Form-A

FORMOF ORDERSHEET

Court of		 	
	•		1.
Case No.		701 <u>/2023</u>	

2	Case No	701/2023
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
	29.03.2023	As per direction of the Worthy Chairman the
	1	present appeal is fixed for preliminary hearing and
		decision on office objections before Single Bench at
		Peshawar onCounsel for the appellant be
		informed accordingly.
	:	
		REGISTRAR
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The appeal of Mr. Rashid Zaman Office Attendant office of D.G Projects Peshawar received today i.e. on 16.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2. Check list is not attached with the appeal.
- 3- Affidavit be got attested by the Oath Commissioner.
- : A- Appeal has not been flagged/marked with annexures marks.
- 5- Certificate be given to the effect that the appellant has not filed any service appeal earlier on the subject matter in this Tribunal.
- 6- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 7- Copy of rejection order of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it
- 8- Copy of impugned order is not attached with the appeal which may be placed on it.
- 9- Annexures-A to H referred to in the memo of appeal are not attached with the appeal.
- 10- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 11- The documents that are to be provided must be illegible/readable.

No. 6/9 /S.T.
Dt. 17/2 /2023

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Neor Muhammad Khattak Adv. High Court Peshawar:

R/Sin,

In Yespons. to objection 1406, 8, 9, 10 & 11 Objection No. 7 has been removed, wherear in response to objection No. 7 it is stated that the affect of the affallat work rejected vide consolidated orelax dt 17/1/23 available on file as Annex 9, Pase, 23, the same as appellate order for the affellant.

Resubnitteel

M 9 :21/3/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. <u>70/</u>/2023

RASHID ZAMAN

VS

PLANNING & DEVELOPMENT DEPTT::

INDEX

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK, ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

AFFEAL NO	Service Triberal Blory No. 3639
Mr. Rashid Zaman, Office Attendant (BPS-02), Directorate of Projects, Khyber Pakhtunkhwa, Peshawar	Dared 16/2/2023
	APPFII ANT

VERSUS

- 1- The Secretary, Planning & Development Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General, Planning & Development Department, Khyber Pakhtunkhwa, Peshawar.

 RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 17.01.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR FIXATION OF PAY W.E.F. 20.01.2009 I.E. FROM THE DATE OF INITIAL APPOINTMENT HAS BEEN REJECTED WITHOUT ANY GOOD REASON.

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 17.01.2023 may very kindly be set aside and the appellant may kindly be allowed/granted pay fixation w.e.f. 20.01.2009 i.e. from the date of initial appointment with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH: ON FACTS:

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

- 3- That while performing her duty the service of the appellant was regularized vide notification dated 30.06.2022 in pursuance of K.P

(Regularization of Services of employees of Erstwhile FATA) Act, 2021.

Copies of the notification and Act are attached as Annexure

D & E.

- 4- That in pursuance to the notification mentioned above the services of the appellant was regularized and his pay was fixed from the date of notification, feeling aggrieved the appellant along with other preferred departmental appeal/ representation before the respondents, and the same was take-up with the respondent No. 2. Copies of the correspondence are attached as Annexure
- 6- That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUNDS:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 20.01.2009 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 20.01.2009 i.e. from the date of appointment and as such the inaction of the respondents is violative of law and rules.
- D- That in such a situations/ similar cases pay protection was granted to the regularize civil servants by the finance department vide notification/ circular dated 18.03.2021. Copy of notification/circular dated 18.03.2021 is attached as Annexure
- E- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- F- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the grant of pay fixation w.e.f. 20.01.2009 the date of initial appointment.
- G- That as per rule 2.3. of the West Pakistan Pension Rules, 1963 and FR 22 the appellant is fully entitled for the grant of pay fixation w.e.f. initial appointment with all back benefits.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 15.02.2023

APPELLANT RASHID ZAMAN

THORUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE SUPREME COURT

KAMRAN KHAN

UMAR FAROOQ

WALED ADNAN

MUHAMMAD AYUB ADVOCATES HIGH COURT

AFFIDAVIT

I, Rashid Zaman, Office Attendant (BPS-02), Directorate of Projects, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

DEPONENT

"A"-

س مارت آ ایر سن سے ایماب عمد تیسر مزید خان ان بوآسان اسار آدر میکن خان سائل جرل میکنزان خ کر کے گئے۔ دیگر (بال سن 6 ایر کر تر 5)

عرمت باکسان کے دی مخت با کمکش کے قت ہوئے والے اور تیالی کا موں عی اضافے ، مرید بھری اور کی لیے تاہیم بڑے نے ان بے سام فرص سعاد کی محت معدد الی مام الدور کرما جا ہتا ہے سابھا کی فور کہ نام بان کی دور کیا جا تھی۔ مندر میں ہم کی پیکش دارکے کی بنیاد رقع ہے مطابق دی ما تھی۔ کا

