



31.01.2023

Learned counsel for the appellant present. Mr. Asadullah Khan,
Section Officer (Litigation) alongwith Mr. Umair Azam Khan,
Additional Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant seeks adjournment for
preparation of arguments. Adjourned. To come up for arguments on
05.04.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Irshad, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 26.07.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

26-7-2022

Proper DB not available the case
is adjourned to 22/9/2022

21/8/2022
22/8/2022
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30/12/2022
31/12/2022

Reader

22.09.2022

Learned counsel for the appellant present. Mr. Asad Ullah, Section Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 24.11.2022 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

22/11/22

Due to deletion of the case
to come up on 31/11/23

SA 7041/2021
20.12.2021

Counsel for the appellant present and submitted an application for permission to deposit security and process which have not been deposited within the stipulated time. Application placed on file. The appellant is directed to deposit security and process fee within 03 days from today. Thereafter, notices be issued to the respondents for submission of written reply/comments on 03.03.2022 before the S.B.

Appellant Deposited
Security & Process Fee

23/12/21


Chairman

3-3-2022

Due to retirement of the Honble Chairman the case is Adjourned to come up for the same as before on 28/4/2022


Reader

28.04.2022

Mr. Shahkar Khan Yousafzai, advocate submitted Vakalatnama on behalf of appellant, which is placed on file.

Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Asad Ullah S.O (Lit) for the respondents present and submitted Joint parawise comments on behalf of respondent No.1 to 04, which are placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for arguments before the D.B on 07.06.2022. The appellant may submit rejoinder within a fortnight.


(FAREEHA PAUL)
Member (E)

Sami Ur Rehman 7041/2021

30.08.2021

Counsel for the appellant present. Preliminary arguments heard.

1207
The service appeal instituted under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 21.05.2021 whereby he was regularized as Research Assistant in BS-16 instead of BS-17. Argument of the learned counsel for the appellant is that the services of the project employees regularized under Act of the Provincial Assembly 2018 and the posts of Research Assistant, duly reflected in SNE (Schedule of New Expenditure) as well as budget book is BS-17. However, he has been regularized in BS-16 instead of BS-17 as a result of which he sustained financial losses.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. 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 or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.12.2021 before the D.B.

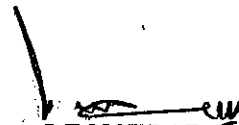


(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7041 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/07/2021	<p>The appeal of Mr. Sami-ur-Rehman resubmitted today by Mr. Arifullah 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>30/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		


The appeal of Mr. Sami-ur-Rehman Research Assistant Urban Policy Unit P&D Department Peshawar resubmitted today i.e. on 07.07.2021 is incomplete on the following score which is returned again to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures-H, I and L of the appeal are illegible which may be replaced by legible/better one.
- 3- Wakalat nama in favour of appellant be placed on file.

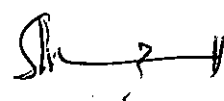
No. 1179 /S.T,

Dt. 08/07 /2021

Mr. Arifullah Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sir,
Annexures H, I & L of the appeal are
replace legible one & Re Submitted
after Completion.

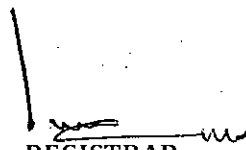

13/7/21

The joint appeal of Mr. Sahib Sardar and Sami-ur-Rehman received today i.e. on 09.06.2021 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Annexures-J&L of the appeal are illegible which may be replaced by legible/better one.
- 3- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above named appellants may be filed separately/individually.
- 4- Annexures of the appeal may be attested.
- 5- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- Affidavit may be got attested by the Oath Commissioner.
- 7- Certificate be given to the effect that the appellant has not filed any service appeal earlier on the subject matter in this Tribunal.
- 8- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

No. 959 /S.T

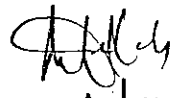
DI 09/06 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Arifullah Adv. Pesh.

Sir,

Plz extend the time.

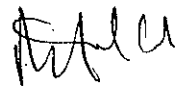

Adv
24/6/2021

⑩ days time further extended.


24/6/2021

Sir,

Re-submitted after completion


4/7/2021

**BEFORE THE HONOURABLE
SERVICIES TRIBUNAL, KPK PESHAWAR**

Service Appeal No. 7042 /2021

Sami Ur Rehman

(Appellant)

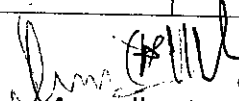
V E R S U S

The Govt. of KP and others

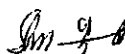
(Respondents)

INDEX

S. No.	Documents	Annexure	Page No.
1	Appeal		1-7
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3	Copy of the recommendation of Selection Committee	A	9-11
4	Copy of the summary	B	12-14
5	Copy of appointment order	C	15-17
6	Copies of the Act, F.D. memo, Budget Book and under taking	D-E-F-G	20-33
7	Copies of regularization notification and appeal	H-I	34-37
8	Copy of judgment	J	38-39
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10	Copy of the order	L	53-54
11	Copy of contract extension	M	55-58
12	Wakalat Nama		


Appellant

Through

Arif Ullah 
& S. Zia Ur Rehman Farooqi
Advocates High Court,
Peshawar

Dated: 03.06.2021

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2021

Sai Ur Rehman, Research Assistant
Urban Policy Unit, P&D Department, Peshawar _____ (Appellant)

VERSUS

- 1) The Government of Khyber Pakhtunkhwa through the Chief Secretary, KPK Civil Secretariat, Peshawar
- 2) The Secretary P&D Department, KPK Civil Secretariat, Peshawar
- 3) The Secretary Establishment Department, KPK Civil Secretariat, Peshawar
- 4) The Secretary Finance Department, KPK Civil Secretariat, Peshawar _____ (Respondents)

Service Appeal U/s 4 of the Service Tribunal
Act against the Notification No. SO(E)P&D/3-
1/Reg:/Project/2019 dated 14.03.2019 upto the
extent that appellant IS entitle for BPS-17 while
his regularization was made in BPS-16 and
representation of the appellant was also turned

3

2

down vide Order dated 21.05.2021 which is against the law and relevant record.

Prayer:

On acceptance of this appeal the regularization of appellant in BPS-16 instead of BPS-17 as Research Assistant as illegal, unlawful, against the spirit of fair play, equity and principle of legitimate expectancy, locus poenitentiae, therefore such relegation to BPS-16 in the Regularization Notification is not sustainable and ineffective upon the rights of appellant for regularization in BPS-17. Direct the respondents to issue amended / corrected regularization notification of appellant as BPS-17 and change their designation as Research Officer or Assistant Director Planning with all back and consequential benefits. Any other remedy which this august court deems appropriate may also be awarded in favour of the appellant.

Respectfully Sheweth,

Brief facts of the instant appeal are as under:

- 1) That the appellant is a law abiding citizen of Pakistan and has every legal or constitutional right of duly protected under the Law of the Land.
- 2) That the Provincial Govt. had started a project namely, Urban Policy Unit under the control of P&D Department various posts were advertised with certain qualifications for the said posts, including the posts of Research Assistant in BPS-17. The petitioner also applied for the

posts of Research Assistant (BPS-17) and for that the Govt. constituted Project Selection Committee for BPS 17 & 18 recommended the appellant for the post of Research Assistant vide recommendation dated 07.05.2014. (Copy of the recommendation of Selection Committee is attached as Annexure A)

- 3) That then a proper summary was moved to the competent authority for the approval of appointment as recommended by the Project Selection Committee. It is worth to mention here that even in that summary the appellant were shown as BPS-17 selected person. (Copy of the summary is attached as Annexure B)
- 4) That thereafter, the appellant was appointed as Research Assistant in the Urban Policy Unit Project, vide order dated 22.05.2014 and since then the appellant is performing their duty upto the entire satisfaction of their superiors. (Copy of appointment order is attached as Annexure C)
- 5) That the Provincial Govt. promulgated Regularization Act in 2018 for regularizing various project employees and in the schedule the project of the appellant is also included at Serial No. 4. The Finance Department after the promulgation of Act, also created the posts of appellant in BPS-17 vide Memo dated 11.06.2018 Even in the Budget Book (2017-18 & 2018-19) for P&D Department (UPU) the posts of Research Assistant have been shown in BPS-17. More so, in undertaking, taken from the appellant has been shown as BPS-17 employees. (Copies of the Act, F.D. memo, Budget Book and undertaking are attached as Annexure D, E, F & G)
- 6) That the petitioner was astonished to see their regularization in BPS-16 instead of BPS-17 in the

Regularization Notification dated 14.03.2019, therefore they filed an appeal for redressal of their grievances, but no heed was paid. (Copies of regularization notification and appeal are attached as Annexure H & I)

- 7) That earlier appellant approach to the hon'ble Peshawar High Court, Peshawar wherein the Writ Petition No. 3292-P/2019 come up for hearing before the hon'ble bench on 18.03.2021 and it was disposed of upon the observations "that the representation of petitioner submitted before the respondents / competent authority shall be positively decided within 45 days after providing them opportunity of hearing. (Copy of judgment is attached as Annexure J)
- 8) That a series of scrutiny committee meetings were held to examine / check anomalies and the committee cleared all the anomalies concerning scale of the appellant and agreed upon the SNEs created by Finance Department. The department accept the Scrutiny Committee decision for all the other employees and have been discriminated and effected their service progression. (Copy of scrutiny committee meetings are attached as Annexure K)
- 9) That the respondents upon the directions of the hon'ble High Court Peshawar decided the representation i.e. turned down the representation / appeal of the appellant vide Order No. SO(E)P&D/3-1/Reg/Projects/2021 dated 21.05.2021. (Copy of the order is attached as Annexure L)
- 10) That the extension for BPS-17 & above of the project employees required to obtained from Secretary P&DD or competent authority. In the appellant case the extension also got from Secretary P&D Department which shows the scale BPS-17. (Copy of contract extension is attached as Annexure M)

- ⑥
⑥
- 11) That aggrieved of the impugned notification upto the extent of not regularization of appellant in BPS-17 as well as order dated 21.05.2021 whereby the appeal of the appellant was turned down, the appellant approach this hon'ble tribunal upon the following reasons and grounds.

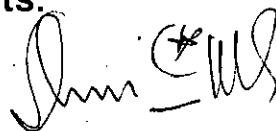
GROUNDS

- a) That regularization of appellant in BPS-16 instead of BPS-17 and not taking action on the appeal of the appellant is against the law, norms of justice, fair play and equity.
- b) That the appellant was interviewed by the Project Selection Committee meant for the appointment in BPS-17 & 18 as evident from Annexures A&B with the service appeal, the appellant was selected for the post of Research Assistant in BPS-17, therefore their regularization in BPS-16 is not maintainable under the law and rules.
- c) That even after the promulgation of Regularization Act, 2018, the Finance Department; has created the post of the appellant in BPS-17 and also has been shown in the budget book for the year 2017-18 & 2018-19 in BPS-17, therefore the regularization of appellant in BPS-16 is against the norms of justice and principle of fair play.
- d) That even all other employees of the UPU Project have been regularized without demoting them or relegating them to lower BPS, therefore, the appellant has been discriminated by relegating them to BPS-16 in the regularization notification.

- (7) (6)
- e) That the conduct and inaction of the respondents is against the principle of legitimate expectancy & locus poenitentiae as valuable rights has been created in favour of appellant under the law by participating in the process of selection in BPS-17 and creation of posts as well in BPS-17. Therefore, the appellant cannot be relegated to a lower scale / BSP for unknown reasons.
 - f) That the appellant has been downgraded to BPS-16 without any approval of Finance Department and competent authority (P&D Department) which is against the principle of Natural Justice which amount to condemnation unheard. Therefore impugned relegation is not sustainable in the eyes of law.
 - g) That the acts and omission of the respondents are against the norms of justice, fair play and also against the spit of Article 2A, 4, 9 and 25 of the Constitution.
 - h) That the appellant seeks permission to advance other grounds and proof at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of this appeal the regularization of appellant in BPS-16 instead of BPS-17 as Research Assistant as illegal, unlawful, against the spirit of fair play, equity and principle of legitimate expectancy, locus poenitentiae, therefore such relegation to BPS-16 in the Regularization Notification is not sustainable and ineffective upon the right of appellant for regularization in BPS-17. Direct the respondents to issue amended / corrected regularization notification of appellant as BPS-17 and change their designation as Research Officer or Assistant

Director Planning with all back and consequential benefits. Any other remedy which this august court deems appropriate may also be awarded in favour of the appellants.



Appellant

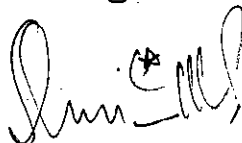
Through

Arif Ullah
& S. Zia Ur Rehman Farooqi
Advocates High Court,
Peshawar

Dated: 03.06.2021

AFFIDAVIT

I, Sami Ur Rehman, Research Assistant, Urban Policy Unit, P&D Department, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.



DEPONENT



15-6-2021

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2021

Sami Ur Rehman

(Appellant)

V E R S U S

The Govt. of KP and others

(Respondents)

ADDRESSES OF PARTIES

Appellant:

- 1) Sami Ur Rehman, Research Assistant
Urban Policy Unit, P&D Department, Peshawar

Respondents:

- 1) The Government of Khyber Pakhtunkhwa through the Chief Secretary, KPK Civil Secretariat, Peshawar
- 2) The Secretary P&D Department, KPK Civil Secretariat, Peshawar
- 3) The Secretary Establishment Department, KPK Civil Secretariat, Peshawar
- 4) The Secretary Finance Department, KPK Civil Secretariat, Peshawar

Subject: NOTE FOR APPROVAL OF BPS 17 & ABOVE POSTS APPOINTMENTS AS PER PPSC RECOMMENDATIONS IN URBAN POLICY UNIT, P&D DEPARTMENT, KHYBER PAKHTUNKHWA

- The Urban Policy Unit, P&DD, Government of Khyber Pakhtunkhwa had advertised BPS 17 & above vacant posts, as per guidelines provided in Provincial Project Policy 2008, in national newspapers on the 22nd of March, 2014. (F/A)
- In response to the advertisement, applications were received and initially scrutinized. The Provincial Project Shortlisting Committee was convened on the 2nd of May 2014 to shortlist the candidates, on the basis of their academic qualification, past experience, age limits and other conditions advertised for the post in the advertisement. (Signed lists attached in I/B).
- Subsequently, the shortlisted candidates were called for the interviews. The interviews for BPS 19 were chaired by the Additional Chief Secretary P&DD. (Minutes Attached-C)
- And the interviews for BPS- 17 & 18 were chaired by Secretary P&D Department in the Executive Committee Room of P&DD, on the 7th of May, 2014. (Minutes Attached-D)
- The Provincial Project Selection Committee, chaired by ACS P&DD for BPS-19 categories posts, has prepared a final merit (selection) lists and recommended the candidates for the Urban Policy Unit Senior level posts, as per detail given in below list:

Name of Post	Total Number of Applicants	Shortlisted Candidates for Interview	Name of Candidates as per PPSC Merit list	Father Name	Total Marks	PPSC Recommended Merit
Sr. WATSAN Specialist (post: 1) (F/E)	14	4	Fazal Khaliq	Hafiz Ghulam Haroon	88	1 st Selected
			M. Javaid	M. Alam	72	2 nd in Waiting list
Sr. SWM Specialist (post: 1) (F/F)	23	3	Syed Qamar Abbas	Syed Jamil Hussain		Absent
			M. Javaid	M. Alam	72	1 st Selected
			Syed Hassan Ahmad	Syed Shamim Ahmad		Absent
Sr. Urban Transport Specialist (post: 1) (F/G)	14	6	Sajjad Khan	Khan Zarda	80	1 st Selected
			Waqar Ahmad Khan	Shah Zaman Khan	71	2 nd
			Imtiaz Ahmad	Haji Banarus Khan	69	3 rd
Sr. Urban Environment Specialist (post: 1) (F/H)	13	4	Dr. Tahir Akbar	Dr. Ali Akbar Khan		Absent
			Dr. Amjad Ali Khan	M. Ali Khan	83	1 st selected
			Syed Qamar Abbas	Syed Jamil Hussain		Absent
Sr. Institutional Dev Specialist (post: 1) (F/I)	16	3	Salim Khan	M. Afzal Khan	65.5	3 rd
			Javed Khan	Taj Khan	73	1 st selected
			Shoaib Ali Khan	Shaukat Ali Khan		Not Recommended

ATTESTED

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 7/6/21

While, the Provincial Project Selection Committee, chaired by Secretary P&DD, for BPS 17 & 18 Categories posts interviews, has prepared a final merit (selection) lists and recommended candidates, as detailed in below list:

