

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

C.M. No. _____/2023
In
Service Appeal No. 159 /2022

Khyber Pakhtunkhwa
Service Tribunal
Case No. 3500
Dated 10-2-2023

Muhammad Masood Afridi.....Appellant

V E R S U S

Govt of Khyber Pakhtunkhwa & Others

.....**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for additional documents		1-2
2.	Affidavit		3
3.	Copies of Additional Documents		4- 4

Through

Appellant


Zartaj Anwar

Advocate, Supreme Court

Cell#0331-9399185

Dated 10.02.2023

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

C.M. No. _____/2023

In

Service Appeal No. 159/2022

Muhammad Masood Afridi.....Appellant

V E R S U S

Govt of Khyber Pakhtunkhwa & Others

.....**Respondents**

**Application for place on file
additional document in the above
mentioned Service Appeal.**

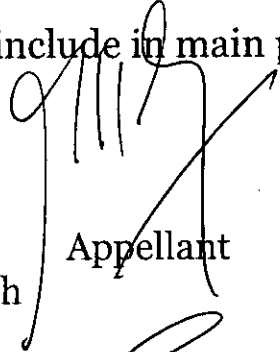
Respectfully Sheweth:

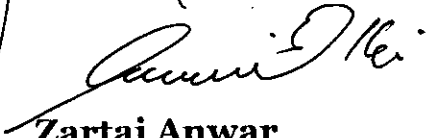
The petitioner humbly submits as under:-

1. That the above titled Service Appeal is pending adjudication before this Honourable Tribunal in which next date of hearing is 10.02.2023.
2. That the following additional document accompanied herewith are necessary for just and proper disposal of the above titled Service Appeal.
3. That there is no legal bar in bringing on record the document necessary for just conclusion of the case.

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It is, therefore, most humbly prayed that on acceptance of this application, the above mentioned additional documents may kindly be considered part and parcel of the above mentioned Service Appeal and same may kindly be include in main petition.

Through  Appellant



Zartaj Anwar
Advocate, Supreme Court
Cell#0331-9399185

Dated 10.02.2023

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

C.M. No. _____/2023

In

Service Appeal No. 159/2022

Muhammad Masood Afridi.....Appellant

VERSUS

Govt of Khyber Pakhtunkhwa & Others

.....**Respondents**

AFFIDAVIT

I, **Muhammad Masood Afridi**, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct and nothing has been concealed from this Hon'ble Court.

[Handwritten Signature]

DEPONENT

Identified by

[Handwritten Signature]
Zartaj Anwar
Advocate, High Court

ATTESTED
Gul Daraz Khan
Cath
Commissioner
Advocate High Court Peshawar
[Handwritten Signature]

Subject:

MINUTES OF THE MEETING "WRIT PETITION NO.3722-P/2016
TITLED MUHAMMAD MASOOD AFRIDI VS GOVERNMENT OF
KHYBER PAKHTUNKHWA.ETC.

The subject meeting was held on 15.11.2018 under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa. Following attended the meeting:-

- i. Additional Chief Secretary Merged Areas Secretariat.
- ii. Secretary, Establishment Department.
- iii. Secretary, Administration & Coordination, Merged Areas Sectt.
- iv. Special Secretary (Reg), Establishment Department.
- v. Additional Secretary (Reg), Finance Department.
- vi. Additional Secretary, Planning & Development Deptt.

2. The forum was informed that petitioners were appointed on contract basis in 2004 and their services were regularized pursuant to Peshawar High Court judgment in 2011. They filed another writ petition for provision of proper service structure for career progression in the field of Management, Finance or Planning. Consequently, the then FATA Sectt: approved service structure for the petitioners on the lines of Provincial Planning Service (PPS) cadre that exists in Planning & Development Deptt, Government of Khyber Pakhtunkhwa by creating a separate entity in FATA Sectt: along with service rules. The above position was submitted to court through better comments however, court directed to re-submit comments in view of merger of FATA with province. The Court in its order dated 07-11-2018 has termed the comments sketchy which do not address the grievance of petitioners and has asked Secretary Establishment to appear before court on 22-11-2018 in person.

3. The issue was discussed at length by the forum. It was highlighted that petitioners were basically appointed for finance & planning cell in FATA Secretariat and keeping in view their academic qualification and expertise in the field of planning a separate service structure was created and service rules

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approved on the same lines as already exists in P& D Deptt: Government of Khyber Pakhtunkhwa for Provincial Planning Service (PPS) cadre. It was suggested that in post-merger scenario, the petitioners need to be included in the Provincial Planning Service (PPS) cadre as the same has been prayed for in their Writ Petition. The forum was also apprised that encadrement of the petitioners can be effected under the relevant rules.

4. After thorough discussion the following decision was taken:-

Decision: The petitioners will be included in Provincial Planning Service (PPS) cadre in Planning & Development Department, Govt: of Khyber Pakhtunkhwa. Their seniority will be fixed in light of provisions of Civil Servant Act, 1973 and rules made there-under. Planning & Development Department will take further necessary action in consultation with Establishment Department to materialize the above decision on priority basis.

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ANNEX-10

THE CENTRALLY ADMINISTERED TRIBAL AREAS
(EMPLOYEES' STATUS) ORDER, 1972.

PRESIDENT'S ORDER NO. 13 OF 1972

[10th April, 1972]

WHEREAS clause (2) of Article 5 of the Province of West Pakistan (Dissolution) Order, 1970 hereinafter referred to as the said Order provides that the Centrally Administered Tribal Areas shall be administered by the President acting, to such extent, as he thinks fit, through such officers as he may appoint, and that the President may, in that behalf, give such directions as he deems fit;

Now, Therefore in pursuance of the Proclamation of the 25th day of March, 1969, read with the Proclamation of the 20th day of December, 1971, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order :-

Short title and commencement.

1.--(1) This Order may be called the Centrally Administered Tribal Areas (Employees' Status) Order, 1972.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of July, 1970 hereinafter referred to as the appointed day.

Definitions.

2. In this Order, unless there is anything repugnant to the subject or context,--

(a) "[Federally Administered Tribal Areas] shall have the same meaning as in the said Order";

(b) "employees" means employees serving in connection with the affairs of the [Federally Administered Tribal Areas] within or outside those areas including members of the Civil Service of the North West Frontier Province and all other Government servants not belonging to any [Federal] or Provincial Service; and

(c) "Provincial Government" means the Government of the North-West Frontier Province.

Status of the employees of the Federally Administered Tribal Areas.

3. Notwithstanding anything contained in their condition of service, the employees shall, as from the appointed day, be the employees of the Provincial Government on deputation to the [Federal Government] and shall work under the overall administrative control of the Provincial Government, on the same terms and conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or tenure of office as were applicable to them immediately before that day:

Provided that the employees shall not be entitled to deputation allowance for their service after the appointed day.

ZULFIKAR ALI BHUTTO, H. Pk.
President and Chief Martial Law Administrator.

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Centrally Administered Tribal Areas"

² Subs. *ibid* for "Central."

³ Subs. *ibid*, for "Central Government."

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MINUTES OF THE MEETING

Subject:- CREATION OF POSTS OF DISTRICT OFFICER (F&P) AND OTHERS IN TRIBAL DISTRICTS

Consequent upon merger of FATA with the Province of Khyber Pakhtunkhwa by virtue of 25th Amendment in the Constitution of Islamic Republic of Pakistan, Establishment Department approached Finance Department to create following posts in Tribal Districts on the analogy of Settled Areas, for smooth function of official business:-

- i) Additional Deputy Commissioner (BS-18) (7-Nos.)
- ii) District Officer (Finance & Planning) (BS-18) (7-Nos.)
- iii) Finance Officers (BS-17) (7-Nos.)
- iv) Secretary District Public Safety Commission (BS-17) (7-Nos.)
- v) Assistant Commissioners and Additional Assistant Commissioners for all Tribal Districts as per requirements of District concerned.

2. In response Finance Department Merged Areas responded that instead of creation of new posts, the posts mentioned below will be re-designated as noted against each:-

SR. NO.	EXISTING DESIGNATION	BPS	PROPOSED DESIGNATION	BPS
1	Agency Planning Officer	18	Additional Deputy Commissioner	18
2	Assistant Agency Planning Officer	17	Secretary, Distt. Public Safety Commission	17
3	Agency Finance Officer	18	District Officer (F&P)	18
4	Assistant Agency Finance Officer	17	Finance Officer	17

3. The case was sent to Additional Chief Secretary, P&D Department for his comments. In response P&D Department informed that in pursuance of a decision of a meeting held on 15.11.2018, a summary was moved for inclusion of the following posts alongwith incumbents in the schedule of PPS cadre and Treasury Wing of Finance Department and later on accordingly notified, therefore, P&D did not agree with the proposal of Merged Areas Sectt and further proposed that new posts may be created (SNE):-

POSTS INCLUDED IN PPS CADRE

- i) Executive Officer F&P BS-16 2-Posts.
- ii) Agency Planning Officer BS-17 6-Posts

POSTS INCLUDED IN TREASURY WING FINANCE DEPTT.

- iii) Agency Finance Officer BS-17 4-Posts.
- iv) Assistant Agency Finance Officer BS-16 3-Posts.

4. On the direction of Chief Secretary, a meeting on the issue was called on 21.5.2019, under the chairmanship of Secretary Establishment. The following attended:-

1.	Syed Jama-ud-Din Shah, Secretary Establishment	Chairman
2.	Mr. Humayun, Secretary, Finance Merged Areas	
3.	Mr. Khalil-ur-Rehman, Section Officer (Reg.III) Estt	

4.	Mr. Waqar Ali, B&A Officer, BOR	
5.	Mr. Murtaza Ahmad, BO (PAC) Finance Deptt.	
6.	Mr. Ihsanullah, Section Officer, P&D Department.	
7.	Mr. Ishaq Ahmad Section Officer (E.I) E&A Deptt.	

5. Secretary Finance Merged Areas informed the participants that Merged Areas Sectt. has already worked on subject issue and held meetings with concerned stake holders. After detailed discussion, the following decisions in consultation with Finance Department, Merged Areas were taken unanimously -

1.	Deputy Commissioner BS-19	The post of Political Agent is in BS-18 in Tribal Districts and Merged Areas Sectt. will upgrade and re-designate the same in BS-19 as Deputy Commissioners in all Tribal Districts.
2.	Addl. DC BS-18	Merged Areas Secretariat will create 7-posts as Additional Deputy Commission in BS-18.
3.	DO (F&P)/ADC (F&P) BS-18	Merged Areas Secretariat will create 7-posts as Additional Deputy Commission (F&P) in BS-18.
4.	Finance Officer BS-17	The posts of Finance Officers (BS-17) already exists in Tribal Districts, therefore, there is no need for creation of new posts.
5.	Secretary, District Public Safety Commission (BS-17)	Since these posts are non-functional after promulgation of Police Act 2016 therefore Merged Areas Secretariat did not agree with creation of posts of Secretary, District Public Safety Commission (BS-17).
6.	Addl. ACs BS-17	The Board of Revenue will take up the case with Finance Deptt. for creation of posts of AACs as per their requirements.