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DIRECTORATE OF PROJEC

FATA Secretariat

Warsak Road Peshawar Phone: 091-5509907, 9213015

OFFICE ORDER

Consequent upon the interviews conducted on 15-01-2009 by the Selection Committee No.3 for recruitment of Official Cadre Class-IV staff under Directorate of Projects (DoP), FATA Secretariat. The following candidates have been selected for appointment in DoP FATA Secretariat Warsak Road Peshawar on contract basis initially for a period of one year extendable up to the life of DoP as per approved PC-I provision.

		·	
S. No	Selected Candidate	Post with BPS	Place of Duty
3,140	Aliaf Ullah S/O Sakhi Umar jan	Dirver BPS-5	DoP FATA Secretariat
	Imran Khan S/O BehramKhan	Dirver BPS-5	DoP FATA Secretariat
2 4	Shakir Ullah S/O Bismillah Jan	Dirver BPS-5	DoP FATA Secretariat
4	Muhammad Farooq S/O Mir	Office Attendant BPS-2	DoP FATA Secretariat
\ <u>.</u>	Hassan Shah	Office Attendant BPS-2	DoP FATA Secretariat
5	Sajjad S/O Zahir Shah Khan : Rashid Zaman S/O Muhammad	Office Attendant BPS-2	DoP FATA Secretariat
6	Zaman	Chowkidar BPS-2	DoP FATA Secretariat
7	Muhammad Irshad S/O Dost	Chowkidat Dr 0-2	

The selected candidates are directed to report for duty to DoP FATA Secretariat Warsak Road Peshawar with in 7 days positively from the date of issuing the office order.

In case of failure the appointment shall automatically be stand cancelled & the post will be offered to the next candidate on merit.

The candidates will have to produce a medical fitness certificate from the Authorized Medical Superintendent.

The appointment is purely on contract basis and the selected candidates will have to sign a contract appointment deed with DoP, FATA Secretariat accordingly.

Director Projects, FATA

Endst: No.CSF/DoP/592(8) Dated: 20-01-2009

Copy forwarded for information and necessary action to:

1. Secretary Planning & Development, FATA Secretariat

2. Secretary Administration & Coordination, FATA Secretariat

3. Secretary Finance FATA Secretariat

Additional Accountant General, Pakistan Revenue Sub Office Peshawar

5. Deputy Director Projects, FATA Secretariat

6. PS to ACS, FATA Secretariat

Official Concerned

Steno/Assistant, DoP FATA for record

(MAZHAR KAMRA)

Programme Officer DoP, FATA

11 C"

Director Projects,
Directorate of Projects,
FATA Secretariat,
Peshawar

Subject:

ARRIVAL REPORT

Reference your office Order No.CSF/DoP/592 (8) Dated: 20-01- 2009. I Mr. Rashid Zaman S/O Muhammad Zaman appointed as Office Attendant BPS-2 and submit my arrival report in the office of Director Projects, Directorate of Projects FATA Secretariat today on 21-01-2009 (F.N).

Rashid Zameru Rashid Zaman S/O Muhammad Zaman

Director Projects

Director Projects

FATAS Redad Pastawas



GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

Daled Poshower, June 30, 2022.

2. -7-

NOTIFICATION:

NO.SO(E)P&D/3-1/Reg:/Projects/M.As/2022: In compliance of Section-3-of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Enstwhile Endersity Administered Tribal Areas) Act, 2021, the Provincial Government is pleased to notify regularization of services of the following (24) employees of the project tilled "Directorate of Projects, FATA Secretariat" with effect from 13.01.2022, subject to following conditions as provided in Section-4 of the Act:

(a) the service promotion quote of all service cadres shall not be affected;

(b) the employees shall possess the same qualification and experience as required for a regular post;

(c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and

(d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

5#	Name of Officers/Officials	BPS	Designation.
٦.	Mr. Shakir Muhammad,	17	Finance & Admin Officer.
2.	Ms. Forzana Yosmeen.	17	Monitoring & Evaluation Officer.
3.	Syed Igrar Hussain Shah.	17	Programme Officer.
4.	Mr. Hizbullah.	17	Programme Officer:
<i>,</i> 5.	Mr. Akhtar Zaman.	16	Personal Assistant
6.	Muhammad Akbar Khan.	16	Personal Assistant, ' '
7.	Muhammad Schall.	16	Office Assistant.
5 .	Mr. Qudral Ullah.	16	Office Assistant.
8.	Mr. Shehryar Forld.	16	Compular Operator.
10.	Syed Wahld Shah.	16	Computer Operator.
11.	Mr. Shah Nawaz.	11	Junior Clerk,
12.	Mr. Imran Khan,	06	Driver.
13.	Mr. Shakir Ullah.	06	Drivor,
14.	Muhammad Yousal.	06	Drivor.
15,	Mr. Adnan.	06	Driver.
16.	Mr. Saml Ullah.	06	Drivar,
17,	Mr. Wahaab Gul	00	Driver,