Name of Post	Total Number of Applicants	Shortlisted Candidates for Interview	Name of Candidates as per PPSC Merit list	Father Name	Total Marks	PPSC Recommended Merit
LG Finance Specialist (post: 1) (F/J)	39	5	Haider Ali	Wisal Khan	68	2 nd
			M. Naeem Khan	M. Amin Khan	73	1 st Selected
			Fida M.Khan	Saifurrahman Osmani	Not Recommended	
Urban Planner (post: 1) (F/K)	16	7	Adnan Ahmed Khan	Mushtaq Ahmed Taj	68	2 nd
			Adnan Salim Khan	Faqeer Muhammad Khan	76	1 st Selected
			Babar Karim	Abdul Karim	64	3 rd
WATSAN/ SWM Specialist (post: 1) (F/L)	21	5	M. Suleman Bacha	Mumtaz Bacha	76	1 st Selected
			Muhammad Basit	Mian Fazal-e-Rabbi	71.5	2 nd
GIS Dev Specialist (post: 1) (F/M)	12	5	Tayyaba Qayyum	Abdul Qayyum	76	2 nd
			Sarmad Israr	Israr Ahmad	91	1 st Selected
Transport Specialists (post: 2) (F/N)	23	6	M. Zeeshan Khan	Zahir Shah	73.5	Not Recommended
			Waqar Ahmed Khan	Shah Zaman Khan	80.5	1 st Selected
			Riaz Uddin	Salah-ud-din	66	Not Recommended
Urban Economist (post: 1) (F/O)	13	4	Haseebullah Khan	Shafiullah Khan	Not Recommended	
			Riaz Noor	Haji Noor Muhammad	60	1 st Selected
Research Analysts (post: 5) (F/P)	17	3	Muhammad	Abdul Hakim	62	2 nd selected
			Samiullah	Mehboobullah	62.5	1 st Selected
			Engr. Haroon Rasheed	Gul Shiraz Khan	61	3 rd Selected
Research Associates (post: 5) (F/Q)	29	7	Farman Ali	Momin Khan	72	1 st selected
			Muhammad Basit	Mian Fazal-e-Rabbi	66	2 nd selected
			Syed Adnan	Rafiq Ahmad	66	3 rd selected
			Faizan Khan	Adalat Khan	64	4 th selected
			Umair Hussain Khattak	Noor Hussain Khattak	58	5 th selected
Research Assistants (post: 5) (F/R)	39	7	Habil Ahmad	Raj wali khan	67.25	1 st selected
			Imtiaz ahmad	M. Aslam khan	64	3 rd selected
			Umair Khan	M. Akram Khan	63	4 th selected
			Sahib Sardar	Jehan Bahadar	65	2 nd selected
			Sami-ur-Rahman	Amir Muhammad	63	5 th selected
Procurement Manager (post: 1) (F/S)	40	3	Sher Afzal khan	Sher baz khan	73	2 nd
			Minhaj uddin	Miraj uddin	72	3 rd
			Tariq Mahmood	Sh. Abdul Nazir	74	1 st Selected
Assistant IT Manager (post: 1) (F/T)	81	5	Ahmad Farooq	M. Daud Khan	74.5	1 st Selected
			Junaid Ahmad Inam	M. Inam	70	2 nd
			Asad khan	Aziz Ahmad	69	3 rd

Handwritten signature and initials: *U. Khan* and *BO U/O*

The PPSC decided that the following three posts shall be re-advertized, due to the fact that no candidates were found suitable as per the requirements of the positions.

- a) Sr. Sociology & Cultural Heritage Specialist (1)
- b) Institutional Development Specialist (1)
- c) Urban Transport Specialist (1)

Deewan Salim
R05

8. It was mentioned in this office advertisement that female candidate will be given preference if they are within first three on merit list. But the responsibilities for the post involves field work and surveys, and she also does not possess command over the required subject, therefore the PPSC member decided on hiring the top candidate, and to not give the lady any preference.

9. In addition, the Provincial Project Selection Committee made the decision that the upper age limit for the candidates shall be 65 years instead 70 years, and the lower age limit will be 22 years instead 25 years for Research Posts, where fresh graduates are being considered.

10. The selected candidates for the posts given as under will be offered Rs 100, 000/- salary, as they have less than desired experience.

- a) Sr. SWM,
- b) Sr. Institutional Development Specialist,

11. And the selected candidates for the posts given as under will be offered Rs 75,000/- salary, as they have less than desired experience.

- a) LG. Finance Specialist,
- b) WATSAN/SWM Specialist,
- c) GIS Development Specialist
- d) Urban Economist

The salary will be increased to upper limit approved in PC-I, based on satisfactory performance, in three years time in equal increments, unless a higher increment is approved by ACS P&D Department.

12. It is submitted that the selection made by PPSCs, mentioned in para-5&6/N may kindly be approved by the competent authority.

13. Also the permission may please be granted to re-advertize the left over posts mentioned in para-7/N and Urban Architect post.

14. The Provincial Project Selection Committee chairman, Secretary P&DD, for BPS 17 & 18 posts is also requested to please sign lists of recommended candidates from Flag J to T.

15. And the PPSC chairman, Additional Chief Secretary P&DD, for BPS-19 posts may please sign the lists of recommended candidates from Flag E to I.

16. Para 7 to 13/N may please be submitted for the kind perusal and approval of the worthy Additional Chief Secretary P&D Department, please.

RSIA C 243
1278
22-5-2014

Executive Director, UPU
21st May 2014

Secretary, Planning & Development Department

For approval pl

AeS
Secy P&D

Approved

22/5

22/5/14



Short listing Committee Minutes

12

Urban Policy Unit
Planning & Development Department
Government of Khyber Pakhtunkhwa



Annex 'B'

No. UPU/HR/17-18 Posts Interview
Dated: 7th May, 2014, Peshawar

Subject: **MINUTES OF PROVINCIAL PROJECT SELECTION COMMITTEE (PPSC)
FOR THE BPS-17&18 POSTS AT UPU**

Interviews were held on the 7th of May, 2014, by the PPSC, under the chairmanship of Secretary, P&D Department, at 12pm, in the Executive Committee Room of P&D Department. The interview panel was as under:

1. Dr. Aftab Akbar Durrani, Secretary, P&D Department (Chairman)
2. Mr. Shah Rahman, Additional Secretary, P&D Department
3. Mr. Zubair Asghar Qureshi, Executive Director Urban Policy Unit.
4. Mr. Raza Ali Habib, DS(Dev-I), Finance Department
5. Mr. Shafiull Ahmad, SOR-III, Establishment Department.
6. Dr. Akhtar Ali Shah, Technical Member, Urban & Regional Planning Department, University of Peshawar
7. Dr. Rawed, Technical Member, National Institute of Urban Infrastructure Planning, University of Engineering & Technology Peshawar
8. Dr. Naveed, Technical Member, University of Engineering & Technology Peshawar

ATTESTED
7/6/21

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The Secretary, P&DD welcomed the interview panelists. The shortlisted candidates were called before the interview panel in a group, so that they can be judged in a transparent and logical manner and a comparison may be drawn there and then to select the best.

Based on the interviews, the PPSC members agreed on recommending the selection of the following qualified and eligible candidates mentioned against each post as per list below, along with the candidate next in waiting list.

Name of Post	Total Number of Applicants	Shortlisted Candidates for Interview	Name of Candidates as per PSC Merit list	Father Name	Total Marks	PSC Recommended Merit
LG Finance Specialist (post: 1)	39	5	Haider Ali	Wisal Khan	68	2 nd
			M. Naeem Khan	M. Amin Khan	73	1 st Selected
			Fida M.Khan	Saifurrahman Osmani	Not Recommended	
Urban Planner (post: 1)	16	7	Adnan Ahmed Khan	Mushtaq Ahmed Taj	68	2 nd
			Adnan Salim Khan	Faqeer Muhammad Khan	76	1 st Selected
			Babar Karim	Abdul Karim	64	3 rd

ATSAN/ SWM Specialist (post: 1)	21	5	M. Suleman Bacha	Mumtaz Bacha	76	1 st Selected
			Muhammad Basit	Mian Fazal-e-Rabbi	71.5	2 nd
GIS Dev Specialist (post: 1)	12	5	Tayyaba Qayyum	Abdul Qayyum	76	2 nd
			Sarmad Israr	Israr Ahmad	91	1 st Selected
Transport Specialists (post: 2)	23	6	M. Zeeshan Khan	Zahir Shah	73.5	Not Recommended
			Waqar Ahmed Khan	Shah Zaman Khan	80.5	1 st Selected
			Riaz Uddin	Salah-ud-din	66	Not Recommended
Urban Economist (post: 1)	13	4	Haseebullah Khan	Shafiullah Khan	Not Recommended	
			Riaz Noor	Haji Noor Muhammad	60	1 st Selected
Research Analysts (post: 5)	17	3	Muhammad	Abdul Hakim	62	2 nd selected
			Samiullah	Mehboobullah	62.5	1 st Selected
			Engr. Haroon Rasheed	Gul Shiraz Khan	61	3 rd Selected
Research Associates (post: 5)	29	7	Farman Ali	Momin Khan	72	1 st selected
			Muhammad Basit	Mian Fazal-e-Rabbi	66	2 nd selected
			Syed Adnan	Rafiq Ahmad	66	3 rd selected
			Faizan Khan	Adalat Khan	64	4 th selected
			Umair Hussain Khattak	Noor Hussain Khattak	58	5 th selected
Research Assistants (post: 5)	39	7	Habil Ahmad	Raj wali khan	67.25	1 st selected
			Imtiaz ahmad	M. Aslam khan	64	3 rd selected
			Umair Khan	M. Akram Khan	63	4 th selected
			Sahib Sardar	Jehan Bahadar	65	2 nd selected
			Sami-ur-Rahman	Amir Muhammad	63	5 th selected
Procurement Manager (post: 1)	40	3	Sher Afzal khan	Sher baz khan	73	2 nd
			Minhaj uddin	Miraj uddin	72	3 rd
			Tariq Mahmood	Sh. Abdul Nazir	74	1 st Selected
Assistant IT Manager (post: 1)	81	5	Ahmad Farooq	M. Daud Khan	74.5	1 st Selected
			Junaid Ahmad Inam	M. Inam	70	2 nd
			Asad khan	Aziz Ahmad	69	3 rd

The Provincial Project Selection Committee for BPS-17 & 18 decided that the following two posts shall be re-advertized, due to the fact that no candidates were found suitable as per the requirements of the positions.

- Institutional Development Specialist (1)
- Urban Transport Specialist (1)

In connection to this office advertisement, the terms and conditions listed, stated that female candidates will be given preference if they are within first three on merit list. The PPSC members decided on hiring the top candidate, and to not give the lady any preference, because the responsibilities for the GIS Development Specialist post involves field work and surveys, and she also does not possess the desired competence and command over the required subject.

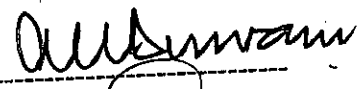
The Provincial Selection Committee also made the decision that the upper age limit for the candidates shall be 65 years instead 70 years, and the lower age limit will be 22 years instead 25 years for Research Posts, where fresh graduates are being considered.

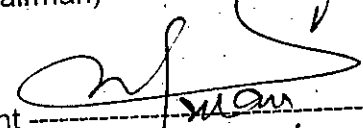
The PPSC also recommended that selected candidates for the posts given as under will be offered Rs 75,000/- salary; as they have less than desired experience.

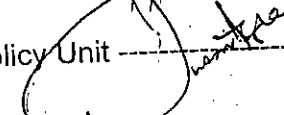
- a) LG Finance Specialist,
- b) WATSAN/SWM Specialist,
- c) GIS Development Specialist
- d) Urban Economist

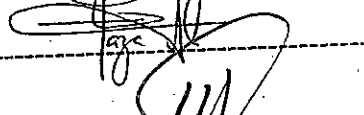
The salary will be increased to upper limit approved in PC-I, based on satisfactory performance, in three years time in equal increments (Rs 25,000/- per year), unless a higher increment is approved by ACS P&D Department.

The interviews concluded with vote of thanks to and from the chair.

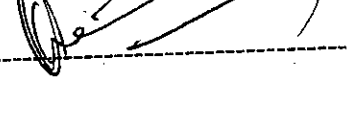
Dr. Aftab Akbar Durrani, Secretary, P&D Department (Chairman) 

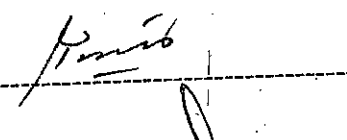
Mr. Shah Rahman, Additional Secretary, P&D Department 

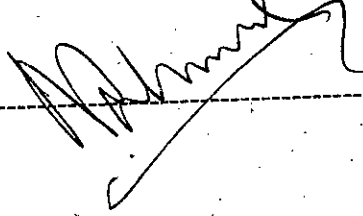
Mr. Zubair Asghar Qureshi, Executive Director Urban Policy Unit 

Mr. Raza Ali Habib, DS(Dev-I), Finance Department 

Mr. Shafiull Ahmad, SOR-III, Establishment Department 

Dr. Akhtar Ali Shah, Technical Member, UoP 

Dr. Rawed, Technical Member, NIUIP, UET 

Dr. Naveed, Technical Member, UET 

SENIORITY/ REGULAR APPOINTMENT

Your appointment will neither confer any right of regular appointment to the same post nor shall the service count towards seniority/pension etc. your service will be deemed terminated after the expiry of this contract or the extended period.

PERFORMANCE

Your performance shall be assessed/ evaluated periodically on the basis of efficiency and conduct, as laid by the Competent Authority; and your continuation in job shall be subject to satisfactory performance.

MEDICAL FITNESS

You will furnish Medical Fitness certificate from the Medical Superintendent /Civil Surgeon, Police and services Hospital concerned, to reach the competent Authority on the date of joining. Failure to do so may render the contract invalid.

APPOINTMENT THROUGH FAKE /BOGUS DOCUMENTS

If at any stage, it is discovered that you obtained this appointment on the basis of forged/bogus documents or through misrepresentation/fraudulent maneuver, your appointment shall be considered void ab initio and you shall be liable to refund all amounts received from the Government as a consequence of appointment in addition to any other action that may be taken against you under the law.

RECOVERY OF LOSS

You will liable to recovery of any pecuniary loss caused to the Unit.

PERFORMANCE OF OTHER DUTIES

You shall be liable to perform all/any duties in the public interest as may be entrusted upon you by the competent authority from time to time in addition to the tasks assigned to you as per the Job Descriptions of your post.

CONDUCT & DISCIPLINE

You will be governed by the Government of Khyber Pakhtunkhwa, Conduct Rules & others Rules & Regulations of the Government on account of efficiency and discipline.

CONFIDENTIALITY AND SECRECY

You shall be bound to maintain the confidentiality and secrecy of information available to you in the best of public interest and shall not use or be allowed to use such information for personal or private gains. You shall not, unless permitted by the government, indulge in private practice, nor shall you indulge, directly or indirectly, in any trade, business or occupation, and in any political activity whatsoever, other than your obligations under the job description of your post.

MISCELLANEOUS

In the interpretation of these conditions, the decision of the appointing authority in this regard shall be final.

If the above terms & conditions are acceptable to you, please sign a copy of this letter and submit along with your joining report to the under sign within 7 days of issuance of this letter.

This order of appointment will be treated as cancelled if you do not convey acceptance and report to the concern office within the specified time.

Admin Officer UPU

Copy forwarded to:

- 1) Accountant General, Khyber Pakhtunkhwa
- 2) PS to Chief Secretary, Khyber Pakhtunkhwa
- 3) PS to Additional Chief Secretary, Khyber Pakhtunkhwa
- 4) PS to Secretary P&DD Khyber Pakhtunkhwa
- 5) PS to Secretary Establishment, Khyber Pakhtunkhwa
- 6) Executive Director, Urban Policy Unit
- 7) Personal File of the office, Khyber Pakhtunkhwa



AN ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

Asstt. Secy. (P) Govt. of K.P.K. (P)

1. Short title, application and commencement:--(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) 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;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person for a specific period made against project posts in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified,-

(i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and

(ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;

Section Officer (L) Planning & Dev. De. KPK

Stamp: Director General, Health Services, Govt. of K.P.K.

ATTESTED

Seed Za ar Khan
7/6/21

- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation of which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

Assistant Secretary
 Govt of Khyber Pakhtunkhwa
 Law Department

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


 Section Officer (P-14)
 Planning & Dev. Deptt.
 KPK

3. Regularization of services of ad hoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

~~3. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.~~

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

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

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) ~~the employees shall possess the same qualification and experience as required for a regular post;~~
- (iii) 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
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.—(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of 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 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 on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister 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:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

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

Asst. Secy. Drafts
Govt. of Mysore
Law Deptt.

Section Officer
Planning & Dev. L
KPK

SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue-1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.

