


FORM OF ORDERSHEET

Court of _____

Case No. _____

707/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.03.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing and decision on office objections before Single Bench at Peshawar on _____. Counsel for the appellant be informed accordingly.</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Sajjad Mohammad Sectors Specialist 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.
- 4- 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. 632 /S.T,

Dt. 17/2 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.
High Court Peshawar.

R/siv,

- In response to objection 1-6, 8-11 that has properly been removed, whereas in objection No. 7, the appellate order dated 17.07.2023 is a consolidated order placed on Annex - G Page. 23.

- Re submitted.

 21/3/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 707 /2023

SAJJAD MOHAMMAD VS PLANNING & DEVELOPMENT DEPTT:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE SUPREME COURT

1.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 707 /2023

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3624

Dated 16/2/2023

Mr. Sajjad Mohammad, Sectors Specialist, WFP (BPS-17), Director General
Projects, Directorate of Projects, Khyber Pakhtunkhwa, Peshawar.

.....**APPELLANT**

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. 20.01.2010 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. 26-01-2015 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:

- 1- That the respondent department vide advertisement advertised certain posts and after following the codal formalities the appellant was appointed in the respondent Department as Sectors Specialist (BPS-17) vide order dated 26-01-2015. Copies of advertisement and appointment order are attached as Annexure..... **A & B.**
- 2- That in response to the order mentioned above the appellant submitted her arrival report and took over the charge of her post. Copy of the charge report is attached as annexure**C.**
- 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.

Filed to-day

Registrar.

16/2/23

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 **F.**
- 5- That the representation of the appellant was disposed of/dismised vide order dated 17.01.2023. Copy of the appellate order dated 17.01.2023 is attached as Annexure **G.**
- 6- That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUND:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 20.01.2010 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. 20.01.2010 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 **H.**
- 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. 20.01.2010 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
SAJJAD MOHAMMAD**

THOROUGH:

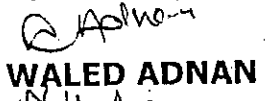
**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**



KAMRAN KHAN



UMAR FAROOQ



WALED ADNAN



**MUHAMMAD AYUB
ADVOCATES HIGH COURT**

AFFIDAVIT

I, Sajjad Mohammad, Sectors Specialist, WFP (BPS-17), Director General Projects, 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

Job Opportunities

"A"
4-

Candidates are invited to submit candidatures having domicile of Peshawar / FATA for the following vacant positions in Directorate of Projects, Project Management Unit for Construction of Infrastructure Project in FATA (CIP), Project Management Unit, World Food Program (WFP), and Mohmand & Bajaur Area Development Projects (MADP & BADP), FATA Secretariat Wazirak Road, Peshawar on contract basis (12 months) till 31st March 2014. The candidates should be eligible for the posts on the basis of their educational qualifications and professional performance of the respective CIP projects. (Candidates will be given 10 days to submit their candidatures having FATA domicile).