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18.	Muhammad Faroog Shah	03	Altendant.	
19.	Mr. Sallad	03 :	Allendant.	4
20.	Mr. Rashid Zaman,	03	Allendanl.	
21.	Mr. Yasir Ullah.	03	Altendant,	
22.	Mr. Faheem Hussaln.	-03	Attendant.	
23.	Muhammad Irshad,	03	Chowkidar,	
24.	Mr. Raja.	.03	Sweeper.	

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

ADDITIONAL CHIEF SECRETARY P&D DEPARTMENT

Endst: No.& date even.

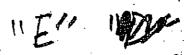
Copy forwarded to the:

- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- Accountant General, Khyber Pakhlunkhwa.
- PSO Chief Secretary, Khyber Pakhtunkhwa.
- Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department. Project Director, Directorate of Projects, FATA Secretariat. Assistant Chler (B&A), P&D Department.

- Manager, Government Printing Press for publication in the official gazette at an early date.
- PS to Additional Chief Secretary, P&D Department, PS to Secretary, P&D Dapartment. 9
- 10.
- 11. PA to Additional Secretary-II, P&D Department.
- PA to Deputy Secretary-II, P&D Department.
- 13. Officers/Officials concerned.

Section Officer (Esti:)

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FOR THE EXTRAORDINARY GAZETTE ISSUE OF THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 3/01/2022.

Pakhtunkhwa/Blils-187/2022/ 7 4. Ji Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31" December, 2021 and assented to by the Oovernor of the Khyber Pakhtunkhiva on 7th January, 2022 is hereby published as an Act of the Provincial Lagislature of the Khyber Pakhlunkhya.

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

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

(Here print as in the accompaniment).

Provincial Assembly of Khyber Pakhtunkhwa,

No. and date (as per notification above).

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

Proof should be sent to this Secretariat before publication.

SECRETARY.

Assembly of Khyber Pakhtunkhwa Dated / 101/2022 Provincia E.No. PA/Kliyber Pakhtunkhwa /Bills-182/2022/ 7.49.

A copy of the above is forwarded to:-

The Principal Secretary to Governor, Khyber Paklitunkhwa.

The Secretary to Government of Khyber Pakhtunkhwa, Law Department.

The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.

The Director Information, Khyber Pakhtunkhwa.

The Deputy Director I.T. Provincial Assembly of Khyber Pakhtunkhwa for official

SECRETARY,

Provincial Ass mbly of Khyber Pakhtunkhwa EXTRAORDINARY

GOVERNMÉNT



REGISTERED NO. PIII

GAZETTE



-10

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 13th JANUARY, 2022.

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 13th January, 2022.

No. PA/Khyber Pakhtunkhwa/Bills-182/2022/745.— The Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31th December, 2021 and assented to by the Governor of the Khyber Pakhtunkhwa on D7th January, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS) ACT, 2021.

(KHYBER PAKHTUNKHWA ACT NO. I OF 2022)

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

AN ACT

in pravide for the appointment and regularization of services of vertain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas.

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

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

- 1. Short (iffe, application and commencement,---(1) This Act may be called the Khyber Pakhtonikhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2024.
- (2) It shall apply to all the employees as defined in clause (d) of sub-section (1) of section 2 of this Act.

560

- (3) It shall come into force at once.
- 2. Definitions .-- (1) In this Act, unless the context otherwise requires .-
 - (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission:
 - (b) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for appointment to project post under a Department or office in the erstwhile Federally Administered Tribal Areas;
 - (c) "Government" means the Government of Khyber Pakhtunkhwa:
 - (d) "emplayees" means a person, who was appointed on contract basis, as per project policy, to a project post, in the erstwhile Federally Administered Tribal Areas, and such post was duly reflected in PC-1 of that project, and who possess the prescribed qualification, training and experience for the said post at the time of such appointment;
 - (c) "Department" means a Government Department, as defined in the Khyber Pakhinakhwa Government Rules of Business, 1985;
 - (f) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants:
 - (g) "project" means a perpetual nature project in the erstwhile Federally Administered Tribal Areas, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Departments and reflected in the Schedule;
 - (h) "project post" means a post in the project; and
 - (i) "Schedule" means a Schedule appended to this Act.
 - (2) The expression "contract appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
 - 3. Appointment and regularization of services of employees,—— (1) Notwithstanding anything contained in any law or rules, the employees, appointed on contract basis, against project posts, in the cristwhite Federally Administered Tribal Areas, and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Department.
 - (2) All such employees, after the commencement of this Act, shall, in flett of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.
 - (3) A Committee, headed by the Secretary of the Department concerned, with the following membership, shall scrutinize all the credentials of the employees; before issuance of the regularization orders:

12-

- (a) head of the Attached Department concerned:
- (b) representative of the Establishment and Administration. Department of Government:
- ter representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government, and
- ter Deputy Secretary of the Department concerned.
- General conditions for regularization.
 For the purpose of regularization of the employees under this Net, the following general conditions shall be observed:
 - (a) the service promotion quota of all service eadres shall not be affected:
 - the employees shall possess the same qualification and experience as required for a regular post;
 - the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
 - (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.
 - 5. Determination of seniority.—(1) All employees, whose services are regularized under this Act, shall rank joiner to all civil servants belonging to the same service or eadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank joiner to such other persons, if any, who, in pursuance of the recommendation of the Commission to Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or eadre, 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 eadre, shall be determined as per provisions of the Khyber Pakhumkhwa Civil Servants Act, 1973 (Khyber Pakhumkhwa Act No. XVIII of 1973) and rules made thereunder.
 - 6. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.
 - 7. Overriding effect.—Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

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	Strengthening and Capacity Building of AGRI Extension in FATA.
1.	Strengthening and Capacity Funding of Action 18 Production in Bajuar Promotion of Olive Cultivation Grafting for Oil Production in Bajuar
3.	Promotion of Chief Chareness
	Agency. Establishment of Semen Production Unit at January and Breed: Veterinary
3.	Establishment of Senten Property
	Service Improvement Program. Capacity Building Directorate of Livestock FATA.
1.	Mobile Veterinary Clinic in FATA (MVC).
3	Mobile Vetermary Chine in PATA
<u></u>	Establishment of Model Dairy Farm in FATA. Strengthening of Artificial Insemination/Veterinary Aid Services and
7.	Disease Reporting System 1,800 in FATA. Disease Reporting System 1,800 in FATA.
\	Disease Reporting System (2010 in FATA) Creation of Disease Free Zone Through Mass Vaccination and Treatment
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9,	Opening of 5 CV135 5 CVC in Adenticy
\	tevel of UVHS Status in Bajanr Agency. Provision of Medicine and A.I Services in Existing Vet: Institution in
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1 11	Garage For 2 Vehicle in Al.O Office Halaur Agency.
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_	14. Provision of Mobile Very Clinic in Mohnand Agency. 14. Provision of Mobile Very Clinic in Mohnand Agency. 15. Provision of Mobile Very Clinic in Routed Building Ambar Area and
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_	16. Opening of 18 Very Centers and a Trees of the Agency. 17. Opening of 3 CVDs in Rented Building, Bara Khyber Agency. Dismostic Lab in Civil Veterinary
1_	17. Opening of 3 CVDs in Rented Building, Data Kirvici (Igen- 18. Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary
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Ţ	CVII Status in Orakzai Agency. 20. Small Ruminants (Sheep and Coat) Development Program in Leibal
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	Districts 21. Provision of Artificial Insemination Services in Existing Veterinary
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<u> </u>	١.	Opening of 5 CVCs, 8 CVDs, 22 AlCs and Diagnostic Laboratory in				
		Kurram Agency.				
1	5.	Provision of Al Facilities in Existing 14 Veterinary Institutions in NWA.				
7	<u>ن. ا</u>	Provision of Veterinary Health Facilities in District North Waziristan.				
J	7.	Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVD				
		to CVIT Status In SWA.				
_	8.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR				
		Peshawar.				
	٤).	Provision of Mobile Veterinary Clinic in Sub Division Peshawar.				
	(1,	Opening of 02- CVDs and 04-AICs in FR Kohat.				
_	11.	Establishment of Mobile Veterinary Clinic in Sub Division Kohat.				
	i2.	Opening of 2 CVDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVII				
		Status in FR DI KHAN,				
	33.	Provision of Mobile, Veterinary Clinic in Sub Division D.I. Khan.				
	34.	Opening of 1 CVH, 02 CVDS, 04 CVCS and 11 AlCS in FR Tank.				
	35.	Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level				
		of CMH in Sub Division Tank.				
	პრ,	Opening of 5 Very: Dispensaries, 05 Civil Very: Centers, 10-AlCs and Up-				
<u> </u> _		gradation of 01 CVC to CVD in FR Bannu.				
 	37.	Opening of 08 Veterinary Centres and 08 AICS in FR LAKKI.				
<u> </u>	38.	Provision of Mobile Veterinary Clinic in Sub Division Lakki.				
	39.					
Ŀ	·	Livestock Farmers Through PPP in FATA.				
-	-10.	Strengthening of Fisheries Department in FATA				
1	41.	Control of Zoonotic A. Contagious Disease Through Existing Vety Health				
		Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in				
H		Tribal Districts.				
-	42.	Provision of Mobile Vety: Clinic in Bajaur Agency.				
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1-		Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.I.				
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565 KHYBER PAKHTUNKHWA GOVERNMENT GREET	
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57. TB Control Program in FATA. Child Health (MNCH) Program Merged District.	1-1-
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75 Opening of 07 CHCs / Chs in Garden District.	
76 Opening of 15 CITCS CDs in Communication District.	
 77. Opening of 24 CHCs / CDs in South Waziristan District. 78. Opening of 18 CHCs / CDs in South Waziristan District. 79. Removal of Staff Deficiencies in Newly opened Areas in Health Factories. 	ilities
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80. Establishment of Government Cullege of Management Sciences, 5 vv. 81. Strengthening of Crises Management Cell Through FATA Analysis	is and
81 Strengthening of Cross of Shahkass, Jamrud.	Khyber
81. Strengthening of Crises Strategy Team. 82. Establishment of Levy Training Center at Shahkass, Jamrud.	
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105. Mohmand Area Development Project.	
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BY ORDER OF MR. SPEAKER PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(KIFAYAT ULLAH KHAN AFRIDI) Secretary