Section Officer (IA)
Planning & Dev. Dept.
KPK

Asstt. Secy
Govt. of K.P.K.
Law

23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery, Khyber Pakhtunkhwa.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.
30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System und FM Radio693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.

Section
Planning
K.P.K.

- 47. Establishment of 100 Family Welfare Centers.
- 48. Establishment of Population and Research Training Institute and Social Mobilization.
- 49. Value Addition/Research and Development works on Ore Minerals in Khyber-Pakhtunkhwa.
- 50. Establishment of Model Coal Mine at Shāhkot District Nowshera.
- 51. Establishment of Zoo for Peshawar Division.
- 52. Development and Management of National Park in Khyber Pakhtunkhwa.
- 53. Conservation and Management of Wildlife in Central and Northern Division.
- 54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
- 55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
- 56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
- 57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
- 58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

[Signature]
Section Officer (Lit)
Planning & Dev. Deptt.
K.P.K.

[Signature]
Asstt. Comm. Dir.
Govt. of Khyber Pakhtunkhwa

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
 Secretary
 Provincial Assembly of Khyber Pakhtunkhwa



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gov.pk> [facebook.com/GovKPFD](https://www.facebook.com/GovKPFD) twitter.com/GovKPFD

NO. BO-XI/FD/2-11/2018-19/UPU

Dated Peshawar the 11.06.2018

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Planning & Development Department.

Subject:-

S.N.E FOR CREATION OF POSTS UNDER THE PROJECT
"ESTABLISHMENT OF URBAN POLICY & PLANNING UNIT,
KHYBER PAKHTUNKHWA" REGULARIZED UNDER THE
KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION
OF SERVICE) ACT, 2018

Dear Sir,

I am directed to refer to your letter No. SO(B&A)P&DD/1-13/2010-11 dated 21.05.2018 on the subject noted above and to state that in pursuance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, Finance Department agrees to the creation of thirty five (35) posts of different categories for the Urban Policy and Planning Unit, Khyber Pakhtunkhwa w.e.f 07.03.2018 as per following details:-

S#	Nomenclature of posts & BPS	No. of posts
1.	Senior Geographic Information System Specialist (BS-19)	01
2.	Urban Economist (BS-18)	01
3.	Communication Specialist (BS-18)	01
4.	Urban Planner (BS-18)	01
5.	Monitoring & Evaluation Specialist (BS-18)	01
6.	Procurement Manager (BS-18)	01
7.	Urban Architect (BS-18)	01
8.	Transport Specialist (BS-18)	01
9.	Research Analyst (BS-17)	01
10.	Research Associate (BS-17)	01
11.	Research Assistant (BS-17)	02
12.	Assistant I.T. Manager (BS-17)	01
13.	Office Assistant (BS-16)	05
14.	Photocopier Assistant (BS-05)	02
15.	Drivers (BS-06)	06
16.	Naib Qasid (BS-03)	07
17.	Chowkidar (BS-03)	02
Total		35

ATTESTED
Seed No. in Remarks
7/6/21

2- Creation of the above posts is subject to fulfillment of all codal formalities including verification of qualifications and other credentials of the incumbents of the project by the Administrative Department as envisaged in Section 4&5 of the Act.

3- The expenditure involved is chargeable to the function classification, 01-General Public Service, 015-General Services, 0152-Planning Services, 015201-Planning, Grant No.04 NC21006 (004), PR5900-Urban Policy and Planning Unit, Khyber Pakhtunkhwa and will be met out within the sanctioned budget grant during current financial year 2017-18.

4- Audit copies containing all relevant information may be submitted to this Department for authentication along with a certificate to the effect that, "All educational qualifications and other credentials of the employees of the project have been verified and found correct".

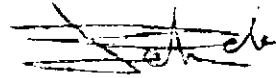
Yours faithfully,

(JEHANZEB KHAN)
BUDGET OFFICER VI

Endst: No. and date even:

Copies forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director FMU, Finance Department.
3. Assistant Chief (B&A) P&D Department for further necessary action.
4. Master File.



BUDGET OFFICER-XI

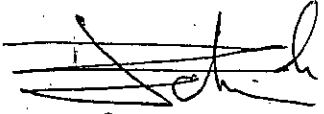
NC21006 (004)

PLANNING & DEVELOPMENT DEPARTMENT

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS	AUTHORIZED EXPENDITURE	RELEASED
		2018-2019	JUL-OCT 2018	JUL-OCT 2018
		Rs	Rs	Rs
01	GENERAL PUBLIC SERVICE			
015	GENERAL SERVICES			
0152	PLANNING SERVICES			
015201	PLANNING			
PR5900	Urban Policy Unit (UPU) (Reg Act)			
A01	TOTAL EMPLOYEES RELATED EXPENSES.		6,771,000	5,078,250
A011	TOTAL PAY	35	3,450,000	2,587,500
A011-1	TOTAL PAY OF OFFICERS	18	2,662,000	1,996,500
A01101	Total Basic Pay Of Officer	18	2,662,000	1,996,500
S640	Senior Geographic Information System Specialist (BPS-19)	1	249,000	186,750
C486	Communication Specialist (BPS-18)	1	165,000	123,750
M223	Monitoring & Evaluation Specialist (BPS-18)	1	165,000	123,750
P413	Procurement Manager (BPS-18)	1	165,000	123,750
T118	Transport Specialist (BPS-18)	1	223,000	167,250
U013	Urban Economist (BPS-18)	1	165,000	123,750
U014	Urban Planner (BPS-18)	1	165,000	123,750
U016	Urban Architect (BPS-18)	1	165,000	123,750
A744	Assistant I.T Manager (BPS-17)	1	131,000	98,250
R348	Research Analyst (BPS-17)	1	121,000	90,750
R349	Research Assistant (BPS-17)	2	143,000	107,250
R350	Research Associate (BPS-17)	1	121,000	90,750
O003	Office Assistant (BPS-16)	5	684,000	513,000
A011-2	TOTAL PAY OF OTHER STAFF	17	788,000	591,000
A01151	Total Basic Pay Other Staff	17	788,000	591,000
P414	Photocopier Assistant (BPS-07)	2	100,000	75,000
D112	Driver (BPS-06)	6	315,000	236,250
C057	Chowkidar (BPS-03)	2	83,000	62,250
N005	Naib Qasid (BPS-03)	7	290,000	217,500

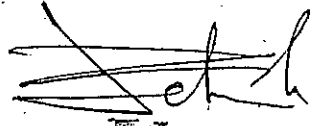
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 Sent via e-mail to
 for 7/6/21


 Budget Officer-XI
 Govt. of Khyber Pakhtunkhwa
 Finance Department

(29)

NC21006 (004)
PLANNING & DEVELOPMENT DEPARTMENT

015201 PLANNING			
FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS 2018-2019	AUTHORIZED EXPENDITURE JUL-OCT 2018	RELEASED JUL-OCT 2018
		Rs	Rs
01 GENERAL PUBLIC SERVICE			
015 GENERAL SERVICES			
0152 PLANNING SERVICES			
015201 PLANNING			
PR5900 Urban Policy Unit (UPU) (Reg Act)			
A012 TOTAL ALLOWANCES		<u>3,321,000</u>	<u>2,490,750</u>
A012-1 TOTAL REGULAR ALLOWANCES		<u>2,923,000</u>	<u>2,192,250</u>
A01202 House Rent Allowance		610,000	457,500
A01203 Conveyance Allowance		600,000	450,000
A01207 Washing Allowance		2,000	1,500
A01208\ Dress Allowance		2,000	1,500
A0120D Integrated Allowance		9,000	6,750
A0120E Housing Subsidy Allowance		63,000	47,250
A01217 Medical Allowance		297,000	222,750
A0121Q Audit and Accounts Allowance		29,000	21,750
A0121T Adhoc Relief Allowance 2013		114,000	85,500
A01224 Entertainment Allowance		11,000	8,250
A01226 Computer Allowance		3,000	2,250
A0122C Adhoc Relief Allowance - 2015		74,000	55,500
A0122M Adhoc Relief Allowance 2016		367,000	275,250
A0122Y Ad-hoc Relief Allowance 2017		649,000	486,750
A01236 Deputation Allowance		93,000	69,750
A012-2 TOTAL OTHER ALLOWANCES(EXCLUDING TA)		<u>398,000</u>	<u>298,500</u>
A01271 Overtime Allowance		30,000	22,500
A01274 Medical Charges		300,000	225,000
001 Medical Charges		300,000	225,000
A01277 Contingent Paid Staff		1,000	750
A01278 Leave Salary		67,000	50,250
001 Leave Salary		67,000	50,250
A03 TOTAL OPERATING EXPENSES		<u>2,925,000</u>	<u>1,083,000</u>
A032 TOTAL COMMUNICATIONS		<u>500,000</u>	<u>125,000</u>
A03201 Postage and Telegraph		100,000	25,000
A03202 Telephone and Trunk Call		400,000	100,000


 Budget Officer-XI
 Govt. of Khyber Pakhtunkhwa
 Finance Department

NC21006 (004)
PLANNING & DEVELOPMENT DEPARTMENT

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS	AUTHORIZED EXPENDITURE JUL-OCT 2018	RELEASED JUL-OCT 2018
	2018-2019	Rs	Rs
01 GENERAL PUBLIC SERVICE			
015 GENERAL SERVICES			
0152 PLANNING SERVICES			
015201 PLANNING			
PR5900 Urban Policy Unit (UPU) (Reg Act)			
A033 TOTAL UTILITIES		358,000	341,500
A03301 Gas		3,000	3,000
A03302 Water		5,000	1,250
A03303 Electricity		333,000	333,000
001 Electricity		333,000	333,000
A03304 Hot and Cold Weather Charges		17,000	4,250
A034 TOTAL OCCUPANCY COSTS		667,000	166,750
A03402 Rent for Office Building		667,000	166,750
A038 TOTAL TRAVEL & TRANSPORTATION		667,000	166,750
A03805 Travelling Allowance		333,000	83,250
001 Travelling Allowance		333,000	83,250
A03807 P.O.L Charges A.planes H.coptors S.Cars M/Cycle		267,000	66,750
001 POL Charges A.planes H.coptors S.cars for Generator		267,000	66,750
A03809 CNG Charges (Govt)		67,000	16,750
A039 TOTAL GENERAL		733,000	283,000
A03901 Stationery		133,000	33,250
001 Stationery		133,000	33,250
A03902 Printing and Publication		167,000	41,750
001 Printing and publication		167,000	41,750
A03903 Conference/Seminars/Workshops/ Symposia		67,000	16,750
A03905 Newspapers Periodicals and Books		67,000	16,750
A03907 Advertising & Publicity		133,000	133,000
001 Advertising and Publicity		133,000	133,000
A03919 Payments to Other for Service Rendered		33,000	8,250
001 Payments to Others for Service Rendered		33,000	8,250
A03934 Re-imburs.of T.T.charges to Bank of Home Rmitances		33,000	8,250

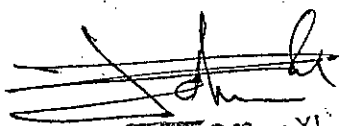


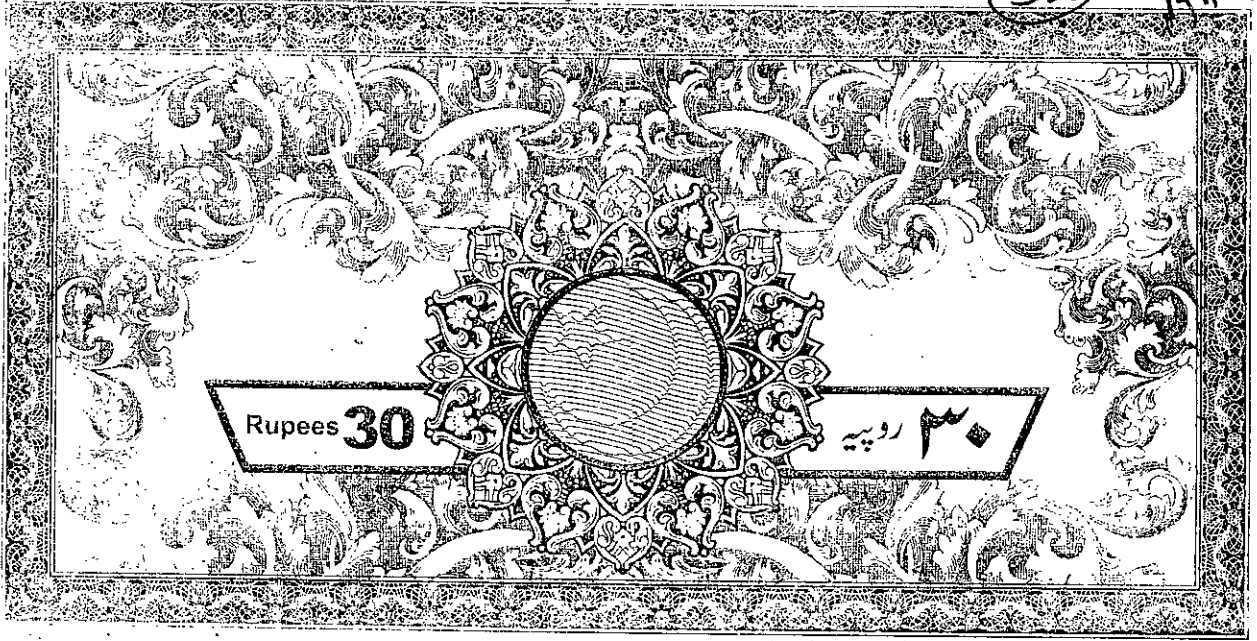
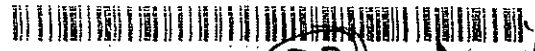
Budget Officer-XI
Govt: of Khyber Pakhtunkhwa
Finance Department

NC21006 (004)
PLANNING & DEVELOPMENT DEPARTMENT

015201 PLANNING

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2018-2019	AUTHORIZED EXPENDITURE JUL-OCT 2018	RELEASED JUL-OCT 2018
		Rs	Rs	Rs
01	GENERAL PUBLIC SERVICE			
015	GENERAL SERVICES			
0152	PLANNING SERVICES			
015201	PLANNING			
PR5900 Urban Policy Unit (UPU) (Reg Act)				
A03970	Others		100,000	25,000
001	Others		100,000	25,000
A06	TOTAL TRANSFERS		<u>33,000</u>	<u>8,250</u>
A063	TOTAL ENTERTAINMENT & GIFTS		<u>33,000</u>	<u>8,250</u>
A06301	Entertainments & Gifts		33,000	8,250
A13	TOTAL REPAIRS AND MAINTENANCE		<u>150,000</u>	<u>37,500</u>
A130	TOTAL TRANSPORT		<u>117,000</u>	<u>29,250</u>
A13001	Transport		117,000	29,250
001	Transport		117,000	29,250
A131	TOTAL MACHINERY AND EQUIPMENT		<u>33,000</u>	<u>8,250</u>
A13101	Machinery and Equipment		33,000	8,250
001	Machinery and Equipment		33,000	8,250
Urban Policy Unit (UPU) (Reg Act)			9,879,000	6,207,000


 Budget Officer-XI
 Govt. of Khyber Pakhtunkhwa
 Finance Department



UNDERTAKING

The undersigned, Sami ur Rahman S/D/W of Amir Muhammad serving as Research Assistant, at Urban Policy Unit, P & D Department, Government of Khyber Pakhtunkhwa, solemnly affirm and undertake that,

1. I am willing to be regularized in light of regularization Act 2018, and that I am fully aware about regularization of services as civil servant and that I will be held responsible if any deficiency arise in future.
2. That all the prevailing rules & regulations of the Civil servants shall be applicable on me as applicable on other civil servants of government of Khyber Pakhtunkhwa and I shall be bound to abide it as per law.
3. That the undersigned also declare willingness to be agreed to the terms & conditions of regular service, which might drastically reduce my pay package. I neither claim for protection of my special pay package & other emoluments.
4. I will be liable for all the recovery of overpayment if any made to me after commencement of this Act "Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018."

