

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3941

Dated 28/2/2023

Service Appeals No. 882/2022

Mr. Khan Muhammad.....Appellant

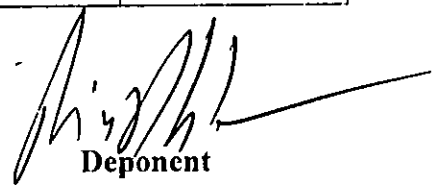
VERSUS

Chief Secretary, Khyber Pakhtunkhwa & OthersRespondents

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Dated: 20.02.2022


Deponent
CNIC No: 17301-6272682-3
Mobile: 0315-5737137

2

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR.**

Appeal No. 882/2022

Khan Muhammad Appellant/Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary and other.....Respondents

Joint Parawise comments on behalf of respondents No. 1 to 4.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action against the respondents.
2. The Petitioner is estopped by his own conduct to file the present appeal.
3. The Petitioner has not come to this Honorable Tribunal with clean hands and has concealed material facts from this Honourable Tribunal.
4. That the appellant is not an aggrieved person.
5. That the instant petition is not maintainable in its present form.
6. That the appeal of the appellant is barred by law and limitation.
7. That the appeal of the appellant is bad for misjoinder and non-joinder of necessary parties.
8. That the appeal of the appellant hit by res-judicator.
9. That the appeal of the appellant hit by rule 23 of Khyber Pakhtunkhwa Service Tribunal Act,1974.

ON FACTS

- 1 Pertains to record.
- 2 Pertains to record.
- 3 Pertains to record.
- 4 Pertains to record.
- 5 **Correct** to the extent that the appellant as declared surplus had been placed at the surplus pool of Lakki Marwat.
- 6 **Correct** to the extent that as per Surplus Pool Policy, the appellant was placed at the bottom of seniority of stenographers.
- 7 Pertains to record.
- 8 **Incorrect.** Though, respondent No. 5, i.e. Mr. Habib Ahmad Shakir was appointed in 18.06.1985 and the appellant-on 05.010.1982. But the appellant after getting surplus was adjusted in Civil Secretariat in 2003 and as per the Surplus Pool Policy

(before the amendment in 2006) he was placed at the bottom of the Seniority List of Stenographers.

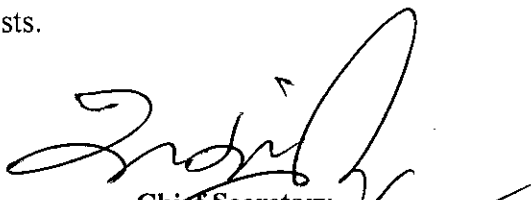
- 9 **Incorrect.** As explained in Para-08 above.
- 10 **Incorrect.** Respondent No.3, i.e. Home Department, had taken up case of the appellant with respondent No.2, i.e. Establishment Department and was responded accordingly.
- 11 Pertains to record.
- 12 Pertains to record.
- 13 **Incorrect.** The appellant was given his due right of seniority in light of the Service Tribunal judgment dated 10.04.2018 (**Annexure-I**).
- 14 Pertains to record.
- 15 **Correct** to the extent that respondent No.06 was promoted to the post of Private Secretary (BS-17) on regular basis being in the promotion zone and against the vacant post.
- 16 **Incorrect.** The promotion case of appellant along with respondent No.06 was placed before the PSB in the year 2022 for consideration ; however, the PSB deferred his promotion due to incomplete length of service (**Annexure-II**).
- 17 **Correct** to the extent that date of entry into government service of respondent No. 06 (Mr. Rahmatullah) is 15.06.1985 and that of the appellant is 05.10.1982. Hence, the appellant had been adjusted in civil secretariat in 2003 and placed his name in the bottom of seniority list as per the surplus pool policy. Therefore, the appellant became junior to respondent No. 06. Hence after the court judgment , the appellant was given his due place in the Seniority List i.e. Senior to Respondent No. 06.
- 18 Pertains to record.