Itrovincial Assumbly of Khyber Pakhitinkhwa

Inited and tublished by the Minaght. State, & Mr. Deptt., 10-year Palmanethea, Peakins n F" 17-

To

The Secretary to Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat, Peshawar

Subject:

APPEAL

REGARDING PAY PROTECTION OF PAY OF PROJECT/ CONTRACT EMPLOYES OF REGULARIZED UNDER THE "KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FATA ACT 2021"

Respect Sir,

It is stated with profound veneration that the Govt. of Khyber Pakhtunkhwa regularized the services of the employees of the Directorate of Projects & PMU-World Food Program erstwhile FATA under the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021 on 13th January 2022. This act of the Govt. was highly appreciated by the contract employees whose services were regularized thus provided them with job security in future. However, it was noted with concern that their salaries were fixed at the initial stage of the appointment.

In this regard, the P&D Department submitted an appeal of the employees to Finance Department vide letter No. SO (B&A)/P&DD/1-4/SDU/2021-22/100 dated: 22nd December, 2022 (copy enclosed). However, the Finance Department, without properly scrutinize the case, returned the same by quoting the Finance Department Circular No. FD (SR-1)12-7/2014 Dated: 6th February, 2014 and the Finance Department letter No. FD (SOSR-1) 12-2/2020 (34323) dated: 18th March, 2021 It is, however, to be noted that Finance Department letter No. FD (SOSR-1) 12-2/2020 (34323) dated: 18th March, 2021allow pay protection to gazetted contract employees on their regularization/appointment on regular basis (copy enclosed):

It is pertinent to mention here that the employees of the above mentioned projects had been working in these projects since 2008 and fixing their salaries at the initial pay of their respective grades have resulted in huge reduction in their salaries without recognizing the services rendered by them in their respective projects. The reduction in salaries coupled with the double digit inflation, has adversely affected the employees and has a far reaching implication upon their living standards

Foregoing in view, it is once again prayed that the pay of the employees of D rectorate of Projects & PMU-World Food Program may be protected from their initial date of appointment so as to cope with the prevailing inflation, please.

Yours obediently
All Employees of Directorate of Projects & PMU-World Food Program
(List annexed)

LIST OF EMPLOYEES

-19-

					•		
a11.2	Namo/Dosignation/Pay Scale of the Project Employee			D -1			
3.110	Name of Employer	Designation	Pay Scale	Date of Appointment	Date of Regularization	Total Sorvice in Project	Signature
1	Sliakir Muhammad	Admin & Finance Officer	17	17-Mar-08	1/13/2022	13 YEARS.	4
2	Рагилла Уватевл	Monitoring & Evaluation Officer	17	15-Jun-10	1/13/2022	12 YEARS	folkom
3	Syed Igrar Hossain Shah	Programme Officer	17	7-Aug-17	1/13/2022	4 YEARS	1/2.
4	Hizbuilah	Programme Officer	17	11-Jan-11	1/13/2022	1 YEARS	() once
5	Salled Mohammad	Sectors Specialist, WFP	17	26-Jan-15	1/13/2022	7 YEARS	
6	Akhlar Zaman	PA	16	20-Jan-10	1/13/2022	12 YEARS	
7	Muhammad Akbar Khan	PA	16	25-Jan-10	1/13/2022	12 YEARS	Ophila
8	Muhammad Schait	Office Assistant	16	1-Jul-15	1/13/2022	7 YEARS	A HERE
9	Qudral Ullals	Office Assistant	16	8-Aug-17	1/13/2022	4 YEARS	Durch
10	Shphryar Fano	Computer Operator	16	5-Mar-09	1/13/2022	13 YEARS	The same of the sa
. 11	Syed Wahid Shah	Computer Operator	16	7-Aug-17	1/13/2022	4 YEARS	Dhal
12	Onyura Khan	Office Assistant	- 16	1/7/2015	1713/2022	7 YEARS	(6, 1
13	Khalid Mehmood	Computer Operator	16	7/15/2015	1/13/2022	5 YEARS	W S
14	Noor Rahinan	Computer Operator	16	7/8/2017	1/13/2022	5 YEARS	Molt
13	Shahnawaz	Juntar Clerk	11	20-Jan+10	1/13/2022	12 YEARS	Prem
16	linean Khao	Driver	ఓ	21-Jan-08	1/13/2022	13 YEARS	Q 14
17	Shakir Uilah	Driver	<i>(</i> 5.,	21-Jan-09	1/13/2022	13 YEARS	924/2/100
18	Muhammad Yousal	Driver	b	1-Apr-11	1/13/2022	11 YEARS	المدود في
19	Auhan	Driver	40	30-Aug-18	1/13/2022	3 YEARS	D. Fran

		T					
20	Sani Ullon	Driver	لے	20-Aug-18	1/13/2022	3 YEARS	a Callia
21	Wahreb Gul	Driver	6	27-Aug-18	1/13/2022	3 YEARS	worker
22	Muhimmod Faroog Shah	Office Allendant	ļ	21-Jan-09	1/13/2022	13 YEARS	Africh
53	Sallad	Office Attendant	7	21-Jan-09	1/13/2022	13 YEARS	all
Ś1	Rashid Zaman	Office Allendant	**	21-Jnn-09	1/13/2022	13 YEARS	Paul
25	Yasir Upah	Office Altendant	3	30-Aug-18	1/13/2022	J YEARS	ما سمر الذ
26	Fahlm Huasain	Office Altendant	74,	27-Aug-18	1/13/2022	4 YEARS	fortive
27	Mutaminad listad	Special Messenger/Walchman	ړ	21-Jan-09	1/13/2022	13 YEARS	301
28	Rajo	Sweeper	١,	4-Feb-10	1/13/2022	12 YEARS	91

-21-



PLANNING & DEVELOPMENT DEPARTMENT

NO.SO (B&A)/P&DD/1-4/SDU/2021-22/100 Dated Peshawar the 22nd December, 2022

To

The Secretary to Govt, of Khyber Pakhtunkhwa

Finance Department,

Peshawar,

Planning & Generopment Depth:

14.17.14

Subject: -

PAY PROTECTION OF PAY OF PROJECT CONTRACT EMPLOYEES REGULARIZED UNDER THE "KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FATA) ACT 2021".

Dear Sir.

I am directed to refer to the subject noted above and to say that project employees of the Directorate of Projects & PMU-World Food Program were regularized in wake of the "Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile FATA) Act 2021" copy of the departmental Regularization Orders enclosed. The respective employees have lodged a joint appeal to the worthy Secretary P&D for grant of pay protection claiming pay protection in the light of the Finance Division Office Memorandum dated 20.09.2016 and Finance Department Notification dated 18.03.2021 (copies enclosed).

Foregoing in view a copy of the said appeal along with all supporting documents, submitted for favour of grant of concurrence to Pay Protection in the light of the above-cited notifications, please.

Yours Faithfully

Encl: As above.

(JAWAD KHAN) ASSISTANT CHIEF (B&A)

Copy forwarded for information to:

The Secretary, P&D Department.

2. The Director General, SDU, P&D Der Iment.

3. The Additional Secretary-II, P&D Department.

4. Deputy Secretary (Admn), P&D Department.

ASSISTANT CHIEF (B&A)



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

O Finance Department Civil Secretariat Peshawar http://www.finance.gkp.pk

ᡦ facebook.com/GoKPFD ❤ twitter.com/GoKPFD

NO. FD(SOSR-1)12-4/2022/ERSTWHILE FATA Dated Peshawar the: 09-01-2023

Τо

The Section Officer (B&A), Planning & Development Department, Peshawar.

Subject:

PAY PROTECTION OF PROJECT CONTRACT EMPLOYEES REGULARIZED UNDER THE "KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FATA) ACT 2021".

am directed to refer to your letter No.SO(B&A)/P&DD/1-4/SDU/2021-22/100 dated 22.12.2022 on the subject noted above and to advise that the case may be examined in light of Finance Department's circular letters No. FD(SR-I)12-7/2014 dated 06.02.2014, FD(SOSR-I)12-2/2020(34323) dated 18.03.2021 and minutes of the meeting held on 21.01.2020 (copies enclosed) which are crystal clear, please.

Encl: A.A

SECTION OFFICER (SR-1)

-23-



GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

NO.SO (B&A)/P&DD/1-4/SDU/2021-22/100 Dated Peshawar the 17th January, 2023 1151

-

To

The Director General, SDU

P&D Department.

Planning & Development Deptt:

Subject: -

Dear Sir.

PAY PROTECTION OF PAY OF PROJECT/CONTRACT EMPLOYEES'N REGURLARIZED UNDER THE "KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE

FATA) ACT 2021"

I am directed to refer to a joint appeal submitted by all Employees of Directorate of Projects (DOP) & PMU-World Food Program (WFP) for grant of pay protection dated 07.11.2022 and to enclose herewith a copy of Finance Department letter No.FD(SOSR-1)12-4/2022/ERSTWHILE FATA dated 09.01.2023 along with enclosures, wherein Finance Department has tendered that "all project employees who were appointed on fixed pay basis and in receipt of 5% increment are not entitled to the pay protection", please.

Yours Faithfully

Encl: As above.

(JÁWAD KHAN) ASSISTANT CHIEF (B&A)

Copy forwarded for information to:

The Additional Secretary-II, P&D Department.

2. The Deputy Secretary (Admn), P&D Department.

3. P.S to Secretary, P&D Department.

ASSISTANT CHIEF (B&A)

GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

njanco: repartiment Civil Secretorial Peshawar

D http://www.linancs.gkp.ph

[lacebook(com/GoKPFO > twitter.com/GoKPFO

NO. FD (SOSR-1) 12-2/2020(34323) Dated Peshawar the: 18th March, 2021

To:

The Addi: Chief Secretary, P&D Department, Khyber Pakhlunkhwa.

- The Addi: Chief Secretary, Merged Areas Secil: Khyber Pakhtunkhwa.
- The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
- The Principle Secretary to Governor, Khyber Pakhtunkhwa. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Secretary, Provincial Assembly, Khyber Pakhtunkhwa All Heads of Attached Departments in Khyber Pakhtunkhwa:
- The Registrar, Peshawar High Court, Peshawar.
- All District & Sessions Judges in Khyber Pakhlunkhwa 10
- The Chairman, Public Service Commission, Khyber Pakhtunkhwa,
- The Chairman, Services Tribunal, Khyber Pakhtunkhwa. 11.
- All Deputy Commissioners, in Khyber Pakhtunkhwa 12.

Subject:

ECTION OF PAY OF CONTRACT EMPLOYEES UN APPOINTMENT REGULARIZATION

: Dear Sir.

In pursuance to the Finance Division's Office Memorandum No.4(2)R-2/2014-237 dated 7th April, 2015, the Competent Authority (Provincial Cabinet) is pleased to allow the pay protection to gazetted contract employees on their regularization / appointment on regular basis subject to the following conditions:-

- That the contract appointment has been made in BPS on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
 - That regularization / regular appointment has been made iii) with the approval of competent authority:
 - That there is no break / interruption between contract ivi service and regular service.

quality for penalty, gratuity.

That in case of requiar appointment in lower grade, pay

shall not be professiont.

That the pay protection / fixation of pay will be admissible vii) with immediate effect with regard to old I new cases which are fulfilling the pay protection criteria mentioned abbve.

in addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

ours faithfully,

nad Salim Shah) Deputy Secretary (Reg-I & II)

Endst: No & Date even.