ATTESTED

Seel Esia an Nam la.
7/6/21

Name of Employee: Sami ur Rahman Witness No.01

Designation & BPS: 17 (Research Asstt)

CNIC NO: 15701-7288779-3 Witness No.02

Department: UPU P&D Department, Peshawar

Signature: Sami ur Rahman

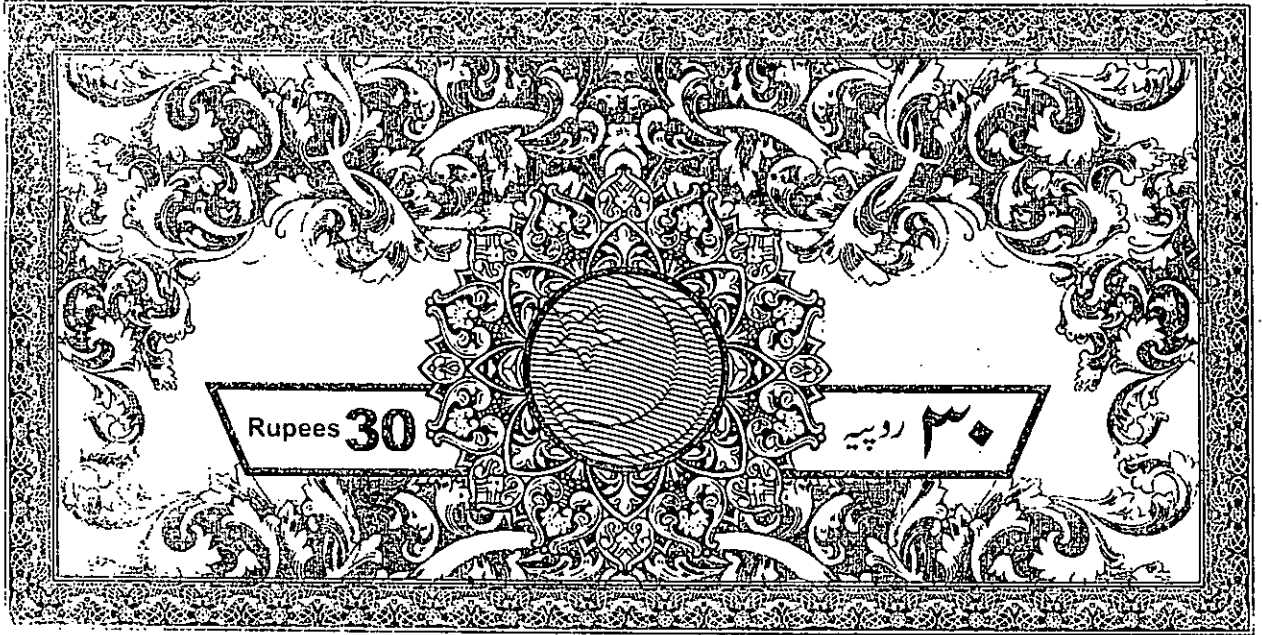
Date: 22/02/2019

Zia ud Din

Riaz Noor

ATTESTED

[Handwritten mark]



UNDERTAKING

The undersigned, Sahib Sardar S/D/W of Jehan Bahadar serving as Research Assistant, at Urban Policy Unit, P & D Department, Government of Khyber Pakhtunkhwa, solemnly affirm and undertake that,

1. I am willing to be regularized in light of regularization Act 2018, and that I am fully aware about regularization of services as civil servant and that I will be held responsible if any deficiency arise in future.
2. That all the prevailing rules & regulations of the Civil servants shall be applicable on me as applicable on other civil servants of government of Khyber Pakhtunkhwa and I shall be bound to abide it as per law.
3. That the undersigned also declare willingness to be agreed to the terms & conditions of regular service, which might drastically reduce my pay package. I neither claim for protection of my special pay package & other emoluments.
4. I will be liable for all the recovery of overpayment if any made to me after commencement of this Act "Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018."

Name of Employee: Sahib Sardar Witness No.01 Ahmad Farooq

Designation & BPS: Research Assistant BPS 17 17/06

CNIC NO: 15307-2066961-3 Witness No.02

Department: Urban Policy & Planning unit P & D D

Signature: [Signature]

Date: 22/02/2019

[Signature]
Hamayun
Bhe

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar the 14th March, 2019.

NOTIFICATION:

NO.SO(E)P&D/3-1/Reg:/Projects/2019: In compliance with the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, the Provincial Government is pleased to notify the regularization of services of the following thirty-three (33) employees of the project titled "Urban Policy Unit", P&D Department with effect from 07.03.2018 as provided under Section-4 of the Act ibid, subject to the condition that it shall not affect the service promotion quota of all service cadres:-

S#	Name of incumbent	BPS	Designation
1.	Syed Nasir Jamil	18	Senior Geographic Information System Specialist
2.	Mr. Hamayun Khan	18	Communication Specialist
3.	Ms. Hina Gul	18	Monitoring & Evaluation Specialist
4.	Mr. Sohail Ahmad	18	Transport Specialist
5.	Mr. Adnan Salim Khan	18	Urban Planner
6.	Mr. Riaz Noor	18	Urban Economist
7.	Mr. Ahmad Farooq	17	Assistant I.T Manager
8.	Mr. Samiullah	17	Research Analyst
9.	Mr. Umair Hussain Khattak	17	Research Associate
10.	Mr. Sahib Sardar	16	Research Assistant
11.	Mr. Sami-Ur-Rahman	16	Research Assistant
12.	Mr. Asghar Sayed	16	Office Assistant
13.	Mr. Zakir Ayub	16	Office Assistant
14.	Mr. Nadeem Ahmad	16	Office Assistant
15.	Mr. Zakir Khan	16	Office Assistant
16.	Mr. Muhammad Altaf	16	Office Assistant
17.	Mr. Waqas	07	Photocopier Assistant
18.	Mr. Sarat Khan	07	Photocopier Assistant
19.	Mr. Muhammad Faheem	06	Driver
20.	Mr. Muhammad Usman	06	Driver
21.	Mr. Muhammad Ijaz	06	Driver
22.	Mr. Maqsood Khan	06	Driver
23.	Mr. Haider Ali	06	Driver
24.	Mr. Farooq Khan	06	Driver

ATTESTED

Sayed Zia-ur-Rahman
Advocate
13/7/2019

25.	Mr. Sami Ullah	03	Naib Qasid
26.	Mr. Aqeel Shah	03	Naib Qasid
27.	Mr. Zar Ali	03	Naib Qasid
28.	Mr. Asfandyar	03	Naib Qasid
29.	Mr. Rowaid Ghani Awan	03	Naib Qasid
30.	Mr. Imtiaz Khan	03	Naib Qasid
31.	Mr. Muhammad Sohaib	03	Naib Qasid
32.	Mr. Muhammad Saeed	03	Chowkidar
33.	Mr. Zafran Gul	03	Chowkidar

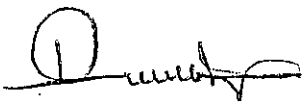
**ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT**

Endst: No.& date even.

Copy forwarded to the:-

- 1 Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 2 Accountant General, Khyber Pakhtunkhwa.
- 3 PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 4 Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Deptt.
- 5 Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 6 Director General (SDU), P&D Department.
- 7 Director General (M&E), P&D Department.
- 8 Executive Director, Urban Policy & Planning Unit, P&D Department.
- 9 Assistant Accounts Officer, Urban Policy Unit, P&D Department *for necessary action.*
- 10 Manager, Government Printing Press, Peshawar for publication in the official gazette at an early date.
- 11 PS to Additional Chief Secretary, P&D Department.
- 12 PS to Secretary, P&D Department.
- 13 PA to Chief Economist, P&D Department.
- 14 PA to Additional Secretary, P&D Department.
- 15 PA to Deputy Secretary (Admn), P&D Department.

ATTESTED
 Sayid Zia ul Rahman
 Advocate
 13/7/21


 (IHSAN ULLAH)
 Section Officer (Estt)

Annex I (36)

To,

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

Through: Proper Channel

SUBJECT: REPRESENTATION FOR COURSE CORRECTION IN NOTIFICATION.

Dear Sir,

With due respect, it is stated that the undersigned was appointed as Research Assistant, BPS-17 under the ADP Project "Urban Policy Unit" P&D Department, Khyber Pakhtunkhwa on 22-05-2014 copy of appointment letter is attached (F/A)

The project was regularized under (Regularization of Services), Act, 2018. Authorities have issued our regularization notification on dated 14th March, 2019. In the notification they have change/alterd our scale from BPS-17 to BPS-16. Which were affect our service progression and were ultimately harmed our career.

It is further submitted that a series of scrutiny committee meetings were held to remove and clear all sort of anomalies that surfaced after the regularization act. There is no such recommendation by the committee as well to change our scales. Attached (F/B).

It is further submitted that as per the regularization of the staff of UPU, P&D para -f of the W/P the approved PC-1 of the project reflects that Research Analysts, Research Associate and Research Assistants (BPS-17) Will be fresh graduates recommended by the VCs of public sector Universities or to go for the direct hiring. There were two options for these positions, but the unit went for direct recruitments as per project policy and as a result these employees were recruited form open market. Further, as per PC-1, distribution of seats among the universities was to be decided by the ACS P&D in case of hiring from universities but as mentioned the second option of direct hiring was preferred.

Since these were PC-1 positions and for hiring employees second option was followed, therefore, they were allowed to draw salaries as per approved PC-1 and not a stipend as they were directly recruited following the direct hiring analogy P&D Department has also forwarded the SNE to Finance Department designated them as BS-17 and subsequently, the Finance department has created their positions. Attached (F/C)

ATTESTED
Sayed Zia ur Rahman
Advocate
13/7/2021

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It is further submitted that the power of extension of BPS-1 to 16 was exercised by Executive Director and BPS-17 and above was exercised by the competent authority (Secretary P&D and ACS). Attached (F/D)

It is further submitted that as per Budget Book and SNE our post was created in BPS-17. Attached (F/E).

It is further submitted that the honorable Peshawar High Court judgement against W.P. No. 3292-P of 2019. The honorable court directed that the representation of the petitioners submitted before the respondents/ competent authority and shall be positively decided. Honorable High Court also directed the respondents to issue amended/corrected Regularization Notification of petitioners as Research Assistants in BPS-17 with all back and consequential benefits. Attached (F/F)

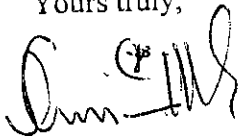
It is therefore requested to kindly review our case and issue necessary direction to the concerned authority for change our designation according to the given Scale and the undersigned may please be regularized in BPS-17.

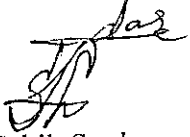
Encl: As above

Dated: 24-03-2021

Warm Regards!

ATTESTED
Sami Ur Rahman
Advocate
13/7/21

Yours truly,

Sami Ur Rahman
Research Assistant
UPU, P&D Department


Sahib Sardar
Research Assistant
UPU, P&D Department

CC:
PS to Additional Chief Secretary, Khyber Pakhtunkhwa.

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Annex: J

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.No.3292-P of 2019

Sahib Sardar and another.

Vs.

Government of Khyber Pakhtunkhwa through
the Chief Secretary, KPK, Peshawar and others.

Date of hearing 18.03.2021

Petitioner (s) by Mr. M. Asif Yousafzai, Advocate

Respondent (s) by Mr. Muhammad Riaz, AAG

ATTESTED
Seal via Mr. Rana. Now
7/6/21

JUDGMENT

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

It is, therefore, most humbly prayed that on
acceptance of the writ petition, the Honourable
Court may be pleased to:-

(1) Declare the regularization of petitioners
in BPS-16 instead of BPS-17 as Research Assistant as
illegal, unlawful against the spirit of fair play, equity
and principle of legitimate expectancy, locus
poenitentiae, therefore, such relegation to BPS-16 in
the Regularization Notification is not sustainable and
ineffective upon the rights of petitioners for
regularization in BPS-17.

(2) Direct the respondents to issue
amended/corrected Regularization Notification of

8/6/21

petitioners as Research Assistant in BPS-17 with all back and consequential benefits.

(3) Any other remedy which this august Court deems appropriate may also be awarded in favour of petitioners.

2. After hearing learned counsel for the petitioners and learned AAG for the respondents at some length, learned counsel for the petitioners submitted that regarding the grievance raised in the instant writ petition, the petitioners have also submitted representation before the competent authority and he may be directed to pass an appropriate order on the same within 45 days.

3. The learned AAG also agreed to the said request, hence, the instant petition is disposed of with the direction that the representation of petitioners submitted before the respondents/Competent Authority shall be positively decided within 45 days after providing them opportunity of hearing.

Announced
18.03.2021


JUDGE


JUDGE

Scrutiny meeting (1) (40)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/3-1/Reg/2018.
Dated Peshawar, May 11, 2018.

Annex: 2

To

1. Mr. Aamer Afaq,
Executive Director, UPU.
2. Mr. Muhammad Khalid,
Director General (M&E).
3. Mr. Irfan Ullah,
Deputy Secretary, (Admn).
4. Mr. Badshah Gul,
Assistant Chief (B&A).

P&D Department.

ATTESTED
Secy P&D
7/6/21

Subject: MINUTES OF THE MEETING held on 08.05.2018 OF THE SCRUTINY COMMITTEE.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith minutes of the meeting held on 08.05.2018 under the chairmanship of Director General, Sustainable Development Unit, P&D Department, Khyber Pakhtunkhwa for information and further necessary action, please.

Encls:- As above

Endst: No. & date even

Copy forwarded to:-

1. Director General, SDU, P&D Department.
2. Accounts officers (CBP), P&D Department.

(WAQAS GHAUS)
Section Officer (Estt.)

Section Officer (Estt.)

I.A.O. for v/a pl. 14/05/18

Subject:

MINUTES OF THE MEETING OF THE SCRUTINY COMMITTEE

(41) (1)

A meeting was held on 08.05.2018 at 1100 hours under the chairmanship of Mr. Ali Raza-Khan, Director General, Sustainable Development Unit, P&D Department to check, scrutinize and assess credentials of the employees of Projects of P&D Department in accordance with the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

2. The following attended the meeting:-

1. Mr. Amer Afaq, Executive Director, UPU, P&D Department.
2. Muhammad Khalid, Director General (M&E), P&D Department.
3. Mr. Badshah Gul, Assistant Chief (B&A), P&D Department.
4. Mr. Jawad Khan, Assistant Accounts Officer, SDU.
5. Muhammad Irfan, Accounts Officer (CBP), P&D Department.
6. Waqas Ghaus, Section Officer (Estt), P&D Department.

3. The Chairman welcomed the participants and invited the attention to the case of regularization of Projects of P&D Department. He explained that the Provincial Govt. of Khyber Pakhtunkhwa has enacted an Act namely "the Khyber Pakhtunkhwa Employees (Regularization of Services), 2018 through which the following Projects of P&D Department have been regularized:-

- Capacity Building Project.
- Establishment of M&E System in KP.
- Sustainable Development Unit, P&D Department.
- Urban Policy Unit, P&D Department.

4. He also apprised the Committee that as per the Section 4&5 of the Act ibid, the credentials of employees of the Projects are required to be verified. After that, he sought view point of the committee members over the issue and then general discussion was held amongst the members so as to find out a plausible solution for disposing off the case of regularization of Projects. After detailed discussion, the committee members unanimously agreed with the following decision.

Decision:

5. Another meeting may be convened in the matter on 10.05.2018 at 1400 hours wherein all the concerned Project Directors may bring the following record:-

- i. Appointment orders of the employees
- ii. Verified degree of incumbents required at the time of recruitment/appointment.
- iii. Medical Certificate.
- iv. Police Clearance Certificate

6. It was also decided that the case of Police Clearance Certificate will simultaneously be processed/taken up with the concerned quarter.

7. The meeting was ended with votes of thanks from and to the chair.

Scrutiny Committee Meeting 42



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRAINING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/3-4/Reg/2018.
Dated Peshawar, August 30, 2018.

To

✓ The Executive Director,
Urban Policy Unit,
P&D Department.

Subject: REGULARIZATION OF STAFF OF URBAN POLICY UNIT, P&D DEPARTMENT.

Dear Sir,

In pursuance of the minutes of the Scrutiny Committee meeting held on 27.08.2018, the analysis done by the Establishment Section of P&D Department on the regularization case of Urban Policy Unit is forwarded with the request to submit a self-contained case in light of it for approval of the high-ups within three days, please.

Encls:- As above

(WAQAS GHAUS)
Section Officer (Estt.)

Endst: No. & date even

Copy forwarded to:-

1. Director General, SDU, P&D Department.
2. Manager (HR), Urban Policy Unit, P&D Department
3. PS to Secretary, P&D Department.
4. PA to Additional Secretary, P&D Department.
5. PA to Deputy Secretary (Admn), P&D Department.

Section Officer (Estt.)

Subject: REGULARIZATION OF STAFF OF URBAN POLICY UNIT, PLANNING & DEVELOPMENT DEPARTMENT UNDER KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018

The Provincial Government of Khyber Pakhtunkhwa regularized the services of project employees of 58 projects, including Urban Policy Unit, P&D Department, through The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, duly passed from the provincial assembly in March 2018.

In compliance of the ibid Act the project employees fulfilling the following criteria shall be regularized;

1. That the employees are occupying a project post,
2. That the employees have been recruited as per project policy,
3. That the employees neither terminated nor resigned till the commencement of the ibid Act.
4. That the employees possess qualification & experience as required for a regular post and this to be verify by the concern administrative department.