ON GROUNDS


- A **Incorrect.** The petitioner has been treated as per law and policy of the Provincial Government. Hence, no law has been violated.
- B **Incorrect.** The appellant was placed at the top of the Seniority List of Private Secretaries (BS-17) and was deferred twice by PSB in its minutes meetings held on 07.04.2022 and 18.11.2022, firstly, due to his being on probation period and secondly, due to incomplete length of service, which are the pre-requisites for promotion under the Promotion Policy, 2009.

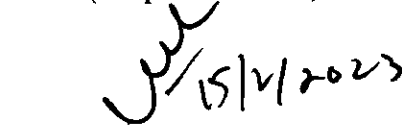
- C Incorrect.** The appellant was treated as per law.
- D Incorrect.** In compliance with the amendment on 15.02.2006, in surplus pool policy on 15.02.2006 (**Annexure-III**), the appellant was given his due seniority position and was promoted to the post of Private Secretary (BS-17) on 31.05.2021 and was placed at the top of the Seniority List of Private Secretaries. However, for the purpose of Promotion to the post of Senior Private Secretary (BS-18), he was deferred twice in the PSB meetings held on 07.04.2022 and 18.11.2022 due to incomplete length of service according to the Promotion Policy 2009 (**Annexure-IV**).
- E Incorrect.** As explained in Para-D above.
- F** As explained is para **B** of the Grounds above.
- G Incorrect.** No violation of fundamental rights has been made by the answering responden Government with the appellant rather he was treated in accordance with law/rules ar surplus policy in vogue.
- H** That the respondents also seek permission to raise further points at the time of arguments.

It is therefore, humbly prayed that on acceptance of the joint Parawise comments, the instance appeal, being bereft of any legal merit and consideration may very graciously be dismissal with costs.


 Chief Secretary
 Govt. of Khyber Pakhtunkhwa
 (Respondent No.1)


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Establishment Department
 (Respondent No.2)


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Auqaf Department
 (Respondent No. 4)


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Home Department
 (Respondent No. 3)

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

Service Appeal: 882/2022

Mr. Khan Muhammad.....Appellant

VERSUS

Chief Secretary Khyber Pakhtunkhwa & OthersRespondents

AFFIDAVIT

I, Riaz Khan Superintendent (Litigation-III Section) Establishment Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Riaz Khan
DEPONENT

CNIC No. 17301-6272682-3
Contact: 0315-5737137

ATTESTED
Zahid Ullah Khan Marwat Advocate
Oath Commission
Dist. Courts Peshawar
Zahid Ullah Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 877/2014

Date of Institution ... 12.06.2014

Date of Decision ... 10.04.2018



Khan Muihammad son of Gul Muhammad, Senior Scale Stenographer, Home & Tribal Affairs Department, Peshawar ... (Appellant)

VERSUS

I. Secretary Government of Khyber Pakhtunkhwa Establishment Department, Peshawar and others. ... (Respondents)

ARBAB SAIFUL KAMAL,
Advocate

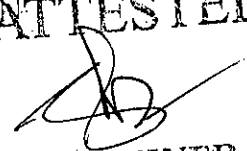
... For appellant

MR. USMAN GHANI,
District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

CHAIRMAN
MEMBER **ATTESTED**


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.-

Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was originally appointed as Steno typist in BPS-08 in the Directorate of Education, Peshawar on 06.10.1982. Later on he was promoted in BPS-15 on 29.12.1994 and was granted move-over to BPS-16 w.e.f. 01.12.1995. Then he was declared surplus on 03.09.2001 and was then adjusted in the Establishment Department on 06.08.2003 in BPS-12 under the surplus policy. A

seniority list was issued on 01.07.2006 in which the appellant was shown at the bottom of seniority list of BPS-12. The appellant then filed a representation on 12.08.2006 against this seniority list which was rejected on 09.05.2014 received by the appellant on 13.5.2014 and thereafter, he filed the present service appeal on 12.6.2014.

