

ORDER

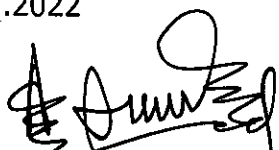
14.01.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, passed in service appeal bearing No. 1227/2020 titled Hanif-Ur-Rehman Versus Government of Khyber Pakhtunkhwa through its Chief Secretary at Civil Secretariat Peshawar and others", the instant service appeal is accepted. The impugned order dated 25-06-2019 is set aside with direction to the respondents to adjust the appellant in his respective department i.e. Establishment & Administration Department Khyber Pakhtunkhwa against his respective posts and in case of non-availability of posts, the same be created for the appellant on the same manner, as were created for other Administrative Departments vide Finance Department notification dated 11-06-2020. Upon his adjustment in his respective department, the appellant is held entitled to all consequential benefits. The issue of his 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


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

28.12.2021

Due to Winter Vacations, the case is adjourned to
14.01.2022 for the same as before.



READER

02.08.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Naseeb Khan, S.O and Mumtaz Khan, Junior Clerk for the respondents No. 1 to 3 present.

*specified period
passed reply
not submitted*

Reply/comments has not been submitted. Learned AAG is required contact the respondent No. 4. The respondents are required to furnish written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.12.2021 before the D.B.


Chairman

P.S

16.08.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

20.01.2021

Appellant present through counsel.

Objections were raised by the office of Registrar and as per record, objections No.1, 2 & 3, were removed. Learned counsel for appellant submitted that the present service appeal has been filed as per order dated 04.08.2020 of the Apex Court.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 14.04.2021 before S.B.

Appellant Deposited
Security & Process Fee

(Rozina Rehman)
Member (J)

14.04.2021


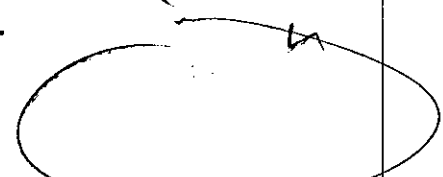
Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 02.08.2021 for the same as before.

Reader

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ /2020 _____

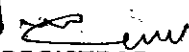
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/9/2020 04.11.2020	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>09/11/20</u>.</p> <p style="text-align: right;"> REGISTRAR</p> <p>Applicant is present in person.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for applicant is not available today. Adjourned to 20.01.2021 on which date to come up for arguments on office objection before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>

The appeal of Mr. Muhammad Amjid Ayaz Naib Qasid Surplus Pool D.C Office A.Abad received today i.e. on 21.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of whole proceeding mentioned in para- 1&2 of the memo of appeal in respect of appellant are not attached with the appeal which may be placed on it.
- 2- Copy of regularization order of appellant mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of COC in respect of appellant mentioned in para-3 of the memo appeal is not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal against the impugned order dated 25.06.2019 is not attached with the appeal which may be placed on it.
- 5- Memorandum of appeal may be got signed by the appellant.

No. 2766 /S.T.

Dt. 24/09 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

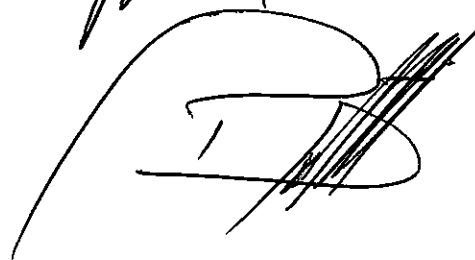
Mr. Taimur Haider Khan Adv. Pesh.

whole Proceeding of Para no- 1 & 2 is
only mentioned/placed in annexure A²
demanded for Page no- 10 to 47, Page no- 04,
Serial no. 103 - appeal got signed, Page no.
145 of the appeal. COC detail is
mentioned in annexure B² from Page no 48 to 61 -
File desubmitted today
Taimur Haider Khan
Peshawar

P.F.D

Page no-71 & 72 is

concerning to departmental
appeal.



Sir,

The objection of this office and reply
of counsel from the appellant is submitted
for order please.

~~_____~~
28/9/2020

Humble chairman.

Be filed before SB along with
the objections.

~~_____~~
29/9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Muhammad Amjid Ayaz

VS

Government of Khyber Pakhtunkhwa & Others.

INDEX

Sr#	Description	Annexure	Pages
1.	Appeal		1-11
2.	Affidavit		12-15
3.	Copy of the aforesaid whole proceedings, apex court decision along with appointment/regularization orders	A	16-47
4.	Copy of the C.O.Cs along with relevant documents	B	48-61
5.	Copy of the impugned order dated: 25.06.2019 vides Notification No. SO(O&M)/E&Ad/3-18/2019	C	62-65
6.	Copy of the Government Surplus Pool Policy of the year 2001 along with the respondent letter no. Ps/Fs/A, I&C/2019 dated: 22.03.2019	D	66-72
7.	Copy of the all the Notifications along with relevant documents of the respondent department	E	73-97
8.	Copy of W.P No 3704-P/2019 and Judgment dated 05-12-2019 of the Hon'ble Peshawa High Court Peshawar, comments etc	F	98-119
9.	Copy of the Order dated 04-08-2020 in C.P No. 881/2020 of the apex Court of Pakistan	G	120-133
10.	Copy of the unjustifiable office letter NO SO(B & A)FD/NMAS/4-1/2019/SNE/185 DATED 11-06-2020		134-154
11.	Wakalatnama		155

Appellant

Through

Office:

Taimur Haider Khan
Advocate, High Court
Taimur Law Associates
Room No.37th, 2nd Floor,
Malik Tower, Pajjagi
Road, Peshawar
Cell No.0346-9192561

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10485

Date 21-9-2020

1230/21

Service Appeal No. _____/2020

Muhammad Amjid Ayaz, Naib Qasid (BPS-02) (still in Surplus Pool) at the office of Deputy Commissioner Abbottabad, (not adjusted yet).

....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through its chief Secretary at Civil Secretariat Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary, Finance Department at civil Secretariat Peshawar.

....Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, (AS PER THE ORDER DATED
04-08-2020 OF THE AUGUST SUPREME
COURT OF PAKISTAN) AGAINST THE
UNJUSTIFIABLE AND IMPUGNED
NOTIFICATION NO.SO(O&M)/E&AD/3-
18/2019 DATED 25-06-2019, WHEREBY
THE APPELLANT HAS BEEN PLACED
SURPLUS AS PER THE SURPLUS POOL
POLICY AND LATER ON DURING THE

Filed to-day

Registrar

21/9/2020

PENDENCY OF W.P NO 3704-P/2019
HAVE NOT ONLY ADJUSTED IN OTHER
DEPARTMENTS ILLEGALLY BUT THE
APPELLANT' SENIORITY & PROMOTION
HAS ALSO BEEN HIGHLY AFFECTED IN
ORDER TO FAVOR THE BLUE EYED
PEOPLE VIA POSTING NOTIFICATION
DATED,17-06-2020.

DESPITE THE FACT THE HON'BLE
PESHAWAR HIGH COURT PESHAWAR
IN WP NO 3704-P/2019 VIDE
JUDGMENT 05-12-2019 VERY
CATEGORICALLY DIRECTED THE
RESPONDENTS TO TREAT/ DETERMINE
THE SENIORITY OF THE APPELLANT IN
THE RATIO AS CONTAINED IN THE
JUDGMENT TITLED "TIKKA KHAN &
OTHERS VS SYED MUZAFAR HUSSAIN
SHAH & OTHER (2018 SCMR 332) AS
WELL AS THE SAME FACT HAS ALSO
BEEN CATEGORICALLY ORDERED BY
THE LARGER BENCH OF HON'BLE
PESHAWAR HIGH COURT PESHAWAR
IN WP 969/2010 VIDE JUDGMENT
DATED,07-11-2013 IN FAVOR OF THE
APPELLANT BUT UNFORTUNATELY THE
RESPONDENTS ARE RELUCTANT TO DO
SO (TO GIVE SENIORITY AND
PROMOTION FROM THE DATE OF
REGULAR APPOINTMENT DT:01.07.2008.

Respectfully Submitted:-

- 1) That the appellant was initially appointed in the Fata Secretariat 01.12.2004 and since the appointment, the appellant, earned good reputation amongst the officers. Due to the pain staking and sedulous hardworking, ever tried to keep the morale of the department high and during the entire service of more than 16 years is having unblemished service carrier.
- 2) That for the fundamental right, the appellant has preferred series of application to the competent authority but of no avail, finally for the regularization, put up the matter before the Honorable Peshawar High Court, Peshawar and the Hon'ble Peshawar High court has been pleased to allow the writ petition No.969 of 2010 vide judgment dated: 30.11.2013. The respondents have challenged the matter before the Supreme Court of Pakistan vides CPLA No.29-P of 2013 dated: 30.05.2013, the apex court has been pleased remanded back to the Honorable Peshawar high Court, Peshawar in order to dispense justice in its true letter and spirit. Accordingly, the Honorable Peshawar High Court Peshawar, larger bench has been pleased to allow the appellant' writ petition No. vide detail judgment dated: 07.11.2013 and besides other remedy, the appellant along with hundreds of other employees of the erstwhile FATA Secretariat on the same footing has been regularized from

01.07.2008 and vice versa for the complete detail. **(Copy of the aforesaid whole proceedings, apex court decision along with appointment/regularization orders etc is annexed as annexure "A").**

- 3) That the stroke of misfortune hit the appellant, when the respondents were reluctant to comply with the clear cut order/judgments of the Hon'ble Peshawar High Court, Peshawar. The appellant has tried his level best even from pillar to post via series of application but of no avail and finally having no other option but filed contempt of court petition. Though some portion/remedy of the judgment was redressed/complied with but unfortunately respondents were reluctant to formulate the service structure of the appellant t as well as promotion and seniority were not determined. As the matter pertains to the year 2013 and despite the commitment made before Honorable Peshawar High Court, Peshawar, the respondents mendaciously were lethargic to comply with the clear order of the Honorable Peshawar High Court, Peshawar and after the lapse of further 03 years, the appellant has again filed another C.O.C via C.M No. 667/2017 in C.O.C No. 178-P/2014 in W.P No.969/2010. **(Copy of the C.O.Cs along with relevant documents is annexed annexure "B").**
- 4) That it is rudimentary to mention here, that since 2013, the appellant vested right have been violated

and in such a doldrums sort of situation, the appellant was shocked and astonished to know that the respondent vide illegal, unjustifiable and unlawful Notification dated: 25.06.2019 has placed the appellant along with other employees, in the Surplus Pool and declared them as Surplus. **(Copy of the impugned notification dated: 25.06.2019 vides Notification No. SO (O&M)/E&Ad/3-18/2019 is annexed as annexure "C")**.

- 5) That the impugned order is not only illegal, unlawful against the surplus pool policy and tantamount to quench the thirst by the respondents as already 03 different C.O.Cs have been filed against the respondents by not complying with the clear cut judgment of the apex court dated: 30.05.2013 in CP No.29-P of 2013 as well as the Honorable Peshawar High Court Peshawar (larger bench) judgment dated: 07.11.2013 in W.P No.969/2010 being passed in favor of the present appellant.
- 6) That after the 25th amendment in the constitution of Pakistan 1973, the respondents has declared the appellant as surplus despite the fact the appellant has never opted to be placed surplus nor the option has been taken from the appellant, which is mandatory as per section 5 (a) of the government surplus pool policy of the year 2001 (8th June, 2001) as amended in 2006 as well as the unwillingness of the appellant is also cleared from the respondent letter No. PS/FS/A,I&C/2019 dated: 22.03.2019

"Information report on the protest launched by merged areas secretariat employees/appellant on 22.03.2019" whereby the appellant very categorically contended that they should not be placed in the surplus pool as their matured service of about 15 years may spoil and lose. **(Copy of the Government Surplus Pool Policy of the year 2001 along with the respondent letter no. Ps/Fs/A, I&C/2019 dated: 22.03.2019 is annexed as annexure "D")**.

- 7) That the illegal and untoward act of the respondent is also cleared from the notifications i.e. No. **SO(E-1)/E&AD/9-126/2019 DATED: 08.01.2019**, the erstwhile Fata secretariat departments and directorates have been shifted and placed under the administrative supervision and controller of the Khyber Pakhtunkhwa government department in order to ensure better coordination and seamless transaction. besides billions of rupees have been given by the government for the merged/erstwhile Fata secretariat departments etc (for present appellant/posts) but unfortunately despite of having same cadre of posts (appellant) 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/high Court judgment but the same will further violate the fundamental right of the appellant being enshrined in the constitution of Pakistan, 1973, will seriously affect the promotion /seniority,

so much so, the appellant was extremely shocked to know and put in doldrums by the respondent, of having the stance, if the same impugned Notification is not accepted, the consequences will be grimed and as such the impugned order has further aggravated the agonies of the appellant and seriously traumatized their families. **(Copy of the all the Notifications along with relevant documents of the respondent department are annexed as annexure "E").**

- 8) That the mendacious approach and clear discrimination of the respondents is cleared from the Notification No. SO(E)P&D/19-37/PPS/2018 Dated: 22.03.2019, whereby the employees of erstwhile Fata Secretariat have not been placed Surplus ***"In Pursuance of Order of Peshawar High Court, Peshawar dated: 07.11.2018 in writ petition No.3722-P/2016 titled Muhammad Masood Afridi & others Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others and in light of decision of the meeting held on 15.11.2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, the Competent Authority is pleased to include the following posts in BS-17 and above of erstwhile Agency Planning Cells P&D Department, Merged Areas (Tribal Districts) in the schedule of Provincial Planning Service (PPS) cadre and the incumbents as Provincial Planning Service Officers in their respective grades, with immediate effect, in the best public interest"***. **(Copy of the**

Notification dated: 22.03.2019 is annexed as annexure "E").

- 9) that having no other option, the appellant along with other employee, have knocked the door of the Hon'ble Peshawar High Court Peshawar but due to the pendency of the same, mendaciously, the respondents have adjusted the appellant in other departments and after filing the comments, finally the Hon'ble Peshawar High Court vide judgment dated 05-12-2019 in W.P No 3704-P/2019 has been pleased to order the W.P as infructuous in light of article 212 of the constitution of Pakistan, 1973 via jurisdiction and in Para No 5 " Needless to mention and we expect that keeping in view the ratio as contained in the judgment titled **TIKKA KHAN AND OTHERS VS, SYED MUZAFFAR HUSSAIN SHAH AND OTHERS (2018 SCMR 332)**, the seniority would be determined accordingly". **(Copy of W.P No 3704-P/2019 and Judgment dated 05-12-2019 of the Hon'ble Peshawar High Court Peshawar, comments etc are annexed is annexure "F").**
- 10) That feeling aggrieved from the Hon'ble Peshawar High Court Peshawar ibid Judgment; the appellant along with other employees has challenged the same before the apex Court of Pakistan and vide order dated 04-08-2020 in CP NO. 881/2020 the apex Court has been pleased to direct the appellant to redress the grievance before this Hon'ble service

tribunal (C.P, dismissed as not pressed) and hence the instant appeal as per the apex court decision before this Hon'ble Court. **(Copy of the Order dated 04-08-2020 in C.P No. 881/2020 of the apex Court of Pakistan is annexed as annexure "G").**

- 11) That the mendacious and biased approach of the respondent is cleared from the further unjustifiable office letter NO SO(B & A)FD/NMAS/4-1/2019/SNE/185 DATED 11-06-2020. Whereby in order to favor the blue eyed people on the same post of the appellant, the respondents has shifted/ created same post in the civil Secretariat for their near and dears. Suffice it to say the same unjustifiable office letter has also been challenge in C.M.A No. 4608/2020 in C.P.L.A 881/2020 before the August Supreme Court of Pakistan and hence the same is also required to be set aside. **(Copy of the unjustifiable office letter NO SO(B & A)FD/NMAS/4-1/2019/SNE/185 DATED 11-06-2020 is annexed as annexure "H")**
- 12) That the law demands, justice may not only be done but it should manifestly be seemed to be done, keeping in view the unjustifiable order of the respondents. In such a scenario, if the same is not set-aside, the appellant will be further aggravated and will suffer irreparable losses.
- 13) That the expounded subjects, facts and circumstances may also be considered as ground of the instant writ petition and any other

point/documents may be raised/ provided at the time of arguments for the best assistance of this Honorable Court.

PRAYER:

IT IS, THEREFORE, MOST HUMBLY PRAYED THAT BY ACCEPTANCE OF INSTANT APPEAL ON THE BASIS OF EXPOUNDED SUBJECT, FACTS AND CIRCUMSTANCES THE UNJUSTIFIABLE AND IMPUGNED NOTIFICATION NO.SO(O&M)/E&AD/3-18/2019 DATED: 25-06-2019 OF THE RESPONDENTS MAY KINDLY BE SET-ASIDE BEING ILLEGAL, UNLAWFUL, AGAINST THE SURPLUS POOL POLICY OF THE GOVERNMENT OF 2001 (AS THE APPELLANT DOES NOT FALL UNDER THE SURPLUS POLICY) AND THE VIOLATION OF THE FUNDAMENTAL VESTED RIGHT OF THE APPELLANT AND THE APPELLANT MAY KINDLY BE RETAINED /ADJUSTED AGAINST THE SECRETARIAT CADRE BORN AT THE STRENGTH OF ESTABLISHMENT DEPARTMENT OF CIVIL SECRETARIAT.

SIMILARLY THE SENIORITY/ PROMOTION MAY ALSO BE GIVEN TO THE APPELLANT SINCE THE INCEPTION OF THE EMPLOYMENT IN THE GOVERNMENT DEPARTMENT WITH

**RETROSPECTIVE BACK BENEFIT AS PER
THE JUDGMENT TITLED "TIKKA KHAN &
OTHERS VS SYED MUZAFAR HUSSAIN
SHAH & OTHER (2018 SCMR 332) AS
WELL AS IN THE LIGHT OF THE LARGER
BENCH OF HON'BLE PESHAWAR HIGH
COURT PESHAWAR IN W.P 969/2010
VIDE JUDGMENT DATED 07-11-2013 IN
FAVOR OF THE APPELLANT FOR THE
BEST ADMINISTRATION OF JUSTICE
AND FAIR PLAY.**

Any other relief deemed appropriate in the
circumstances of the case may kindly granted in
favor of appellant.

محمد ہارز

Appellant

Through

Taimur Haider Khan
Advocate, High Court
& 

Malak Sajid Khan
Taimur Law Associates
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0346-9192561

Certificate: It is certify that no similar appeal on the above
subject has earlier been filed before this Honorable Tribunal.

Advocate 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2020

Muhammad Amjid Ayaz, Naib Qasid(BPS-02) (Still in Surplus Pool) at Office of Deputy Commissioner Khyber, (not adjusted yet)

....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through its chief Secretary at Civil Secretariat Peshawar & other

....Respondents

APPLICATION FOR THE CONDONATION OF DELAY AS PER PARA NO. 04 OF THE ORDER OF THE AUGUST SUPREME COURT OF PAKISTAN VIDE DATED 04-08-2020 IN C.P.L.A NO. 881/2020 KEEPING IN VIEW AGAINST THE IMPUGNED ORDER OF THE RESPONDENTS AND FOR SENIORITY THE APPELLANT HAS KNOCKED THE DOOR OF THE HON'BLE PESHAWAR HIGH COURT PESHAWAR AND IN WP 3704-P 2019 AND THEN BEFORE THE APEX COURT OF PAKISTAN AND DUE TO THE ENTRUSTMENT OF THE CASE BEFORE THIS HON'BLE TRIBUNAL THE INSTANT APPEAL IS GOING TO BE FILED HENCE THE DELAY IF ANY MAY KINDLY BE CONDONED FOR THE BEST ADMINISTRATION AND FAIR PLAY.

Respectfully Shewith:-

1. That the instant application may kindly be considered as part and parcel of the main appeal, in which no date has yet been fixed.
2. That as mentioned in the subject, against the impugned notification of the respondents, the appellant has filed constitutional petition and then knocked the door of the apex Court of Pakistan and vide order dated 04-08-2020 the apex Court has been pleased to entrust the instant case to this Hon'ble Tribunal and in Para No. 4 of order this Hon'ble Tribunal has been directed to somatically considered the condonation of delay if any.
3. That the law demand, justice may not only be done but it should manifestly be seen to be done keeping in view the infringement of the wasted fundamental right of the appellant, since 2008 by the respondent and in fact for the seniority/ promotion matter there is no need of limitation
4. That any other point may be raised at the time of arguments for the best assistance of this Hon'ble Court.

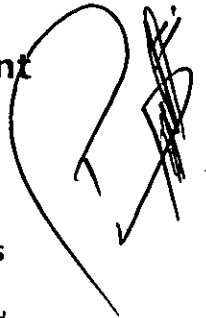
Prayer:-

It is therefore most humbly prayed that on the basis of mention subject, facts and circumstances, the needful may kindly be done for the best administration of justice and fair play.

Applicant/ Appellant
Through

Taimur Haider Khan
Advocate, High Court
Taimur Law Associates
Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar
Cell No.0346-9192561

Office:



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Muhammad Amjid Ayaz

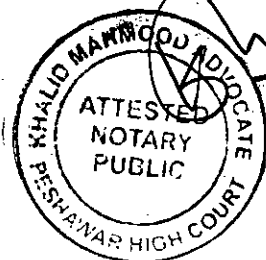
VS

Government of Khyber Pakhtunkhwa & Others.

AFFIDAVIT

I, Muhammad Amjid Ayaz, Naib Qasid (BPS-02) (still in Surplus Pool) at the office of Deputy Commissioner Abbottabad, (not adjusted yet), do hereby solemnly affirm and declares that the contents of instant appeal and condonation of delay are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

محمد امجد ایاز
Deponent



CNIC# 17301-2461682-9

16

Top "A"

GOVERNOR'S SECRETARIAT (FATA)
ADMIN WING PESHAWAR

OFFICE ORDER

On the recommendations of Selection/Promotion Committee, the competent authority has been pleased to appoint the following candidates as Assistant in (BPS-11) with admissible allowances on contract basis as prescribed in the following term & conditions.