In compliance of the ibid Act, a committee was constituted comprising of the following to check, scrutinize and assess credentials of the employees of Projects of P&D Department in accordance with Section 4 & 5 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018:-

- | | |
|---|-----------------------|
| 1. Mr. Ali Raza Khan,
Director General (SDU), P&D Department. | Chair |
| 2. Mr. Amer Afaq,
Executive Director, UPU, P&D Department. | Member |
| 3. Muhammad Khalid,
Director General (M&E), P&D Department. | Member |
| 4. Mr. Irfan Ullah Mehsud,
Deputy Secretary (Admn), P&D Deptt. | Member |
| 5. Mr. Badshah Gul,
Assistant Chief (B&A), P&D Department. | Member |
| 6. Waqas Ghaus,
Section Officer (Estt), P&D Department. | Member-cum- Secretary |

Since the employees of the Urban Policy Unit were also regularized under the ibid Act, therefore, P&D department is mandated to verify the above four points and notify regularization of services of the employees.

The Unit was established to work as a research and policy making to be manned with the highly qualified and experience professionals to lead and come up with new concepts and innovative ideas to improve the urban cities.

The Unit appointed the current professionals as per guidelines of Khyber Pakhtunkhwa Project Policy 2008, except the pay package for which a waiver from project policy pay to a higher side was obtained through special summary duly approved by Honorable Chief Minister of Khyber Pakhtunkhwa. Now these employees have been

regularized through ibid Act and the higher pay will be reduced to regular side.

(Refer Para-c of the W/P):

The existing staff was hired on higher packages as approved by Chief Minister through Summary (a waiver of higher pay from project policy) and complete recruitment process was processed as per the provisions of Project Policy 2008 **(approval note of ACS at F/A)**. The shortlisting and selection committees under Project Policy minutes **(F/B)** and offer letter **(F/C)** justifies that these employees were recruited as per Project Policy. Therefore, these employees fulfill the definition of the 'employee' given in Section 2 (e)(ii) and general conditions for regularization given in section 5(ii) of the Act ibid.

Basic Pay Scale (BPS) of the employees is mentioned in the PC-1 of the project **(F/D)**, in the minutes of shortlisting and selection committees **(F/B ibid)**, ACS & Secretary P&DD approval Note sheets **(F/A ibid)**, and appointment order **(F/C ibid)**. Except for advertisement, in all the aforementioned documents, BPS of the employees is mentioned, refuting the assumption that there is no BPS of these employees.

(Refer Para-d of the W/P):

The criteria for all the posts given in the PC-1 of the project do match the responding criteria of the posts given in the Project Policy, except the higher pay package for which the approval & waiver was obtained from Chief Minister through special summary.

(Refer Para-e of the W/P):

As per approved PC-1 of the UPU, Salaries of the staff of the UPU are not in accordance with the pay scale of the Project Policy because the provincial government through special summary approved special allowance as mentioned above therefore, they have been given special pay package, but the project was governed under the rules of project policy.

(Refer Para-f of the W/P):

The approved PC-I of the project reflects that Research Analysts, Associates and Assistants (BS-17) will be fresh graduates recommended by the Vice Chancellors of Public Sector Universities or to go for direct hiring **(F/E)**. **There were two options for these positions, but the Unit went for direct recruitments as per project policy and as a result these employees were recruited from open market.** Further, as per PC-I, distribution of seats among the Universities was to be decided by the ACS P&D in case of hiring from universities but as mentioned, the second option of direct hiring was preferred.

Since these were PC-I positions and for hiring employees second

option was followed, therefore, they were allowed to draw salaries as per approved PC-I and not a stipend as they were directly recruited following the direct hiring analogy. P&D Department has also forwarded the SNE to Finance Department designated them as BS-17 and subsequently, the Finance Department has created their positions (F/F).

(Refer Para-g of the W/P):

Moreover as per the Working Paper submitted by the UPU which stipulates that, the Provincial Project Selection Committee, without having any authority, appointed few specialists on less than the approved pay package because they didn't possess the required qualification/experience. It is obvious that the employees were meeting the advertised criteria for the qualification & experience as the shortlisting committee do not deviate from the advertisement and provisions of PC-I. Hence it was approved by the ACS that their pay package shall be annually increased in three years span with an equal increment (F/G). Therefore, the employees could not be held liable for the wrong decisions on the administration side.



3rd Scrutiny Meeting

(46)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/3-1/Reg/Projects/2018.
Dated Peshawar, November 28, 2018.

To

The Executive Director,
Urban Policy Unit (UPU), P&D Department.

Subject:

MINUTES OF THE MEETING OF SCRUTINY COMMITTEE HELD ON
01.11.2018 REGARDING REGULARIZATION OF UPU EMPLOYEES.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of the minutes of the subject meeting held on 01.11.2018 duly signed by the Committee members for further necessary action at your end, please.

I am further directed to request to take an undertaking from all the employees on a stamp paper as required under para-3 of the minutes.


28/11/18
Section Officer (Estt.)

Endst: No. & Date even.

Copy alongwith a copy of the minutes is forwarded to the:-

1. Director General, SDU, P&D Department.
2. Director General, M&E, P&D Department.
3. Deputy Secretary (Admn.), P&D Department.
4. Assistant Chief (B&A), P&D Department.
5. PS to Secretary, P&D Department.
6. PA to Additional Secretary, P&D Department.


28/11/18
Section Officer (Estt.)

Subject: **MINUTES OF THE SCRUTINY COMMITTEE MEETING HELD ON 01.11.2018 AT 11:00 A.M.**

A meeting of the Scrutiny Committee was held on 01.11.2018 at 11:00 A.M. under the chairmanship of Director General, SDU in the Committee Room of P&D Department to discuss the issue of regularization of the employees of Urban Policy Unit. The following attended the meeting:-

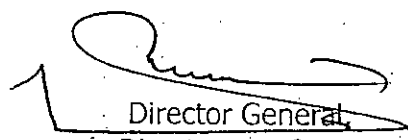
1. Director General, Sustainable Development Unit (SDU). In chair
2. Director General, M&E, Directorate of M&E.
3. Deputy Secretary (Admn:), P&D Department.
4. Assistant Chief (B&A), P&D Department.
5. Mr. Zia-ud-Din, Representative of Urban Policy Unit, P&D Department.
6. Mr. Pir Muhammad Khan, Section Officer (Estt), P&D Department.

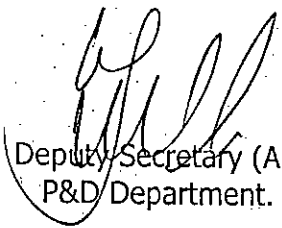
2. During the meeting, the case of 13 project employees (appointed on special pay package) of Urban Policy Unit (UPU) was scrutinized in detail (**Annex-I**). During discussion, it was revealed that out of those, 02 employees (**Sr. No. 6&7 of Annex-I**) have either crossed the superannuation or on the verge of their respective ages of retirement; hence, cannot be considered for regularization. 02 employees (**Sr.No. 2&3 of Annex-I**) were found having experience less than advertised for their specific posts at the time of their appointment due to which they were appointed on reduced pay package. Credentials of others were found in order.


3. The issue of special pay package of the above employees was also discussed at length. It was found that although there was no mention of Basic Pay Scales in the offers of appointment of the above UPU employees; yet, the PC-I document contained proper reference of Basic Scales to these posts if offered to the corresponding deputationists from the government departments (**Annex-II**). This could be a valid and strong justification for considering their cases for regularization in a particular basic scale. It was however unanimously agreed, that prior to regularizing the above project employees in a specific scale under Khyber Pakhtunkhwa (Regularization of Services) Act 2018, all of these employees should

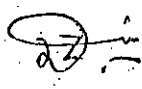
submit an undertaking categorically declaring their willingness to agree to the terms & conditions of regular service which might drastically reduce their pay packages. In such condition, they would neither claim protection of their special pay package & other emoluments nor would claim any anti-date seniority after regularization at any forum or any stage of their service.

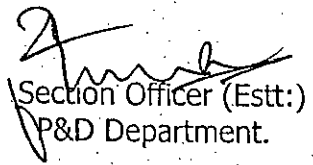
4. The meeting ended with a vote of thanks from and to the chair.



Director General,
Directorate of M&E.


Deputy Secretary (Admn.)
P&D Department.


Assistant Chief (B&A)
P&D Department.


Mr. Zia ud Din,
Representative of UPU.


Section Officer (Estt.)
P&D Department.


Director General,
Sustainable Development Unit,
P&D Department.

#	Name	Designation	Date of Birth
1	Syed Nasir Jamil	Sr, GIS Specialist	30-11-1975
2	Riaz Noor	Urban Economist	1/1/1984
3	Hamayun Khan	Communication Specialist	1/7/1983
4	Adnan Salim Khan	Urban Planner	12/7/1969
5	Hina Gui	Monitoring & Evaluation Specialist	23-5-1982
6	Tariq Mahmood	Procurement Manager	1/1/1956
7	Vasif Shinwari	Urban Architect	6/3/1959
8	Sohail Ahmad	Transport Specialist	5/12/1980
9	Umair Hussain Khattak	Research Associate	1/10/1986
10	Sahib Sardar	Research Assistant	28-8-1990
11	Sami ur Rahman	Research Assistant	1/3/1987
12	Sami Ullah	Research Analyst	13-3-1983
13	Ahmad Farooq	Assistant I.T Manger	15-5-1980

No. SO(E)P&D/3-1/Reg/Projects/2019
Dated Peshawar, February. 12, 2019.

4th Scrutiny Committee Meeting

To

The Executive Director,
Urban Policy Unit, P&D Deptt.

Subject:

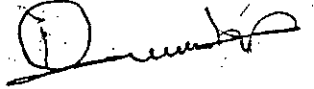
MINUTES OF THE MEETING OF SCRUTINY COMMITTEE HELD ON
10.01.2019 REGARDING REGULARIZATION OF UPU EMPLOYEES.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith approved minutes of the Scrutiny Committee meeting held on 10.01.2019 under the chairmanship of Director General (SDU), P&D Deptt, duly signed by all the members of the committee, for further necessary action at your end, please.

Yours faithfully

Encls: As above

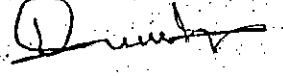


Section Officer (Estt.)

Endst: No. & Date even.

Copy forwarded to:-

1. Director General (SDU), P&D Deptt.
2. Director General (M&E), P&D Deptt.
3. Assistant Chief (B&A), P&D Deptt.
4. PS to Secretary, P&D Deptt.
5. PA to Additional Secretary, P&D Department.
6. PA to Deputy Secretary (Admn), P&D Department.



Section Officer (Estt.)

HR:

Plz put up on file

Wahid
12/02/19

SUBJECT: MINUTES OF THE SCRUTINY COMMITTEE MEETING HELD ON 10/01/2019 AT 14000 HRS.

A meeting of the scrutiny committee was held on 10/01/2019 at 1400 hrs under the chairmanship of Director General, SDU in the office of Deputy Secretary, P&D Department to discuss the representation/appeal of the UPU project employees for the rectification of minor anomaly reflected in the previous minutes of this committee held on 01.11.2018 in respect of regularization of the employees of Urban Policy Unit. The following attended the meeting:

1. Director General, Sustainable Development Unit (SDU), in chair
2. Director General, M&E Directorate of M&E
3. Executive Director, Urban Policy Unit.
4. Deputy Secretary (Admin), P&D Department.
5. Assistant Chief (B&A), P&D Department.
6. Section Officer (Esst:), P&D Department.

2. During the meeting, the record of 13 project employees of Urban Policy Unit (UPU) was re-scrutinized in detail. The observations raised over the regularization of these employees have been thoroughly discussed as under:-

S.No	Observations	Response of the Scrutiny Committee
1	02 employees i.e. Mr. Tariq Mahmood, Procurement Manager and Mr. Vasif Shinwari, Urban Architect, UPU are overage.	The record revealed that these 02 employees i.e. Mr. Tariq Mahmood, Procurement Manager and Mr. Vasif Shinwari, Urban Architect, UPU have either crossed the superannuation or on the verge of their respective ages of retirement; hence, cannot be considered for regularization.
2	It was reflected in the minutes of the previous meeting of the Scrutiny Committee that 02 employees i.e. Mr. Riaz Noor, Urban Economist and Mr. Hamayun Khan, Communication Specialist, were found having experience less than advertised for their specific posts at the time of their appointment due to which they were appointed on reduced pay package.	The Committee Members decided that the pre & post experience of the incumbents shall be taken into account as per decision taken in its 3 rd meeting held on 14 th May 2018. The available record was re-examined, and it was found that these employees were meeting the then advertised criteria, and their experience & other credentials till commencement of Regularization Act 2018 are in order.
3	Observation was raised over the special pay package & BPS of the above employees.	The issue of special pay package & Basic Pay Scales of the above employees was also discussed at length. It was decided that the pay package of these employees will be reduced as per regular side. Regarding Basic Pay Scale of the employees, it was found that BPS is

		<p>mentioned in the PC-1 of the project, in the minutes of shortlisting and selection committees, ACS & Secretary P&DD approval Note sheets, and appointment orders of the employees for TA/DA. Except for advertisement, in all the aforementioned documents, BPS of the employees is mentioned, refuting the assumption that there is no BPS of these employees. The committee, therefore, agreed upon considering their cases for regularization in a particular basic scales accordingly given in above-mentioned documents and in the SNEs created by Finance Department in light of Regularization Act 2018.</p>
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DECISIONS:

1. It was unanimously agreed, that prior to regularizing the employees of Urban Policy Unit (UPU) in a specific scale under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, all employees of the project should submit an undertaking categorically declaring their willingness to agree to the terms and conditions of regular services which might drastically reduce their pay packages.
2. The Committee unanimously agreed that the Executive Director, UPU may provide the requisite certificate as required under Section-4 & 5 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 and process the regularization case for the issuance of notification in light of above findings.

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

Director General, M&E, P&DD

Executive Director, UPU

Deputy Secretary (Admn),
P&D Department

Section Officer (Esst.),
P&D Department

Assistant Chief (B&A),
P&D Department

Director General,
Sustainable Development Unit (SDU)



Annex 'L' 53
GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, May 21, 2021.

ORDER:

No. SO(E)P&D/3-1/Reg/Projects/2021: The applicants M/S. Mr. Sami ur Rehman and Mr. Sahib Sardar (BPS-16), Research Assistant, Urban Policy Unit, P&D Department filed a Writ Petition No. 3292-P of 2019 in the Peshawar High Court, Peshawar wherein they have prayed for:

- a) Declaring the regularization of petitioners in BPS-16 instead of BPS-17 as illegal, unlawful against the spirit of fair play, equity and principal of legitimate expectancy, locus poenitentiae, therefore, such relegation to BPS-16 in the regularization notification is not sustainable and ineffective upon the rights of petitioners for regularization in BPS-17.
- b) Directing the respondents to issue amended/ corrected regularization notification of petitioners as Research Assistant in BPS-17 with all back and consequential benefits.
- c) Any other remedy which the august Court deems appropriate may also be awarded in favour of petitioners.

2. Hon'ble Peshawar High Court vide its judgment dated 18.03.2021 disposed of the petition with the directions that the representation of petitioners submitted before the respondents/competent authority shall be positively decided within 45 days after providing them an opportunity of hearing.

3. Both the petitioners were appointed as Research Assistant against project posts in Urban Policy Unit, P&D Department without mentioning the BPS.

4. Upon promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, their services were regularized as Research Assistant in BPS-16 as the credentials for the post of Research Assistant were searched in the Provincial Budget Book and it was found that all Research Assistants posts are in BPS-16, therefore, their regularization in BPS-16 is in accordance with the provisions of the Act ibid.

5. The regularization of their services in BPS-16 was also in accordance with the recommendations of the Scrutiny Committee of Urban Policy Unit (UPU) whereby it was mentioned that credentials of both the petitioners were verified and found that PC-I did not mention their pay scale, and in order to award a proper scale in line with regular side, they may be given BPS-16 as the Research Assistant positions in all Govt Departments are in BPS-16.

6. The petitioners were afforded the opportunity of personal hearing held on 28.04.2021 at 1300 hours and they were asked to provide any documentary proof regarding

ATTESTED

Sayed Zeinul Pakar
Adminstrator

13/7/21

existence of the posts of Research Assistant in BPS-17 on regular side in any Administrative Department within three days. However, they failed to produce the same.

7. The representation of the petitioners was examined and observed that the post of Research Assistant is in BPS-16 on regular side in other departments, therefore, their regularization in BPS-16 is correct and in accordance with the Act under which their services were regularized.

8. NOW, after affording the opportunity of personal hearing and after due consideration of all the points voiced in the appeal as well as available record, it is turned down being devoid of merit and not covered under the law/ rules.