ARGUMENTS.


3. The learned counsel for the appellant argued that as per the surplus policy, the appellant was to be placed at the top of the seniority list of BPS-12 as he was serving in BPS-15 at that time. In this regard he relied upon judgment of this Tribunal dated 15.8.2016 in service appeal No. 831/2015 entitled "Muhammad Naveed Vs. Government of Khyber Pakhtunkhwa through Secretary Establishment & Administration Department, Peshawar and another" and another judgment dated 08.02.2018 in service appeal No. 340/2017 entitled "Noor Khan Vs. Director Food, Khyber Pakhtunkhwa, Peshawar and two others".

4. On the other hand, the learned District Attorney argued that the present service appeal was time barred as the representation was filed on 12.08.2006 and the appellant was bound to have approached this Tribunal within 120 days from the date of representation but he filed the present service appeal after eight years. He further argued that the surplus policy was amended in the year, 2006 and the appellant wanted to take benefit of amendment introduced in 2006. That the appellant was adjusted in the year, 2003 and the amendment ^{could} ~~can~~ not be given retrospective effect.

CONCLUSION.

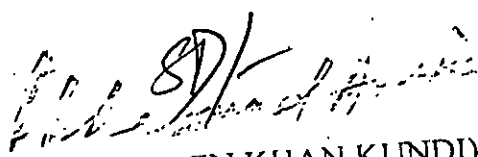
5. This Tribunal is first to decide the issue of limitation. The seniority list was issued on 01.07.2006 and the appellant filed representation on 12.08.2006. The

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appellant either could have approached this Tribunal within 120 days from the date of filing of representation or he could have waited for the decision of the appellate authority and thereafter could have approached this Tribunal within 30 days. He opted for the second option and his service appeal is therefore, within time. So far as the retrospectivity of the amendment introduced in the year, 2006 is concerned, this Tribunal in its judgment in *Muhammad Naveed's* case referred to above had already decided this issue by holding that in the year, 2006 no amendment was made but only a clarification was issued which was to take effect from the date when the policy was issued.

6. In view of the judgment referred to above, the present appellant is also entitled for the seniority as per policy. His appeal is, therefore, accepted and it is ordered that he be placed at his due seniority as observed above. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

Certified to be true copy

ANNOUNCED
10.04.2018
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20-05-18
Number of Words 1200
Copying Fee 8-0
Urgent 8-0
Total 8-0
Name of Copyist [Signature]
Date of Completion of Copy 31-05-18
Date of Delivery of Copy 31-05-18

(Meeting of PSB held on 18.11.2022)

SUBJECT: - PROMOTION OF PRIVATE SECRETARY BS-17 TO THE POST OF SENIOR PRIVATE SECRETARY BS-18.

Special Secretary Establishment apprised the Board that due to retirement and death, two (02) posts of Senior Private Secretary BS-18 are lying vacant. Besides, the Board has also recommended two officers for promotion to BS-19. Thus, four posts are available for promotion to BS-18.

2. According to the service rules, the post is required to be filled as under: -

By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the Private Secretary with at least five (05) years service as such.

3. The service record of the officers included in the panel was discussed as follows: -

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Khan Muhammad Khan	His date of birth is 07.09.1963. He joined government service on 05.10.1982 and was promoted to BS-17 on 31.05.2021. He has not yet completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2021 is generally good. The Board did not consider his promotion.
2.	Mr. Haji Muhammad	His date of birth is 01.01.1965. He joined government service on 26.06.1985 and was promoted to BS-17 on 28.05.2013. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2021 is generally good. The Board recommended the Officer for promotion to the post of Senior Private Secretary BS-18 on regular basis. He will be on probation for a period of one year.
3.	Muhammad Iqbal Swati <i>Attested</i> <i>R. J. Khan</i> Secretary (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department	His date of birth is 28.12.1965. He joined government service on 29.06.1985 and was promoted to BS-17 on 28.05.2013 in BS-17. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2021 is generally good. The Board recommended the Officer for promotion to the post of Senior Private Secretary BS-18 on regular basis. He will be on probation for a period of one year.