S.NO	NAME	FATHER'S NAME	PERMANENT ADDRESS
1	Fazlullah	Shera Jan	Village Hurmaz, P.O & Tehsil Mirali North Warzirstan Agency.
2	Ghazi Rehman	Noran Baz	Village Mazri Garhi, Muli Khel Aziz Khel Orkazai Agency.
3	Ashiq Hussain	Sardar Ali	Village Malana, Hamza Khel Turi P.O Parachinar, Kurram Agency.
4	Shaukat Khan	Taza Khan	Village Metta Khel, Sama Badabera P.O Jana Kor, FR Peshawar.
5	Abdul Qadar	Abdul Jamher	Village Laka Tiga, P.O Azim Qila FR Bannu.
6	Fazal Saeed	Fazal Mehnood	Village Gulshan Yaran Khar, Tarakzai P.O & Tehsil Bajaur, Bajaur Agency.
7	Zahid Khan	Jan Badshah	Village Tandi Zarghun Khe, Dara Adam Khel FR Kohat.
8	Hadi Hussain	Hussain Khan	Village Zeran Hassanzaib P.O Parachinar Kurram Agency.
9	Hanif ur Rehman	Ghulam Qadir	Village Khar, Landi Khel P.O & Tehsil Bajaur, Bajaur Agency.
10	Qaisar Khan	Mughal Baz	Village Nala Kajori Malakohi Khel P.O Bara Khyber Agency.

TERM AND CONDITIONS OF EMPLOYMENT ON CONTRACT BASIS

1. BPS-11 - Pay (2590-175-7840)
2. Period of contract will be 2 years. The contract will automatically be terminated on expiry of the stipulated period however it can be extended only through a fresh order in writing by the competent authority prior to the expiry of contract period.
3. Annual Increment will be admissible after completion of one year of service.
4. Conveyance allowance as per Government rules.
5. House Rent allowance (As per Government Rules)
6. Leave, TADA and medical allowance (as per Government Rules)
7. Notice period for termination of contract:- Two months notice or two months salary in lieu thereof.
8. Benevolent Fund:- Same facilities as admissible to government Servants.
9. Contributory Provident Fund:- 5% of minimum of pay by the employees and 5% of contribution by the Government.
10. The employees appointed on contract will not contribute to G.P Fund and shall not be entitled to Pension and Gratuity benefits

ATTESTED

17

11. Subsequent to appointment, the employee will remain on probation for a period of 6 months and that he will compulsorily acquire the skill of Computer Operation within the probationary period and if he does not come up to the required standard and skill or fails to fulfil the requirement of the post, he will be straightaway terminated from service.
12. If you agree to the above terms & condition, you should report for duty and sign the agreement as well as produce medical fitness certificate from the authorized Medical Officer within 10 days of the issuance of this order. In case of non joining the duty by any appointee within the stipulated period, his appointment order will stand cancelled, automatically.


Sd/-
Deputy Secretary (Admn)

S/E/100-19/3239-47

d. 01/12/2004

to:

1. Deputy Secretary (Finance)
2. Additional Accountant General (PR) Sub Office Peshawar
3. Director Minerals, Ind & Tech Education
4. Section Officer (Budget & Accounts)
5. Section Officer (Audit)
6. PS to Secretary to Governor
7. PS to Secretary IATAI (Security)
8. Bill Clerk (Admn Wing)
9. Individuals concerned


Section Officer (I-stub)

~~TESTED~~
ATTESTED



20

**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EG A11(1)/10916-

Dated Peshawar 29/10/2019

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

NOTIFICATION /ORDER.

In pursuance to Establishment & Administration Department (Establishment Wing), Government of Khyber Pakhtunkhwa Notification bearing No.SOR-III(E&AD)1-3/2019/Erstwhile FATA dated 10th October, 2019 read with Home & Tribal Affairs Department, Khyber Pakhtunkhwa letter No.E&A(HD)7-75/2017 dated 14th October, 2019, the Competent Authority has been pleased to adjust/absorb Mr.Hanif-ur-Rehman Assistant (BPS-16) on regular basis in the Directorate of Prosecution, Khyber Pakhtunkhwa w.e.f.01.07.2019

Sd/

Director General (Prosecution), KP

Ends of No. & date even.

Copy forwarded to:

- 1) Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
- 2) Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
- 3) Accountant General, Khyber Pakhtunkhwa.
- 4) Section Officer (G), Home & TA Department.
- 5) PS to Chief Secretary, Khyber Pakhtunkhwa.
- 6) PS to Secretary Establishment, KP.
- 7) PS to Special Secretary (Regulation), Establishment Department, KP.
- 8) PS to Special Secretary (Estt.) Establishment Department, KP.
- 9) PA to Director General Prosecution, Directorate of Prosecution KP.
- 10) PA to Director Admin, Directorate of Prosecution KP.
- 11) PA to Deputy Director Admin, Directorate of Prosecution KP.
- 12) PA to Deputy Director Finance, Directorate of Prosecution KP.
- 13) Budget & Account Section of Directorate of Prosecution KP.
- 14) Officials concerned.
- 15) Master File.

ATTESTED

Director (Administration)

ATTESTED

Profile Card

Hanif ur Rehman

307455 Office Assistant (BPS-16) | FATA Secretariat



Father Name	Ghulam Qadir Khan
Date Of Birth	1980-03-01
Domicile	Bajaur
Permanent Address	Peshawar
Telephone No.	0303-8262855
Qualification	(Masters Degree)
Date Of Joining Service	01/Dec/2004
Service Group	Prosecution Officer
Basic Pay Scale	BPS - 16

Education

S.NO.	Degree Title	Level	Start	End	Institute
1	Political Science	Masters Degree	2003-12-01	2004-07-31	University of Peshawar
2	Arts	Bachelors Degree (2-3 Years)	1998-10-01	2000-08-05	GC Khar
3	Arts	FSc / A Levels / (12 Years)	1996-06-01	1998-06-30	GC Khar
4	Arts	Matriculation / O Levels	1995-07-11	1996-03-31	GHS Bajaur

Training Courses

S.NO.	Training	Start Date	End Date	Local/Foreign
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Service History

S.NO.	Place Of Posting	From	To
1	Office Assistant (BPS-16) FATA Secretariat FATA Remarks: Notification No. SOE-III (E&AD) 1-3/2019/Erstwhile FATA; Date: 10-10-2019. In exercise of the power vested under provision of Sr.No: 2(ii) of Rule-4 Appointment, Promotion and Transfer Rules, 1989 read with Para-5(c)(i) of the Surplus Policy contained in E&A Department (Regulation Wing) Govt. of Khyber Pakhtunkhwa circular letter No. SOR-I (E&AD) 1-200/1998 dated 08-06-2001 and in partial modification of this Department's Notification of even No. dated 19-07-2019, the Competent Authority has been pleased to place the services of Mr. Hanif ur Rehman, Assistant (BPS-16) and Mr. Shahid Ali Shah, Computer Operator (BPS-16) (Surplus Pool Establishment & Administration Department) at the disposal of Home & Tribal Affairs Department for their further adjustment in Directorate of Prosecution, Khyber Pakhtunkhwa against the vacant posts of Assistant (BPS-16) and Computer Operator (BPS-16) w.e.f. 01-07-2019. DIRECTORATE OF PROSECUTION (01-Jul-2019 till date)	01/07/2019	Currently works here
2	Office Assistant (BPS-16) FATA Secretariat FATA Remarks: Upgraded post to BPS-14 to BPS-16 w.e.f 01-07-2016 Finance Department Notification No. 9(7) R-1/2014-15/2016 dated 01-07-2016 & Cabinet Division No. 1/13/9G-R-6 10-08-2016	01/07/2016	30/06/2019
3	Office Assistant (BPS-14) FATA Secretariat FATA Remarks: Regularized w.e.f 01-07-2008 vide notification No. FS/100 (09) (GS) Vol-2/8522-43 dated 13-06-2014.	01/07/2008	30/06/2016
4	Office Assistant (BPS-14) FATA Secretariat FATA Remarks: Post upgraded from BPS-11 to BPS-14 vide Govt. of Pakistan Finance Division Islamabad letter No. F6(4) R.1/2006 dated 29-06-2007	01/07/2007	30/06/2008
5	Office Assistant (BPS-11) FATA Secretariat FATA Remarks: Appointed as Office Assistant (BPS-11) on regular contract basis	01/12/2004	30/06/2007

Inquiries

ATTESTED

1. - 1)

BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Writ Petition No. 969 /2010.

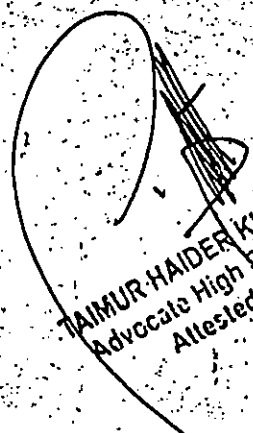


1. Hanif Ur Rahman,
Assistant
Law & Order Department FATA
Secretariat Peshawar.
2. Ashiq Hussain,
Assistant
Admn & Co-ordination Department FATA
Secretariat Peshawar.
3. Zahid Khan,
Assistant
Minerals Directorate FATA
Secretariat Peshawar.
4. Qaisar Khan,
Assistant
Minerals Directorate FATA
Secretariat Peshawar.

_____ Petitioners

VERSUS

1. Government of NWFP
Through Chief Secretary,
NWFP Peshawar.
2. Additional Chief Secretary
FATA Secretariat Warsak Road,
Peshawar.


TAIMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED
EXAMINER
Peshawar High Court.


ATTESTED

263/11

Deputy Registrar
18 MAR 2010

3. Secretary SAFRON Division,
Government of Pakistan,
Islamabad.

23

5

4. Deputy Director (Minerals),
FATA Secretariat Warsak Road,
Peshawar.

Respondents

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

Respectfully Sheweth,

Short facts giving rise to the present Writ Petition, are as under:-

1. That, in the year 2003, 157 new regular posts were created and sanctioned by the Federal Govt. for the newly established Governor's Secretariat (FATA) which has now been renamed as FATA Secretariat, copy of the Order is attached as Annexure-A.
2. That, the Petitioners applied for the post of Assistant (BPS-11), which were advertised in the press, copy of the Advertisement is attached as Annexure-B.
3. That, the Petitioners were appointed as Assistant(s) in the Governor's Secretariat (FATA Secretariat) through Departmental Recruitment Committee, notified by the Competent Authority, copy of the Notification is attached as Annexure-C, on Contract Basis against the regular posts on prescribed method of recruitment of Provincial Government after fulfilling all the laid down codal formalities i.e. Screening Test, Interviews etc. and the petitioner joined the Governor's Secretariat FATA, copy of the Appointments Order is attached as Annexure-D.
4. That, the Contract of the Petitioners was renewed from time to time by issuing Office Orders and final extension was accorded for further period of one year w.e.f. 0312.2009, copy of the same is attached as Annexure-E.

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09 MAR 2010

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TAJAN HAIDER KHAN
Judge High Court
Attested

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EXAMINER
Peshawar High Court

24

5. That, the Federal Government decided and issued instructions that all those employees who are working on contract basis against the posts in BSP-1 to BSP-15 may be regularized and the decision of the Cabinet would also apply to the contract employees working in FATA Secretariat through SAFRON Division for regularization of the contract appointments in respect of contract employees working in FATA, Copy of the same is attached as Annexure-F, and regularization Officer Memorandum dated 29.08.2008 is attached as Annexure-F/1.
6. That, after the above said decision, Petitioners requested the Respondent No.2 on 27.10.2008 for regularization of their appointments as per Cabinet decision, copy of the Appeal / Representation is attached as Annexure-G.
7. That, however, the Petitioners were not regularized on the ground that in terms of "The Centrally administered Tribal Areas (Employees, Status) Order 1972 President's Order No.13 of 1972), the employees working in FATA shall, from the appointed day, be the employees of Provincial Government on deputation to the Federal Government without deputation allowance vide Establishment & Administration Department, Government of NWFP Letter No.SOR-VI/E&AD/1-13/2005 dated 21102008, copy of the same is attached as Annexure-H.
8. That, recently the Government of NWFP has promulgated North West Frontier Province Employees (Regularization of Service) Act, 2009 (NWFP Act No.XVI of 2009), copy attached as Annexure-J, and after this decision Petitioners approached the Addition Chief Secretary (FATA) for regularization of their appointments accordingly, but no action has been taken, as yet, copy of the Appeal / Representation is attached as Annexure-K. Hence, this Writ Petition on the following amongst other grounds, as there is no alternate & efficacious remedy available to the Petitioners:-

GROUNDS:

- A. That, the Petitioner's services are not regularized under melafide intention and the same is illegal, unlawful, void and ineffective.
- B. That, the Petitioners have been appointed after fulfilling all the codal formalities and on the prescribed manner of Provincial

09 MAR 2010

ATTESTED
TAIMUR ANDER KHAN
Adv. High Court

Exhibitor
North West Frontier Court

(25)

Government, therefore, after the regularization of other contract employees, the Petitioners are also entitled to be regularized in the Provincial Cadre along with Seniority of the provincial Government employees.

- C. That, after the clear orders of the Government, the Respondents are duty bound to issue proper regularization orders / notification but instead they are bent upon not to implement the law, rules / directions of government of NWFP, Peshawar.
- D. That, the Respondents are deliberately mis-interpreting the law and rules regarding the regularization of the Petitioners.
- E. That, this Honourable Court has already issued directions for the regularizations of contract employees in numerous Writ Petitions, which also covers the case of the Petitioners.
- F. That, the posts of the Petitioners are regular posts and the competent authority has duly sanctioned these posts against which the petitioners are working, since long.
- G. That, Petitioners are getting regular increments per year and are getting the salary from the Accountant General Pakistan Revenue, copies of the Pay Slips are attached as Annexure-L, L/1 & L/2.
- H. That, before the Regularization of Service Act, 2009, Act No. IX was also promulgated where under the Petitioners has right to be regularized.
- I. That, the act of the Respondents being illegal, is of no legal effect, without lawful authority, and without jurisdiction calling interference of this Honourable Court under its constitutional Jurisdiction.
- J. That, the same is against the principal of Natural justice, also.
- K. That, right from the initial appointment up till now the Petitioners are performing their duties with full devotion and has unblemished service career.

It is, therefore, prayed that on acceptance of the instant Writ Petition, the respondents be directed to consider the Petitioners as regular employees and the Respondents may further be directed to issue proper regularization order / notification of the service of the Petitioners with all back benefits and their seniority

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Deputy Registrar
09 MAR 2010

TALIB HAIDER KHAN
Deputy Registrar
Court

26

be counted in the Provincial Cadre with such other relief as may deem fit in the circumstances of the case may also be granted.

~~Petitioners~~

Through,

WAQAR AHMAD SETH
(Advocate, Peshawar)

LAW BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Law Books as per need.

Certificate:- Certified that no such Writ Petition has been filed earlier by the Petitioner.

ATTESTED
EXAMINER
Peshawar High Court

ATTESTED

TAMUR HAIDER KHAN
Advocate High Court
Attested

Deputy Registrar
14/ MAR 2010

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

27

W.P. No. 969 of 2000

JUDGMENT

Date of hearing 30-11-2011

Petitioners Hanifur Rehman by Mr. Raheel Amir

Respondent Govt of NWFP etc by Mr. Zahid Yousaf AAG

Mr. Arshad Jinnel Adv for R No. 2 and 4

Mr. Muzamil Khan DAE for R No. 3

ATTAULLAH KHAN, J.- Petitioners

through the instant petition have asked for the issuance of an appropriate writ directing the respondents to regularize their services under the NWFP ACT No. XVI OF 2009.

2. Learned counsel appearing on behalf of the petitioners by referring to the appointment order of the petitioners, contended that when the petitioner were appointed on contract basis vide order dated 1.12.2004 for a

TAMJUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

28

certain period which was further extended till 3.12.2010 and were holding the posts on 31st December 2008, their case clearly and squarely falls within the ambit of Act mentioned above, therefore, they are required to be regularized.

3. We have gone through the record carefully and also considered the submissions of the learned counsel for the parties.

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EXAMINER
Peshawar High Court

4. The record reveals that the petitioners were appointed on contract basis vide order dated 1.12.2004 for a period of two years which was extended from time to time and finally on 28.10.2009 for one year from 3.12.2009. Admittedly, they were holding the said posts on 31st December, 2008 and even till the commencement of the Act *ibid*. When so, they were required to be regularized and cannot be denied regularization on the basis of a farfetched arguments

ATTESTED
AMUR HAIDER KHAN
Advocate High Court
Peshawar

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[Signature]

29

(15)

addressed by the learned counsel for the respondents.

6. For the reasons discussed above, this writ petition is allowed as prayed for.

sd/ Attaullah Khan
sd/ Azmatullah Malik

No. 7119

Date of Presentation of application 3/12/11

No of Pages 10

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TAMUR HAIDER KHAN
Advocate High Court
Attested

~~ATTESTED~~

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

30

PRESENT
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE IQBAL HAMEEDUR REHMAN

CIVIL APPEAL NO. 29-P OF 2013

(On appeal from the judgment of
the Peshawar High Court,
Peshawar, dated 30.11.2011
passed in W. P. No. 969 of 2010)

Additional Chief Secretary (FATA) & another Appellants

Versus

Hanif-ur-Rehman and others Respondents

For the Appellants: Mr. Imtiaz Ali, ASC

For the Respondents: Mr. Abdul Aziz Kundi, ASC

Date of Hearing: 30.05.2013

JUDGMENT

NASIR-UL-MULK, J.- Leave to appeal was granted
to appellants on 16.01.2003 in the following terms:-

"The respondents were employed on
contract basis in the year 2004 in the FATA
Secretariat against the posts sanctioned by the
President of Pakistan, the expenditure whereof
was to be met out within the sanctioned budget
grant during the years 2003-2004. The period of
contract of the respondents initially was for two
years. They filed Constitution petition before the
Peshawar High Court for regularization of their
services under the N.W.F.P. Employees
(Regularization of Services) Act, 2009 (N.W.F.P.
Act No. XVI of 2009). Their petition was allowed

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[Signature]
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

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[Signature]
TAMMUR KHAN
Advocate

and it was directed that their services shall be deemed to have been regularized under the said Act. The petitioners (Additional Chief Secretary (FATA) and another) have filed this petition against the judgment of the High Court contending that the respondents were employees of the Provincial Government; and that the N.W.F.P. Act No. XVI of 2009 was restricted to the employees appointed on contract basis by the Provincial Government. Reference was made to the definitions of 'employee' in Section 2(b) and 'Government' in Section 2(c) of the N.W.F.P. Employees (Regularization of Services) Act, 2009.

2. Leave to appeal is granted to consider whether the High Court was right in ordering the regularization of services of the respondents under the said Act. We are informed that the respondents are still serving in the FATA Secretariat and the learned counsel for the petitioners states that they would not be disturbed, that however the direction regarding regularization of their services may be suspended. Order accordingly.

2. Responding to the points raised in the leave granting order, Mr. Abdul Aziz Kundl learned ASC for the respondents, referred to the judgment of this Court in the case of "The Additional Chief Secretary FATA and others v Muhammad Masood Afridi and others (C.P.Nos.437-P to 450-P of 2010)" whereby in a similar case the leave to appeal was declined against the judgment of the Peshawar High Court, with the result that the contractual employment of the said respondents stood regularized. He next pointed out that the respondents in their writ petition filed before the High Court

TAMIR HAIDER KHAN
Advocate High Court
Attested

ATTESTED
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

ATTESTED

32

had sought regularization of their services not only under the provisions of N.W.F.P. Employees (Regularization of Services) Act, 2009 but under the policy of the 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. The learned counsel referred to the impugned judgment and submitted that the High Court had examined the respondents' case only under the N.W.F.P. Employees (Regularization of Services) Act, 2009.

3. We agree with the learned counsel for the respondents to the extent that the High Court ought to have also examined case of the respondents under the Policy of the Federal Government, for which the case is to be remanded to the High Court.

4. Since we were informed that the similar matters had been decided by other Division Benches of the High Court, it will be appropriate that the present writ petition be heard by a three Member Bench. We may however add that the question of regularization of the respondents under the N.W.F.P. Employees (Regularization of Services) Act, 2009 may also be re-examined. It is clarified that the judgment of this Court in

The Additional Chief Secretary FATA and others v Muhammad Masood Afridi and others (C.P.Nos.437-P to 450-

P of 2010) has not decided the afore-stated questions involved

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Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

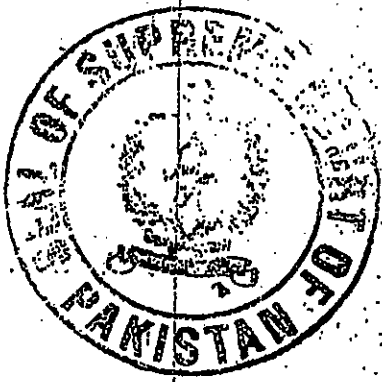
TAKHUM ZAIDER KHAN
Additional High Court
Attested

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33

in the present case and therefore shall not be treated as a precedent for the same.

5. We would therefore allow the appeal, set aside the impugned judgment and remand the case to the High Court whereby the writ petition filed by the respondents (W.P.No.969 of 2010) shall be deemed to be pending.



Sd/- Nasir-ul-Mulk
Sd/- Muam Saqib Nusrat
Sd/- Iqbal Hameedur-Rahman
Certified to be true copy
Deputy Registrar, 313
Supreme Court of Pakistan,
Peshawar.

Peshawar
May 30, 2013
Shirazi/

11/6
"NOT APPROVED FOR REPORTING"

~~ATTESTED~~

TAMMUR HAIDER KHAN
Advocate High Court
Attested

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

34

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
	2
07.11.2013	<u>W.P.No. 969/2010.</u>
	<p>Present: Mr. Khalid Mahmood, Advocate, for the petitioner.</p> <p>M/s Waqar Ahmad, AAG & Muzammil Khan, DAG, for the Provincial & Federal Governments respectively.</p> <p>Mr. Imtiaz Ali, Advocate, for respondents 2 & 4.</p> <p align="center">***</p>
	<p><u>DOST MUHAMMAD KHAN, C.J.</u>- This single judgment shall also decided connected W.P.No. 289-P/2012 entitled "<u>Zahir Shah Vs. Government of Khyber Pakhtunkhwa through Chief Secretary & 03 others</u>" because identical questions of law & facts are involved in both.</p> <p>2. Petitioners of this and of the connected petition are aggrieved of the inaction & implied denial of the respondents particularly, FATA Secretariat Authorities, not regularizing their services in accord with the decision of the Cabinet / Cabinet Sub Committee dated 29.08.2008. The simple ground given by the Authorities for the impugned action is that the petitioners are not employees of FATA Secretariat, hence they cannot get the benefit of Cabinet decision, referred to above.</p> <p>3. For the redressal of their grievance, they earlier filed W.P.No. 969/2010 before the High Court which was allowed mainly on the strength of amended provision of Section 19 of the Civil Servants Act, 2005, followed by similar Amendment Act, 2009, directing the regularization of services of contract employees.</p> <p>4. The respondents filed a leave petition before the Hon'ble</p>

TAMUR HAIDER KHAN
 Advocate High Court
 Attested

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 EXAMINER
 Peshawar High Court

ATTESTED

(35)

Apex Court where the matter was considered from all aspects. The view held by this Court was although impliedly upheld, however, the Apex Court further held that because of the Cabinet decision, referred to above, which was a matter agitated in the petition before the High Court, was not properly addressed and no decision was given thereon, therefore, it was deemed appropriate to remand the case to reconsider that aspect from all legal angles within a minimum possible time, however, preferably it may be decided by a Full / Larger Bench.