SECRETARY
P&D DEPARTMENT.

Endst: No. & Date even.

Copy forwarded to the:

1. Executive Director, Urban Policy Unit, P&D Department.
2. Registrar, Peshawar High Court, Peshawar.
3. PS to Additional Chief Secretary, P&D Department.
4. PS to Secretary, P&D Department.
5. Officials concerned.

Sami ur Rehman (Research Analyst)
UPU

(SONA KHAN)
Section Officer (Estt.)

ATTESTED

Sayed Zia ur Rahman
Advocate
Su 9 11
13/7/021

Annex: M
55

URBAN POLICY & PLANNING UNIT, P&D DEPARTMENT

Subject: CONTRACT EXTENSION & TERMINATION OF UPU PROJECT EMPLOYEES REQUESTED

1. Urban Policy & Planning Unit, P&DD, Government of Khyber Pakhtunkhwa appointed the following project staffs and now their contracts stand expired on below mentioned dates.

S.N	Name	Designation	Contract Expiry Date	Recommendations
1	Syed Sajjad Khan	Sr. Urban Transport Specialist (F/A)	2 nd June, 2016	Contract may be extended for one year
2	Syed Nasir Jamil	Sr. GIS Specialist (F/B)	6 th May, 2016	Contract may be extended for six months, Increments withdrawn
3	Adnan Salim Khan	Urban Planner (F/C)	24 th June, 2016	Contract may be extended for one year
4	Tariq Mehmood	Procurement Manager (F/D)	23 rd May, 2016	Contract may be extended for one year
5	Waqar Ahmad Khan Tanoli	Transport Specialist (F/E)	26 th May, 2016	Contract may be extended for one year
6	Ahmad Farooq	Assistant IT Manager (F/F)	23 rd May, 2016	Contract may be extended for one year
7	Muhammad	Research Analyst (F/G)	2 nd June, 2016	Contract may be extended for one year
8	Sami Ullah	Research Analyst (F/H)	2 nd June, 2016	Contract may be extended for one year
9	Engr. Haroon Rasheed	Research Analyst (F/I)	31 st May, 2016	Contract may be extended for one year
10	Faizan Khan	Research Associate (F/J)	3 rd June, 2016	Contract may be extended for one year
11	Umair Hussain Khattak	Research Associate (F/K)	26 th May, 2016	Contract may be extended for one year
12	Sahib Sardar	Research Assistant (F/L)	27 th May, 2016	Contract may be extended for one year
13	Sami Ur Rahman	Research Assistant (F/M)	2 nd June 2016	Contract may be extended for one year
14	Ms. Hina Gul	M&E Specialist (F/N)	22 nd April, 2016	Contract may be extended for one year
15	Hamayun Khan	Communication Specialist (F/O)	7 th April, 2016	Contract may be extended for one year

2. The Performance of above project employees are satisfactory and they are working on important assignments, therefore their contracts are required to be extended, so that they may complete the tasks assigned.

3. However, the performances of the following two project employees are unsatisfactory, and they have not performed well. These project employees were also given warnings to improve their performance many times, but they failed to do so.

S.N	Name	Designation	Contract Expiry Date	Recommendations
1	Javid Khan	Sr. Institutional Development Specialist	26 th May, 2016	Contract expired and no need for extension
2	Riaz Noor	Urban Economist	28 th May, 2016	Contract expired and no need for extension

ATTESTED

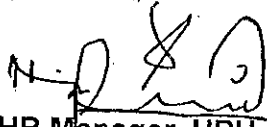
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4. In addition, Mr. Suleman Bacha, WATSAN/SWM Specialist, UPU has resigned due to his domestic problems and not willing to continue service at UPU. Therefore, his resignation may please be approved with effect from 30th May, 2016. (F/P)

5. Para 1-4/N may please be submitted for the approval of Administrative Secretary P&D Department.

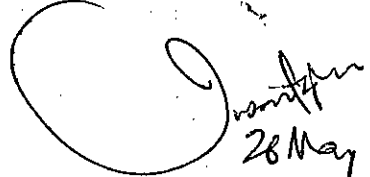
URBAN POLICY UNIT
DIARY NO. 27/05/16
DATED 27-5-2016
OFFICE UPU


HR Manager, UPU
26-05-16

Executive Director, UPU

6. The contracts of 15 specialist staff may be extended as per Para 1/N.

7. Two specialists have not delivered, and their contract should be allowed to expire. (Faved Khan & Raza Noor)


28 May 2016

Secretary P&DD

AS

As per your views on the performance and contract extension.

1/2/6/111

9. Their immediate boss i.e. ED (UPU) is the better judge of their performance. So, therefore, the recommendations of ED (UPU) are endorsed. Beside that the contract agreements of these specialists/employees are justified to be extended as these services are

Secretary (P&DD)
Diary No. 1390
Date 27-5-2016

Secretary (P&DD)
Diary No. 100
Date 06.06.2016

- ii. Contract period of Mr. Riz Noor, Urban Economist, may be extended for a period of another six months
- iii. Resignation of Mr. Sulman Bacha, WATSAN/SWM Specialist may be accepted
- iv. Contract of Mr. Tavid Khan, Sr. Institutional Development Specialist may be allowed to expire.

11. Para 10/W is ~~attached~~ submitted for approval please.

Secretary (P&D)

dy 8/6/16

12. As proposed in para 11/W except that all contract extensions are for now for six months

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ED (YPU) 570

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15/6/16

20th June 2016.
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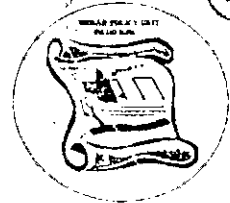
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Secretary (P&D)
Dir: 1390
Date: 8.6.2016

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08.06.2016
R-15.06-2016



Urban Policy & Planning Unit
Planning & Development Department Government
of Khyber Pakhtunkhwa Civil Secretariat Peshawar
30-A, Jamaluddin Afghani Road, University
Town, Peshawar



58

No. UPU/HR/STAFF/EXTEN/2016
Dated Peshawar, 20th June, 2016

Notification

NO. HR/UPU/EXTENTION/2016: In exercise of the powers conferred under clause 1(c) of the amendments in the Provincial Project Policy 2008 the Competent Authority has been pleased to accord extension of contracts in favor of the following project employees for further six months or till the life of project whichever is earlier with effect from the next date of their contract expiry.

S.No	Name of Employee	Designation
1	Sajjad Khan	Sr. Transport Specialist
2	Syed Nasir Jamil	Sr. GIS Specialist
3	Adnan Salim Khan	Urban Planner
4	Tariq Mehmood	Procurement Manger
5	Waqar Ahmad Khan	Transport specialist
6	Riaz Noor	Urban Economist
7	Ahmad Farooq	Assistant IT Manager
8	Muhammad	Research Analyst
9	Sami Ullah	Research Analyst
10	Engr. Haroon Rasheed	Research Analyst
11	Faizan Khan	Research Associate
12	Umair Hussain Khattak	Research Associate
13	Sahib Sardar	Research Assistant
14	Sami Ur Rahman	Research Assistant
15	Ms. Hina Gul	M&E Specialist
16	Hamayun Khan	Communication Specialist

However, the Competent Authority has also approved the resignation of Mr. Sulman Bach, WATSAN/SWM Specialist with effect from 30th May, 2016 and the contract agreement of Mr. Javid, Sr. IDS has not been extended further. Furthermore, the increments of Sr. GIS Specialist, UPU, Syed Nasir Jamil shall be withdrawn.

Terms & Conditions:

The terms & conditions determined vide their initial offer letters will remain the same.


Human Resource Manager, UPU

20-06-2016

Copy for information to:

1. Executive Director, UPU.
2. Senior Finance/Account Officer, UPU
3. Personal files of concerned

لقد انت خبا... سرورین... ۱۳۲۸

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ایڈوکیٹ: _____

بار کونسل / ایسوسی ایشن نمبر: BC-17-7666

رابطہ نمبر: 0333-9682874

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: _____ سر جسٹس سونل لیسٹا

Appellant	منجانب:	دعویٰ: سر جسٹس اسراج
		علت نمبر: _____
		مورخہ: _____
		جرم: _____
		تھانہ: _____
باعت تحریر آنگہ		

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سر جسٹس سونل لیسٹا کے پاس، عدالت سونل لیسٹا کے فیصلے کے تحت وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر طرف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اوز وکیل یا مختار ذوالقوی کو اپنے ہمراہ مانگنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: _____ 13-7-2021

_____ بد العبادہ _____ بد العبادہ

مقام سر جسٹس سونل لیسٹا کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

سر جسٹس سونل لیسٹا
15701-7288779-3

Attestation
Acceptance

SAMI-UR-REHMAN

.....**APPELLANT**

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY &
OTHERS**


.....**RESPONDENTS**

I N D E X

S.NO.	DOCUMENTS	ANNEXURE	PAGES
1.	Para-wise Comments	-	01 to 04
2.	Affidavit	-	05
3	PC- I	I	06 & 07
4	Advertisement & better copy	II	08 to 11
5	Note for approval	III	12 to 14
6	Notification dated 14-03-2019	IV	15 & 16
7.	Section-4 of Regularization Service Act, 2018.	V	17
8	Section 10 of Project Policy, 2008	VI	18
9	Budget book for reference	VII	19 & 20
10	Notification of Scrutiny Committee dated 30-04-2018	VIII	21
11	List of Employees of UPU	IX	22
12	Order dated 21-05-2021	X	23 & 24
13	PC-I	XI	25

DEPONENT

Through


SECTION OFFICER (LIT:)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL.NO. 7041/2021.

SAMI-UR-REHMAN

.....APPELLANT

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY &
OTHERS**

.....RESPONDENTS

PRELIMINARY OBJECTIONS

- 1- That the appeal is not maintainable in its present form.
- 2- That the appellant has got no locus standi to file the instant appeal.
- 3- That the appellant did not come to the Tribunal with clean hands.
- 4- That the applicant is not maintainable due to Mis-Joinder and Non-Joinder of necessary parties.
- 5- That the appellant concealed the material fact from the Honorable Tribunal.

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 04.

RESPECTFULLY SHEWETH:

- 1) Needs no comments.
- 2) Pertains to record. The BPS of the Research Assistant was neither existed in project PC-1 nor mentioned in the advertisement. **(Annex-I&II).**
- 3) Correct to the extent that a Note for Secretary (not summary) in light of Khyber Pakhtunkhwa Project Policy, 2008 for appointment of all recommended incumbents, mentioning no BPS specifically against positions/incumbents was processed for necessary approval of the competent authority **(Annex-III).**
- 4) Pertains to record, hence needs no comments.
- 5) Correct to the extent that reflecting BPS -17 of the appellant in the documents was a clerical error and the same was rectified later on in light of Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018. **(Annex-IV).**
- 6) That the appellant was regularized in BPS-16 in light of Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018, Project Policy 2008 as well as in pursuance of existing pay scale for the same post in government

departments on regular side. The relevant grounds for allotting BPS-16 are as under:-

- i. Under Section-4 of ibid Act 2018 the employees holding project posts shall be validly appointed on regular basis subject to verification of their qualification and other credentials by the concerned Government Department. **(Annex-V)**.
- ii. The Khyber Pakhtunkhwa Project Policy 2008 under sub-section-VI of Section-10 as well states that in case the project posts are converted into regular budgetary posts, the posts shall be filled in according to the rules prescribed for the post through the Public Service Commission or the Departmental Selection Committee, as the case may be **(Annex-VI)**.
- iii. As per standard practices & budget book of government departments, the Research Assistant/Assistant Research positions/nomenclatures are being reflected in BPS-16. Keeping in view the above the credentials of the appellant were thoroughly scrutinized and hence regularized in BPS-16. **(Annex-VII)**.

7). Correct and pertains to record.

8). incorrect. As per Section-3 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, a scrutiny committee was constituted in the department for verification of qualification and other credentials of the employees regularized under Act ibid along-with the appellant **(Annex-VIII)**. The Committee thoroughly examined qualification and credentials of every employee and found since the BPS of the appellant was neither mentioned in the PC-I nor advertisement, therefore, on the documents i.e. list of employees provided by the Urban Policy Unit **(Annex-IX)**, the Scrutiny Committee recommended their regularization in BPS-16. Therefore, their departmental appeal was thoroughly examined/ deliberated and regretted/ filed on the above-mentioned grounds.

9). Correct. As explained in preceding paras. Moreover, the competent authority gave the appellant an opportunity to bring any documentary proof regarding pay scale (BS-17) of his post on regular side in any Administrative Department/Attached Department for decision in the Departmental Appeal. However, the appellant failed to produce the same. Therefore, the Departmental Appeal was regretted/rejected and a Speaking Order was issued as per directions of Peshawar High Court, Peshawar **(Annex-X)**.

- 10). Merely submission of case of appellant to Secretary, P&D for extension may not confer any right to be in BPS-17. The project document (PC-1) mentions Pay Scale of the posts, however, in the case of the appellant, the PC-1 only allowed 20,000/- rupees per month salary as he was trainee staff, therefore, no BPS was mentioned against his nomenclature (**Annex-XI**).
- 11). Needs no comments. The appellant was provided with all opportunities in written as well as in personal hearing and he has no valid grounds/justification to approach the Hon'able Tribunal.

GROUND:

- a. Incorrect. Regularization of the appellant in BS-16 instead of BS-17 is according to law/norms of justice, fare play and equity.
- b. Correct to the extent that merely being interviewed by Project Selection Committee may not confer any right to be in BPS-17. The project document (PC-1) mentions Pay Scale of posts, however, in the case of the appellant, the PC-1 only allowed 20,000/- rupees per month salary as these were trainee staff, therefore, no BPS was mentioned against their nomenclature.
- c. Incorrect. As per Section-3 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, a Scrutiny Committee was constituted in the department for verification of qualification and other credentials of the employees regularized under Act ibid along-with the appellant. The Committee thoroughly examined qualification and credentials of every employee and found since the BPS of the appellant was neither mentioned in the PC-I nor advertisement, therefore, on the documents i.e. list of employees provided by the UPU (**Annex-IX**), the Scrutiny Committee recommended their regularization in BPS-16. Therefore, their departmental appeal was thoroughly examined/ deliberated and regretted/ filed on the above-mentioned grounds.
- d. Correct to the extent that creation of posts in BPS – 17 was a clerical error and rectified during the process of regularization. It was observed that in the entire Province, the posts of Research Assistant or Assistant Research are reflected in BPS-16, therefore, the rectification was required to avoid any future anomaly.
- e. As explained in preceding paras of facts and grounds, the employees as well as appellant were regularized in BPS either mentioned in PC-I or as

per BPS of the posts on regular side in case of not mentioning of the BPS of the post in PC-I.

- f. Incorrect. As explained in preceeding paras. The appellant was regularized in BS-16 with the approval of competent authority in P&D Department as well as Finance Department after rectification in the creation of post of appellant in BS-16.
- g. Incorrect as explained in the above paras. Moreover, the act of the respondents is as per law/rules/ policy.
- h. The respondents also seek leave of this honorable Court to raise further points at any time during arguments before this honorable Court.

PRAYER:

Keeping in view of the above reasonable & just grounds, it is very humbly prayed that the Service Appeal may graciously be dismissed with cost on the appellant.

SECRETARY
Govt: of Khyber Pakhtunkhwa,
P&D Department
(Respondent No.3)

SECRETARY
Govt: of Khyber Pakhtunkhwa
Finance Department.
(Respondent No.4)

SECRETARY,
Govt: of Khyber Pakhtunkhwa
Establishment Department
(Respondent No. 02)

CHIEF SECRETARY
Khyber Pakhtunkhwa
(Respondent No.01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 7041/2021.

SAMI-UR-REHMAN

.....**APPELLANT**

VERSUS

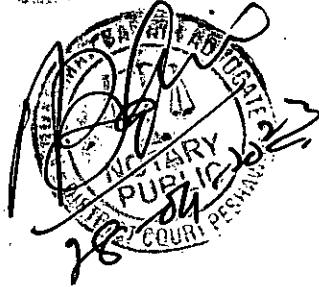
**GOVT: OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY &
OTHERS**

.....**RESPONDENTS**

AFFIDAVIT

I, Assad Ullah Khan, Section Officer (Lit:), Planning & Development Department do hereby solemnly affirm and declare on oath that the contents of Comment are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal intentionally.

ATTESTED



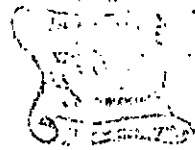
DEPONENT

CNIC No. 17301-6715993-1

Cell # 0313-0993747

5

Annex-I



URBAN POLICY & PLANNING UNIT

Urban Policy Unit

ADP No. 810

Total Cost is Rs 1,129,215,848.00
(Revised PC: II)

Section Officer (Lit)
Planning & Dev: Deptt:
K.P.K.