S.No	Position	No. of Posts	Level	Age Limit	Qualification/Experience
1	Design Engineer (Mechanical) (BPS-17) CIP/WFP	01	Peshawar	30-45	BSc Civil Engineering from HEC recognized university with minimum 03 years relevant experience or should have a Master Degree in Economics or Social Sciences with 10 years of experience of monitoring & evaluation in Govt. Development & Infrastructure Projects and computer knowledge (MS Office).
2	Finance Specialist (BPS-17) CIP/WFP	01	Peshawar	30-45	MBA Finance (M.Com) from HEC recognized university with minimum 10 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
3	Finance (Monitoring Specialist) (BPS-17) CIP/WFP	01	Peshawar	30-45	BSc Civil Engineering from HEC recognized university with minimum 05 years relevant experience or Master Degree in Economics or Social Sciences with 10 years experience of Monitoring & evaluation in Govt. Development & Infrastructure projects and computer knowledge (MS Office).
4	Infrastructure Specialist (BPS-17) CIP/WFP	01	Peshawar	30-45	BSc Civil Engineering from HEC recognized university with minimum 05 years relevant experience or Master Degree in Economics or Social Sciences with 10 years experience of Monitoring & evaluation in Govt. Development & Infrastructure projects and computer knowledge (MS Office).
5	Procurement Specialist (BPS-17) CIP/WFP	01	Peshawar	30-45	Master Degree in Social Sciences or MBA from HEC recognized university with minimum 05 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
6	Facilities Director (BPS-17) CIP/WFP	01	Peshawar	30-45	BSc Civil Engineering from HEC recognized university with minimum 05 years relevant experience or Master Degree in Economics or Social Sciences with 10 years experience of Monitoring & evaluation in Govt. Development & Infrastructure projects and computer knowledge (MS Office).
7	HRM Officer (MADP & BADP) (BPS-17) CIP/WFP	01	Agency	25-45	Master of Agriculture from HEC recognized university with minimum 03 years relevant experience in multi sectoral development projects/donors assisted projects and computer knowledge (MS Office).
8	Monitoring & Evaluation Officer (BPS-17) MADP/WFP/BADP	03	Peshawar / Agency	30-40	Master degree in Social Sciences or MBA from HEC recognized university with minimum 05 years relevant experience in multi sectoral development projects/donors assisted projects and computer knowledge (MS Office).
9	Sector Specialist (Health) (BPS-17) PMU/WFP	01	Peshawar	30-40	MBSB/MPH from HEC recognized university with minimum 05 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
10	Sector Specialist (Education) (BPS-17) PMU/WFP	01	Peshawar	30-40	Master degree in Social Sciences/M.Ed from HEC recognized university with minimum 05 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
11	Sector Specialist (Agriculture) (BPS-17) PMU/WFP	01	Peshawar	30-40	MSc in Agriculture from HEC recognized university with minimum 05 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
12	Admin & Finance Officer (BPS-17) PMU/WFP	01	Peshawar	30-40	MBA (Finance)/M.Com from HEC recognized university with 03 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
13	Project Assistant (BPS-11) MADP & BADP	02	Agency	25-40	MBA (Finance) or equivalent qualification from HEC recognized university with 02 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
14	Assistant Assistant / Senior Assistant (BPS-11) CIP/WFP	01	Peshawar	18-40	Master in Business Administration (Finance) or related qualification from HEC recognized university with 02 years relevant experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
15	Field Engineer (MADP/WFP) South Waziristan and Mohmand Agencies	02	Agency	25-45	DAE in civil engineering from a recognized university with minimum 03 years relevant experience in construction supervision of community infrastructure projects. Experience in multi-sectoral development projects will be preferred.
16	Sub Engineer (MADP & BADP)	02	Agency	25-35	B.Tech (DAE) (Civil Engineer) from recognized university / institution with minimum two years' experience in multi sectoral foreign aided projects/donors assisted projects and computer knowledge (MS Office).
17	Office Assistant (MADP & BADP, PMU/WFP, WFP, DCP)	09	Peshawar / Agency	18-35	BOS/BA/B.Sc with 02 years relevant experience in a well reputed organization and computer knowledge (MS Office).
18	Computer Operator/Data Entry Operator (BPS-11) PMU/WFP, MADP & BADP, PMU/WFP, WFP, DCP	10	Peshawar / Agency	18-35	DOS/BA/B.Sc with one year diploma in IT from Govt. Technical Board with 02 years relevant experience in a well reputed organization.
19	Junior Clerk (BPS-07) PMU/WFP, DCP	02	Peshawar	18-30	FAE/B.O.Com with typing speed 40 wpm and computer knowledge in MS Word and MS Excel and 2 years relevant experience.
20	Telephone Operator (BPS-07) MADP & BADP	02	Agency	18-30	FAE/B.Sc with two years relevant experience in Computer knowledge (MS Office) is must.

Candidates should apply along with Govt. recent photographs, copies of certificates (Degree, 1st, 2nd, 3rd and final professional DMCs for engineering positions and CQC / domicile etc. duly attested should reach the office of the undersigned by post within 15 days of the publication of this advertisement. Candidates applying for more than one position shall submit separate applications. Candidates serving in government or semi government organizations should apply through proper channel. The competent authority reserves the right not to fill / increase / decrease the number of vacancies or cancel the recruitment process. The appointee shall be considered as project employee and his contract shall be terminated at any time without assigning any reason and will have no right of regular status. No TAQA shall be admissible. Only short listed candidates will be called for interviews on dates to be communicated accordingly.