6. Secretary Finance Merged Area requested Establishment Department to refer its proposal to Finance Department for creation of posts as mentioned in Para-5 above enabling MA Sectt. to proceed further into the case.

7. The meeting ended with vote of thanks from and to the Chair.

	No of Posts		2016-2017	2016-2017	2017-2018
	2016-17	2017-18	Budget Estimate	Revised Estimate	Budget Estimate
			Rs	Rs	Rs
ACCOUNTANT GENERAL PAKISTAN REVENUES, SUB-OFFICE, PESHAWAR.-Contd					
PR0369 AGENCY FINANCE CELL, CIVIL SECTT (FATA):					
019120 - A01			15,420,000	15,420,000	16,897,000
019120 - A011			5,804,000	5,804,000	5,804,000
019120 - A011-1	70	70	(2,564,000)	(2,564,000)	(2,564,000)
019120 - A011-2	(14)	(14)	(3,240,000)	(3,240,000)	(3,240,000)
019120 - A012	(56)	(56)	9,616,000	9,616,000	11,093,000
019120 - A012-1			(9,016,000)	(9,016,000)	(10,493,000)
019120 - A012-2			(600,000)	(600,000)	(600,000)
019120 - A03			2,115,000	2,115,000	2,395,000
019120 - A032			550,000	550,000	550,000
019120 - A033			455,000	455,000	455,000
019120 - A038			844,000	844,000	984,000
019120 - A039			266,000	266,000	406,000
019120 - A04			1,000	1,000	1,000
019120 - A041			1,000	1,000	1,000
019120 - A05			7,000	7,000	7,000
019120 - A052			7,000	7,000	7,000
019120 - A09			280,000	280,000	
019120 - A096			140,000	140,000	
019120 - A097			140,000	140,000	
019120 - A13			287,000	287,000	421,000
019120 - A130			7,000	7,000	7,000
019120 - A131			140,000	140,000	207,000
019120 - A132			140,000	140,000	207,000
Total- Agency Finance Cell, Civil Sectt. (FATA)			18,110,000	18,110,000	19,721,000
PR0370 SURPLUS STAFF (FATA - DC):					
019120 - A01			24,918,000	24,918,000	27,305,000
019120 - A011			11,264,000	11,264,000	12,264,000
019120 - A011-2	95	95	(11,264,000)	(11,264,000)	(12,264,000)
019120 - A012	(95)	(95)	13,654,000	13,654,000	15,041,000
019120 - A012-1			(13,654,000)	(13,654,000)	(15,041,000)
019120 - A04			1,000	1,000	1,000
019120 - A041			1,000	1,000	1,000
Total- Surplus Staff (FATA - DC)			24,919,000	24,919,000	27,306,000

	No of Posts		2016-2017	2016-2017	2017-2018
	2016-17	2017-18	Budget Estimate	Revised Estimate	Budget Estimate
			Rs	Rs	Rs
ACCOUNTANT GENERAL PAKISTAN REVENUES, SUB-OFFICE, PESHAWAR.-Contd					
019120 - A032			57,000	57,000	57,000
019120 - A033			160,000	160,000	192,000
019120 - A038			290,000	290,000	290,000
019120 - A039			72,000	72,000	72,000
019120 - A04			1,000	1,000	1,000
019120 - A041			1,000	1,000	1,000
019120 - A05			1,000	1,000	1,000
019120 - A052			1,000	1,000	1,000
019120 - A09			1,000	1,000	1,000
019120 - A096			57,000	57,000	57,000
019120 - A13			47,000	47,000	47,000
019120 - A130			10,000	10,000	10,000
019120 - A131					
Total- Food Cell FATA			9,946,000	9,946,000	10,870,000
PR0489 ADDITIONAL CHIEF SECRETARY (FATA (AND OTHER ALLOWANCES TO THE TRIBES):					
019120 - A01			1,450,000	1,450,000	1,450,000
019120 - A012			1,450,000	1,450,000	1,450,000
019120 - A012-2			(1,450,000)	(1,450,000)	(1,450,000)
Total- Additional Chief Secretary(FATA (and Other Allowances to the Tribes)			1,450,000	1,450,000	1,450,000
PR0490 AGENCY PLANNING CELLS FATA:					
019120 - A01			33,335,000	33,335,000	36,528,000
019120 - A011			15,877,000	15,877,000	17,877,000
019120 - A011-1	238	238	(6,472,000)	(6,472,000)	(7,472,000)
019120 - A011-2	(21)	(21)	(9,405,000)	(9,405,000)	(10,405,000)
019120 - A012	(217)	(217)	17,458,000	17,458,000	18,651,000
019120 - A012-1			(16,908,000)	(16,908,000)	(18,101,000)
019120 - A012-2			(550,000)	(550,000)	(550,000)
019120 - A012-2			1,733,000	1,733,000	1,814,000
019120 - A03			420,000	420,000	420,000
019120 - A032			406,000	406,000	406,000
019120 - A033			550,000	550,000	658,000
019120 - A038			357,000	357,000	330,000
019120 - A039			1,000	1,000	1,000
019120 - A04			1,000	1,000	1,000
019120 - A041			1,000	1,000	1,000
019120 - A05			1,000	1,000	1,000
019120 - A052			280,000	280,000	100,000
019120 - A09					

Finance
Office

A
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No.F.3(33)-FATA/2002
GOVERNMENT OF PAKISTAN
KASHMIR AFFAIRS AND NORTHERN AREAS AND
STATES AND FRONTIER REGIONS DIVISION

Islamabad the 27th September, 2003.

The Accountant, General,
Pakistan Revenue (Sub Office),
Peshawar.

CREATION OF 70 POSTS FOR AGENCY FINANCE CELLS IN
FATA UNDER THE GOVERNOR'S SECRETARIAT FOR THE
YEAR 2003-04.

I am directed to convey the sanction of the President to the creation of 70 posts in the Agency Finance Cells in FATA (Governor's Secretariat), with immediate effect subject to the condition that the expenditure involved will be met out from within the sanctioned Budget Grant during 2003-2004.

No.	Name of the Post	RPS	No of posts
1	Agency Finance Officer	18	7
2	Assistant Agency Finance Officers	17	7
3	Computer Operators	11	7
4	Senior Clerk	7	7
5	Junior Clerk	5	14
6	Naib Qasids	1	14
7	Chowkidars	1	7
8	Sweeper	1	7
TOTAL			70

The expenditure will be debitable to the Head 00000-General Administration-01000-Organs of States-01403-States & Frontier Regions, Kashmir Affairs and Administration of FATA and other Special Area under Demand No.83-Other expenditure of Kashmir Affairs & Northern Areas and States and Frontier Regions Division for the year 2003-04.

This issued with the concurrence of the Finance Division (F.A's Organization), Islamabad vide their U.O D.No.738-DFA/F&S-2003, dated 10-9-2003

Yours faithfully,

(S. MAZHAR HUSSAIN SHAH)
Section Officer

P.T.O.

Planning
Officer
19

NO.F.3(33)-FATA//2002
GOVERNMENT OF PAKISTAN
KASHMIR AFFAIRS AND NORTHERN AREAS AND
STATES AND FRONTIER REGIONS DIVISION

Islamabad the 27th September 2003

To

The Accountant General
Pakistan Revenue (Sub Officer)
Peshawar

Subject: **CREATION OF 238 POSTS FOR AGENCY PLANNING CELL
IN FATA(GOVERNOR'S SECRETARIAT) DURING 2003-04**

Dear Sir,

I am directed to convey the sanction of the President to the creation of 238 posts for the Agency planning Cells in FATA (Governor's Secretariat), with immediate effect subject to the condition that the expenditure involved will be met out from within the sanctioned Budget Grant during 2003-2004.

S.No.	Name of the post	BPS	No. of posts per Agency	Total No of posts in 7 agencies
1	Agency Planning Officer	18	1	7
2	Assistant Planning Officer	17	2	14
3	Head Draftsman	13	1	7
4	Sub Engineer	11/16	6	42
5	Assistants	11	2	14
6	Com Operator	11	1	7
7	Draftsman	11/10	2	14
8	Surveyor	9	4	28
9	Junior Clerk	5	2	14
10	Tracer	5	3	21
11	Driver	4	3	21
12	Survey Helper	1	4	28
13	Naib Qasid	1	3	21
	Total		34	238

2- The expenditure will be debit able to the Head 00000-General Administration-01000-Orangs of States-01403-States & Frontier Regions. Kashmir Affairs and Administration of FATA and other Special Area under Demand No. 83-Other Expenditure of Kashmir Affairs & Northern Areas and States and Frontier Regions Division for the year 2003-2004.

3- This issues with the concurrence of the Finance Division (F.A's) Organization Islamabad vide their U.O.D. No. 738-DFA/F&S 2003, dated 10-09-2003.

Yours Faithfully,

(S. MAZHAR HUSSAIN SHAH)
Section Officer

P.T.O

No. D.738-DFA/K&S/2003
Government of Pakistan
Finance Division
(F.A's Organization)

Islamabad the 27th September 2003

Forward to the AGPR Sub Officer Peshawar

NAZIR AHMAD KHAN
Deputy Finance Advisor K&S

Copy forwarded to:

- 4- The Secretary to Governor, Governor's Secretariat (FATA) Peshawar
- 5- D.F.A (K&S), Islamabad.
- 6- S.O. (Budget). KANA & SAFRON Division, Islamabad.

(S. MAZHAR HUSSAIN SHAH)

Section Officer

No.F.3(33)-FATA/2002
 GOVERNMENT OF PAKISTAN
 KASHMIR AFFAIRS AND NORTHERN AREAS AND
 STATES AND FRONTIER REGIONS DIVISION

13
 from copy

Isk dated the 27th September, 2003

The Accountant, General,
 Pakistan Revenue (Sub Office),
 Peshawar.

Planning cell

Subject: CREATION OF 238 POSTS FOR AGENCY PLANNING CELL IN
 FATA (GOVERNOR'S SECRETARIAT) DURING 2003-04.

Dear Sir,

I am directed to convey the sanction of the President to the creation of 238 posts for the Agency Planning Cells in FATA (Governor's Secretariat) with immediate effect subject to the condition that the expenditure involved be met out from within the sanctioned Budget Grant during 2003-2004:-

S.No	Name of the Post	BPS	No. of posts per Agency	Total No. of Posts in 7 Agencies
1	Agency Planning Officer	18	1	7
2	Assistant Planning Officers	17	2	14
3	Head Draftsman	13	1	7
4	Sub-Engineer	11/16	6	42
5	Assistants/	11	2	14
6	Com. Operator	11	1	7
7	Draftsman	11/10	2	14
8	Surveyor	9	4	28
9	Junior Clerk	5	2	14
10	Tracer	5	3	21
11	Driver	4	3	21
12	Survey Helper	4	3	21
13	Naib Qasid	1	3	21
TOTAL			34	238

ISMAZARH SAH SAH
Section Chief

No. 38-DE-IRK(S) 2003

Government of Pakistan
Finance Division
U.S. Organization

Island
Secretary

ISMAZARH SAH SAH
Deputy Finance Advisor

Forwarded to the ACPR, Sub Office Peshawar

(Copy forwarded to:
1. The Secretary to Governor, Government of Punjab
2. D.F.A(R&S), Islamabad
3. S.O. (Budget), NANA & SAHROON Division, Islamabad

ISMAZARH SAH SAH
Section Chief

This issues with the concurrence of the Finance Division
(Organization, Islamabad vide their L.O No. 18-11/VA/S/2003 dated 11/11/03)

Expenditure of Pakistan, Affairs of Northern Areas and Frontier
Division for the year 2003-04.