Section Officer (Lit)
Planning & Dev: Deptt:
K.P.K.

UPU copy

Planning & Development Department.

All applications complete in all respects, with the
post supplied for clearly mentioned on the envelope,
must reach the following address till the 15th of
November, 2017.

C/O
P.O BOX NO: 227, G.P.O, Peshawar Cant.

7

		150,000	BS-18+75000	529,707	945,000	1,795,000	1,834,500		
	Communication Sr	1	150,000	BS-18+75000	187,500	600,000	1,530,000	1,834,500	
	Urban Floor or at	1	150,000	BS-18+75000		600,000	1,890,000	1,834,500	
	Specialist		150,000	BS-18+75000		1,500,000	4,725,000	4,951,250	
	Research Analyst	5	75,000			800,000	2,520,000	2,646,000	
	Research Associate	5	40,000			400,000	1,260,000	1,323,000	
	Research Assistant/ Internees	5	20,000						
ADMINISTRATIVE TEAM									
	Manager Finance / Sr Finance Officer/Sr Accountant / SFC / SAC	1	150,000	BS-19+100000	811,339	1,800,000	1,890,000	1,984,500	
	IT Manager		150,000	BS-18+75000		900,000	1,391,500	1,984,500	
	HR & Capacity Building Manager (CB & HR)	1	150,000	BS-18+75000	792,304	1,800,000	1,890,000	1,984,500	
	Procurements Manager	1	150,000	BS-18+75000	183,871	900,000	1,890,000	1,984,500	
	Internal Audit Officer	1	150,000	BS-18+75000	503,562	750,000	1,890,000	1,984,500	
	Assistant IT Manager	1	75,000	BS-17+40000		300,000	945,000	997,250	
	Admin Officer	1	75,000	BS-17+40000	476,785	750,000	945,000	997,250	
	Assistant Accounts Officer (1 new posts added)	2	75,000	BS-17+40000	347,106	1,000,000	1,890,000	1,984,500	

Section Officer (Lit)
Planning & Dev. Deptt:
K.P.K.

5
Planning & Dev. Deptt.
K.P.K.



Annex-II

JOB OPPORTUNITIES

1
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Letter of Conditions

1. Application form and fee must be submitted to the Director of Labour Policy Unit, Ministry of Labour, Government of Karnataka, Bangalore 560002.

2. Application form should be filled in Kannada or English.

3. The application form should be submitted to the Director of Labour Policy Unit, Ministry of Labour, Government of Karnataka, Bangalore 560002.

4. Candidates who apply for more than one post should indicate the order of preference.

5. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

6. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

7. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

8. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

9. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

10. Candidates who are employed in any government or public sector should indicate their present employer and the nature of their employment.

Handwritten signature or initials.

Section Officer (Lit)
Planning & Dev: Deptt:
KPK

**Planning & Development Department
Government of Khyber Pakhtunkhwa**

Applications are invited for filling the following posts in the Urban Policy Unit. The posts are to be filled on contract basis, carry market based salary package, and are based at Peshawar. The candidates fulfilling the following qualifications and experience may apply. The Unit offers excellent opportunities for personal & professional growth. Detailed terms of reference for each position may be seen at apply.khyberpakhtunkhwa.gov.pk.

Reference number	Job Title	No. of posts
P02	Sr. Urban Planner	1
P03	Sr. GIS Specialist	1
P04	Sr. Water & Sanitation Specialist	1
P05	Ex. Solid Waste Management Specialist	1
P06	Sr. Urban Transport Specialist	1
P07	LG Finance Specialist	1
P08	Urban Planner	1
P09	GIS Development Specialist	1
P10	LE&I Specialist	1
P11	SWM Specialist	1
P12	Transport Specialist	1
P13	Urban Architect	1
P14	Communication Specialist	1
P15	Urban Economist	1
P16	Institutional Development Specialist	1
P17	Research Analyst	5
P18	Research Associate	5
P19	Research Assistant	5
G01	Information Technology Manager	1
G02	Human Resource Manager	1
G03	Procurement Manager	1
G04	Assistant Information Technology Manager	1
G05	Admin Officer	1
G06	Sr. Accounts Officer (Sr. Finance Officer)	1
G07	Assistant Accounts Officer	1
G08	Internal Audit Officer	1
G09	Office Secretary	1
G10	Stenographer / PA	1
G11	Office Assistant	4
G12	Receptionist	1
H01	Driver	6
H02	Naib Qasid	5
H03	Physiotherapy Assistant	2

Terms & Conditions:

- All applications must be submitted online, through the following link: pau.khyberpakhtunkhwa.gov.pk.
- Hard copy is also mandatory along with the above online application. Online registration Token generated through above link, has to be printed and submitted with the hard copy of the application. However posts at H01, H02 and H03 are not required to apply online, and the hard copy application is sufficient.
- Hard copy applications must include a cover letter mentioning the post, with printed online registration token, CV/Resume, copies of all testimonials (Degrees and Marks sheets), experience certificates, copy of computerized NIC, domicile and 3 photographs.
- Candidates in Government Service should apply through proper channel. Government age relaxation rules will apply.
- Incomplete applications and applications received after due date of submission will not be entertained. UPU reserves the right to cancel recruitment for any post at any stage without giving any reason, or offer lesser salary and rank, or per qualification and experience of the candidate.
- Shortlisted candidates will be called for screening, document verification, interview and/or test, at Peshawar, for which no TA/DA will be allowed.
- The Urban Policy Unit is an equal opportunity employer and women are encouraged to apply.
- All applications complete in all respects, with the post notified for each mentioned on the envelope, must reach the following address till the 15th of October, 2012.

Annex-II

Section Officer (Lit)
Planning & Dev: Deptt:
K.P.K.

(10)

Better copy

Urban Policy Unit

Planning & Development Department Government of Khyber Pakhtunkhwa

Application are invited for filling the following posts in the Urban Policy Unit. The post are to be filled on contract basis. Carry market based salary package and are based at Peshawar. The candidates fulfilling the following qualifications and experience may apply. The Unit Offers excellent opportunities for personal & professional growth. Detailed terms of reference for each position may be seen at apply. Khyber Pakhtunkhwa.Gov.Pk.

Reference Number	Job Title	No. of Posts
P02	Sr. Urban Planner	1
P03	Sr. GIS Specialist	1
P04	Sr. Water & Sanitation Specialist	1
P05	Sr. Solid waste Management Specialist	1
P06	Sr. Urban Transport Specialist	1
P07	LG Finance Specialist	1
P08	Urban Planner	1
P09	GIS Development Specialist	1
P10	M&E Specialist	1
P11	SWM Specialist	1
P12	Transport Specialist	1
P13	Urban Architect	1
P14	Communication Specialist	1
P15	Urban Economist	1
P16	Institutional Development Specialist	1
P17	Research Analyst	5
P18	Research Associate	5
P19	Research Assistant	5
G01	Information Technology Manager	1
G02	Human Resource Manager	1
G03	Procurement Manager	1
G04	Assistant Information Technology Manager	1
G05	Admin Officer	1
G06	Sr. Accounts Officer	1
	(Sr. Finance Officer)	1
G07	Assistant Accounts Officer	1
G08	Internal Audit Officer	1
G09	Office Secretary	1
G10	Stenographer / PA	1
G1	Office Assistant	4
G12	Receptionist	1
H01	Driver	6
H02	Nlb Qasid	5
H03	Photocopy Assistant	2

Terms & Conditions:

- All applications must be submitted online. Through the following link; pplv.khyberpakhtunkhwa.gov.pk
- Hard copy is also mandatory Along with the above online application. Online registration token generated through above link; has to be printed and submitted with the hard copy of the application. However posts at H01, H02, & H03 are not require to apply online, and the hard copy application is sufficient.
- Hard copy application must include a cover letter monitoring the post, with printed online registration token, CV/Resume, copies of all testimonials (Degree and Mark sheet), experience certificate, copy of computerized NIC, domicile and 3 photographs.
- Candidates in Government Service should apply through proper channel. Government age relaxation rules will apply.


Section Officer (Lit)
Planning & Dev. Deptt:
KPK

- (11)
- Incomplete application and application received after due date of submission will not be entertained. UPU reserves the right to cancel recruitment for post at any stage without giving reason, or offer lesser salary and rank as per qualification and experience of the candidates.
 - Shortlisted candidates will be called for screening, document verification, interview and/or test, at Peshawar, for which not TA/DA will be allowed.
 - The Urban Policy Unit is an equal opportunity employer and women are encouraged to apply.
 - All applications complete to all respects, with the post applied for clearly mentioned on the envelope, must reach the following address till the 15th of October, 2012

C/O

P.O BOX No: 227, GPO, Peshawar Cantt.


Section Officer (Lit)
Planning & Dev: Deptt:
K.P.K.

Subject: NOTE FOR APPROVAL OF BPS 17 & ABOVE POSTS APPOINTMENTS AS PER PPSC RECOMMENDATIONS IN URBAN POLICY UNIT, P&D DEPARTMENT, KHYBER PAKHTUNKHWA

- The Urban Policy Unit, P&DD, Government of Khyber Pakhtunkhwa had advertised BPS 17 & above vacant posts, as per guidelines provided in Provincial Project Policy 2008, in national newspapers on the 22nd of March, 2014. (F/A)
- In response to the advertisement, applications were received and initially scrutinized. The Provincial Project Shortlisting Committee was convened on the 2nd of May 2014 to shortlist the candidates, on the basis of their academic qualification, past experience, age limits and other conditions advertised for the post in the advertisement. (Signed lists attached in (B)).
- Subsequently, the shortlisted candidates were called for the interviews. The interviews for BPS 19 were chaired by the Additional Chief Secretary P&DD. (Minutes Attached-C)
- And the interviews for BPS- 17 & 18 were chaired by Secretary P&D Department in the Executive Committee Room of P&DD, on the 7th of May, 2014. (Minutes Attached-D)
- The Provincial Project Selection Committee, chaired by ACS P&DD for BPS-19 categories posts, has prepared a final merit (selection) lists and recommended the candidates for the Urban Policy Unit Senior level posts, as per detail given in below list:

Name of Post	Total Number of Applicants	Shortlisted Candidates for Interview	Name of Candidates as per PPSC Merit list	Father Name	Total Marks	PPSC Recommended Merit
Sr. WATSAN Specialist (post: 1) (F/E)	14	4	Fazal Khaliq	Hafiz Ghulam Haroon	88	1 st Selected
			M. Javaid	M. Alam	72	2 nd in Waiting list
Sr. SWM Specialist (post: 1) (F/F)	23	3	Syed Qamar Abbas	Syed Jamil Hussain		Absent
			M. Javaid	M. Alam	72	1 st Selected
			Syed Hassan Ahmad	Syed Shamim Ahmad		Absent
Sr. Urban Transport Specialist (post: 1) (F/G)	14	6	Sajjad Khan	Khan Zada	80	1 st Selected
			Waqar Ahmad Khan	Shah Zaman Khan	71	2 nd
			Imtiaz Ahmad	Haji Banarus Khan	69	3 rd
Sr. Urban Environment Specialist (post: 1) (F/H)	13	4	Dr. Tahir Akbar	Dr. Ali Akbar Khan		Absent
			Dr. Amjad Ali Khan	M. Ali Khan	83	1 st selected
			Syed Qamar Abbas	Syed Jamil Hussain		Absent
Sr. Institutional Dev Specialist (post: 1) (F/I)	16	3	Salim Khan	M. Afzal Khan	65.5	3 rd
			Javed Khan	Taj Khan	73	1 st selected
			Shoaib Ali Khan	Shaukat Ali Khan		Not Recommended

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ATTESTED

Seal Zia ur Rahman
7/6/21

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Secretary (P&D)
K.P.D.

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While, the Provincial Project Selection Committee, chaired by Secretary P&DD, for BPS 17 & 18 Categories posts interviews, has prepared a final merit (selection) lists and recommended candidates, as detailed in below list:

Name of Post	Total Number of Applicants	Shortlisted Candidates for Interview	Name of Candidates as per PPSC Merit list	Father Name	Total Marks	PPSC Recommended Merit
LG Finance Specialist (post: 1) (F/J)	39	5	Haider Ali	Wisal Khan	68	2 nd
			M. Naeem Khan	M. Amin Khan	73	1 st Selected
			Fida M. Khan	Saifurrahman, Osmani	Not Recommended	
Urban Planner (post: 1) (F/K)	16	7	Adnan Ahmed Khan	Mushtaq Ahmed Taj	68	2 nd
			Adnan Salim Khan	Faqeer Muhammad Khan	76	1 st Selected
			Babar Karim	Abdul Karim	64	3 rd
WATSAN/SWM Specialist (post: 1) (F/L)	21	5	M. Suleman Bacha	Mumtaz Bacha	76	1 st Selected
			Muhammad Basit	Mian Fazal-e-Rabbi	71.5	2 nd
GIS Dev Specialist (post: 1) (F/M)	12	5	Tayyaba Qayyum	Abdul Qayyum	76	2 nd
			Sarmad Israr	Israr Ahmad	91	1 st Selected
Transport Specialists (post: 2) (F/N)	23	6	M. Zeeshan Khan	Zahir Shah	73.5	Not Recommended
			Waqar Ahmed Khan	Shah Zaman Khan	80.5	1 st Selected
			Riaz Uddin	Salah-ud-din	66	Not Recommended
Urban Economist (post: 1) (F/O)	13	4	Haseebullah Khan	Shafiullah Khan	Not Recommended	
			Riaz Noor	Haji Noor Muhammad	60	1 st Selected
			Muhammad	Abdul Hakim	62	2 nd selected
Research Analysts (post: 5) (F/P)	17	3	Samiullah	Mehboobullah	62.5	1 st Selected
			Engr. Haroon Rasheed	Gul Shiraz Khan	61	3 rd Selected
			Farman Ali	Momin Khan	72	1 st selected
Research Associates (post: 5) (F/Q)	29	7	Muhammad Basit	Mian Fazal-e-Rabbi	68	2 nd selected
			Syed Adnan	Rafiq Ahmad	66	3 rd selected
			Falzan Khan	Adalat Khan	64	4 th selected
			Umair Hussain Khattak	Noor Hussain Khattak	58	6 th selected
			Habib Ahmad	Rajwall Khan	67.25	1 st selected
Research Assistants (post: 5) (F/R)	39	7	Imtiaz Ahmad	M. Aslam Khan	64	3 rd selected
			Umair Khan	M. Akram Khan	63	4 th selected
			Sahib Sardar	Jehan Bahadar	65	2 nd selected
			Sami-ur-Rahman	Amir Muhammad	63	6 th selected
			Sher Arzal Khan	Sher baz Khan	73	2 nd
Procurement Manager (post: 1) (F/S)	40	3	Minhaj uddin	Miraj uddin	72	3 rd
			Tariq Mahmood	Sh. Abdul Nazir	74	1 st Selected
			Ahmad Farooq	M. Daud Khan	74.5	1 st Selected
Assistant IT Manager (post: 1) (F/T)	81	5	Junaid Ahmad Inam	M. Inam	70	2 nd
			Asad Khan	Aziz Ahmad	69	3 rd

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The PPSC decided that the following three posts shall be re-advertized, due to the fact that no candidates were found suitable as per the requirements of the positions.

- a) Sr. Sociology & Cultural Heritage Specialist (1)
- b) Institutional Development Specialist (1)
- c) Urban Transport Specialist (1)

Admission Section
R.O.s

8. It was mentioned in this office advertisement that female candidate will be given preference if they are within first three on merit list. But the responsibilities for the post involves field work and surveys, and she also does not possess command over the required subject, therefore the PPSC member decided on hiring the top candidate, and to not give the lady any preference.

9. In addition, the Provincial Project Selection Committee made the decision that the upper age limit for the candidates shall be 65 years instead 70 years, and the lower age limit will be 22 years instead 25 years for Research Posts, where fresh graduates are being considered.

10. The selected candidates for the posts given as under will be offered Rs 100, 000/- salary, as they have less than desired experience.
a) Sr. SWM,
b) Sr. Institutional Development Specialist,

11. And the selected candidates for the posts given as under will be offered Rs 75,000/- salary, as they have less than desired experience.
a) LG Finance Specialist,
b) WATSAN/SWM Specialist,
c) GIS Development Specialist
d) Urban Economist

The salary will be increased to upper limit approved in PC-I, based on satisfactory performance, in three years time in equal increments, unless a higher increment is approved by ACS P&D Department.

12. It is submitted that the selection made by PPSCs, mentioned in para-5&6/N may kindly be approved by the competent authority.

13. Also the permission may please be granted to re-advertize the left over posts mentioned in para-7/N and Urban Architect post.