Director General, (Projects)
Directorate of Projects
FATA Secretariat, Wazirak Road, Peshawar

Only Peshawar

2014/12/4

"B" - 5-

Office Order

In pursuance of the approval of the competent authority the following candidates have been appointed against the vacant positions of Agriculture Sector Specialist (BPS 17) at PMU World Food Program, FATA. The appointment is purely on contract basis on fixed pay as per Govt. of Pakistan Finance Division (Regulation Wives) standard pay scale for the project staff. The appointment is initially for the period of six months which is extendable on the basis of satisfactory performance.

Name of Candidate	Post	BPS	Place of Duty
Shahid Ahmad	Sector Specialist Agriculture	17	PMU/WFP/FATA Secretariat Peshawar

- 1. The appointed candidate to report to the duty station mentioned above within 15 days positively from the date of this order.
- 2. The appointment shall automatically stand cancelled & the post shall be offered to the next eligible candidate.
- 3. The appointee shall produce a medical fitness certificate from the Authorized Medical Superintendent at the time of appointment and be on contract basis and the appointee will sign a contract appointment deed at the time of appointment.
- 4. The appointee shall be considered as project employee and his contract can be terminated at any time without any financial liability. The appointee will have no right of regular status.
- 5. The educational degree from respective board/organization shall be verified before joining the duty station.

Sd
Secretary P&D Department, FATA
Dated: 23rd June 2013

- 1. To Mr. A. A. Akram (703/110)
- 2. For information and necessary action to:
 - 1. Mr. Accountant General, Pakistan Revenue, Sub Office, Peshawar
 - 2. Head of Program, WFP, Peshawar
 - 3. Director Agriculture Directorate of Agriculture Extension, FATA
 - 4. Mr. Additional Chief Secretary, FATA
 - 5. Mr. Secretary P&D Department, FATA Secretariat
 - 6. Mr. Chief Secretary, Finance Department, FATA Secretariat
 - 7. Mr. Chief Secretary, M&C Department, FATA Secretariat
 - 8. Mr. Director General Projects, FATA Secretariat
 - 9. Mr. Addl. DG Projects, Project Director, PMU-WFP, FATA Secretariat
- 10. Official Concerned

PROJECT DIRECTOR
Project Management Unit

(Shakir Muhammad)
Finance & Adm. Officer

OFFICE ORDER

Consequent upon the approval of the Competent Authority, the following candidates have been appointed against the vacant positions of Computer Operator (BPS-12) at directorate of Projects, PMU: FIP-QIP, FATA, PMU / WFP, Mohmand & Bajaur Area Development Projects as per the interview conducted by the selection committee on 16th June 2015. The appointment is purely on contract basis on a fixed pay as per Govt of Pakistan Finance Division (Regulation Wing) Standard Pay Package for the project staff. The appointment is initially for the period of one year which is extendable upto the life of the project.

S No	Name of Appointee	Post	BPS	Place of Duty
1.	Sajjad Muhammad S/o Sultan Muhammad	Sector Specialist Agriculture	17	PMU, WFP, FATA Secretariat

1. The appointee is directed to report to the respective duty station mentioned against each appointee with 15 days positively from the date of issuance of office order
2. In case of failure the appointment shall automatically stand cancelled & the post shall be offered to the next candidate on waiting list.
3. The appointee shall produce a medical fitness certificate from the Authorized Medical Superintendent.
4. The appointment shall be on purely contract basis and the selected candidates will sign a counter appointment deed with project concerned accordingly.
5. The appointee shall be considered as project employee and his contract can be terminated at any time without assigning any reason and will have no right of regular status.
6. Academic Certificates / degrees from respective boards / universities shall be verified before signing contract service agreement.

Sd/-

Secretary P&D Department, FA

Endst No. FS/DoP/F&A/Recruitment/7053(4)

Dated 23rd July 2015

Copy forwarded for information and necessary action to:

1. Addl: Accountant General, Pakistan Revenue, Sub Office, Peshawar
2. Political Agent Mohmand / Project Director MADP.
3. Director Agriculture, Directorate of Agriculture Extension, FATA
4. PS to Additional Chief Secretary, FATA
5. PS to Secretary P&D Department, FATA Secretariat.
6. PS to Secretary finance Department FATA Secretariat.
7. PS to Secretary M&C Department, FATA Secretariat .
8. PS to Director General Projects, FATA Secretariat.
9. PS to Addl: DG Projects / Project Director PMU-WFP, FATA Secretariat.
10. Official Concerned