(4)

GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

NO. SOR.VI (E&AD)/5-1/2005
Dated Peshawar, the 15th February 2006.



To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, NWFP.
3. The Secretary to Chief Minister, NWFP.
4. All District Coordination Officers/Political Agents in NWFP.
5. The Registrar, Peshawar High Court Peshawar.
6. The Registrar, NWFP Service Tribunal Peshawar.
7. All Head of Attached Departments.
8. The Secretary, NWFP Public Service Commission.
9. The Secretary, Board of Revenue NWFP Peshawar.
10. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
11. The Director Anti-Corruption Establishment NWFP Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY.

Dear Sir,

I am directed to refer to the subject cited above and to state that Surplus Pool Policy circulated vide letter No. No.SOR-1(E&AD)1-200/98, dated 8th June 2001 has been reviewed. It has been decided by the competent authority to add following sub paras to the relevant paras of the policy: -

(i) Sub para (c) (v) added to para-5

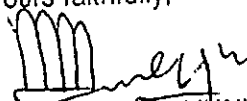
C(v) In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.

(ii) Sub para-(d) added to para (6)

(d) In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.

S.O. (S.P.) E&AD
Disty No. 137
Dated 24/2/2006

Yours faithfully,


(MUHAMMAD HAMAYUN) 15.2.06.
SPECIAL SECRETARY (REGULATIONS)


Endst No. & Date even.

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. Private Secretary to Governor, NWFP, Peshawar
3. Private Secretary to Chief Minister, NWFP, Peshawar
4. All District & Agency Account Officers.

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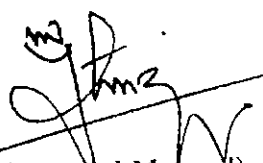
- 5. Private Secretary to Chief Secretary NWFP, Peshawar.
- 6. Private Secretary to Senior Minister NWFP.
- 7. Private Secretaries to all the Provincial Ministers NWFP.


 (Hussain Shah)
 Deputy Secretary (Reg-I)

Endst No. & date even.

Copy forwarded to:

- 1. All Additional/ Deputy Secretaries in Establishment and Administration Department NWFP, Peshawar.
- 2. Director, Staff Training Institute, Benevolent Fund Building Peshawar.
- 3. All Section Officers/Estate Officer Establishment and Administration Department.
- 4. Private Secretary to Secretary Establishment Department.
- 5. Assistant Secretary Benevolent Fund, Establishment & Administration Department.
- 6. Librarian, Establishment & Administration Department.


 (Muhammad Masood)
 Section Officer (Reg-VI)

13

Masood

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Masood

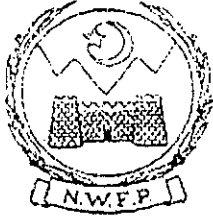
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GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

NO. SOR.VI (E&AD)/5-1/2005
Dated Peshawar, the 19th January, 2007.



To

- 1 All Administrative Secretaries to Govt. of NWFP.
- 2 The Secretary to Governor, NWFP.
- 3 The Secretary to Chief Minister, NWFP.
- 4 All District Coordination Officers/Political Agents in NWFP.
- 5 The Registrar, Peshawar High Court Peshawar.
- 6 The Registrar, NWFP Service Tribunal Peshawar.
- 7 All Heads of Attached Departments.
- 8 The Secretary, NWFP Public Service Commission, Peshawar.
- 9 The Secretary, Board of Revenue NWFP Peshawar.
- 10 All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
- 11 The Director Anti-Corruption Establishment NWFP Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY.

