MAY 2020

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ATTENDED

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

176-0
12018

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Munib Akhtar
Mr. Justice Yahya Afridi

M - (77)

CIVIL PETITIONS NO.210-P AND 211-P OF 2020

(Against the order dated 10.03.2020, passed by the Peshawar High Court, Peshawar, in W.Ps. No.606-P of 2019 and 3698-P of 2018, respectively)

**Government of KPK through Chief Secretary,
Civil Secretariat, Peshawar and others** ...Petitioner(s)
(in both cases)

Versus

**Engineer Ziarat Khan and others
(In CP.210-P of 2020)** ...Respondent(s)
**Muhammad Nawaz Khan and others
(In CP.211-P of 2020)**

For the Petitioner(s)
(in both cases) : Barrister Qasim Wadood,
Additional Advocate General,
Khyber Pakhtunkhwa
Amanat Ullah Qureshi,
Deputy Secretary Finance, KP
Muhammad Anwar Khan,
S.O. Litigation-1,
Establishment Division, KP

For the Respondent(s)
(in both cases) : Mr. Naveed Akhtar, ASC

Date of Hearing : 19.11.2020

ORDER

GULZAR AHMED, CJ.- We have heard the learned Additional Advocate General, Khyber Pakhtunkhwa and dictated in Court the following order:-

"The learned Additional Advocate General, Khyber Pakhtunkhwa, contends that pursuant to the impugned order dated 10.03.2020, the Chief Secretary, Government of Khyber Pakhtunkhwa has dealt with the matter as directed by the Peshawar High Court, Peshawar and passed order, stating that the respondents are not entitled

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[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad

ATTESTED

to grant of the allowance. He contends that against such order of the Chief Secretary, the respondents have filed COC No.389-P of 2020, in which the learned Division Bench of the High Court has passed the following order dated 01.09.2020:-

"Although, the compliance report has been placed on record, wherein the relief prayed by the petitioner is regretted, but the judgment of this Court, prima facie has not been complied with in its letter and spirit. Therefore, notice to the respondents to appear in person for framing of charge. Adjourned to a date in office."

He further contends that in the first place, the High Court has no jurisdiction in the matter in passing of the impugned order for the reason that the respondents are Civil Servants and the matter was with regard to their terms and conditions of service, and the High Court despite noting this objection and without entering upon the merits of the case has given direction to the Chief Secretary, which is not sustainable in law. He next contends that the very impugned order is not sustainable in law and even otherwise, such order has been complied with by the Chief Secretary, thus, no COC could have been filed and if at all, the respondents were aggrieved by the order of the Chief Secretary, they could have taken up the matter afresh before the appropriate forum.

2. The submissions made by the learned Additional Advocate General, Khyber Pakhtunkhwa, require consideration. Leave to appeal is granted to consider, *inter alia*, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix the appeal expeditiously, preferably after three months.

CMA's No.398-P and 399-P of 2020:

3. In the meantime, the operation of the impugned order dated 10.03.2020 so also the order dated

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[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad

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01.09.2020, passed in COC No.389-P of 2018, shall remain suspended."

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2. Before the above order could be signed by the Bench, the learned counsel for the respondents has appeared and states that the respondents have no objection if the impugned order dated 10.03.2020 is set aside and the respondents are allowed to avail remedy before the appropriate forum.

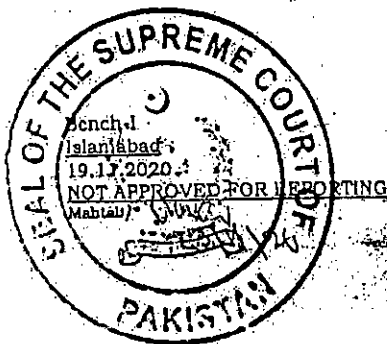
3. The learned Additional Advocate General has no objection to the submission of the learned counsel for the respondents that of setting aside the impugned order and converting these petitions into appeals and allowing the same.

4. Thus, by consent, the civil petitions are converted into appeals and allowed. Consequently, the impugned order dated 10.03.2020 is set aside. The respondents may avail remedy that may be permissible to them in accordance with law.

Sd/HCI

Sd/J

Sd/J



Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 17814/20
Date of Presentation: 19-11-20
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Date of Delivery of Copy: 24-11-20
Compared by/Prepared by: [Signature]
Received by: [Signature]

ATTACHED

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

_____ OF 2020

Jamroz Khan(APPELLANT)
(PLAINTIFF)
(PETITIONER)**VERSUS**Govt. of KPK & other(RESPONDENT)
(DEFENDANT)I/we MR JAMROZ KHAN & NOWROZ KHAN

Do hereby appoint and constitute **NOOR MOHAMMAD 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. 11 / 12 / 2020

CLIENT
ACCEPTED**NOOR MOHAMMAD KHATTAK**

KAMRAN KHAN**MUHAMMAD MAAZ MADNI**

&


AFRASIAB KHAN WAZIR
ADVOCATES

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