"C"

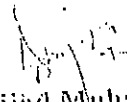
-6-

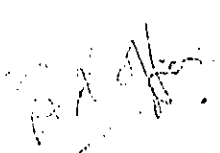
To


Project Director PMU-WFP
FATA Secretariat
Peshawar


Subject: ARRIVAL REPORT

In compliance to Directorate of Projects (P&D) department FATA Secretariat office orders NO FS/DoP/F&A/Recruitment/7035(10) dated 23-06-2015. I here by submit my arrival report on 26-06-2015 (E.N) in this office of PMU. WFP FATA Secretariat to assume the charge of Sector Specialist Agriculture (BPS 17).

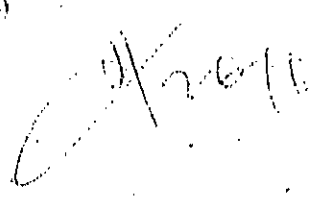

Sajjad Muhammad
S/O Sultan Muhammad
Dated 26-06-2015

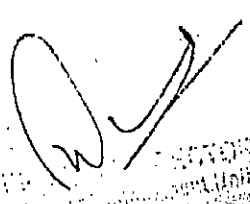



26/6


26/6

For m/s P.C.







PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, June 30, 2022. "D"
-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 Erstwhile Federally Administered Tribal Areas) Act, 2021, the Provincial Government is pleased to notify regularization of services of the following (04) employees of the project titled "Project Management Unit for World Food Programme in FATA" with effect from 13.01.2022, subject to following conditions as provided in Section-4 of the Act ibid:

- the service promotion quota of all service cadres 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
- the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

S#	Name of Officers/Officials	BPS	Designation
1.	Mr. Sajjad Muhammad.	17	Sectors Specialist.
2.	Mr. Qayum Khan.	16	Office Assistant
3.	Mr. Khalid Mahmood.	16	Computer Operator.
4.	Mr. Noor Rahman.	16	Computer Operator.

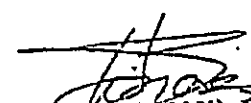
As per Section-3 (2) of the Act ibid, all the above employees shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, alongwith the contributions made by Government to their accounts in the said Fund, in the prescribed manner.

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 Pakhtunkhwa.
- PSO Chief Secretary, Khyber Pakhtunkhwa.
- Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
- Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- Project Director, Project Management Unit for World Food Programme in FATA.
- Assistant Chief (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 Department.
- PA to Additional Secretary-II, P&D Department.
- PA to Deputy Secretary-II, P&D Department.
- Officers/ officials concerned.


(SONA KHAN) 30/6/22
Section Officer (Estt:)

-8-

"E" ~~1022~~

9-

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 3/01/2022.

No. PA/Khyber Pakhtunkhwa/Bills-182/2022/74.5 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 31st December, 2021 and
assented to by the Governor of the Khyber Pakhtunkhwa on 7th 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 3/01/2022).

(Here print as in the accompaniment).


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

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

Proof should be sent to this Secretariat before publication.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa
Dated 13/01/2022

E.No. PA/Khyber Pakhtunkhwa/Bills-182/2022/265-50

A copy of the above is forwarded to:-

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


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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 31st December, 2021 and assented to by the Governor of the Khyber Pakhtunkhwa on 07th 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

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

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

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

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

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

-10

(3) It shall come into force at once.

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

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

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

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

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

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

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

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

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

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

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

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.