FATA SECRETARIAT
Planning and Development Department
Warsak Road Peshawar

No:Secy/P&D/FS/General/ /2017-18

Dated: 15.3.2018

To

The Additional Chief Secretary,
Govt of Khyber Pakhtunkhwa,
P&D Department,
Civil Secretariat, Peshawar.

SUBJECT: INCLUSION OF POSTS OF FATA P&D IN PLANNING CADRE, KHYBER PAKHTUNKHWA

Sir,

I am directed to refer to the subject noted above and to inform that the FATA Secretariat was created in 2002. The FATA Cell in P&D Department, KP was transferred to FATA Secretariat with staff. The Federal Government initially sanctioned 41 different posts under regular budget side for dealing with agenda of FATA development budget. The responsibility of appointment, transfer, posting, seniority, etc against these posts were with P&DD, KP. At present, a total of 379 posts have been created/sanctioned by the Federal Government for P&D and are included in the pink book 2017-18 of GoP (Annex-I), as summarized below:

1. P&D Department (FATA Section)	= 40
2. P&D Department (Monitoring & Coordination)	= 21
3. Bureau of Statistics (P&D FATA)	= 10
4. Agency Planning Cells	= 238
5. Agency Finance Cells	= 70

Planning Cadre has been constituted/notified by the P&D Department, Khyber Pakhtunkhwa on 5.4.2017 and it is informed that the Planning Cells/Units of other Departments/Organizations will be united and merged under the overall strength of Planning Cadre, Khyber Pakhtunkhwa. However, no coordination in this respect has been made so far with FATA Secretariat.

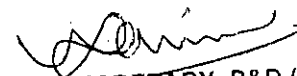
As you are well aware that the FATA posts are filled by the KP Public Service Commission and there is 20% quota for FATA in all posts (Zone-1). The officers of Khyber Pakhtunkhwa get posted on deputation to FATA under Presidential Order 13 of 1972. All cadres are hence maintained in Khyber Pakhtunkhwa, and all posts in FATA should be included in the schedule of posts of KP Cadres, like Planning Cadre in this instance.

It is also important to add that merging of FATA Secretariat with KP is under active consideration of both the Federal and Provincial KP Governments. Therefore, inclusion of posts of P&D Department, FATA Secretariat in the Planning Cadre of P&D Department, Khyber Pakhtunkhwa is a natural course.

It is therefore, requested that the posts of P&D Department, FATA Secretariat mentioned above may be considered for inclusion in the KP Planning Cadre. We hence request, for convening a meeting in order to discuss the above issue, please.

Copy to:

1. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. PS to Additional Chief Secretary (FATA)
3. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.
4. PS to Secretary, P&D Department, FATA Secretariat.
5. PS to Secretary, AI&C Department, FATA Secretariat
6. PS to Secretary, Finance Department, FATA Secretariat
7. PS to Secretary, Law Department, Khyber Pakhtunkhwa.

D/C 
DEPUTY SECRETARY, P&D (FATA)

D/C 
DEPUTY SECRETARY, P&D (FATA)

15

O121C82 (061)
REVENUE & ESTATE

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2021-2022	2022-2023	2021-2022	2021-2022	2022-2023
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
016004 Additional Deputy Commissioner (Finance Cell) Orakzai.					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>2,090,600</u>	<u>3,183,381</u>	<u>7,000,000</u>
A011 TOTAL PAY	14	14	<u>1,250,000</u>	<u>1,299,680</u>	<u>4,743,000</u>
A011-1 TOTAL PAY OF OFFICERS	2	2	<u>350,000</u>	<u>520,220</u>	<u>3,040,000</u>
A01101 Total Basic Pay Of Officer	2	2	<u>350,000</u>	<u>520,220</u>	<u>3,040,000</u>
A719 Addl. Deputy Commissioner (BPS-18) (F&P)	1	1	50,000		940,000
A513 Assistant Director (IT) (BPS-17)	2	2	100,000		800,000
F156 Finance Officer (BPS-17)	1	1	50,000		400,000
C082 Computer Operator (BPS-16)	3	3	150,000		900,000
A011-2 TOTAL PAY OF OTHER STAFF	2	2	<u>900,000</u>	<u>779,460</u>	<u>1,703,000</u>
A01151 Total Basic Pay Other Staff	2	2	<u>900,000</u>	<u>776,820</u>	<u>1,700,000</u>
S035 Senior Clerk (BPS-14)	1	1	200,000		300,000
J013 Junior Clerk (BPS-11)	2	2	300,000		600,000
C057 Chowkidar (BPS-03)	1	1	100,000		200,000
N005 Naib Qasid (BPS-03)	2	2	200,000		400,000
S162 Sweeper (BPS-03)	1	1	100,000		200,000
A01152 Personal pay				2,640	3,000
A012 TOTAL ALLOWANCES			<u>840,600</u>	<u>1,883,701</u>	<u>2,257,000</u>
A012-1 TOTAL REGULAR ALLOWANCES			<u>770,400</u>	<u>1,714,288</u>	<u>1,906,200</u>
A01202 House Rent Allowance			50,000	68,129	75,000
A01203 Conveyance Allowance			60,000	55,692	60,000
A0120D Integrated Allowance			100		100
A01217 Medical Allowance			40,000	53,433	60,000
A0121T Adhoc Relief Allowance 2013			30,000	24,372	35,000
A01226 Computer Allowance			100		54,000

Orakzai
Muhib Ullah Orakzai, D.I.H.

0121C82 (061)
REVENUE & ESTATE

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015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2021-2022	2022-2023	2021-2022	2021-2022	2022-2023
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
016004 Additional Deputy Commissioner (Finance Cell) Orakzai.					
A01229 Special compensatory allowance			100		
A0122C Adhoc Relief Allowance - 2015			20,000	14,589	25,000
A0122M Adhoc Relief Allowance 2016			60,000	89,493	10,000
A0122Y Ad-hoc Relief Allowance 2017			100,000	129,973	15,000
A01233 Unattractive Area Allowance			<u>40,000</u>	<u>72,000</u>	<u>75,000</u>
001 Unattractive area allowance			40,000	72,000	75,000
A01239 Special allowance			<u>50,000</u>	<u>49,000</u>	<u>60,000</u>
001 Special Allowance				49,000	60,000
A0123E Executive Allowance to PCS and PMS Officers (KP)			50,000	780,330	900,000
A0123G Ad-hoc Relief Allowance-2018			90,000	129,973	10,000
A0123P Ad-hoc Relief Allowance 2019			90,000	77,951	15,000
A0124F Adhoc Relief Allowance-2021			90,000	129,973	10,000
A0124G IT Professional Allowance			100		100
A0124L Weather Allowance					2,700
A0124N Disparity Reduction Allowance 2022- 15%				39,380	250,000
A0124R Adhoc Relief Allowance 2022					250,000
A012-2 TOTAL OTHER ALLOWANCES(EXCLUDING TA)			<u>70,200</u>	<u>169,413</u>	<u>350,100</u>
A01273 Honoraria			<u>70,000</u>	<u>124,070</u>	<u>200,000</u>
001 Honraria			70,000	124,070	200,000
A01274 Medical Charges			<u>100</u>	<u>45,343</u>	<u>150,000</u>
001 Medical Charges			100	45,343	150,000
A01278 Leave Salary			<u>100</u>		<u>100</u>
001 Leave Salary			100		100
A03 TOTAL OPERATING EXPENSES			<u>520,100</u>	<u>296,510</u>	<u>720,000</u>
A032 TOTAL COMMUNICATIONS			<u>30,000</u>		<u>40,000</u>
A03201 Postage and Telegraph			5,000		10,000
A03202 Telephone and Trunk Call			<u>25,000</u>		<u>30,000</u>
001 Telephone and Trunk Call			25,000		30,000
A033 TOTAL UTILITIES			<u>150,000</u>		<u>50,000</u>

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O121C82 (061)
REVENUE & ESTATE

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2021-2022	2022-2023	2021-2022	2021-2022	2022-2023
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
O16004 Additional Deputy Commissioner (Finance Cell) Orakzai.					
A03303 Electricity			<u>50,000</u>		<u>50,000</u>
001 Electricity			50,000		50,000
A03304 Hot and Cold Weather Charges			<u>100,000</u>		
001 Firewood			100,000		
A038 TOTAL TRAVEL & TRANSPORTATION			<u>250,100</u>	<u>221,510</u>	<u>500,000</u>
A03805 Travelling Allowance			<u>250,000</u>	<u>221,510</u>	<u>350,000</u>
001 Travelling Allowance			250,000	221,510	350,000
A03807 P.O.L Charges A.planes H.coptors S.Cars M/Cycle			<u>100</u>		<u>150,000</u>
001 POL Charges A.planes H.coptors S.cars for Generator			100		150,000
A039 TOTAL GENERAL			<u>90,000</u>	<u>75,000</u>	<u>130,000</u>
A03901 Stationery			<u>40,000</u>	<u>40,000</u>	<u>60,000</u>
001 Stationery Charges			40,000	40,000	60,000
A03902 Printing and Publication			<u>10,000</u>		<u>15,000</u>
001 Printing and publication			10,000		15,000
A03905 Newspapers Periodicals and Books			<u>5,000</u>		<u>5,000</u>
A03970 Others			<u>35,000</u>	<u>35,000</u>	<u>50,000</u>
001 Others			35,000	35,000	50,000
A09 TOTAL PHYSICAL ASSETS			<u>150,000</u>	<u>82,169</u>	<u>200,000</u>
A096 TOTAL PURCHASE OF PLANT & MACHINERY			<u>150,000</u>	<u>82,169</u>	<u>200,000</u>
A09601 Plant and Machinery			<u>150,000</u>	<u>82,169</u>	<u>200,000</u>
001 Plant and Machinery			150,000	82,169	200,000
A13 TOTAL REPAIRS AND MAINTENANCE			<u>120,000</u>	<u>14,500</u>	<u>140,000</u>
A130 TOTAL TRANSPORT			<u>30,000</u>	<u>14,500</u>	<u>50,000</u>
A13001 Transport			<u>30,000</u>	<u>14,500</u>	<u>50,000</u>
001 Transport			30,000	14,500	50,000

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KH21C82 (061)
REVENUE & ESTATE