Dear Sir,

I am directed to refer to the subject noted above and to state that Surplus Pool Policy issued vide letter No. No.SOR-1(E&AD)1-200/98, dated 8th June 2001 has been reviewed. It has been decided by the competent authority that sub-para (e) of para-5 of the policy shall be substituted with the following with immediate effect:-

- "/ (e) Surplus Staff in BPS-01 to 15 shall not be adjusted in the district other than their district of domicile.

Yours faithfully,


(MUHAMMAD HAMAYUN)
SPECIAL SECRETARY (REGULATIONS)

Encls.No. & Date even.

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. All Additional/ Deputy Secretaries in Establishment and Administration Department NWFP Peshawar

- 3. Director, Staff Training Institute, Benevolent Fund Building Peshawar.
- 4. Private Secretary to Governor, NWFP, Peshawar.
- 5. Private Secretary to Chief Minister, NWFP, Peshawar.
- 6. All District & Agency Account Officers in NWFP.

DEPUTY SECRETARY (REG-1)

Encls No. & date even.

Copy forwarded to:

- 1. Private Secretary to Chief Secretary NWFP, Peshawar.
- 2. Private Secretaries to all the Provincial Ministers NWFP.
- 3. All Section Officers/Estate Officer Establishment and Administration Department.
- 4. Private Secretary to Secretary Establishment Department.
- 5. Assistant Secretary Benevolent Fund, Establishment & Administration Department.
- 6. The In Charge Resource Centre, Establishment & Administration Department.

(Muhammad Masood)
Section Officer (Reg-VI)

(6)

GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

NO. SOR.VI (E&AD)/5-1/2005
Dated Peshawar, the 31st May 2006.



To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, NWFP.
3. The Secretary to Chief Minister, NWFP.
4. All District Coordination Officers/Political Agents in NWFP.
5. The Registrar, Peshawar High Court Peshawar.
6. The Registrar, NWFP Service Tribunal Peshawar.
7. All Head of Attached Departments.
8. The Secretary, NWFP Public Service Commission.
9. The Secretary, Board of Revenue NWFP Peshawar.
10. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
11. The Director Anti-Corruption Establishment NWFP Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY.

Dear Sir,

I am directed to refer to the subject cited above and to state that Surplus Pool Policy was first circulated on 8th June 2001. It was amended vide this Department letter of even number dated 15th February 2006. The policy has once again been reviewed and it has been decided by the competent authority to add following sub-para to the relevant para of the policy with immediate effect:-

Sub-para (vi) added to para-5(C)

"Surplus employees, who voluntarily opt, may be allowed adjustment in Autonomous/Semi-autonomous bodies with the concurrence of these bodies, where the job is pensionable. The Government will pay pension contribution for the period they rendered regular service under the Government."

2. In view of above, Heads of all the autonomous and semi-autonomous bodies are requested to consult the Provincial and respective District Surplus Pools before filling vacancies falling to the share of initial recruitment.

Yours faithfully,

(MUHAMMAD HAMA YUN)
SPECIAL SECRETARY (REGULATIONS)

MSE
7/6/06

Endst No. & Date even.

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. Private Secretary to Governor, NWFP, Peshawar.
3. Private Secretary to Chief Minister, NWFP, Peshawar.
4. All District & Agency Account Officers.
5. Private Secretary to Chief Secretary NWFP, Peshawar.

- 6. Private Secretary to Senior Minister NWFP.
- 7. Private Secretaries to all the Provincial Ministers NWFP.

Hussain Shah
 (Hussain Shah)
 Deputy Secretary (Reg-I)

Encl: No. Date even.

Copy forwarded to:

1. All Additional/ Deputy Secretaries in Establishment and Administration Department NWFP, Peshawar.
2. Director, Staff Training Institute, Benevolent Fund Building Peshawar.
3. A Section Officers/Estate Officer Establishment and Administration Department.
4. Private Secretary to Secretary Establishment Department.
5. Assistant Secretary Benevolent Fund, Establishment & Administration Department.
6. Clerical, Establishment & Administration Department.