लाक्षीकृतकृतकः हुन्। इ.स. १५ क्षेत्रकृतकः

A Copy for information & necessary action is forwarded to the:-

- Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
- Accountant General, Knyber Pakhtunkhwa, Peshawar.
- All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhlunkhwa.
- The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
- The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar, The Director, EMIU, Finance Deptt: with the request to upload the same on FD's Website.
- The Manager: Govl. Printing Press, Printing & Press Department, Peshawar.
- All the District Accounts Officers in Khyber Pakhtunkhwa. 8.
- The Section Officer (Cabinet) Esti: Depti:, Khyber Pakhtunkhwa with reference to his letter-
- The Section Officer (Estab), C&W Oopit: with reterence to his teller No.50E/C&WD/1-61/2010 dated 26-10-2020 in respect of Eng. Syed Nasir Johan, Assit: Engineer / S00 (BS-17) of C&W Deptit KP. 11.
- The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
- The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa. 12.
- The Private Secretary to Secretary, Finance Depit: Khyber Pakhtunkhwa. 13.
- PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa. 14.
- PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar. 15.

SECTION OFFICER (SR-1)

- vi) That in case of regular appointment in lower grade, pay shall not be protected.
- vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old new cases which are fulfilling the pay protection criteria mentioned above.
- In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully,
Sd/(Muhammad Salim Shah)
Deputy Secretary (Reg-I & II)

Endst: No & Date even.

A Copy for information & necessary action is forwarded to the:-

- 1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 3. All Heads of Autonomous / Semi-Autonomous Bodies in Khyber Pakhtunkhwa.
- 4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- 5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
- 6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 7. The Director, FMIU, Finance Depit: with the request to upload the same on FD's Website.
- 8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
- 9. All the District Accounts Officers in Khyber Pakhtunkhwa
- 10. The Section Officer (Cabinet) Estt: Deptt., Khyber Pakhtunkhwa with reference to his letter No.SOC(ESA)9-51/2021 dated 08-03-2021.
- 11. The Section Officer (Estab), C&W Deptt: with reference to his letter No SOE/C&WD/1-61/2010 dated 26-10-2020 In respect of Eng. Syed Nasir Johan, Asstt: Engineer / SDO (BS-17) of C&W Deptt. KP.
- 12. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa
- 13. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa
- The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa,
- 15. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa,
- 16. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar

Sd/-(Rehmat Khan) SECTION OFFICER (SR-I)

AG KP Peshawar	
S#:1	P Sec: 009 Month: January 2023
7077 # 00.000	PR8237 -Directorate of Projects FA
Pers #: 00438008 Buckle:	Directorate of Projects F
Name: RASHED ZAMAN	NTN:
ATTENDANT	GPF #:
CNIC No.1310109548105	Old #:
GPF Interest Free	
,03 Active Temporary	PR8237 -005
PAYS AND ALLOWANCES:	
0001-Basic Pay	14,840.00
1004-House Rent Allow 45% KP21	3,542.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
2311-Dress Allowance - 2021	1,000.00
2312-Washing Allowance 2021	1,000.00
2313-Integrated Allowance 2021	600.00
2341-Dispr. Red All 15% 2022KP	1,441.00
2347-Adhoc Rel Al 15% 22(PS17)	1,441.00
Gross Pay and Allowances	27,149.00
DIDUCTION	27,149.00
DEDUCTIONS:	
GPF Balance 5,570.00	Subrc: 770.00
3501-Benevolent Fund	
4004-R. Benefits & Death Comp:	
	300.00
Total Deductions	1 (70)
<u> </u>	1,670,00
	05.470
	25,479.00
D.O.B LEE	Quota:
15.12.1978 MCB	
14 70000 00 11	BANK LIMITED ASHRAF ROAD 6652251000409

VAKALATNAMA BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO:	OF 20 <u></u> こ
Rashid Zaman	(APPELLANT) (PLAINTIFF)
VERS	(PETITIONER) SUS
PED Deptt.	(RESPONDENT) (DEFENDANT)
1/We Appellant	
Do hereby appoint and constitut	e Noor Mohammad Khattak
Advocate Supreme Court to a withdraw or refer to arbitra Counsel/Advocate in the above not for his default and with the author Advocate Counsel on my/our Advocate to deposit, withdraw a sums and amounts payable or deposit above noted matter.	ation for me/us as my/out oted matter, without any liability rity to engage/appoint any othe cost. I/we authorize the said and receive on my/our behalf a
Dated	CLIENT
	ACCEPTED A
a	NOOR MOHAMMAD KHATTAK ADVOCATE SUPREME COURT (BC-10-0853) (15401-0705985-5)
	KAMRAN KHAN
	UMAR FAROOQ MOHMAND WALEED ADNAN
& OFFICE:	MUHAMMAD AYUB ADVOCATES

Flat No. (TF) 291-292 3rd Floor, Deans Trade Centre, Peshawar Cantt. (0311-9314232)