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

1.	Strengthening and Capacity Building of AGRU Extension in FATA.
2.	Promotion of Olive Cultivation Grafting for Oil Production in Bajaur Agency.
3.	Establishment of Semen Production Unit at Jamrud and Breed Veterinary Service Improvement Program.
4.	Capacity Building Directorate of Livestock FATA.
5.	Mobile Veterinary Clinic in FATA (MVC).
6.	Establishment of Model Dairy Farm in FATA.
7.	Strengthening of Artificial Insemination/Veterinary Aid Services and Disease Reporting System I & II in FATA.
8.	Creation of Disease Free Zone Through Mass Vaccination and Treatment and Feasible Districts on Pilot Basis.
9.	Opening of 5 CVDS 5 VCS 6 AICS and Up-gradation of 2 CVDS to the level of CVHS Status in Bajaur Agency.
10.	Provision of Medicine and A.I. Services in Existing Vet. Institution in Bajaur Agency.
11.	Establishment Vety. Diagnostic Lab in CVII Khar and Construction of Garage For 2 Vehicle in A.I.O Office Bajaur Agency.
12.	Provision of A.I. Facilities Medicine in Existing Veterinary Institution Construction of Building of Functional Veterinary Centers (In Rented Building), Special Campaign for The Control of Ecto and Endo Parasite in Mohmand Agency.
13.	Opening of 3 CVDS, 23 VCS, 16 AICs and Up-gradation of CVD Lakaru to CVII Status Mohmand Agency.
14.	Provision of Mobile Vety Clinic in Mohmand Agency.
15.	Opening-Establishment of 2 CVDs in Rented Building Ambar Area and Provision of A.I. Services in Existing Institutes of Mohmand Agency.
16.	Opening of 18 Vety Centers and 26 AICs in Khyber Agency.
17.	Opening of 3 CVDs in Rented Building, Bura Khyber Agency.
18.	Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary Hospitals in Jamrud and Landikotal.
19.	Opening of 3 VCS, 11 CVDs and 9 AICs and Up-gradation of 3 CVDs to CVII Status in Orakzai Agency.
20.	Small Ruminants (Sheep and Goat) Development Program in Tribal Districts
21.	Provision of Artificial Insemination Services in Existing Veterinary Institution in Orakzai Agency.
22.	Construction of Building for Existing Vety Institution and Provision of Artificial Insemination in Existing Veterinary Facilitation in District Orakzai.
23.	Construction of Building for 3 Rented Veterinary Institutions and Opening of One CVD in Mamozai Area, Orakzai Agency.

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24.	Opening of 5 CVCS, 8 CVIDs, 22 AICs and Diagnostic Laboratory in Kurram Agency.
25.	Provision of AI Facilities in Existing 11 Veterinary Institutions in NWA.
26.	Provision of Veterinary Health Facilities in District North Waziristan.
27.	Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVID to CVII Status In SWA.
28.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR Peshawar.
29.	Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
30.	Opening of 02- CVIDs and 04-AICs in FR Kohat.
31.	Establishment of Mobile Veterinary Clinic in Sub Division Kohat.
32.	Opening of 2 CVIDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVII Status in FR D.I. KHAN.
33.	Provision of Mobile Veterinary Clinic in Sub Division D.I. Khan.
34.	Opening of 1 CVII, 02 CVIDS, 04 CVCS and 11 AICS in FR Tank.
35.	Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level of CVII in Sub Division Tank.
36.	Opening of 5 Vety. Dispensaries, 05 Civil Vety. Centers, 10-AICs and Up-gradation of 01 CVC to CVD in FR Bannu.
37.	Opening of 08 Veterinary Centres and 08 AICS in FR LAKKI.
38.	Provision of Mobile Veterinary Clinic in Sub Division Lakki.
39.	Uplifting the Socio-Economic Condition and Gender Mainstreaming of Livestock Farmers Through PPP in FATA.
40.	Strengthening of Fisheries Department in FATA
41.	Control of Zoonotic / Contagious Disease Through Existing Vety Health Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in Tribal Districts.
42.	Provision of Mobile Vety. Clinic in Bajaur Agency.
43.	Provision of Artificial Insemination Services in Existing Function Vety. Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.I. Khan.
44.	Program Management Unit for Roads and Infrastructure.
45.	Strengthening of Finance Department Civil Secretariat FATA.
46.	Aids Control Program in FATA.
47.	Health Sector Reforms Unit FATA.
48.	District Health Information System.
49.	Physical Rehabilitation Centres in FATA.
50.	Hepatitis Control Program in FATA (Phase-III).
51.	Integrated Vector Management Program in FATA.
52.	Eye Care Program in FATA (Phase-III).
53.	Thalassemia Control Program in FATA.
54.	Mobile Hospital Program in FATA (Phase-III).
55.	Establishment of Mental Health Clinics in AIHQ Hospitals in FATA.
56.	Health Nutrition Program in FATA.

57.	TB Control Program in FATA.
58.	Maternal, Newborn, Child Health (MNCH) Program Merged District.
59.	Expanded Programme on Immunization (EPI) in FATA.
60.	Strengthening of EPI Program in FATA.
61.	Facilitation of FR Setup Health Sector in FRs (Tank Jandola).
62.	Facilitation of FR Health Setup in FRs (DI Khan Darazinda).
63.	Facilitation of Health Setup in FRs (Bannu Wazir).
64.	Facilitation of Health Setup in FRs (Lakki Bitani).
65.	Facilitation of Health Setup in FRs (Kohat Dara Adam Khel).
66.	Facilitation of Health Setup in FRs (Peshawar Hassan Khel).
67.	Opening of 07 CHCs in FR Tank.
68.	Opening of 08 CHCs / CHDs in FR DI Khan District.
69.	Opening of 06 CHCs / CHDs in FR Bannu District.
70.	Opening of 08 CHCs / CHDs in FR Lakki.
71.	Opening of 02 CHDs in FR Kohat District.
72.	Opening of 11 CHCs / CHDs in FR Peshawar.
73.	Opening of 41 CHCs / CHDs in Mohmand District.
74.	Opening of 22 CHCs / CHDs Khyber District.
75.	Opening of 07 CHCs / CHDs in Kurram District.
76.	Opening of 15 CHCs / CHDs in Orakzai District.
77.	Opening of 24 CHCs / CHDs in North Waziristan District.
78.	Opening of 18 CHCs / CHDs in South Waziristan District.
79.	Removal of Staff Deficiencies in Newly opened Areas in Health Facilities FATA.
80.	Establishment of Government College of Management Sciences, SWA.
81.	Strengthening of Crises Management Cell Through FATA Analysis and Strategy Team.
82.	Establishment of Levy Training Center at Shahkass, Jamrud, Khyber Agency.
83.	Establishment of Center of Excellence/Govt. College of Technology, Khar, Bajaur Agency.
84.	Establishment of Vocational Training Centres / Institutes in Bajaur Agency and FR Kohat.
85.	Opening Govt. Polytechnic Institute Parachinar Kurram Agency in rented building.
86.	Establishment of Govt. Technical Institute Wana SWA.
87.	Establishment of Govt. Technical Institute SWA at Chaghmalai.
88.	Introduction of Additional Technologies in Polytechnic Institutes of FATA.
89.	Overcoming of Staff/Equipment Deficiencies in Technical Institutes in FATA.
90.	Operationalization and Provision of Equipment/Machinery to Labs of Existing Technical Institutes in Mohmand Agency G/I Mohmand Agency.
91.	Reformation of Technical Education in all Institutes in FATA.
92.	Introduction of 02 Technologies (Civil & Electrical) at Govt. Tech. Institute Sudda kurram Agency.

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93.	Introduction of New Technologies in Existing Technical Institutes of Tribal Districts.
94.	FATA Investment Facilitation Agency (FIFA).
95.	Small and Medium Enterprises Facilitation Unit.
96.	Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas.
97.	Creation of Project Support Unit For Pre Construction and Implementation of Small Dams Power Section.
98.	Strengthening of Local Govt. Directorate FATA.
(99)	Directorate of Projects FATA Secretariat.
100.	Directorate of Monitoring and Evaluation in FATA Secretariat.
101.	Establishment of R&I Formation for the Directorate of Monitoring and Evaluation in FATA Secretariat.
102.	Satellite Monitoring of Development Schemes in FATA.
103.	Project Management Unit, Fata Infrastructure Programme.
104.	Khyber Area Development Project.
105.	Mahmand Area Development Project.
106.	Bajaur Area Development Project.
107.	Fata Water Resources Development Project.
108.	Survey Feasibilities Under Various Sector Phase-II.
109.	Urban Policy and Planning Unit FATA.
110.	Project Management Unit for World Food Programme in FATA.
111.	Strengthening of P&D Department.
112.	Establishment of HR/Archival Library in P&DD.
113.	Strengthening of AI&C Department, FATA Secretariat.
114.	Instructional and Physical Training Programme in FATA.
115.	Institutionalization of Boy Scouts Activities in Tribal Districts in FATA.
116.	Strengthening of FATA Olympics Association.
117.	Strengthening of Zakat and Ushr Department, FATA Secretariat.
118.	Strengthening of Minerals Department, PMU for Mineral Sector Projects.
119.	Exploration and Evaluation of Dimension and Decorative Stones in FATA.
120.	Exploration and Evaluation of Occurrences in FATA.
121.	Establishment / Operation of Mines Rescue, Safety and Labour Welfare Centre in FATA.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(KIFAYAT ULLAH KHAN AFRIDI)
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

"F" -16-

To,

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

Subject: APPEAL
REGARDING PAY PROTECTION OF PAY OF PROJECT/
CONTRACT EMPLOYEES 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, 2021 allow 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 Directorate 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)

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LIST OF EMPLOYEES

S.No	Name/Designation/Pay Scale of the Project Employee			Date of Appointment	Date of Regularization	Total Service in Project	Signature
	Name of Employee	Designation	Pay Scale				
1	Shakir Muhammad	Admn & Finance Officer	17	17-Mar-09	1/13/2022	13 YEARS	
2	Farzana Yasmeen	Monitoring & Evaluation Officer	17	15-Jun-10	1/13/2022	12 YEARS	
3	Syed Iqar Hussain Shah	Programme Officer	17	7-Aug-17	1/13/2022	4 YEARS	
4	Hizbutah	Programme Officer	17	11-Jan-11	1/13/2022	11 YEARS	
5	Sajad Mohammad	Sections Specialist, WFP	17	26-Jan-15	1/13/2022	7 YEARS	
5	Akhtar 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	
8	Muhammad Schah	Office Assistant	16	1-Jul-15	1/13/2022	7 YEARS	
9	Gudral Ullah	Office Assistant	16	8-Aug-17	1/13/2022	4 YEARS	
10	Shehryar Feroz	Computer Operator	16	5-Mar-09	1/13/2022	13 YEARS	
11	Sydu Wand Shah	Computer Operator	16	7-Aug-17	1/13/2022	4 YEARS	
12	Gayun Khan	Office Assistant	16	1/7/2015	1/13/2022	7 YEARS	
12	Muhammad Mehmood	Computer Operator	16	7/15/2015	1/13/2022	6 YEARS	
14	Noor Rahuman	Computer Operator	16	7/8/2017	1/13/2022	5 YEARS	
15	Shahnawaz	Junior Clerk	11	20-Jan-10	1/13/2022	12 YEARS	
16	Imran Khan	Driver	6	21-Jan-09	1/13/2022	13 YEARS	
17	Shakir Ullah	Driver	6	21-Jan-09	1/13/2022	13 YEARS	
18	Muhammad Yousaf	Driver	6	1-Apr-11	1/13/2022	11 YEARS	
19	Adnan	Driver	6	30-Aug-18	1/13/2022	3 YEARS	

20	Sani Ullah	Driver	6	20-Aug-18	1/13/2022	3 YEARS	<i>[Signature]</i>
21	Washeeb Gul	Driver	6	27-Aug-18	1/13/2022	3 YEARS	<i>[Signature]</i>
22	Muhammad Farooq Shah	Office Attendant	3	21-Jan-09	1/13/2022	13 YEARS	<i>[Signature]</i>
23	Sajjad	Office Attendant	3	21-Jan-09	1/13/2022	13 YEARS	<i>[Signature]</i>
24	Rashid Zaman	Office Attendant	3	21-Jan-09	1/13/2022	13 YEARS	<i>[Signature]</i>
25	Yasir Ullah	Office Attendant	3	30-Aug-18	1/13/2022	3 YEARS	<i>[Signature]</i>
26	Fahim Hussain	Office Attendant	3	27-Aug-18	1/13/2022	3 YEARS	<i>[Signature]</i>
27	Muhammad Ishaq	Special Messenger/Watchman	2	21-Jan-09	1/13/2022	13 YEARS	<i>[Signature]</i>
28	Raja	Sweeper	2	4-Feb-10	1/13/2022	12 YEARS	<i>[Signature]</i>



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

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

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#11
14

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department,
Peshawar.

Sustainable Development Unit
No. 72-12-123
Planning & Development Deptt.

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:

1. The Secretary, P&D Department.
2. The Director General, SDU, P&D Department.
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

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

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

To

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".

I 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

(Signature)
12/01/23
SECTION OFFICER (SR-1)



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

-22-
"5"
B-

To
The Director General, SDU
P&D Department

Sustainable Development Unit
No. 100
Date 17-1-23
Planning & Development Deptt.

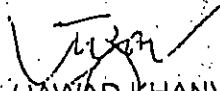
Subject: - PAY PROTECTION OF PAY OF PROJECT/CONTRACT EMPLOYEES
REGULARIZED UNDER THE "KHYBER PAKHTUNKHWA
(REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE
FATA) ACT 2021"

Dear Sir,

I am directed to refer to 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.


(JAWAD KHAN)
ASSISTANT CHIEF (B&A)

Copy forwarded for information to:

1. 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

"H" -23-

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

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

- To:
1. The Addl: Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
 2. The Addl: Chief Secretary, Merged Areas Sectt: Khyber Pakhtunkhwa.
 3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
 4. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
 5. The Principle Secretary to Governor, Khyber Pakhtunkhwa.
 6. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
 7. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
 9. The Registrar, Peshawar High Court, Peshawar.
 10. All District & Sessions Judges in Khyber Pakhtunkhwa.
 11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
 12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
 13. All Deputy Commissioners, in Khyber Pakhtunkhwa.

Subject: PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR
BASIS.

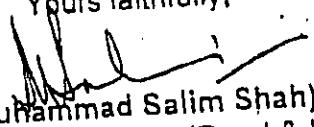
Dear Sir,

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:-

- i) 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.
- ii) 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.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.

- 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

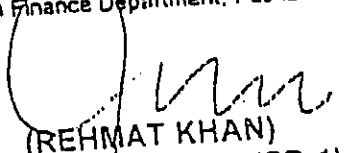
2 In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully,

 (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 Deptt: 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(E&A)9-51/2021 dated 08-03-2021.
11. The Section Officer (Estab), C&W Deptt: with reference to his letter No.SOE/C&WD/1-51/2010 dated 25-10-2020 in respect of Eng. Syed Nasir Jahan, Asstt: Engineer / SDC (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.
14. 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.


 (REHMAT KHAN)
 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.

2 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 Sallim 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 Deptt: 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
14. 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)

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (February-2023)

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Personal Information of Mr SAJJAD MUHAMMAD d/w/s of SULTAN MUHAMMAD

Personnel Number: 50238719 CNIC: 1710211721275 NTN:
 Date of Birth: 19.04.1981 Entry into Govt. Service: 26.06.2015 Length of Service: 07 Years 08 Months 004 Days

Employment Category: Active Temporary

Designation: SECTOR SPECIALIST 81200924-GOVERNMENT OF KHYBER PAKH

DDO Code: PR8255-PMU World Food Programme in FATA (Reg Act Ex FATA) Peshawar

Payroll Section: 009 GPF Section: 002 Cash Center: 010

GPF A/C No: GPF Interest Free GPF Balance: 34,160.00 (provisional)

Vendor Number: 30408538 - SAJJAD MUHAMMAD 000225310018 UBL

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 17 Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,490.00	1004	House Rent Allow 45% KP21	12,557.00
1210	Convey Allowance 2005	5,000.00	1974	Medical Allowance 2011	1,846.00
2283	Secretariat Perform Allow	24,245.00	2315	Special Allowance 2021	6,074.00
2341	Dispr. Red All 15% 2022KP	-4,555.00	2347	Adhoc Rel All 15% 22(PS17)	-4,555.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-1,779.00	4004	R. Benefits & Death Comp.	-900.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 12,491.60 Recovered till FEB-2023: 5,378.00 Exempted: 0.52 Recoverable: 7,114.12

Gross Pay (Rs.): 107,322.00 Deductions (Rs.): -8,449.00 Net Pay (Rs.): 98,873.00

Payee Name: SAJJAD MUHAMMAD

Account Number: 000225310018

Bank Details: UNITED BANK LIMITED, 211609 WARSAK ROAD WARSAK ROAD.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESGH

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: aspmufata@gmail.com

System generated document in accordance with APPM 4.6.12.9(82882/21.02.2023/3.0)

** All amounts are in Pak Rupees*

** Errors & omissions excepted (SERVICES/01.03.2023/00-41-43)*

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2023

Sajjad Mohammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

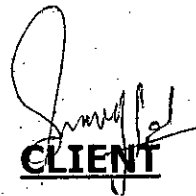
P & D Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Appellant

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

Dated. 15 / 2 / 2023


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


KAMRAN KHAN


UMAR FAROOQ MOHMAND

WALEED ADNAN

& 
MUHAMMAD AYUB
ADVOCATES

OFFICE:

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