Accordingly, a Full Bench was constituted to consider the legal effect of the above decision of the Cabinet Sub Committee which was communicated to FATA Secretariat by the Cabinet Division / Secretariat directing it to regularize the services of the petitioners and many others alike, numbering 1282 but the respondents put the matter on the back burner and on the ground of sheer technicalities thwarted the process despite of repeated directions given by the Cabinet Division and the Ministry of SAFRAN.

5. Initially 157 posts were created & sanctioned by the President of Pakistan, who is the Executive Authority for FATA, which is exercised through the Governor of Khyber Pakhtunkhwa as his Agent and the Ministry of SAFRAN has to oversee the Administrative, Departmental, Social Development Projects, Law & Order and other allied matters which has been listed in the Policy Decision of the Federal Government and to give guidance & instruction to FATA Secretariat. The Ministry of SAFRAN has also supported the case of the petitioner and many others, who are waiting for regularization of their services.

6. The learned counsel representing FATA Secretariat (Mr. Imbiaz Ali, Advocate) although did not oppose the decision of the

TAMUR HAIDER KHAN
Advocate High Court
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36

Cabinet Sub Committee, conveyed to FATA Secretariat through Cabinet Division, however, he was of the view that let a time frame be given to FATA Secretariat to do the needful and comply with the directives of the Federal Cabinet but at the same time to provide a service structure for these & other employees of alike nature, whose services are to be regularized, so that all matters are determined and conclusively settled once for all to avoid interse litigation between these employees or between these employees and FATA Secretariat.

7. In the connected W.P.No. 289-P/2012, the plea taken by the replying respondents is that it is the Federal Public Service Commission to appoint the petitioners under the Function Rules of 1978, however, while taking this stance the replying respondents have conveniently ignored that the petitioner is holding the post, below grade-15 thus, it does not fall within the domain of the Federal Public Service Commission.

8. A Division Bench of this Court in similar circumstances while entertaining writ petitions bearing No. 82-P/2012 and 2305-P/2012, through an elaborate judgment dated 14.05.2013, has categorically held that the Federal Cabinet decision, conveyed to the FATA Secretariat on 29.08.2008 on the subject matter, directing to regularize the services of contract employees from BPS-1 to BPS-15 was not adhered to without any lawful justification. After discussing the legal & constitutional position, it was ultimately held that because other alike employees were treated differently, giving benefit to them of the above policy by the respondents, thus, it was further held that the petitioners of those two petitions shall be deemed to have been regularized from the date when the Federal Cabinet took the decision on 29.08.2008 and was conveyed to the FATA Secretariat but in their respective pay

TAMMUR HAIDER KHAN
Advocate High Court
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scales.

9. The case of the petitioners is placed on the same pedestal and equal footing and when the replying respondents are not controverting this legal position rather have conceded in regularizing the services of all such employees including the petitioners but with the request that they may be given a reasonable time to create certain posts and to draw service structure for these and other employees to regulate their permanent employment in FATA Secretariat vis-à-vis their emoluments, promotions, retirement benefits and interse seniority as well then, we are not supposed to go into the interpretation of various provisions of the constitution, that of the Business Rules of 1973 of the Federal Government, the Notification through which the FATA Secretariat was established and the Notification through which the Ministry of SAFRAN was constituted / created and was given an effective and active role in the affairs of the FATA.

Accordingly, this and the connected petition, mentioned above, both are admitted & allowed as prayed for. Services of all the petitioners including those, who are similarly placed and serving on contract basis in the FATA Secretariat, shall be regularized in light of the Cabinet decision conveyed to FATA Secretariat by the Cabinet Division, meeting of which was held on 13.03.2013.

Needless to remark that in view of the judgment of the Hon'ble Apex Court in the case of "Government of NWFP (Now KPK) Vs. Mst. Shagufta Sayyed" (CPLA No. 151-P/2009), once the Project employees, who were working on contract basis and some of whom on that ground was not given relief by this Court like the rests, they too were granted the same relief on the analogy that no clear line of demarcation can be drawn between them,

TAMJUR HAIDER KHAN
Advocate High Court
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therefore, the FATA Secretariat shall not create any unnecessary impediment in the way of similarly placed Project employees and shall not enter into the field of unessential technicalities to block the way of the petitioners and similarly placed other employees, who too are entitled to the same relief although not before us because on the strength of principle of law laid down by the Hon'ble Apex Court in the case of "Hameed Akhtar Niazi Vs. The Secretary Establishment Division, Government of Pakistan" (1996 SCMR 1185), however, the FATA Secretariat is given three (03) months time to complete the entire process discussed above and it shall be clearly understood that it is a last chance for them and no further extension would be granted on any ground whatsoever because the matter is old enough and the petitioners along with hundreds & hundreds others are suffering and are in trouble besides mental agony. The Additional Chief Secretary FATA with collaboration of other Secretaries and with the instruction of Government of Khyber Pakhtunkhwa may create a task force to achieve the objectives highlighted above including preparation of service structure and regularization of service of these employees, so that, the entire process is completed within the given time.

ATTESTED

TAMIR HAIDER KHAN
Advocate High Court
Attested

Sd/- Dost Mohammed M...
Sd/- Mian Fasihullah...
Sd/- Dost...
CHIEF JUSTICE
JUDGM
JUDGE

6815

Date of Presentation of Application 11-11-13
No of Pages 10
Copying fee /
Urgent Fee /
Total 20.00
Date of Preparation of Copy 11-11-13
Date Given For Delivery 11-11-13
Date of Delivery of Copy 11-11-13
Received By: [Signature]

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Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
the Constitution of 1984

11-11-13



Establishment Section

39

FATA SECRETARIAT
ADMINISTRATIVE SERVICES & ESTABLISHMENT DEPARTMENT
WARSAK ROAD PESHAWAR

NOTIFICATION :-

No.FS/EM/100-19 (GS) Vol-2/ 9282-9300 In pursuance of Peshawar High Court Peshawar Judgement dated 07-11-2013 in Writ Petition No.969/2010, the competent authority has been pleased to regularize the services of the following contract official with effect from 01-07-2008:-

S.No	Name & Designation	BPS	Date of appointment	Initial	Present place of posting
1.	Tauseef Iqbal Computer Operator	12	02-12-2004		Administration, Infrastructure & Coordination Department, FATA Secretariat

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 16/2/2014

Copy to:-

1. Secretary States & Frontier Regions Division Government of Pakistan Islamabad
2. Secretary Establishment Division Government of Pakistan Islamabad
3. Secretary Finance Division Government of Pakistan Islamabad
4. Secretary Law Division Government of Pakistan Islamabad
5. Secretary Establishment Department Khyber Pakhtunkhwa
6. Secretary Finance Department Khyber Pakhtunkhwa
7. Secretary Finance Department FATA Secretariat
8. Director (C&WS) FEB & GIBF Building Shahr-e-Suhrawardy Zero Point Islamabad
9. Accountant General Khyber Pakhtunkhwa
10. Additional Accountant General (PR) Sub Office Peshawar
11. Deputy Secretary (Litigation) FATA Secretariat
12. Section Officer (Budget & Accounts) Admn. FATA Secretariat
13. Estate Officer DDO FATA Secretariat
14. PS to Chief Secretary Khyber Pakhtunkhwa
15. PS to Secretary A&G Department FATA Secretariat
16. Asst. Clerk A&G Department FATA Secretariat
17. Official concerned
18. Personal File
19. File No. 100-90 (Task Force)

dc
Section Officer (Estab)
30.6.2014



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ATTESTED



(40)

FATA SECRETARIAT
ADMINISTRATIVE, FINANCIAL, CIVIL & LEGAL DEPARTMENT
WARSAK ROAD PESHAWAR

NOTIFICATION :-

No.FS/IE/100-19 (GS) Vol-2/ 8522-43 in pursuance of Peshawar High Court Peshawar Judgement dated 07-11-2013 in Writ Petition No.969/2010 and COC No.178-P/2014 dated 31-05-2014, the competent authority has been pleased to regularize the services of the following contract officials with effect from 01-07-2008:-

S.No	Name & Designation	BPS	Date of appointment	Initial	Present place of posting
1	Mr. Hanif-ur-Rehman Assistant	14	01-12-2004		Law & Order Department FATA Secretariat
2	Mr. Ashiq Hussain Assistant	14	01-12-2004		Admn, Infra: & Coord Department FATA Secretariat
3	Mr. Zahid Khan Assistant	14	01-12-2004		Admn, Infra: & Coord Department FATA Secretariat
4	Mr. Qaiser Khan Assistant	14	01-12-2004		Directorate of Minerals, Industries & Technical Education (FATA) Peshawar
5	Muhammad Zahir Shah Tracer	5	14-10-2004		Directorate of Minerals, Industries & Technical Education (FATA) Peshawar

Dated 13/6/2014
Copy to:-

ADDITIONAL CHIEF SECRETARY (FATA)

1. Secretary States & Frontier Regions Division Government of Pakistan Islamabad
2. Secretary Establishment Division Government of Pakistan Islamabad
3. Secretary Finance Division Government of Pakistan Islamabad
4. Secretary Law Division Government of Pakistan Islamabad
5. Secretary Establishment Department Khyber Pakhtunkhwa
6. Secretary Finance Department Khyber Pakhtunkhwa
7. Secretary Law & Order Department FATA Secretariat
8. Registrar Peshawar High Court Peshawar with reference to letter No.8708/Jud: dated 31-05-2014.
9. Director (C&WS) FEB & GIBF Building Shahrah-e-Suhrawardy Zero Point Islamabad
10. Director Minerals, Industries & Technical Education (FATA)
11. Accountant General Khyber Pakhtunkhwa
12. Additional Accountant General (PR) Sub Office Peshawar
13. Deputy Secretary (Litigation) FATA Secretariat
14. Section Officer (Budget & Accounts) Admn, FATA Secretariat
15. Estate Officer/DDO FATA Secretariat
16. PS to Chief Secretary Khyber Pakhtunkhwa
17. PS to Secretary A,I&C Department FATA Secretariat
18. PS to Additional Chief Secretary, FATA Secretariat
19. Bill Clerk A,I&C Department FATA Secretariat
20. Officials concerned
21. Personal Files
22. File No.100-90 (Task Force)

ATTESTED

TAMUR HADEEN KHAN
Advocate High Court
Attested

Section Officer (Estab)

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GOVERNOR'S SECRETARIAT (FATA)
ADMN WING PESHAWAR

ORDER

On the recommendations of Selection/Promotion Committee, the competent authority has been pleased to appoint the following candidates as Chowkidar in BPS-1 with admissible allowances on contract basis as prescribed in the following term & conditions:-

S.NO	NAME	FATHER'S NAME	PERMANENT ADDRESS
1	Tahir Ali	Haleem Khan	R/O village Malana, Tori Hamza Khel Kurram Parachinar
2	Muhammad Amir	Mirza Khan	R/O Sama Badaber P.O Shamshtab village Azad Khel FR Peshawar
3	Inayatullah	Lal Badshah	Bar Qambar Khel Tapa Wand Gray Kandi Khawaja Khel, Surkas Kajori Khyber Agency Bara
4	Yasar Arafat	Anwar Khan	R/O Ghundi Kokikhel Khyber Agency Jamrud
5	Zamrud Khan	Sarwar Khan	R/O Khan Killi Bar Qambar Khel Dreplari Kajori Khyber Agency Bara
6	Said Wali Shah	Yasin Shah	R/O village Darazinda Sherani area FR D.I Khan
7	Kimya Gul	Khial Badshah	Bar Qambar Khel Village Khanbi Khel Dreplari, Khyber Agency Bara
8	Azizullah	Muhammad Aslam	R/O Village Laka Tiga Marghali Qilla FR Bannu
9	Zainullah	Manak Khan	R/O Shah Hussain Qilla Sub Section Pirba Khel FR Bannu
10	Safiullah	Mosam Khan	R/O Village Aimal, Azim Qilla FR Bannu
11	Abidullah	Muhammad Haroon	R/O Kashi Koroon P.O Dob Mohmand Agency Ekkaghund
12	Altaf ur Rehman	Mohibullah	R/O village Dag Qilla Khazana, Akhoun Khel Bajaur Agency

TERM AND CONDITIONS OF EMPLOYMENT ON CONTRACT BASIS:

1. BPS-1 Pay (1870-55-3520)
2. Period of contract will be 2 years. The contract will automatically be terminated on expiry of the stipulated period however it can be extended only through a fresh order in writing by the competent authority prior to the expiry of contract period.
3. Annual Increment will be admissible after completion of one year of service.
4. Conveyance allowance as per Government rules.
5. House Rent allowance (As per Government Rules)
6. Leave, TA/DA and medical allowance (as per Government Rules)
7. Notice period for termination of contract:- Two months notice or two months salary in lieu thereof.
8. Benevolent Fund:- Same facilities as admissible to government Servants.
9. Contributory Provident Fund:- 5% of minimum of pay by the employees and 5% of contribution by the Government.

TAMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

- (72)
10. The employees appointed on contract will not contribute to G.P. Fund and shall not be entitled to Pension and Gratuity benefits
 11. Subsequent to appointment, the employee will remain on probation for a period of 6 months and if he does not come up to the required standard and skill or fails to fulfil the requirement of the post, he will be straightaway terminated from service.

If you agree to the above terms & condition, you should report for duty and sign the agreement as well as produce medical fitness certificate from the authorized Medical Officer within 10 days of the issuance of this order. In case of non joining the duty by any appointee within the stipulated period, his appointment order will stand cancelled, automatically.

Sd/-
Deputy Secretary (Admn)

No. GS/E/100-19/ 1920-30
Dated 8/10/2004
Copy to

1. Deputy Secretary (Finance)
2. Additional Accountant General (PR) Sub Office Peshawar
3. Director Irrigation & Hydle Power
4. Director Min, Ind & Tech Education
5. Section Officer (Budget & Accounts)
6. Section Officer (Audit)
7. Executive Engineer Itr & Hydle Power Divn Mohmand Agency
8. Executive Engineer Itr & Hydle Power Divn Khyber Agency
9. PS to Secretary to Governor
10. Bill Clerk (Admn Wing)
11. Individual concerned.


Section Officer (Estab)


TAIMUR HAIDER KHAN
Advocate High Court
Attested



FATA SECRETARIAT
(COORDINATION & ADMINISTRATION DEPARTMENT)
WARSAK ROAD PESHAWAR

431

OFFICE ORDER :-

The Services of the following Chowkidars who were appointed on contract basis in the prescribed manner against the regular posts are brought on regular footing from the date of their initial appointment indicated against each :-

S.No	Name of official	Designation	Date of Initial appointment on contract basis	Present place of posting
1.	Muhammad Amir	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
2.	Yasar Arafat	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
3.	Zamrud Khan	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
4.	Kimya Gul	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
5.	Azizullah	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
6.	Zainullah	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
7.	Safiullah	Chowkidar	08-10-2004	Admn & Coord Department FATA Secretariat
8.	Inayatullah	Chowkidar	08-10-2004	Irrigation & Hydel Power Division Khyber Agency
9.	Abidullah	Chowkidar	08-10-2004	Irrig. & Hydel Power Division Mohmand Agency
10.	Altaf ur Rehman	Chowkidar	08-10-2004	Minerals Directorate

2- Consequent upon above, they will not be entitled to benefit of pension and gratuity but only to the Contributory Provident Fund in terms of Section-19 (2) of the NWFP Civil Servants Act 1973.

ADDITIONAL CHIEF SECRETARY (FATA)

No.FS/E/100-19 (GS) Vol-21 2711-27

Dated 4/14/2009

Copy to:-

1. Secretary Finance Department FATA Secretariat
2. Additional Accountant General (PR) Sub Office Peshawar
3. Director Irrigation & Hydel Power (FATA) Peshawar
4. Deputy Secretary (Admn), FATA Secretariat
5. Deputy Director (Minerals) FATA
6. Estate Officer/DDO, FATA Secretariat
7. Section Officer (Budget & Accounts) Admn, FATA Secretariat
8. Section Officer (Budget & Accounts) FATA Secretariat
9. Section Officer (Audit) FATA Secretariat
10. Budget & Accounts Officer, Directorate of Irr & Hydel Power
11. Budget & Accounts Officer, Director of Minerals (FATA)

TAMUR HANER KHAN
Advocate High Court
Attested

Contd.... Page-2

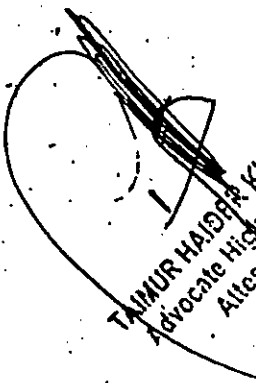
ATTESTED

44

2

12. Executive Engineer Irrigation & Hydel Power Division Mohmand Agency
13. Executive Engineer Irrigation & Hydel Power Division Khyber Agency
14. Agency Accounts Officer Mohmand & Khyber Agencies
15. PS to Secretary (Admn & Coord) Department, FATA Secretariat
16. Bill Clerk (Admn Department)
17. Officials concerned.


(IHSANULLAH KHAN)
Section Officer (Estab)


TAIMUR HAIDER KHAN
Advocate High Court
Attested


ATTESTED



FATA SECRETARIAT
(COORDINATION & ADMINISTRATION DEPARTMENT)
WARSAK ROAD PESHAWAR

45

ORDER :-

The Services of the following Drivers who were appointed on contract basis in the prescribed manner against the regular posts are brought on regular footing from the date of their initial appointment indicated against each :-

S.No	Name of official	Date of initial appointment	Present place of posting
1.	Inamullah	22-11-2004	Admn & Coord Department FATA Secretariat
2.	Hazrat Gul	22-11-2004	Admn & Coord Department FATA Secretariat
3.	Said Ayaz	22-11-2004	Admn & Coord Department FATA Secretariat
4.	Abdul Qadir	22-11-2004	Admn & Coord Department FATA Secretariat
5.	Akhtar Niaz	22-11-2004	Admn & Coord Department FATA Secretariat
6.	Iqbal Shah	22-11-2004	Admn & Coord Department FATA Secretariat
7.	Muhammad Ali	22-11-2004	Admn & Coord Department FATA Secretariat
8.	Mastan Shah	22-11-2004	Admn & Coord Department FATA Secretariat
9.	Ali Man Shah	22-11-2004	Law & Order Department FATA Secretariat
10.	Mubashir Alam	22-11-2004	Law & Order Department FATA Secretariat
11.	Qismat Wali	22-11-2004	Directorate of Minerals, Ind/Tech: Edu (FATA)
12.	Alam Zeb	22-11-2004	Directorate of Minerals, Ind/Tech: Edu (FATA)
13.	Shafqatullah	22-11-2004	Directorate of Minerals, Ind/Tech: Edu (FATA)
14.	Qismatullah	22-11-2004	Directorate of Minerals, Ind/Tech: Edu (FATA)
15.	Sharbat Khan	22-11-2004	Irrigation & Hydel Power Divn Khyber Agency
16.	Yousaf Hussain	22-11-2004	Irrigation & Hydel Power Divn Kurram Agency
17.	Ihsanullah	22-11-2004	Irrigation & Hydel Power Divn NW Agency
18.	Daud Shah	22-11-2004	Irrigation & Hydel Power Divn Bajaur Agency
19.	Ajmal Khan	31-03-2007	Admn & Coord Department FATA Secretariat
20.	Ghulam Muhammad	31-03-2007	Admn & Coord Department FATA Secretariat
21.	Khan Muhammad	31-03-2007	Admn & Coord Department FATA Secretariat
22.	Muhammad Adeel Lodhi	31-03-2007	Admn & Coord Department FATA Secretariat
23.	Waheedullah Shah	31-03-2007	Admn & Coord Department FATA Secretariat

2- Consequent upon above, they will not be entitled to benefit of pension and gratuity but only to the Contributory Provident Fund in terms of Section-19 (2) of the NWFP Civil Servants Act 1973.

CHIEF SECRETARY, NWFP

No.FS/E/100-19 (GS) Vol-2/ 8233-47

Dated 4/9/2009

Copy to:-

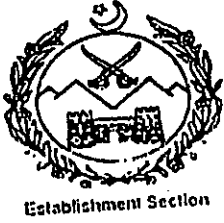
1. Secretary Establishment NWFP
2. Secretary Finance Department FATA Secretariat
3. Secretary Law & Order Department FATA Secretariat
4. Director Minerals, Industries/Technical Education (FATA)
5. Director Irrigation & Hydel Power (FATA)
6. Additional Accountant General (PR) Sub Office Peshawar

ESTABLISHMENT OFFICER / DDO
FATA Secretariat
Peshawar

TAMJUR HANIDER KHAN
Advocate High Court
Attested

ATTESTED

Contd. Page-2



FATA SECRETARIAT
(COORDINATION & ADMINISTRATION DEPARTMENT)
WARSAK ROAD PESHAWAR

(46)

OFFICE ORDER :-

The Services of the following Naib Qasids who were appointed on contract basis in the prescribed manner against the regular posts are brought on regular footing from the date of their initial appointment indicated against each :-

S.No	Name of official	Designation	Date of initial appointment on contract basis	Present place of posting
1.	Nasir Zaman	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
2.	Sabir Shah	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
3.	Muhammad Hussain	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
4.	Muhammad Zubair	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
5.	Muhammad Sharif	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
6.	Dost Ali	Naib Qasid	8-10-2004	Admn & Coord Department FATA Secretariat
7.	Muhammad Arshad	Naib Qasid	8-10-2004	Law & Order Department FATA Secretariat
8.	Shahir Khan	Naib Qasid	8-10-2004	Law & Order Department FATA Secretariat
9.	Saeed Gul	Naib Qasid	8-10-2004	Law & Order Department FATA Secretariat
10.	Zahidullah	Naib Qasid	08-10-2004	Law & Order Department FATA Secretariat
11.	Hameed Khan	Naib Qasid	8-10-2004	Mineral Directorate
12.	Ajmal Khan	Naib Qasid	8-10-2004	Minerals Directorate
13.	Iflikhar ud Din	Naib Qasid	8-10-2004	Minerals Directorate
14.	Sajidullah	Naib Qasid	8-10-2004	Minerals Directorate
15.	Turat Khan	Naib Qasid	8-10-2004	Irr: & Hydel Power Division Mohmand Agency
16.	Mudasir Zaman	Naib Qasid	8-10-2004	Irr: & Hydel Power Division Mohmand Agency
17.	Hidayatullah	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
18.	Wadan Shah	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
19.	Nishar Khan	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
20.	Kifayatullah	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
21.	Ikhtaq Khan	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
22.	Ismullah	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
23.	Khalid Khan	Naib Qasid	31-5-2007	Admn & Coord Department FATA Secretariat
24.	Zeshan	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
25.	Farhad Gul	Naib Qasid	31-3-2007	Law & Order Department FATA Secretariat

TAMUJ HAIDER KHAN
Advocate High Court
Attested

ATTESTED

S.No	Name of official	Designation	Date of initial appointment on contract basis	Present place of posting
26.	Maqsood Jan	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
27.	Saidar Ali Shah	Naib Qasid	31-3-2007	Admn & Coord Department FATA Secretariat
28.	Arshad Khan	Naib-Qasid	31-3-2007	Admn & Coord Department FATA Secretariat

47

2- Consequent upon above, they will not be entitled to benefit of pension and gratuity but only to the Contributory Provident Fund in terms of Section-19 (2) of the NWFP Civil Servants Act 1973.

ADDITIONAL CHIEF SECRETARY (FATA)

No.FS/E/100-19 (GS) Vol-2/ 2171-90
 Dated 17/3/2009
 Copy to:-

1. Secretary Establishment Department NWFP.
2. Secretary Finance Department FATA Secretariat
3. Secretary Law & Order Department FATA Secretariat
4. Additional Accountant General (PR) Sub Office Peshawar
5. Director irrigation & Hydel Power (FATA) Peshawar
6. Project Director (Ground Water)
7. Deputy Secretary (Admn), FATA Secretariat
8. Deputy Director (Minerals) FATA
9. Estate Officer/DDO, FATA Secretariat
10. Section Officer (Budget & Accounts) Admn, FATA Secretariat
11. Section Officer (Budget & Accounts) FATA Secretariat
12. Section Officer (Audit) FATA Secretariat
13. Budget & Accounts Officer, Directorate of Irr. & Hydel Power
14. Budget & Accounts Officer, Director of Minerals (FATA)
15. Budget & Accounts Officer, Law & Order Department (FATA)
16. Executive Engineer Irrigation & Hydel Power Division Mohmand Agency
17. Agency Accounts Officer Mohmand Agency
18. PS to Secretary (Admn & Coord) Department, FATA Secretariat
19. Bill Clerk (Admn Department)
20. Officials concerned.

Ihsanullah Khan
 (IHSANULLAH KHAN)
 Section Officer (Estab)

ATTESTED

Tamur Haider Khan
 TAMUR HAIDER KHAN
 Advocate High Court
 Attested

THE
PESHAWAR HIGH COURT
PESHAWAR



Ph: No. 091-9210149-158
Ext: No. 364

No. 18376 /Judl:
Dated Peshawar the 23/10 2014

"B"
Answer

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

48

To

1. Mr. Amjad Ali Khan,
Chief Secretary, Govt. of KPK, Peshawar.
2. Arbab Arif,
Addl: Chief Secretary FATA,
FATA Secretariat, Warsak Road, Peshawar.
3. Mr. Tariq Hayat,
Secretary SAFRON Division,
Govt. of Pakistan, Islamabad.
4. Mr. Saadat-ur-Rehman,
Deputy Director (Minerals) FATA,
FATA Secretariat, Warsak Road, Peshawar.

Subject: C.o.C. No. 178-P/2014 in Writ Petition No. 969-P/2010.

Hanif-ur-Rehman & others

--- Petitioners

Versus

Amjad Ali Khan (C.S) & others

--- Respondents

Memo:

I am directed to forward herewith copy of judgment dated 23-10-2014, passed by Division Bench of this Court in the titled case, for compliance.

ADDITIONAL REGISTRAR (J)

Encl:

Copy of judgment.

29-10-14
15/A132
ATTESTED

TAJMUJ HAIDER KHAN
Advocate High Court
Attested

A.C.S D/No. 10841
Date 29-10-14

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

49

C.O.C No 178-P/2014
In
Writ Petition No 969/2010

1. Hanif ur Rehman, Assistant, Law and Order Department, FATA Secretariat, Warsak Road, Peshawar
 2. Ashiq Hussain, Assistant, Admn and Co-Ordination Department, FATA Secretariat, Warsak Road, Peshawar
 3. Zahid Khan, Assistant, Minerals Directorate, FATA Secretariat, Warsak Road, Peshawar
 4. Qaiser Khan, Assistant, Minerals Directorate, FATA Secretariat, Warsak Road, Peshawar
-Applicants

Versus

1. Amjad Ali Khan, Chief Secretary, Khyber Pakhtunkhwa, Peshawar
 2. Arbab Arif, Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar
 3. Tariq Hayat, Secretary SAFRON Division, Government of Pakistan
 4. Saadat ur Rehman, Deputy Director (Minerals), FATA Secretariat, Warsak Road, Peshawar
-Respondents

Application under Article 204 of The Constitution of Islamic Republic of Pakistan, 1973 read with Contempt of Court Ordinance for initiating contempt of court proceedings against the respondents/Contemnors and implementation of Judgment and Order dated 07-11-2013 passed in Writ Petition No 969/2010.

Respectfully Sheweth,

The Applicants submits as follows:

1. That the applicant filed a Writ Petition No 969/2010 before this Honorable Court for issuance of appropriate Writ directing the respondents to the effect to regularize their services. The said Writ Petition was allowed by this

ATTESTED

FILED TODAY

Deputy Registrar

05 MAY 2014

TAMMUR HAIDER KHAN
Advocate High Court
Attested

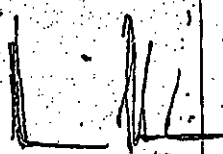
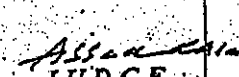
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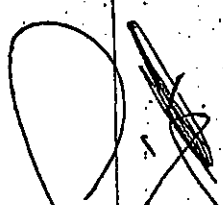
PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
23.10.2014	<p><u>C.O.C.No. 178-P/2014 in W.P.No. 969/2010.</u></p> <p>Present: Mr. Muhammad Ayub Shinwari, Advocate, for the petitioner.</p> <p>Mr. Mujahid Ali Khan, AAG, for the official respondents.</p> <p style="text-align: center;">***</p> <p><u>QAISER RASHID KHAN, J.-</u> The matter was taken up yesterday and the learned AAG sought time to assist this Court. Today the learned AAG came up with a notification bearing No. <u>FS/E/100-19(GS)Vol.218522-43</u> dated 13.06.2014 whereby the services of the petitioners have been regularized. Moreover, a Task Force Committee has been constituted by the FATA Secretariat Peshawar vide letter No. <u>SO.LiVCSF/W.P697-P/2013/15684-86</u> dated 14.10.2014 for preparation of the service structure of the employees of FATA Secretariat.</p> <p>2. In view of the constitution of the Task Force Committee, the government is directed to do the needful within a reasonable time but certainly not later than six months.</p> <p>Petition stands disposed of accordingly.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>


TAIMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED 27/10

Self

(51)

**BEFORE THE HONOURABLE
PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. 182P/2016

In COC No. 178-P/2014 & in WP. No. 969/2010 in

- 1) Hanif-ur-Rahman
Assistant
Law & Order Department FATA
Secretariat Peshawar
- 2) Ashiq Hussain
Assistant
Admn & Co-ordination Department
FATA Secretariat Peshawar
- 3) Zahid Khan
Assistant
Minerals Directorate
FATA Secretariat Peshawar
- 4) Qaisar Khan
Assistant
Mineral Directorate FATA
Secretariat Peshawar
- 5) Shaukat Khan
Assistant
Law & Order Department
FATA, Secretariat Peshawar
- 6) Tauseef Iqbal
Computer Operator
Finance Department
FATA Secretariat Peshawar

*Honorable
wazir
order*

2762/10

TAMUR HAIDER KHAN
Advocate High Court
Attested

FILED TODAY

(Petitioners)

Deputy Registrar
13 APR 2016

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa
Through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar
- 2) Additional Chief Secretary
FATA Secretariat Warsak Road,

ATTESTED
EXAMINER
Peshawar High Court
26 SEP 2016

ATTESTED

Peshawar

- 3) Secretary SAFRON Division
Government of Pakistan,
Islamabad
- 4) Deputy Director (Minerals)
FATA Secretariat Warsak Road,
Peshawar

(Respondents)

APPLICATION FOR IMPLEMENTATION OF
ORDER AND JUDGMENT DATED 07.11.2013
PASSED BY THE LARGER BENCH OF THIS
HONOURABLE COURT IN WRIT PETITION NO.
969/2010 WHEREBY RESPONDENTS WERE
DIRECTED WITH THE INSTRUCTIONS TO GOVT.
OF KHYBER PAKHTUNKHWA TO CREATE A
TASK FORCE FOR PREPARATION OF SERVICE
STRUCTURE AND REGULARIZATION OF
SERVICES OF THE PETITIONERS.

Respectfully Sheweth,

- 1) That the petitioner No. 1 to 4 had filed the above Writ
Petition before this honourable court for the regularization of
their services. (Copy of the writ petition is attached as
Annexure A).
- 2) That accordingly the above writ petition was allowed vide
order and judgment dated 30.11.2011 by this honourable
court. (Copy of the judgment dated 30.11.2011 is attached as
Annexure B)

FILED TODAY
Deputy Registrar
13 APR 2016

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
26 SEP 2016

TAMMUR HALLER KHAN
Advocate High Court
Attested

3) That feeling aggrieved from the above said order dated 30.11.2011 respondents filed Civil petition for leave to Appeal No. 29-P/2013 before the Supreme Court of Pakistan. (53)

4) That the Supreme Court of Pakistan vide order dated 30.05.2013 remanded back the above writ petition to this honourable court with the direction to constitute a larger bench for disposal of the instant writ petition. (Copy of order dated 30.05.2013 is attached as Annexure C)

5) That larger bench of this honourable court vide order dated 07.11.2013 disposed of the above writ petition with the direction to Government of Khyber Pakhtunkhwa to create a task force for the preparation of service structure and regularization of services of the petitioners and in addition to the above direction 3 month time period was given to the respondents for the completion of the above task. (Copy of order dated 07.11.2013 is attached as Annexure D)

6) That inspite of the clear direction of this honourable court respondents fails to honour the orders of this honourable court consequent upon which the petitioners filed COC No. 178-P/2014 before this honourable court for the implementation of the above said orders, wherein the respondents produced Notification No. FS/E/100-19(GS) Vol. 218522-43 dated 13.06.2014 and sought time for preparation of service structure for the petitioners and accordingly vide order dated 23.10.2014 the above COC was disposed of. (Copy of order dated 23.10.2014 and notification dated 13.06.2014 is attached as Annexure E and F respectively)

7) That since then the petitioners have requested time and again to oblige the petitioners and to carry out the directions of this Honourable Court, but they have turned deaf ears and

ATTESTED

EXAMINER
Peshawar High Court

26 SEP 2016

TAIMUR HAIDER KHAN
Advocate High Court
Attested

13 APR 2016

ATTESTED

no action has been taken so far in this respect by the respondents.

(54)

- 8) That feeling aggrieved from the above said act, petitioners approaches this honourable court again for implementation of the above said order in letter and spirit.

It is, therefore, very humbly requested on acceptance of this petition, the above said order may kindly be implemented.

Interim Relief:

In the meanwhile the respondents may kindly be directed to refrain from induction of employees of the Provincial Government against the posts held by the petitioners as well as posts against which the promotion of the petitioners are likely and expected to be made till final decision of the instant petition.

[Signature]
TAIMUR HAIDER KHAN
Advocate High Court
Attested

Through Petitioner

[Signature]

MALIK MISRAF
MUNSIF SAEED
& KALEEM ULLAH
Advocates,
High Court, Peshawar

Dated: 12.04.2016

ATTESTED

FILED TODAY
Deputy Registrar
13 APR 2016

ATTESTED
EXAMINER
Peshawar High Court
26 SEP 2016

(55) - (56)

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/
Proceedings


15/06/2016

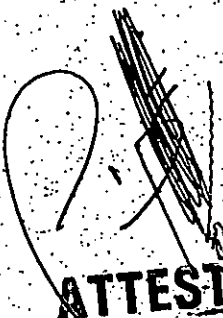
Order of other Proceedings with Signature of Judge.

CM No. 182-P/2016 with I.R. in C.O.C No. 178-P/2014 In W.P No. 959/2010

Present: Mr. Munsif Saeed, Advocate, for the petitioners.
Syed Silcandar Hayat Shah, AAG, for the respondents.

=====
In view of reply so filed by the respondents, the order in respect of regularization of services of the petitioners has been complied with, however, as far as the order in respect of framing of service rules, the same has not been complied with despite clear-cut directions in the impugned order dated 7.11.2013. The learned AAG is given final warning to frame the service structure as per impugned order, failing which the respondents shall appear in person on the next date. Adjournd to 8.9.2016.


MAIMUR HAMEER KHAN
Advocate, High Court
Attested


JUDGE
JUDGE
ATTESTED

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**

57

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
08.09.2016	<p><u>CM No. 182-P/2016 with IR in COC No. 178-P/2014 in WP No. 969/2010.</u></p> <p>Present: Mr. Munsif Saeed, advocate for petitioners.</p> <p>Mr. Waqar Ahmad Khan AAG for respondent's alongwith Abdul Qayum DS FATA secretariat.</p> <p align="center">*****</p> <p><u>WAOAR AHMAD SETHI, J.:-</u> Learned AAG alongwith departmental representative produced letter dated 28.07.2016 whereby on the direction of this Court they have formulated recruitment rules / service rules for the secretariat cadre employees of FATA secretariat and the same has been sent to Secretary SAFRAN for approval. Since the department has fulfilled their responsibility, therefore, this contempt petition has served its purpose and disposed of accordingly, however, respondent No.3 i.e. Secretary SAFRAN is directed to finalize the matter within a period of thirty days, positively.</p> <p align="right"><i>[Signature]</i> JUDGE</p> <p align="center">ATTESTED</p> <p align="right"><i>[Signature]</i> JUDGE</p>

30 days

TAMUR HAIDER KHAN
Advocate High Court
Attested

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Established under Article 175 of
the Constitution of Pakistan 1973

26 SEP 2016

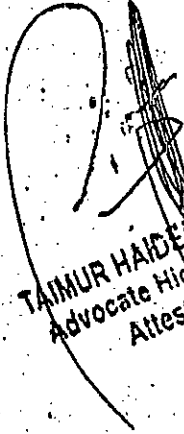
(58)

BEFORE THE HONOURABLE
PESHAWAR HIGH COURT, PESHAWAR

C.M. No. 667/2017
/2017

In COC No. 178-P/2014 & in WP. No.969/2010 in

- 1) **Hanif-ur-Rahman**
Assistant
Law & Order Department FATA
Secretariat Peshawar
- 2) **Ashiq Hussain**
Assistant
Admn & Co-ordination Department
FATA Secretariat Peshawar
- 3) **Zahid Khan**
Assistant
Minerals Directorate
FATA Secretariat Peshawar
- 4) **Qaisar Khan**
Assistant
Mineral Directorate FATA
Secretariat Peshawar
- 5) **Shaukat Khan**
Assistant
Law & Order Department
FATA, Secretariat Peshawar
- 6) **Tauseef Iqbal**
Computer Operator
Finance Department,
FATA Secretariat Peshawar


TAIMUR HAIDER KHAN
Advocate High Court
Attested

(Petitioners)

VERSUS

- 1) **Govt. of Khyber Pakhtunkhwa**
Through Chief Secretary
Khyber Pakhtunkhwa, Peshawar
- 2) **Additional Chief Secretary**
FATA Secretariat Warsak Road,
Peshawar


ATTESTED

- 3) Secretary SAFRON Division
Government of Pakistan,
Islamabad
- 4) Deputy Director (Minerals)
FATA Secretariat Warsak Road,
Peshawar

59

(Respondents)

APPLICATION FOR INITIATING CONTEMPT OF
COURT PROCEEDING AGAINST THE
RESPONDENTS AND FOR IMPLEMENTATION OF
ORDER AND JUDGMENT DATED 07.11.2013
PASSED BY THE LARGER BENCH OF THIS
HONOURABLE COURT IN WRIT PETITION NO.
969/2010 WHEREBY RESPONDENTS WERE
DIRECTED WITH THE INSTRUCTIONS TO GOVT.
OF KHYBER PAKHTUNKHWA TO CREATE A
TASK FORCE FOR PREPARATION OF SERVICE
STRUCTURE AND REGULARIZATION OF
SERVICES OF THE PETITIONERS.

Respectfully Sheweth,

- 1) That the petitioner No. 1 to 4 had filed the above Writ Petition before this honourable court for the regularization of their services.
- 2) That accordingly the above writ petition was allowed vide order and judgment dated 30.11.2011 by this honourable court.
- 3) That feeling aggrieved from the above said order dated 30.11.2011 respondents filed Civil petition for leave to Appeal No. 29-P/2013 before the Supreme Court of Pakistan.

TAMUR HAIDER KHAN
Advocate High Court,
Attested

ATTESTED

- 4) That the Supreme Court of Pakistan vide order dated 30.05.2013 remanded back the above writ petition to this honourable court with the direction to constitute a larger bench for disposal of the instant writ petition.
- 5) That larger bench of this honourable court vide order dated 07.11.2013 disposed of the above writ petition with the direction to Government of Khyber Pakhtunkhwa to create a task force for the preparation of service structure and regularization of services of the petitioners and in addition to the above direction 3 month time period was given to the respondents for the completion of the above task. (Copy of order dated 07.11.2013 is attached as Annexure A)
- 6) That inspite of the clear direction of this honourable court respondents fails to honour the orders of this honourable court consequent upon which the petitioners filed COC No. 178-P/2014 before this honourable court for the implementation of the above said orders, wherein the respondents produced Notification No. FS/E/100-19(GS)Vol.218522-43 dated 13.06.2014 and sought time for preparation of service structure for the petitioners and accordingly vide order dated 23.10.2014 the above COC was disposed of. (Copy of order dated 23.10.2014 and notification dated 13.06.2014 is attached as Annexure B & C respectively)
- 7) That since then the petitioners have requested time and again to oblige the petitioners and to carry out the directions of this Honourable Court, but they have turned deaf ears and no action has been taken so far in this respect by the respondents.
- 8) That earlier so many times this honourable court was approached in various contempt of court petitions for the implementation of the order and judgment dated 07.11.2013

TAMMUR HAIDER KHAN
 Advocate High Court
 Attested

ATTESTED

(61)

and the respondents on each of such occasion have promised before this honourable court that they will implement the order and judgment dated 07.11.2013 of this honourable court but till date it has not been implemented and the respondents prejudicially and illegally delaying the matter and thereby willfully disobeyed the orders of this honourable court. (Copy of Civil Misc: contempt petition is attached as Annexure D)

- 9) That feeling aggrieved from the above said act, petitioners approaches this honourable court again for implementation of the above said order in letter and spirit.

It is, therefore, very humbly requested on acceptance of this petition, the above said order may kindly be implemented.

Interim Relief:

In the meanwhile the respondents may kindly be directed to refrain from induction of employees of the Provincial Government against the posts held by the petitioners as well as posts against which the promotion of the petitioners are likely and expected to be made till final decision of the instant petition.

ATTESTED

TAMMUR HAIDER KHAN
Advocate High Court
Attested

Dated: 30.11.2017

Petitioner

Through

MALIK MISRAF
& KALEEM ULLAH
& NASIR AYUB
Advocates,
High Court, Peshawar



(62)

"E" Anwar

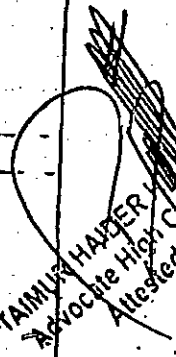
**GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 25th June, 2019

NOTIFICATION

No. SO(O&MY/E&AD/3-18/2019: In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa, the Competent Authority is pleased to declare the following 117 employees appointed by erstwhile FATA Secretariat as "Surplus" and place them in the Surplus Pool of Establishment and Administration Department for their further adjustment/placement w.e.f. 01.07.2019:-

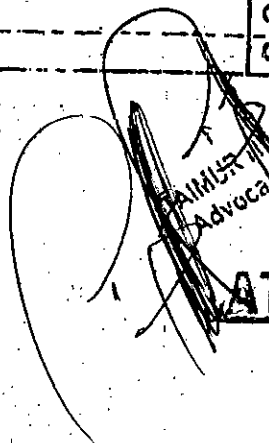
Sr.No.	Name of employee	Designation	BPS (Personal)
1.	Ashiq Hussain	Assistant	16
2.	Hanif ur Rehman	Assistant	16
3.	Shaukat Khan	Assistant	16
4.	Zahid Khan	Assistant	16
5.	Qaiser Khan	Assistant	16
6.	Shahid Ali Shah	Computer Operator	16
7.	Fanoq Khan	Computer Operator	16
8.	Tauseef Iqbal	Computer Operator	16
9.	Waseem	Computer Operator	16
10.	Altaf Hussain	Computer Operator	16
11.	Amir Ali	Computer Operator	16
12.	Rab Nawaz	Computer Operator	16
13.	Kamran	Computer Operator	16
14.	Haliz Muhammad Amjad	Computer Operator	16
15.	Fazl-ur-Rehman	Computer Operator	16
16.	Rajub Ali Khan	Head Draftsman	13
17.	Bakhtiar Khan	Sub Engineer	11
18.	Flakeem-ud-Din	Draftsman	11
19.	Naseem Khan	Storekeeper	7
20.	Inamullah	Driver	5
21.	Huzrat Gul	Driver	5
22.	Said Ayaz	Driver	5
23.	Abdul Qadir	Driver	5
24.	Sharbat Khan	Driver	5
25.	Iqbal Shuh	Driver	5
26.	Muhammad Ali	Driver	5


TAMUZA HAFEEZ KHAN
Advocate High Court
Attested


ATTESTED

(63)

27.	Khan Muhammad	Driver	5
28.	Waheedullah Shah	Driver	5
29.	Mustan Shah	Driver	5
30.	Mubashir Alam	Driver	5
31.	Yousaf Hussain	Driver	5
32.	Ihsanullah	Driver	5
33.	Daud Shah	Driver	5
34.	Qismat Wali	Driver	5
35.	Alan Zeb	Driver	5
36.	Shafiqatullah	Driver	5
37.	Qismatullah	Driver	5
38.	Wali Khan	Tracer	5
39.	Muhammad Zahir Shah	Tracer	5
40.	Niaz Akhtar	Driver	4
41.	Mena Jan	Driver	4
42.	Zaki ullah	N/Qasid	3
43.	Sabir Shah	Naib Qasid	2
44.	Muhammad Hussain	Naib Qasid	2
45.	Zubair Shah	Naib Qasid	2
46.	Muhammad Sharif	Naib Qasid	2
47.	Dost Ali	Naib Qasid	2
48.	Nishat Khan	Naib Qasid	2
49.	Wadan Shah	Naib Qasid	2
50.	Inamullah	Naib Qasid	2
51.	Maqsood Jan	Naib Qasid	2
52.	Zeeshun	Naib Qasid	2
53.	Arshad Khan	Naib Qasid	2
54.	Ikhlaq Khan	Naib Qasid	2
55.	Safdar Ali Shah	Naib Qasid	2
56.	Kifayatullah	Naib Qasid	2
57.	Hidayatullah	Naib Qasid	2
58.	Khalid Khan	Naib Qasid	2
59.	Shabir Khan	Naib Qasid	2
60.	Saeed Gul	Naib Qasid	2
61.	Zahidullah	Naib Qasid	2
62.	Farhad Gul	Naib Qasid	2
63.	Humeed Khan	Naib Qasid	2
64.	Rashid Khan	Naib Qasid	2
65.	Dost Muhammad	Naib Qasid	2
66.	Sajidullah	Naib Qasid	2
67.	Inikhar ud Din	Naib Qasid	2
68.	Altaf ur Rehman	Chowkidar	2
69.	Muhammad Amir	Chowkidar	2
70.	Yasir Arafat	Chowkidar	2
71.	Zamrud Khan	Chowkidar	2
72.	Kimya Gul	Chowkidar	2
73.	Azizullah	Chowkidar	2


FAIZ AHMAD KHAN
 Advocate High Court
 Attestad

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(64)

74.	Zainullah	Chowkidar	2
75.	Saifullah	Chowkidar	2
76.	Inayatullah	Chowkidar	2
77.	Muhammad Abid	Chowkidar	2
78.	Daud Khan	Chowkidar	2
79.	Muhammad Saleem	AC Cleaner	2
80.	Fazale Haq	AC Cleaner/N/Qasid	2
81.	Alamzeb	Mali	2
82.	Nehad Badshah	Mali	2
83.	Niaz Ali	Cook	2
84.	Muhammad Arshad	Cook	2
85.	Roohullah	Khadim Mosque	2
86.	Lal Jan	Regulation Beldar	2
87.	Muhammad Arshad	Sweeper	2
88.	Ramish	Sweeper	2
89.	Karan	Sweeper	2
90.	Majid Anwar	Sweeper	2
91.	Shumail	Sweeper	2
92.	Ruhid Masceh	Sweeper	2
93.	Nasem Munir	Sweeper	2
94.	Purdeep Singh	Sweeper	2
95.	Mukesh	Sweeper	2
96.	Muhammad Naveed	Sweeper	2
97.	Daia Ram	Sweeper	2
98.	Muhammad Nisar	Sweeper	2
99.	Said Anwar	Naib Qasid	1
100.	Ilaseeb Zeb	Naib Qasid	1
101.	Abid	Naib Qasid	1
102.	Wakeel Khan	Naib Qasid	1
103.	Muhammad Amjad Ayaz	Naib Qasid	1
104.	Samiullah	Naib Qasid	1
105.	Ilahib-ur-Rehman	Naib Qasid	1
106.	Muhammad Shouib	Naib Qasid	1
107.	Bawar Khan	Naib Qasid	1
108.	Misbahullah	Naib Qasid	1
109.	Muhammad Tanveer	Naib Qasid	1
110.	Wuqas Khurshid	Naib Qasid	1
111.	Muhammad Zahir Shah	Naib Qasid	1
112.	Javed Khan	Naib Qasid	1
113.	Noor Nabia	Bera	1
114.	Amjad Khan	Mali	1
115.	Jawad Khan	Mali	1
116.	Inam ul haq	Chowkidar	1
117.	Siraj-ud-din	Chowkidar	1

2. In order to ensure proper and expeditious adjustment/absorption of the above mentioned surplus staff, Deputy Secretary (Establishment), Establishment Department has

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TAMMUR HAIDER KHAN
Advocate High Court
Attested

65

been declared as focal person to properly monitor the whole process of adjustment/ placement of the surplus pool staff.


3. Consequent upon above all the above surplus staff alongwith their original record of service are directed to report to the Deputy Secretary (Establishment) Establishment Department for further necessary action.

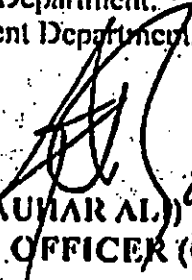
**CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA**

Encls: No. & Date Even

Copy to:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary, Merged Areas Secretariat.
3. Senior Member Board of Revenue.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries, Khyber Pakhtunkhwa.
7. The Accountant General, Khyber Pakhtunkhwa.
8. Secretary (A&C) Merged Areas Secretariat.
9. Additional Secretary (A&C) Merged Areas Secretariat with the request to hand over the relevant record of the above staff to the Establishment Department for further necessary action and taking up the case with the Finance Department with regard to financial implications of the staff w.e.f. 01.07.2019.
10. All Divisional Commissioners in Khyber Pakhtunkhwa.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. Director General Information, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. Deputy Secretary (Establishment), Establishment Department for necessary action.
15. Section Officer (E-I), Establishment Department.
16. Section Officer (E-III) Establishment Department for necessary action.
17. Section Officer (E-IV) Establishment Department.
18. PS to Secretary Establishment Department.
19. PS to Special Secretary (Regulation), Establishment Department.
20. PS to Special Secretary (Establishment), Establishment Department.


TAIMUR HAIDER KHAN
Advocate High Court
Attested


(GAUHAR ALI)
SECTION OFFICER (O&M)
25/06/19

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"D"
Amalika

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5

Surplus Pool Policy**Policy for declaring government servants as surplus and their subsequent absorption/ adjustment.**

I am directed to refer to the subject noted above and to say that the Provincial Government has been pleased to make the following policy for absorption/adjustment of Government Servants declared as surplus in view of the transition of District System and resultant re-structuring of the Government Organizations/Departments etc.

1. POWER WITH REGARD TO THE DECLARATION OF POSTS AS SURPLUS.

The Finance Department in consultation with Department concerned and with the approval of competent authority would decide with regard to the declaration of a particular organization, set up or individual post as redundant or inessential.

2. CREATION OF SURPLUS POOL

There will be a surplus pools cell in the E&AD. After abolition of such posts in the concerned department, duly notified by the Finance Department, equal number of posts in the corresponding basic pay scales would be created in the E&AD for the purpose of drawl of pay and allowances etc by the employees declared surplus as such.

3. IMPLEMENTATION/MONITORING CELL

For the purpose of coordination and to ensure proper and expeditious adjustment/absorption of surplus staff, the Government of NWFP has been pleased to constitute the following committee:-

- a. Additional Secretary(Establishment) E&AD..... Chairman.
- b. Deputy Secretary LG&RD Department..... Member
- c. Deputy Secretary Finance Department..... Member
- d. Deputy Secretary(Establishment) E&AD..... Secretary

4. CRITERIA FOR DECLARING A GOVERNMENT SERVANT AS SURPLUS AS A RESULT OF ABOLITION OF POST.

Consequent upon the abolition of a post in a particular cadre of a department, the junior most employee in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool as indicated in para 2 above for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment.

5. PROCEDURE FOR ADJUSTMENT OF SURPLUS EMPLOYEES.

Notwithstanding anything contained in any other law, rules or regulation to the contrary, for the time being in force, the following procedure for the adjustment of surplus staff would be followed:-

- (a) Before transferring an employee to the surplus pool, he should be given option by the concerned department.

TANMUR HANWER KHAN
Advocate High Court
Attested

ATTESTED

(67)

- (i) to proceed on retirement with normal retiring benefits under the existing rules;
OR
- (ii) to opt for readjustment/absorption against a future vacancy of his status/BPS which may not necessarily be in his original cadre/department.
- (b) Those who opt for retirement would be entitled for usual pension and gratuity according to the existing Government Servants Pension and Gratuity Rules of the Provincial Government. Those who opt for absorption/re-adjustment, a category-wise seniority list will be caused in the surplus pool for their gradual adjustment against the future vacancies as and when occurred in any of the Government Departments. These adjustments shall be on seniority-cum-fitness basis. For this purpose, the seniority list will be caused category-wise with reference to their respective dates of appointment in the cadre. In case where dates of appointment of two or more persons are the same, the person older in age shall rank senior and shall be adjusted first.
- (c) Adjustment shall be made on vacant post pertaining to initial recruitment quota from those in the surplus pool in the following manner:-
- (i) In case of occurrence of vacancies in their corresponding posts in any Government Department/ Organization, the senior most employee in the surplus pool should be adjusted first.
- (ii) In case of cross cadre adjustment, the persons with such minimum qualification as prescribed in the relevant Service Rules for the post in question shall be adjusted keeping in view their seniority position.
- (iii) If an employee possesses the basic academic qualification but lacks the professional/technical qualification, he may be adjusted against such post subject to imparting the requisite training.
- (iv) (a) The surplus employees holding such posts which fall to promotion quota in about all the Departments, he shall remain in the surplus pool till the availability of a post in the parent department.
OR
- (b) Where no equivalent post is available the civil servant may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the post immediately preceding his appointment to a lower post shall remain protected.
- (v) ²⁴In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.
- (vi) ²⁵ 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.

TAIMUR HAJIB KHAN
Advocate High Court
Attested

²⁴ Sub para c (v) added to para 5 vide circular letter No.SORVI(E&AD)S-1/2005, dated 15.2.2006.

²⁵ Sub para c (vi) added to para 5 vide circular letter No.SORVI(E&AD)S-1/2005, dated 31.5.2006.

ATTESTED

68

- (d) If no suitable person is available in the surplus pool to be adjusted against the vacant/revised post, such a post would be filled up by initial recruitment manner after getting clearance from the E&AD.
- (e) ⁸⁶Surplus Staff in BPS-01 to 15 shall not be adjusted in the district other than their district of domicile.
- (f) To facilitate the adjustment of surplus staff, it will be incumbent upon the Administrative Department to take up the case with Finance Department for revival of the essential posts so retrenched as a result of general directive issued by Finance Department from time to time, giving cogent reasons/justification. Against the resultant revival/restoration of the post, the concerned Department will place a requisition on the E&AD for transferring of suitable surplus employee against the said post.
- (g) Unless the surplus employees in Class-IV are fully adjusted/ absorbed against their respective graded posts in various Government Departments/Organizations, the general policy of the Finance Department regarding conversion of BPS-1 & 2 posts to posts in fixed salary @ Rs.2000/- per month for contractual appointed should be restricted to the above extent.

6. FIXATION OF SENIORITY

The inter-se seniority of the surplus employees after their adjustment in various Departments will be determined according to the following principles:-

- (a) In case a surplus employee could be adjusted in the respective cadre of his parent Department he shall regain his original seniority in that cadre.
- (b) In case, however, he is adjusted in his respective cadre but in a Department other than his parent Department, he shall be placed at the bottom of seniority list of that cadre.
- (c) In case of his adjustment against a post in a corresponding basic pay scale with different designation/nomenclature of the post, either in his parent Department or in any other department, he will be placed at the bottom of seniority list.

⁸⁷In 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.

TAMJUR HAIDER KHAN (d)
Advocate High Court
Attested

⁸⁶ (3) Sub para (e) added to para 5 vide circular letter No. SORVI/E&AD/5-1/2005, dated 19.1.2007.

⁸⁷ Sub para d added to para 6 vide circular letter No. SORVI(E&AD)5-1/2005, dated 15.2.2006

ATTESTED

(3) (69)

NOTE:-

In case the officer/official 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 lose 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 premature retirement he may be compulsorily retired from service by the competent authority.

7. COMPETENT AUTHORITY TO NOTIFY/ORDER ADJUSTMENT/ABSORPTION.

After the transfer of services of surplus employee to a Department for adjustment/absorption against a vacant/revived post, the Competent Authority to notify/order his absorption/adjustment, shall be the respective appointing authority under the relevant rules for the post.

Provided that the decision of adjustment/absorption of surplus employees by the E&AD shall be binding upon the respective appointing authorities.

(Authority: letter NO.SOR-I(E&AD)1-200/98, Dated 8th June, 2001)

Decision of the meeting of chief secretary with district coordination officers, on the issue of surplus pool.

I am directed to refer to the subject noted above and to say that a meeting was held on 4.8.2001 in the Cabinet Room Civil Secretariat under the Chairman of Chief Secretary, NWFP to discuss the issues relating to adjustment of employees rendered surplus due to restructuring of the Government Departments and Devolution of Power Plan, 2000. The following decisions were taken in the said meeting:-

- i) Administrative Departments may reconsider adjustments already made against the available posts at District level. The guiding principle for reviewing the adjustment would be aimed at avoiding dislocation of the employees to the possible extent.
- ii) The DCOs will maintain the surplus pool of the employees, declared surplus in the District cadres and their subsequent adjustment against the vacant posts (District Cadres). It must be ensured that only the junior most employees in the scale in the cadre be declared surplus. At the stage of adjustment of Class-IV posts, the senior most be adjusted first. However, for the other posts besides seniority, the background of the individual and requisite experience of the posts shall be kept in view. The surplus pool of Divisional cadres be maintained by the DCOs posted at divisional headquarters.
- iii) The surplus pool of the employees of the Head Offices be maintained by the Head of the concerned Attached Department. Declaring employees surplus and their subsequent adjustment be made strictly according to the spirit of the policy of the Provincial Government issued vide circular letter No.SOR-I (S&GAD)1-200/98, dated 8.6.2001.

TAIMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

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- iv) The surplus pool of the Secretariat be maintained by the Establishment Department in consultation with the Department concerned.
- v) The salaries of the surplus employees be disbursed through their relevant offices for the time being.
- vi) It was also felt that the sanctioned staff for the office of DCO and other offices is not sufficient. The ministerial staff has no appropriate tiers for the purpose of control and promotion i.e. Senior Clerk and Superintendent etc. The post of Chowkidar/ Sweeper does not exist in the office of DCOs and other offices. Even the other required staff does not meet the bare minimum. The DCOs will, therefore, forward the required proposal for consideration of Finance Department. The budget for the same can be arranged from the available savings due to phasing away of magistracy etc.
- vii) The LR&RD Department may reconsider the adjustment of the employees of the Local Council Board, so as to find out whether any such employees have been adjusted against the regular Government posts funded from the Provincial Consolidated Fund.
- viii) For adjustment of regular Class-IV (BS 1- 4) Government Servant in surplus pool, Finance Department may consider conversion of fixed pay/ contract posts into regular.

2. It is requested that decisions taken during the meeting held on 4.8.2001 may kindly be implemented by all concerned in letter and spirit and compliance report be furnished accordingly.

(Authority: letter NO.SOR-I(S&GAD)1-200/98 (Vol.I), Dated 13th August, 2001)

TAMUR HAIDER KHAN
Advocate High Court
Attested

**Confidential
Out Today**

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1335
25/3/19

FATA SECRETARIAT
(Administration Infrastructure & Coordination Department)
Warsak Road Peshawar

No. PS/FS/AI&C/2019
Dated 22-03-2019

PS, C.P. Peshawar
Date: 25-3-19

*Letty
Peshawar*

To: The Secretary,
Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **INFORMATION REPORT ON THE PROTEST LAUNCHED BY
MERGED AREAS SECRETARIAT EMPLOYEES ON 22-03-2019.**

To day, round about 50 - 60 employees of Merged Areas Secretariat gathered in front of the ACS(MAs) office at 11:00 a.m. The employees expressed concerns relating to their future of service and related matter particularly after 30th June, 2019. Their leaders delivered speeches highlighting their respective problems/demands FIA. After having registered their protest, they dispersed peacefully at about 12.20 P.M.

Establishment Department has been in the loop one way or the other about the issues briefly highlighted as follows:

- a) 115 employees (BPS-1 to 16) recruited by Merged Areas Secretariat during 2004-05.
- b) Service protection of the employees of defunct FATA DC as per judgment of the Supreme Court of Pakistan.
- c) 15 employees of F&P absorbed in PPS but notification not issued.
- d) Project employees working in various projects of Merged Areas.
- e) M&R/PC-I employees of C&W Merged Areas.

Since they are also planning to stage such protest in front of Chief Secretary Office in the near future, the report is therefore submitted for information.

(Mian Muhammad)
Secretary Admn. Infr. & Coordination

- 1. PS to Chief Secretary Khyber Pakhtunkhwa.
- 2. PS to Additional Chief Secretary (FATA).

TAIMUR HANIF KHAN
Advocate High Court
Attested

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DEMANDS OF MERGED AREAS SECRETARIAT EMPLOYEES

S.No.	Category of Employees	Demands
1.	115x Employees appointed at the Secretariat strength of Merged Areas Secretariat.	<ul style="list-style-type: none">➤ They demanded that they should not be placed in the surplus Pool as their matured service of about 14x years & above may spoil and lose.➤ They strongly opposed their placement in Surplus Pool and onward transfer in the Tribal Districts.➤ They demanded that their posts and budget is being transferred to the Provincial Govt from 1st July, 2019, therefore, these regular employees may be adjusted at the respective cadre strength of Establishment Department, KP against these posts.➤ They also agreed to place them in the bottom of respective Employees of Provincial Government at the respective cadre strength of Establishment Department, KP.➤ They also demanded for one step promotion.
2.	Ex- FATA DC Employees	<ul style="list-style-type: none">➤ They demanded for their service protection and promotion as well.
3.	F&P Employees	<ul style="list-style-type: none">➤ They demanded for their seniority and regularization as per Supreme Court Decision.
4.	Projects Employees	<ul style="list-style-type: none">➤ They demanded for their regularization on the analogy of the Provincial Govt, KP Project Employees Regularization Act.
5.	M&R(PC-1)/ C&W Deptt	<ul style="list-style-type: none">➤ They demanded for their regularization on the analogy of the Provincial Govt, KP daily wages Regularization

1) Mr. Munir Khan , Deputy Secretary(Estat), AI&C Department.

2) Mr. Masood Afridi, Section Officer (L&K) F&P.

3) Hanif-ur- Rehman, Assistant Law & Order Department

4) Mr. Rifaqat Khan, Deputy Director, CMC/FAST, Law & Order Department.

5) Mr. Haseenullah, Security Camera Operator, C&W Deptt

TAIMUL HAIDER KHAN
Advocate High Court.
Attested

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar January 8, 2019

NOTIFICATION

NO. SO(E-I)/E&AD/9-124/2019. In the wake of the 25th Constitutional Amendment in the Constitution of Pakistan 1973, FATA has been merged in Khyber Pakhtunkhwa. Now erstwhile FATA Secretariat Departments and Directorates are to be shifted and placed under the administrative supervision and control of the Khyber Pakhtunkhwa Government Departments to ensure better coordination and seamless transition.

2. In pursuance of the decision by the Competent Authority in the meeting held on the 31st of December, 2018 that "P&D FATA to cease to exist with all functions shifted to P&D Khyber Pakhtunkhwa", the P&D Department Merged Areas (Erstwhile FATA) is hereby placed under the administrative Control of P&D Department Khyber Pakhtunkhwa and Secretary P&D Department Merged Areas (Erstwhile FATA) shall report to the Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.

3. The P&D Department Merged Areas (Erstwhile FATA), comprises of the following:-

- A. Regular units of P&D FATA/Merged Areas
 - a. P&D Cell.
 - b. M&C Cell
 - c. Bureau of Statistics
 - d. Agency Planning Cell
 - e. Agency Finance Cell.
- B. Projects of P&D FATA/Merged Areas
 - a. M&E Directorate FATA.
 - b. Urban Policy & Planning Unit FATA.
 - c. Strengthening of P&D
 - d. Directorate of Projects.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary Merged Areas, Warsak Road, Peshawar
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa
4. Principal Secretary to Governor, Khyber Pakhtunkhwa
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
7. COS 11 Corps Headquarters, 11 Corps Peshawar.
8. All Divisional Commissioners in Khyber Pakhtunkhwa
9. Accountant General, Khyber Pakhtunkhwa
10. Accountant General (PR) Sub Office, Peshawar.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. Director General Information Khyber Pakhtunkhwa
13. PS to Chief Secretary, Khyber Pakhtunkhwa
14. PS to Secretary Establishment/PS to Secretary Administration Departments
15. PS to Special Secretary (E) / D.S.(Admn) / D.S. (Estt.) / SO(Secretary) / SO(HRD-I) / SO(E-II) / DD(IT) and ACSO Cypher E&AD.
16. Manager, Govt. Printing Press Peshawar

P&D Wing of Development

"E"
Amended
"E"

Some departments have been merged but not others

ZIA UL HAQ

TAMUJ HANIS KHAN
Advocate High Court
Attested

o/c

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR, THE JANUARY 16, 2019

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2019. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following regular sections and projects of Law & Order Department, working under the Additional Chief Secretary (FATA) Merged Areas Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa, in all official business:

Sr. No.	Name of department	Report to respective Secretary
1.	Law & Order Department, Merged Areas Secretariat alongwith the following auxillary Section(s)/Projects. A. Regular a) Law & Order Section. b) Tribal Research Cell. c) Wireless & TA Cell. d) FATA Secretariat Levies Force.	Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
2.	B. Project(s) a) Crises Management Cell (CMC)/FATA Analysis & Strategy Team (FAST). b) Levies Training Centre at Shakass.	Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.

2. Subsequent modalities on other auxillary matters shall be decided shortly.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary, (erstwhile FATA), Merged Areas Secretariat.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
6. COC 11 Corps, HQs 11 Corps, Peshawar.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General/AGPR, Khyber Pakhtunkhwa.
9. Director General, Information, Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E.)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
13. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT)-and Director Protocol Administration Department.
14. Manager, Government Printing Press Peshawar.

TAMUZA KHAN
Adv. in Court
Muztad

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

75

DATED PESHAWAR, THE JANUARY 24, 2019

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2019. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Department/Office working under the erstwhile FATA Secretariat shall henceforth report to its respective Secretary to Government of Khyber Pakhtunkhwa, in all official business:

Sr. No.	Name of department	Report to respective Secretary of the Department
1.	Finance Department, Merged Areas Secretariat.	Secretary, Finance Department, Khyber Pakhtunkhwa.

2. Subsequent modalities on other auxiliary matters shall be decided shortly.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Enclt. No. & date given.
Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary, (erstwhile FATA), Merged Areas Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary, Finance Department, Khyber Pakhtunkhwa.
7. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
8. COC 11 Corps, HQs 11 Corps, Peshawar.
9. All Divisional Commissioners in Khyber Pakhtunkhwa.
10. Secretary, Finance Department, Merged Areas Secretariat.
11. Accountant General/AG(PR) Sub Office, Khyber Pakhtunkhwa.
12. Director General, Information, Khyber Pakhtunkhwa.
13. All Deputy Commissioners in Khyber Pakhtunkhwa.
14. PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
16. PS to Secretary (Admn.)/D.S(A)/SO Secret/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
17. Manager, Government Printing Press Peshawar.

(ISHTIAD AHMAD) *le*
SECTION OFFICER (ESTT-I)

TAIMUR HANIS KHAN
Advocate High Court
Attested

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar October 24, 2018

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2018. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Directorates working under erstwhile FATA Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa in all official business:-

S#	NAME OF DIRECTORATE	REPORT TO RESPECTIVE SECRETARY OF THE DEPARTMENT
1.	Directorate of Education.	i. Secretary Elementary & Secondary Education ii. Secretary, Higher Education, Achieves & Libraries.
2.	i. Zakat Ushr ii. Social Welfare	Secretary, Zakat, Ushr, Social Welfare & Women Development Department.
3.	Population Welfare	Secretary, Population Welfare Department.

2. Subsequent modalities on other auxiliary matters shall be decided shortly.
3. In case of issues in financing, development schemes and other matters relating to erstwhile FATA viz-a-viz Federal Government and other partners, the respective Secretary may communicate and route cases as per current arrangements accordingly.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary Merged Areas, Warsak Road, Peshawar
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
7. COS 11 Corps Headquarters, 11 Corps Peshawar.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. Accountant General, Khyber Pakhtunkhwa
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director, E&SE/Director Higher Education; Director, Social Welfare & Women Dev/DG, Population Welfare in Khyber Pakhtunkhwa
12. Director Education/Director, Zakat & Ushr/Director Population Welfare/Director, Social Welfare, erstwhile FATA
13. Director General Information, Khyber Pakhtunkhwa.
14. PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary Establishment/PS to Secretary Administration Departments.
16. PS to Special Secretary (E) D.S.(Admn), D.S. (Estt), SO(Secret)/SO(HRD-I)/SO(E-II)/DD(I) and ACSO Cypher E&AD.
17. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

TAMUR HAKIM KHAN
Advocate
Attested

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar November 15, 2018

NOTIFICATION

NO. SO(E-II/E&AD/9-126/2018. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Directorates working under FATA Development Authority shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa in all official business:-

S/N	NAME OF DIRECTORATE	REPORT TO RESPECTIVE SECRETARY OF THE DEPARTMENT
1.	i) Directorate of Industries ii) Director of Technical Education iii) Directorate of Skills iv) FIFA	Secretary Industries, Commerce, Technical Education and Manpower Training Department.
2.	Small Dams	Secretary, Irrigation & Power Department
3.	Directorate of Minerals	Secretary Minerals Development Department.
4.	Oil Gas	Secretary Energy & Power Department.
5.	Road & Infrastructure	Secretary, Communication & Works Department.

- Subsequent modalities on other auxiliary matters shall be decided shortly.
- In case of issues in financing, development schemes and other matters relating to erstwhile FATA viz-a-viz Federal Government and other partners, the respective Secretary may communicate and route cases as per current arrangements accordingly.
- Secretary, Minerals Development Department may initiate necessary amendments in Khyber Pakhtunkhwa Minerals Sector Governance Act 2017 for the protection of legitimate rights of tribesmen in Mines & Minerals of their respective areas.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

- Additional Chief Secretary, P&D Department.
- Additional Chief Secretary Merged Areas, Warsak Road, Peshawar.
- Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- Principal Secretary to Governor, Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- CO5 11 Corps Headquarters, 11 Corps Peshawar.
- Chief Executive, Merged Area Development Authority.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- Accountant General, Khyber Pakhtunkhwa.
- Accountant General (PR) Sub Office, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- Director, Industries, Manager, Technical Education, Director, Minerals, Director Skills, Manager, Small Dams, Manager, OGSU/FIFA, Director, Road & Infrastructure erstwhile FATA Development Authority.
- Director General Information, Khyber Pakhtunkhwa.
- PS to Chief Secretary, Khyber Pakhtunkhwa.
- PS to Secretary Establishment/PS to Secretary Administration Departments.
- PS to Special Secretary (E)/D.S.(Admn), D.S. (Est)/SO(Secretary)/SO(HRD)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
- Manager, Govt. Printing Press Peshawar.

TAMMUR HAIDER
Advocate High Court
Attested

(SHEHNAZ AHMAD)

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72

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar November 16, 2018

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2018. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Directorates working under FATA Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa in all official business:-

Sl. No.	NAME OF DIRECTORATE	REPORT TO RESPECTIVE SECRETARY OF THE DEPARTMENT
1.	i) Directorate of Agriculture (Extension) ii) Directorate of Livestock & Dairy Development iii) Directorate of Fisheries	Secretary Agriculture, Livestock & Cooperation Department.
2.	Directorate of Forests	Secretary Environment Department.
3.	Directorate of Irrigation & Hydro Power	Secretary, Irrigation Department.
4.	Directorate of Sports.	Secretary, Sports, Culture, Tourism & Youth Affairs Department.

- Subsequent modalities on other auxiliary matters shall be decided shortly.
- In case of issues in financing, development schemes and other matters relating to erstwhile FATA viz-a-viz Federal Government and other partners, the respective Secretary may communicate and route cases as per current arrangements accordingly.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

- Additional Chief Secretary, P&D Department.
- Additional Chief Secretary Merged Areas, Warsak Road, Peshawar.
- Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- Principal Secretary to Governor, Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- COS 11 Corps Headquarters, 11 Corps Peshawar.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- Accountant General, Khyber Pakhtunkhwa.
- Accountant General (PR) Sub Office, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- Director, Agriculture (Extension), Livestock & Dairy Development, Forests, Irrigation & Hydro Power, Sports Erstwhile FATA Sect.
- Director General Information, Khyber Pakhtunkhwa.
- PS to Chief Secretary, Khyber Pakhtunkhwa.
- PS to Secretary Establishment/PS to Secretary Administration Departments.
- PS to Special Secretary (EY O.S.(Admn), O.S. (Est) SO(Secret)/SO(HRD-IVSO(E-II)/DD(I) and ACSO Cypher E&AD.
- Manager, Govt. Printing Press Peshawar.

TAMUK HAJDER KHAN
Advocate High Court
Attested

(ISHFAQ AHMAD)
SECTION OFFICER (E-I)

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

73
79

DATED PESHAWAR, THE JANUARY 16, 2019

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2019. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Projects of Law & Order Department, working under the Additional Chief Secretary (FATA) Merged Areas Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa, in all official business:

Sr. No.	Name of department	Report to respective Secretary
1.	a) FATA Disaster Management Authority (FDMA) Reconstruction Rehabilitation Unit (RRU) alongwith &	Secretary Relief, Rehabilitation & Settlement Department, Government of Khyber Pakhtunkhwa.

2. Subsequent modalities on other auxiliary matters shall be decided shortly.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary, (erstwhile FATA), Merged Areas Secretariat.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
6. COC 11 Corps, HQs 11 Corps, Peshawar.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General/AGPR, Khyber Pakhtunkhwa.
9. Director General, FDMA.
10. Director General, Information, Khyber Pakhtunkhwa.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD), (F)/DS(E.)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
14. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
15. Manager, Government Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER (ESTT-I)

SABIR

TAIMUR WAJED KHAN
Advocate High Court
Attested

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Signature Building / assest in balance of Super & Khas ben Fata

ESTATE OFFICE

FAX NO. : 091-9210897

31 Aug 2018 3:35AM P1

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

NOTIFICATION

Dated Peshawar, the 31st August 2018

No. EQ(AD)E&AD/2018 The competent authority is pleased to order that handing/taking over of FATA House, Islamabad to the Estate Office, Administration Department, Khyber Pakhtunkhwa with immediate effect. The Comptroller Khyber Pakhtunkhwa House, Islamabad shall look after the affairs of the FATA House Islamabad till further orders.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst. No. & date of even.

Copy forwarded for information to:-

1. The Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. The Additional Chief Secretary, FATA Secretariat.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. The Accountant General, Khyber Pakhtunkhwa.
7. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. The Comptroller Khyber Pakhtunkhwa House Islamabad with the direction to take over possession of the House alongwith stock taking of all assets with the representatives of FATA Secretariat.
9. The Section Officer (Admn), Administration Department.
10. The Private Secretary to Secretary Administration, Khyber Pakhtunkhwa.
11. PA to Deputy Secretary (Admn), Administration Department.

Urgent as submitted

(HASEEB UR REHMAN KHAN KHALIL)
ESTATE OFFICER

Secy (E&A)
Add: S
D.S.(D)/E&A/CE
Date: 31-8-2018

TAIMUL HANIDER KHAN
Advocate High Court
Attested

For record P1
Asst.

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CERTIFICATE FOR HANDING TAKING OVER.

In light of details given in the Inventory Book and PC-IV, handing taking over of FATA Sector G-5/1, Atta Turk Road, Islamabad is hereby made on 22.10.2018.

Verified By:

XEN Building Division
Tribal District Khyber

SDO DTJ Khyber

XEN, PBMC

SDO PBMC

Handed Over By

Deputy Secretary, Estate
Merged Areas

Taken Over by

Comptroller, KP House,
Islamabad

COUNTERSIGNED BY

Deputy Secretary (Admn),
Administration Department

Estate Officer
Administration Department

TAMUR HANEEM KHAN
Advocate High Court
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82

Most Immediate/ Through Fax



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

Dated Peshawar the 08.4.2019

NOTIFICATION

No. EO(AD)E&AD/2018. The Competent Authority is pleased to order the handing/taking over of assets (movable/immovable property) of erstwhile FATA Secretariat to Administration Department Khyber Pakhtunkhwa with immediate effect.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst of Even No and Date

Copy forwarded to the:-

1. The Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. The Additional Chief Secretary Merged Area Secretariat.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa
4. The Principal Secretary to Governor Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa
6. The Secretary Administration, Infrastructure & Coordination Department merged area Secretariat.
7. The Accountant General, Khyber Pakhtunkhwa.
8. The PSO to chief Secretary, Khyber Pakhtunkhwa
9. The Section Officer (Admn), Administration Department.
10. The Section Officer (Transport) Administration Department
11. PS to Secretary Administration, Khyber Pakhtunkhwa.
12. PA to Deputy Secretary (Admn), Administration Department.

Wf please
[Signature]

PS to A.C.S.
[Signature]
Sany ABE

[Signature]
ESTATE OFFICER

Director D.S (Estate)
Date 10-04-2019

A.C.S D/No. 1399
Date. 10-4-19

Secretary (A&C) FATA
D. No. 1269
Date: 10-4-19

[Signature]
TAMIR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

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magid
P. Hameed

BY SPECIAL MESSENGER



Finance Department
Merged Areas Secretariat
Warsak Road, Peshawar

83

No.S0(B&A)/FS(FATA)/2018/
Dated Pesh. the 26th December, 2018

To
The Secretary,
Ministry of States & Frontier Regions Division,
Government of Pakistan,
Islamabad.

Subject- TRANSFER OF RECURRENT AND DEVELOPMENT BUDGET / FUNDS FOR THE ERSTWHILE FATA TO THE GOVERNMENT OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to the subject noted above. The issue has been discussed in detail at the Provincial and Federal level. The Federal Government (Finance Division) advised that the Ministry of SAFRON shall initiate the summary for the consideration of the Federal Cabinet that provides the road map as well as the steps that are needed to be taken to achieve complete financial integration.

2. In view of the above, a draft Summary for the Federal Cabinet (Annex-A) is submitted for placing it before the Federal Cabinet. The Chief Minister Khyber Pakhtunkhwa being the Chief Executive for the merged areas after 25th Constitutional amendment has already approved the Summary, a copy of which is placed at (Annex-B).

3. It is, therefore, requested that the draft Summary on the subject may kindly be processed urgently and put up for the consideration of the Federal Cabinet.

4. This may be treated on PRIORITY.

Yours faithfully

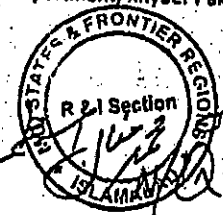
(HUMAYUN)
SECRETARY FINANCE

Encls. No. & date even.

1. Minister for Finance, Khyber Pakhtunkhwa.
2. Principal Secretary to Prime Minister, Islamabad.
3. Secretary Finance Division, Islamabad for information with reference to the meeting held between the Additional Finance Secretary (HR) with Secretary Finance, Khyber Pakhtunkhwa and Deputy Secretary (Finance), Merged Areas Secretariat on 27.11.2018.
4. Chief Secretary Khyber Pakhtunkhwa "with reference to the Note for the Chief Secretary Khyber Pakhtunkhwa" initiated by the ACS Merged Areas vide Dary No.1422 dated 06.12.2018.
5. Additional Chief Secretary, Merged Areas Secretariat.
6. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
7. Secretary Finance Department, Khyber Pakhtunkhwa.

Cost not yet paid
April 2019

TAMUR HAIDER KHAN
Advocate High Court
Attested



SECRETARY FINANCE

26/12/18

ATTESTED



84

Government of Khyber Pakhtunkhwa
Finance Department

Summary for Chief Minister

Subject: TRANSFER OF RECURRENT AND DEVELOPMENT BUDGET / FUNDS
FOR THE ERSTWHILE FATA TO THE GOVERNMENT OF KHYBER
PAKHTUNKHWA

A summary on the above subject is submitted for approval of the Chief
Minister, Khyber Pakhtunkhwa

Secretary Finance
Khyber Pakhtunkhwa
Diary No. 8/24
Date: 14/12/18

Shakeel Qadir Khan
14.12.18
Shakeel Qadir Khan
Secretary, Finance Department

Minister for Finance

[Signature]
17/12
Minister Finance
Govt of Khyber Pakhtunkhwa
Peshwar

PS/Min Finance KPK
D. No. 93
Dated: 18-12-18

Chief Secretary

Nand
17/12
CHIEF SECRETARY
Govt of Khyber Pakhtunkhwa

CMS No. 1509
Date: 18-12-18

Principal Secretary to Chief Minister

[Signature]
Chief Secretary

19.12.2018
Principal Secretary
to Chief Minister
Khyber Pakhtunkhwa

[Signature]

Nand
17/12
CHIEF SECRETARY

[Signature]
TAMUR HAIDER KHAN
Advocate High Court
Attested

[Signature]

ATTESTED



Government of Khyber Pakhtunkhwa
Finance Department

Summary for Chief Minister

79

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1480
26-12-18

Subject: TRANSFER OF RECURRENT AND DEVELOPMENT BUDGET / FUNDS FOR THE ERSTWHILE FATA TO THE GOVERNMENT OF KHYBER PAKHTUNKHWA

FS
File may be marked to ACS FATA for onward submission to SACRON Division. Matter discussed with ACS FATA and he agrees with the approach.

REGISTRATION No. 824
Date: 26/12/18

9307 No. 94-12-18
Date

Imad Gul
24.12.18
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt.

CS

Naresh
24/12
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

ACS (FM)

g
24/12

FS

[Signature]
FAMUR HAIDER KHAN
Advocate High Court
Attested

[Signature]

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Government of Khyber Pakhtunkhwa
Finance Department

Summary for Chief Minister

(36) (86)

Subject: TRANSFER OF RECURRENT AND DEVELOPMENT BUDGET / FUNDS FOR THE ERSTWHILE FATA TO THE GOVERNMENT OF KHYBER PAKHTUNKHWA

The 25th Constitutional Amendment has merged the erstwhile FATA into the Province of Khyber Pakhtunkhwa. Pursuant to the amendment, various functions that were supervised by FATA Secretariat are now being transferred to the respective departments of the Provincial Government. This transition is supervised by the Provincial Cabinet.

2. In the Cabinet meeting held on 22nd November, 2018, the Cabinet decided to start the process of financial integration of the erstwhile FATA accounts as well as funds with that of the provincial government. The Cabinet also directed the undersigned to initiate consultations with the federal government for this purpose. In the first round of consultations with the Federal Government there is an agreement that the Provincial Assembly shall approve a consolidated budget for the province including the merged districts of erstwhile FATA. This means that the financial system of erstwhile FATA shall stand fully integrated on 01-07-2019. Both the federal government and the provincial government shall be using the time available till 1st July to take steps towards the complete integration.

3. The Federal Government (Finance Division) advised that Ministry of SAFRON shall initiate a summary for the consideration of the Federal Cabinet that provides the road map as well as the steps that are needed to be taken to achieve complete financial integration. As per the existing procedure a draft summary prepared by the provincial government duly approved by the Chief Executive is required to be sent to the Ministry of SAFRON enabling the Ministry to put it for the consideration of the Federal Cabinet. A draft summary (Annex-I) for the purpose is submitted for the approval of the Chief Minister, Khyber Pakhtunkhwa.

4. Minister for Finance

Shakeel Qadir Khan 14.12.18
Shakeel Qadir Khan
Secretary, Finance Department

[Signature] 17/12
Minister Finance
Govt. of Khyber Pakhtunkhwa
Peshawar

[Signature]
ZAINUR HAIDER KHAN
Advocate High Court
Attested

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Chief Secretary

(87)

(87)

This is important. Hon' C. M. may approve it.

Naunt
14/12

CHIEF SECRETARY

C. Chief Minister

Draft Summary is approved.

CS

19.12.2018
Chief Minister
Khyber Pakhtunkhwa

TAMUR HAIDER KHAN
Advocate High Court
Attested

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ATTESTED

(88)

SUMMARY FOR THE FEDERAL CABINET

Subject: TRANSFER OF RECURRENT AND DEVELOPMENTAL BUDGET/FUNDS FOR THE ERSTWHILE FATA TO THE GOVERNMENT OF KHYBER PAKHTUNKHWA

Finance Division, Government of Pakistan has been catering to the budgetary requirements, both of Developmental and Recurrent expenditure, of erstwhile FATA having special status under the Federal Government out of Federal Consolidated Funds through SAFRON Division. Now as a result of the 25th Constitutional Amendment, the FATAs stand merged with the Province of Khyber Pakhtunkhwa.

2. In the wake of the merger, almost all the attached Line Directorates of FATA Secretariat have been placed under the administrative control of respective departments of Provincial Government. However, the Federal Government has already allocated/approved budgetary provisions 2018-19 for the defunct FATA and the channel of funding has been kept intact till closing of the current financial year (2018-19). The Demand-wise details of funding from the Federal Consolidation Funds are summarized as under:-

Demand No.	Controlling Department	Description	Amount (Rs. in million)
100	SAFRON (Secretary Safron PAO)	Salaries of Levies & Khasaddars of erstwhile FATA (Federal Government employees) and their operating expenses.	7,303.171
101	FATA Secretariat (ACS FATA PAO)	Salaries of 56,983 sanctioned posts in BPS-1 to 21 of the civil administration against which employees of Provincial Government, defunct FATA DC, employees appointed by FATA Secretariat, Line Directorates & Autonomous Bodies etc are working.	25,605.000
139	FATA Secretariat (ACS FATA PAO)	Execution of Development Schemes out of erstwhile FATA ADP and payment of salaries to the employees appointed in the Schemes by the Project authorities of FATA Secretariat and FDA.	24,500.000
		Total	57,308.171

3. Usually, the fiscal transfers from the Federal Government to Provinces are made through and in pursuance of the decisions of NFC Award. However, the National Finance Commission (NFC) has yet to start its proceedings for deliberations over the next Award (9th NFC), whereas the budgetary preparation for the next financial year (2019-20) is scheduled to be commenced in December, 2018. The budgetary provision with incremental

(Signature)
FAMIR HANIF KHAN
Adv. High Court
Attested

(Signature)

ATTESTED

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increase, based on the bench mark of the current financial year's allocations/funds presently placed at the disposal of SAFRON/FATA Secretariat as reflected in the table at Para-2, for the next financial year 2019-20 needs to be arranged for smooth functioning of administrative structure and execution of development activities in the newly merged tribal Districts in the Province of Khyber Pakhtunkhwa.

4. The Provincial Government is desirous of undertaking all financial obligations with respect to the administration and development of the newly merged areas. However, the Province does not have necessary fiscal space and financial prowess to take up the responsibility in the absence of increased share of the Province expected from the forthcoming NFC Award and 3% special dispensation there-under, over & above the quantum of its share, exclusively meant for these merged climes. As such Government of Khyber Pakhtunkhwa is striving to get the budgets/funds for recurrent as well as developmental expenditure in respect of the erstwhile FATA for the next financial year 2019-20, provided to the Provincial Government, instead of the FATA Secretariat, out of the Federal Consolidated Funds by the Finance Division, Government of Pakistan.

5. After the merger of the FATAs with Khyber Pakhtunkhwa, the present mechanism and channels etc. of funding to the SAFRON as well as the FATA Secretariat by the Federal Government, being followed during the current financial year 2018-19 as well, would need to be appropriately changed/modified in case the current/developmental budgets for these areas are switched over and funneled through the Provincial Government.

6. In this behalf discussion was also held on 27.11.2018 in the office of Additional Finance Secretary (HR) Finance Division, Islamabad, which was also attended by Secretary Finance, Khyber Pakhtunkhwa and Deputy Secretary, Finance Department, FATA Secretariat and therein it was desired that a summary might be moved through the Administrative Ministry (SAFRON Division).

TAMMUR KHALID KHAN
Advocate High Court
Attested

ATTESTED

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7. In view of the position explained at the foregoing paras, the following proposals are submitted for consideration of the Federal Cabinet:-

- I. The requisite funds (Recurrent as well as Development) for erstwhile FATAs may be transferred to the Government of Khyber Pakhtunkhwa for the next financial year 2019-20 onward pending new NFC Award.
- II. After/on the proposed transfer, as given at S.No.(I) above, the Provincial Government shall invariably ensure payment of salaries and other obligatory expenses, including terminal benefits as well, of all the employees (presently drawing salaries from the Regular Budget and Development Budget) against the regular sanctioned 56,983 posts of the administrative departments/attached directorates/field formations of erstwhile FATA (Demand No.101), 29669 (Levies 11704 + 17965 Khasaddars) posts of Levies & Khasaddars of erstwhile FATA (Demand No.100 to the extent of relevant allocation) and all the posts of FATA ADP Schemes (Demand No.139) as mentioned in the table at Para-2 ante. Incumbents of all these regular as well as developmental posts shall thence be the responsibility of the Government of Khyber Pakhtunkhwa.
- III. For smooth and un-interrupted flow of funds, for recurrent as well as developmental expenditures, necessary changes, measures, modifications, technical/legal niceties etc., would be worked out and put in place in consultation with all the quarters concerned of Federal Government and the Government of Khyber Pakhtunkhwa.
- IV. The composition of the National Finance Commission may please be completed and process of deliberations of the forum be carried out on fast-track with a view to determining and announcing the next NFC Award with the consensus of the Federation and the Provinces at the earliest.

Summary to be
initiated by
Secretary (F.A. 101)

8. Government of Khyber Pakhtunkhwa has tendered their views on a Summary approved by the Chief Minister, Khyber Pakhtunkhwa, a copy whereof is placed at Annex-A.

9. The proposals at Para-7 ante are placed for consideration and decision of the Cabinet please.

SECRETARY SAFRON

Page 3 of 3

TALIB HAMEED KHAN
Advocate High Court
Attested

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ATTESTED

911

No.1(1)-TA/2019
Government of Pakistan
Ministry of States and Frontier Regions

Islamabad, the 9th April, 2019.

To

1. The Chief Secretary,
Government of Khyber Pakhtunkhwa,
PESHAWAR.
2. The Additional Chief Secretary,
Planning and Development Department
Government of Khyber Pakhtunkhwa,
PESHAWAR.
3. The Secretary Finance,
Government of Khyber Pakhtunkhwa
PESHAWAR.

Subject: - TRANSFER OF RECURRENT AND DEVELOPMENT BUDGET /FUNDS FOR THE ERSTWHILE FATA TO GOVERNMENT OF KHYBER PAKHTUNKHWA.

I am directed to enclose herewith a decision passed by the Federal Cabinet in the Summary titled "Transfer of Recurrent and Development Budget /Funds for the Erstwhile Fata to Government of Khyber Pakhtunkhwa" submitted by Government of Khyber Pakhtunkhwa.

2. The Federal Cabinet has approved the summary; from the next financial year FY (2019-20) the financial allocations/requisite funds (Recurrent as well as Development) for erstwhile FATA shall be given to Government of Khyber Pakhtunkhwa, which were so far provided through SAFRON Division and Erstwhile FATA Secretariat. After the transfer of budgetary allocations to Provincial Government, Provincial Government shall ensure payment of salaries and other obligatory expenses, including terminal benefits as well, of the employees against the regular sanctioned 56,983 posts of the administrative department/attached directorates/field formations of erstwhile FATA under (Demand. No 101) 29669 (Levies 11704+17965 Khasadars) post of levies and khasadars of erstwhile FATA under (Demand No.100, to the extent of relevant allocations) and all the post of ADP schemes under (Demand No. 139).

TAMUJ HANDEER HAN
Advocate High Court
Attested

PK
50 (ASX)
7/2

Date.....
Dir.....
Khyber Pakhtunkhwa
Finance

Secretary Finance
Khyber Pakhtunkhwa
Diary No... 6985
Date... 11/4/19

Secy Finance D. No. 351
Dated 11-4-19

FS
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3. Foregoing in view, kindly make sure that all the correspondence, measures and formalities are completed for release of requisite funds, regarding Recurrent and Development for erstwhile FATA.



(Sehrish Ghayas)
Section Officer (TA)

Copy to:

1. The Secretary, Planning and Development Department, Merged Area Secretariat, Peshawar.
2. The Secretary Finance, Merged Area Secretariat, Peshawar.


(Sehrish Ghayas)
Section Officer (TA)

ATTESTED


TAIMUR HAIDER KHAN
Advocate High Court
Attested

93

SECRET/IMMEDIATE

**GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CABINET DIVISION**

No.14/CM/2019-D

Islamabad, the 4th April, 2019

MEMORANDUM

Subject: DECISIONS TAKEN IN THE CABINET MEETING HELD ON TUESDAY, THE 2ND APRIL, 2019

In terms of rule 20(13) of the Rules of Business 1973, a copy of the decision(s) taken in the Cabinet Meeting held on Tuesday, the 2nd April, 2019 in the Prime Minister's Office, Islamabad, as detailed below is enclosed herewith for immediate necessary action.

2. It is requested that requisite action(s) to implement the decision(s), under rule 24 of the Rules of Business 1973, in coordination with other Divisions, where necessary, may please be initiated immediately. An implementation report may be furnished to the Cabinet Division within seven days of receipt of the decision(s).

3. The enclosed certificate, acknowledging receipt of the decision(s), may please be returned to the Cabinet Division, duly completed and signed.

Encs: as above

M. Ashraf

(Muhammad Ashraf)
Deputy Secretary (Cabinet)
Tele # 910 3489

- 1. Additional Secretary-II, Cabinet Division - Cases No. 314/14/2019 & No. 347/14/2019
- 2. Additional Secretary-I, Cabinet Division - Cases No. 315/14/2019 & No. 316/14/2019
- 3. Secretary, Aviation Division - Cases No. 317/14/2019 & No. 318/14/2019
- 4. Secretary, Commerce Division - Cases No. 314/14/2019
No. 319/14/2019
No. 340/14/2019 &
No. 341/14/2019

Cont'd.....

[Signature]
HAFIZ HANIF KHAN
Advocate High Court
Attested

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5. Minister for Law & Justice - Case No. 314/14/2019
6. Minister for Finance, Revenue & Economic Affairs - Case No. 314/14/2019
7. Adviser to the Prime Minister on Commerce, Textile, Industry & Production and Investment - Case No. 314/14/2019
8. Secretary, Establishment Division - Cases No. 320/14/2019 & No. 333/14/2019
9. Secretary, Finance Division - Cases No. 314/14/2019 & No. 321/14/2019
10. Secretary, Information & Broadcasting Division - Cases No. 322/14/2019 & No. 339/14/2019 (II)&(III)
11. Secretary, IT & Telecom Division - Case No. 323/14/2019
12. Secretary, Overseas Pakistanis & Human Resource Development Division - Cases No. 324/14/2019 & No. 325/14/2019
13. Secretary, Power Division - Cases No. 326/14/2019 & No. 327/14/2019
14. SAPM on Accountability - Case No. 328/14/2019
15. Secretary, Science & Technology Division - Case No. 329/14/2019
16. Secretary, States & Frontier Regions Division - Case No. 330/14/2019
17. Secretary, Statistics Division - Case No. 331/14/2019
18. Secretary, Textile Division - Case No. 332/14/2019
19. Secretary, Petroleum Division - Cases No. 334/14/2019, No. 335/14/2019, No. 336/14/2019, No. 337/14/2019, No. 338/14/2019 & No. 346/14/2019
20. Secretary, Climate Change Division - Case No. 339/14/2019
21. Secretary, Interior Division - Case No. 339/14/2019 (vi)

Cont'd.....

TAIMUR HAJI
Advocate High Court
Attested

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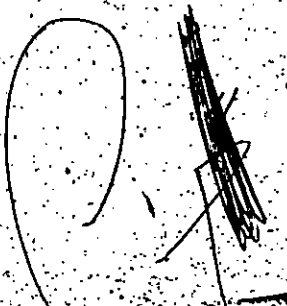
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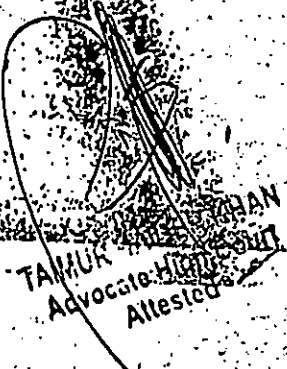
22. Additional Secretary-III, Cabinet Division - Case No. 342/14/2019

23. Secretary, Law & Justice Division - Cases No. 314/14/2019,
No. 342/14/2019,
No. 343/14/2019 &
No. 344/14/2019 &
No. 345/14/2019

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ATTESTED



TAMUK HAN
Advocate High Court
Attested

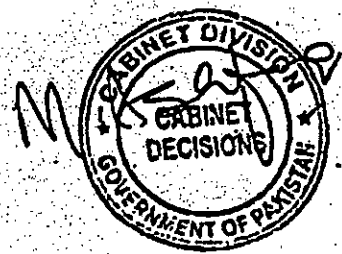
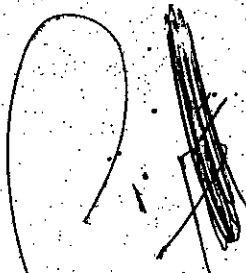
12 (96)

SECRET

Case No. 330/14/2019 Dated: 02.04.2019	Transfer of Recurrent and Development Budget/ Funds for the Erstwhile FATA to the Government of Khyber Pakhtunkhwa.
Presented by: State and Frontier Regions Division	

DECISION

The Cabinet considered the summary dated 22nd March, 2019 submitted by State and Frontier Regions Division for transfer of recurrent and development budget/ funds for the erstwhile FATA to the Government of Khyber Pakhtunkhwa and approved the proposal at Para 6 read with Para -7 of the summary.



ATTESTED

TAMUO KHAN
Advocate High Court
Attested

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(97)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT**

Dated Peshawar the March 22, 2019

NOTIFICATION

No.SO(E)P&D/19-37/PPS/2018 In Pursuance of Order of Peshawar High Court, Peshawar dated: 07.11.2018 in writ petition No.3722-P/2016 titled Muhammad Masood Afridi & others Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others and in light of decision of the meeting held on 15.11.2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, the Competent Authority is pleased to include the following posts in BS-17 and above of erstwhile Agency Planning Cells P&D Department, Merged Areas (Tribal Districts) in the schedule of Provincial Planning Service (PPS) cadre and the incumbents as Provincial Planning Service Officers in their respective grades, with immediate effect, in the best public interest.

S.No	Name	Designation	BS
1	Mr. Sher Afzal	Executive Officer, F&P	BS-18
2	Mr. Ahmed Nawaz	Executive Officer, F&P	BS-18
3	Mr. Faridullah	Agency Planning Officer	BS-17
4	Muhammad Hamid	-do-	BS-17
5	Muhammad Rehman	-do-	BS-17
6	Mr. Miftahullah	-do-	BS-17
7	Mr. Faqir Muhammad	-do-	BS-17
8	Mr. Israr Ahmad Khan	-do-	BS-17

**ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT**

Endst:No.& Date Even

Copy forwarded to the:-

1. Additional chief Secretary, Merged Areas Secretariat, Peshawar.
2. Registrar, Peshawar High Court, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. Secretary, P&D Department, Merged Areas Secretariat, Peshawar.
5. Secretary to Govt. of Khyber Pakhtunkhwa finance Department.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. All Deputy Commissioners concerned of Tribal Districts.
8. All District Account Officers concerned of Tribal Districts.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Assistant Chief (B&A), P&D Department.
11. Section Officer (General), P&D Department.
12. PS to Additional Chief Secretary, P&D Department.
13. PS to Secretary, P&D Department.
14. Pas to Additional Secretary Chief Economist, P&D Department.
15. PA to Deputy Secretary (Admin), P&D Department.
16. Officers Concerned.

TAMUR HAIDER KHAN
Advocate High Court
Attested

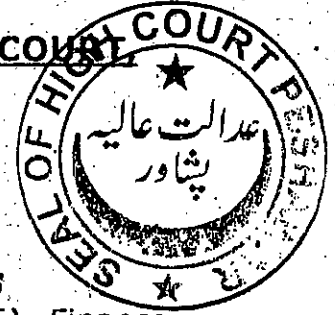
TAMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

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cc F
Kamilia / - / -

**BEFORE THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR**



W.P.No. 3704P/2019

1. **Tauseef Iqbal**, Computer Operator (BPS-16), Finance Department, Merged Areas Secretariat.
2. **Hanif Ur Rehman**, Assistant (BPS-16), Law & Order Department, Merged Areas Secretariat.
3. **Ashiq Hussain**, Assistant (BPS-16), A,I&C Department, Merged Areas Secretariat.
4. **Shaukat Khan**, Assistant (BPS-16), Law & Order Department, Merged Areas Secretariat.
5. **Zahid Khan**, Assistant (BPS-16), Finance Department, Merged Areas Secretariat.
6. **Qaiser Khan**, Assistant (BPS-16), A,I&C Department, Merged Areas Secretariat.
7. **Farooq Khan**, Computer Operator (BPS-16), Law & Order Department, Merged Areas Secretariat.
8. **Sabir Shah**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
9. **Safdar Ali Shah**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
10. **Arshad Khan**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
11. **Inamullah**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
12. **Hidayatullah**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
13. **Nishat Khan**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
14. **Maqsood Jan**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.

KHALID NADEEM
STAMP VERIFIER
Lic # 644/DRA/2013
Melody Market, Jalalpur

FILED TODAY
Deputy Registrar

08 JUL 2019

ATTESTED

EXAMINER
Peshawar High Court

WP3704-2019- Tauseef Iqbal VS. G. N. K. F. I. P. G. 100

ATTESTED

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15. **Zubair Shah**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
16. **Muhammad Hussain**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
17. **Misbahullah**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.
18. **Muhammad Zahir Shah**, Naib Qasid (BPS-01), Finance Department Merged Areas Secretariat.
19. **Shabir Khan**, Naib Qasid (BPS-02), Law & Order Department Merged Areas Secretariat.
20. **Dost Muhammad**, Naib Qasid (BPS-02), Mineral Directorate Merged Areas Secretariat.
21. **Nehad Badshah**, Mali (BPS-02), A, I&C Department Merged Areas Secretariat.
22. **Jawad Khan**, Mali (BPS-01), A, I&C Department Merged Areas Secretariat.
23. **Khalid Khan**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
24. **Waqas Khurshid**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.
25. **Muhammad Tanveer**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.
26. **Wakeel Khan**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.
27. **Bawar Khan**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.
28. **Dost Ali**, Naib Qasid (BPS-02), A, I&C Department Merged Areas Secretariat.
29. **Altaf ur Rehman**, Chowkidar (BPS-02), A, I&C Deputy Registrar Department Merged Areas Secretariat.
30. **Haseeb Zeb**, Naib Qasid (BPS-01), A, I&C Department Merged Areas Secretariat.

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Peshawar High Court

WP3704-2019- Tauseef Jabal VS Govt KP Full PG 103

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31. **Samiullah**, Naib Qasid (BPS-01), A, I&C Department
Merged Areas Secretariat.
32. **Muhammad Amjid Ayaz**, Naib Qasid (BPS-01), A, I&C
Department Merged Areas Secretariat.
33. **Said Anwar**, Naib Qasid (BPS-01), A, I&C Department
Merged Areas Secretariat.
34. **Muhammad Sharif**, Naib Qasid (BPS-02), A, I&C
Department Merged Areas Secretariat.
35. **Zahidullah**, Naib Qasid (BPS-02), Law & Order
Department Merged Areas Secretariat.
36. **Kemya Gul**, Chowkidar (BPS-02), A, I&C Department
Merged Areas Secretariat.
37. **Azizullah**, Chowkidar (BPS-02), A, I&C Department
Merged Areas Secretariat.
38. **Yasir Arafat**, Chowkidar (BPS-02), A, I&C Department
Merged Areas Secretariat.
39. **Muhammad Saleem**, AC Cleaner/N/Qasid (BPS-02),
A, I&C Department Merged Areas Secretariat.
40. **Daud Khan**, AC Cleaner (BPS-02), A, I&C Department
Merged Areas Secretariat.
41. **Muhammad Ali**, Driver (BPS-05), A, I&C Department
Merged Areas Secretariat.
42. **Inamullah**, Driver (BPS-05), A, I&C Department
Merged Areas Secretariat.
43. **Abdul Qadar**, Driver (BPS-05), A, I&C Department
Merged Areas Secretariat.
44. **Mina Jan**, Driver (BPS-04), A, I&C Department Merged
Areas Secretariat.
45. **Waheedullah Shah**, Driver (BPS-05), A, I&C
Department Merged Areas Secretariat.
46. **Mubashir Alam**, Driver (BPS-05), Law & Order
Department Merged Areas Secretariat.

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Peshawar High Court**ATTESTED**

101

- 47. **Zamarud Khan**, Chowkidar (BPS-02), A, I&C Department Merged Areas Secretariat.
- 48. **Farhad Gul**, Naib Qasid (BPS-01), Law & Order Department Merged Areas Secretariat.
- 49. **Hameed Khan**, Naib Qasid (BPS-01), Law & Order Department Merged Areas Secretariat.
- 50. **Alam Zeb**, Mali (BPS-01), A, I&C Department Merged Areas Secretariat.

[Handwritten signature]

51. **Kiyasuddin Naib Qasid (BPS-2), A, I&C, Dept, Merged Area Secretariat** **Petitioners**

VERSUS

- 1. **Government** of Khyber Pakhtunkhwa, through Advocate General, Peshawar.
- 2. **Government** of Khyber Pakhtunkhwa, through Chief Secretary at Civil Secretariat, Peshawar.
- 3. **Government** of Khyber Pakhtunkhwa, through Additional Chief Secretary Merged Areas at Warsak Road, Peshawar.
- 4. **Government** of Khyber Pakhtunkhwa, through Additional Chief Secretary P & D Department, Khyber Pakhtunkhwa, Peshawar.
- 5. **Secretary** to Government of Khyber Pakhtunkhwa, Administration Department at Civil Secretariat, Peshawar.
- 6. **Secretary** to Government of Khyber Pakhtunkhwa, Establishment Department at Civil Secretariat, Peshawar.
- 7. **Secretary** to Government of Khyber Pakhtunkhwa, Finance Department at Civil Secretariat, Peshawar.

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..... Respondents

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Peshawar High Court

102

WRIT PETITION UNDER ARTICLE 199
R/W ARTICLE 4, 25 & 27 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973, AGAINST THE
IMPUGNED NOTIFICATION NO.
SO(O&M)/E&AD/3-18/2019 DATED:
25.06.2019 OF THE RESPONDENTS
WHEREBY THE PETITIONERS ALONG
WITH OTHERS EMPLOYEES OF THE
RESPONDENTS' DEPARTMENT HAVE
BEEN DECLARED AS "SURPLUS" AND
PLACED THEM IN THE SURPLUS POOL
OF ESTABLISHMENT AND
ADMINISTRATION DEPARTMENT.

THE IMPUGNED ORDER IS NOT ONLY
ILLEGAL, UNLAWFUL AGAINST THE
SURPLUS POOL POLICY AND
TANTAMOUNT TO QUENCH THE THIRST
BY THE RESPONDENTS AS ALREADY 03
DIFFERENT C.O.CS HAVE BEEN FILED
(ONE IS STILL PENDING) AGAINST THE
RESPONDENTS BY NOT COMPLYING
WITH THE CLEAR CUT JUDGMENT OF
THE APEX COURT DATED: 30.05.2013
IN CP NO.29-P OF 2013 AS WELL AS
THIS HONORABLE COURT (LARGER
BENCH) JUDGMENT DATED: 07.11.2013
IN W.P NO.969/2010 BEING PASSED
IN FAVOR OF THE PRESENT
PETITIONERS.

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Peshawar High Court

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08 JUL 2019

~~ATTESTED~~

KHALID WADEEM
STAMP VENDOR
Lic # 644/O&A/2013
Malody Market, Islamabad

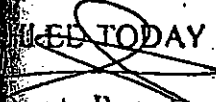
103

MOREOVER AFTER THE 25TH AMENDMENT IN THE CONSTITUTION OF PAKISTAN 1973 THE RESPONDENTS HAS DECLARED THE PETITIONERS AS SURPLUS DESPITE THE FACT THE PETITIONERS HAVE NEVER OPTED TO BE PLACED SURPLUS NOR THE OPTION HAS BEEN TAKEN FROM THE PETITIONERS WHICH IS MANDATORY AS PER SECTION 5 (A) OF THE GOVERNMENT SURPLUS POOL POLICY OF THE YEAR 2001 (8TH JUNE, 2001) AS AMENDED IN 2006 AS WELL AS THE UNWILLINGNESS OF THE PETITIONERS ARE ALSO CLEARED FROM THE RESPONDENT LETTER NO. PS/FS/A,I&C/2019 DATED: 22.03.2019 "INFORMATION REPORT ON THE PROTEST LAUNCHED BY MERGED AREAS SECRETARIAT EMPLOYEES ON 22.03.2019" WHEREBY THE PETITIONERS VERY CATEGORICALLY CONTENTED THAT THEY SHOULD NOT BE PLACED IN THE SURPLUS POOL AS THEIR MATURED SERVICE OF ABOUT 14 YEARS AND ABOVE MAY SPOIL AND LOSE.

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EXAMINER
Peshawar High Court

IN ADDITION VIDE DIFFERENT NOTIFICATIONS I.E. NO. SO(E-1)/E&AD/9-126/2019 DATED: 08.01.2019 THE ERSTWHILE FATA

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08 JUL 2019

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104

SECRETARIAT DEPARTMENTS AND DIRECTORATES HAVE BEEN SHIFTED AND PLACED UNDER THE ADMINISTRATIVE SUPERVISION AND CONTROLLER OF THE KHYBER PAKHTUNKHWA GOVERNMENT DEPARTMENT IN ORDER TO ENSURE BETTER COORDINATION AND SEAMLESS TRANSACTION. BESIDES BILLIONS OF RUPEES HAVE BEEN GIVEN BY THE GOVERNMENT FOR THE MERGED/ERSTWHILE FATA SECRETARIAT DEPARTMENTS ETC (FOR PRESENT PETITIONERS/POSTS) BUT UNFORTUNATELY DESPITE OF HAVING SAME CADRE OF POSTS (PETITIONERS) AT CIVIL SECRETARIAT, THE RESPONDENTS HAVE PASSED THE UNJUSTIFIABLE, ILLEGAL AND UNLAWFUL IMPUGNED ORDER DATED: 25.06.2019 WHICH IS THE VIOLATION OF THE APEX COURT/HIGH COURT JUDGMENT BUT THE SAME WILL FURTHER VIOLATE THE FUNDAMENTAL RIGHT OF THE PETITIONERS BEING ENSHRINED IN THE CONSTITUTION OF PAKISTAN, 1973, WILL SERIOUSLY AFFECT THE PROMOTION /SENIORITY LAST BUT NOT THE LEAST THE IMPUGNED ORDER HAS FURTHER AGGRAVATED THE AGONIES OF THE PETITIONERS AND SERIOUSLY TRAUMATIZED THEIR FAMILIES TOO.

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EXAMINER
Peshawar High Court

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PRAYER:

24
105

By acceptance of this Writ Petition, on the basis of expounded subjects, facts and circumstances, the impugned Notification No. SO (O&M)/E&AD/3-18/2019 dated: 25.06.2019 of the respondents and any action taken in the grab of the impugned order may kindly be set-aside, being illegal, unlawful against the Surplus Pool Policy and the violation of the right of the petitioners. Similarly the petitioners' services may also be retained in the Civil Secretariat of Establishment & Administration Department being having the similar cadre of posts of rest of the Civil Secretariat employees.

Respectfully Sheweth;

- 1) That the petitioners were initially appointed in the Fata Secretariat appointment orders in the year 2004 vide appointment orders dated: 01.12.2004.
- 2) That since the appointment of the petitioners, they earned good reputation amongst the officers. Due to the pain staking and sedulous hardworking, ever tried to keep the morale of the department high and during the entire service of more than 14 years are having unblemished service carrier.
- 3) That for the fundamental right, they have preferred series of application to the competent authority but of no avail, finally for the regularization, put up the matter before the Honorable Peshawar High Court, Peshawar and this august court has been pleased to allow the writ petition No.969 of

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EXAMINER
Peshawar High Court

WP3704-2019- Taaseef Iqbal
EXAMINER PG 100
Peshawar High Court

ATTESTED

25

(106)

2010 vide judgment dated: 30.11.2011. The respondents has challenged the matter before the Supreme Court of Pakistan and vide CPLA No.29-P of 2013 dated: 30.05.2013, the apex court has been pleased to upheld the Peshawar High Court, Peshawar judgment in favor of the present petitioners and for certain other benefits, the case was remanded back to the Honorable Peshawar high Court, Peshawar in order to dispense justice in its true letter and spirit. Accordingly, this Honorable Court, larger bench has been pleased to allow the petitioners' writ petition No. vide detail judgment dated: 07.11.2013 and besides other remedy, the petitioners have been regularized from 01.07.2008 and vice versa for the complete detail. (Copy of the aforesaid whole proceedings, apex court decision along with appointment/regularization orders etc is annexed as annexure "A").

- 4) That the stroke of misfortune hit the petitioners, when the respondents were reluctant to comply with the clear cut order/judgments of the higher courts. The petitioners have tried their level best even from pillar to post via series of application but of no avail and finally having no other option but filed contempt of court petition. Though some portion/remedy of the judgment were redressed/complied with but unfortunately were reluctant to formulate the service structure of the petitioners' post. As the matter pertains to the year 2013 and despite the commitment made before Honorable Peshawar High Court, Peshawar, the respondents mendaciously were lethargic to comply with the clear order of the Honorable Peshawar

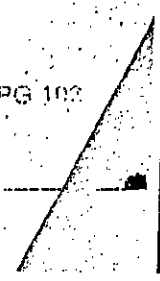
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 08 JUL 2019



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 EXAMINER
 Peshawar High Court

WP (Civil) No. 13 of 2013 (Sd/-) KP Full PG 102



2

(107)

High Court, Peshawar and after the lapse of further 03 years, the petitioners have again filed another C.O.C via C.M No. 667/2017 in C.O.C No. 178-P/2014 in W.P No.969/2010, which is still in the field. **(Copy of the C.O.Cs along with relevant documents is annexed annexure "B").**

- 5) That it is rudimentary to mention here, that since 2013, the petitioners vested right have been violated and in such a doldrums sort of situation, the petitioners' were shocked and astonish to know that the respondent vide illegal, unjustifiable and unlawful Notification dated: 25.06.2019 has placed the petitioners along with other employees, in the Surplus Pool and declared them Surplus. **(Copy of the impugned order dated: 25.06.2019 vide Notification No. SO(O&M)/E&Ad/3-18/2019 is annexed as annexure "C").**
- 6) That the impugned order is not only illegal, unlawful against the surplus pool policy and tantamount to quench the thirst by the respondents as already 03 different C.O.Cs have been filed (one is still pending) against the respondents by not complying with the clear cut judgment of the apex court dated: 30.05.2013 in CP No.29-P of 2013 as well as this honorable court (larger bench) judgment dated: 07.11.2013 in W.P No.969/2010 being passed in favor of the present petitioners:
- 7) That after the 25th amendment in the constitution of Pakistan 1973, the respondents has declared the petitioners as surplus despite the fact the petitioners have never opted to be placed surplus nor the option has been

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EXAMINER
Peshawar High Court

WP3704-2019- Tauseef Iqbal VS Govt KP Full PG 103

ATTESTED

108

taken from the petitioners, which is mandatory as per section 5 (a) of the government surplus pool policy of the year 2001 (8th June, 2001) as amended in 2006 as well as the unwillingness of the petitioners are also cleared from the respondent letter No. PS/FS/A,I&C/2019 dated: 22.03.2019 **"Information report on the protest launched by merged areas secretariat employees/petitioners on 22.03.2019"** whereby the petitioners very categorically contended that they should not be placed in the surplus pool as their matured service of about 15 years may spoil and lose. **(Copy of the Government Surplus Pool Policy of the year 2001 along with the respondent letter no. Ps/Fs/A, I&C/2019 dated: 22.03.2019 is annexed as annexure "D").**

8) That the illegal and untoward act of the respondent is also cleared from the notifications i.e. No. **SO(E-1)/E&AD/9-126/2019 DATED: 08.01.2019**, the erstwhile Fata secretariat departments and directorates have been shifted and placed under the administrative supervision and controller of the Khyber Pakhtunkhwa government department in order to ensure better coordination and seamless transaction. besides billions of rupees have been given by the government for the merged/erstwhile Fata secretariat departments etc (for present petitioners/posts) but unfortunately despite of having same cadre of posts (petitioners) 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/high Court judgment but the same will

TODAY
Registrar
JUL 2019

ATTESTED

WP2704-2019, **ATTESTED** Attorney General vs Govt KP Full PG 103

EXAMINER
Peshawar High-Court

109

further violate the fundamental right of the petitioners being enshrined in the constitution of Pakistan, 1973, will seriously affect the promotion /seniority, so much so, the petitioners were extremely shocked to know and put in doldrums by the respondent, of having the stance, if the same impugned Notification is not accepted, the consequences will be grimed and as such the impugned order has further aggravated the agonies of the petitioners and seriously traumatized their families. (Copy of the all the Notifications along with relevant documents of the respondent department are annexed as annexure "E").

- 9) That the mendacious approach and clear discrimination of the respondents is cleared from the Notification No. SO(E)P&D/19-37/PPS/2018 Dated: 22.03.2019, whereby the employees of erstwhile Fata Secretariat have not been placed Surplus *"In Pursuance of Order of Peshawar High Court, Peshawar dated: 07.11.2018 in writ petition No.3722-P/2016 titled Muhammad Masood Afridi & others Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others and in light of decision of the meeting held on 15.11.2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, the Competent Authority is pleased to include the following posts in BS-17 and above of erstwhile Agency Planning Cells P&D Department, Merged Areas (Tribal Districts) in the schedule of Provincial Planning Service (PPS) cadre and the incumbents as Provincial Planning Service Officers in their respective grades, with immediate effect, in the best public interest"*. (Copy of the

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WP3722-P-2016-Tanzeem ul Jabal VS Govt KP-Full PG 103

EXAMINER
Peshawar High Court

Notification dated: 22.03.2019 is annexed as annexure "F").

(110)

- 10) That the law demands, justice may not only be done but it should manifestly be seemed to be done, keeping in view the unjustifiable order of the respondents. In such a scenario, if the same is not set-aside, the petitioners will be further aggravated and will suffer irreparable losses.
- 11) That the expounded subjects, facts and circumstances may also be considered as ground of the instant writ petition and any other point/documents may be raised/provided at the time of arguments for the best assistance of this Honorable Court.

PRAYER:

It is therefore most humbly prayed that by acceptance of this Writ Petition, on the basis of expounded subjects, facts and circumstances, the impugned Notification No. SO (O&M)/E&AD/3-18/2019 dated: 25.06.2019 of the respondents and any action taken in the grab of the impugned order may kindly be set-aside, being illegal, unlawful against the Surplus Pool Policy, and the violation of the right of the petitioners. Similarly the petitioners' services may also be retained in the Civil Secretariat of Establishment & Administration Department being having the similar cadre of posts of rest of the Civil Secretariat employees.

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EXAMINER
Peshawar High Court

WP3704-2019-1 (Household) vs Govt KP Full PG 103

ATTESTED

111

Any other remedy which this Honorable court deems fit and proper may also be granted to the petitioner.

Interim Relief: With profound veneration, in the meanwhile, the operation of the impugned Notification No. SO (O&M)/E&AD/3-18/2019 dated: 25.06.2019 of the respondents may kindly be suspended and the respondents may also be restrained not to pass any adverse order of whatsoever against the petitioners till the final disposal of the instant writ petition.

Petitioners

Through

Taimur Haider Khan
Advocate, High Court
Taimur Law Associates
Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar

Office:

STAYED BY ORDER
FILE # 2019/1003
Majlis-e-Shoora
2013

CERTIFICATE:

It is certified that no such like Writ Petition has earlier been filed by the petitioner before this Hon'ble Court.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law book as per need.

Advocate

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08 JUL 2019

EXAMINER
Peshawar High Court
Issued Under Article 198
Shahadat Order 1988

06 JAN 2020

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ATTESTED

EXAMINER
Peshawar High Court

August 10, 2019 MS-2019-KP-Full PG 103

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Writ Petition No. 3704-P/2019.

112

Tauseef Iqbal & others----- Petitioner.

Versus

1. Government of Khyber Pakhtunkhwa, through Advocate General, Peshawar.
2. Government of Khyber Pakhtunkhwa through Chief Secretary.
3. Govt. of Khyber Pakhtunkhwa through Additional Chief Secretary Merged Areas Warsak Road, Peshawar.
4. Govt. of Khyber Pakhtunkhwa through Additional Chief Secretary P&D Deptt.
5. Secretary to Govt. of Khyber Pakhtunkhwa Administration Department.
6. Secretary to Govt. of Khyber Pakhtunkhwa Establishment Deptt.
7. Secretary to Govt. of Khyber Pakhtunkhwa Finance Deptt.

(Respondents)

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 TO 7.

PRELIMINARY OBJECTION.

1. That the writ petition is not maintainable in its present form.
2. That the petitioners have got no locus standi to file the instant writ petition.
3. That the petitioner did come to this Court with clean hands.
4. That the petition is not maintainable due to Mis-Joinder and Non-Joinder of necessary parties.
5. That the petitioner concealed the material fact from the Honorable Court.

RESPECTFULLY SHWETH.

FACTS

Para-1 Incorrect.

Para-2 Not related, hence no comments.

Para-3 Correct.

Para-4

Correct. One portion of the judgment 07.11.2013 of Larger Bench of Peshawar High Court Peshawar was complied by issuing regularization orders of the petitioners against their respective cadre posts while draft Service Structure for the petitioners was sent to the Federal Government for approval. However, in the meantime, the setup was change in the wake of 25th Amendment and the matter remained unsettled. COC of the petitioners in the instant case is still pending before this Honourable Court.

Para-5

In-correct. Actually Additional Chief Secretary, Merged Areas Secretariat moved a Note regarding Human Resource Challenges and Implications highlighting the issues (1) employees of defunct FATA Development Corporation (2) employees recruited by FATA Secretariat. The same were processed/routed through Finance, Establishment and Planning & Development Departments and finally it was decided by the competent authority to place their services in the surplus pool of the Establishment Department and notified (Annexure-I). In the light of Surplus Pool Policy all the employees have subsequently been adjusted/placed against the vacant posts in various Government Departments (Annexure-II).

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02 SEP 2019

Para-6

As per Para-4.

Para-7

Incorrect. The petitioners have been treated in the light of Surplus Pool Policy (Annexure-III).

SYED RIFAQAT HUSSAIN SHAH
Advocate/Advocate on Record
Supreme Court of Pakistan
0333-5166648, 0321-9547460

ATTESTED

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Para-8

Not correct. The notification of Establishment Department SO(E-1)/E&AD/9-126/2019 dated 08.01.2019 is an Executive Notification that is meant to ensure better coordination and proper transaction of Government Business. Moreover, Merged Area Secretariat has intimated through a Note for Chief Secretary, Khyber Pakhtunkhwa that there are 115 officials in BS-01 to BS-16 who have been recruited directly by the FATA Secretariat and are presently serving in FATA Secretariat, Mineral Directorate of FDA, Irrigation Directorate FATA and Works & Services FATA. In pursuance of the judgment of Larger Bench of Peshawar High Court Peshawar in WP No. 969 dated 07.11.2013, services of the contract employees, appointed by FATA Secretariat against the sanctioned posts were regularized.

Later on, a summary was moved for approval of the Governor, through Chief Secretary for declaring them as Provincial Civil Servants in light of Presidential Order No. 13 of 1972. However, Provincial Govt. did not agree to accept them as their employees and advised to take up the case with Federal Government. Federal Government though explicitly did not agree, yet SAFRON Division drafted service rules for them. The draft rules after clearance by Secretaries Committee at FATA Secretariat were forwarded to Province, has now advised on 12.11.2018 that the matter falls under the purview of Government of Khyber Pakhtunkhwa and may be taken up further with the Provincial Government.

Accordingly, a meeting was held under the Chairmanship of Secretary Establishment with a representative from Merged Areas Secretariat wherein it was agreed upon that 115 contractual employees (BS-1 to 16) of erstwhile FATA Secretariat regularized by Peshawar High Court in WP No. 969 dated 07.11.2013 need to be adjusted on the provincial side after the 25th constitutional amendment.

The Committee in principle agreed to:-

- i. That the said employees may be placed at Surplus Pool of Establishment Department for further adjustment as per policy in vogue.
- ii. The whole process should not take more than one month (30 days).
- iii. Special Secretary (Regulation) shall be Focal Person and shall submit report of implementation/ adjustment after one month stipulated period.

Para-9

Correct to the extent that 8 petitioners out of total 15 No. who served as Agency Planning Officers (BS 18 & BS-17) in Planning & Development Dept. Merged Area (Tribal districts) were after merger, in pursuance of Hon'ble Peshawar High Court Peshawar Order dated 07.11.2018 passed in the WP No.3722-P/2016, posted in the Govt. of Khyber Pakhtunkhwa P & D Dept, while the future of the remaining officers, who served as Agency Finance Officers in BS 17 & 16 under the erstwhile FATA Secretariat will be, in pursuance of the Hon'ble Peshawar High Court Peshawar order dated 13.06.2019, mutually decided by the Govt. of Khyber Pakhtunkhwa Finance and P & D Dept. Next date of hearing in the instant case is 17.10.2019, Hence, the same is still sub judice.

Para-10

The petitioners were treated as per Law & Surplus Pool Policy.

Para-11

No comments.

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SYED RIFAQAT HUSSAIN Sr.
Advocate/Associate
Supreme Court of Pakistan
0333-6166648, 0333-954...

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Prayed.

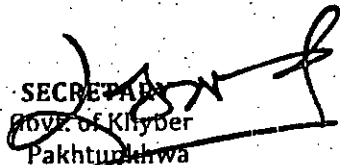
Keeping in view the above, it is very humbly prayed that the petition in hand may graciously be dismissed with cost.



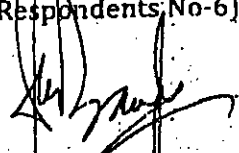
SECRETARY
Govt. of Khyber Pakhtunkhwa
Administration Department
(Respondents No-5)



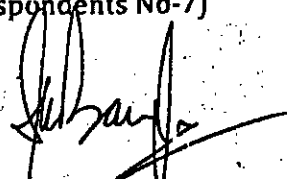
SECRETARY
Govt. of Khyber
Pakhtunkhwa
Establishment Department
(Respondents No-6)



SECRETARY
Govt. of Khyber
Pakhtunkhwa
Finance Department
(Respondents No-7)



Additional Chief Secretary,
Govt. of Khyber
Pakhtunkhwa
Merged Areas
(Respondents No-3)



ADDITIONAL CHIEF SECRETARY
Govt. of Khyber
Pakhtunkhwa
P&D Department
(Respondents No-4)



CHIEF SECRETARY
Khyber Pakhtunkhwa
(Respondents No-2)



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SYED RIFAQAT HUSSAIN SHAH
Advocate/Advocate on Record
Supreme Court of Pakistan
333-5166948, 0321-9542466

KHALID NADEEM
STAMP VENDOR
Lic-# 644/DRA/2013
Melody Market, Islamabad

115

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.No.3704-P of 2019

JUDGMENT



Date of hearing 05.12.2019

Petitioner (s) (Tauseef Iqbal and others) by Mr. Taimur Haider Khan,
Advocate,

Respondent (s) (Government of Khyber Pakhtunkhwa, Peshawar and others)
by Mr. Rab Nawaz Khan

MUHAMMAD NASIR MAHFOOZ, J:- Through this writ
petition under Article 199 of the Constitution of Islamic
Republic of Pakistan, 1973; the petitioners have prayed for
the following relief:-

It is, therefore, humbly prayed that on
acceptance of the instant writ petition,
on the basis of expounded subjects, facts
and circumstances, the impugned
Notification No. SO(O&M)/E&AD/3-
18/2019 dated 25.6.2019 of the
respondents and any action taken in the
garb of the impugned order may kindly
be set aside, being illegal, unlawful
against the Surplus Pool Policy and the
violation of the right of the petitioners.
Similarly the petitioners' services may

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EXAMINER
Peshawar High Court

also be retained in the civil Secretariat of Establishment and Administration Department having the similar cadre of posts of rest of the Civil Secretariat employees.

116

2. We have heard learned counsel for the petitioner and learned AAG on behalf of the respondents and have gone through the record.

3. Respondents submitted their comments and alongwith the comments they have annexed copies of Notification dated 19.7.2019, 22.7.2019 with the subject, "Adjustment of surplus staff of erstwhile FATA," and addressed to the Deputy Commissioner of different Districts. As per said Notification all the petitioners have been adjusted in various Directorates and other offices of the Provincial Government. The specific request of the petitioner to be adjusted in the civil secretariat, Peshawar could not hold the field as once they have been adjusted after the abolishment of FATA Secretariat on account of omission of Article 247 through promulgation of 25th Constitutional amendment, now they are regular

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EXAMINER
Peshawar High Court

employees of the Provincial Government and would be treated as such for all intents and purposes including their seniority. The surplus pool policy as announced by the Provincial Government vide letter dated 13.8.2001 is a comprehensive set of rules and none of its provision violates the parameters as laid down in the civil service law.

4. Para-1 of this policy empowers the Finance Department in consultation with the department concerned and with the approval of competent authority to declare any organization, set up or individual post as redundant or inessential. Vide para-2 the surplus pool is created by establishment and administration department after abolition and creation of equal number of posts in the corresponding basic pay scales. Para-3 provides for implementation/monitoring cell whereby a committee consisting of Additional Secretary (Establishment)E&AD as Chairman, Deputy Secretary LG&RD and Deputy Secretary Finance Department as Members, Deputy Secretary (Establishment)E&AD as Secretary. In para-4

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EXAMINER
Peshawar High Court

117

118

the criteria is provided for declaring any Government as surplus and the procedure for adjustment is provided in para-5. Fixation of seniority is provided in para-6 for the determination of seniority of inter se old employees of the concerned office, wherein, the surplus employees are adjusted and lastly in para-7 the competent authority shall notify adjustment/absorption and each and every aspect that a civil servant may face after adjustment in another department is provided in the said policy. Now so far as the other grievance of the petitioner is concerned that they are to be absorbed in the civil secretariat, being a civil servant it would involve deeper appreciation of the vires of the policy referred above, which have not been impugned before us in the instant writ petition. In case petitioners still feel aggrieved regarding any matter that could not be met within the frame work of said policy they would be legally bound by the terms and condition of service and in view of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this court could not embark upon to entertain the same.

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 EXAMINER
 Peshawar High Court

119

5. Needless to mention and we expect that keeping in view the ratio as contained in the judgment titled Tikka Khan and others Vs. Syed Muzaffar Hussain Shah and others (2018 SCMR 332), the seniority would be determined accordingly.

Consequently, the instant writ petition involve no other question to be determined, hence it has become infructuous and is dismissed as such.

Announced
05.12.2019

JUDGE

JUDGE

Shahid Ali, Court Secretary

(D.B.) Hon'ble Mr. Justice Mohammad Ibrahim Khan and Hon'ble Mr. Justice Mohammad Nasir Mahfooz

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The Genere-Shahadat Order 1984

06 JAN 2020

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