Muhammad Masood
 (Muhammad Masood)
 Section Officer (Reg-VI)

ASE
 (13)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

119
3133

NO.SOE-V(E&AD)/2-5/2008.
Dated Peshawar, the March 21, 2014

To

- 1) All Administrative Secretaries in Khyber Pakhtunkhwa.
- 2) The Principle Secretary to Governor, Khyber Pakhtunkhwa.
- 3) The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4) All Commissioners in Khyber Pakhtunkhwa.
- 5) All Heads of Attached Department in Khyber Pakhtunkhwa.
- 6) All Heads of Autonomous/Semi-Autonomous Bodies in Khyber Pakhtunkhwa.
- 7) The Registrar, Peshawar High Court, Peshawar.
- 8) All Districts & Session Judges in Khyber Pakhtunkhwa.
- 9) All Deputy Commissioners/Political Agents in Khyber Pakhtunkhwa.
- 10) The Secretary, Khyber Pakhtunkhwa Public Service Commission.
- 11) The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject: SURPLUS POLICY

Dear Sir,

I am directed to refer to the subject noted above and to state that a number of references have been received in this Department, seeking clarification pertaining to issuance of NOC prior to recruitment against the posts falling in the initial quota. It is clarified that after enactment of Local Government Act, 2014, the District Government does not exist but the functions of erstwhile District Coordination Officer and District Officer (Revenue & Estate) have been integrated in the office of Deputy Commissioner vide Notification NO.SO(E-I)E&AD/4-49/2012 dated 27-12-2012 (copy enclosed). However, so far Surplus Policy of Provincial Government is concerned, it is clarified that the same has not been withdrawn so far and still it stands good.

2. I am further directed to state that the Surplus Policy circulated vide letter NO.SOR-(E&AD)1-200/98 dated 08-06-2001 & subsequent amendments thereto and Notification No.SOE-V(E&AD)2-5/2007 dated 14-06-2007 issued by the Establishment Department, Govt. of Khyber Pakhtunkhwa still holds good and will remain intact till further order.

3. I am, therefore, directed to state that NOC for recruitment under initial quota in BPS-1 to BPS-15 will be issued by the Deputy Commissioner concerned, according to this Department Notification No.SOE-V(E&AD)2-5/2007 dated 14-06-2007 and NOC for recruitment under initial quota in BPS-16 and above will be issued by the Establishment Department, Govt. of Khyber Pakhtunkhwa according to the surplus policy quoted above, till further order.

Encls: 1/1

Yours faithfully,
Saima Jamil
(SAIMA JAMIL)
Section Officer (E-V)

Enclst: No. & Date Even:-

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. All District Accounts Officers, in Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
5. PS to Special Secretary (Estt), Establishment Department, Govt. of Khyber Pakhtunkhwa.
6. PA to Deputy Secretary (Estt), Establishment Department, Govt. of Khyber Pakhtunkhwa.

Saima Jamil
Section Officer (E-V)

25-3

334 56



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated Peshawar, December 27, 2012

NOTIFICATION

NO. SOE/HRAD/49/2012 In pursuance of the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012), hereinafter referred to as the Act, the Government of Khyber Pakhtunkhwa is pleased to make the following consequential administrative arrangements to take effect from January 01, 2013, namely:

- i) the district setup of Government Departments shall stand segregated from Local Government Institutions established under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Act No. XIV of 2001) and shall realign with their Administrative Departments at provincial level under the Act;
- ii) the functions of erstwhile District Coordination Officer and District Officer (Revenue & Estate) are integrated in the office of Deputy Commissioner with the provision of Additional Deputy Commissioner in each district. The sub-divisional setup of Deputy District Officers (Revenue) and Deputy District Officers (Judicial) is replaced with Assistant Commissioners and Additional Assistant Commissioners. The Board of Revenue will process relocating the functions of Collector and Assistant Collector in the office of Deputy Commissioners and Assistant Commissioner in accordance with the new administrative setup;
- iii) each district shall be provided a District Officer (Finance and Planning), a Planning Officer, a Finance Officer and a Secretary District Public Safety Commission. The positions of Assistant Coordination Officer, Human Resource Development Officer and Deputy District Officer (Finance) shall stand abolished.
- iv) the positions of Executive District Officer at district level shall stand abolished;
- v) Local Government Elections and Rural Development Department shall notify constitution of each Local Council and make transitional interim arrangement/management in pursuance of section 224 of the Act;
- vi) the Agriculture Department at district level shall be re-organized as under:-
 - a. Agriculture (Extension) shall be manned by District Director, Subject Matter Specialists, Agriculture Officers, Plant Protection Officers, Assistant Horticulture Officers and Assistant Agronomists.
 - b. Livestock & Dairy Development (Extension) shall have District Director, Senior Veterinary Officers and Veterinary Officers.
 - c. On Farm Water Management shall have District Directors, District Officers and Water Management Officers.
 - d. Soil Conservation shall have District Officers Soil Conservation and Soil Conservation Assistants.
- vii) Elementary and Secondary Education Department at district level shall be re-organized under District Education Officers separately for Male and Female assisted by Deputy District Education Officers (Male and Female) and Sub Divisional Education Officers.

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viii) Health Department at district level shall be reorganized under District Health Officers and Health Officers assisted by Deputy Coordinators;

ix) the Public Health Engineering Department and Communication and Works Department will continue with their existing organizational hierarchy at the sub-divisional, district and regional level;

x) Account-IV modality for transfer of funds to districts shall remain operational with Deputy Commissioners as Principal Accounting Officer for Account-IV and Chairman of the District Development Committee (DDC) of their respective districts. In addition to oversight of the accounting aspects of the reorganization, the Finance Department shall notify the deletion of existing posts and creation of replacements as per requirements of Government Departments; and


xi) the Commissioner shall oversee transition, facilitate Government Departments, coordinate relocation of functions and ensure continuation of services in their respective divisions.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encl. No. of even and date.

Copy forwarded to the:-

1. Chief Secretary, Government of the Punjab, Sindh, Balochistan and Gilgit Baltistan.
2. Additional Chief Secretary, P&D, Khyber Pakhtunkhwa.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Additional Chief Secretary, FATA Secretariat.
5. Secretary to Governor, Khyber Pakhtunkhwa.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. Provincial Police Officer, Khyber Pakhtunkhwa.
10. Accountant General, Khyber Pakhtunkhwa.
11. All District Coordination Officers in Khyber Pakhtunkhwa.
12. All Political Agents in FATA
13. Director, Information, Khyber Pakhtunkhwa
14. Manager, Govt. Printing Press Peshawar.


 (MUHAMMAD AVED SIDDIQI)
 SECTION OFFICER (ESTT. I)

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Endst of even number and date

Copy for necessary action to:

1. All Administrative Secretaries to Government of NWFP for shifting surplus employees of their Departments in BS-1 to BS-15 to their districts of domicile
2. Secretary to Government of NWFP Finance Department to kindly shift the surplus posts of these employees from the Provincial Government Departments to the Districts concerned as indicated in the list attached.
3. All DCOs in NWFP with a copy of list of surplus employees in BS-1 to BS-15 of their district for action as per orders of the competent authority stated above

Copy for information to:

1. Secretary to Governor NWFP
2. Principal Secretary to Chief Minister NWFP
3. The Secretary Administration & Coordination, Civil Secretariat FATA
4. The Special Secretary (Regulation) Establishment Department
5. All Additional Secretaries in E&A Department
6. All Deputy Secretaries in E&A Department
7. Manager Government Printing Press
8. Director Information NWFP
9. PS to Chief Secretary NWFP
10. All Section Officers in E&A Department
11. PS to Secretary Establishment NWFP


 (Muhammad Saeedullah)
 Section Officer Establishment