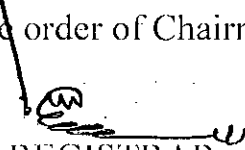


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 565/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/03/2023	<p>The appeal of Mr. Naveed Ahmad resubmitted today by Mr. M. Sangeen Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Naveed Ahmad Assistant Engineer Irrigation department Peshawar received today i.e. on 20.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- ✓ Addresses of respondent no. 5 to 9 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of departmental appeal against the impugned orders is not attached with the appeal which may be placed on it.
- 3- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal. *Already annexed with appeal*
- 4- Chamber address of the counsel engaged is not mentioned on the index/wakalat nama.

No. 652 /S.T,

Dt. 21-02 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Sangeen Khan Adv.

High Court Peshawar.

*Sr,* requested with due reverence that due to lack of coordination with client the needful couldn't be done as directed. Please grant extension of time for providing the requisite documents.

*[Signature]*  
07.03.2023

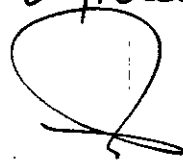
Siv

The objection of this office and reply of counsel from the appellant is sub-itted for order. Please.

Humble claimant.

May remove the deficiencies within

7 days positively



07/03/23

St 900  
Date 07/03/2023

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. 565/2023

Navced Ahmad

VERSUS

Government of Khyber Pakhtunkhwa & others

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4.	FATA DA [Appointment Against Project Posts] Standing Orders, 2011	A	8-22
5.	Copy of the Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021 and are enclosed as Annexure E and F.	B	23-32
6.	Copy of the Khyber Pakhtunkhwa [Regularization of Services of employees of erstwhile Federally Administered Tribal Areas], 2022,	C	33-34
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Through

Appellants

*M. Sangeen Khan*  
Advocate High Court(s)

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

Service Appeal No. 565/2023

**Naveed Ahmad** S/o Nazir Ahmad currently posted as Sub Divisional Officer/Assistant Engineer, Irrigation Department Peshawar

..... Appellant

**VERSUS**

1. **Government of Khyber Pakhtunkhwa**  
Through its  
Chief Secretary  
Civil Secretariat, Peshawar
2. **Secretary to Government of Khyber Pakhtunkhwa**  
Irrigation Department, Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar
3. **Additional Secretary to Government of Khyber Pakhtunkhwa**  
Irrigation Department, Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar
4. **Director General**  
Small Dams [Irrigation Department]  
Khyber Pakhtunkhwa,  
Peshawar
5. **Fahim Ullah**  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
6. **Naecm Afridi**  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
7. **Asif Wazir**  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
8. **Muhammad Raza**  
Sub Engineer, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
9. **Jamal Dar**  
Assistant Director, Sarobi Small Dam, North Waziristan,  
(Contract employee). PSU Small Dams, Merged Area, Peshawar

..... Respondents

**SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1974  
AGAINST THE REGULARIZATION NOTIFICATION ISSUED BY  
RESPONDENT NO. 1 VIDE ORDER DATED 07.07.2022 AND THE  
SUMMARY DATED 01.07.2022 MOVED FOR THE REGULARIZATION  
OF RESPONDENT NO. 9 AS WELL AS AGAINST THE NON DISPOSAL  
OF REPRESENTATION BY THE DEPARTMENTAL  
APPELLATE AUTHORITY (RESPONDENT NO.2)**

WHO DID NOT DECIDE THE REPRESENTATION/APPEAL OF THE APPELLANT WITHIN THE STIPULATED STATUTORY PERIOD AND CONSEQUENTLY THE APPEAL REMAINED UNRESPONDED.

2

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDER DATED 15.07.2022 WHEREBY SERVICES OF RESPONDENTS NO. 5 TO 8 HAVE BEEN REGULARIZED AND PROCESS INITIATED FOR REGULARIZATION FOR RESPONDENT NO. 9 MAY GRACIOUSLY BE DECLARED TO BE ILLEGAL BEING PASSED IN VIOLATION OF THE LAW AND CONSEQUENTLY LIABLE TO BE SET ASIDE

Respectfully Sheweth:

Brief facts giving rise to the instant appeal are as under:

1. **That** the Appellants career engineer in Irrigation Department, Government of Khyber Pakhtunkhwa and currently posted as Assistant Engineer, in Peshawar Division.
2. **That** respondent No. 5 was initially appointed as Assistant Director Civil North. Similarly respondent No. 6 was appointed as Assistant Project Director [Civil] "Small Irrigation Scheme, Haji Dand, Khyber Agency" Small Dams Section, FATA DA vide appointment order dated 14.06.2017. Similarly Respondent No. 7 was appointed as Assistant Project Director, Construction of 500KW Micro Hydel Power Station at Shalozan, Kurram Agency in the project FATA-DA. Likewise Respondent No. 8 was appointed as Site Supervisor / Sub-engineer in project. In the same manner Respondent No. 9 was appointed as Assistant Project Director "Sarobi Small Dam, N.W Agency" vide appointment order dated 02.08.2016. It is pertinent to mention that employment of respondent No. 9 was extended from time to time vide order dated 26.01.2017, 12.09.2017, 17.04.2018, 12.04.2019, and 06.06.2022.
3. **That** this honorable Tribunal may graciously note that the initial appointment of respondents No. 5 to 9 have been made under the urgency clause i.e. Rule 14(2) of the FATA DA [Appointment Against Project Posts] Standing Orders, 2011, as evident from their appointment orders. The said rule empowered the competent authority/Chief Executive of FATA-DA to make appointments in cases of urgency by dispensing with the prescribed rules and procedure only for a period of six months extendable to one year. Needless to emphasize that such provision was provided only to cater to exigencies and the governing law explicitly pronounced the temporary nature of such appointment. It did not confer any rights whatsoever on the appointee as are available to civil servants or employees of other autonomous bodies having protection of the statutory rules. Copy of the FATA DA [Appointment Against Project Posts] Standing Orders, 2011 is enclosed as Annexure A.
4. **That** the provincial assembly passed the Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021 with an appended schedule of specific projects for regularization of employees employed therein which was promulgated through notification in the official gazette 13th of Jan, 2022. The said Act under section 2(d) defined project which, in the peculiar context of FATA, were

necessary to be given perpetual existence in public interest. In the same spirit of Section 2(d) defined "employees" as those persons, who were appointed on contract basis, to a specific project post and such post was duly reflected in PC-1 of the said project, and who possesses the prescribed qualification, training and experience of the said post at the time of such appointment. Provincial assembly passed another bill, the Khyber Pakhtunkhwa [Regularization of Services of employees of erstwhile Federally Administered Tribal Areas], 2022 gazetted on 31<sup>st</sup> of March, 2022, with clear conditions and requirements for regularization of employees. Copies of the Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021 and the Khyber Pakhtunkhwa [Regularization of Services of employees of erstwhile Federally Administered Tribal Areas], 2022, are enclosed as Annexure B and C.

(3)

5. That the official respondents ostensibly invoking the provisions of Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021, issued regularization order of Respondent No. 5 to 8 vide order dated 15.07.2022 impugned in the instant appeal. As stated hereinabove the Act, 2021 did not apply to such project employees like respondents appointed under urgency clause. Similarly, taking a cue from the impugned colorful regularization, Respondent No. 2 moved summary moved by respondent No. 2 for regularization of Respondent No. 9. Copy of the impugned Regularization Order dated 15.07.2022 and summary moved for regularization of Respondent No. 9 are enclosed as Annexure D and E.
6. That regularization order of the respondents No. 5 to 8 and process initiated for regularization of respondent No. 9 is patently illegal and has been undertaken in colorful exercise of the authority seriously affecting seniority and promotion prospects of the appellants.
7. That, the Appellant is mortally aggrieved of the impugned regularization of respondents and the non-disposal of the representation pending before Respondent No. 2, and are thus constrained to seek the indulgence of this Hon'ble Tribunal for the following grounds, inter alia;

**GROUND:**

- A. Because the impugned Notification whereby services of respondent No. 5 to 8 have been regularized is the result of the colorful exercise of authority and is a sheer fraud played upon the statute to illegally benefit the said respondents. Similarly the summary moved for regularization of respondent No. 9 is equally illegal and bereft of any legal backing.
- B. Because the Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021, in absolute spirit of the earlier regularization Acts clearly stipulated the bare minimum standards and conditions for the regularization of employees. Needless to emphasize that the Act like the earlier enactments clearly stipulated appointment on contract basis in accordance with the prescribed procured and required minimum qualification for the post against which the employee is appointed. In the respondent's case, it is evident that they were appointed under the urgency clause i.e. Rule 14(2) of the FATA DA [Appointment Against Project Posts] Standing Orders, 2011, which dispensed with the prescribed procedure for appointment against the project posts. This honorable Tribunal may

(4)

graciously observe that the Standing Order, 2011, prescribed comprehensive procedure and manner for appointment to project posts on contract basis provided in Para 4 to Para 8 with a standard format of Contract Agreement for such contractual project employees provided in the Schedule appended thereto. Initial appointment of respondents is evidently not contractual employment and are therefore beyond the mandate of section 2(d) of Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021. The impugned regularization order is therefore illegal and unlawful and liable to be struck down.

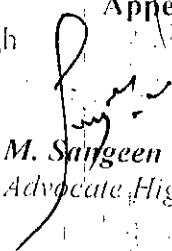
- C. **Because** the impugned regularization of respondent No. 5 to 9 seriously jeopardize promotion prospects of the appellants in that there are no vacancies available reserved for initial appointment. In such situation the impugned regularization is otherwise against the Section 4 of the Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021, which clearly protected service promotion quota of the existing civil servants including the petitioners.
- D. **Because** the impugned regularization of respondents No. 5 to 9 is otherwise against public policy being made through sheer fraud played upon the statute. Process initiated by respondent No. 2 for regularization of respondent No. 9 is equally illegal. The impugned regularization being not covered by the provisions of Khyber Pakhtunkhwa [Regularization of Services of Employees of Erstwhile FATA] Act, 2021, necessitated regular appointment through public open competition, and thus deprives eligible persons from opportunity to compete and being considered for the positions.
- E. **Because** the impugned order is against the principles of public policy, fair play and good conscience.

*It is therefore most respectfully prayed that the instant appeal may graciously be allowed as prayed for in the heading of the appeal.*

*Any other relief if deemed fit may also be granted in favor of the appellant.*

Through

  
Appellant

  
M. Saigeeen Khan  
Advocate High Court(s)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

5

Service Appeal No. \_\_\_\_\_/2023

Naveed Ahmad

VERSUS

Government of Khyber Pakhtunkhwa & others

CERTIFICATE:

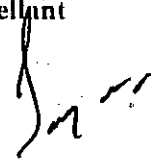
Certified that no such like SERVICE APPEAL has earlier been filed on the subject matter before this Hon'ble Court.

LAW BOOKS:

Service law.  
any Law Book as per need

Through

Appellant



*M. Sangeen Khan*  
*Advocate High Court(s)*



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

6

Service Appeal No. \_\_\_\_\_/2023

Naveed Ahmad

**VERSUS**

Government of Khyber Pakhtunkhwa & others

AFFIDAVIT

I, Naveed Ahmad S/O Nazir Ahmad presently posted as Assistant Engineer/Sub Divisional Officer, Irrigation Department Peshawar do hereby solemnly affirm and declare on Oath that the contents of the accompanying *Service Appeal* are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

IDENTIFIED BY:

  
Kamran Ali Khan  
Advocate

  
DEPONENT

(7)

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

Service Appeal No. \_\_\_\_\_/2022

Naveed Ahmad

**VERSUS**

Government of Khyber Pakhtunkhwa & others

**ADDRESSES OF PARTIES**

**APPELLANT:**

1. Naveed Ahmad S/o Nazir Ahmad currently posted as Sub Divisional Officer/Assistant Engineer, Irrigation department Peshawar

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa  
Through its Chief Secretary Civil Secretariat, Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar
3. Additional Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar
4. Director General  
Small Dams [Irrigation Department] Khyber Pakhtunkhwa, Peshawar
5. Fahim Ullah  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
6. Naeem Afridi  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
7. Asif Wazir  
Assistant Director, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
8. Muhammad Raza  
Sub Engineer, PSU Small Dams Merged Area,  
Irrigation Department, Peshawar.
9. Jamal Dar  
Assistant Director, Sarobi Small Dam, North Waziristan,  
(Contract employee), PSU Small Dams, Merged Area, Peshawar

  
Appellant

Through

**Sangeen Khan**  
Advocate High Court(s)  
16-C 1<sup>st</sup> Floor Cantoment  
Plaza, Peshawar Cantt  
Cell: 03339885592

"A"  
—————  
Ⓟ

Government of Pakistan  
**FEDERALLY ADMINISTERED TRIBAL AREAS  
DEVELOPMENT AUTHORITY**



**NOTIFICATION**

Peshawar, the March, 22<sup>nd</sup>, 2012

No. Serv/FDA/5-90/Vol-II/09. In exercise of powers conferred by section 30 and 40 of the FATA Development Authority Regulation, 2006, the Board of Directors of the FATA Development Authority is pleased to make the following Standing Order, namely: -

**"The FATA Development Authority (Appointment against Project Posts) Standing Order, 2011"**

1. Short title, commencement and application: (1) This Standing Order shall be called the Federally Administered Tribal Areas Development Authority (Appointment against Project Posts) Standing Order, 2011.  
(2) It shall come into force at once.  
(3) It shall apply to the persons appointed against the posts in the development projects funded by the Federal Government or by the Authority's own funds".
2. Definitions: - In this Standing Order, unless the context requires otherwise: -
  - (a) "Authority" means the FATA Development Authority established under section 3(1) of the Regulation.
  - (b) "Board" means the Board of Directors of the FATA Development Authority established under section 5(1) of the Regulation.
  - (c) "Chief Executive" means the Chief Executive of the Authority appointed under section 5(1) of the Regulation.
  - (d) "Competent Authority" means the authority competent to appoint a person against a sanctioned post in a project of the Authority.

- (9)
- (e) "Project Post" means a post sanctioned for a development project under a PC-I or PC-II duly approved by the competent authority.
  - (f) "Government Servant" means an employee of the Federal Govt. or the Government of Khyber Pakhtunkhwa as the case may be.
  - (g) "Project Director" means an officer incharge of a duly approved projects (Project Management Unit) appointed by a competent authority in BS-19/20.
  - (h) "Project Manager" means an officer incharge of a duly approved project appointed by a competent authority in BS-18.
  - (i)\* Field Appointment means a person appointed for Field Activities duly approved under the PC-I or PC-II such as Sub Engineers, Assistant Project Director, Deputy Project Director, Geologists, Assistant Geologists and other such posts.
  - (j)\* Desk/Office/Management appointment means a person appointed for office activities duly approved under the PC-I or PC-II such as Project Director/Project Manager and such other posts.

3. Nomenclature, Pay Scale/Pay Package of the Posts: -

- (1) As far as possible, nomenclature of the Project Posts should be such that exists in the regular service cadres of Authority and for which recruitment rules have already been prescribed.
- (2) The educational qualification, experience, age limit, scale of post, pay package, duration of appointment, job description and responsibilities etc of each post sanctioned for the project shall be prescribed in the PC-I/PC-II.
- (3) This Standing Order shall be guidelines for preparation of PC-I/II pertaining to appointment on Project Post.
- (4) The lump sum salary package for the project post shall be as prescribed in the government pay package for PSDP funded projects.

\* Addition in definitions made in 35<sup>th</sup> BOD Meeting held on 30/12/2015

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(5) Project funded from any other source shall be subject to the rule of the funding agency.

4. Procedure to fill the post by initial recruitment: - The following procedure shall be followed in case of filling the posts through initial recruitment: -

(1) Applications for the posts shall be invited through wide publicity in the print media as well as on FATA-DA website. The advertisement shall be published in at least two leading newspapers and one local newspaper.

(2) A reasonable time not less than ten days may be given in the advertisement inviting applications for the posts. However, in urgent cases, time for inviting applications should not be less than seven days from the date of publication of the advertisement.

(3) The terms and conditions for appointment particularly the nomenclature of the post, pay scale or pay package, duration and nature of appointment, duties and responsibilities as well as station of duty etc should be clearly mentioned in the advertisement.

(4) Applications received for the post shall be scrutinized by the Secretary/Member of the short listing committee concerned as prescribed in Para 8 of this Standing Order.

(5) The scrutiny of the record provided by the applicant, will be carried out on the basis of criteria as approved by the Board from time to time and the applicants will be shortlisted for test (if required) & interview. Criteria for selection is placed as Appendix-I to this Standing Order.

(6) The concerned Project Director/Project Manager shall prepare lists of qualified and eligible candidates as per recommendations of the short listing committee, who will be called for test and interview by the Selection Board or the concerned Selection Committee constituted under Para 8, as the case may be.

(7) The Selection Board or the respective Selection Committee shall interview the candidates and shall draw the final merit list on the basis of academic qualification, experience, professional skills, and other conditions as well as marks obtained in the interview.

(8) The list containing order of merit of the candidates duly signed by the members of the Selection Board or the Selection Committee including its Chairman, shall be submitted to the competent authority concerned for approval.

(9) The appointing authority shall approve appointment in order of merit, on the recommendations of the Selection Board or the Selection Committee and offer of appointment shall be issued accordingly. In case the first candidate on the merit list does not convey his consent to join service within two weeks, the

offer of appointment may be extended to the next candidate on the merit list.

(10) After obtaining health and age certificate from the authorized medical attendant the appointment shall be made on contract basis with the terms & conditions for contract appointment as envisaged in the contract agreement as per specimen attached Appendix-II.

5. The directly recruited project employees shall be appointed for an initial period of two years which will be extendable further on yearly basis, after evaluation of their performance, till completion of the project.

6. Staff appointed by initial recruitment in a project shall not be entitled to gratuity or CP fund. However, they shall be entitled to TA/DA in accordance with the TA rules of the Authority.

7. **Other Criteria for Selection: -**

(1) A candidate for appointment to a project post must possess the prescribed minimum educational qualification and experience and must be within the maximum age limits as follows: -

a. Field appointment

= 58

years. b. Desk/ Office Management Appointment = 12  
65 years

- (2) A candidate shall be a citizen of Pakistan having domicile of Khyber Pakhtunkhwa or FATA. However, in case of a post requiring highly technical and professional qualification and experience, the competent authority, may appoint a candidate domiciled of any other province or area as per prescribed manner.
- (3) In case of a candidate belonging to FATA, he/she shall be allowed additional marks equal to 5% of total marks obtained by him/her on account of qualification, experience & the interview held for the post.
- (4) The character and antecedents of the candidates shall be verified within three months of his appointment on contract basis, except in case of the Government servants in whose case their ACRs/PERs that they obtained before their appointment, shall be considered.
- (5) The candidate for appointment should be medically examined by the Civil Surgeon Federal Government Hospital Peshawar.
- (6) Agreement for contract appointment drawn on the prescribed proforma, (Appendix-II) shall be signed, witnessed and placed on record.

8. Selection Board/Selection Committees: -

(a) Selection Board.

For the posts of Project Director/Project Manager & other posts upto BPS-17 or equivalent, the existing Selection Board constituted under the FATA-DA Employees (Appointment, Promotion & Transfer) Rules, 2008 for making selection against such posts in the Head Office/Field Offices, shall also make selection against the project posts.

Provided that in case of Technical post, the Chief Executive may co-opt an expert from the public sector having sufficient

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experience in the relevant field;

Provided further that for selection against posts belonging to Technical, Mineral or a Finance sector, the concerned G.M shall also be included in the Selection Board.

- (b) Selection Committee for the project posts upto BPS-16/equivalent.
- (i) Selection Committee for the project posts in BPS 5-16/equivalent.

General Manager concerned	Chairman
Representative of Planning Department (nominated by G.M Planning)	Member
Representative of Finance Department (nominated by G.M Finance)	Member
Representative of Administration Department	Member
Project Director/Project Manager	Member/ Secretary

- (ii) Selection Committee for Project Posts in BPS 1 – 4/ equivalent.

Project Director/Project Manager	Chairman
Representative from Finance Department (nominated by G.M Finance)	Member
Representative from Planning Department (nominated by G.M Planning)	Member
Representative from Administration wing (Nominative by Secretary FATA-DA)	Member/ Secretary

9. Procedure to fill the post on deputation basis: - In case the appointing authority decides to fill a post by way of transfer of a regular Govt. servant from the Federal or Provincial Govt; on deputation basis, the following procedure shall be followed: -

FDA (Appointment against Project Posts) Standing Order, 2011.

Page 6 of 15



- 14
- (i) In case the post carries a definite pay scale, a demand will be placed with the Govt. department concerned (called the lending authority), to place the service of the Govt. servant concerned at the disposal of the Authority (called the borrowing authority).
- (ii) Govt. servants appointed against project posts on deputation basis shall get their own pay and allowances plus deputation allowance at the rate of 20% of the basic pay subject to maximum Rs. 6,000/- per month, in addition to project allowance at the following rates:

<u>Project staff in BPS</u>	<u>Amount of Project Allowance</u>
BPS 20-22	Rs. 50,000/- per month
BPS 19	Rs. 40,000/- per month
BPS 17-18	Rs. 30,000/- per month
BPS 16	Rs. 15,000/- per month
BPS 11-15	Rs. 8,000/- per month
BPS 05-10	Rs. 4,000/- per month
BPS 01-04	Rs. 2,000/- per month

- (iii) The initial period of deputation shall be three years extendable for another two years or date of closure of the project whichever is earlier, on completion of which the deputationist shall be repatriated to his parent department.

10. Appointment of Govt. Servants to Project Posts through open competition:

- (1) (i) Existing Govt. employees holding appointment on regular basis and possessing the minimum qualification, experience etc as advertised, may apply for a project post through proper channel.
- (ii) They may forward an advance copy of the application for the post but the departmental permission must be furnished before the interview for the post. If they could not produce departmental

permission at the time of interview, they shall not be interviewed or considered for appointment to the post.

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- (2) Such regular Govt. servants, or those passing through probationary period or those holding appointment on contract basis under Govt. may apply for such posts and if selected against a project post, will have to resign from the Govt. service.

11. Performance Reports: - Annual Performance Evaluation Report of all the Project employees shall be written during his appointment in the project on the prescribed proformas relevant to each category of employees, by concerned authorities given below: -

(a). for staff holding posts in BPS-16 and below

Reporting Officer : Supervising Officer getting pay in BPS-17 (or equivalent).

Countersigning Officer : Project Director/ Project Manager

(b). for staff holding posts in B-17 & above (other than Accountants & Accounts Officers):

Reporting Officer : Project Director/ Project Manager

Countersigning Officer : G.M concerned.

(c). for Project Director/Project Manager

Reporting Officer : G.M concerned.

Countersigning Officer : Chief Executive.

(d). For Accountants and Accounts Officers in B-17 & above.

Reporting Officer : Project Director/Project Manager

Countersigning Officer : G.M (Finance)

12. Appointing Authorities: -

The appointing authorities for appointment against project posts shall be as follows: -

- |  |                 |
|--|-----------------|
| (i) For Project Posts in BPS-1 to 4 & equivalent | P.D/P.M         |
| (ii) For Posts in BPS-5 to 16 & equivalent       | G.M concerned   |
| (iii) For posts in BPS-17 & 18/equivalent        | Chief Executive |
| (iv) For Posts in B-19 & above/equivalent        | Board           |

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13. Other Conditions: -

- (i) A project employee shall work against the post for which he was recruited and shall not be transferred to any other post in the project or at any other station.
- (ii) If the performance of an employee is found unsatisfactory, his services may be terminated on fifteen days notice or payment of fifteen days salary in lieu of notice. In case of a deputationist/Government Servant, he/she may be repatriated to their parent department.
- (iii) At the time of appointment, each employee shall give an undertaking to the effect that during the employment, he shall be held responsible for the losses (accruing to the project due to him) and shall be held answerable therefore.
- (iv) On completion of the project, the services of the project employees shall stand terminated. However, they shall be re-appointed on need basis, if the project is extended over any new phase. The employees working on deputation basis, shall be repatriated to the lending authority/parent Govt.

14. Special Consideration: - (1) The Chief Executive may dispense with the prescribed procedure and advertise for "walk in interview" for any post in case of urgency. Or

(2) \*The Chief Executive may appoint from BS-1 to 19 any person in urgency for a period of initially for six months and extendable upto one year or till completion of recruitment process whichever is earlier to provide time for appointment through prescribed manner.

--Sd--

Chief Executive,  
FATA Development Authority

\*Amendment No.2 in Para-14(2) made in the 29<sup>th</sup> meeting of BOD held on 20<sup>th</sup> Dec, 2013

**“Revised Criteria for Selection of candidates for posts in FATA-DA”.**

**General**

1. The entry of matriculation will now be preferred only for the selection of Class IV employees. Basic minimum qualification for entry into FATA-DA shall be Intermediate i.e. 12 years of study.
2. The general distribution of marks shall be as follows:-
  - a. Qualification: 40 %
  - b. Entry Test/Experience: 40 %
  - c. Interview: 20 %

**Qualification**

3. There are three levels of qualification requirements as follows:-
  - a. Intermediate (Clerk/Technical)
  - b. Graduate (Assistant)
  - c. Professional (Engineering, Geology, Social Sciences, Management/Administration, Law etc)

**4. Intermediate Entry (12 years of study)**

	1 <sup>st</sup> Division	2 <sup>nd</sup> Division	3 <sup>rd</sup> Division
a. Matric	17	13	9
b. FA/F.Sc/Technical Diploma	17	13	9

- c. 1 x mark for certificate/diploma/degree of 6 months duration.  
Maximum 6 marks (BA/B.Sc./B.Com shall be given 04 marks).
  - d. Total 40 marks
  - e. Qualifying marks are 24 i.e. 60%
- 5. Graduate Entry (14 years of study)**

	1 <sup>st</sup> Division	2 <sup>nd</sup> Division	3 <sup>rd</sup> Division
a. Matric	11	8	6
b. FA/F.Sc.	11	8	6
c. BA/B.Sc./ BBA/B.Com	13	9	7

- d. 1 x mark for certificate/diploma/degree of 6 months duration.  
Maximum 5 marks (Masters degree shall be given 04 marks).
- e. Total 40 marks

f. Qualifying marks are 24 i.e. 60%

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6. Professional Entry (16 years of study)

	1 <sup>st</sup> Division	2 <sup>nd</sup> Division	3 <sup>rd</sup> Division
a. Matric	9	7	5
b. FA/F.Sc.	9	7	5
c. Graduate of 14 years study	9	7	5
d. Masters/Bachelors of 16 years of study	9/18	7/14	5/10

e. Additional marks (Maximum 04 marks)

1 x mark for honour in Graduation/NIPA Course.

2 x marks for Masters after 16 years study/M.Phil/Staff College (Civil/Military)/NDC

3 x marks for PhD.

f. Total 40 marks

g. Qualifying marks are 24 i.e. 60%

h. Note: - GPA 3.0 and above : 1<sup>st</sup> Division

GPA 2.0 to 2.99 : 2<sup>nd</sup> Division

GPA 1.0 to 1.99 : 3<sup>rd</sup> Division

7. Class-IV Employees

	1 <sup>st</sup> Division	2 <sup>nd</sup> Division	3 <sup>rd</sup> Division
a. Matric or	40	35	30
b. Schooling	3 marks for each class qualified in school.		

Entry Test/ Experience

8. Freshmen must undergo a written test comprising English, general knowledge and logic/mathematics. Written test carries 40 marks. 60% is qualifying marks. National Testing Services may be utilized for the purpose or internal preparation of paper and conducting the test. Merit shall be made by adding qualification marks and marks acquired in test.

9. Selection when experience is the criteria (Project posts, senior level appointments & highly/foreign qualified persons), written test may not be necessary. Marking for experience shall be as follows:-

a. One mark for each year after obtaining prescribed qualification for the post as general experience. One mark for each year of relevant experience. Maximum two marks for each year.

b. Total 40 marks.

c. There are no qualifying marks for experience.

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d. Merit shall be made by adding qualification marks and experience.

10. Class-IV Employees

a.	Drivers	Driving test of 50 marks
b.	Naib Qasids & others	04 marks for each year of experience in any skilled job e.g. Mali, Chowkidar, Sweeper, Cook, Carpenter, Electrician, Driving etc.

11. FATA domicile will be given 5 marks either in test or experience as the case may be.

Merit/Interview

12. Merit shall be prepared from the marks obtained in qualification and entry test/experience. The call for interview shall be on the basis of merit prepared. Minimum of the three top on the merit or as many qualified may be called for the interview for a single post.

13. The panel of interviewers shall be minimum of three. Each interviewer shall grant marks out of 20 marks. The average of the marks of all members interviewing shall be the marks of the candidate for the post. In case of a tie between candidates marks, age or higher qualification will apply. Please refer to Para 6 of the FATA-DA Employees (Appointment, Promotion and Transfer) Rules, 2008.

14. Appointing Authority shall have the discretion to re-interview personally all or decide in his discretion from the recommended selected or alternate. This discretion of the Appointing Authority shall also be exercised in case when a panel of three cannot be made.

15. The alternate candidate may be appointed if the selected candidate is found unsuitable for any reason or resigned within six months. After six months have lapsed the post may be re-advertised.

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Appendix - II  
See Para 7(6) of S. Order

**AGREEMENT**

An agreement made on the \_\_\_\_\_ day of \_\_\_\_\_ (Two thousand, and \_\_\_\_\_) between \_\_\_\_\_ (hereinafter referred to as the employee) of the one part and the Chief Executive, FATA Development Authority (hereinafter referred to as the Authority) \_\_\_\_\_ of the other part;

WHEREAS the Authority has agreed to employ the Employee and the Employee has agreed to serve the Authority as \_\_\_\_\_ of the \_\_\_\_\_ Project \_\_\_\_\_ on the terms and conditions hereinafter mentioned;

NOW these presents witness and the parties hereto respectively agree as follows: -

1. The employee shall serve the Authority as \_\_\_\_\_ in the Project \_\_\_\_\_ of the Authority for a period of \_\_\_\_\_ years commencing from the date of assumption of charge of the post.
2. The Employee shall.....
  - (a) devote his/her whole-time to his/her duties as \_\_\_\_\_ in the Project;
  - (b) carry out such administrative functions in relation to his/her duties as the Authority may, from time to time, assign to him/her.
  - (c) submit himself/herself to the lawful orders of the Authority and of the officers and authorities under whom his/her services may be placed from time to time, during the currency of this Agreement;
  - (d) proceed, whenever required to such part of Pakistan and perform such duties relating to his/her appointment as the Authority specify.
3. (a) for the services rendered, the Employee shall be entitled to receive lump sum pay of Rs. \_\_\_\_\_ P.M. as approved by the Authority during his contractual appointment. The pay of the Employee shall commence from the date of his/her assumption of charge of the post and cease on the date of determination of this agreement or on termination of his/her services for any reason, whichever may be earlier.  
(b) The Employee shall, if required to travel in the Authority's interest is entitled to receive travelling allowance at the same rate as may be prescribed for regular employees of the Authority in the equivalent pay

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scale.

- (c) The Employee shall not, unless permitted by the Authority indulge in private practice, nor shall he indulge, directly or indirectly, in any trade, business or occupation, whatsoever.
4. In the event of misconduct as defined in the FATA-DA Employees (Conduct) Rules 2009 or breach of any of the terms and conditions specified herein or in the PC-I/PC-II or Project Policy on the part of the project employee, except deputationist or those who joined the project on Extra Ordinary Leave (Leave without pay) basis, a fact finding inquiry shall be conducted. If charges are proved his/her services shall be terminated, besides recovery in case of any pecuniary loss to the project/Authority. The appointing authority, in such cases, shall be the competent authority in respect of the project staff, other than the deputationist or those who join the project on Extra Ordinary Leave (Leave without pay). If a deputationist or those who join the project on Extra Ordinary Leave (Leave without pay), are involved in misconduct or breach of terms and condition or cause pecuniary loss to the project, they shall be repatriated to their parent department with proposed action, recovery and penalty which shall be decided by their respective competent authorities.
  5. If the performance of the employee is found unsatisfactory, his/her services shall be terminated on fifteen days notice or payment of fifteen days salary in lieu of notice. In case of a Government Servant/deputationist he may be repatriated to his parent department.
  6. He shall be responsible for the losses sustained by the authority as a result of his negligence.
  7. The Employee shall not be entitled to any pension or gratuity for the service rendered by him;
  8. Either party to this agreement may terminate the agreement by giving to the other party fifteen days notice in writing of its intention to do so and on the expiration of such notice this agreement shall be determined.  
Provided that where no notice is served or served of a shorter period the defaulting party shall pay to the other party an amount equal to fifteen days pay of the employee or such amount which is equal to the pay of the period by which the notice falls short, as the case may be;
  9. On completion of project, services of the employee shall be terminated. They



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shall be re-appointed if any new phase of the project is there.

10. Stamp Duty, if any, on this instrument shall be borne by the employee.

In witness whereof the said Mr./Mrs. \_\_\_\_\_ and  
Chief Executive FATA Development Authority have hereunto set their hands the day  
first above written.

Signed by \_\_\_\_\_

In the presence of: -

Witness

1. \_\_\_\_\_
2. \_\_\_\_\_

Singed by \_\_\_\_\_

In the presence of: -

Witness

1. \_\_\_\_\_
2. \_\_\_\_\_

"B"  
            
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**THE KHYBER PAKHTUNKHWA (REGULARIZATION  
OF SERVICES OF EMPLOYEES OF ERSTWHILE  
FATA) ACT, 2021.**

FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 13/01/2022.

No.PA/Khyber Pakhtunkhwa/Bills-182/2022/ 745 The Khyber Pakhtunkhwa  
(Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021  
having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31<sup>st</sup> December, 2021 and  
assented to by the Governor of the Khyber Pakhtunkhwa on 7<sup>th</sup> January, 2022 is hereby published as an  
Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF  
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS) ACT, 2021.  
(KHYBER PAKHTUNKHWA ACT NO. I OF 2022)

(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.  
(Extraordinary), dated the 13/01/2022).

(Here print as in the accompaniment).


  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager,  
Government Stationery and Printing Department, Peshawar, with the request to publish the same in the  
extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies  
thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

E.No. PA/Khyber Pakhtunkhwa /Bills-182/2022/ 746-50 Dated 15/01/2022

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Deputy Director I.T, Provincial Assembly of Khyber Pakhtunkhwa for official website.

  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

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2.	The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.	10
3.	The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.	10

AN  
ACT

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*to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas.*

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021.

(2) It shall apply to all the employees as defined in clause (d) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for appointment to project post under a Department or office in the erstwhile Federally Administered Tribal Areas;
- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "employees" means a person, who was appointed on contract basis, as per project policy, to a project post, in the erstwhile Federally Administered Tribal Areas, and such post was duly reflected in PC-I of that project, and who possess the prescribed qualification, training and experience for the said post at the time of such appointment;
- (e) "Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (f) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (g) "project" means a perpetual nature project in the erstwhile Federally Administered Tribal Areas, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Departments and reflected in the Schedule;

Deputy Commissioner  
Government of Khyber Pakhtunkhwa  
Law Department

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(h) "project post" means a post in the project; and

(i) "Schedule" means a Schedule appended to this Act.

(2) The expression "contract appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Appointment and regularization of services of employees.-- (1) Notwithstanding anything contained in any law or rules, the employees, appointed on contract basis; against project posts, in the erstwhile Federally Administered Tribal Areas, and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Department.

(2) All such employees, after the commencement of this Act, shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.

(3) A Committee, headed by the Secretary of the Department concerned, with the following membership, shall scrutinize all the credentials of the employees, before issuance of the regularization orders:

- (a) head of the Attached Department concerned;
- (b) representative of the Establishment and Administration Department of Government;
- (c) representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government; and
- (e) Deputy Secretary of the Department concerned.

4. General conditions for regularization.-- For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (a) the service promotion quota of all service cadres shall not be affected;
- (b) the employees shall possess the same qualification and experience as required for a regular post;
- (c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

5. Determination of seniority.--(1) All employees, whose services are regularized under this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

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Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

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Government of Khyber Pakhtunkhwa  
Law Department

6. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

7. Overriding effect.—Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

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Schedule  
[see section 2 (1) (h) (i)]

1.	Strengthening and Capacity Building of AGRI Extension in FATA.
2.	Promotion of Olive Cultivation / Grafting for Oil Production in Bajaur Agency.
3.	Establishment of Semen Production Unit at Jamrud and Breed/ Veterinary Service Improvement Program.
4.	Capacity Building Directorate of Livestock FATA.
5.	Mobile Veterinary Clinic in FATA (MVC).
6.	Establishment of Model Dairy Farm in FATA.
7.	Strengthening of Artificial Insemination/Veterinary Aid Services and Disease Reporting System L&DD in FATA.
8.	Creation of Disease Free Zone Through Mass Vaccination and Treatment and Feasible Districts on Pilot Basis.
9.	Opening of 5 CVDS 5 CVCS 6 AICS and Up-gradation of 2 CVDS to the level of CVHS Status in Bajaur Agency.
10.	Provision of Medicine and A.I Services in Existing Vet. Institution in Bajaur Agency.
11.	Establishment Vety. Diagnostic Lab in CVH Khar and Construction of Garage For 2 Vehicle in ALO Office Bajaur Agency.
12.	Provision of A.I. Facilitates/Medicine in Existing Veterinary Institution Construction of Building of Functional Veterinary Centers (In Rented Building), Special Campaign for The Control of Ecto and Endo Parasite in Mohmand Agency.
13.	Opening of 3 CVDS, 23 VCS, 16 AICs and Up-gradation of CVD Lakaró to CVH Status Mohmand Agency.
14.	Provision of Mobile Vety Clinic in Mohmand Agency.
15.	Opening/Establishment of 2 CVDs in Rented Building Ambar Area and Provision of A.I. Services in Existing Institutes of Mohmand Agency.
16.	Opening of 18 Vety Centers and 26 AICS in Khyber Agency.
17.	Opening of 3 CVDs in Rented Building, Bara Khyber Agency.
18.	Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary Hospitals in Jamrud and Landikotal.
19.	Opening of 3 CVCs, 11 CVDs and 9 AICs and Up-gradation of 3 CVDs to CVH Status in Orakzai Agency.
20.	Small Ruminants (Sheep and Goat) Development Program in Tribal Districts.
21.	Provision of Artificial Insemination Services in Existing Veterinary Institution in Orakzai Agency.
22.	Construction of Building for Existing Vety Institution and Provision of Artificial Insemination in Existing Veterinary Facilitation in District Orakzai.
23.	Construction of Building for 3 Rented Veterinary Institutions and Opening of One CVD in Mamozaí Area, Orakzai Agency.
24.	Opening of 5 CVCs, 8 CVDs, 22 AICs and Diagnostic Laboratory in Kurram Agency.
25.	Provision of AI Facilities in Existing 11 Veterinary Institutions in NWA.
26.	Provision of Veterinary Health Facilities in District North Waziristan.
27.	Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVD to CVH Status In SWA.
28.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR Peshawar.
29.	Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
30.	Opening of 02- CVDs and 04-AICs in FR Kohat.

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department



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Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

31.	Establishment of Mobile Veterinary Clinic in Sub Division Kohat.
32.	Opening of 2 CVDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVH Status in FR DI KHAN.
33.	Provision of Mobile Veterinary Clinic in Sub Division D.I. Khan.
34.	Opening of 1 CVH, 02 CVDS, 04 CVCS and 11 AICS in FR Tank.
35.	Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level of CVH in Sub Division Tank.
36.	Opening of 5 Vety: Dispensaries, 05 Civil Vety: Centers, 10-AICs and Up-gradation of 01 CVC to CVD in FR Bannu.
37.	Opening of 08 Veterinary Centres and 08 AICS in FR LAKKI.
38.	Provision of Mobile Veterinary Clinic in Sub Division Lakki.
39.	Uplifting the Socio-Economic Condition and Gender Mainstreaming of Livestock Farmers Through PPP in FATA.
40.	Strengthening of Fisheries Department in FATA.
41.	Control of Zoonotic / Contagious Disease Through Existing Vety Health Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in Tribal Districts.
42.	Provision of Mobile Vety: Clinic in Bajaur Agency.
43.	Provision of Artificial Insemination Services in Existing Function Vety: Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.I. Khan.
44.	Program Management Unit for Roads and Infrastructure.
45.	Strengthening of Finance Department Civil Secretariat FATA.
46.	Aids Control Program in FATA.
47.	Health Sector Reforms Unit FATA.
48.	District Health Information System.
49.	Physical Rehabilitation Centres in FATA.
50.	Hepatitis Control Program in FATA (Phase-III).
51.	Integrated Vector Management Program in FATA.
52.	Eye Care Program in FATA (Phase-III).
53.	Thalassemia Control Program in FATA.
54.	Mobile Hospital Program in FATA (Phase-III).
55.	Establishment of Mental Health Clinics in AHQ Hospitals in FATA.
56.	Health Nutrition Program in FATA.
57.	TB Control Program in FATA.
58.	Maternal, Newborn, Child Health (MNCH) Program Merged District.
59.	Expanded Programme on Immunization (EPI) in FATA.
60.	Strengthening of EPI Program in FATA.
61.	Facilitation of FR Setup Health Sector in FRs (Tank Jandola).
62.	Facilitation of FR Health Setup in FRs (DI Khan Darazinda).
63.	Facilitation of Health Setup in FRs (Bannu Wazir).
64.	Facilitation of Health Setup in FRs (Lakki Bittani).
65.	Facilitation of Health Setup in FRs (Kohat Dara Adam Khel).
66.	Facilitation of Health Setup in FRs (Peshawar Hassan Khel).
67.	Opening of 07 CDs in FR Tank.
68.	Opening of 08 CHCs / CDs in FR D.I Khan District.
69.	Opening of 06 CHCs/CDs in FR Bannu District.
70.	Opening of 08 CHCs / CDs in FR Lakki.
71.	Opening of 02 CDs in FR Kohat District.
72.	Opening of 11 CHCs / CDs in FR Peshawar.
73.	Opening of 41 CHCs / CDs in Mohmand District.
74.	Opening of 22 CHCs / CDs Khyber District.
75.	Opening of 07 CHCs / CDs in Kurram District.
76.	Opening of 15 CHCs/ CDs in Orakzai District.

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77.	Opening of 24 CHCs/CDs in North Waziristan District.
78.	Opening of 18 CHCs / CDs in South Waziristan District.
79.	Removal of Staff Deficiencies in Newly opened Areas in Health Facilities FATA.
80.	Establishment of Government College of Management Sciences, SWA.
81.	Strengthening of Crises Management Cell Through FATA Analysis and Strategy Team.
82.	Establishment of Levy Training Center at Shahkass, Jamrud, Khyber Agency.
83.	Establishment of Center of Excellence/Govt. College of Technology, Khar, Bajaur Agency.
84.	Establishment of Vocational Training Centres / Institutes in Bajaur Agency and FR Kohat.
85.	Opening Govt. Polytechnic Institute Parachinar Kurrām Agency in rented building.
86.	Establishment of Govt. Technical Institute Wana SWA.
87.	Establishment of Govt. Technical Institute SWA at Chaghmalai.
88.	Introduction of Additional Technologies in Polytechnic Institutes of FATA.
89.	Overcoming of Staff/Equipment Deficiencies in Technical Institutes in FATA.
90.	Operationalization and Provision of Equipment/Machinery to Labs of Existing Technical Institutes in Mohmand Agency GTI Mohmand Agency.
91.	Reformation of Technical Education in all Institutes in FATA.
92.	Introduction of 02 Technologies (Civil & Electrical) at Govt. Tech. Institute Sadda kurrām Agency.
93.	Introduction of New Technologies in Existing Technical Institutes of Tribal Districts.
94.	FATA Investment Facilitation Agency (FIFA).
95.	Small and Medium Enterprises Facilitation Unit.
96.	Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas.
97.	Creation of Project Support Unit For Pre. Construction and Implementation of Small Dams/Power Section.
98.	Strengthening of Local Govt. Directorate FATA.
99.	Directorate of Projects FATA Secretariat.
100.	Directorate of Monitoring and Evaluation in FATA Secretariat.
101.	Establishment of Fed. Formation for the Directorate of Monitoring and Evaluation in FATA Secretariat.
102.	Satellite Monitoring of Development Schemes in FATA.
103.	Project Management Unit, Fata Infrastructure Programme.
104.	Khyber Area Development Project.
105.	Mohmand Area Development Project.
106.	Bajaur Area Development Project.
107.	Fata Water Resources Development Project.
108.	Survey Feasibilities Under Various Sector Phase-II.
109.	Urban Policy and Planning Unit FATA.
110.	Project Management Unit for World Food Programme in FATA.
111.	Strengthening of P&D Department.
112.	Establishment of HR/Archival Library in P&DD.
113.	Strengthening of AI&C Department, FATA Secretariat.
114.	Instructional and Physical Training Programme in FATA.
115.	Institutionalization of Boy Scouts Activities in Tribal Districts in FATA.
116.	Strengthening of FATA Olympics Association.

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117.	Strengthening of Zakat and Ushr Department, FATA Secretariat.
118.	Strengthening of Minerals Department, PMU for Mineral Sector Projects.
119.	Exploration and Evaluation of Dimension and Decorative Stones in FATA.
120.	Exploration and Evaluation of Occurrences in FATA.
121.	Establishment / Operation of Mines Rescue, Safety and Labour Welfare Centre in FATA.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(KIFAYAT ULLAH KHAN AFRIDI)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

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## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 20<sup>th</sup> SEPTEMBER, 2022.

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

### NOTIFICATION

Dated Peshawar, the 20<sup>th</sup> September, 2022.

No. PA/Khyber Pakhtunkhwa/Bills-245/2022/4642.- The Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Bill, 2022 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12<sup>th</sup> September, 2022 and assented to by the Governor of the Khyber Pakhtunkhwa on 16<sup>th</sup> September, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA TEACHERS (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2022.  
(KHYBER PAKHTUNKHWA ACT NO. XLJ OF 2022)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 20<sup>th</sup> September, 2022).*

AN  
ACT

*to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc/contract basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa*

WHEREAS, it is expedient to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc/contract basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa, in the public interest:

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Act, 2022.

(2) It shall apply to all the teachers, as defined in clause (d) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless the context otherwise requires,

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- (a) "Government" means the Government of Khyber Pakhtunkhwa;
- (b) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (c) "post" means a post of teacher in the Elementary and Secondary Education Department; and
- (d) "teachers" mean duly qualified persons, who are appointed as Primary School Teachers, Certified Teachers, Drawing Masters, Physical Education Teachers, Theology Teachers, Arabic Teachers, Qari/Qaria Teachers, Certified Teachers (T. Primary Teachers and Secondary School Teachers, having different pay scales, in the Elementary and Secondary Education Department, on ad-hoc/contract basis, through National Testing Service/the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency (ETEA) or any other testing service, but does not include the teachers engaged on work charge basis or who are paid out of contingencies or engaged by Parent Teachers Council.

(2) The expressions "ad-hoc appointment" shall have the same meaning as is respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of teachers.—(1) Notwithstanding anything contained in any law or rules, for the time being in force, all the teachers, who are holding various posts from 08.03.2017 till the commencement of this Act, shall be validly appointed, on regular basis, from the date of their initial appointment; provided that,

- (a) they possess the same qualification and experience required for a regular post;
- (b) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act;
- (c) the service promotion quota of all service cadres shall not be affected; and
- (d) they shall be entitled for seniority and pay from the date of their initial appointment on ad-hoc/contract basis.

(2) The services of the teachers shall be deemed to have been regularized only on the publication of their names in the official Gazette.

4. Overriding effect.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules, to the extent of inconsistency to this Act, shall cease to have effect.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(KIFAYAT ULLAH KHAN AFRIDI)  
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

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**D**

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**REGULARIZATION NOTIFICATION OF PSU  
EMPLOYEES**

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

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## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15<sup>th</sup> JULY, 2022.

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

### NOTIFICATION

Dated Peshawar the 07<sup>th</sup> July, 2022.

No. SO(G)/IRR/2-15/2022: In compliance of Section-3 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administrated Tribal Area Act 2021 (Khyber Pakhtunkhwa Act No.1 of 2022), the Provincial Government is pleased to notify regularization of services of the following (25) employees of the project titled "Creation of Project Support Unit (PSU) for Pre-Construction and Implementation of Small Dams/Power Section mentioned at S.No.97" in the Act ibid w.e.f 13-01-2022, subject to the following conditions as provided in section-4 of the Act ibid: -

- a) The services promotion quota of all service cadres shall not be affected;
- b) The employees shall possess the same qualification and experience as required for a regular post;
- c) The employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of Act ibid,
- d) The services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette

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S.No	Name / Father Name	Designation	BPS
1.	Muhammad Javed S/O Wali Jan	Deputy Project Director	18
2.	Muhammad Ishfaq S/O Muhammad Israr Khan	Project Manager	18
3.	Salman Khan S/O Namesh Gul	Assistant Director	17
4.	Muhammad Jamal ud Din S/O Amir Baiz Kahn	Superintendent	17
5.	Wajid Khan S/O Atta Khan	Assistant Project Manager	17
6.	Faheemullah S/O Muhammad Noor Khan	Assistant Director (Civil) (North)	17
7.	Naeem Afridi S/O Salim Afridi	Assistant Project Director (Civil)	17
8.	Asif Wazir S/O Azmat Ullah Wazir	Assistant Director (Mechanical)	17
9.	Jumma Khan S/O Daud Khan	Site Supervisor/Sub-Engineer	16
10.	Imran Khan S/O Muhammad Wali Ullah	Assistant Accountant	16
11.	Nigar Ahmed S/O Mukhtiar Ahmed	Computer Operator	16
12.	Suleman Khattak S/O Riaz Ahmed	Computer Operator	16
13.	Muhammad Raza S/O Syed Muhammad Sharif	Site Supervisor/Sub-Engineer	16
14.	Muhammad Arafat S/O Sharif Khan	Record Keeper	07
15.	Samtullah Jan S/O Zafar Ullah Jan	Driver	06
16.	Zafar khan S/O Dary Khan	Driver	06
17.	Zaheer Ahmad S/O Mukhtiar Ahmad	Driver	06
18.	Tahir Khan Khalil S/O Noor Ul Basar Khan	Driver	06
19.	Adnan Khan S/O Sabz Ali Sabir	Driver	06
20.	Faqeer Hussain S/O Multan Khan	Naib Qasid	03
21.	Aftab Ahmad S/O Khan Bahader	Naib Qasid	03
22.	Zabit Khan S/O Habib ur Rehman	Naib Qasid	03
23.	Abdul Wahab S/O Rehmat Ullah	Naib Qasid	03
24.	Muhammad Sufyan S/O Muhammad Sher Khan	Naib Qasid	03
25.	Zeewar Khan S/O Amir Khan	Sweeper	03



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2. Consequent upon regularization of services of the above project employees, the employees at S.No.1 to 8 shall report to Govt. of Khyber Pakhtunkhwa, Irrigation Department, Peshawar, while project employees at S.No.9 to 25 shall report to Office of the Chief Engineer (North), Irrigation Department, in the best public interest.

3. As per Section-3 (2) of the Act ~~ibid~~, all the above employees shall, in lieu of pension and gratuity, be entitled to service such amount contributed by them towards the Contributory Provident Fund (CPF), along with the contributions made by Government to their accounts in the said Fund, in the prescribed manner.

--sd--

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

E  
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SUMMARY FOR CHIEF MINISTER

Subject: REGULARIZATION OF MR. ENGINEER JAMAL DAR KHAN ASSISTANT DIRECTOR (BPS-17) IN (PSU) SAROBI SMALL DAM SCHEME NORTH WAZIRISTAN.

Pursuant to the decision of 69<sup>th</sup> meeting of the Provincial Cabinet held on 12-04-2022 (Annex-I), read with assurance given by the Hon'ble Chief Minister, Khyber Pakhtunkhwa on the floor of Provincial Assembly on 21-03-2022 (Annex-II), and Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department (Regulation Wing) letter (Annex-III).

2. Engr: Jamal Dar Khan was appointed as Assistant Project Director in the Project "Sarobi Small Dam, North Waziristan by FATA Development Authority on 02-08-2016 (Annex-IV). In pursuance of Para 13-14/N of a summary moved by Irrigation Department (Annex-V). Extension has been granted to the afore-mentioned Engineer till completion of his project (Annex-VI) as the project is an ongoing one.

3. After promulgation of Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribes Areas) Act, 2021 (Annex-VII), the regularization of services of employees of PSU Small Dam/perpetual nature is in progress.

4. Irrigation Department intends to regularize the services of Engr: Jamal Dar Khan, Assistant Project Director (BPS-17), Sarobi Small Dam for better handling and supervision of the Sarobi Small Dam project.

5. The Hon'ble Chief Minister, Khyber Pakhtunkhwa is requested to approve the proposal contained at Para-4 of the summary, please.

Chief Secretary  
Khyber Pakhtunkhwa:

(Muhammad Ayaz)  
Secretary Irrigation  
01/07



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

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6. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Irrigation Department regarding regularization of the services of Engr. Jamal Dar Khan, Assistant Project Director (BPS-17) has been examined.

7. Engr. Jamal Dar Khan was appointed as Assistant Project Director in the Project "Sarobi Small Dam North Waziristan by FATA Development Authority", on 02-08-2016 (Annex-IV). Upon approval of the Competent Authority, services of 03 project employees including Engr. Jamal Dar Khan were extended till completion of project (Annex-VI). The Administrative Department vide Para-4 of the Summary has now stated that they intend to regularize the services of Engr. Jamal Dar Khan, Assistant Project Director (BPS-17).

8. It is observed that:-

- i. The Administrative Department has not clarified as to whether Sarobi Small Dam is a sub component of PSU Small Dams or these are two different projects as PSU has already been regularized.
- ii. Regularization of services is regulated through legislation for which the proper forum is the Provincial Assembly. Moreover, such kind of proposals are required to be brought before the Provincial Cabinet under Rule-19(1)(a) of the Khyber Pakhtunkhwa Rules of Business, 1985 (Annex-X).
- iii. Views of Law Department may be obtained on the proposed regularization. This is very important in view of the recent order/judgments passed by the Supreme Court of Pakistan (Annex-XI & XII).

9. In view of the above position, it would be more appropriate that the Administrative Department may, after taking into account the about points, prepare a comprehensive summary for Chief Minister for soliciting his approval for placement of the case before the Provincial Cabinet for consideration.

Chief Secretary

Sec/Institution

Secretary Establishment  
18 August, 2022

23/8/22  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

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GOVERNMENT OF KHYBER PAKHTUNKHW  
IRRIGATION DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Reference Para 6-9/N ante

10. Engr. Jamal Dar Khan was appointed as Assistant Project Director in the Project "Sarobi Small Dam North Waziristan by FATA Development Authority", on 02-08-2016 (Annex-IV). His services were extended from time to time in PSU Small Dams project (Annex-VI & VIII). Furthermore, in PC-II (7<sup>th</sup> Revised) ADP No. 23:6 (Annex-IX) "Sarobi Small Dam" is reflected as on-going dam of PSU Small Dam. Hence Sarobi Small Dam is not a sub-component and part of PSU Small Dam.

11. The Provincial Cabinet in its 79<sup>th</sup> meeting held on 16.08.2022 (Annex-XIII), has directed the Establishment Department to prepare instructions/ criteria for regularization of project employees. Therefore Establishment Department may add its views en-route.

12. Views of Law Department may be obtained being Court matter.

13. In view of the above this department may be allowed to place the instant case before the Provincial Cabinet for discussion/consideration.

14. The Hon'ble Chief Minister Khyber Pakhtunkhwa is requested to approve the proposals contained at Para-13 of the summary, please.

(Muhammad Ayaz)  
Secretary Irrigation  
29/8

Chief Secretary  
Khyber Pakhtunkhwa

NPP



(42)


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

15. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Irrigation Department regarding regularization of the services of Engr. Jamal Dar Khan, Assistant Project Director (BPS-17) was earlier examined and return to the Administrative Department with the observations vide Paras 6-9 of the Summary.

16. In response, the Administrative Department has clarified that Eng. Jamal Dar Khan was appointed as Assistant Project Director (BPS-17), "Sarobi Small Dam", North Waziristan by defunct FATA-DA and his services were extended in PSU Small Dam Project from time to time (Annex-VI&VIII). The Administrative Department further clarified that "Sarobi Small Dam" is not a sub-component and part of PSU Small Dam. With regard to observations at Sr. No. ii & iii of Para-8/ante, the Administrative Department is of the view that Establishment and Law Departments may add their views en-route.

17. It is pointed out that the project titled "Creation of Project Support Unit for Pre Construction and Implementation of Small Dams/Power Section" (Annex-VII) has already been regularized under "Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021.

18. The Administrative Department at Para-10/ante has clarified that Sarobi Small Dam is part of PSU Small Dams, while on an earlier summary the Administrative Department has provided a list of project employees of erstwhile FATA (Annex-XIV), wherein Sarobi Small Dam District North Waziristan was separately shown as ongoing project. Therefore, the Administrative Department may clarify / justify the status of the incumbent with reference to PSU Small Dam project already regularized as to why he was not regularized if he was an employee of PSU Small Dams.

  
Secretary Establishment Department  
15 September, 2022

Secretary, Irrigation Department

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RIP

Reference Paras 15-18/N

19. It is pointed out that at the time of handing over of the projects to Provincial Irrigation Department, the service extension issue of the incumbent (Engr. Jamal Dar Khan), was under discussion. However, the issue was subsequently resolved by giving extension to the remaining project employees as per Notification No.SO(G) / IRR/2-16/2022 dated 02.06.2022 (Annex-VI).

20. Moreover, Engineer Jamal Dar Khan was appointed as Assistant Project Director (BPS-17) in the "Sarobi Small Dam" by defunct FATA-DA on 02.08.2016 (Annex-IV). Upon approval of the Competent Authority his Services were extended from time to time in PSU Small Dams Project as per Notification No. SO(G) / IRR/2-16/2022 dated 02.06.2022 and SecV/FDA/3-235/Vol-VI/SDPSU/2019 dated 01.07.2019 (Annex-VI & VIII).

21. Since the Sarobi Small Dam is part of PSU Small Dams, therefore, this Department proposes to include the name of Engr. Jamal Dar in the list of PSU Small Dam.

22. The Hon'ble Chief Minister Khyber Pakhtunkhwa is requested to approve the proposals contained at Para-21 of the summary, please.

Secretary Establishment  
Khyber Pakhtunkhwa

(Muhammad Aynz)  
Secretary Irrigation

13/10




GOVERNMENT  
ESTABLISHMENT  
(REG)

44  
KHYBER PAKHTUNKHWA  
DEPARTMENT

23. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Irrigation Department regarding regularization of the services of Engr. Jamal Dar Khan, Assistant Project Director (BPS-17) was earlier examined and returned to the Administrative Department with the observations vide Paras 15-18 of the Summary.

24. In response, the Administrative Department at Paras 19-21 ante clarified that at the time of handing over of the projects to Provincial Irrigation Department, the service extension issue of the incumbent (Engr. Jamal Dar Khan), was under discussion. However, the issue was subsequently resolved by giving extension to the remaining project employees as per Notification dated 02.06.2022 (Annex-VI). Moreover, Engr. Jamal Dar Khan, was appointed as Assistant Project Director (BPS-17) in "Sarobi Small Dam", by defunct FATA-QA on 02.08.2016 (Annex-IV) and upon approval of the competent authority his services were extended from time to time in PSU Small Dam Project (Annex-VI&VIII).

25. Since the Administrative Department has clarified/certified vide Para-21 of the Summary that "Sarobi Small Dam" is part of PSU Small Dam, therefore, the Administrative Department may dispose of the case of the incumbent in light of Section-3(2) of the "Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021 (Annex-VII).

  
Secretary Establishment Department  
24 October, 2022

Chief Secretary


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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA.**  
**LAW, PARLIAMENTARY AFFAIRS AND HUMAN**  
**RIGHTS DEPARTMENT**

**SUBJECT: REGULARIZATION OF MR. ENGINEER JAMAL DAR KHAN**  
**ASSISTANT DIRECTOR (BPS-17) IN (PSU) SAROBI SMALL**  
**DAM SCHEME NORTH WAZIRISTAN.**

26. The instant case has been examined and as such Law Department endorses the views of the Establishment Department, contained at Para 24 and 25 of the Summary.

  
4/11/2022  
(MASOOD AHMAD)  
SECRETARY LAW

**CHIEF SECRETARY:**



  
7/11  
CHIEF SECRETARY  
Govt. of KHYBER PAKHTUNKHWA



To

The Secretary,  
Irrigation Department Khyber Pakhtunkhwa  
Peshawar.

45/A

Through Proper Channel:

Subject: DEPARTMENTAL REPRESENTATION REGARDING NOTIFICATION;  
(Regularization of Services of Employees of Erstwhile Federally Administered Tribal Area Act 2021 (Khyber Pakhtunkhwa Act No. 1 of 2022))

Ref: Secretary Irrigation Department Notification No. SO(G)/IRR/2-15/2022 dated 07 July 2022.

Dear Sir

It is submitted with reference to above notification issued by your office vide which regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas, now in the Irrigation Department was made. In the said notification only one section i.e., Section-4 of the Act *ibid* has been provided which is, "General Condition for Regularization".

2. In the "General Condition for Regularization" Section -4 Sub Section-(b) as reproduced, "the employees shall possess the same qualification and experience as required for the regular post."

It has been brought to the knowledge that they do not possess the same qualification as required for in the Irrigation Department. Hence violation of the *ibid* Act.

3. The above notification is silent on the determination of Seniority, which in the *ibid* Act Section-5, clearly mentions in Sub Section (1) and reproduced below:  
*"All Employees whose services are regularized under this Act, shall rank junior to all Civil Servants belonging to the same service or cadre, as the case may be, who are in service or regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment."*

Base on above provision of the Act, the regularized will go at the bottom of the commission seniority list, i.e., they cannot be regularized in Grade - 18 but they will all be regularized in Grade-17 at the bottom of the Public Service Commission Seniority List, the last batch inducted in July-August 2021 (to be verified from record or the latest, which ever before the notification issued above).

4. As per "Khyber Pakhtunkhwa (Regularization of Services of employees of erstwhile Federally administered Tribal Areas) Act 2021"  
2 (d) "employee" means a person, who was appointed on contract as per project policy, to a project post, in erstwhile Federally Administered Tribal Areas, & such post was duly reflected in PC-I of the Project, & who possess the required qualification, training & experience for the said post at the time of such appointment: &

2 (b) "project" mean a perpetual nature project in erstwhile Federally Administered Tribal Areas, the continuation of which & conversion to regular budget is essential for service delivery, duly identified by the Department & reflected in the schedule.

It is therefore requested that any regularization contrary to the above may kindly be stopped to Safeguard rights of the employees serving in the department since decades.

Hence your office is requested to issue clarification based on the above representation so that our due rights are not violated please.

*Navced*  
Navced Ahmad  
Sub Engineer (BS-16)

Copy to information and necessary action please: -

1. Honorable Chief Minister, Khyber Pakhtunkhwa Peshawar
2. Chief Secretary Khyber Pakhtunkhwa.
3. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar.
4. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. Director General Public Service Commission Peshawar.
6. The Secretary Establishment Department Govt of Khyber Pakhtunkhwa Peshawar.
7. The Secretary Finance Department Govt of Khyber Pakhtunkhwa Peshawar.
8. The Secretary Law Department Govt of Khyber Pakhtunkhwa Peshawar for your support in clarification please.
9. Chief Engineers (South, North, Merged Areas) and Director General Small Dams in Irrigation Department Peshawar for taking up the matter with the Secretary Irrigation please.

Navced Ahmad  
Sub Engineer (BS-16)

D/No.	2580
Date	17/11/22
AS	
DIR (T)	
DST	

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

46

Service Appeal No. \_\_\_\_\_/2023

Naveed Ahmad

**VERSUS**


Government of Khyber Pakhtunkhwa & others

**NOTICE**

To.

1. **Government of Khyber Pakhtunkhwa**  
Through its  
Chief Secretary  
Civil Secretariat, Peshawar
2. **Secretary to Government of Khyber Pakhtunkhwa**  
Irrigation Department, Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar
3. **Additional Secretary to Government of Khyber Pakhtunkhwa**  
Irrigation Department, Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar
4. **Director General**  
Small Dams [Irrigation Department]  
Khyber Pakhtunkhwa,  
Peshawar
5. **Fahim Ullah**  
[Irrigation Department, Civil Secretariat Peshawar]
6. **Naeem Afridi**  
[Irrigation Department, Civil Secretariat Peshawar]
7. **Asif Wazir**  
[Irrigation Department, Civil Secretariat Peshawar]
8. **Muhammad Raza**  
[Office of Chief Engineer North, Warsak Road, Peshawar]
9. **Jamal Dar**  
[Office of Chief Engineer North, Warsak Road, Peshawar]

Please take notice that I am filing titled **Service Appeal** on behalf of appellant before this Hon'ble Court and sent you copy of the petition along with annexure.

Through  Appellant  
**M. Sangeen Khan**  
Advocate High Court(s)

# POWER OF ATTORNEY

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR

47

In Re: \_\_\_\_\_ of 20 23

NAVEED AHMAD

COMPLAINANT(s)  
PLAINTIFF(s)  
PETITIONER(s)  
APPLICANT(s)  
APPELLANT(s)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA  
& OTHERS

ACCUSED(s)  
RESPONDENT(s)  
DEFENDANT(s)

I/We Naveed Ahmad the undersigned appellant  
hereby appoint M. Sangeen Khan, Advocate in the above mentioned case, to do all or  
any of the following acts, deeds and things.

1. To, appear act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
3. To receive payment of, and issue receipts for, all money that may be or become due and payable to me during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said Advocate may do in the proceedings.
- b. Not to hold the Advocate, responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate shall be entitled to withdraw from the prosecution of the said case, if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalatnama herein under, the contents of which have been read / explained to me and fully understood by me on this 14th day of Feb, 2023 at Peshawar.

Naveed Ahmad  
Signature of the executant/s

Attested /Accepted subject to the term regarding payment of fee.

M. Sangeen Khan  
LL.M, Advocate High Court(s)

0333-9885592

Bc-11-2748

15302-4461045-5

Email: sangeenkhan@gmail.com