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2019-2020	2020-2021	2019-2020	2019-2020	2020-2021
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
KH6004 District Officer (Finance & Planning) Khyber					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>8,807,000</u>	<u>15,401,000</u>	<u>16,866,000</u>
A011 TOTAL PAY	14	14	<u>6,477,000</u>	<u>6,477,000</u>	<u>12,566,000</u>
A011-1 TOTAL PAY OF OFFICERS	7	7	<u>4,507,000</u>	<u>4,507,000</u>	<u>8,596,000</u>
A01101 Total Basic Pay Of Officer	7	7	<u>4,507,000</u>	<u>4,507,000</u>	<u>8,596,000</u>
A719 Addl: Deputy Commissioner (BPS-18) (F&P)	1	1	1,149,000		1,149,000
A513 Assistant Director (IT) (BPS-17)		2			657,000
C153 Computer Programmer (BPS-17)	1		657,000		
F186 Finance Officer (BPS-17)	1	1	657,000		657,000
A369 Assistant Programmer (BPS-16)	1		511,000		
C082 Computer Operator (BPS-16)	3	3	1,533,000		1,533,000
A011-2 TOTAL PAY OF OTHER STAFF	7	7	<u>1,970,000</u>	<u>1,970,000</u>	<u>3,970,000</u>
A01151 Total Basic Pay Other Staff	7	7	<u>1,970,000</u>	<u>1,970,000</u>	<u>3,970,000</u>
S035 Senior Clerk (BPS-14)	1	1	512,000		512,000
J013 Junior Clerk (BPS-11)	2	2	701,000		701,000
C057 Chowkidar (BPS-03)	1	1	244,000		244,000
N005 Naib Qasid (BPS-03)	2	2	342,000		342,000
S162 Sweeper (BPS-03)	1	1	171,000		171,000
A012 TOTAL ALLOWANCES			<u>2,330,000</u>	<u>8,924,000</u>	<u>4,300,000</u>
A012-1 TOTAL REGULAR ALLOWANCES			<u>2,279,000</u>	<u>2,674,000</u>	<u>2,900,000</u>
A01202 House Rent Allowance			321,000	322,000	330,000
A01203 Conveyance Allowance			321,000	321,000	330,000
A01217 Medical Allowance			224,000	224,000	300,000
A0121Z Adhoc Relief Allowance 2014			106,000	106,000	110,000
A0122C Adhoc Relief Allowance - 2015			73,000	73,000	100,000

Khyber Dist.

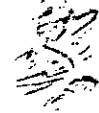
KM21C82 (061)
REVENUE & ESTATE

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015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2021-2022	2022-2023	2021-2022	2021-2022	2022-2023
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
KM6003 District Officer (Finance & Planning)					
Kurram ✓					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>7,505,900</u>	<u>4,623,950</u>	<u>10,091,150</u>
A011 TOTAL PAY	14	14	<u>6,980,000</u>	<u>1,825,330</u>	<u>8,071,900</u>
A011-1 TOTAL PAY OF OFFICERS	2	2	<u>4,730,000</u>	<u>1,127,650</u>	<u>5,450,920</u>
A01101 Total Basic Pay Of Officer	2	2	<u>4,730,000</u>	<u>1,116,770</u>	<u>5,439,500</u>
A719 Addl: Deputy Commissioner (F&P) (BPS-18)	1	1	980,000		1,127,000
A513 Assistant Director (FT) (BPS-17)	2	2	1,350,000		1,552,500
F186 Finance Officer (BPS-17)	1	1	720,000		828,000
C082 Computer Operator (BPS-16)	3	3	1,680,000		1,932,000
A01103 Special Pay				10,880	11,420
A011-2 TOTAL PAY OF OTHER STAFF	2	2	<u>2,250,000</u>	<u>697,680</u>	<u>2,620,980</u>
A01151 Total Basic Pay Other Staff	2	2	<u>2,250,000</u>	<u>665,790</u>	<u>2,587,500</u>
S035 Senior Clerk (BPS-14)	1	1	490,000		563,500
J013 Junior Clerk (BPS-09)	2	2	780,000		897,000
C057 Chowkidar (BPS-03)	1	1	290,000		333,500
N005 Naib Qasid (BPS-03)	2	2	450,000		517,500
S162 Sweeper (BPS-03)	1	1	240,000		276,000
A01152 Personal pay				31,890	33,480
A012 TOTAL ALLOWANCES			<u>525,900</u>	<u>2,798,620</u>	<u>2,019,250</u>
A012-1 TOTAL REGULAR ALLOWANCES			<u>425,900</u>	<u>2,698,620</u>	<u>1,914,250</u>
A01202 House Rent Allowance			37,950	292,450	307,070
A01203 Conveyance Allowance			23,500	75,960	79,760
A01207 Washing Allowance			1,200	15,040	15,790
A01208 Dress Allowance			1,800	15,990	16,790

TW21C82 (061)
REVENUE & ESTATE

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015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2021-2022	2022-2023	2021-2022	2021-2022	2022-2023
			Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE					
015 GENERAL SERVICES					
0152 PLANNING SERVICES					
015201 PLANNING					
TW6003 District Officer (Finance & Planning) South Waziristan					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>9,272,200</u>	<u>6,320,604</u>	<u>10,742,510</u>
A011 TOTAL PAY	14	14	<u>5,313,040</u>	<u>2,709,755</u>	<u>7,864,380</u>
A011-1 TOTAL PAY OF OFFICERS	2	2	<u>3,686,180</u>	<u>1,042,840</u>	<u>5,522,810</u>
A01101 Total Basic Pay Of Officer	2	2	<u>3,686,180</u>	<u>1,042,840</u>	<u>5,522,810</u>
A012 Additional Deputy Commissioner (BPS-18)		1			1,037,990
A719 Addl: Deputy Commissioner (F&P) (BPS-18)	1		779,050		
A513 Assistant Director (IT) (BPS-17)	2	2	1,188,320		1,652,840
F186 Finance Officer (BPS-17)	1	1	666,660		826,420
C082 Computer Operator (BPS-16)	3	3	1,052,150		2,005,560
A011-2 TOTAL PAY OF OTHER STAFF	2	2	<u>1,625,860</u>	<u>1,666,915</u>	<u>2,341,570</u>
A01151 Total Basic Pay Other Staff	2	2	<u>1,625,860</u>	<u>1,666,915</u>	<u>2,341,570</u>
S035 Senior Clerk (BPS-14)	1	1	275,910		524,450
J013 Junior Clerk (BPS-11)	2	2	600,390		825,990
C057 Chowkidar (BPS-03)	1	1	187,640		247,760
N005 Naib Qasid (BPS-03)	2	2	374,280		495,510
S162 Sweeper (BPS-03)	1	1	187,640		247,760
A01152 Personal pay			1,000	6,160	100
A012 TOTAL ALLOWANCES			<u>3,959,160</u>	<u>3,610,849</u>	<u>2,878,130</u>
A012-1 TOTAL REGULAR ALLOWANCES			<u>2,758,160</u>	<u>3,460,449</u>	<u>1,877,930</u>
A01202 House Rent Allowance			163,410	327,973	163,410
A01203 Conveyance Allowance			158,390	214,224	158,390
A01207 Washing Allowance				48,000	

South waziristan



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21/10/19

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO.SOE-II(ED)1-1/2019
Dated Peshawar the October 11, 2019

To

The Deputy Commissioner,
Tribal District Orakzai.

Subject: - CLARIFICATION OF POSTS.

Dear Sir,

11-10-19

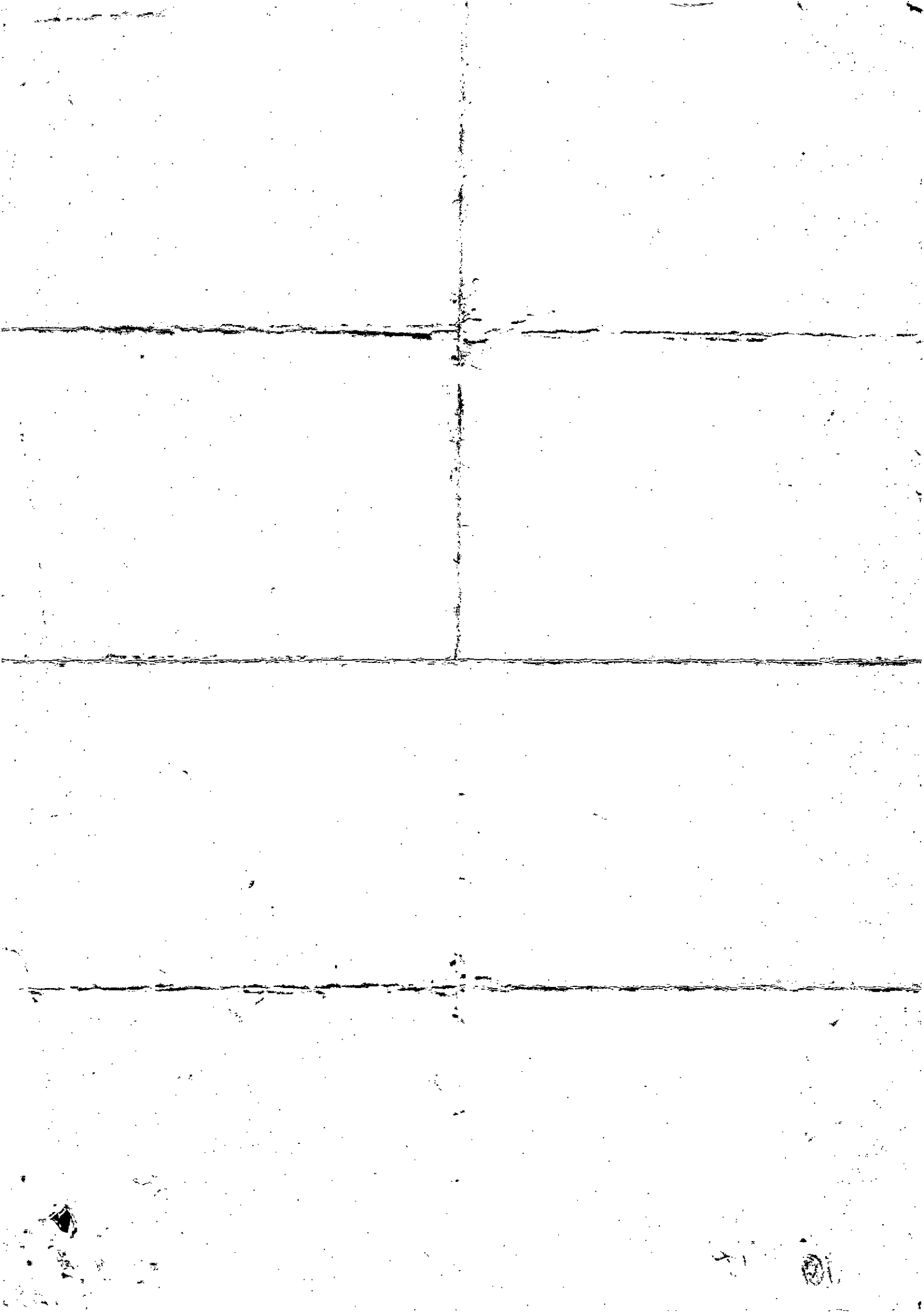
I am directed to refer to your letter No. 22/(FINANCE); dated: 03.10.2019
on the subject noted above and to inform that the post of Finance Officer, Tribal District
Orakzai is a scheduled post of PMS (BS-17).

Yours faithfully,

11/10/19

(BEENISH IQBAL)
SECTION OFFICER (E-II)
Ph. 091-9210551

o/c



22

**FATA SECRETARIAT,
(Admn & Coord Department)
WARSAK ROAD PESHAWAR**

ORDER:-

In continuation of office order No. FS/E/100-19 (officers) Vol-3/7688-98 dated:27/6/2011 and in compliance with the order of Peshawar High Court Peshawar dated 08-9-2011 in C.O.C. No. 38/2011 filed in writ Petition NO.917/2007 (D) , the services of the following officers are hereby regularized which shall be subject to the final decision in the C.P.L.A. All benefits received under the impugned judgment in C.P.L.A. including the order of regularization shall be recoverable from the person and assets of the petitioners, if the department succeeded in undoing the judgment of the Peshawar High Court in the C.P.L.A. :-

S.No	Name	Designation	BS
1.	Sher Afzal	Executive Officer F&P	18
2.	M. Masood Afridi	Agency Finance Officer	17
3.	Mohib-ur-Rehman	Agency Finance Officer	17
4.	Najeebullah	Agency Finance Officer	17
5.	Faridullah	Agency Planning Officer	17
6.	Muhammad Hamid	Agency Planning Officer	17
7.	Muhammad Rehman	Agency Planning Officer	17
8.	Miftahullah	Agency Planning Officer	17
9.	Faqir Muhammad	Agency Planning Officer	17
10.	Israr Ahmad Khan	Agency Planning Officer	17
11.	Ms. Sadia Asghar	Agency Finance Officer	17
12.	Hadi Hussain	Asstt: Agency Finance Officer	16
13.	Qaisar Munir	Asstt: Agency Finance Officer	16
14.	Anwar Ali	Asstt: Agency Finance Officer	16

ADDITIONAL CHIEF SECRETARY (

No. FS/E/100-19 (officers) Vol-4/ 480517

Dated: 27/9/2011.

Copy to:-

1. Secretary Finance Department, FATA Secretariat.
2. Secretary P&D Department, FATA Secretariat.
3. Additional Accountant General (PR) Sub Office Peshawar.
4. The Director, Irr: & Hyde Power, FATA Secretariat.
5. The Deputy Director (G.W.), FATA Secretariat.
- 6.. All Political Agents.
- 7.. All Executive Officers, Agency Finance & Planning Department.
- 8.. All Agency Finance Officers, Finance & Planning Department.
- 9.. Section Officer (B&A), FATA Secretariat.
10. Section Officer (Audit), FATA Secretariat.
- 11.. All Agency Accounts Officers.
12. P.S. to Chief Secretary Khyber Pakhtunkhwa.
13. Officers concerned

(Muhammad Abbas Khan)
Section Officer (Estab)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

No. SO(OP-II)/LD/5-2/2012-VOL-IV
DATED: PESH: THE 19TH APRIL, 2021

AB 75

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development, Department.

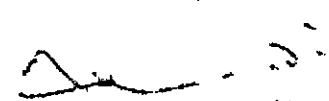
Attention: Section Officer (Estt)

Subject: REQUEST FOR REVISION OF REINSTATEMENT NOTIFICATION IN LIGHT OF THE JUDGMENT OF PESHAWAR HIGH COURT, PESHAWAR UPHOLD BY SUPREME COURT OF PAKISTAN.

Dear Sir,

I am directed to refer to your Department's letter No.SO(E)/P&D /PF/087/996/2020 dated 05.04.2021 and No.SO(E)/P&D/PF.087/996/2020 dated 08-03-2021. on the subject noted above and to state that that Law Department is of the view that the Supreme Court of Pakistan has declared the respondent to be entitled to regularization w.e.f. 23-07-2005 under Section 19 (2) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005. therefore, the Administrative Department may look into the matter accordingly.

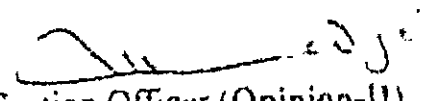
Yours Faithfully,


Section Officer (Opinion-II)

Endst: of even No. & date.

Copy forwarded to the:-

1. PS to Secretary, Law Department.
2. PA to Law Officer, Law Department.


Section Officer (Opinion-II)

ML



15/11/21
SP/1/21/21



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, May 26, 2021.

NOTIFICATION:

No. SO(E/P&D/PPF/087/996/2020: In continuation of Administration and Coordination Department, erstwhile FATA, Secretariat Orders No. FS/E/100-19(Officers)Vol-4/14805-17, dated 27.09.2011, and No. FS/E/100-19(Officers)Vol-3/7688-98, dated 27.06.2011 & No. FS/E/100-19(Officers)Vol-3/6439-49, dated 05.04.2012 and in pursuance of advice of Establishment Department vide letter No. SOR.III(E&AD)5-15/2014 dated 11.02.2021 as well as Law Department advice vide letter No. SO(OP-II)/LD/5-2/2012-Vol-IV/4595-97, dated 19.04.2021, the competent authority is pleased to revise/renotify the regularization of services of the following PPS Officers with effect from 23.07.2005:

- i. Mr. Sher Afzal (PPS BS-18), Senior Planning Officer, Social Welfare Department.
- ii. Mr. Ahmed Nawaz (PPS BS-18), Assistant Chief (Agr.), P&D Department.
- iii. Mr. Faridullah, Planning Officer, Peshawar.
- iv. Muhammad Hamid, Planning Officer, Social Welfare Department.
- v. Muhammad Rehman, Planning Officer, Hangu.
- vi. Mr. Miftahullah, Planning Officer, Tribal District, Bajaur.
- vii. Mr. Faqir Muhammad, Planning Officer, Tribal District Mohmand.
- viii. Mr. Israr Ahmad Khan, Planning Officer, Tank.

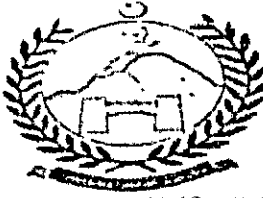
SECRETARY
PLANNING & DEVELOPMENT
DEPARTMENT

Endst. of even No. & Date.

Copy forwarded to the:

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Govt of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. All Districts Accounts Officer concerned.
5. PS to Additional Chief Secretary, P&D Department.
6. PS to Secretary, P&D Department.
7. PS to Special Secretary, P&D Department.
8. PAs to Additional Secretary-II/Chief Economist, P&D Department.
9. Officers concerned.

(SONA KHANI)
Section Officer (Estt)



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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Dated Pesh: the 04-05-2020.

Finance Department Civil Secretariat Peshawar

<http://www.finance.gov.pk>

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OFFICE ORDER

NO. SO (ESTT)FD/2-12/2020/T&A/ The competent authority has been pleased to order adjustment of the following officers of erstwhile FATA in the Khyber Pakhtunkhwa Treasuries & Accounts Establishment, on the posts noted against each:-

S#	Name & Designation	Nomenclature of post
1.	Mr. Muhammad Masood Afridi, Agency Finance Officer (BS-17)	Assistant Treasury Officer, (BS-17)
2.	Mr. Mohib-ur-Rehman, Agency Finance Officer (BS-17)	Assistant Treasury Officer, (BS-17)
3.	Mr. Najeebullah, Agency Finance Officer (BS-17)	Assistant Treasury Officer, (BS-17)
4.	M/s Sadia Asghar, Agency Finance Officer (BS-17)	Assistant Treasury Officer, (BS-17)
5.	Mr. Hadi Hussain, Assistant Agency Finance Officer (BS-16)	Sub-Accountant, (BS-16)
6.	Mr. Qaiser Munir, Assistant Agency Finance Officer (BS-16)	Sub-Accountant, (BS-16)
7.	Mr. Anwar Ali, Assistant Agency Finance Officer (BS-16)	Sub-Accountant, (BS-16)

2. Consequent upon their adjustment, the above employees will be placed at the bottom of the seniority list of the cadre.

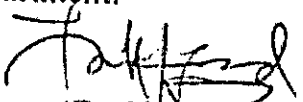
SECRETARY FINANCE

NO.SO (ESTT)FD/2-12/2020/T&A/

Dated: 04-05-2020.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Secretary, Planning & Development Department.
3. The Secretary, Establishment Department.
4. The Director Treasuries and Accounts Khyber Pakhtunkhwa.
5. PS to Secretary, Finance Department.
6. PS to Special Secretary, Finance Department.
7. PA to Additional Secretary (Admn:), Finance Department.
8. PA to Provincial Coordinator (PIAC), Finance Department.
9. Officers concerned.
10. Office Order file.


(Dr. Yaqoob Ahmad)
Section Officer (Estt:I)

04/05/2020





GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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Subject: INCLUSION OF AGENCY FINANCE OFFICERS/ASSISTANT AGENCY FINANCE OFFICERS IN THE PROVINCIAL TREASURY CADRE/WING OF FINANCE DEPARTMENT

A meeting on the subject was held on 26-02-2020 at 02.00 p.m. under the chairmanship of Special Secretary Finance Department in his office. List of participants is added at (Annex-I).

2. The Chair welcomed the participants and invited Provincial Coordinator (PIAC), Finance Department to brief the participants on the subject issue. Provincial Coordinator appraised the meeting that Establishment Department has forwarded a copy of approved summary regarding absorption/adjustment of following 07 officers of erstwhile FATA Finance Department along with their posts in the treasury establishment of Finance Department:-

1. Mr. Muhammad Masood Afridi, Agency Finance Officer (BS-17)
2. Mr. Mohib-ur-Rehman, Agency Finance Officer (BS-17)
3. Mr. Najeebullah, Agency Finance Officer (BS-17)
4. Ms. Sadia Asghar, Agency Finance Officer (BS-17)
5. Mr. Hadi Hussain Assistant Agency Finance Officer (BS-16)
6. Mr. Qaiser Munir Assistant Agency Finance Officer (BS-16)
7. Mr. Anwar Ali Assistant Agency Finance Officer (BS-16)

3. As the duties & functions of District Accounts/Treasury Offices are of technical nature and connected with pre-audit and accounting matters and only those employees are recruited/promoted who possess certain qualification as mentioned in the service rules. Therefore, another summary for Chief Minister, with the suggestion that these officers may be placed in the Surplus Pool to be created in the Finance Department Khyber Pakhtunkhwa for their onward posting in the tribal districts against the posts in the Finance and Planning sections with the Deputy Commissioners for their assistance in financial matters. However, the said summary was returned by the Chief Secretary with the remarks that not only the Chief Minister has approved the adjustment of these officers/officials in the Finance Department, the Additional Advocate General has also committed before the court to accommodate the petitioners in Finance Department. Besides, the meeting of the representative of Establishment, Finance and P&D Departments held on 01.01.2020 to find out a solution, also recommended their adjustment in the Finance Department. The Chief Secretary, directed that they can be trained for various positions by attaching them for minimum necessary period with the officers of the Finance Department.

4. Director Treasuries & Accounts informed the meeting that under the Khyber Pakhtunkhwa surplus employees absorption / induction policy, absorption of employees of other organization will be subject to fulfillment of prescribed qualification and other conditions applicable to the post. Moreover, surplus employees who possess prescribed qualification of the post shall be adjusted against

Handwritten notes on the left margin: 5/24, 482, No, SF, SF, POC, SI, SI, 151

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the said posts under the initial recruitment quota. He further informed that after inclusion of above mentioned 07 posts in the treasury cadre, 04 vacancies under initial recruitment quota against the posts of Assistant Treasury Officer (BS-17) and 03 vacancies under the initial recruitment quota against the posts of Sub-Accountant (BS-16) will be available for adjustment of these employees.

5. The Chair informed the participants that the competent authority has already approved induction of these employees in the Treasury Wing of Finance Department and similarly, Addl: Advocate General has also made commitments in the court regarding adjustment of these employees in Finance Department. Therefore, one time relaxation will be granted to these seven employees in case of any deficiency in qualifications / experience and other conditions.

6. The Special Secretary, Finance Department Merged Areas informed the forum that almost all the employees have acquired the prescribed qualification for the posts therefore, there will be no issue regarding their adjustment / absorption in the treasury cadre.

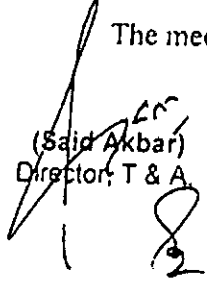
7. On a query from the Chair regarding creation/conversion of posts, the Additional Secretary (Budget), informed that all the existing posts will be abolished and new posts in the Treasury cadre will be created through summary in the concerned Cost Center / DDO code on need basis.

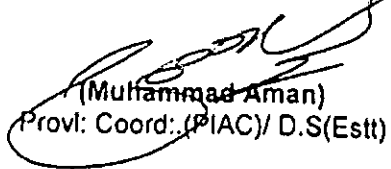
Decisions:

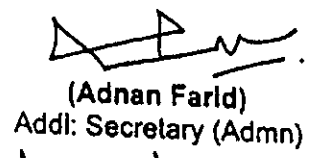
After threadbare discussion the following decisions were made:-

- i) The employees at S.NO. 01 to 04, mentioned at Para-2 above will be adjusted / absorbed against the posts of Assistant/Sub Treasury Officer (BS-17) in the Treasury wing/cadre of Finance Department.
- ii) The employees at S.NO. 05 to 07 mentioned at Para 2 above will be adjusted/absorbed against the posts of Sub-Accountant (BS-16) in the Treasury wing/cadre of Finance Department.
- iii) One time relaxation will be granted to these seven employees in case of any deficiency in qualifications / experience and other conditions.
- iv) All the above mentioned employees recommended for induction/absorption are required to submit options before induction/absorption against the posts in treasury cadre.
- v) The Section Officer (Establishment) in consultation with Director Treasuries will move a summary for creation of the said 07 posts in the concerned Cost Center/DDO Code.

The meeting was ended with a vote of thanks from and to the Chair.

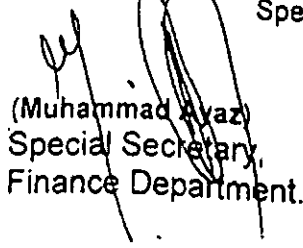

(Sajid Akbar)
Director, T & A


(Muhammad Aman)
Prov: Coord.: (PIAC)/ D.S(Estt)


(Adnan Farid)
Addl: Secretary (Admn)


(Muhammad Siddique)
Addl: Secretary (Budget)


(Shah Mahmood Khan)
Special Secretary Finance,
Merged Areas


(Muhammad Ayaz)
Special Secretary,
Finance Department.

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Subject: REPORT FOR DUTY UNDER PROTEST.

In pursuance of Government of Khyber Pakhtunkhwa Finance Department Office Order No. SO(Estt)FD/2-12/2020/TAs/ dated 04.05.2020, I Muhammad Masood Afridi hereby submit my report for duty today 11.05.2020 (F.N) under protest as the subject matter is subjudice before Peshawar High Court Peshawar in CoC in W.P # 3722-P/2016 and W.P # 2064-P/2019. Furthermore, inter-se seniority shall be considered from the date of my initial appointment in the government service i.e from 01.12.2004.

Muhammad Masood Afridi

Dated: 11.05.2020

Copy to:

1. Secretary Finance Department Government of Khyber Pakhtunkhwa
2. Accountant General Khyber Pakhtunkhwa
3. Secretary Establishment Department Government of Khyber Pakhtunkhwa
4. Secretary P & D Department Government of Khyber Pakhtunkhwa
5. Director Treasurer & Accounts Khyber Pakhtunkhwa
6. PA to Additional Secretary (Admn) Finance Department Government of Khyber Pakhtunkhwa
7. PA to Provincial Coordinator (PIAC), Finance Department Government of Khyber Pakhtunkhwa

Muhammad Masood Afridi

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11/05/2020
Khyber
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EXTRAORDINARY
GOVERNMENT



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29
REGISTERED NO. P.III

GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, SATURDAY, 23RD JULY, 2005.

PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTHWEST FRONTIER PROVINCE

NOTIFICATION

Dated 23rd July, 2005.

No. PA/NWFP/Legis-I/2005/20440.—The North-West Frontier Province Civil Servants (Amendment) Bill, 2005 having been passed by the Provincial Assembly of North-West Frontier Province on the 5th July, 2005 and assented to by the Governor of the North-West Frontier Province on 12th July, 2005 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS (AMENDMENT) ACT, 2005.

(N.-W.F.P. ACT NO. IX OF 2005)

[First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary), dated the 23rd July, 2005]

AN
ACT

*further to amend the North-West Frontier Province
Civil Servants Act, 1973.*

Preamble.—WHEREAS it is expedient further to amend the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973), for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the North-West Frontier Province Civil Servants (Amendment) Act, 2005.

(2) It shall come into force at once.

203 N.W.F.RNM

Amendment n 19
Province Civil Servants Act, 1973 (1973) substituted, namely:

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EXTRAORDINARY, 23rd JULY, 2005.

No. XVIII of 1973.—In the North-West Frontier Province (No. XVIII of 1973), for section 19, the following shall be

19. In and to the retirement from service, a civil servant appointed on regular basis in prescribed manner before the commencement of the North-West Frontier Province Civil Servants (Amendment) Act, 2005 (hereinafter referred to as the said Act), shall be entitled to receive such pension or gratuity as are admissible to him under the West Pakistan Civil Service Pension Rules:

Provided that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as admissible under the said rules.

(2) A person though selected for appointment in the prescribed manner to a service or post on or after 1st day of July, 2001, till the commencement of the said Act, but appointed on contract basis, with effect from the commencement of the said Act, be deemed to have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servants, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension or gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund, along with the contributions made by Government to his account in the said Fund, in the prescribed manner:

Provided that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant.

(3) Pension to a civil servant, who is otherwise entitled to it, shall be admissible to him, if he is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such civil servants, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal:

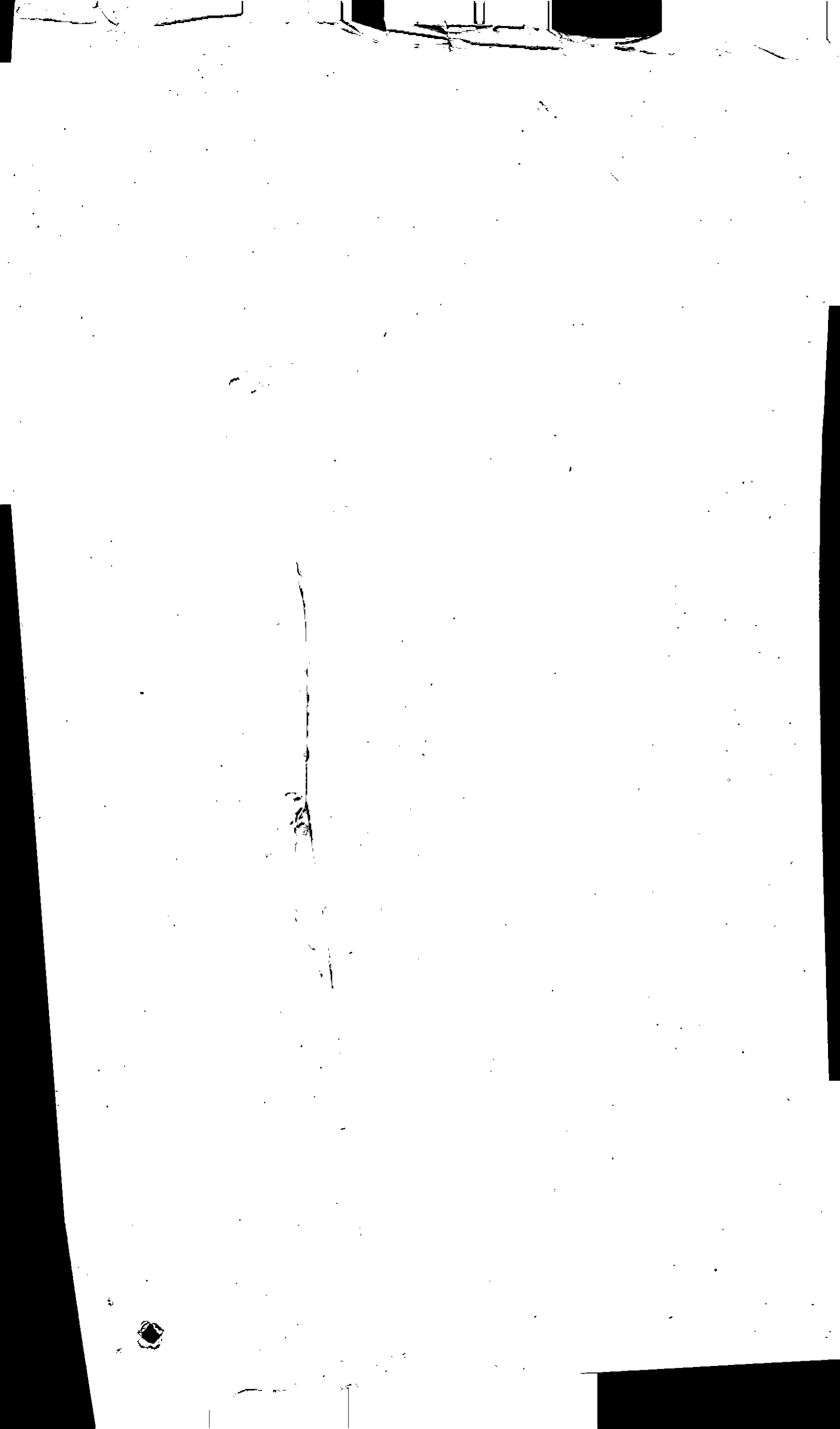
Provided that a civil servant referred to in sub-section (2), in case of such dismissal or removal, may, in addition to his own contributions to the Contributory Provident Fund, be allowed, on account of such compassionate allowance, a sum not exceeding two-third of Government contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualified for pension or gratuity and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family."

BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

NAZIR AHMAD

Secretary,
Provincial Assembly of N.-W.F.P.





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1227/2020

Date of Institution ... 21.09.2020

Date of Decision ... 14.01.2022

Hanif Ur Rehman, Assistant (BPS-16), Directorate of Prosecution Khyber Pakhtunkhwa. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through its Chief Secretary at Civil Secretariat Peshawar and others. ... (Respondents)

Syed Yahya Zahid Gillani, Taimur Halder Khan & Ali Gohar Durrani, Advocates

... For Appellants

Muhammad Adeel Butt, Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQ-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

This single judgment

shall dispose of the instant service appeal as well as the following connected service appeals, as common question of law and facts are involved therein:-

1. 1228/2020 titled Zubair Shah
2. 1229/2020 titled Farooq Khan
3. 1230/2020 titled Muhammad Amjid Ayaz
4. 1231/2020 titled Qaiser Khan
5. 1232/2020 titled Ashiq Hussain
6. 1233/2020 titled Shoukat Khan
7. 1244/2020 titled Haseeb Zeb

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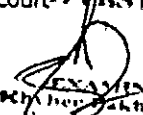
Atiq-ur-Rehman Wazir
Chairman
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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- 8. 1245/2020 titled Muhammad Zahir Shah
- 9. 11125/2020 titled Zahid Khan
- 10. 11126/2020 titled Touseef Iqbal

02. Brief facts of the case are that the appellant was initially appointed as Assistant (BPS-11) on contract basis in Ex-FATA Secretariat vide order dated 01-12-2004. His services were regularized by the order of Peshawar High Court vide judgment dated 07-11-2013 with effect from 01-07-2008 in compliance with cabinet decision dated 29-08-2008. Regularization of the appellant was delayed by the respondents for quite longer and in the meanwhile, in the wake of merger of Ex-FATA with the Province, the appellant alongwith others were declared surplus vide order dated 25-06-2019. Feeling aggrieved, the appellant alongwith others filed writ petition No 3704-P/2019 in Peshawar High Court, but in the meanwhile the appellant alongwith others were adjusted in various directorates, hence the High Court vide judgment dated 05-12-2019 declared the petition as infructuous, which was challenged by the appellants in the supreme court of Pakistan and the supreme court remanded their case to this Tribunal vide order dated 04-08-2020 in CP No. 881/2020. Prayers of the appellants are that the impugned order dated 25-06-2019 may be set aside and the appellants may be retained/adjusted against the secretariat cadre borne at the strength of Establishment & Administration Department of Civil Secretariat. Similarly seniority/promotion may also be given to the appellants since the inception of their employment in the government department with back benefits as per judgment titled Tikka Khan & others Vs Syed Muzafar Hussain Shah & others (2018 SCMR 332) as well as in the light of judgment of larger bench of high court in Writ Petition No. 696/2010 dated 07-11-2013.

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ATTESTED

EXAMINER
Peshawar


03. Learned counsel for the appellants has contended that the appellants has not been treated in accordance with law, hence their rights secured under the Constitution has badly been violated; that the impugned order has not been

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passed in accordance with law, therefore is not tenable and liable to be set aside; that the appellants were appointed in Ex-FATA Secretariat on contract basis vide order dated 01-12-2004 and in compliance with Federal Government decision dated 29-08-2008 and in pursuance of judgment of Peshawar High Court dated 07-11-2013, their services were regularized with effect from 01-07-2008 and the appellants were placed at the strength of Administration Department of Ex-FATA Secretariat; that the appellants were discriminated to the effect that they were placed in surplus pool vide order dated 25-06-2019, whereas services of similarly placed employees of all the departments were transferred to their respective departments in Provincial Government; that placing the appellants in surplus pool was not only illegal but contrary to the surplus pool policy, as the appellants never opted to be placed in surplus pool as per section-5 (a) of the Surplus Pool Policy of 2001 as amended in 2006 as well as the unwillingness of the appellants is also clear from the respondents letter dated 22-03-2019; that by doing so, the mature service of almost fifteen years may spoil and go in waste; that the illegal and untoward act of the respondents is also evident from the notification dated 08-01-2019, where the erstwhile FATA Secretariat departments and directorates have been shifted and placed under the administrative control of Khyber Pakhtunkhwa Government Departments, whereas the appellants were declared surplus; that billion of rupees have been granted by the Federal Government for merged/erstwhile FATA Secretariat departments but unfortunately despite having same cadre of posts at civil secretariat, the respondents have carried out the unjustifiable, illegal and unlawful impugned order dated 25-06-2019, which is not only the violation of the Apex Court judgment, but the same will also violate the fundamental rights of the appellants being enshrined in the Constitution of Pakistan, will seriously affect the promotion/seniority of the appellants; that discriminatory approach of the respondents is evident from the notification dated 22-03-2019, whereby other employees of Ex-FATA were not placed in surplus pool but Ex-FATA Planning Cell of P&D was placed and merged into Provincial

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WITNESS
Peshawar

P&D Department; that declaring the appellants surplus and subsequently their adjustment in various departments/directorates are illegal, which however were required to be placed at the strength of Establishment & Administration department; that as per judgment of the High Court, seniority/promotions of the appellants are required to be dealt with in accordance with the judgment titled Tikka Khan Vs Syed Muzafar (2018 SCMR 332), but the respondents deliberately and with malafide declared them surplus, which is detrimental to the interests of the appellants in terms of monetary loss as well as seniority/promotion, hence interference of this tribunal would be warranted in case of the appellants.

04. Learned Additional Advocate General for the respondents has contended that the appellants has been treated at par with the law in vogue i.e. under section-11(A) of the Civil Servant Act, 1973 and the surplus pool policy of the provincial government framed thereunder; that proviso under Para-6 of the surplus pool policy states that in case the officer/officials declines to be adjusted/absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall loose the facility/right of adjustment/absorption and would be required to opt for pre-mature retirement from government service provided that if he does not fulfill the requisite qualifying service for pre-mature retirement, he may be compulsory retired from service by the competent authority, however in the instant case, no affidavit is forthcoming to the effect that the appellant refused to be absorbed/adjusted under the surplus pool policy of the government; that the appellants were ministerial staff of ex-FATA Secretariat, therefore they were treated under section-11(a) of the Civil Servant Act, 1973; that so far as the issue of inclusion of posts in BPS-17 and above of erstwhile agency planning cells, P&D Department merged areas secretariat is concerned, they were planning cadre employees, hence they were adjusted in the relevant cadre of the provincial government; that after merger of erstwhile FATA with the Province, the Finance Department

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ATTESTED

[Signature]
 SECRETARY
 SERVICE TRIBUNAL
 KARACHI

order dated 21-11-2019 and 11-06-2020 created posts in the administrative departments in pursuance of request of establishment department, which were not meant for blue eyed persons as is alleged in the appeal; that the appellants has been treated in accordance with law, hence their appeals being devoid of merit may be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Before embarking upon the issue in hand, it would be appropriate to explain the background of the case. Record reveals that in 2003, the federal government created 157 regular posts for the erstwhile FATA Secretariat, against which 117 employees including the appellants were appointed on contract basis in 2004 after fulfilling all the codal formalities. Contract of such employees was renewed from time to time by issuing office orders and to this effect; the final extension was accorded for a further period of one year with effect from 03-12-2009. In the meanwhile, the federal government decided and issued instructions dated 29-08-2008 that all those employees working on contract against the posts from BPS-1 to 15 shall be regularized and decision of cabinet would be applicable to contract employees working in ex-FATA Secretariat through SAFRON Division for regularization of contract appointments in respect of contract employees working in FATA. In pursuance of the directives, the appellants submitted applications for regularization of their appointments as per cabinet decision, but such employees were not regularized under the pleas that vide notification dated 21-10-2008 and in terms of the centrally administered tribal areas (employees status order 1972 President Order No. 13 of 1972), the employees working in FATA, shall, from the appointed day, be the employees of the provincial government on deputation to the Federal Government without deputation allowance, hence they are not entitled to be regularized under the policy decision dated 29-08-2008.

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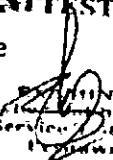
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[Signature]
Secretary
Ministry of Labour
Government of Punjab
Lahore

07. In 2009, the provincial government promulgated regularization of service Act, 2009 and in pursuance, the appellants approached the additional chief secretary ex-FATA for regularization of their services accordingly, but no action was taken on their requests, hence the appellants filed writ petition No 969/2010 for regularization of their services, which was allowed vide judgment dated 30-11-2011 and services of the appellants were regularized under the regularization Act, 2009, against which the respondents filed civil appeal No 29-P/2013 and the Supreme Court remanded the case to the High Court Peshawar with direction to re-examine the case and the Writ Petition No 969/2010 shall be deemed to be pending. A three member bench of the Peshawar High Court decided the issue vide judgment dated 07-11-2013 in WP No 969/2010 and services of the appellants were regularized and the respondents were given three months time to prepare service structure so as to regulate their permanent employment in ex-FATA Secretariat vis-à-vis their emoluments, promotions, retirement benefits and inter-se-seniority with further directions to create a task force to achieve the objectives highlighted above. The respondents however, delayed their regularization, hence they filed COC No. 178-P/2014 and in compliance, the respondents submitted order dated 13-06-2014, whereby services of the appellants were regularized vide order dated 13-06-2014 with effect from 01-07-2008 as well as a task force committee had been constituted by Ex-FATA Secretariat vide order dated 14-10-2014 for preparation of service structure of such employees and sought time for preparation of service rules. The appellants again filed CM No. 182-P/2016 with IR in COC No 178-P/2014 in WP No 969/2010, where the learned Additional Advocate General alongwith departmental representative produced letter dated 28-10-2016, whereby service rules for the secretariat cadre employees of Ex-FATA Secretariat had been shown to be formulated and had been sent to secretary SAFRAN for approval, hence vide judgment dated 08-09-2016, Secretary SAFRAN was directed to finalize the matter within one month, but the respondents instead of doing the needful,

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ATTESTED


 ATTORNEY AT LAW
 PESHAWAR
 Service Tribunal
 Peshawar

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declared all the 117 employees including the appellants as surplus vide order dated 25-06-2019, against which the appellants filed Writ Petition No. 3704-P/2019 for declaring the impugned order as set aside and retaining the appellants in the Civil Secretariat of establishment and administration department having the similar cadre of post of the rest of the civil secretariat employees.

08. During the course of hearing, the respondents produced copies of notifications dated 19-07-2019 and 22-07-2019 that such employees had been adjusted/absorbed in various departments. The High Court vide judgment dated 05-12-2019 observed that after their absorption, now they are regular employees of the provincial government and would be treated as such for all intent and purposes including their seniority and so far as their other grievance regarding their retention in civil secretariat is concerned, being civil servants, it would involve deeper appreciation of the vires of the policy, which have not been impugned in the writ petition and in case the appellants still feel aggrieved regarding any matter that could not be legally within the framework of the said policy, they would be legally bound by the terms and conditions of service and in view of bar contained in Article 212 of the Constitution, this court could not embark upon to entertain the same. Needless to mention and we expect that keeping in view the ratio as contained in the judgment titled Tikka Khan and others Vs Syed Muzafar Hussain Shah and others (2018 SCMR 332), the seniority would be determined accordingly, hence the petition was declared as infructuous and was dismissed as such. Against the judgment of High Court, the appellants filed CPLA No 881/2020 in the Supreme Court of Pakistan, which was disposed of vide judgment dated 04-08-2020 on the terms that the petitioners should approach the service tribunal, as the issue being terms and condition of their service, does fall within the jurisdiction of service tribunal, hence the appellant filed the instant service appeal.

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[Signature]
JUDGE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

09. Main concern of the appellants in the instant service appeal is that in the first place, declaring them surplus is illegal, as they were serving against regular posts in administration department Ex-FATA, hence their services were required to be transferred to Establishment & Administration Department of the provincial government like other departments of Ex-FATA were merged in their respective department. Their second stance is that by declaring them surplus and their subsequent adjustment in directorates affected them in monetary terms as well as their seniority/promotion also affected being placed at the bottom of the seniority line.

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10. In view of the foregoing explanation, in the first place, it would be appropriate to count the discriminatory behaviors of the respondents with the appellants, due to which the appellants spent almost twelve years in protracted litigation right from 2008 till date. The appellants were appointed on contract basis after fulfilling all the codal formalities by FATA Secretariat, administration wing but their services were not regularized, whereas similarly appointed persons by the same office with the same terms and conditions vide appointments orders dated 08-10-2004, were regularized vide order dated 04-04-2009. Similarly a batch of another 23 persons appointed on contract were regularized vide order dated 04-09-2009 and still a batch of another 28 persons were regularized vide order dated 17-03-2009; hence the appellants were discriminated in regularization of their services without any valid reason. In order to regularize their services, the appellants repeatedly requested the respondents to consider them at par with those, who were regularized and finally they submitted applications for implementation of the decision dated 29-08-2008 of the federal government, where by all those employees working in FATA on contract were ordered to be regularized, but their requests were declined under the plea that by virtue of presidential order as discussed above, they are employees of provincial government and only on deputation to FATA but without deputation allowance,

ATTESTED

[Signature]
 Khair-ul-Munawwar
 Services Tribunal
 Peshawar

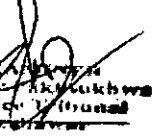
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hence they cannot be regularized, the fact however remains that they were not employee of provincial government and were appointed by administration department of Ex-FATA Secretariat, but due to malafide of the respondents, they were repeatedly refused regularization, which however was not warranted. In the meanwhile, the provincial government promulgated Regularization Act, 2009, by virtue of which all the contract employees were regularized, but the appellants were again refused regularization, but with no plausible reason, hence they were again discriminated and compelling them to file Writ Petition in Peshawar High Court, which was allowed vide judgment dated 30-11-2011 without any debate, as the respondents had already declared them as provincial employees and there was no reason whatsoever to refuse such regularization, but the respondent instead of their regularization, filed CPLA in the Supreme Court of Pakistan against such decision, which again was an act of discrimination and malafide, where the respondents had taken a plea that the High Court had allowed regularization under the regularization Act, 2009 but did not discuss their regularization under the policy of Federal Government laid down in the office memorandum issued by the cabinet secretary on 29-08-2008 directing the regularization of services of contractual employees working in FATA, hence the Supreme Court remanded their case to High Court to examine this aspect as well. A three member bench of High Court heard the arguments, where the respondents took a U turn and agreed to the point that the appellants had been discriminated and they will be regularized but sought time for creation of posts and to draw service structure for these and other employees to regulate their permanent employment. The three member bench of the High Court had taken a serious view of the unessential technicalities to block the way of the appellants, who too are entitled to the same relief and advised the respondents that the petitioners are suffering and are in trouble besides mental agony, hence such regularization was allowed on the basis of Federal Government decision dated 29-

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08-2008 and the appellants were declared as civil servants of the FATA

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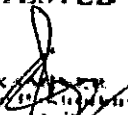

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Secretariat and not of the provincial government. In a manner, the appellants were wrongly refused their right of regularization under the Federal Government Policy, which was conceded by the respondents before three member's bench, but the appellants suffered for years for a single wrong refusal of the respondents, who put the matter on the back burner and on the ground of sheer technicalities thwarted the process despite the repeated direction of the federal government as well as of the judgment of the courts. Finally, Services of the appellants were very unwillingly regularized in 2014 with effect from 2008 and that too after contempt of court proceedings. Judgment of the three member bench is very clear and by virtue of such judgment, the respondents were required to regularize them in the first place and to own them as their own employees borne on the strength of establishment and administration department of FATA Secretariat, but step-motherly behavior of the respondents continued unabated, as neither posts were created for them nor service rules were framed for them as were committed by the respondents before the High Court and such commitments are part of the judgment dated 07-11-2013 of Peshawar High Court. In the wake of 25th Constitutional amendments and upon merger of FATA Secretariat into Provincial Secretariat, all the departments' alongwith staff were merged into provincial departments. Placed on record is notification dated 08-01-2019, where P&D Department of FATA Secretariat was handed over to provincial P&D Department and law & order department merged into Home Department vide notification dated 16-01-2019, Finance department merged into provincial Finance department vide notification dated 24-01-2019, education department vide order dated 24-01-2019 and similarly all other department like Zakat & Usher Department, Population Welfare Department, Industries, Technical Education, Minerals, Road & Infrastructure, Agriculture, Forests, Irrigation, Sports, FDMA and others were merged into respective Provincial Departments, but the appellants being employees of the administration department of ex-FATA were not merged into Provincial Establishment & Administration Department, rather they were

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declared surplus, which was discriminatory and based on malafide, as there was no reason for declaring the appellants as surplus, as total strength of FATA Secretariat from BPS-1 to 21 were 56983 of the civil administration against which employees of provincial government, defunct FATA DC, employees appointed by FATA Secretariat, line directorates and autonomous bodies etc were included, amongst which the number of 117 employees including the appellants were granted amount of Rs. 25505.00 million for smooth transition of the employees as well as departments to provincial departments and to this effect a summary was submitted by the provincial government to the Federal Government, which was accepted and vide notification dated 09-04-2019, provincial government was asked to ensure payment of salaries and other obligatory expenses, including terminal benefits as well of the employees against the regular sanctioned 56983 posts of the administrative departments/attached directorates/field formations of erstwhile FATA, which shows that the appellants were also working against sanctioned posts and they were required to be smoothly merged with the establishment and administration department of provincial government, but to their utter dismay, they were declared as surplus inspite of the fact that they were posted against sanctioned posts and declaring them surplus, was no more than malafide of the respondents. Another discriminatory behavior of the respondents can be seen, when a total of 235 posts were created vide order dated 11-06-2020 in administrative departments i.e. Finance, home, Local Government, Health, Environment, Information, Agriculture, Irrigation, Mineral and Education Departments for adjustment of the staff of the respective departments of ex-FATA, but here again the appellants were discriminated and no post was created for them in Establishment & Administration Department and they were declared surplus and later on were adjusted in various directorates, which was detrimental to their rights in terms of monetary benefits, as the allowances admissible to them in their new places of adjustment were less than the one admissible in civil secretariat. Moreover, their seniority was also affected

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as they were placed at the bottom of seniority and their promotions, as the appellant appointed as Assistant is still working as Assistant in 2022, are the factors, which cannot be ignored and which shows that injustice has been done to the appellants. Needless to mention that the respondents failed to appreciate that the Surplus Pool Policy-2001 did not apply to the appellants since the same was specifically made and meant for dealing with the transition of district system and resultant re-structuring of governmental offices under the devolution of powers from provincial to local governments as such, the appellants service in erstwhile FATA Secretariat (now merged area secretariat) had no nexus whatsoever with the same, as neither any department was abolished nor any post, hence the surplus pool policy applied on them was totally illegal. Moreover the concerned learned counsel for the appellants had added to their miseries by contesting their cases in wrong forums and to this effect, the supreme court of Pakistan in their case in civil petition No. 881/2020 had also noticed that the petitioners being pursuing their remedy before the wrong forum, had wasted much of their time and the service Tribunal shall justly and sympathetically consider the question of delay in accordance with law. To this effect we feel that the delay occurred due to wastage of time before wrong forums, but the appellants continuously contested their case without any break for getting justice. We feel that their case was already spoiled by the respondents due to sheer technicalities and without touching merit of the case. The apex court is very clear on the point of limitation that cases should be considered on merit and mere technicalities including limitation shall not debar the appellants from the rights accrued to them. In the instant case, the appellants has a strong case on merit, hence we are indined to condone the delay occurred due to the reason mentioned above.

11. We are of the considered opinion that the appellants has not been treated in accordance with law, as they were employees of administration department of the ex-FATA and such stance was accepted by the respondents in their comment.


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submitted to the High Court and the High Court vide judgment dated 07-11-2013 declared them civil servants and employees of administration department of ex-FATA Secretariat and regularized their services against sanctioned posts, despite they were declared surplus. They were discriminated by not transferring their services to the establishment and administration department of provincial government on the analogy of other employees transferred to their respective departments in provincial government and in case of non-availability of post, Finance department was required to create posts in Establishment & Administration Department on the analogy of creation of posts in other Administrative Departments as the Federal Government had granted amount of Rs. 25505 million for a total strength of 56983 posts including the posts of the appellants and declaring them surplus was unlawful and based on malafide and on this score alone the impugned order is liable to be set aside. The correct course would have been to create the same number of vacancies in their respective department i.e. Establishment & Administrative Department and to post them in their own department and issues of their seniority/promotion was required to be settled in accordance with the prevailing law and rule.

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12. We have observed that grave injustice has been meted out to the appellants in the sense that after contesting for longer for their regularization and finally after getting regularized, they were still deprived of the service structure/rules and creation of posts despite the repeated directions of the three member bench of Peshawar High Court in its judgment dated 07-11-2013 passed in Writ Petition No. 969/2010. The same directions has still not been implemented and the matter was made worse when impugned order of placing them in surplus pool was passed, which directly affected their seniority and the future career of the appellants after putting in 18 years of service and half of their service has already been wasted in litigation.


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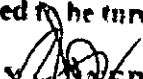
13. In view of the foregoing discussion, the instant appeal alongwith connected service appeals are accepted. The impugned order dated 25-06-2019 is set aside with direction to the respondents to adjust the appellants in their respective department i.e. Establishment & Administration Department Khyber Pakhtunkhwa against their respective posts and in case of non-availability of posts, the same shall be created for the appellants on the same manner, as were created for other Administrative Departments vide Finance Department notification dated 11-06-2020. Upon their adjustment in their respective department; they are held entitled to all consequential benefits. The issue of their seniority/promotion shall be dealt with in accordance with the provisions contained in Civil Servant Act, 1973 and Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989, particularly Section-17(3) of Khyber Pakhtunkhwa Government Servants (Appointment Promotion & Transfer) Rules, 1989. Needless to mention and is expected that in view of the ratio as contained in the judgment titled Tikka Khan and others Vs Syed Muzafar Hussain Shah and others (2018 SCMR 332), the seniority would be determined accordingly. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Date of Presentation of Application 01/3/22
 Number of Words 56300
 Court Fee 58/-
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 Applicant _____
 Date of Copy 01/3/22
 Date of Delivery of Copy 01/3/22

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar