

21<sup>st</sup> Dec, 2022

Junior of learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. To come up for arguments on 20.03.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

20.03.2023

Appellant present through counsel.


Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

SCANNED  
KPST  
Peshawar

Being not prepared, learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 06.06.2023 before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)  
Member (E)




(Rozina Rehman)  
Member (J)

23<sup>rd</sup> May, 2022

Counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant Advocate General for the respondents present.


Learned counsel for the appellant seeks adjournment in order to properly assist the court. Adjourned. To come up for argument on 01.08.2022 before the DB.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman

1-8-2022


Proper DB not available the case is adjourned to 1-11-2022


  
Reader

01.11.2022

  
Mr. Umer Farooq, Advocate, junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments on 21.12.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)

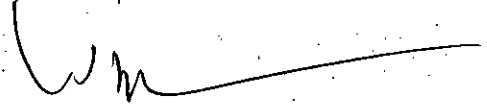
  
(Salah-Ud-Din)  
Member (J)

03.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, AAG alongwith Mr. Naseeb Khan S.O, Mr. Siyar Ahmad S.O and Mr. Amjid Ali Assistant for respondents present.

Respondents have already submitted reply/comments through office which are placed on file. To come up for rejoinder if any, and arguments before the D.B on 13.04.2022.

P



(Atiq-Ur-Rehman Wazir)  
Member (E)

13.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak Addl. AG for respondents present.

Learned counsel for the appellant state that similar appeal No. 495/2021 and 12 others have been fixed on 10.05.2022 before the D.B. He requested that this appeal may also be clubbed with the said service appeals. Order accordingly. To come up for arguments on 10.05.2022 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments before the D.B on 23.05.2022.



(Fareeha Paul)  
Member (E)



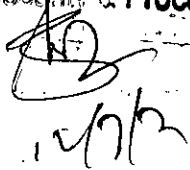
Chairman

07.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Subject to all just and legal objections, including of limitation, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 18.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee




The appeal is also accompanied with an application for interim relief. Notice of the application be also given to the respondents.

  
Chairman

18.11.2021

Appellant in person present. Mr. Amjid Ali, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments before the S.B on 03.01.2022.

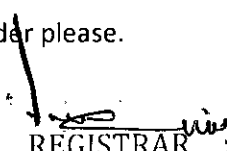

  
(Salah-Ud-Din)  
Member (J)

Form- A

# FORM OF ORDER SHEET

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

Case No.- 6570 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2021	<p>The appeal of Mr. Fawad Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/07/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		


SCANNED  
KPST  
Peshawar

The appeal of Mr. Fawad Ahmad Computer Operator Establishment department received today i.e. on 14.06.2021 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. 4 & 5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexure-I of the appeal is illegible which may be replaced by legible/better one.
- 3- Copy of impugned order dated 01.10.2020 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.

No. 984 /S.T,

Dt. 14/06 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.Pesh.

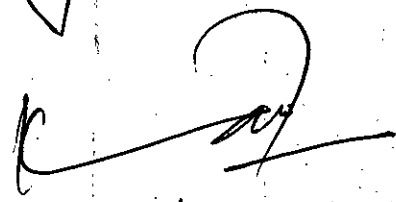
The objections are addressed as below.

① The addresses of the respondents No.4 and No.5 are correct and in similar nature case, on the same addresses the notices had already been issued.

② This objection has been removed.

③ The impugned order dated 1<sup>10</sup>/<sub>20</sub> is already attached with the appeal as annexure I and its better copy is also attached.

Resubmitted after receiving correction

  
21/6/2021

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

APPEAL NO. 6570 /2021

**FAWAD AHMAD**

**VS**

**CHIEF SECRETARY  
& OTHERS**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

1

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

**APPEAL NO. \_\_\_\_\_/2021**

Mr. Fawad Ahmad, Computer Operator (BPS-16),  
Establishment department, Civil Secretariat Peshawar.

..... **APPELLANT**

**VERSUS**

- 1- The Government Of Khyber Pakhtunkhwa Through Chief Secretary Civil Secretariat Peshawar.
- 2- The Secretary Establishment & Administration Department Khyber pakhtunkhwa, civil secretariat peshawar.
- 3- The secretary finance department Khyber pakhtunkhwa civil secretariat Peshawar
- 4- The provincial cabinet & ministerial committee through its chairman, civil secretariat peshwar.
- 5- The grievances redressal committee through its chairman, civil secreteriate Peshawar.
- 6- Director STI Establishment & Administration Department, Khyber Pakhtunkhwa Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED LETTERS DATED 03/02/2020 and 01/10/2020 WHEREBY PAYMENT OF 30% (NOW INCEREASED TO 50%) SECRETERIAT ALLOWANCE ALREADY ADMISSIBLE TO APPELLANT WAS STOPPED AND RECOVERY OF THE SAME WAS ORDERED W.E FROM 30/07/2018 AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned letters dated 03/02/2020 and 01/10/2020 may kindly be set aside and the respondents may please be directed to restore 30% (now 50%) secretariat allowance to appellant with all back benefits being secretariat employee. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

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



- 1- That appellant was initially appointed in the project "office automation system pilots for 5 department" in the establishment department STI civil secretariat under DDO8089 Peshawar against the post of Computer Operator BPS-16.
- 2- That the government of KP promulgated Act No.X of 2018 whereby employees of about 58 project were regularized both the directorate level and secretariat level. The appellant services were also regularized in the above mentioned project of secretariat vide notification dated 1/11/2019 w.e.f 07/03/2018. Copy of notification is attached as annexure .....**A.**
- 3- That during service the appellant was granted 30% (now 50%) special/secretariat allowance duly approved on 14/01/2020 which is also a proof that the appellant was secretariat employee for all intents and purpose. copies of the letters and pay slips are attached as annexure.....**B&C.**
- 4- That a strike was held by the union of the secretariat employees and to minimize the cause/pressure of strike the cabinet took an abrupt decision vide agenda item no.8 (additional) dated 15/05/2019 not an actual agenda wherein it was decided to place the petitioners at directorate level/formations without considering that they were already merged in the secretariat strength and posts were also created by the finance department at secretariat level. Copy of the minutes is attached as annexure.....**D.**
- 5- That in light of the said minutes dated 15/05/2019 the respondents vide impugned letter dated 03/02/2020 withdrawn the letter dated 14.01.2020 whereby 30% secretariat allowance has been allowed to the appellant. Copies of the impugned letter dated 03.02.2020 and letter dated 06/02/2020 are attached as annexure ..... **E&F.**
- 6- That feeling aggrieved colleagues of the appellant invoked the jurisdiction of Peshawar high court in writ petition no.1692-p/2020 which was disposed of vide judgment dated 03.03.2020 with observations " **in view of the above, this writ petition stand disposed of in terms that respondent no.1 shall treat it as the petitioners' representation and decide the same at his end in accordance with law and rules on the subject within a period of one month positively**". Memo of writ petition and judgment dated 03.03.2020 are attached as annexure.....**G&H.**

- 7- That instead of deciding the representation of the appellant in light of aforementioned high court judgment the respondents astonishingly issued the impugned letter dated 01/10/2020 whereby recovery was ordered of 30% secretariat allowance from appellant. Copy of second impugned letter dated 1/10/2020 is attached as annexure.....**I.**
- 8- That feeling aggrieved the appellant filed departmental appeal before respondents but the same has not been responded within statutory period of ninety days. Copy of departmental appeal is attached as annexure.....**J.**
- 9- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on following grounds.

**GROUND:**

- A- That the cabinet decision communicated vide memo dated 15/05/2019 and impugned letters dated 03/02/2020 and 01/10/2020 are against the law, facts, material on record and violation of service rights of appellant, therefore not tenable and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant along with other colleagues were already fully merged in the secretariat, their DDO code was entrusted to the secretary establishment department and finance department and even they were regularized in the STI establishment Deptt: civil secretariat which was fully acted upon, therefore now the status of the appellant can,t be changed upon the whims of union of secretariat employees under the principle of locus ponitentiae.
- D- That the impugned decision and impugned letters dated 03/02/2020 and 01/10/2020 are discriminatory because the planning cell employees have been excluded from the decision and only the rights of the petitioners are affected.
- E- That it was the demand of fair play to at least give hearing or prior notice or option to appellant before making any decision adversely affecting the service rights of the appellant. But in present case the appellant has been unheard through out.

- 4
- F- That no regular inquiry has been conducted in the matter before imposing major penalty which is mandatory under the rules.
- G- That the posts of the appellant is still available on the secretariat side and have not been abolished therefore the appellant without his option can,t be given a different status or varied their status unilaterally.
- H- That the impugned decision of the cabinet is not free, fair and transparent decision, rather made to happy the union, therefore the same is liable to be set aside.

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

Dated: .

**APPELLANT**

  
**Fawad Ahmad**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**

  
**UMAR FAROOQ MOHMAND**

**&**  
  
**KAMRAN KHAN**  
**ADVOCATES**

5

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

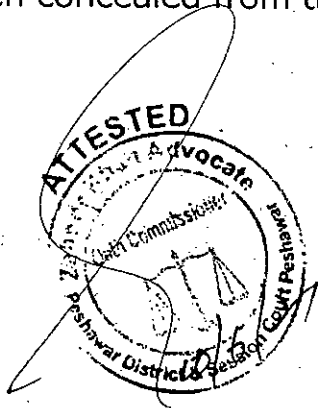
**FAWAD AHMAD**

**VS**

**CHIEF SECRETARY  
& OTHERS**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



*Amir*  
**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

*Amir*  
**CERTIFICATION**

6

**IN THE KHYUBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. \_\_\_\_\_ 2021**

**FAWAD AHMAD VS GOVT. OF KPK**

**APPLICATION FOR SUSPENSION OF OPERATION  
OF THE IMPUGNED NOTIFICATION DATED 01-10-  
2020 TO THE EXTENT OF THE APPELLANT TILL  
THE DISPOSAL OF THE MENTIONED APPEAL.**

R/Sheweth:

1. That the above mentioned appeal along with this application has been filed by the appellant before this august service tribunal in which no date has been fixed so far.
2. That appellant filed the above titled appeal against the impugned letters/notification dated 03-02-2020 and 01-10-2020 whereby 30% (now 50%) secretariat allowance already admissible to appellant was stopped and recovery of the already paid 30% secretariat allowance was order w.e.f 30-07-2018.
3. That all the three ingredients for the stay is in favor of appellant.
4. That, the impugned letters /notification dated 03-02-2020 and 01-10-2020 has been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of the instant suspension application the operation of the impugned letters/notification dated 03-02-2020 and 01-10-2020 may very kindly be suspended till the disposal of the above mentioned service appeal.

**APPELLANT/PETITIONER**

**Through**

**NOOR MOHAMMAD KHATTAK**

**UMAR FAROOQ,**  
**Advocates, Peshawar**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Establishment Wing)

ANNEXURE "A"

7

NOTIFICATION

Dated Peshawar, the NOVEMBER 01, 2019

No. SOE-V(E&AD)/5-09/2009: In light of the decision of Provincial Cabinet in its meeting held on 09-05-2019 as well as recommendations of Ministerial Committee, the following employees of the project "Office Automation System Pilots for 05 Departments (Reg Act)" temporarily regularized in Staff Training Institute vide this Department Notification of even No. dated 30-04-2019, are hereby regularized permanently in Staff Training Institute under DDO code PR-8089 w.e.f the date of promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 i.e 07-03-2018:-

S#	Name	Designation with BPS
1.	Muhammad Bilal Khattak	Deputy Director IT/ Manager IT (BS-18)
2.	Syed Rehman Mashwani	Programmer / Assistant Director IT (BS-17)
3.	Mian Haseeb Uddin	Trainer (BS-16)
4.	Muhammad Hamid	Assistant Manager IT (BS-16)
5.	Khalid Khan	Assistant Manager IT (BS-16)
6.	Tariq Kamal	Assistant Manager IT (BS-16)
7.	Muhammad Usman Khan	Assistant Manager IT (BS-16)
8.	Muhammad Younas	Assistant Manager IT (BS-16)
9.	Syed Muhammad Abdullah	Network Engineer (BS-16)
10.	Muhammad Adil	Network Engineer (BS-16)
11.	Muhammad Asim Ali	Assistant Programmer (BS-16)
12.	Faizan Abbas	Assistant (BS-16)
13.	Noman	Computer Operator (BS-16)
14.	Mushtaq Hussain	Computer Operator (BS-16)
15.	Rehmat Hadi	Computer Operator (BS-16)
16.	Jamal Ahmad	Computer Operator (BS-16)
17.	Fawad Nazir	Computer Operator (BS-16)
18.	Shakir Ullah	Computer Operator (BS-16)
19.	Ijaz Hussain	Computer Operator (BS-16)
20.	Muhammad Junaid Khan	Computer Operator (BS-16)
21.	Sajjad Hussain	Computer Operator (BS-16)
22.	Aman Gul	Computer Operator (BS-16)
23.	Muhammad Ramzan	Computer Operator (BS-16)
24.	Faran Kamal	Computer Operator (BS-16)
25.	Usman Khan	Computer Operator (BS-16)
26.	Muhammad Asad Khan	Computer Operator (BS-16)

ATTESTED

P.T.O

ATTESTED

8

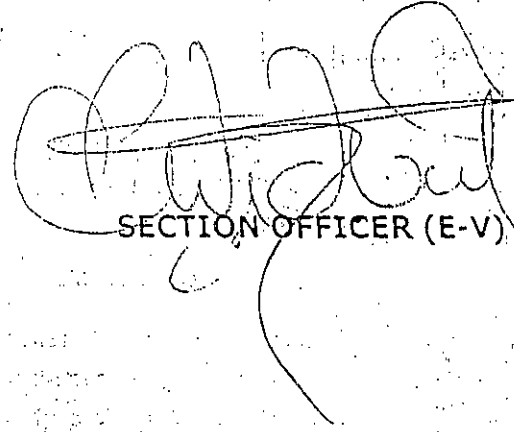
27.	Fawad Ahmad	Computer Operator (BS-16)
28.	Abdul Wali Khan	Driver (BS-06)
29.	Muhammad Taifullah	Naib Qasid (BS-03)

SECRETARY ESTABLISHMENT  
GOVT. OF KHYBER PAKHTUNKHWA

Endstt: No. & Date Even.

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. Section Officer (O&M), Establishment Department.
7. PS to Secretary, Finance Department.
8. PS to Secretary, Establishment Department.
9. PS to Secretary, Administration Department.
10. PS to Secretary; ST&IT Department.
11. PA to Deputy Secretary (Estt), Establishment Department.
12. Officers / Officials concerned.

  
SECTION OFFICER (E-V)

**ATTESTED**

ANNEXURE B

9

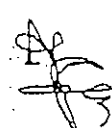
GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO.FD/SOSR-II/8-7/2019/41  
Dated Peshawar the 14.01.2020

To  
The Section Officer (III) ✓  
Chief Minister Secretariat  
Khyber Pakhtunkhwa.

Subject:- STI 30% ALLOWANCE.


I am directed to refer to your letter No. SO.III/CMS/2-1/2018/Finance Department dated 01-01-2020 on the subject noted above and to state that Special Allowance @ 30% is admissible to the staff of E-Office, employees of staff training institutes, Establishment Department.

  
SECTION OFFICER (SR.II)

Copy forwarded for information:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa Establishment Department, for further necessary action.
2. PS to Director Staff Training Institute Peshawar, for further necessary action.
3. Accountant General Khyber Pakhtunkhwa, for further necessary action.
4. Master File.

SECTION OFFICER (SR.II)

  
14/1/2020

**ATTENDED**  




CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA

10

No. SO-III/CMS/6-1/2018/General/416  
Dated Peshawar the January 16, 2020

To

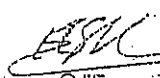
The Secretary to,  
Government of Khyber Pakhtunkhwa,  
Establishment Department.

Subject:- STI 30% ALLOWANCE

Dear Sir,

I am directed to forward herewith a copy of letter No.FD/SOSR-II/  
8-7/2019/41 dated 14.01.2020 on the subject noted above, received from Finance  
Department for further necessary action as per rules/policy, please.

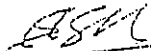
Yours faithfully,

  
Section Officer-III

Endst: Even No. & Date

Copy for information is forwarded to the

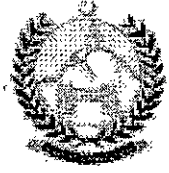
1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PS to Special Secretary, Chief Minister's Secretariat.
3. Assistant Director (IT), Chief Minister's Secretariat.

  
Section Officer-III

**ATTENDED**

ANNEXURE - C

11



**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (March-2021)**

**Personal Information of Mr FAWAD AHMAD d/w/s of NISAR AHMAD**

Personnel Number: 00779211 CNIC: 17301026043 NTN:  
 Date of Birth: 01.10.1991 Entry into Govt. Service: 09.06.2016 Length of Service: 04 Years 09 Months 024 Days

**Employment Category: Active Temporary**

Designation: COMPUTER OPERATOR 80851670-GOVERNMENT OF KHYBER PAKH

DDO Code: PR8089-Office Automation System, Staff Training Institute, E & A Department Govt of KP.

Payroll Section: 005 GPF Section: 003 Cash Center:

GPF A/C No: Interest Applied: Yes **GPF Balance: 133,985.00**

Vendor Number: -

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,470.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1500	Computer Allowance	1,500.00
1974	Medical Allowance 2011	1,500.00	2211	Adhoc Relief All 2016 10%	2,154.00
2224	Adhoc Relief All 2017 10%	2,347.00	2247	Adhoc Relief All 2018 10%	2,347.00
2264	Adhoc Relief All 2019 10%	2,347.00	2283	Secretariat Perform Allow	11,735.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-1,500.00
3901	Org:of StatGen Admin(ROP)	-2,000.00	4004	R. Benefits & Death Comp:	-650.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00 Recovered till MAR-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

**Gross Pay (Rs.): 56,491.00 Deductions: (Rs.): -7,490.00 Net Pay: (Rs.): 49,001.00**

Payee Name: FAWAD AHMAD

Account Number: 04637900653403

Bank Details: HABIB BANK LIMITED, 220463 NAUTHIA, PESHAWAR. NAUTHIA, PESHAWAR., PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: fawadahmadeoffice@gmail.com

**ATTESTED**

BETTER COPY OF PAGE NO:

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

NO. SOC (E&AD)9-15/2019

Dated Peshawar the 14<sup>th</sup> MAY 2019

TO

The Secretary Government of Khyber Pakhtunkhwa,  
Establishment Department.

Subject: **DECISION OF MEETING OF THE PROVINCIAL CABINET  
DATED 09-05-2019**

Dear Sir,

I am directed to forward herewith the following decision of the meeting of the Provincial Cabinet held on 09-05-2019 under the Chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

ADDITIONAL ITEM NO. 08.

SETTLEMENT OF ANOMALIES AMOUNT ARISING OUT IN THE WAKE OF PROMULGATION OF THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES), ACT 2018

Decision of the Cabinet:

The Cabinet approved recommendation of the Ministerial Committee as under:

- i) With regard to contingent/fixed pay/daily wage staff appointed/recruited by the departments prior to promulgation of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018 without adopting codal formalities under Project Policy, it was agreed that those contingent employees 35 in number, 31 in P&D and 4 in Home Department) may be given one time relaxation for regularization of their services subject to certification of their credentials and suitability by the concerned Government Departments provided that it should not be quoted as precedent to follow in other cases, rather a special dispensation to the contingent paid employees vide order of Peshawar High Court decision given in the writ petition no. 6553-P/2018 dated 12.03.2019.
- ii) A Grievances Redressal Committee headed by Establishment Department consisting of representatives from Finance, Law and concerned administrative departments may be constituted. The Grievance Redressal Committee would report to the same ministerial committee.
- iii) All the position created by Finance Department for all the regularized projects under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018 shall be created/placed at the strength of attached formations of respective administrative Departments except the positions of Planning Cells.

Implementing Department: Establishment

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

Yours Faithfully,  
(Taj Muhammad)  
Section Officer (Cabinet)

**ATTACHED**  
to be used copy  
Advocate



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

No. SOC(E&AD)9-15/2019

Dated Peshawar the 14<sup>th</sup> May, 2019.

ANNEXURE D

As / Secy: E&AD

Dated: 15/5/19

(Signature)

12

The Secretary to Govt. of Khyber Pakhtunkhwa  
Establishment Department.

**SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET  
DATED 09.05.2019.**

Dear Sir,

I am directed to forward herewith the following decision of the meeting of the Provincial Cabinet held on 09.05.2019 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

**ADDITIONAL ITEM NO. 08**

**SETTLEMENT OF ANOMALIES ARISING OUT IN THE WAKE OF PROMULGATION OF THE  
KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018**

**Decision of the Cabinet:**

The Cabinet approved recommendations of the Ministerial Committee as under:-

- i) With regard to contingent/fixd pay/daily wages staff appointed/recruited by the departments prior to promulgation of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 without adopting codal formalities under Project Policy, it was agreed that those contingent employees, 35 in number, (31 in P&D and 4 in Home Department) may be given one time relaxation for regularization of their services subject to certification of their credentials and suitability by the concerned Government Departments provided that it should not be quoted as precedent to follow in other cases, rather a special dispensation to the contingent paid employees vide order of Peshawar High Court decision given in the Writ Petition No. 6553-P/2018 dated 12.03.2019.
- ii) A Grievances Redressal Committee headed by Establishment Department consisting of representatives from Finance, Law and concerned administrative departments may be constituted. The Grievances Redressal Committee would report to the same ministerial committee.
- iii) All the positions created by Finance Department for all the regularized projects under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 shall be created/placed at the strength of attached formations of respective administrative departments except the positions of Planning Cells.

**Implementing Department: Establishment**

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

**ATTESTED**

Yours faithfully,

(TAJ MUHAMMAD)  
SECTION OFFICER (CABINET)

**ENDST NO. & DATE EVEN.**

Copy to:-

1. P.S to Secretary Administration Department.
2. PA to Deputy Secretary (Cabinet) Administration Department.

(Signature)  
SECTION OFFICER (CABINET)

SO (OM)

PS 15/5

ANNEXURE E

13

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO.FD/SOSR-II/8-7/2019/41  
Dated Peshawar the 03.02.2020

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

Subject:- STI 30% ALLOWANCE.

I am directed to refer to the subject noted above and to state that the subject letters of even number dated 14.01.2020 & 29.01.2020 (Copy enclosed for ready reference) may be treated as withdrawn.

Yours faithfully,

SECTION OFFICER (SR.II)

Incl: As above

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director (STI), Establishment Department, Khyber Pakhtunkhwa.
3. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.
4. PS to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
5. Section Officer (Admn), Staff Training Institute, Khyber Pakhtunkhwa with reference to your letter No. DD(STI)/E&AD/2019-20/112 dated 24.01.2020.
6. Section Officer-III, Chief Minister's Secretariat, Khyber Pakhtunkhwa with reference to your letter No. SO-III/CMS/2-1/2018/Finance Department dated 01.01.2020.
7. Section Officer O&M, Establishment Department, Khyber Pakhtunkhwa.
8. Budget Officer-IV, Finance Department, Khyber Pakhtunkhwa.
9. PA to Additional Secretary (Reg.), Finance Department, Khyber Pakhtunkhwa.
10. Master File.

SECTION OFFICER (SR.II)

**ATTESTED**  
to be true copy  
Advocate

BETTER COPY OF PAGE NO:

14

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
Staff Training Institute,

ANNEXURE "F"

Benevolent Fund Building near Jans Bakers, Peshawar Cantt:

No. SO (AD) (STI)/E&AD 2 (i) 2019-20/76

Dated: February 06, 2020

TO

Accountant General  
Khyber Pakhtunkhwa

Subject: **STOPPAGE OF 30% SPECIAL ALLOWANCE UNDER PR  
CODE 8089.**

Dear Sir,

I am directed to refer to the Finance Department letter no. FD/SOSR-II/8-9/2019-41 dated 03-02-2020 (Copy enclosed for ready reference) and to state that the 30% Special Allowance paid to the Employees of PR-8089 may kindly be stopped forthwith and the paid out amount may also be recovered in lump-sum with immediate effect.

YOURS FAITHFULLY

SECTION OFFICER ADMIN  
STAFF TRAINING INSTITUTE

1. PS TO Secretary Establishment & Administration Department Khyber Pakhtunkhwa
2. PS to Secretary Finance Department, Khyber Pakhtunkhwa with reference to the Finance Department letter of even number as quoted above.
3. Section Officer-III, Chief Minister's Secretariat, Khyber Pakhtunkhwa.
4. Section Officer, O&M, Establishment Department Khyber Pakhtunkhwa
5. Budget Officer-IV Finance Department, Khyber Pakhtunkhwa.
6. PA to Additional Secretary (Reg: Finance Department), Khyber Pakhtunkhwa
7. Master File

**ATTACHED**  
to be true copy  
of the original

Govt. of Khyber Pakhtunkhwa  
Establishment & Administration Department  
Staff Training Institute  
Benoyent Fund Building near Jang Bakers, Peshawar Cantt.  
P.O. Box No. 272 & Fax No. 011-211718

SECRETARY (ESTABLISHMENT) PESHAWAR  
Date: February 26, 2020

Accountant General,  
Khyber Pakhtunkhwa

SUBJECT: STORAGE OF 30% SPECIAL ALLOWANCE UNDER PR  
CODE WND

I am directed to refer to the Finance Department letter No. FD/SOSR-

17-7/2019 dated 01-02-2020 (copy enclosed for ready reference) and to state

that the 30% Special Allowance paid to the employees of PR-3000 may finally be

stopped for the employees who have not been paid the amount may also be recovered in lump-sum with

immediate effect.

Yours faithfully,

(SECTION OFFICER) ADMIN.  
STAFF TRAINING INSTITUTE

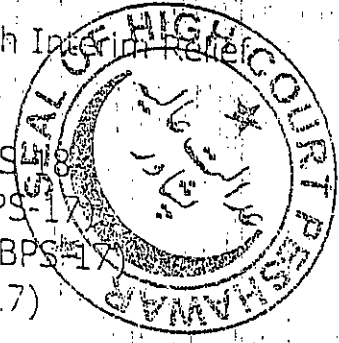
**ATTESTED**  
COPY

(SECTION OFFICER) ADMIN.  
STAFF TRAINING INSTITUTE

RECEIVED

## IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. \_\_\_\_\_ -P/2020 with Interim Relief



1. Mr. Bilal Khattak, Deputy Director-II (E-Office) BPS-17
  2. Mr. Rehman Mashwani, Assistant Director-I T, (BPS-17)
  3. Mr. Muhammad Usman Khan, Assistant Director (BPS-17)
  4. Mr. Muhammad Younas, Assistant Director (BPS-17)
  5. Mr. Khalid Khan, Assistant Director (BPS-17)
  6. Mr. Muhammad Hamid, Assistant Director (BPS-17)
  7. Mr. Tariq Kamal, Assistant Director (BPS-17)
  8. Mr. Muhammad Adil, Assistant Director (BPS-17)
  9. Mr. Muhammad Asim, Assistant Programmer
  10. Mr. Ijaz Hussain, Computer Operator (BPS-16)
  11. Mr. Mushtaq Hussain, Computer Operator (BPS-16)
  12. Mr. Faizan Abbas, Administrative Officer (BPS-16)
  13. Mr. Shakir Ullah, Computer Operator (BPS-16)
  14. Mr. Usman Khan, Computer Operator (BPS-16)
  15. Mr. Aman Gul, Computer Operator (BPS-16)
  16. Mr. Ramzan, Computer Operator (BPS-16)
  17. Mr. Taifullah, Naib Qasid (BPS-04)
  18. Mr. Abdul Wali, Driver (BPS-06)
- All employees of staff training institute, Establishment Department, Civil secretariat, Peshawar.

..... PETITIONERS

VERSUS

- 1- GOVERNMENT OF KHYBER PAKHTUNKHWA, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Civil Secretariat, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 4- The Provincial Cabinet & Ministerial Committee through its Chairman, Civil Secretariat, Peshawar.
- 5- The Grievances Redressal Committee through its Chairman, Civil Secretariat, Peshawar.

..... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973 AS AMENDED UP TO DATE

Respectfully Sheweth:

FACTS:

Brief facts giving raise to the instant writ petition are  
as under:

ATTESTED

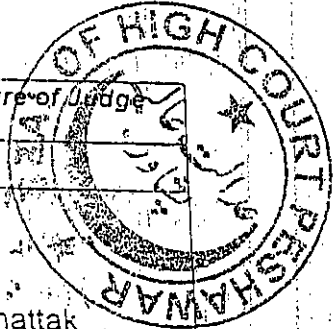
EXAMINER  
Peshawar High Court

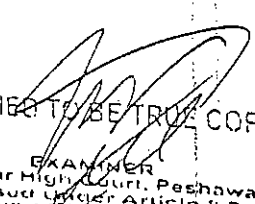
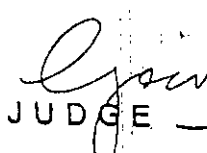

ATTESTED



ANNEXURE = "H" (16)  
 PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
	2
03.03.2020	<p>W.P No.1692-P/2020 with I.R.</p> <p>Present: Mr. Noor Muhammad Khattak                      Advocate, for the petitioners.</p> <p>*****</p> <p><u>LAL JAN KHATTAK, J.-</u> On second thought, learned counsel for the petitioners stated at the bar that he would not press this writ petition anymore and would be satisfied, if this petition is treated as representation and sent to the respondent No.1 for its decision in accordance with law, to which, Mr. Arshad Ahmad, the learned Addl. A.G, who was present in Court in some other cases got no objection.</p> <p>2. In view of the above, this writ petition stands disposed of in terms that the respondent No.1 shall treat it as the petitioners' representation and decide the same at his end in accordance with law and rules on the subject within a period of one month positively.</p> <p style="text-align: center;">                           CERTIFIED TO BE TRUE COPY                          EXAMINER                          Peshawar High Court, Peshawar                          Authorized Under Article 8,7 of                          The Qanun-e-Shahadat Qanun 1984                          04 MAR 2020                     </p> <p style="text-align: right;">                           JUDGE                     </p> <p style="text-align: right;">                           JUDGE                     </p>

ATTACHED

(D.B)(Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice S.M.Attique Shah)  
 A.All

Better Copy

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
STAFF TRAINING INSTITUTE  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
BENEVOLENT FUND BUILDING NEAR JAN BAKERS, PESHAWAR CANTT.  
Ph: 091-9211923 & 091-9213718**

No. DD (ST) E&AD/1 (5)/2020-21  
Date: 01<sup>st</sup> October, 2020

To  
The Accountant General  
Khyber Pakhtunkhwa Peshawar

Subject: **STOPPAGE OF 30% SECRETARIAT PERFORMANCE ALLOWANCE.**

R/Sir,

I am directed to refer to Finance Department letter No. FD/BO/V/2-14/2020-21 dated 14-09-2020 on the subject noted above and to state that as per Finance Department instructions 30% Special Allowance is admissible to only Secretariat Departments.

The employees of office Automation System Plots for 05 Departments (E-Office) are withdrawing the 30% allowance are not entitled, therefore it is requested that payment to the staff of E-Office PR8089 on account of 30% Secretariat Allowance may kindly be stopped forthwith and recovery in this regard may be made from below listed employees.

Name	Designation	Personal No.	Recovery of July & August & September 2020 @ 50%	Recovery w.e.f. 03-07-2018 to 30-08-2020 @ 30%	Total Amount recovery
Muhammad Younas	Assistant Director	454008	42455	255108	307563
Muhammad Hamid	Assistant Director	779182	45555	255108	300663
Tariq Kamal	Assistant Director	779198	45555	255108	300663
Muhammad Adil	Assistant Director	779237	45555	255108	300663
Khalid Khan	Assistant Director	779292	45555	255108	300663
Muhammad Usman	Assistant Director	835848	45555	255108	300663
Muhammad Ramzar	Comp Operator	829373	32925	158844	191769
Muhammad Asim A	Assistant Programmer	829375	37485	171812	209097
Usman Khan	Comp Operator	715183	32925	158844	191769
Faizan Abbas	Admn Officer	797726	32925	158844	191769
Asad Khan	Comp Operator	587304	15585	158844	191769
Taif Ullah	Driver	741291		87276	102861

Yours Faithfully  
Sd/-  
D.O.For  
Staff Training Institute

ANNEXURE "J"

18

To  
The Secretary to Govt. of Khyber Pakhtunkhwa  
Administration Department


Subject: DEPARTMENTAL APPEAL AGAINST THE ADMISSIBILITY OF 30% OR 50% ALLOWANCE TO E-OFFICE EMPLOYEE.

Dear Sir,

Reference to your letter no SOB (AD) 15(88)/STI/2019 on dated, 24-09-2020 Attached the subject noted above, it is stated that Office Automation System Pilot for 5 Departments (e-Office) regularized in 2018 in STI Establishment Department. The nature of work of e-office is an initiative towards the paperless environment in secretariat and all government Departments e-Office is one of the important component of digital Pakistan.

Finance Department was admissible 30% or 50% special allowance/secretariat allowance to the undersign appellants, on dated 14/1/2020 e-Office PR (8089) notification No FD SOSR-11/8-7/2019/41 but after few days on dated 03-07-2020 No FDSOSR-II/9-7-2019/41 treated as withdrawn without any justified reason. After withdraw notification Peshawar High Court decide the same case in favor of e-Office employee (PR-8089), but Finance Department still pending the same decision about 50% special allowance/secretariat allowance.

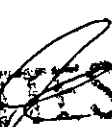
Now in the light of above discussion kindly set aside and extended 50% secretariat performance allowance to the below mention appellant with back benefits or forwarded the application to the finance Department for further necessary action as per decision.

  
17/12/2024  
Fawad Ahmad

Computer Operator (e-Office)

PR, 8089, P. NO 00779211

STI Establishment Department

  
ACCEPTED

**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2021

FAWAD AHMAD

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Chief Secretary & Others

(RESPONDENT)  
(DEFENDANT)

I/We Fawad Ahmad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

Fawad Ahmad  
CLIENTS

NK  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

Kamran Khan  
**KAMRAN KHAN**

Umer Farooq Mohmand  
**UMER FAROOQ MOHMAND**

&

Said Khan  
**SAID KHAN**  
**ADVOCATES**

1

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

**Service Appeal No. 6570/2021**

Mr. Fawad Ahmad, Computer Operator.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others..... Respondents

**INDEX**

<b>S.#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Comments duly signed		2-4
2.	Affidavit		5
3.	Cabinet Decision dated 14-05-2019	I	6
4.	With drawl letter of 30% Allowance	II	7
5.	Letter for non-entitlement for allowance	III	8
6.	Temporarily regularization Order of Project Employees dated 01-11-2019	IV	9-10

2

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

**SERVICE APPEAL NO. 6570/ 2021**

**Fawad Ahmad, Computer Operator (BPS-16)**

Staff Training Institute.....Appellant

VS

Chief Secretary, Khyber Pakhtunkhwa & Others.....Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1-3**

**PRELIMINARY OBJECTIONS:**

RESPECTFULLY SHEWETH

1. That the Appellant has got no locus standi / cause of action to file the instant Appeal.
2. That the Appellant has not come to this Hon'ble Tribunal with clean hands. Hence, disentitled to any relief whatsoever.
3. That no discrimination / injustice has been done to anyone.
4. That the Appeal is not based on facts and is unjustified.
5. That the Appellant is estopped by his conduct to file the instant Appeal.
6. That the subject matter in a writ petition is already adjudicated upon by Peshawar High Court vide Judgment dated 03.03.2020 and is thus hit by the principle of resjudicata.

**ON FACTS.**

1. Incorrect. The appellant was initially appointed in the project "Office Automation System Pilots for 5 Departments" in Science Technology & Information Technology (ST&IT) Department. Later on, the employees of the project were regularized in Staff Training Institute (STI) under a separate DDO Code PR-8089 but not in Establishment Department.
  2. Incorrect. As evident from the notification dated 01.11.2019, the services of the appellant were not regularized at Secretariat level but in Staff Training Institute (STI) which is not part of Secretariat.
  3. Pertains to record, hence, no comments.
  4. Incorrect. The Competent Authority constituted a Ministerial Committee under the chairmanship of Minister Finance for examining the anomalies arising from the Regularization Act 2018 and placing its recommendations before the Cabinet. Cabinet, accordingly approved the recommendations and decided that the newly created positions of the regularized employees, except Planning Cells, may be placed at the lower formations (**Annex-I**). The decision was made by the highest competent forum. i.e. provincial Cabinet, therefore, the same cannot be challenged/set aside for the individual self-interest of the appellant.
  5. Correct to the extent that Finance Department vide letter No. FD/SOSR-II/8-7/2019-41, dated 14.01.2020, Special Allowance @ 30% of the basic pay was erroneously extended to the staff of E-Office (Project) employee of Staff
- 2

Training Institute, the lower formation of the Establishment Department. However, subsequently ascertaining the service status of the said employees and confirmation that they are lower formation of Establishment Department, the said letter was withdrawn accordingly (**Annex-II**). It is pertinent to point out here that the said 30% Special Allowance of the basic pay is admissible only to the officers and officials of Civil Secretariat, Chief Minister's Secretariat and Governor's Secretariat / House (**Annex-III**).

- 6. Correct. In light of orders/directions of Peshawar High Court, Peshawar passed in Writ Petition. 1692-P/2020 titled "Mr. Bilal Khattak etc Vs Govt. of Khyber Pakhtunkhwa" dated 03.03.2020, the representation of the petitioner was thoroughly examined and regretted as the same was not being covered under the laws/rules. Since the appellant's appeal is identical in nature, therefore, he also doesn't deserve the benefit claimed by him.

It is further explained that the services of the appellant and others were regularized in Staff Training Institute against the newly created posts under a separate DDO Code PR-8089 titled "Office Automation System Pilots for 5 Departments" under Regularization of Services Act, 2018 (**Annex-IV**).

- 7. As explained at para-6 above.
- 8. Pertains to record, hence no comments.
- 9. No comments.

**ON GROUNDS:**

- A. Incorrect. Provincial Cabinet is the highest forum where decisions are made in the best of interest of the public. The same cannot be challenged/set aside for the individual interests of the appellant. The decision of the cabinet on placing the services of the newly regularized staff is neither against the law nor violated the service rights of the appellant.
- B. Incorrect. As explained at "A" above.
- C. Incorrect. Appellant and others were project employees and their services were regularized in Staff Training Institute, a lower formation of Establishment & Administration Department, not an administrative unit of Civil Secretariat. Therefore, they are employees of Staff Training Institute having no relation whatsoever with the centralized I.T cadre of Civil Secretariat, supervised by Establishment Department but they are using their regularization in STI as an attempt to enter into the service of Civil Secretariat without any competition.
- D. As explained at Para-05 of the facts.
- E. Incorrect. As explained at "C" above.
- F. Incorrect. No penalty whatsoever was imposed upon the appellant.
- G. Incorrect. As explained at "C" above.
- H. As explained at "A" above.

2

In view of the above submissions, the instant appeal, being devoid of any merit, may please be dismissed with cost.

**SECRETARY,**  
**Finance Department,**  
**Govt. of Khyber Pakhtunkhwa.**  
**(Respondent No. 3)**

*aseher*  
22-11-21 *Zurki*

**DIRECTOR,**  
**Staff Training Institute,**  
**E & A Department.**  
**(Respondent No. 6)**  
Staff Training Institute  
E & A Department  
Govt of Khyber Pakhtunkhwa

**SECRETARY,**  
**Establishment Department,**  
**Govt. of Khyber Pakhtunkhwa.**  
**(Respondent No. 2)**

**CHIEF SECRETARY,**  
**Khyber Pakhtunkhwa**  
**(Respondent No. 1)**

.....



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

**Service Appeal No. 6570/2021**

Mr. Fawad Ahmad, Computer Operator.....Appellant

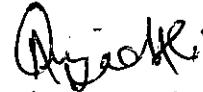
**Versus**

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others..... Respondents

**AFFIDAVIT**

I Amjad Ali , Assistant(Litigation-II) section, Establishment Department, Govt. of Khyber Pakhtunkhwa do hereby solemnly declare that contents of the comments are correct to the best of my knowledge and record and nothing has been concealed from this Hon'able Tribunal.

**Deponent**



(Amjad Ali)

**Assistant (Lit-II)**

**Establishment Department**

**CNIC No. 17201-1300258-9**

**Section Officer (Litigation)**

**Government of KP**

**Establishment Department**

Annex T

16



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMIN. DEPT.  
(CABINET WING)  
No. SOC(ES&AD)9-15/2019  
Dated Peshawar the 14th May, 2019.

Secy (E&AD)  
City No. 4011  
Date-15-5-2019

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

**SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET  
DATED 09.05.2019.**

Dear Sir, I am directed to forward herewith the following decision of the meeting of the Provincial Cabinet held on 09.05.2019 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

**ADDITIONAL ITEM NO: 08**  
**SETTLEMENT OF ANOMALIES ARISING OUT IN THE WAKE OF PROMULGATION OF THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018**

**Decision of the Cabinet:**  
 The Cabinet approved recommendations of the Ministerial Committee as under-

- i) With regard to contingent/fixd pay/daily wages staff appointed/recruited by the departments prior to promulgation of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 without adopting codal formalities under Project Policy, it was agreed that those contingent employees 35 in number, (31 in P&D and 4 in Home Department) may be given one time relaxation for regularization of their services subject to certification of their credentials and suitability by the concerned Government Departments provided that it should not be quoted as precedent to follow in other cases, rather a special dispensation to the contingent paid employees vide order of Peshawar High Court decision given in the Writ Petition No 6563-P/2018 dated 12.03.2019.
- ii) A Grievances Redressal Committee headed by Establishment Department consisting of representatives from Finance, Law and concerned administrative departments may be constituted. The Grievances Redressal Committee would report to the same ministerial committee.
- iii) All the positions created by Finance Department for all the regularized projects under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 shall be created/placed at the strength of attached formations of respective administrative departments except the positions of Planning Cells.

**Implementing Department: Establishment**

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

Yours faithfully,  
  
(TAJ MUHAMMAD)  
SECTION OFFICER (CABINET)

**ENDST. NO. & DATE EVEN,**  
Copy to:-  
1. P.S to Secretary Administration Department.  
2. PA to Deputy Secretary (Cabinet) Administration Department.  
  
SECTION OFFICER (CABINET)

CSO (ADM)  
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9/11  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Annex II 7

NO.FD/SOSR-II/8-7/2019/41  
Dated Peshawar the 03.02.2020

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

Subject:- STI 30% ALLOWANCE

*P. 79/2*

I am directed to refer to the subject noted above and to state that the subject letters of even number dated 14.01.2020 & 29.01.2020 (Copy enclosed for ready reference) may be treated as withdrawn.

*P. 69/2*

Yours faithfully,

SECTION OFFICER (SR.II)

Encl: As above

Copy forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director (STI), Establishment Department, Khyber Pakhtunkhwa.
3. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.
4. PS to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
5. Section Officer (Admn), Staff Training Institute, Khyber Pakhtunkhwa with reference to your letter No. DD(STI)/E&AD/2019-20/112 dated 24.01.2020.
6. Section Officer-III, Chief Minister's Secretariat, Khyber Pakhtunkhwa with reference to your letter No. SO-III/CMS/2-1/2018/Finance Department dated 01.01.2020.
7. Section Officer O&M, Establishment Department, Khyber Pakhtunkhwa.
8. Budget Officer-IV, Finance Department, Khyber Pakhtunkhwa.
9. PA to Additional Secretary (Reg.), Finance Department, Khyber Pakhtunkhwa.
10. Master File

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SECTION OFFICER (SR.II)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO:SO(SR-II)FD/8-7/2019/41  
Dated Peshawar the 30.03.2021

To

The Section Officer (Admn),  
Staff Training Institute, Establishment & Administration Department,  
Benevolent Fund Building Near Janz Bakers, Peshawar Cantt:

Subject:-

REQUEST FOR 50% ALLOWANCE TO THE EMPLOYEE ITEC PR8028.

Dear Sir,

I am directed to refer to your letter No.DD(STI)E&AD/2(1)/2019-20/ITEC/358 dated 18.03.2021 on the subject noted above and to state that Secretariat Performance Allowance is only admissible to Civil Secretariat, Chief Minister's Secretariat/House and Governor's Secretariat/House.

As far as the E-Office is concerned the same is the attached formation of Staff Training Institute. The Employees of E-Office are not entitled for Secretariat Performance Allowance. However, the order of Khyber Pakhtunkhwa Service Tribunal needs to be clarified from Law Department being matter of legal nature.

Yours faithfully,

*mm*  
(Muhammad Ilyas Khattak)  
SECTION OFFICER (SR-II)

*Put up on file - 30/3/2021*

*5-4*

Staff Training Institute

Diary No. 217

Dated: 01-04-2021



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**  
**(Establishment Wing)**

**NOTIFICATION**Dated Peshawar, the **NOVEMBER 01, 2019**

**No. SOE-V(E&AD)/5-09/2009:** In light of the decision of Provincial Cabinet in its meeting held on 09-05-2019 as well as recommendations of Ministerial Committee, the following employees of the project "Office Automation System Pilots for 05 Departments (Reg Act)" temporarily regularized in Staff Training Institute vide this Department Notification of even No. dated 30-04-2019, are hereby regularized permanently in Staff Training Institute under DDO code PR-8089 w.e.f the date of promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018. Re:07-03-2018:-

S#	Name	Designation with BPS
1.	Muhammad Bilal Khattak	Deputy Director IT/ Manager IT (BS-18)
2.	Syed Rehman Mashwani	Programmer/ Assistant Director IT (BS-17)
3.	Mian Haseeb Uddin	Trainer (BS-16)
4.	Muhammad Hamid	Assistant Manager IT (BS-16)
5.	Khalid Khan	Assistant Manager IT (BS-16)
6.	Tariq Kamal	Assistant Manager IT (BS-16)
7.	Muhammad Usman Khan	Assistant Manager IT (BS-16)
8.	Muhammad Younas	Assistant Manager IT (BS-16)
9.	Syed Muhammad Abdullah	Network Engineer (BS-16)
10.	Muhammad Adil	Network Engineer (BS-16)
11.	Muhammad Asim Ali	Assistant Programmer (BS-16)
12.	Faizan Abbas	Assistant (BS-16)
13.	Noman	Computer Operator (BS-16)
14.	Mushtaq Hussain	Computer Operator (BS-16)
15.	Rehmat Hadi	Computer Operator (BS-16)
16.	Jamal Ahmad	Computer Operator (BS-16)
17.	Fawad Nazir	Computer Operator (BS-16)
18.	Shakir Ullah	Computer Operator (BS-16)
19.	Ijaz Hussain	Computer Operator (BS-16)
20.	Muhammad Junaid Khan	Computer Operator (BS-16)
21.	Sajjad Hussain	Computer Operator (BS-16)
22.	Aman Gul	Computer Operator (BS-16)
23.	Muhammad Ramzan	Computer Operator (BS-16)
24.	Faran Kamal	Computer Operator (BS-16)
25.	Usman Khan	Computer Operator (BS-16)
26.	Muhammad Asad Khan	Computer Operator (BS-16)

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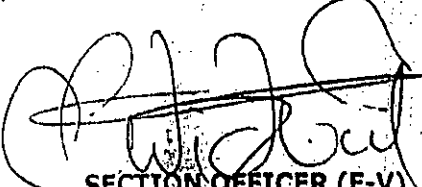
27.	Fawad Ahmad	Computer Operator (BS-16)
28.	Abdul Wali Khan	Driver (BS-06)
29.	Muhammad Taifullah	Nalb Qasid (BS-03)

**SECRETARY ESTABLISHMENT  
GOVT: OF KHYBER PAKHTUNKHWA**

**Endstt: No. & Date Even.**

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. Section Officer (O&M), Establishment Department.
7. PS to Secretary, Finance Department.
8. PS to Secretary, Establishment Department.
9. PS to Secretary, Administration Department.
10. PS to Secretary, ST&IT Department.
11. PA to Deputy Secretary (Estt), Establishment Department.
12. Officers / Officials concerned.

  
**SECTION OFFICER (E-V)**