14. The Provincial Project Selection Committee chairman, Secretary P&DD, for BPS 17 & 18 posts is also requested to please sign lists of recommended candidates from Flag J to T.

15. And the PPSC chairman, Additional Chief Secretary P&DD, for BPS-19 posts may please sign the lists of recommended candidates from Flag E to I.

16. Para 7 to 13/N may please be submitted for the kind perusal and approval of the worthy Additional Chief Secretary P&D Department, please

Dist. May 2014
Executive Director, UPU

Secretary, Planning & Development Department

For approval pl

Ae/s
Secy P&D

Approved

On 22/5

22/5/14

RSIA C 243
88-5-14
Date
12-7-8
22-5-2014

Executive Officer (14)
Planning & Dev. Dept.
K.P.K.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO: PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 21st MARCH, 2019.

GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 14th March, 2019.

NO.S0(E)P&D/3-1/Reg/Projects/2019: --- In compliance with the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, the Provincial Government is pleased to notify the regularization of services of the following thirty-three (33) employees of the project titled "Urban Policy Unit", P&D Department with effect from 07.03.2018 as provided under Section-4 of the Act ibid, subject to the condition that it shall not affect the service promotion quota of all service cadres:-

S#	Name of Incumbent	BPS	Designation
1.	Syed Nasir Jamil	18	Senior Geographic Information System Specialist
2.	Mr. Hamayun Khan	18	Communication Specialist
3.	Ms. Hina Gul	18	Monitoring & Evaluation Specialist
4.	Mr. Sohail Ahmad	18	Transport Specialist
5.	Mr. Adnan Salim Khan	18	Urban Planner
6.	Mr. Riaz Noor	18	Urban Economist
7.	Mr. Ahmad Farooq	17	Assistant I.T Manager
8.	Mr. Samiullah	17	Research Analyst
9.	Mr. Umair Hussain Khattak	17	Research Associate
10.	Mr. Sahib Sardar	16	Research Assistant
11.	Mr. Sami-Ur-Rahman	16	Research Assistant
12.	Mr. Asghar Sayed	16	Office Assistant
13.	Mr. Zakir Ayub	16	Office Assistant
14.	Mr. Nadeem Ahmad	16	Office Assistant
15.	Mr. Zakir Khan	16	Office Assistant
16.	Mr. Muhammad Altaf	16	Office Assistant
17.	Mr. Waqas	07	Photocopier Assistant
18.	Mr. Sarat Khan	07	Photocopier Assistant
19.	Mr. Muhammad Faheem	06	Driver
20.	Mr. Muhammad Usman	06	Driver
21.	Mr. Muhammad Ijaz	06	Driver

Section Officer (I) (it)
Planning & Dev. Deptt.
K.P.K.

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1.	Mr. Maqsood Khan	06	Driver
2.	Mr. Haider Ali	06	Driver
3.	Mr. Farooq Khan	06	Driver
4.	Mr. Sami Ullah	03	Naib Qasid
5.	Mr. Aqeel Shah	03	Naib Qasid
6.	Mr. Zar Ali	03	Naib Qasid
7.	Mr. Asfandyar	03	Naib Qasid
8.	Mr. Rowaid Ghani Awan	03	Naib Qasid
9.	Mr. Imtiaz Khan	03	Naib Qasid
10.	Mr. Muhammad Sohaib	03	Naib Qasid
11.	Mr. Muhammad Saeed	03	Chowkidar
12.	Mr. Zafran Gul	03	Chowkidar

Sd/-xxx

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.


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Planning & Dev. Deptt.
K.P.K.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018. 197

- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

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

3. **Regularization of services of ad hoc employees.**---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. **Regularization of services of project employees.**---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

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

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same educational qualifications and experience as required for a regular post;
- (iii) 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

Section Officer (H)
Planning & Dev.
K.P.K.

b. After thorough scrutiny of record, only qualified and eligible candidates shall be called for interview.

(9). APPOINTING AUTHORITIES:

Project Director would exercise the powers of appointing authority for posts in and equivalent to BS 1-16, whereas Administrative Secretary concerned would be appointing authority for all posts equivalent to BS-17 and above. However, approval of the Chief Minister, Khyber Pakhtunkhwa shall be obtained, if deputation of Administrative Secretary or Head of Attached Department to the Project posts is involved.

(10). TERMINATION OF SERVICE ON COMPLETION OF PROJECT:

- (i) A project employee shall work against that post for which she/he was recruited and shall not be transferred to any other post in the project or at any other station.
- (ii) A project employee shall also not be transferred to any other project under the same department / Government.
- (iii) 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, he/she may be repatriated to their parent department.
- (iv) At the time of appointment each employee shall give an undertaking to the effect that during the employment, they shall be held responsible for the losses (accruing to the project due to them and shall be held answerable therefore).
- (v) 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 extend over any new phase or phases.
- (vi) In case the project posts are converted into regular budgetary posts, the posts shall be filled in according to the rules prescribed for the post through the Public Service Commission or the Departmental Selection Committee, as the case may be. Ex-project employees shall have no right of adjustment against the regular posts. However, if eligible, they may also apply and compete for the posts with other candidates.

(11). ZONAL ALLOCATION FORMULA:

The Zonal Allocation Formula shall not apply to project posts.

2. It is requested that this policy may kindly be circulated amongst all concerned for strict compliance.

90

10

COMMUNICATIONS DEVELOPMENT DEPARTMENT

EXPENSES

OPERATING EXPENSES

STATE OF
NEW YORK

APPROXIMATE
TOTAL

RECEIVED
TOTAL

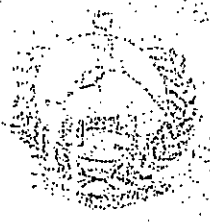
RESEARCH & DEVELOPMENT
COMMUNICATIONS AND TRANSPORT
EQUIPMENT
CONSTRUCTION

Research and Development & Material
Equipment Category Description

DESCRIPTION	STATE OF NEW YORK	APPROXIMATE TOTAL	RECEIVED TOTAL
RESEARCH & DEVELOPMENT RELATED		11,678,000	11,678,000
RESEARCH	22	2,100,000	2,100,000
DEVELOPMENT	3	2,100,000	2,100,000
RESEARCH & DEVELOPMENT	3	2,100,000	2,100,000
RESEARCH (BPS-10)	1	841,000	841,000
RESEARCH (BPS-17)	3	1,064,000	1,064,000
RESEARCH (BPS-18)	1	215,000	215,000
RESEARCH & DEVELOPMENT	21	1,000,000	1,000,000
RESEARCH & DEVELOPMENT	2	1,000,000	1,000,000
RESEARCH (BPS-04)	1	412,000	412,000
RESEARCH (BPS-04)	1	222,000	222,000
RESEARCH (BPS-04)	1	488,000	488,000
RESEARCH (BPS-07)	7	1,200,000	1,200,000
RESEARCH (BPS-07)	2	300,000	300,000
RESEARCH (BPS-04)	4	648,000	648,000
RESEARCH (BPS-03)	2	154,000	154,000
RESEARCH (BPS-03)	4	598,000	598,000
RESEARCH (BPS-04)	1	210,000	210,000
TOTAL ALLOWANCES		1,576,000	1,576,000
TOTAL REGULATORY ALLOWANCES		1,121,000	1,121,000
RESEARCH & DEVELOPMENT		815,000	815,000
RESEARCH & DEVELOPMENT		690,000	690,000

Section Officer of
Planning & Development
M.P.K.

(110)
11/10/70



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, April 30, 2011

NOTIFICATION

IN THE G.O. No. 1/Roi/Projects/2011. The competent authority is pleased to constitute a committee comprising of the following officers to scrutinize and assess credentials of the employees of all the regularized projects of P&D Department in accordance with the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 1985 (General and Section 435 of Act) in particular within two weeks i.e.

- Mr. Ali Raza Khan
DG, SDU, P&D Department Chairman
- Mr. Zaher Afari
Executive Director, UPD, P&D Department Member
- Mr. Muhammad Khana
Director General (M&E), P&D Department Member
- Mr. Afraz Ullah Khan
Deputy Secretary (Admin), P&D Department Member
- Mr. Badsha Gul
Assistant Chief (CWA) Member
- Mr. Wasim Ghous
Section Officer (Tech), P&D Department Member Secretary

SECRETARY
P&D DEPARTMENT

For and on behalf of the
Director General, SDU, P&D Department
Executive Director, UPD, P&D Department
Director General (M&E), P&D Department
Assistant Chief (CWA), P&D Department
Deputy Secretary (Admin), P&D Department
Section Officer (Tech), P&D Department
Additional Secretary, P&D Department

Assistant Chief (CWA)
Planning & Dev. Deptt.
Peshawar

(22)

Sr	Name	Designation	Date of Birth
1	Syed Nasir Jamil	Sr GIS Specialist	30-11-1975
2	Riaz Noor	Urban Economist	1/1/1984
3	Hamayun Khan	Communication Specialist	1/7/1983
4	Adnan Salim Khan	Urban Planner	12/7/1969
5	Hina Gul	Monitoring & Evaluation Specialist	23-5-1982
6	Tariq Mahmood	Procurement Manager	1/1/1956
7	Vasif Shinwari	Urban Architect	6/3/1959
8	Sohail Ahmad	Transport Specialist	5/12/1980
9	Umair Hussain Khattak	Research Associate	1/10/1986
10	Sahib Sardar	Research Assistant	28-8-1990
11	Sami ur Rahman	Research Assistant	1/3/1987
12	Sami Ullah	Research Analyst	13-3-1989
13	Ahmad Farooq	Assistant Manager	15-5-1980

ATTESTED

Sayed Zia ur Rahman

Adviser

[Signature]

13/9/02

[Signature]

Section Officer (Lit)
Planning & Dev. Deptt.
KPK



ANNEX - X

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT

23

Dated Peshawar, May 21, 2021.

ORDER:

No. SO(E)P&D/3-1/Reg/Projects/2021: The applicants M/S Mr. Sami ur Rehman and Mr. Sahib Sardar (BPS-16), Research Assistant, Urban Policy Unit, P&D Department filed a Writ Petition No. 3292-P of 2019 in the Peshawar High Court, Peshawar wherein they have prayed for:

- a) Declaring the regularization of petitioners in BPS-16 instead of BPS-17 as illegal, unlawful against the spirit of fair play, equity and principle of legitimate expectancy, locus poenitentiae, therefore, such relegation to BPS-16 in the regularization notification is not sustainable and ineffective upon the rights of petitioners for regularization in BPS-17.
- b) Directing the respondents to issue amended/corrected regularization notification of petitioners as Research Assistant in BPS-17 with all back and consequential benefits.
- c) Any other remedy which the august Court deems appropriate may also be awarded in favour of petitioners.

2. Hon'ble Peshawar High Court vide its judgment dated 18.03.2021 disposed of the petition with the directions that the representation of petitioners submitted before the respondents/competent authority shall be positively decided within 45 days after providing them an opportunity of hearing.

3. Both the petitioners were appointed as Research Assistant against project posts in Urban Policy Unit, P&D Department without mentioning the BPS.

4. Upon promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, their services were regularized as Research Assistant in BPS-16 as the credentials for the post of Research Assistant were searched in the Provincial Budget Book and it was found that all Research Assistant posts are in BPS-16, therefore, their regularization in BPS-16 is in accordance with the provisions of the Act ibid.

5. The regularization of their services in BPS-16 was also in accordance with the recommendations of the Scrutiny Committee of Urban Policy Unit (UPU) whereby it was mentioned that credentials of both the petitioners were verified and found that PC-I did not mention their pay scale, and in order to award a proper scale in line with regular side, they may be given BPS-16 as the Research Assistant positions in all Govt Departments are in BPS-16.


6. The petitioners were afforded the opportunity of personal hearing held on 28.04.2021 at 1300 hours and they were asked to provide any documentary proof regarding

ATTESTED

Sayed Zia ur
Rehman
Advocate

13/7/21

Sayed Zia ur Rehman

(24) 
existence of the posts of Research Assistant in BPS-17 on regular side in any Administrative Department within three days. However, they failed to produce the same.

7. The representation of the petitioners was examined and observed that the post of Research Assistant is in BPS-16 on regular side in other departments, therefore, their regularization in BPS-16 is correct and in accordance with the Act under which their services were regularized.


8. NOW, after affording the opportunity of personal hearing and after due consideration of all the points voiced in the appeal as well as available record, it is turned down being devoid of merit and not covered under the law/ rules.

SECRETARY
P&D DEPARTMENT.

Endst: No. & Date even.

Copy forwarded to the:

1. Executive Director, Urban Policy Unit, P&D Department.
2. Registrar, Peshawar High Court, Peshawar.
3. PS to Additional Chief Secretary, P&D Department.
4. PS to Secretary, P&D Department.
5. Officials concerned.


(SONA KHAN) 25/07/24
Section Officer (Estt.)



(13)

25

Annex - XI

Annex - XI
25

21	Transport Specialist	1	150,000	BS-18+75000		1,200,000	3,720,000	1,964,500	1,187,450	1,373,823	17,437,273
22	Urban Architect	1	150,000	BS-18+75000	529,767	1,876,548	1,890,000	1,984,500	2,083,725	2,187,911	19,552,131
23	Communication Specialist	1	150,000	BS-18+75000	187,500	945,000	1,890,000	1,984,500	2,083,725	2,187,911	9,278,635
24	Urban Architect	1	150,000	BS-18+75000		600,000	1,890,000	1,984,500	2,083,725	2,187,911	8,746,136
25	Urban Architect	1	150,000	BS-18+75000		600,000	1,890,000	1,984,500	2,083,725	2,187,911	8,746,136
26	Institutional Development Specialist	1	150,000	BS-18+75000		600,000	1,890,000	1,984,500	2,083,725	2,187,911	8,746,136
27	Research Analyst	5	75,000			1,500,000	4,725,000	4,961,250	5,209,313	5,459,778	21,855,341
28	Research Associate	5	40,000			800,000	2,520,000	2,616,000	2,778,300	2,917,215	11,651,515
29	Research Assistant / Internees	5	20,000			400,000	1,260,000	1,323,000	1,389,150	1,458,605	5,830,755
ADMINISTRATIVE TEAMS											
30	Manager Finance / Sr Finance Officer / Sr Accounts Officer / SFO / SNO	1	150,000	BS-19+100000	311,369	1,800,000	1,890,000	1,984,500	2,083,725	2,187,911	10,757,525
31	IT Manager	1	150,000	BS-18+75000		900,000	1,890,000	1,984,500	2,083,725	2,187,911	9,045,136
32	IT & Capacity Management (DB & HW)	1	100,000	BS-18+75000	702,304	1,200,000	1,390,000	1,934,500	2,083,725	2,187,911	10,543,413
33	Programme Manager	1	150,000	BS-19+75000	193,871	900,000	1,890,000	1,984,500	2,083,725	2,187,911	9,230,037
34	Programme Manager	1	150,000	BS-18+75000	593,927	750,000	1,890,000	1,984,500	2,083,725	2,187,911	9,399,599
35	Programme Manager	1	75,000	BS-17+40000		400,000	915,000	932,250	1,041,562	1,050,988	4,373,058
36	Programme Manager	1	75,000	BS-17+40000	175,765	750,000	945,000	991,250	1,111,363	1,093,956	5,299,854
37	Programme Manager	2	75,000	BS-17+40000	347,109	1,000,000	1,390,000	1,934,500	2,083,725	2,187,911	10,333,241

Handwritten signature and stamp

Section Officer (Fit)
Plan... Deptt:
CPA



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

AUTHORITY LETTER

Mr. Assad Ullah Khan Section Officer (Litigation), Planning & Development Department is hereby authorized to look after / defend all court cases as well as submission of Para-wise comments / affidavit etc. in the courts on behalf of Additional Chief Planning & Development Department, Khyber Pakhtunkhwa as well as Secretary Planning and Development Department.

**DEPUTY SECRETARY (Admn:)
Planning & Development
Department**

Deputy Secretary (Admn:)
P&D Deptt:
Govt: of Khyber Pakhtunkhwa

VAKALAT NAMA

APPEAL NO. 6731 /2021

IN THE COURT OF KP SERVICE TRIBUNAL, PESHAWAR.

Sahib Sardar and Sami Ur Rehman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

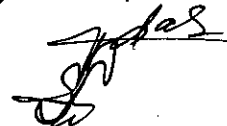
The Govt. of KP and others. (Respondent)
(Defendant)

I/We, Sahib Sardar (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20



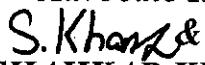
(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.

&
TAIMUR ALI KHAN
Advocate High Court, Peshawar

& 
SYED NOMAN ALI BUKHARI
Advocate High Court


SHAHKAR KHAN YOUSAFZAI
Advocate.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar.