

- 5- Incorrect and not replied accordingly. That the appellant is leading the employees Rescue 1122 in the case titled Ihsanullah and 688 others versus Govt: of KPK filed by the employees of Rescue 1122 against the respondent No.3 and others and due to that reason the concerned Director General Rescue 1122 got against the appellant and imposed undue influence/ pressurized the appellant and his other colleagues to withdraw the case from the august Peshawar High Court Peshawar. Moreover from the above scenario it is crystal clear that the respondents has issued the impugned order with malafide intentions and as such under the principle of natural justice the said impugned order is not tenable and liable to be set aside. **Copy of the record is attached as annexure R.**
- 6- Incorrect and not replied accordingly. That surprisingly in the said show cause Notice the allegations were totally changed by the respondents and as such the entire proceedings has been questioned by the above mentioned show cause notice.
- 7- Incorrect and not replied accordingly. That due to the above mentioned reasons and personal grudges of the respondent No.4 who infact is not the competent authority has issued the impugned order dated 08-04-2015 against the appellant due to which the appellant was dismissed from service with out assigning any clear reason and legal justification. Moreover no regular inquiry has been conducted in the matter of appellant and as such the appellant has been condemned unheard by the respondents.
- 8- Incorrect and not replied accordingly. That according to section-4 of the Civil servant Act read with section-3 of the civil servant appeal Rules 1986 the appellant is bound to wait for the statutory period of ninety days, which he do so, therefore the appellant has rightly come to this august Tribunal for the rederessal of his grievances.

GROUND:
(A to H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the impugned order dated 08-04-2015 issued by the respondent Department against the law, facts and norms of natural justice. That the appellant has been punished on the past and closed transactions, therefore the impugned order dated 08-04-2015 is not tenable in the eyes of law and liable to be set aside on this score alone. That the impugned order dated 08-04-2015 is the

result of writ petitions No.182-P/2015, 183-P/2015 and 301-P/2015 filed by the respondent and his other colleagues against the Director General Rescue 1122 and due to that reasons the concern Director General Rescue 1122 got against the appellant and imposed undue influence on the appellant and his other colleagues to withdraw the case against him. That no chance of personal hearing/defense has been given to the appellant. That no charge sheet and final show cause notice has been served on the appellant and as such no regular inquiry has been conducted in the matter. That the issue against the appellant is planted one and clearly based on malafide, therefore the impugned order dated 08-04-2015 is not tenable and liable to be set aside.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the petitioner may be accepted as prayed.

APPELLANT



BAKHT RAWAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

EXTRAORDINARY
GOVERNMENT



R-4
REGISTERED NO. PIII
GAZETTE

20-9-2012

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6083.—The Khyber Pakhtunkhwa Emergency Rescue Service Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 7th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMERGENCY RESCUE SERVICE ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN
ACT

*to provide for the establishment of the
Khyber Pakhtunkhwa Emergency Rescue Service.*

Preamble.—WHEREAS it is expedient to establish an emergency rescue service for the purpose of maintaining a state of preparedness to deal with emergencies, to provide timely response, rescue and emergency medical treatment to the persons affected by emergencies and recommending measures to be taken by related organizations to avoid or combat emergencies;

It is hereby enacted as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Emergency Rescue Service Act, 2012.

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150 Khyber Pakhtunkhwa Government Gazette, Extraordinary 2000

(2) It shall be extended to the whole of the Province of the Khyber Pakhtunkhwa

(3) It shall come into force at once.

2- Definition---In this Act, unless there is anything repugnant to the subject

(a). Board means the District Emergency Board constituted under section 5

(b). "Council" means the Khyber Pakhtunkhwa Emergency Council constituted with section 5.

(c). "Director" means a Director appointed under Section 11.

(d). Director General means the Director General appointed under section 12.

(e) "District" means a district as notified by Government under the We-2 Power Revenue Act. 1967 (W.P. Act No. xvii of 1967):

(f). "District Emergency Officer" means the District Emergency Officer appointed under section 13.

(g). "emergency" means a serious and potentially dangerous situation requiring immediate remedial action such as an accident, hazardous material incident, fire, expulsion, natural or manmade disaster and medical emergencies.

(h). "emergency area" means the area affected by an emergency.

(i). "Emergency Officer" means an Emergency officer appointed under section 13.

(j). "Fund" means the Emergency Rescue service fund established under section 16.

(k). "Government" means the Government of the Khyber Pakhtunkhwa.

(l). "non government organization" includes any private agency or body working voluntarily for the welfare of the persons affected by an emergency.

(m). "premises" includes land, place, building, vessel or aircraft or any part of premises.

(n). "prescribed" means prescribed by rules or regulations made under this Act.

(o). "provincial Assembly" means the Provincial Assembly of the Province.

(p). "province" means the Province of the Khyber Pakhtunkhwa.

(q). "Regulations" mean regulations mad under this Act.

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- (r). "Rescuer" means a member of the Rescue 1122 appointed under section 14.
- (s). "Rescue 1122" means the Khyber Pakhtunkhwa Emergency Rescue Service 1122 established under section 3.
- (t). "Rescue Station" means a place where an office of the Rescue 1122 is established.
- (u). "rules" means rule made under this Act.
- (v). "section" means a section of this Act, and
- (w). "volunteer" means a person who is registered as such by the Rescue 1122 or engaged by a Rescuer in emergency area to assist the Rescue 1122 in the exercise of its functions under this Act.

3. Established of the Rescue 1122-(1) As soon as after the commencement of this Act, Government shall establish an Emergency Rescue service to be known as the Khyber Pakhtunkhwa emergency rescue service hereinafter referred to as "Rescue 1122".

(2). The Rescue 1122 shall be a body corporate having perpetual succession and a common seal with power to enter into contract acquire hold and dispose of property and may by its name sue or be sued.

(3). The main office of the Rescue 1122 shall be at Peshawar. The Rescue 1122 shall have its district officers at such other places in the Province as the Council may deem it proper.

(4). The Rescue 1122 shall have the authority to accept donations in the shape of land, vehicles equipments, fund and other such items which may facilitate the functioning of the Rescue 1122 and all such donations shall be used maintained and disposal of by the Rescue 1122 in the manner as may be prescribed.

(5). All the employees of the Rescue 1122 shall be governed under the West Pakistan Essential Services (Maintenance) Act, 1958 (W.P. Act No. xxxiv of 1958) and rules or regulations made under this Act.

4. Aims and objects of the Rescue 1122- the aims and objectives of the Rescue 1122 shall be to.

- (a) maintain a state of preparedness to deal with emergencies.
- (b) Provide timely response rescue and emergency medical treatment to the victims of an emergency including medical and surgical emergencies;
- (c) Establish a system for rapid communication, exchange of information and quick response to combat or deal with an emergency;

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(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant to the subject or context,

- (a) "Board" means the District Emergency Board constituted under section 9;
- (b) "Council" means the Khyber Pakhtunkhwa Emergency Council constituted under section 5;
- (c) "Director" means a Director appointed under section 11;
- (d) "Director General" means the Director General appointed under section 10;
- (e) "district" means a district as notified by Government under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967);
- (f) "District Emergency Officer" means the District Emergency Officer appointed under section 13;
- (g) "emergency" means a serious and potentially dangerous situation requiring immediate remedial action such as an accident, hazardous material incident, fire, explosion, natural or manmade disaster and medical emergencies;
- (h) "emergency area" means the area affected by an emergency;
- (i) "Emergency Officer" means an Emergency Officer appointed under section 13;
- (j) "Fund" means the Emergency Rescue Service Fund established under section 16;
- (k) "Government" means the Government of the Khyber Pakhtunkhwa;
- (l) "non-governmental organization" includes any private agency or body working voluntarily for the welfare of the persons affected by an emergency;
- (m) "premises" includes land, place, building, vehicle, vessel or aircraft or any part of premises;
- (n) "prescribed" means prescribed by rules or regulations made under this Act;
- (o) "Provincial Assembly" means the Provincial Assembly of the Province;
- (p) "Province" means the Province of the Khyber Pakhtunkhwa;
- (q) "regulations" mean regulations made under this Act;

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- (r) "Rescuer" means a member of the Rescue 1122 appointed under section 14;
- (s) "Rescue 1122" means the Khyber Pakhtunkhwa Emergency Rescue Service 1122 established under section 3;
- (t) "Rescue Station" means a place where an office of the Rescue 1122 is established;
- (u) "rules" mean rules made under this Act;
- (v) "section" means a section of this Act; and
- (w) "Volunteer" means a person who is registered as such by the Rescue 1122 or engaged by a Rescuer in emergency area to assist the Rescue 1122 in the exercise of its functions under this Act.

3. Establishment of the Rescue 1122.—(1) As soon as after the commencement of this Act, Government shall establish an Emergency Rescue Service to be known as the Khyber Pakhtunkhwa Emergency Rescue Service hereinafter referred to as "Rescue 1122".

(2) The Rescue 1122 shall be a body corporate having perpetual succession and a common seal, with power to enter into contract, acquire, hold and dispose of property, and may by its name sue or be sued.

(3) The main office of the Rescue 1122 shall be at Peshawar. The Rescue 1122 shall have its district offices at such other places in the Province, as the Council may deem it proper.

(4) The Rescue 1122 shall have the authority to accept donations in the shape of land, vehicles equipments, fund and other such items which may facilitate the functioning of the Rescue 1122 and all such donations shall be used, maintained and disposed of by the Rescue 1122 in the manner as may be prescribed.

(5) All the employees of the Rescue 1122 shall be governed under the West Pakistan Essential Services (Maintenance) Act, 1958 (W.P. Act No. XXXIV of 1958) and rules or regulations made under this Act.

4. Aims and Objectives of the Rescue 1122.—The aims and objectives of the Rescue 1122 shall be to-

- (a) maintain a state of preparedness to deal with emergencies;
- (b) provide timely response, rescue and emergency medical treatment to the victims of an emergency including medical and surgical emergencies;
- (c) establish a system for rapid communication, exchange of information and quick response to combat or deal with an emergency;
- (d) arrange for a universal toll free emergency dial-in-number as may be allocated by

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- (e) play a lead role and coordinate the working of other organizations or agencies which have lawful authority to respond to an emergency;
- (f) arrange transport where necessary for carrying persons requiring emergency medical treatment from the emergency area to the nearest hospital or health care unit having arrangements for emergency medical care and treatment;
- (g) establish community emergency response teams through enlistment, training, coordination and supervision of volunteers to assist the Rescue 1122 in safety promotion and management of emergencies;
- (h) impart training and grant certificates to rescuers, volunteers and other private persons for due performance of emergency management duties;
- (i) establish direct contact with local and international organizations and training institutions to maintain the Rescue 1122 according to international standards;
- (j) collect, compile, maintain and analyze emergency response data and statistics relating to emergencies and to use it for research and prevention of such emergencies;
- (k) implement the regulations framed by the Council for dealing with emergencies in accordance with the provisions of this Act;
- (l) suggest measures for the prevention or mitigation of hazards endangering public safety on roads, public parks and other public places particularly exhibitions, trade shows, amusement parks, and fairs with regard to public safety provisions;
- (m) encourage, facilitate, and train staff of non-governmental organizations and educational institutions for emergency management;
- (n) register and ensure minimum standards and code of conduct to be followed by rescue vehicles, ambulances and patient transportation services; and
- (o) coordinate and maintain an effective liaison with all other organizations managing emergencies.

5. Council.---There shall be a Council of the Rescue 1122 to be known as the Khyber Pakhtunkhwa Emergency Council consisting of the following:

- | | | |
|-----|---|----------|
| (a) | Chief Minister of the Khyber Pakhtunkhwa; | Chairman |
| (b) | Chief Secretary of the Khyber Pakhtunkhwa; | Member |
| (c) | Four Members of the Provincial Assembly which shall include one female and one opposition member to be nominated by the Speaker of the Provincial Assembly; | Members |

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|-----|---|------------|
| (d) | Secretary to Government, Home and Tribal Affairs Department; | Member |
| (e) | Secretary to Government, Finance Department; | Member |
| (f) | Secretary to Government, Health Department; | Member |
| (g) | Secretary to Government, Local Government Department; | Member |
| (h) | Secretary to Government, Transport Department; | Member |
| (i) | Secretary to Government, Relief, Rehabilitation and Settlement Department; | Member |
| (j) | Provincial Police Officer, Khyber Pakhtunkhwa; | Member |
| (k) | Director General, Provincial Environmental Protection Agency; | Member |
| (l) | two representatives (one each from the Government teaching hospitals and non-governmental organizations), to be nominated by Government, for a period of three years; and | Members |
| (m) | Director General. | Secretary. |

6. Meetings of the Council.--(1) A meeting of the Council shall be called by the Chairman on such date and at such place as he may deem appropriate.

- (2) The quorum for the meeting of the Council shall be seven.
- (3) The Council shall meet at least once within three months.
- (4) The Council may co-opt or invite any person depending on the requirement of its meeting.

7. Powers and functions of the Council.--(1) Subject to the provisions of this Act and rules, the Council shall exercise such powers and perform such functions; as may be necessary for carrying out the purposes of this Act.

- (2) Without prejudice to the generality of the fore-going sub-section, the Council shall-

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- (a) lay down the policy and guidelines and issue directions for efficient, effective and expeditious actions in dealing with emergencies;
 - (b) issue regulations to prescribe the minimum standards for the offices and staff to maintain efficiency and effectiveness of the Rescue 1122;
 - (c) approve the annual management plan including the annual budget of the Rescue 1122;
 - (d) make recommendations to Government for administrative, legal and financial measures required to sustain the Rescue 1122;
 - (e) approve measures with regard to matters relating to the Federal Government, other Provinces and donors;
 - (f) review and analyze statistics relation to all emergency incidents, accidents and disasters;
 - (g) issue special directions to the Board; and
 - (h) oversee the working of the Rescue 1122 and the training institutions.

8. Delegation of powers.--The Council may, by general or special order, delegate to the Chairman or a member of the Council or Director General any of its powers and functions under this Act subject to such conditions as it may deem fit.

9. District Emergency Board:--(1) As soon as after the commencement of this Act, the Council may by notification published in the official Gazette, constitute a District Emergency Board for a district for the prevention and effective management of emergency in the district.

(2) The Board shall have such powers and shall perform such functions as may be assigned to it by the Council.

10. Director General.--(1) Government shall appoint a Director General, who shall be the Chief Executive Officer of the Rescue 1122 and shall exercise such powers and perform such functions as may be assigned to him by the Council.

(2) The Director General shall be a person who-

- (a) is a postgraduate in emergency management or an emergency subject or has specialization in management of trauma or emergency patients or is a medical postgraduate;
- (b) has adequate knowledge, formal training and expertise in the field of emergency management; and
- (c) is not more than sixty years of age.

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*Amended Act of
2014 → BPS-20*

(3) The Director General shall be appointed initially for a period of three years and shall be eligible for re-appointment for similar term on recommendation of the Council, keeping in view his performance and may remove him before the expiry of his tenure, if he is not physically or mentally fit or is incapable of performing his duties.

(4) The Director General shall be responsible for the day to day administration of the affairs of the Rescue 1122.

(5) The Director General shall be paid such salary, allowances and other benefits and shall be subject to such terms and conditions of service as are laid down in his service contract.

(6) The Director General shall follow and comply with such directions of the Council as may be given to him in writing in the public interest.

(7) Subject to the approval of the Council, the Director General, may delegate any of his powers or functions to a Director or to an Officer of the Rescue 1122.

11. Directors, Deputy Directors and Assistant Directors.—(1) There shall be Directors, Deputy Directors and Assistant Directors of the Rescue 1122, who shall be appointed in such a manner as may be prescribed by regulations.

(2) A Director, Deputy Director and Assistant Director shall perform such functions as may be prescribed by regulations.

12. Officers, employees etc.—(1) To carry out the aims and objectives of the Rescue 1122, the Council may from time to time appoint consultants, experts, advisors and other officers and employees.

(2) All employees of the Rescue 1122 shall be liable to be assigned any emergency duty in accordance with the need of the time.

(3) The number and nature of the posts in the Rescue 1122, necessary criteria and the manner of appointment thereto shall be prescribed by regulations and the employees appointed to these posts shall receive such remuneration, allowances and privileges and shall be subject to such terms and conditions of service as may be prescribed by regulations.

(4) In the performance of their duties and functions, the employees of the Rescue 1122 and the volunteers shall abide by the directions and instructions of the Director General.

13. District Emergency Officer and Emergency Officer.—(1) There shall be a District Emergency Officer and such other Emergency Officers appointed by the Council to perform the field operations of the Rescue 1122.

(2) The District Emergency Officer shall be the head of the Rescue 1122 in the district and shall be assisted by all Emergency Officers and Rescuers in the district.

(3) No person shall be appointed as an District Emergency Officer unless, he-

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- (a) is a medical graduate preferably a post-graduate or having Master's Degree in Disaster Management or Emergency Management or public health;
 - (b) has at least five years working in relevant field preferably in emergency management; and
 - (c) is physical and mentally fit to perform field operators.
- (1) No person, shall be appointed as an Emergency Officer unless he-
- (a) is a medical graduate or post-graduate in a related science subject or has a professional related subject;
 - (b) has at least two years working in emergency management; and
 - (c) is physically and mentally fit to perform field operations.

14. Rescuer.---(1) There shall be Rescuers appointed by the Council on such terms and conditions as may be prescribed, to perform the field operations of the Rescue 1122.

- (2) No person, shall be appointed as a Rescuer who-
- (a) is more than forty five years of age; and
 - (b) has not cleared the educational and fitness criteria specified by the Rescue 1122.

(3) A Rescuer shall perform such field duties and functions, as are assigned to him by the Council.

(4) A Rescuer shall be liable to be retired on attaining the age of fifty years, if he cannot be adjusted on any other post in the Rescue 1122.

(5) Where a Rescuer is retired under sub-section (4), he shall be entitled to such benefits as may be prescribed by the Council.

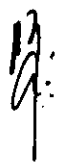
15. Emergency Service Academy.---(1) As soon as after the commencement of this Act, Government shall establish an Academy to be known as the Khyber Pakhtunkhwa Emergency Service Academy for the purposes of running short or long courses with local or international collaboration and award certificates to successful persons.

(2) The Emergency Service Academy may also arrange for the training of the members of the Rescue 1122, volunteers and other individuals or workers of organization, public or private, to be equipped with the knowledge of dealing with all possible situations relating to prevention and management of emergencies.

16. Fund.---(1) There shall be established a Fund to be known as the Emergency Rescue Service Fund which shall consist of

- (a) grant-in-aid provided by the Federal Government and Government for the establishment, maintenance and performance of the Rescue 1122; and

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(b) the donations or contributions received or generated from private persons or public, local, foreign or international organizations.

(2) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Council.

(3) The Fund shall be regularly monitored by the Council and audited in the same manner as in the case of the funds of other Government Departments.

(4) The annual audit report of the Fund shall be made available to the general public and submitted to the Provincial Assembly.

(5) No person from the Rescue 1122 shall organize, conduct or take part in any proceedings for collecting or soliciting money or property from the public except the person authorized by the Council and in accordance with such conditions as may be laid down by the Council.

17. Act-in-aid of the Rescue 1122.---(1) Every member of the police force of the Province and all members of other organizations shall act-in-aid of the Rescue 1122.

(2) The police acting-in-aid of the Rescue 1122 shall, control and divert the traffic in or around an emergency area to facilitate and ensure free movement of emergency rescue vehicles and the persons dealing with an emergency and to prevent within the emergency area any theft, dacoity or loss of the property of the persons involved in the emergency.

(3) It shall be obligatory upon all telecommunication operators, companies, corporations or other authorities concerned to provide free of cost access to its subscribers to avail the universal emergency dial-in-number as notified by the Rescue 1122, without any prefix or suffix for the whole of the Province.

18. Powers to manage emergencies.---(1) An Emergency Officer or a Rescuer, in providing emergency services, may take any reasonable measures to protect-

- (a) persons from any danger or potential danger associated with an emergency situation;
- (b) persons trapped in a vehicle, receptacle, vessel or otherwise endangered; and
- (c) themselves or other persons or vehicles from danger, potential danger, assault or battery from other person.

(2) Without limiting the measures that may be taken for a purpose specified in clause (a) or clause (b) of sub-section (1), an Emergency Officer or a Rescuer may, for that purpose-

- (a) enter any premises, vehicle or vessel;
- (b) open any receptacle, using such force as is reasonably necessary;
- (c) bring any apparatus or equipment into a premises;
- (d) remove from or otherwise deal with, any article or material in the area;

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- (e) remove (wholly or partially) or damage any premises, vehicle, vessel or receptacle;
- (f) cause the gas or electricity supply or motor or any other source of energy to any premises, vehicle, vessel or receptacle to be shut off or disconnected;
- (g) request any person or organization to take all reasonable measures to assist the Rescue 1122; and
- (h) administer such life safety procedures as are consistent with the training and competency of the Emergency Officer or Rescuer.

(3) Without limiting the measures that may be taken for a purpose specified in clause (c) of sub-section (1), a Rescuer or an officer authorized by the Council may, for that purpose, require any person not to enter into or remain within the emergency area and may use any appropriate public place for emergency warning and refuge centre or for purposes of community awareness.

(4) No person shall refuse to comply with the directions of the Rescuer or the person specified in sub-section (2), and if a person or organization does not comply with such directions, the Rescuer or the aforesaid officer may use such force as is reasonably necessary to ensure compliance.

19. **Obstruction or hindrance.**---No person shall willfully obstruct or hinder the Director General, Director, Deputy Director, District Emergency Officer, Emergency Officer, Rescuer, or any other person acting with his authority, in the exercise of a function under this Act.

20. **Immunity against certain liabilities.**---(1) An act or omission committed by an employee of the Rescue 1122, or a volunteer, shall not, if committed in good faith for the purpose of exercising the functions of or assisting the Rescue 1122, subject such employee or volunteer personally to any legal action, liability, claim or demand.

(2) All actions, proceedings and claims against any such employee or a volunteer in relation to any act done or omitted to be done in good faith, shall be defended and indemnified by the Rescue 1122.

(3) Subject to the rules, any information received by the Rescue 1122 shall be deemed to be the privileged communication between the informer and the Rescue 1122:

Provided that the Director General may, in a special case and by order in writing, waive such privilege.

21. **Life insurance.**---All employees of the Rescue 1122 shall contribute to the salary saving life insurance scheme and compensation in case of injury or death in the line of duty shall be provided by the Rescue 1122 to such extent as may be prescribed by the Council.

22. **Public servants.**---All employees of the Rescue 1122 shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

23 **Regularization of certain employees.**---(1) Notwithstanding anything contained in any law or rules, all employees of the erstwhile development project titled "Emergency Rescue Service (Rescue 1122)", who are holding various posts with all its perks and privileges in the said project till the commencement of this Act, shall be deemed to have been validly appointed to those posts on regular basis on the commencement of this Act, having the same qualification and experience for the said posts.

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(2) The seniority of the employees of the said project shall be determined in the prescribed manner.

24. **Emergency ambulance and rescue vehicles.**---(1) No person shall use any vehicle as an emergency ambulance or rescue vehicle, unless it satisfies such requirements as are laid down by the Rescue 1122.

(2) Where a vehicle does not fulfill the requirements laid down by the Rescue 1122, but is used as a patient transport vehicle, it shall not use any siren or a warning light other than a round yellow warning light.

(3) No person, other than that belonging to a law enforcing agency, shall use red, blue or orange light or any siren on his vehicle except where the vehicle satisfies the requirements prescribed for an emergency ambulance or vehicle.

(4) No person shall-

- (a) use the words "Rescue" or "Rescue 1122" or any other similar name, title or description without the written authority of the Director General;
- (b) falsely represent that he is associated with the Rescue 1122 unless such an association exists;
- (c) impersonate as an officer of the Rescue 1122; or
- (d) use any insignia of the Rescue 1122 in any manner contrary to that approved by the Director General.

25. **Right of way to emergency rescue vehicles and ambulances.**---A driver of a vehicle or a member of the public or traffic police, to the extent practicable, shall make all possible efforts to give clear and uninterrupted passage to-

- (a) an emergency rescue vehicle or an ambulance with activated warning devices, siren or warning lights and duly registered with the Rescue 1122 and
- (b) an emergency officer or a rescuer or any person acting under their direction, who appears to be doing any act for the purposes of this Act.

26. **False or obnoxious calls.**---No person shall make a false or an obnoxious call on the emergency dial-in-number or in any other manner try to falsely represent that emergency circumstance exists requiring utilization of any resources of the Rescue 1122

27. **Offences and punishments.**---(1) Any person who willfully or without any reasonable excuse, disobeys or violates any provision of this Act, shall be deemed to have committed a bailable offence punishable with simple imprisonment for six months or with fine not exceeding rupees fifty thousand or with both.

(2) No prosecution under this Act shall be lodged without the previous sanction of the Director General which shall not be given except after serving a notice on the person concerned and giving him reasonable opportunity of hearing.

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- (3) No Court inferior to that of a Magistrate of the First Class shall try an offence under this Act.
28. Power to make rules.---Government may make rules for carrying out the purposes of this Act.
29. Power to make regulations.---Subject to the provisions of this Act and the rules, the Council may make regulations, as may be necessary for carrying out the purposes of this Act.
30. Procurement in case of Acquisition of Emergency related goods and services.---The Council may make regulations for procurement of oversight the public procurement framework in case of acquisition of emergency related goods and services.
31. Act not in derogation of other laws.---This Act is not in derogation of any other law applicable in the Province and does not absolve any other person from his responsibility to take necessary measures to protect and save the lives and properties of a person in an emergency.
32. Repeal.-- The Khyber Pakhtunkhwa Emergency Rescue Service Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance No. IV of 2012) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 2012

No. _____ In exercise of the powers conferred under section 28 of the Khyber Pakhtunkhwa Emergency Rescue Service Act 2012 (XV OF 2012), the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules for the Khyber Pakhtunkhwa Emergency Rescue Service namely:

"KHYBER PAKHTUNKHWA EMERGENCY RESCUE SERVICE "RESCUE 1122" RULES 2012":

1. Short Title, Applicability and Commencement:-

- i. These Rules shall be called the "Khyber Pakhtunkhwa Emergency Rescue Service Rules (hereinafter referred to as "Rescue 1122 Service Rules 2012)".
 - ii. These rules shall come into force at once.
 - iii. These Rules shall apply to all the employees of the Service, which would include
 - (a). A person who is serving in the Rescue-1122 against a sanctioned post and drawn on the deputation from any service or department of the Provincial Government of Khyber Pakhtunkhwa.
 - (b). A person who is employed on contract for a specific period on specific terms and conditions against a sanctioned post of Rescue 1122.
2. Definition:-

(1). In these rules unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them as under:

- i. "Act" means "The Khyber Pakhtunkhwa Emergency Rescue Service Rescue 1122 Act, 2012 (Khyber Pakhtunkhwa Act No, XV of 2012)".
- ii. "Appointing authority" means a person authorized under Rule 9 of these Rules to make appointment to a post.
- iii. "Board" means the District Emergency Board constituted under section 9 of the Act.
- iv. "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa.
- v. "Chief Secretary" means the Chief Secretary of the Khyber Pakhtunkhwa.
- vi. "Competent Authority" means the Director General Rescue 1122, Officer in-Charge of a district, Academy or a wing of the Rescue 1122.
- vii. "Contractor or Supplier" means according to the context, any potential party or the party to a contract with the Rescue-1122.
- viii. "Council" means the Khyber Pakhtunkhwa Emergency Council constituted under section 5 of the Act.
- ix. "Countersigned Officer" means the Director General Rescue 1122 or an officer superior in command to the reporting officer.
- x. "Deputation" means appointment by the Rescue 1122 of a civil servant or an employee of a Corporate or of Service on standard terms and condition of deputation for a specific period.
- xi. "Director" means a Director appointed under section 10 of the Act.
- xii. "Director General" means the Director General appointed under section 10 of the Act.
- xiii. "District" means a district as notified by Government under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967).

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GOVERNMENT OF KHYBER PAKHTUNKHWA,
ESTABLISHMENT DEPARTMENT

Dated Peshawar the ---, 2012

NOTIFICATION.

No. _____ In exercise of the powers conferred under Section 28 of the Khyber Pakhtunkhwa Emergency Rescue Service Act 2012 (XV OF 2012), the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules for the Khyber Pakhtunkhwa Emergency Rescue Service namely:

"KHYBER PAKHTUNKHWA EMERGENCY RESCUE SERVICE-RESCUE-1122" RULES 2012"

1. Short Title, Applicability and Commencement:-

- i. These Rules shall be called the "Khyber Pakhtunkhwa Emergency Rescue Service Rules (hereinafter referred to as "Rescue-1122 Service Rules 2012")".
- ii. These rules shall come into force at once.
- iii. These Rules shall apply to all the employees of the Service, which would include:
 - (a). A person who is serving in the Rescue-1122 against a sanctioned post and is drawn on deputation from any service or department of the Provincial Government of Khyber Pakhtunkhwa.
 - (b). A person who is employed on contract for a specific period on specific terms and conditions against a sanctioned post of Rescue-1122.

2. Definitions:-

(1) In these rules, unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them as under:

- i. "Act" means "The Khyber Pakhtunkhwa Emergency Rescue Service Rescue-1122 Act, 2012 (Khyber Pakhtunkhwa Act No, XV of 2012)".
- ii. "Appointing Authority" means a person authorized under Rule-9 of these Rules to make appointment to a post.
- iii. "Board" means the District Emergency Board constituted under section 9 of the Act.
- iv. "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa.
- v. "Chief Secretary" means the Chief Secretary of Khyber Pakhtunkhwa.
- vi. "Competent Authority" means the Director General Rescue-1122, Officer in-charge of a district, Academy or a wing of the Rescue-1122."
- vii. "Contractor or Supplier" means according to the context, any potential party or the party to a contract with the Rescue-1122.
- viii. "Council" means the Khyber Pakhtunkhwa Emergency Council constituted under section 5 of the Act.
- ix. "Countersigning Officer" means the Director General Rescue-1122 or an officer superior in command to the reporting officer.
- x. "Deputation" means appointment by the Rescue-1122 of a civil servant or an employee of a Corporation or of Service on standard terms and condition of deputation for a specific period;
- xi. "Director" means a Director appointed under section 10 of the Act.
- xii. "Director General" means the Director General appointed under section 10 of the Act.
- xiii. "District" means a district as notified by Government under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967).

Civil Servant

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- xiv. "District Emergency Officer" means the District Emergency Officer appointed under section 13 of the Act.
- xv. "Duty" means as defined in FR-9(5).
- xvi. "Emergency" means a condition requiring immediate action in case of any disaster to save human life, habitation and to restore essential services etc.
- xvii. "Emergency Area" means the area affected by an emergency.
- xviii. "Emergency Officer" means an Emergency Officer appointed under section 13 of the Act.
- xix. "Emergency Training" means six months mandatory training for each newly inducted Rescuers in the Training academy.
- xx. "Employee" means an officer/official appointed by the Service on regular basis or contract or on deputation from any service or department of the Government of Khyber Pakhtunkhwa, or Federal Government or Organization or co-opted or employed on a contract for a specific period on specific terms and conditions.
- xxi. "Entitled Officers" mean Director General of the Rescue-1122 and those (BS-17/equivalent and above) employees of the Rescue-1122, and determined as such by the Director General for particular job.
- xxii. "Fund" means the Emergency Rescue Service Fund established under section 16 of the Act.
- xxiii. "Rescue-1122" means Khyber Pakhtunkhwa Emergency Rescue service.
- xxiv. "Service" means Emergency Rescue Service "Rescue-1122".
- xxv. "Reporting Officer" means an official In-charge of a Rescue Station or Control Room, Emergency Officer, and Officer In-charge of a District, Academy or a wing of the service or the Director General.
- xxvi. "Government" means Government of Khyber Pakhtunkhwa Province (Khyber Pakhtunkhwa).
- xxvii. "Official" means an employee of the service including an officer or an employee.
- xxviii. "Finance Committee" means a committee notified by the Director General for making recommendation on financial matters of the Service.
- xxix. "Municipal Limits" mean and include limits of Provincial Capital Territory, Municipal Corporation and Cantonment Board, in case of headquarter Peshawar, while the limits of District Municipal Authorities and cantonment areas where cantonment exist, in case of districts.
- xxx. "Non-Government Organization" means any private agency or body working voluntarily for the welfare of the persons affected by an emergency.
- xxxi. "Official Tour" means a journey performed in the interest of the Service / public interest from and to the Headquarter of the Rescue-1122 or residence and from any other place where the presence of the Director General, or any officer / official of the Service may be required by the Competent Authority.
- xxxii. "Pay" means the monthly remuneration drawn by an employee other than special with the monthly salary, as defined in FR-9(21).
- xxxiii. "Premises" includes land, place, building, vehicle, vessel or aircraft or any part of premises.
- xxxiv. "Prescribed" means prescribed by rules or regulations made under Sanction 29 of the Act.
- xxxv. "Province" means the province of Khyber Pakhtunkhwa.
- xxxvi. "Pre-Qualification" means the process by which the capability and resources of Contractors or Suppliers are first screened before entering to any contract during any emergency.
- xxxvii. "Prescribed" means prescribed by or under these rules.
- xxxviii. "Principal Accounting Officer/PAO" means the Administrative Secretary of the Department to which the Rescue-1122 is attached or any other officer declared as such by the competent authority.

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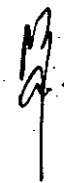
- xxxix. "Probation" means the time period identified by the service beginning from the date of initial appointment to any of its employee during which the services of the employee can be terminated without any prior notice, if he/she has violated any of the terms and conditions of his/her service.
- xl. "Procurement Committee" means a Committee notified by the Rescue-1122 to conduct and supervise the process of procurement and give recommendation to the DG.
- xli. "Recruitment Rules" the rules aimed for appointment of staff to the Rescue-1122 in accordance with the requirement as laid down in the Appendix-II appended to these Rules.
- xl.ii. "Rescuer" means a member of Rescue 1122 appointed under section 14 of the Act.
- xliii. "Rescue-1122" means the Khyber Pakhtunkhwa Emergency Rescue Service Rescue-1122 established under section 3 of the Act.
- xliv. "Rescue Station" means a place where an office of the Rescue-1122 is established.
- xlv. "Salary" means gross emoluments paid to the post/scale of employee.
- xlv. "Selection Board" means the Board constituted by the Rescue-1122 Council from time to time for appointments to posts in BS-17 and above.
- xlvi. "Selection Committee" means the Committee constituted by the Director General of the service from time to time for appointments to posts in BS-16 and below.
- xlvi. "Training academy" means a purpose-built training institute, established for the purpose of emergency training.
- xlviii. "Training Committee" means a committee constituted by the DG Rescue-1122 for making recommendation for selection of candidates for any training.
- xlix. "Transport Officer" means the Officer authorized by the DG for affairs for the transport of the Rescue-1122.
 - i. "Technical Evaluation Committee" means a Committee notified by the DG Rescue-1122 for identification, specification/brand etc. of items, required to be procured during any emergency.
 - ii. "Vehicle" means any vehicle, maintained by the Rescue-1122.
 - iii. "Volunteer" means a person who is registered as such by the Rescue 1122 or engaged by a Rescuer in emergency area to assist the Rescue 1122 in the exercise of its functions under the Act.

(2)) An expression used in these rules but not defined shall have the same meaning as assigned to it in the Act.

2. Rules in addition to Act No, XV of 2012:-

The provisions of these rules are in addition to the Khyber Pakhtunkhwa Emergency Rescue Service Act XV of 2012 and an official may be proceeded against under the provision of the Act XV of 2012.

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PART-I SERVICE RULES

3. Appointments:-

(1) Rule 10 Appointment, Promotion and Transfer Rules 1989.

(2) The appointing authority to make appointment against various posts shall be as under:-

(2.1) Selection Committee appointment to the posts of grade 17 and above. :-

1	Secretary Relief, Rehabilitation & Settlement Department	Chairmen
2	Additional Secretary/ Deputy Secretary from RR&S Department	Member
3	Representative of Finance Department not less than Additional/ Deputy Secretary	//
4	Representative of Establishment Department not less than Additional/ Deputy Secretary	//
5	Director General PDMA	//
6	Director General Rescue 1122	Secretary

(2.2) Selection Committee appointment to the posts of grade 16 and below. :-

1	Director General Emergency Rescue Service 1122	Chairmen
2	Deputy Secretary RR&S Department	Member
3	A Representative of Finance Department not less than Deputy Secretary	//
4	A Representative of Establishment Department not less than Deputy Secretary	//
5	Director (Admin) PDMA Khyber Pakhtunkhwa	//
6	Director Administration/Operation of Rescue 1122	Member/ Secretary

4 Rule 11 (Eligibility):- Appointment, Promotion and Transfer Rules 1989.

5 ADHOC APPOINTMENT:-

Rule 14:- Appointment, Promotion and Transfer Rules 1989.

6. TRAINING:-

(1) The Director General may on the recommendations of the Training Committee so constituted by the Director General, require an employee to undergo such training within or outside Pakistan at any time and for any duration and on such terms and conditions as he may specify on case to case basis.

7. Without prejudice to the generality of the forgoing powers, the Service may:

- (a) Appoint and transfer/move its employee from headquarter to field/other stations and exercise control over them;
- (b) Regulate and manage its organization by establishing wing/cells within the service.
- (c) In special circumstances where it is necessary and in the interest of the service to do so, hire consultants, Advisors, Law Officers etc on contract basis to perform specialized job, over and above the sanctioned strength; and
- (d) Co-opt/requisition services of technical expert for specific assignment for a period as deemed necessary on such terms and condition as mutually agreed.

8. Efficiency and Performance Evaluation:-

- (1) The efficiency of officers/officials shall be ensured through regular performance evaluation and the promotion, right to apply for a higher post, extension in appointment in case of contract appointment etc shall depend on the performance evaluation reports of the officer / official.
- (2) A reporting officer shall sign the monthly attendance and performance slip of an official under his subordination and shall submit the same to the accounts branch prior to the payment of monthly pay to the official.
- (3) A reporting officer shall, at-least on six monthly bases, assess the performance of an official working under his subordination on the performance evaluation form provided by the Service. A countersigning officer shall countersign the form submitted by the reporting officer working under his subordination.
- (4) In case of three unsatisfactory performance evaluation reports in two years the contract of the official may be terminated without an enquiry subject to one month notice or one month's pay in lieu thereof and without assigning any reason.

9. Leave:-

- (1) The Government of Khyber Pakhtunkhwa Civil Servants Revised leave Rules, 1981 are hereby adopted for the employces of Khyber Pakhtunkhwa Emergency Rescue Service Rescue-1122.

10. POSTING AND TRANSFER:-

- (1) An employec shall be liable to serve against any post equivalent at any place, or in any office, set up, controlled or managed by the Service.

11. CONDUCT:-

- (1) The Government of Khyber Pakhtunkhwa "Conduct Rules", 1987 are hereby adopted in Khyber Pakhtunkhwa Emergency Rescue Service Rescue-1122. Disciplinary regular employecs will be regulated under the Government of Khyber Pakhtunkhwa (E&D) rules 1973.

12. SPECIAL OFFENCES AND PENALTIES:-

In addition to section 8, the following is added for efficient performance (1) If an official:

- (a) Fails to follow the appearance, dress or customs of the Service in accordance with the conduct regulations or instructions of the Director General. he shall be liable to deduction of uniform allowance which shall be one third deduction for the first failure, two thirds for the second and complete deduction for the third failure during a calendar month.
- b) Fails to follow proper procedure of handing over and taking over while leaving or reporting to duty; he shall be liable to deduction of one tenth of emergency allowance for each failure.
- c) Fails to maintain an official document; he shall be liable to deduction of one tenth of emergency allowance for each failure.
- d) Fails to maintain the cleanliness of a vehicle, equipment or official building; he shall be liable to deduction of one tenth of emergency allowance for each failure.
- e) Fails to perform emergency duty as the vehicle becomes off road due to failure to efficiently maintain or get timely repairs done, he shall not be entitled to the emergency allowance for those number of days in which the vehicle remains off road.

Explanation:- If for any reason, the transport maintenance in-charge or any other official is responsible for the delay in repair, he shall be liable to the same penalty.

- (f) Fails to follow the use of personal protective equipment while responding to an emergency, he shall be liable to deduction of one tenth of emergency allowance for each failure.
- (g) Activates emergency light and siren other than for responding to an emergency within a city, he shall be liable to deduction of one tenth of emergency allowance for each failure.

Uniform allowance

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of one tenth of emergency allowance for each failure.

- (i) Fails to follow the conduct regulations of instructions of the Director General, he/she shall be liable to one third deduction of emergency allowance for the first failure, two thirds for the second failure and complete deduction for the third during a calendar month.
- (j) Is late for emergency duty without proper intimation or permission from the reporting officer, he shall be liable to deduction of one third of the emergency allowance for the first late arrival, two thirds for the second and complete deduction for the third late arrival during a calendar month.
- (k) Is found negligent during performance of duty, he shall be liable to deduction of emergency allowance which shall be one tenth deduction for each negligence and the same may be increased depending on the nature of the negligence.
- (l) Leaves the duty without prior permission, he shall be liable to deduction of one third deduction of emergency allowance for each failure during a calendar month and
- (m) Is absent from duty without prior permission of the reporting officer, he shall be liable to one fifth deduction of salary with allowances for each day's absence.

(2) The countersigning officer, may by order in writing, impose one or more penalties upon the accused official on the report of the reporting officer and subject to affording the official an opportunity of hearing.

(3) If an official commits more than three special offences in a month, the competent authority may, after serving a show cause notice and affording the official an opportunity of hearing, terminate the service /contract of the official subject to one month's notice or one month's pay, in lieu thereof, without assigning any reason.

13. Proceedings under the Act XV of 2012:-

An official shall be liable to be proceeded against under the provisions of the Act XV of 2012, if he is:

- a) Guilty of misconduct or any undesirable Act.
- b) Guilty of corruption or is reasonably considered to be corrupt.
- c) inefficient; and
- d) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person.

14. Appeal:-

- (1) The Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 are hereby adopted for the employees of Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-1122), of Khyber Pakhtunkhwa.

GENERAL PROVISIONS:-

15. SANCTIONED STRENGTH:-

- (1) The sanctioned strength of the human resource in the Rescue-1122 shall be the strength as per approved SNE. (Appendix-I), to be amended from time to time.
- (2) In addition to such sanctioned strength, the Director General on recommendation of the Finance Committee may from time to time, create or abolish any number of temporary posts in the Service for a period not exceeding six months but extendable as deemed necessary.

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16. ADDITIONAL CHARGE APPOINTMENT:-

Director General may entrust additional charge to any officer of equal scale/status in light of Finance Department circular No. FD (SR.I) 3-19/92, dated 12.08.1997.

17. TERMS AND CONDITIONS OF SERVICE:-

- (1) Terms and conditions of an employee shall be the same as laid down in these rules.
- (2) In all matters not expressly provided for in these rules, the employees of the Service shall be governed by rules, orders and instructions of the Provincial Government issued from time to time.

18. EMPLOYMENT TO BE WHOLE TIME.

Unless in any case it is otherwise provided, the whole time of an employee is at the disposal of the Service and he may be employed in any manner required by the service without claim for additional remuneration.

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PART-II PAY & ALLOWANCES/FACILITIES

19. (1) The employees of the Service shall be entitled to receive pay and allowances as per their pay scales at the rates notified by the Provincial government from time to time as well as the additional allowances, already allowed by the Service, except the Director General.
- (2) As per Government rules.
- (3) The Officers/Officials on contract will draw their pay and allowances as per their contract as mutually agreed.
- (4) The employees in possession of Government residential accommodation will not receive the Housing Subsidy Allowance.
20. GP Fund (as per Finance Department letter No. SOSR-III/FD/12-1/2005 dated 27-02-2013).
- MOBILE TELEPHONE, INTERNET AND SATELLITE PHONE FACILITIES ETC:-**
21. Entitlement for the landline phone facility/ceiling (official & residential) shall be as per government rules. In addition, the officers of the Service shall be entitled to mobile phone/internet facilities @ (DG up to Rs.5000, Directors up to Rs.4000, DDs/DFOs up to Rs.3000, ADs/EOs up to Rs.2000 per month for both facilities: -
22. In case of use of Mobile Phone on foreign official trips, the bills will be cleared provided that such bills shall not exceed double of the monthly limit.
23. Bills of Satellite Phones and any other charges of telephones beyond the prescribed limits during emergency, or while performing official duty will also be cleared on the discretion of Director General.
24. To meet any unforeseen situations certain quantity of Satellite and Mobile Phones, as decided by the Service shall be kept in reserve.
25. **MEDICAL ATTENDANCE RULES:-**
Medical Attendance Rules West Pakistan 1959 of the Government are hereby adopted.
26. **TRAVELLING/DAILY ALLOWANCE RULES:-**
The Khyber Pakhtunkhwa Travelling allowances Rules 1980 shall be adopted for the employees of Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-1122).

PART-III TRANSPORT RULES

27. To deal with emergency requirements, the Rescue-1122 shall have powers to requisition vehicles from Departments of the Provincial Government.
28. The Service shall maintain vehicles for official use of officers, as may be specified, from time to time, with the approval of the Director General. Subject to availability, the vehicles shall be deployed with the following entitled Officers: -

Officer type	Engine Capacity	Number of vehicles
Director General	1500 cc	One
Directors	1300 cc	One each
Deputy Directors / DFOs	1300 cc car/ 1300 cc Jeep	One each
Asstt Director / PRO	1000 cc	One each
Duty Officer Jeep/EOs (when authorized by DG)	1300 cc	One each

29. The service shall maintain a pool of vehicles for general duty as mentioned below: -

Pool vehicles	1000 cc	4
	1300 to 1800cc	4
	3000cc 4x4 wheel	4

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- 30. Field duty/pool Vehicles may be authorized by the Director General, to be used by any Officer/Official or an Officer authorized by him for field duty.
- 31. The Director General may deploy any vehicle with such Officers/Officials, as may be deemed expedient.
- 32. **POL ENTITLEMENT:** The normal authorization of POL for commutation within Municipal limits shall be as below:
 - (a) Director General 350 Liters per month
 - (b) Directors 300 Liters per month
 - (c) Deputy Directors/DEOs 250 Liters per month
 - (d) Other entitled officers 200 Liters per month

- 33. In case of CNG vehicles, ceilings of POL and CNG will be as under: -
 - (a) Director General 100 Liters plus 300 KG CNG
 - (b) Directors 50 Liters plus 200 KG CNG
 - (c) Deputy Directors /DEOs 30 Liters plus 150 KG CNG
 - (d) Other entitled officers 30 Liters plus 100 KG CNG

34 POL for Emergency Vehicles.

- (a) Ambulance 1500 Liters
- (b) Fire Vehicle 1000 Liters
- (c) Rescue Vehicle 600 Liters
- (d) Water Browser 1000 Liters
- (e) Snorkel 600 Liters
- (f) Recovery Vehicle 600 Liters
- (g) Aerial Platform 600 Liters
- (h) Turntable Ladder 600 Liters
- (i) Foam Vehicle 600 Liters
- (j) Dumper 500 Liters
- (k) Excavator 500 Liters

POL for operational Vehicles.

- 35. The monthly excess use of POL over and above the limit will be recovered from the officer to whom the vehicle is allotted.
- 36. For Official journeys beyond the municipal limits, additional POL shall be allowed on the basis of actual consumption.
- 37. The Director General may allow the authorized officer of the service to avail the ceiling of POL, as per his entitlement, if he/she is using his/her personal car due to non-provision of staff car in the performance of official duties.
- 38. The Director General may relax the above limits, on case to case basis keeping the exigency of the situation.

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ADMINISTRATIVE ARRANGEMENTS:-

39. The Director General shall designate an Officer to act as Transport Officer (T.O), who shall report to Director HR/Administration and shall be responsible for:
- (1) Proper utilization and upkeep of vehicles;
 - (2) Maintenance of records relating to such vehicles.
40. Upon purchase of each vehicle, Administration Wing shall be responsible for registration of the vehicle with the Excise and Taxation Department, government of Khyber Pakhtunkhwa, Peshawar.

USE OF OFFICIAL VEHICLES:-

41. Vehicles may be provided, subject to availability, for duty with and/or use by entitled Officers, as may be determined, from time to time, provided the officer surrenders the Conveyance Allowance.
42. The entitled Officers may use the vehicles within the Municipal limits, subject to observance of the prescribed POL ceiling;
43. An entitled Officer, at his own risk and responsibility:
- (1) May park the Staff Car at his residence;
 - (2) May resort to self-drive, if holding valid driving license; or use their private licensed drivers, as may be necessitated.
44. The concerned Director may allow an Officer/official to use the vehicle outside the Municipal limits as aforesaid, for official or private purposes on reasons to be recorded in writing; Provided that vehicle for private use, shall only be allowed on payment of charges as specified from time to time and on coming into force of these rules at the following rates:
- (1) Rs. 2.00 per k.m. for cars up to 1000 cc engine capacity
 - (2) Rs. 3.00 per k.m. for vehicles in excess of 1000 ccs engine capacity.

In addition, fixed charges will be payable as overtime payment for the Driver. Provided further that in case of loss, theft, damage, accident or mal-functioning, an inquiry will be held and if the hiring Officer/Official is held responsible, he/she shall be required to pay such amount as may be determined by the Director General, for the losses on the basis of the inquiry report.

45. T.O shall detail a vehicle with the cashier(s) for official duty/business including the journeys from and the HQ of the Service to the bank and/or treasury as and when required, to handle Government moneys, exceeding ten-thousand rupees.
46. An Officer requiring a staff car for official duty shall fill requisition slip as prescribed by the Service and sends it to T.O who will subject to availability of a car detail a driver for the specific duty.
47. Entitled Officer who forego the car maintenance allowance shall be permitted to free use of staff car official and private purpose subject to the following conditions.
- (a) Only one staff car shall be used both for official as well as private use.
 - (b) Such staff car shall not be used during earned leave preparatory to retirement or any other kind of leave except casual leave and medical leave up to one month.
 - (c) Private use of Staff Cars beyond Municipal limits shall not be permitted, save on payment, as provided under Rules.
 - (d) Where the staff Car is driven by the entitled Officer as permitted under Rule 48 of these rules, the instructions lay down for staff car drivers under these rules under the head "Duties of drivers or officers driving official vehicles", will be observed by the said officer.

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48. USE OF STAFF CARS IN CONTRAVENTION OF RULES:

For any journey made in contraventions of rules, the officer using the staff car shall be charged at the rate of Rs. 5 per k.m. and he will also pay the late duty allowance if any paid to the staff car driver.

49. ROUTES AND TIME TABLES FOR OPERATIONAL VEHICLES:

- (1) MTO shall cause to appropriate Time Tables and Route Charts for operational Vehicles deployed for pick and drop of the service employees.
- (2) (i) The monthly charges of such journey shall be fixed by the Director General
- (ii) The officials desirous of availing of this facility, on payment, and allowed, shall continue to draw the conveyance allowance.

50. BORROWING OF STAFF CARS:-

When a staff car belonging to one wing is borrowed by another wing, the borrowing Wing shall be responsible for proper utilization of the staff car and for due compliance of these rules in the same manner as if the staff car belonged to his own wing and shall while returning the staff car to the sending Wing give a certificate in writing stating that it was not used in contravention of rules.

51. MAINTENANCE OF RECORD:-

The following Registers shall be maintained separately for every vehicle:

I. MOVEMENT REGISTER:-

- a. A Movement Register indicating distance covered by the vehicle per day with a recording point to point travel shall be maintained and shall remain in the custody of the staff car driver or the entitled officer, if the vehicle is in his use a self-driven.
- b. Provided that for cars detailed on official duty beyond Municipal limits, details of point to point duties shall be recorded. MTO shall check the Movement Register and record his observation in case of misuse and negligence on the part of Staff Car Driver, on monthly basis. Movement Register shall be maintained as per the Register maintained under these Rules.

II. VEHICLE LOG BOOK:-

- a. A bound Register in the form set out in case of Govt. departments shall be maintained as the vehicle Log Book and shall form a permanent historical record of the vehicle including brief descriptions of all accidents, repairs etc. to be entered therein

III. TRANSFERS:-

- a. Entries should be made under this part when a particular vehicle is transferred permanently or temporarily to any other Wing and also from one entitled Officer to another.

IV. SUMMARY OF REPAIRS:-

- a. The details of periodical repairs as well as other repairs including normal servicing and recharging of battery shall be entered under this part.

V. PETROL ACCOUNT AND RECORD OF MILEAGE:-

- a. Petrol and Average account of kilometers/miles per liter on the last day of each month shall be maintained.

VI. RECORD OF CONSUMABLES:-

- a. Record of tyres and tubes and other consumable stores (Apart from petrol) connected with the car, e.g. dusters, chamois leather, etc. shall be entered in this part.

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VII ENTRIES IN THE MOVEMENT REGISTERS:-

- a. PAs/ PSs to the Officers in BS-20 and above/equivalent would be entitled to sign the Movement Registers on behalf of their Officers. All other entitled Officers shall personally verify and sign the entries in the Movement Register. Any unsigned entry or entries appearing in the Movement Register shall be treated as private journey and will be chargeable at the rates prescribed as per Rule 48 above.

52. RECOVERY OF CHARGES FOR PRIVATE USE:-

- (1) TO, on the last working day of each month shall prepare a bill in respect of private use of the official vehicles made or deemed to have been made during the month and shall effect recovery of charges from the Officers / Official concerned under proper receipt.
- (2) Recoveries on account of private use of vehicle shall not ordinarily be delayed beyond one month. Director (Administration) shall be responsible for scrutinizing the Movement Registers at the close of each month and raising the bills.

53. DUTIES OF DRIVERS OR OFFICERS DRIVING OFFICIAL VEHICLES:-

The drivers shall be required to observe the following instructions namely.

- (a) Proper upkeep of the vehicle under his responsibility.
- (b) Careful driving.
- (c) Timely repair of the vehicle.
- (d) Ensuring road worthiness of the vehicle.
- (e) Taking all other reasonable precautions against accidents/ damage.
- (f) Maintain and possess a valid driving license.
- (g) Observe driving / traffic regulations and speed limits laid down for different areas as rules.
- (h) Maintenance of Movement Register.

54. MAINTENANCE OF VEHICLES

The following schedule of checking and servicing of staff cars shall be observed for their proper upkeep and maintenance, namely:-

(1) DAILY MAINTENANCE:

A driver of staff car shall carry out the following tasks daily: -

- i. Checking the level, cleanliness and temperature of water, if required.
- ii. Checking of engine oil and petrol for ensuring that there is no leakage from any part.
- iii. Checking tightness of wheel nuts bolts linkages, pressure, and cleanliness of tyres to ensure that there are no flints, stones, etc, which may cause deep abrasions or cuts in a tyre.
- iv. Checking of all attachments and fittings, controls gauges, lights and brakes; and cleaning by dusting or wiping both the interior and the exterior of the staff car.

(2) WEEKLY MAINTENANCE:

A driver of a staff car shall carry out the following tasks once a week:-

- (i). Cleaning by washing of the entire vehicle (from inside and outside) including washing of wheels.
- (ii). Removal of battery for cleaning of corrosion from the terminals and their coating with petroleum jelly, checking of vent-plugs, vent-holes and body replenishing with distilled.

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(3) PERIODICAL MAINTENANCE:

TO shall see that repairs/servicing/oil change/tuning of the staff cars are always got done from a garage specifically nominated by the manufacturer for the purpose. However, if such arrangement is not available staff cars may be sent to approved automobile workshops for repairs etc. Administration Wing shall maintain a pre-approved list of such garages/workshops. If an authorized agent provides unsatisfactory service or the charges are exorbitant, work may be got done from other approved garage with the special permission of the Service.

(4) INSPECTION OF VEHICLES:

The TO shall be responsible to see that the staff car driver is given sufficient time to carry out the weekly maintenance and shall himself carry out weekly inspection to ensure that the tasks to be performed by the driver under sub-rules b & c above have actually been carried out and the vehicle is fit for duty in all respects. The results of his inspection shall be recorded in a bound Register in the following format:-

Date of inspection	Name of the MTO who carried out the inspection	Remarks by MTO	Initials of MTO
1	2	3	4

(5) REPAIRS OF VEHICLES:

All vehicles shall be comprehensively ensured. All major repairs of vehicles shall be arranged through the Authorized Workshops of the respective Motor Companies or by inviting quotations / tenders on an annual basis as per procedures. The Service may maintain a pre-approved list of such garages / workshops, which could also be resorted to, in case authorized agents of respective motor companies provide unsatisfactory service or the charges are exorbitant.

REGISTRATION NUMBER ETC TO BE COMMUNICATED:

On induction of a new staff car on the pool of Service, its particulars shall be communicated to the Accounts Office of the Service.

55.

CENTRAL POOL OF TRANSPORT

- (1) Administration Wing shall maintain a Central Pool of Transport, consisting of vehicles of different categories as per requirement. Government instructions should apply in case of transport fleet for officers/general duty. Service may specify special field duty vehicles for special tasks for which approval should be sought separately from the government.
- (2) Subject to availability, the following will be eligible for the use of staff cars in the central Pool:-
 - (a) Wings of the service for the use of members of foreign delegations and VIPs visiting Khyber Pakhtunkhwa;
 - (b) Directors and any other officer of service, authorized by the Director General, when their staff cars are temporarily off-road for repairs for a period not exceeding 15 days;

(3) POOL CARS FOR SPECIFIC DUTY ONLY:-

Except as otherwise provided in these rules, pool cars shall be made available for specific duties only and shall not be provided for an indefinite period in lieu of a staff car of Wing which is sent for repairs etc. After performance of each specific duty, the staff car shall be returned to the Central Pool.

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(14)

(4) REQUEST FOR STAFF CARS FROM CENTRAL POOL:-

The Director of any Wing of PDMA would request Administration Wing for the provision of a Staff Car indicating time, date and purpose for which the same is required on the Requisition Slip referred to a Rule 61 above.

56. CLAIM FOR TAXI HIRE FOR NON-PROVISION OF POOL CARS:

- (1). In case of non-availability of Staff Car in Central Pool, the Director of the requesting Wing, in consultation with Administration Wing, shall authorize the use of Taxi or any rented vehicle for a specific journey at the rates notified by the Service, which would be reimbursed to the respective Wing' submission of a written request.
- (2). Director (Admn) may maintain a list of authentic car rental service providers, based on competitive rates, and may resort to hiring of vehicles from them.

57. USE OF PERSONAL VEHICLE FOR OFFICIAL JOURNEY:

Any Officer using his personal vehicle for official journey would be entitled to reimbursement of fuel expenses, incurred during the journey, on submission of original receipts.

58. REPLACEMENT OF STAFF CARS:

- (1). A condemnation Committee hereinafter, referred to in these rules as Committee, shall be constituted for determining further usefulness of various vehicles at the Service. The Committee would comprise of the following:
 - (a) Director HR/Administration
 - (b) Director Relief/Operation
 - (c) Section Officer, Transport, Administration Department.
 - (d) TO as Secretary to the Committee.
- (2). The Committee shall meet in Rescue office on an appointed date and time to examine the staff car proposed to be condemned and replacer and shall make its recommendation, in writing, to Director General.
- (3). Before the staff car is examined by the Committee, it shall be got inspected from Transport Section Administration Department and report of condemnation/otherwise obtained.

59. DISPOSAL OF STAFF CARS

All condemned cars shall be disposed of by Administration Wing preferably, through Public Auction after seeking approval of the Director General.

60. RELAXATION IN RULES AND DELEGATION OF POWER

Director General may relax any rule and delegate any or all powers vested in him under these rules to any Officer of the Service in writing.

KHYBER PAKHTUNKHWA EMERGENCY RESCUE SERVICE "FINANCIAL RULES"

61. Funding of the Service:-

- (1) The Accountant General, Khyber Pakhtunkhwa or the District Accounts Officer shall pre-audit expenditure channeled through the normal budgetary mode.
- (2) The Service shall maintain an Emergency Service Fund in terms of section 16 of the Act.
- (3) The Fund shall be operated in accordance with these rules and the directions of the Council.
- (4) The Fund shall be used for any of the following purposes:
 - (a) For the establishment, maintenance and performance of the Service including timely replacement of emergency vehicles and equipment, when separate budget for the purpose has not been appropriated by the Government and
 - (b) For making available essential food supplies, Equipment and other prerequisites to facilitate the resin wake of major emergencies or disasters.
- (5) The money credited to the fund shall be kept in the National Bank of Pakistan.
- (6) The bank accountant pertaining to the fund shall be jointly operated by the Director General and Head of finance wing of the Service.
- (7) The expenditure in current on an emergency or disaster shall be scrutinized and approved by the emergency development committee within six weeks of the end of an emergency or disaster.
- (8) The money generated through donations, grants-in-aid and/ or through fairs, exhibitions, auction, camps and publications etc. shall be credited to the fund.
- (9) The Fund shall be subject to annual audit under section 15 of the Act.

62. Delegation of financial powers:-

- (1) The Director General shall financial powers as that of an officer in category 1 in accordance with the Provisions of the exercise Delegation of Financial Power Rules to manage the affairs of a district, academy or wing of the Service.
- (2) The Director General may designate respective categories to the Officers of the Service under the Khyber Pakhtunkhwa Delegation of Financial Power Rules to manage the affairs of a district, academy or wing of the Service.
- (3) The Director General of the Service may be may abolish or re-designate a post in the Service.
- (4) The Director General shall constitute a local purchase committee at the headquarters, academy and a district for processing purchases of item through limited tender enquiry up the purchase limits.
- (5) The Director General shall undertake re-appropriation of funds in accordance with the provision of the Khyber Pakhtunkhwa Delegation of Financial Powers Rules.
- (6) The Director General may sanction residential telephones for Smooth management of emergencies and disaster to the operations officers of The Service with limits prescribed by the Government or as approved by the Emergency development committee.
- (7) A district emergency officer may sanction and incur expenditure on Repair and maintenance is constituted and vehicles up to approved Limit for the category of officer under the Khyber Pakhtunkhwa Delegation of Financial Power Rules.

ATTESTED

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APPENDIX-II

(22)

**RECRUITMENT RULES FOR THE POSTS IN EMERGENCY
RESCUE SERVICE, (RESCUE-1122) KHYBER PAKHTUNKHWA.**

S.No.	Position	Age limit	Qualification & Experience	Method of Recruitment
1	Director General	Below 60 years	As per section 10 of Act	To be appointed by the Government
2	Director Planning/HR/Administration BPS-19			By promotion on the basis of seniority cum fitness from amongst the holders of the post of Deputy Directors AD/EOs BS-18 with at least 7 seven years' service at credit as such ADs/EOs with at least 12 years' service as such
3	Director Operation BS 19			By promotion on the basis of seniority cum fitness from amongst the holders of the post of Deputy Director AD/EOs BS-18 with at least 7 seven years' service at credit as such ADs/EOs with at least 12 years' service as such
4	Deputy Director Operation BPS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of ADs/EOs BPS-17 with at least 5 five years' service at credit as such.
5	Deputy Director / HR/Administration BS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of ADs/EOs BPS-17 with at least 05 years' service at credit as such.
6	Deputy Director Finance BPS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of Assistant Director (Finance/Accounts) BPS-17 with at least 5 five years' service at credits such.
7	District Emergency Officer BPS-18	25-35 years	Master Degree in Science/MBBS Postgraduate degree in Health Management 03 years working experience in Health Management including 02 years' experience in Rescue Projects. As in the Act vide No 13	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from amongst the holders of the post of Emergency Officer BPS-17 with at least 05 five years' service at credits such.
8	Emergency Officer BPS-17	25-35 years		By promotion on the basis of seniority cum fitness from amongst the holders of the post of Station House Incharge BPS-16 with at least 01 year service at credits such
9	Senior Public Relation Officer BS-18			By promotion from PRO BPS-17 with 05 year experience as PRO in BPS-17
10	Public Relation Officer (PRO) BPS-17	25-35	Master in Journalism/Mass Communication and 3 years relevant experience.	Initial recruitment
10	Assistant Director Finance BPS-17	25-35 years	MBA Finance/Accounts/BBA Hons (04 year after intermediate in Finance/Accounts) experience with relevant field computer literacy is essential.	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from the holders of the post of Station House Incharge (BPS-16)
11	Assistant Director Planning and M&E Research BPS-17	25-35 year	First class Master degree in (MBA Planning /M&E or equivalent qualification with experience in the relevant field. Computer literacy is essential	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from the holders of the post of Station House Incharge (BPS-16)
12	Assistant Director Administration/HR BPS-17	25-35 years	First class Master degree (MBA HRM) or equivalent qualification with experience in the relevant field. Computer literacy is essential.	i. 30% By initial Recruitment ii. 50% by promotion from adyan Superintendent/ST/ST BPS-16

- (3) The Service may provide a motorbike to an employee on special duty or at a Rescue Station with fuel limit of fifty liters per month for performing official assignments attending daily review meetings and for responding to emergencies.
- (4) The Service may provide an official transport to an officer or an instructor posted in the academy for responding to an emergency, when so required.
- (5) The officer or the employee who has been provided with an official vehicle may use the official vehicle for private purpose within the municipal limits of the city where he is posted to ensure timely availability of the officer or employee for an emergency.
- (6) The Service shall not pay conveyance allowance to the officer or the employee who has been provided with an official vehicle.
- (7) The Director General may relax the fuel limit for a special project protocol or an emergency assignment.

68. Reward and punishment:-

- (1) The Service may annually give monetary reward not exceeding two basic salaries with admissible allowances to the best rescuer of the year for each category at the provincial level and up to one basic salary with allowances for each category at the district level.
- (2) The Director General may constitute committee to select the best rescuers in each category for the purpose of award.
- (3) A rescuer, an officer or an employees shall be liable to fine and penalties if found committing negligence, fraud or lacking presentation, fitness and violation of discipline of the Service.

69. Standardization committee:-


- (1) There shall be the following standardization committee of the Service:

a.	Director (Admin) Rescue 1122	Chairman
b.	Head of Repair and Maintenance wing of Rescue-1122	Members
c.	Representative of RR&S Department	Members
d.	Head of Relevant wing of Rescue-1122	Members

- (2) If equipment or vehicle in use of the Service had not been standardized by the Inter-department Standardized committee (IDSC) of Service & General Administration Department, it shall be standardized by the standardized committee of the Service.
- (3) The Director General being the chief technical officer shall appoint an officer of the Service as senior technical officer and constitute a committee comprising of officers, employees or technical experts for technical scrutiny of an equipment, vehicle or stores.

69. Procurement of equipment:-

- (1) A district emergency officer or wing requiring an equipment, vehicle or stores shall submit the indent form along with the estimated cost based on market survey.
- (2) The procurement wing shall examine and process the proposal and ensure transparency by advertising in at least one leading English and Urdu national daily newspapers for items beyond limited tender enquiry opening or bids and negotiation in the presence of qualifying bidders.

ATTESTED


in case where indent value of an item requires scrutiny by the standing purchase committee under the purchase manual of the government, the following committee constituted.

(18)

a.	Director General Rescue-1122	Chairman
b.	Representative of the finance department of the government	Members
c.	Representative of the planning and development of the government	Member
d.	Representative of procurement Wing of the ERS Rescue-1122 Service	Members
e.	Director Finance/Admin Officer of Rescue-1122	Members
f.	Representative of RR&S Department	Members

(4) The director general shall be the ex-officio chief purchase officer of the Service. The head of the procurement wing of the service shall be the senior purchase officer and an emergency officer nominated by the Director General shall be the purchase officer.

(5) the representations of the finance and planning and development departments is not necessary where the value of an indent does not fall within the purview of the standing purchase committee under the purchase manual of the government.

(6) The purchase committee shall have special emergency powers for making urgent purchases or replacements of equipment, vehicles and stores vital for management of emergencies, through repeat purchase orders, equivalent to less than half of the last purchase order for similar emergency equipment, vehicles and stores made within one year of such purchase, and not exceeding fifteen percent value for next year.

(7) The Director General shall constitute a local purchase committee comprising of not less than three members for a district, academy and headquarters for petty purchases up to the limits prescribed by the Government for a limited tender enquiry.

(8) The decision of an appropriate committee constituted under sub-rules (3) & (7) shall be final and the service shall place purchase orders based on the recommendations of the committee.

70. Replacement of emergency vehicle:-

(1) The service may replace an emergency vehicle on completion of one hundred thousand km or usage over a period of three years, whichever is earlier.

(2) In case of a major accident, if the cost of repair of the vehicle may exceed fifty percent of the original cost of the vehicle, the emergency vehicle may be replaced.

(3) The service may hand over a vehicle which is being replaced to a government hospital for less robust use or may dispose it of in accordance with the instruction of the Government.

(4) The service shall deposit the sale proceeds of vehicle in the emergency service fund.

(5) Before handing over a vehicle for use elsewhere or disposal, the service shall remove the identification marks like color, insignias and equipment etc. to avoid misuse of the name of the service.

(6) One spare vehicle shall be provided for every five emergency vehicles of each category as a replacement for any accident or repair etc. to ensure smooth functioning of the service.

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71. **Inspection of the stores:-**

- (1) A committee consisting of the head of repair and maintenance wing, officer in-charge of the stores, emergency officer of related wing or district and, if required, a technical expert, appointed by the director general, shall inspect the stores.
- (2) The committee shall be responsible for the inspection of the equipment's, vehicles and stores (except petty stores) purchased by the service.
- (3) In case the committee fails to reach consensus on an issue, the matter may be referred to the standardization committee for final decision.
- (4) The officer in-charge of the stores shall carry out a quarterly inspection to verify the quantity and conditions of vehicles, equipment's and stores maintained by at each district or wing of the service. The officer shall submit the report of inspection to the Director General.

72. **Condemnation of equipment, vehicles and stores:-**

(1) The service shall have the following condemnation committee:

a.	Representative of Administration Department	Members
b.	Director Finance/ Admin Officer of Rescue-1122	Members
c.	Director Operation of Rescue-1122	Members
d.	MTO Emergency Rescue Services Rescue-1122 (Concern District)	Members

(2) The condemnation committee shall recommend the condemnation of an equipment, vehicle or stores in use of the service, on periodic bases for timely replacement and disposal of discarded stores through auction or gift to a government hospital with the approval of the government.

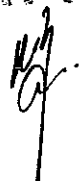
73. **Emergency imprest money:-**

- (1) The service shall keep at all times an impress money equivalent to three hundred thousand rupees at the headquarters and fifty thousand rupees at the academy and a district to meet an emergency or contingency.
- (2) The emergency development committee may suitably enhance the imprest money to meet the future needs.
- (3) The service shall recoup the amount spent from the imprest money within two weeks of incurrence of the expenditure.

74. **Repair and maintenance of equipment and vehicle:-**

- (1) The service shall advertise, pre-qualify and shortlist a workshop for emergency repair of a category of equipment or vehicle and equipment for quick management of an emergency.
- (2) The repair and maintenance committee, comprising the head of repair and maintenance wing, district emergency officer emergency officer and transport maintenance inspector shall select the workshop.
- (3) A short-list workshop shall enter into a rate contract with the service for a period of two years extendable for another year provided the quality of work is satisfactory, in case of unsatisfactory service or quality of work, the service may terminate the contract at any time and a new workshop or firm may be selected after due process.
- (4) Preference shall be given to an authorized dealers with 3S (sales, services and spare part) facilities according to the maker of equipment or vehicle, to ensure the validity of warranty and genuineness of spare parts.

ATTESTED



(5) The district emergency officer shall verify the repair needs and the cost of the repair and get the repair done from the selected workshop as per the approved service rate contract.

(6) The district emergency officer may make advance payment up to sixty percent of the estimated cost of repair of emergency vehicle after approval by the head of the finance wing.

(7) The district emergency officer shall get the repairs done from the approved workshop up to the prescribed limit of that category of officer under the Khyber Pakhtunkhwa Delegation of Financial Powers Rules.

75. Responsibilities of Director Finance & Internal Auditor:-

(1) The Director Finance or budget & accounts officer shall be the head of the finance wing of the service and shall be responsible for the operation and regulation of all financial and accounting matters according to these rules and the instructions of the Government.

(2) The internal auditor shall exercise all budgetary and financial controls under these rules and the best practices prescribed by the Government. The internal auditor shall prepare an annual internal audit report regarding the financial performance of the service.

76. Audit of accounts of the service:-

(1) The Auditor General of Pakistan shall audit the accounts of the services.

(2) The service shall make the audit report public and it shall be submitted before the Provincial Assembly of the Khyber Pakhtunkhwa under section 15 of the Act.

77. Relaxation of rules:-

The Council may, for reasons and limits to be recorded in writing, relax a rule in case of a hardship.

Secretary

Relief, Rehabilitation & Settlement Department
Govt. of Khyber Pakhtunkhwa

APPENDIX-I

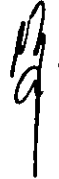
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SANCTIONED STRENGTH OF RESCUE-1122 (HEAD QUARTER)

S.No	Position	Number of posts
1	Director General	01
2	Director Planning/HR/Admin/Finance BS-19	01
3	Director Operation & Coordination BS-19	01
4	Deputy Director Operation & Coordination BS-18	01
5	Deputy Director Planning/HR/Admin/Finance BS-18	01
6	Assistant Director Operation & Coordination BS-17	01
7	Assistant Director Planning/HR/Admin/BS-17	01
8	Assistant Director Finance/Budgeting BS-17	01
9	Accountant BS-16	01
10	Office Superintendent BS-16	01
11	Private Secretary BPS-17	01
12	Sr. Store Keeper BPS-8	01
13	Personal Assistant/ stenographer BPS-16	01
14	Office Assistants BPS-14	08
15	Assistant Storekeeper BPS-04	01
16	Auditor BPS-14	01
17	Data Operators BPS-12	01
18	Radio Operator BPS-10	01
19	Clerk/Computer Operator	10
20	Junior Clerk BPS-07	01
21	Driver BPS-04	13
22	Qasid BPS-02	01
23	Chowkidar BPS-01	02
24	Mali BPS-01	01
25	Naib Qasid BPS-01	26
26	Sweeper BPS-01	01

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APPENDIX-II


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**RECRUITMENT RULES FOR THE POSTS IN EMERGENCY
RESCUE SERVICE, (RESCUE-1122) KHYBER PAKHTUNKHWA.**

S.No	Position	Age limit	Qualification & Experience	Method of Recruitment
1	Director General	Below 60 years	As per section 10 of Act	To be appointed by the Government
2	Director Planning/HR/Administration BPS-19			i. By promotion on the basis of seniority cum fitness from amongst the holders of the post of Deputy Directors ADs/EOs BS-18 with at least 7 seven years' service at credit as such ADs/EOs with at least 12 years' service as such
3	Director Operation BS-19			By promotion on the basis of seniority cum fitness from amongst the holders of the post of Deputy Director /DEOs BPS-18 with at least 7 seven years' service at credit as such, ADs/EOs with at least 12 years' service as such.
4	Deputy Director Operation BPS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of ADs/EOs BPS-17 with at least 5 five years' service at credit as such.
5	Deputy Director / HR/Administration BS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of ADs/EOs BPS-17 with at least 05 years' service at credit as such.
6	Deputy Director Finance BPS-18			By promotion on the basis of seniority cum fitness from amongst the holders of the post of Assistant Director (Finance/Accounts) BPS-17 with at least 2 five years' service at credits such.
7	District Emergency Officer BPS-18	25-35 years	Master Degree in Science/MBBS Postgraduate degree in Health Management 03 years working experience in Health Management including 02 years' experience in Rescue Projects. As in the Act vide No.13	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from amongst the holders of the post of Emergency Officer BPS-17 with at least 05 five years' service at credits such
8	Emergency Officer BPS-17	25-35 years		By promotion on the basis of seniority cum fitness from amongst the holders of the post of Station House Incharge BPS-16 with at least 01 year service at credits such.
9	Senior Public Relation Officer BS-18			By promotion from PRO BPS-17 with 05 year experience as PRO in BPS-17
9	Public Relation Officer (PRO) BPS-17	25-35	Master in Journalism/Mass Communication and 3 years relevant experience.	Initial recruitment
10	Assistant Director Finance BPS-17	25-35 years	MBA Finance/Accounts/BBA Hons (04 year after intermediate in Finance/Accounts) experience with relevant field computer literacy is essential.	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from the holders of the post of Station House Incharge (BPS-16)
11	Assistant Director Planning and M&E Research BPS-17	25-35 year	First class Master degree in (MBA Planning /M&E or equivalent qualification with experience in the relevant field. Computer literacy is essential	50% by initial recruitment 50% by promotion on the basis of seniority cum fitness from the holders of the post of Station House Incharge (BPS-16)
12	Assistant Director Administration/HR BPS-17	25-35 years	First class Master degree (MBA HRM) or equivalent qualification with experience in the relevant field. Computer literacy is essential	i. 50% By initial Recruitment ii. 50% by promotion from Station Superintendent/SHS (BPS-16)

13	Budget Officer BPS-17	25-35 years	First class ACCA/ MBA/ M.Com or equivalent qualification with experience in the relevant field. Computer literacy is essential	i. 50% By initial recruitment Or ii. To be posted on deputation basis from amongst the Officers of Accountant General or Finance Department in BPS-17.
14	Information Technology Officer BPS-17	25-35 years	First class Master degree in IT/Computer Science or equivalent qualification with 3years experience in the relevant field. Computer literacy is essential.	i. By initial recruitment. Or ii. To be posted on deputation basis from amongst the IT related Officers of Civil Secretariat in BPS-17
15	Office Superintendent BPS-16			By promotion on the basis of seniority cum fitness from amongst holders of the posts of Assistant BS-14 with at least five years' service at credit as such.
16	Private Secretary BPS-17			i. By promotion on the basis of seniority cum fitness from amongst holders of the posts of Senior Scale Stenographer (BS-16) with at least five years' service at credit as such. Computer literacy is essential Or ii. To be posted on deputation basis from amongst the Private Secretaries BPS-16 of Civil Secretariat.
17	Senior Store Keeper BPS-16			By promotion from amongst the holders of the posts of Assistant Storekeeper BS- 14 with at least five years' service at credit on the basis of seniority cum fitness. Computer literacy is essential
18	Senior Scale Stenographer BPS-16	20-30 years	Bachelor's Degree with at least 70 words per minute speed in Shori hand and typing speed of 45 words per minute with at least three months certificate in MS Office from Institution affiliated with Technical Board	i. By initial recruitment. Or ii. By transfer on deputation basis from amongst the employees of similar status in Civil Secretariat
19	Station House Incharge BPS-16	20-30 years	B.Sc.(Pre Medical) OR B.A. with Diploma in Health Technology /Nursing One year working experience in Emergency.	i. 70% by promotion of seniority cum fitness from amongst holders of the posts of Station Coordinator BPS-17 Shift Incharge BPS-17
20	Senior Control Room Incharge BPS-17		5 Years' Experience as a CRI in BPS-16	ii. 30% Initial Recruitment. By promotion from CRI BPS-16
21	Control Room Incharge BPS-16	25-35 years	Master Degree in Information Technology with certifications in LAN/WAN from recognized institution, preferably with specialization in Database. 03 years working experience in relevant/ recognized organization	By initial recruitment
22	Station Coordinator BPS-14	25-30 years	B.Sc (Pre-Med). With Diploma in Health Technology/Nursing/LHV. One year working experience in Emergency.	i. 50% by promotion of seniority cum fitness from amongst holders of the posts of Shift Incharge BS-17 FMT BPS-11
23	Transport Maintenance Inspector BPS-14	25-30 years	Diploma in Automobile Engineering from recognized institution 03-05 Years relevant experience.	ii. 50% Initial Recruitment. Initial Recruitment
24	Account Assistant BPS-14	20-35 years	B.Com from recognized institution. One year experience in recognized organization	Initial Recruitment
25	Audio / Video Cameraman BPS-14	25-35 Years	B.SC/BCS/BA 02 years' experience in Non- Linear editing or Animations or Computer Graphics	By initial recruitment
26	Office Assistant BPS-14	18-35 years	Bachelor's degree with 3 years' experience in the relevant field (secretarial work and	i. 50% by initial recruitment ii. 50% by promotion on the basis of seniority cum fitness from amongst

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			coordination). Computer literacy is essential.	holders of post of Clerk with at least eight years' service at credit as such.
27	Storekeeper BPS-14	18-35 years	Bachelor's degree with 3 years experience in the relevant field. Computer literacy and shorthand is essential.	By initial recruitment.
28	Auditor BPS-14	18-35 years	First class B.Com/BBA or equivalent with 3 years' experience in the relevant field. Computer literacy is essential.	By initial recruitment.
29	Shift Incharge BPS-12	20-30 years		By promotion of seniority cum fitness from amongst holders of the posts of EMT BPS-11
30	Wireless Technician BPS-12	30-40 years	F SC OR Diploma in Electronics (preference will be given to DAE and ex-servicemen). 03-05 years' experience in maintaining wireless communication equipments.	By initial recruitment.
31	Lead Fire Rescuer BPS-12	18-30 years	DAE (Mechanical) with One year relevant Experience	i. 20% by initial recruitment ii. 80% by promotion from Fire Rescuer BPS-11
32	Computer Operator/ CTWO BPS-12	18-30 years	FA/F.SC/D.Com or equivalent with one year diploma in computer/Information Technology from a recognized technical board and a speed of 1000 key depressions per minute with three years' experience in any office as such.	By initial recruitment.
33	Emergency Medical Technician BPS-11	20-30 years	Paramedical Diploma /Nursing/LHV (Preference will be given to Diploma in Health Technology & Surgical Technology) Relevant experience will be preferred.	By initial recruitment.
34	Fire Rescuer BPS-11	20-30 years	Diploma of Associate Engineering Mechanical	By initial recruitment.
35	DERF Rescuer BPS-11	20-30 years	Diploma in Associate Engineering (Civil/ Electronics/Mechanical) OR F.SC (Pre-Eng) DAE will be preferred. Diploma in Electrical Technology from recognized institution. Relevant experience will be preferred.	By initial recruitment.
36	Electrical Technician BPS-11	20-30 years		By initial recruitment.
37	Senior Clerk BPS-9	18-30 years	FA with typing and Computer literacy is essential.	By promotion from Junior Clerk
38	Auto Technician BPS-8	20-30 years	Diploma/Certificate Auto Diesel. Relevant experience will be preferred.	By initial recruitment.
39	Auto Mechanic BPS-11	20-30 years	Auto & Diesel 2 year Certificate. Relevant experience will be preferred.	By initial recruitment.
40	Assistant Store Keeper BPS-8	20-30 years	Matric OR Dispenser Diploma/Diploma in Pharmacy. Two years relevant experience will be preferred.	By initial recruitment.
41	Junior Clerk BPS-7	18-30 years	First class SSC with typing knowledge and computer skill.	i. 70 % by initial recruitment. ii. 30 % by promotion on the basis of seniority cum fitness from amongst the holders of the post of Qaid having SSC with at least three years' experience as such.

no Her

yes

one stage

Department from Promotion/Senior

Specialist/Coal YES

(31)

(134)

12	Driver BPS-1	18-30 years	SSC and physically fit with valid HTV/LTV/ Motor car or jeep driving license, with 3 years post license experience in any organization as Driver	By initial recruitment
13	Tower Man BPS-4	18-35 years	Metric with 3 years relevant experience	By initial recruitment.
14	Qasid/OA BPS-2	18-40 years	SSC with three years' experience in office work in any organization & physically fit	By initial recruitment.
15	Chowkidar/SG BPS-1	18-40 years	Middle, physically fit with three years' experience in any organization as such.	By initial recruitment.
16	Mali BPS-1	18-40 years	From amongst candidates Middle, physically fit with 3 years' experience in gardening.	By initial recruitment
17	Sweeper/SW BPS-01	18-40 years	Physically fit. Middle	By initial recruitment

APPENDIX - III

EMERGENCY PROCUREMENT PROCEDURE

The following procedure shall be followed for procurement during any emergency.

- a. Identification of items and their technical specification/brands and services which would be needed during any emergency shall be made by the Technical Evaluation Committee to be constituted by the DG Rescue 1122, as the case may be.
- b. The Service shall undertake the process of pre-qualification of the interested contractors or suppliers within or outside the province with whom the Service shall enter into a contract for supply/provision of any essential item(s) during any emergency.
- c. The list of pre-qualified contractors or suppliers shall be reviewed annually.
- d. Market assessment shall be undertaken by the Service for the items identified, on need-basis.
- e. The pre-qualified contractor or supplier shall possess the following:
 - i. Shall be an authorized dealer for the branded items only declared by the concerned company as such (in case of items prescribed to be procured from the authorized dealers);
 - ii. Possess the necessary professional and technical competence, financial resources, equipments, managerial capability, experience and workforce to perform the contract or supply.
 - iii. Has legal capacity to enter into procurement contract.
 - iv. Has fulfilled their obligations to pay taxes.
 - v. Has not been blacklisted with regard to their professional conduct or the making of false statements or misrepresentations as to their qualification to enter to a contract within a period of three years preceding the commencement of the procurement proceedings, or have not been otherwise disqualified pursuant to disbarment proceedings.
 - vi. Shall produce appropriate documentary evidence or other information to prove that the contractor or supplier is qualified in accordance with the criteria mentioned in serial No. (i) to (v) above of this rule; and
 - vii. Any other requirement prescribed pursuant to rule 98 shall apply on the contractors or suppliers.
- f. All sorts of emergency procurement shall be made through a Committee, to be notified by the DG Rescue 1122.
- g. All the pre-qualified contractors or suppliers shall be invited through registered letters and phone calls to offer their rates in the form of quotations in respect of the item(s) for which they have been pre-qualified along with the specimen of the item(s), if applicable, on the basis of specification (and/or brand).
- h. The quotation shall also specifically indicate the timeline for supply of the item(s) for which the quotations have been offered.
- i. All the quotations along with the specimens shall be opened by the Procurement Committee for evaluation on the basis of the market assessment and shall prepare comparative statement to be signed by all the members of the Committee in presence of the representatives of the contractors or suppliers.

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- procurement. However, the Committee if satisfied may recommend an offer with higher rate in respect of any item(s) if the specification or brand offered and/ or quality of specimen is far better than the item(s) offered on lower rate or for any other justifiable reason to be recorded in written.
- k. In case none of the prequalified contractors or suppliers are willing to provide the required quality or quantity or both of item(s) or he/they failed to provide the committed quantity or quality or both of item(s) within the given timeline, the Procurement Committee, after getting approval from the Director General, shall visit market(s) to get rate of item(s) from open market from at least three other contractors or suppliers. The Committee shall recommend procurement of item(s) for the non-pre-qualified contractors or suppliers on the basis of lower rate or superior quality or timely delivery.
- l. Proceeding of the meetings of the Committee shall be recorded in written form and signed by all the members and shall be submitted for approval of the Director General. After approval of the Director General, a supply order in proper format shall be issued to the selected contractors or suppliers. The supply order shall include necessary details like quality/specification, quantity, rate, mode of supply i.e. in bulk, or in packets of specified weight, timeline for supply, site of supply and a warning to the effect that non-compliance or breach of promise shall lead to rejection of the part or whole of the supply order.
- m. It shall be ensured that the contractors or suppliers shall fulfill all the commitments. In case of breach of commitment, the contractors or suppliers shall be blacklisted for further procurement.
- n. The specimen of the accepted bid shall be sent to the warehouse or any other site as may be decided for comparing quality/specification of the bulk supply.

APPENDIX – IV

SUPPLY OF PROCURED ITEMS AND PROCEDURE FOR PAYMENT

The following procedure shall be followed for supply of procured items and for payment there of:

- a. The contractors or suppliers shall be bound to supply the procured items to the destination and according to the timeline as specified in the supply order.
- b. In case of supply at warehouse, the Store Keeper shall issue a Goods Receipt Note (GRN) to the contractor or supplier which shall contain all relevant information and shall enter the item(s) on the stock register. In case of supply at other destination, an authorized officer shall issue GRN to the contractor or supplier which shall contain all relevant information and shall make entries of the supply in the relevant register.
- c. The reception and handling of supplies at the warehouse shall be governed by separate SOPs for warehouse operations to be issued from time to time.
- d. The Store Keeper or any other authorized officer may reject complete or part of supplied item(s) due to lower quality or non-conformity with the specification as shown on the supply order or with the specimen available at the warehouse. He shall report it to the higher service immediately. He shall also record it on the GRN.
- e. The contractors or suppliers after making complete supply against a supply order, shall submit a bill/invoice to the Director General, along with necessary supporting documents, i.e. copy of supply order, copy of GRN (in original).
- f. The bill/invoice must be machine numbered, dated and signed by the contractors or suppliers.
- g. The bill/invoice must also contain Sales Tax number and NTN.
- h. The contractors or suppliers shall also provide a certificate from concerned Excise and taxation Officer to the effect that all dues on account of Professional Tax, have been paid by him.
- i. The concerned dealing official shall prepare a complete file which shall contain supplier's bill, copy of supply order, GRN, quotations, minutes of the proceedings of procurement committee, approval from the competent service and any other relevant document. He shall evaluate the claim and make recommendation as to the amount of payment. Factors like late supply, quantity or quality or both rejected by the Store Keeper etc may also be kept into consideration.

- j. After being satisfied that payment recommendation is correct, the concerned dealing official shall process the claim for payment for approval of the Director General.
- k. After approval by the Director General, a fully-vouched bill supported by the sanction shall be prepared by the dealing section and passed on to Finance Section for Pre-audit and preparation of cheque. The Finance section shall ensure the following:
 - i. All documents as specified in Rule 99(e) are available.
 - ii. Income tax and Sales Tax are deducted at current rates.
 - iii. Certificate of payment of Professional Tax is available.
 - iv. Stamp duty at the existing rate has been paid.
 - v. Calculations are correct.
 - vi. Approval from the Director General is available.
- l. The Finance Section after making all deductions shall prepare a crossed cheque in favor of the registered contractor or supplier. The cheque shall be handed over to the concerned section for onward delivery to the supplier by enclosing with a covering letter. A copy of this letter and of the cheque shall be kept for record in the file of the claim in the concerned section.

ATTESTED



BEFORE THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION NO. 182-P/2015

- 1- Mr. Insan ullah, Shift Incharge (BPS-12),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 2- Mr. Sadaqat Shah, Leading Fire Rescuer (BPS- 12),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 3- Abdullah, Leading Fire Rescuer (BPS- 12),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 4- Mr. Muhammad Riaz, Leading Fire Rescuer (BPS- 12),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 5- Mr. Ghufran Ullah, Leading Fire Rescuer (BPS- 12),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 6- Mr. Aman Ullah, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 7- Mr. Aftab Muhammad, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 8- Mr. Mudasir Shah, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 9- Mr. Asfandyar, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 10- Mr. Tajamul Shah, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 11- Mr. Tahseen Ullah, Fire Rescuer (BPS-11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 12- Mr. Anwar Ullah, Fire Rescuer (BPS-11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 13- Mr. Aimal Khalid, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 14- Mr. Munsif, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 15- Mr. Muhammad Ismail, Fire Rescuer (BPS- 11),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.

ATTESTED
EXAMINER

19 MAR 2015

ATTESTED

- 339- Mr. Bakht Zaman, Light Traffic Vehicle (BPS-4),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 340- Mr. Adnan Pervaiz, Light Traffic Vehicle (BPS-4),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 341- Mr. Rehmat Ullah, Light Traffic Vehicle (BPS-4),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 342- Mr. Lal Mat Khan, Security Guard (BPS- 1),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 343- Mr. Sayyar Ahmad, Security Guard (BPS- 1),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 344- Afaq Ahmad, CRI/SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 345- Irfan Ullah, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar
- 346- Bashir Ullah, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 347- Adil Shah, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 348- Hafeez Ur Rehman, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 349- Naveed Khan, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- 350- Muhammad Arif Khan, SHI (BPS-16),
O/O Director General Rescue 1122, Provincial Head Quarter
Tariq Road, Khyber Pakhtunkhwa, Peshawar.
- Petitioners

VERSUS

- 1- The Govt of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber
Pakhtunkhwa, Peshawar.
- 3- The Secretary Relief Rehabilitation and Settlement
Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa,
Peshawar.
- 5- The Director General Rescue 1122, Khyber Pakhtunkhwa,
Peshawar..... Respondents

EXAMINER

Peshawar

19 MAR


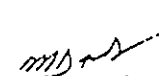
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35

PESHAWAR HIGH COURT PESHAWAR

12

ORDER SHEET

No. of Orders or Proceedings	Date of Order or Proceedings	Details of Proceedings with Signature of Judge or that of party in whose favour the order is made
1	2	3
	18.03.2015	<p><u>WP. No. 182-P/2015.</u></p> <p>Present: Petitioners in person.</p> <p>Syed Quiser Ali Shah, AAG. for the respondents.</p> <p>*****</p> <p>Final opportunity rendered to file their comments before the next date of hearing. Adjourned to 26.03.2015.</p> <p>Till then, the impugned appointment process may continue, however, no final order in this regard be made till the date fixed.</p> <p>The attention of the Court was drawn to the fact that respondents are asserting undue influence over some of the petitioners to detract them from their stance taken in the present petition. The worthy AAG present in Court is directed to put the respondents on notice that in case of pressure or influence by the respondents, in any manner, whatsoever, they shall expose themselves to penal action by the Court.</p> <p style="text-align: right;">  JUDGE </p> <p style="text-align: right;">  JUDGE </p>

ATTESTED

~~CERTIFIED TO BE TRUE COPY~~

19 MAR 2015

111
 29/08/14 50505



36

Date	Officer	Rank	Time	Remarks	Signature
5/8/14	Dr. Shoaib	EO	9:00	OK	
6/8/14	Dr. Shoaib	EO	10:00	OK	
6/8/14	Kamal Shah	EO	9:00	OK	
7/8/14	Dr. Shoaib	EO	10:00	OK	
7/8/14	Kamal Shah	EO	12:00	OK	
8/8/14	Dr. Shoaib	EO	3:00 pm	Satisfactory	
8/8/14	Kamal Shah	EO	3:50 pm	Good	
3/8/14	R. Adil Shah	SHI	3:45 pm	OK	
9/8/14	Dr. Shoaib	EO		OK	
11/8/14	Dr. Shoaib	EO	9:00	OK	
13/8/14	DR Ayaz	DEO	9:00	OK	
15/8/14	DR Ayaz	DEO	9:00	OK	
18/8/14	Dr. Shoaib	EO	10:00	OK	
22/8/14	Dr. Shoaib	EO	11:00	OK	
25/8/14	Dr. Shoaib	EO	9:00	OK	
06/09/14	WASIM KHAN	EO	12:00	OK	
09/09/14	WASIM KHAN	EO	08:40	OK	
12/09/14	WASIM KHAN	EO	10:00	OK	
15/09/14	WASIM KHAN	EO	5:00	OK	
22/9	DR Ayaz	DEO	9:00 pm	OK	
26/9	Kamal Shah	EO	3:30 pm	SC/Incharge must check and proper maintain Handover/Taking over Register - Remaining Station is satisfactory - management is good.	
29/9/14	Sony Khan	SHI (98)	11:00 AM	21 vehicles at bay port all staff present - Good	
02/10/14	Bashir Khan	SHI	9:00 PM	Satisfactory	

3



Date	Officer	Rank	Time	Remarks	Signature	Date
4/10/14	Bashir-ullah	SHI	9:30 AM	OK		8/11
4/10/14	Yasir Khan	BC	14:00 PM	OK		9/11
05/10/14	Do workup	SG	9:00 AM	OK		20/01
26/10/2014	S. Adil Shah	SBI	11:45 AM	OK		11/01
09/11/14	M. ALI KHAN	SPE	12:00 PM	OK		14/11
10/11/14	WASIM KHAN	PO	9:00 AM	OK		
24/11/14	S. Adil Shah	RHI	10:15 PM	(OK)		20/
25/11/14	Kamal Khan	EO (MS)	10:00 AM	Neat & Clean 80%		21/
27/12/14	Bashir-ullah	SHI	1:00 PM	OK		22/
11/12/14	Dr. Shoaib	FC	9:00 AM	OK		23/
11/12/14	Irfanullah	SHI	12:40 AM	OK		26/
13/12/14	B. Rawan	A. SHI	10:30	Needs improv in uniform		27/
14/12/14	Bashir-ullah	SHI	6:30	OK		28/
15/12/14	Dr. Shoaib	EO	9:00	OK		29/11
16/12/14	Dr. Shoaib	EO	10:00	OK		30/11
22/12/14	Dr. Shoaib	EO	9:00	Satisfactory		31/11
23/12/14	Dr. Shoaib	EO	9:00	Good		31/01
24/12/14	Dr. Shoaib	EO	10:00	OK		
25/12/14	Dr. Shoaib	EO	12:00	Satisfactory		
26/12/14	Dr. Shoaib	EO	3:00 PM	OK		
29/12/14	Dr. Shoaib	EO	9:00 AM	OK		
30/12/14	Dr. Shoaib	EO	10:00	OK		
31/12/14	Dr. Shoaib	EO	9:00	Satisfactory		
1/1/15	Dr. Shoaib	EO	10:00 AM	OK		
2/1/15	Dr. Shoaib	EO	8:00 AM	OK		
5/1/15	Dr. Shoaib	EO	10:00 AM	Satisfactory		
6/1/15	Dr. Shoaib	EO	9:00 AM	OK		
7/1/15	Dr. Shoaib	EO	10:00	Satisfactory		

3

38

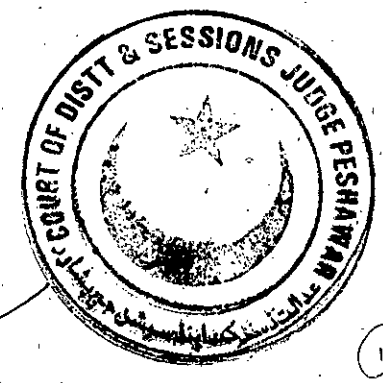
Date	Officer	Rank	Time	Remarks	Signature
8/1/15	Dr. Shoaib	EO	9:30am	OK	
9/1/15	Dr. Shoaib	EO	10:00am	Satisfactory	
20/01/15	M. Anjad	SC	02:00pm	OK	
11/01/15	Bakul Rawan	Asst	7:30pm	Satisfactory	
14/1/15	Dr. Shoaib	EO	11:00am	OK	
20/1/15	Dr. Shoaib	EO	9:30	OK	
21/1/15	Dr. Shoaib	EO	9:00	OK	
22/1/15	Dr. Shoaib	EO	10:00	Satisfactory	
23/1/15	Dr. Shoaib	EO	9:30	OK	
26/1/15	Dr. Shoaib	EO	11:00	OK	
27/1/15	Dr. Shoaib	EO	13:00	Satisfactory	
28/1/15	Dr. Shoaib	EO	9:00	OK	
29/1/15	Dr. Shoaib	EO	10:00	Satisfactory	
30/1/15	Dr. Shoaib	EO	12:00	OK	
31/1/15	Dr. Shoaib	EO	10:00	OK	
31/01/15	Irfan Ullah	SH1	10:15pm	Satisfactory	

Handwritten notes and signatures in the left margin, including a large signature and some illegible text.

Handwritten signatures and initials in the right margin, corresponding to the entries in the table.

الحکومت چھتیس گڑھ
لیوالت مہاراجہ - محترمہ چھوٹی بی بی آسیہ علیہ السلام

کتابت عدالت و لا خان کچھتیس گڑھ، تحصیل مہاراجہ، ضلع جہلم، صوبہ پنجاب
مہاراجہ BBA/71 جو 6 $\frac{2}{15}$ ضلع 26 $\frac{2}{15}$



کا
ڈاکٹر ابوبکر رضا خان ڈاکٹر محمد الہی بخش و سیدتیو 22/11/2007

دو اسٹیمپز عدالت چھتیس گڑھ
تاکتہ رقم 22/11/2007

52
28 $\frac{1}{15}$
250 / 500
77c

صاحبان عدالت چھتیس گڑھ

1- یہ اسٹیمپز عدالت چھتیس گڑھ عدالت چھتیس گڑھ میں
دیں شدہ ہے۔ اور جو اسٹیمپز عدالت چھتیس گڑھ میں

2- یہ اسٹیمپز عدالت چھتیس گڑھ عدالت چھتیس گڑھ میں

ATTESTED
3/11/08
(Examiner)
Sessions Court Peshawar

3- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل

4- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے دائر کی گئی ہے

5- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

6- عدالت عالیہ کے جج اور ایڈووکیٹ جنرل سے 182/2015 میں ارسال

(دست کا پی بچہ نام دستاویزات لکھی)

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6- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

7- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

8- پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

پشاور ہائیکورٹ کے جج اور ایڈووکیٹ جنرل سے

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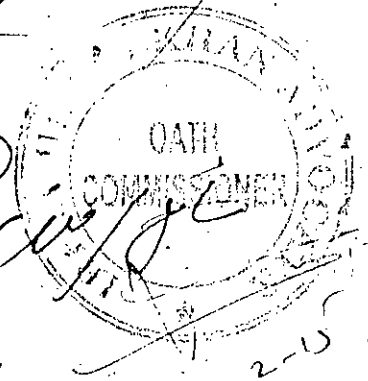
1/6
2015

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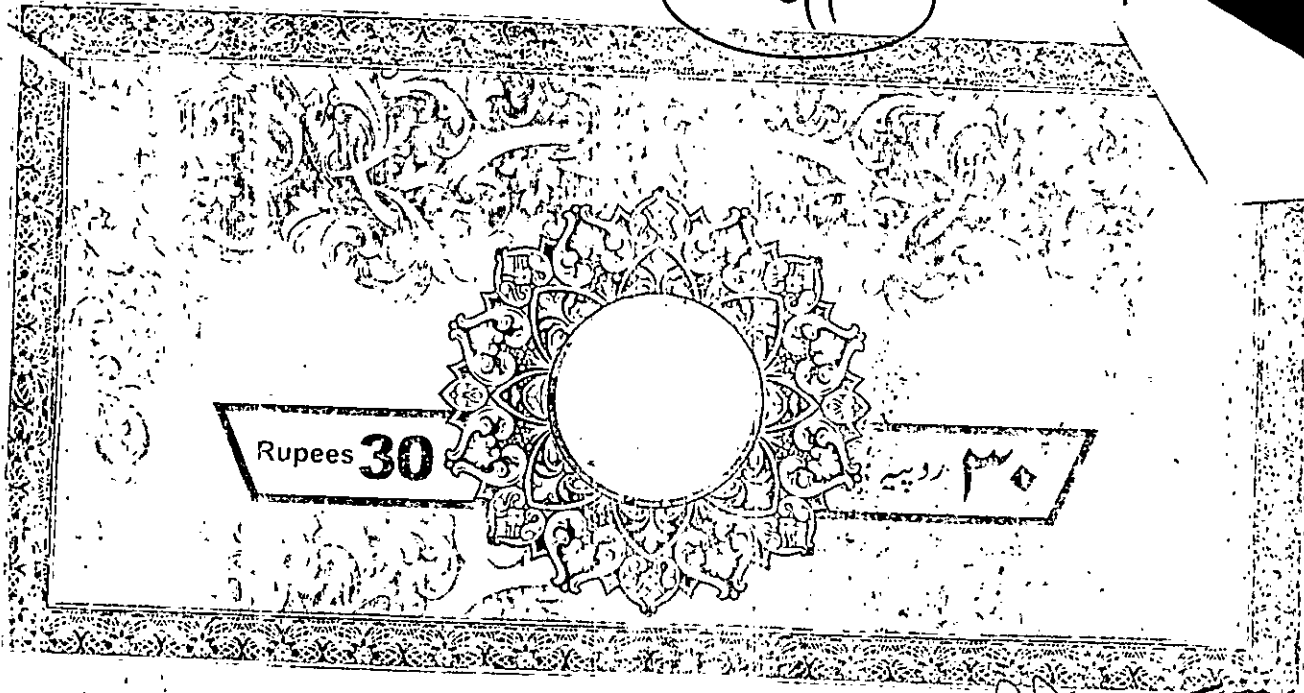
3/11/15
(Examiner)

Sessions Court Peshawar

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06-02-15



Rupees 30

EX PA
ADT XII
Peshawar
22/12/2015

راہی نامہ / بیانِ حلفی

مستحق ڈاکٹر گیار خان ولد عبدالرزاق خان کے کن دھوبی گھاٹ کینڈا پورہ نور پورہ
 ہٹا بیان کرتا ہوں کہ من کانہ مستحق بخت روانہ وہ خان شہی ساکن
 ماڈرن سٹریٹ تحصیل سالار زئی ڈاکا نہ فار ضلع باجوڑ ایجنسی ملانم ریسٹریکٹو 22/12/2015
 آفیسر (BRS-14) کے خلاف عدم 250/506 کے تحت مورخہ 3/2/2015
 سو فنانس شری میں 112 فرم 52 درج کیا تھا۔ میرا کہ من کانہ
 ان کے درمیان کوئی شرط نہیں ہے۔ جو کہ گیار خان کے ذریعے شہ
 ہے۔ اور گیار خان کے ذریعے ہم دونوں کے درمیان راہی نامہ ہے
 اور من کانہ مستحق بخت روانہ کوئی نہیں اللہ تعالیٰ کو جانے اگر عدالت
 حضور معظم مذکورہ بیان کی حاکمیت نہیں اور فقار کی منگوا کر کے حاکمیت پر
 بڑی آمد سے تو اس پر من کانہ کو کوئی اعتراض نہیں ہوتا

22/12/15
 51855C
 101-151855C

2201-481733
 101-151855C

بیانِ حلفی / راہی نامہ تحریر ہو گیا ہے۔

17301-4536570-3 مورخہ 22/12/2015

ATTESTED

3/3/11

(Examined)

Senior Clerk Peshawar

ڈاکٹر گیار خان



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311 JMC - 4 N101 RE - N101 2
115

ATTESTED
3/3/15
(EXCISE)
Sessions Court



42

28/11/15

شہری

مورخہ

تھانہ

جرم نمبر 250/5 عدالت فوجداری پاکستان

سرکار بنام بخت روان ولد خان نسیں ساکن فرسٹو تحصیل سیدالینہ ضلع مظفر آباد

مکہ و ولد بے ساکن و کاہوں

ATTESTED

ASST. ADJ. XII Peshawar

بذاتہ چنگہ بذاتہ قرار کر کے لکھ دیا: وہ کہ تاقضیہ مقدمہ ہذا ایک تاریخ پیشی پر حاضر عدالت ہوتا رہوں گا مگر مقدمہ تجویز کے لئے دوسری عدالت کے سپرد ہوا تو وہاں بھی حاضر ہوتا رہوں گا، نیز تاقضیہ مقدمہ نقص امن نہ کروں گا اور ٹیک چلن رہوں گا، اور بصورت خلاف ورزی مبلغ 80,000 روپیہ بطور تادان چنگہ خداداد پاکستان حکومت پاکستان کو بھردوں گا، لہذا چنگہ بذاتہ تحریر ہے

العبد بخت روان ملزم مذکور

مکہ محمد حاشف اسلام ولد محمد سلام
مکہ رحمداد ولد شمشاد
مکہ موسیٰ انورانی ذوالحجہ کوٹلی
مکہ محمد مسکن آباد مظفر آباد

مقرر ہوا کہ تاقضیہ مقدمہ ملزم مذکور عدالت حضور میں ماکسی دوسری عدالت میں جس میں مقدمہ تجویز کے لئے سپرد ہوں تو ہر تاریخ پیشی پر حاضر رہے گا اور تاقضیہ مقدمہ تک ٹیک چلن رہے گا اور نقص امن نہ کرے گا، بصورت خلاف ورزی منظرہ خاسک مبلغ 80,000 روپیہ ضمانت منقرا خداداد حکومت پاکستان کو بھر دوں گا۔

دوں گا۔
دیں گے

مورخہ

العبد 17301-16-72647-7 العبد 17301-51-27462-1

رحمداد

محمد حاشف اسلام

عدالت سیشنری مارت
پوک مشنری پٹارہ ٹیڈن: 2220193
Mob: 0345-9223239

ATTESTED
3/11/15
(E. S. J. 15)
Sessions Court Peshawar

مذکورہ ملزم خالص خالی ہے۔
17301-16-72647-7
17301-51-27462-1

43

Statement of Sabah-ud-Din Khattak Advocate counsel for the complainant, Peshawar on oath:

As per instruction of my client who is complainant in instant FIR No.52 dated 3/2/2015 u/s 25 Telegraph Act/ 506 PPC of P.S East Cantt, Peshawar, the petitioner was charged in the present case who is an employee of Rescue 1122. By intervention of colleagues, the matter has been patched up between the parties and he has got no objection if his pre-arrest bail of the petitioner is confirmed. To this effect I submit affidavit on behalf of the complainant which is Ex.PA. It is further clarified that this affidavit is pertaining to the confirmation of the pre-arrest bail of the petitioner. My power of attorney is Ex.PB.

*Sabah-ud-Din Khattak Advocate
Counsel for the complainant.*

RO & AC
26.02.2015.

*Phool Bibi
ASJ-XII, Peshawar*

ATTESTED
3/10
(E. 3/15)
Sessions Court Peshawar

44

IN THE COURT OF PHOOL BIBI,
ADDITIONAL SESSIONS JUDGE -XII, PESHAWAR

Bakhtawan Vs State

Case File # 71/BBA of 2015

Date of Institution: 06/02/2015

Date of Decision: 26/02/2015

ORDER

26/02/2015

1. Petitioner *Bakht Rawan* on ad-interim pre arrest bail along with Counsel and SPP for the state present. Complainant *Dr. Ayaz Khan* through counsel present.
2. Petitioner seeks confirmation of pre arrest bail extended in his favour in case FIR No. 52 dated 28/01/2015 u/s 25-D Telegraph Act/506 PPC of Police Station East Cantt, *Peshawar*.
3. Today *Sabah-ud-Din Khattak* advocate counsel for the complainant while submitting affidavit Ex.PA sworn by the complainant has stated ^{that} his client has instructed him that the matter had been patched up between the parties and he got no objection on confirmation of ad-interim pre-arrest bail of the petitioner. To this effect statement of counsel for the complainant recorded and placed on file. Power of attorney on behalf of the complainant in favour of his counsel is Ex.PB.
4. The main offence u/s 506 PPC is compoundable and the complainant has

ATTESTED

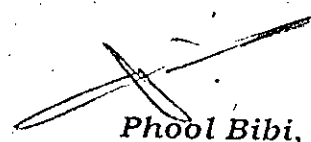
[Signature]
(Clerk)

Additional Sessions Court Peshawar

compounded the matter with petitioner with his own free will, which seems to be genuine and in the interest of the parties. Hence, the same is accepted.

- 5. Consequently, the ad-interim pre-arrest bail already granted to the petitioner is hereby confirmed on the existing bail bond.
- 6. Requisitioned record be returned to the quarter concern.
- 7. File be consigned to Record Room after its completion.

Announced
26/02/2015



Phool Bibi,
Additional Sessions Judge-XII,
Peshawar

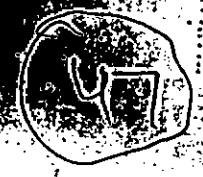
No:	2415-
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Name of A:	Muhammad
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Signature of:	Muhammad
Dated of Pre:	03-03-15
Date of Delivery:	03-03-15

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3/3/15
(Examined)
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Peshawar

03/3/15

سیدتی صفا آفرین سہیلہ بیگم



794/2 06/02 52
 52 3/02 25-D 506
 03/16 02/15



تقریب	تاریخ	مذکورہ واقعہ	مذکورہ واقعہ
1	11-03-2015	جناب عالی ا عورتوں کے حالات	جناب عالی ا عورتوں کے حالات
2	11-03-2015	جناب عالی ا عورتوں کے حالات	جناب عالی ا عورتوں کے حالات
3	11-03-2015	جناب عالی ا عورتوں کے حالات	جناب عالی ا عورتوں کے حالات
4	11-03-2015	جناب عالی ا عورتوں کے حالات	جناب عالی ا عورتوں کے حالات
5	11-03-2015	جناب عالی ا عورتوں کے حالات	جناب عالی ا عورتوں کے حالات

مرفوعہ صورت

ATTESTED
 28
 Examination
 Civil Court Peshawar

INSP SHO PSE-CANVA
 18-03-2015

Case file for disposal
 2015-03-18
 Prosecution Act
 No. 2015-03-18


1	2	3	4	5	6	7	8	9	10

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48

Order
24/03/2016

SPP for the state present. Accused alongwith counsel present and submitted application for early hearing of the case which is pending for 14.5.2016. Application is allowed and case file requisitioned. Complainant through Ibrarullah alongwith authority letter and compromise deed present and stated at the bar that complainant has patched up the matter with the accused facing trial. In this respect statement of Ibrarullah on behalf of complainant also recorded wherein he stated that parties have patched up the matter and now the complainant has got no objection on the acquittal of the accused facing trial. compromise deed is Ex.PA while authority letter is Ex.PB and photocopy of CNIC of Ibrarullah is Ex.PC. Proceeding u/s 241-A Cr.PC complied with. To come up for framing of charge on 26/3/16


24/03/16
Adam Khan Suleman Khel,
JMJC-IV, Peshawar

ATTESTED

28 MAR 2016

(Examiner)
Civil Court Peshawar

Order--
26/03/2016

SPP for the state present. Accused Bakht Rawan on bail present.

Perusal of record shows that on 24/03/2016, complainant through Ibrarullah alongwith authority letter on behalf complainant and compromise deed appeared and stated on behalf of complainant that the complainant patched up the matter with the accused facing trial and got no objection on acquittal of accused facing trial. In this regard his statement recorded and placed on file.

I heard arguments and perused the record.

Perusal of case file shows that conviction of the accused facing trial is not feasible on the available record and according to statement of complainant through attorney who being the star witness of the case has patched up the matter and does not further prosecute against the accused facing trial in the instant case, so there is no chances of conviction of the accused facing trial if charge against accused is framed and the case is kept for proceeding of prosecution evidence and keeping further proceeding in the instant case would be a futile exercise. Moreover, as the offence for which the accused facing trial is charged, is also compoundable in nature, therefore, accused Bakht Rawan facing trial is acquitted u/s 249-A CrPC in the instant case from the charges leveled against him on the basis of compromise. Sureties of the accused facing trial are absolved of the liability of bail bonds. Case property, if any, be dealt in accordance with law.

Case file be consigned to the record room after necessary completion.

Announced:
26/03/2016

Adam Khan Suleman Khel,
JMIC-IV, Peshawar.

ADAM KHAN SULEMAN KHEL
JMIC-IV,
Peshawar.

016 / 28/3/16

of Application

Applicant

Agent/Fee

Copyist & Date

26/3/16

CERTIFIED TO BE TRUE COPY
(Examiner)
Copying Agency Civil Court
Peshawar

49

Before Khyber Pakhtun Khwa Service Tribunal, Peshawar

Service Appeal No



1
2
1

1. Fazal Karim, HTV, Planning and Development Department,
Directorate of Emergency Rescue Services (Rescue 1122),
Government of Khyber Pakhtun Khwa, Peshawar.....

APPELLANT

VS

1. Director, Emergency Rescue Services (Rescue 1122),
2. Director General, Emergency Rescue Services (Rescue 1122), and,
3. Additional Secretary, Planning and Development, Emergency
Rescue Services (Rescue 1122), Government of Khyber Pakhtun Khwa,
Peshawar.....

RESPONDENTS

**APPEAL U/SEC 4 OF KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE VERBAL ORDER OF RESPONDENT NO. 1 OF
HAVING WITHHELD THE APPELLANT, WITH MALA FIDE INTENTION
TO DISENTITLE HIM TO BE RETAINED IN SERVICE, FROM SERVICE
COURSE OF "BASIC EMERGENCY TRAINING", AT LAHORE AND NON-
PAYMENT OF HIS SALARIES /WAGES ETC.**

21.6.2012

Counsel for the applicant, and Mr. Sheragan Khattak, AAG
for the respondents present. Arguments heard. Record perused.
Vide our detailed judgment of to-day in connected appeal No.
1580/2010, Muhammad Imtiaz Versus Director Emergency
Rescue Services, Peshawar etc.", this appeal is also accepted as
per detailed judgment. Parties are left to bear their own costs.
File be consigned to the record.

ANNOUNCED
21.6.2012

MEMBER

MEMBER

Certified to be true copy
Khyber Pakhtun Khwa
Service Tribunal,
Peshawar

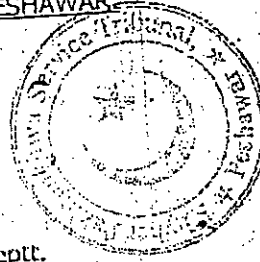
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Date of Delivery of Copy 11-7-2012

50

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1580/2010

Date of institution. ... 11.8.2010
Date of Decision ... 21.6.2012



Muhammad Imtiaz, Security Guard, Planning & Development Deptt.
Directorate of Emergency Rescue Services (Rescue 1122),
Government of Khyber Pakhtunkhwa, Peshawar. ...

(Appellant)

VERSUS

1. Director, Emergency Rescue Services (Rescue 1122).
2. Director General, Emergency Rescue Services, Peshawar.
3. Addl. Secretary, Planning & Development, Emergency Rescue Services, Govt. of Khyber Pakhtunkhwa, Peshawar. (Respondents).

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974,
AGAINST THE VERBAL ORDER OF RESPONDENT NO.1 OF HAVING WITHHELD
THE APPELLANT, WITH MALAFIDE INTENTION TO DISENTITLE HIM TO BE
RETAINED IN SERVICE FROM SERVICE COURSE OF "BASIC EMERGENCY
TRAINING", AT LAHORE AND NON-PAYMENT OF HIS SALARIES/WAGES ETC.

MR. FAZLI MAHMOOD,
Advocate

For appellant.

MR. SHERAFGAN KHATTAK,
Addl. Advocate General.

For respondents.

MR. SULTAN MAHMOOD KHATTAK,
MR. NOOR ALI KHAN,

MEMBER
MEMBER.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER. - This appeal has been filed by Muhammad Imtiaz, the appellant against the verbal order of respondent No.1 disintitied him for Basic Emergency Training and non-payment of salaries/wages etc. It has been prayed that on acceptance of the appeal, the respondents may be directed to release salary of the appellant and to send him for service course.

2. Brief facts of the case are that the appellant having been medically examined and declared fit by the Police Hospital, Peshawar was appointed as Security Guard on 15.3.2010. After having joined the office an undertaking to the effect of affirming the terms and conditions of service were duly submitted by the appellant to satisfy his superiors. The appellant had to undergo Basic Emergency Training of fourteen weeks duration at Emergency Service Academy, Lahore but he

has been verbally disqualified for the aforementioned training. Feeling aggrieved, the appellant filed departmental appeal, which elicited no response within the statutory period, hence this appeal.

3. The appeal was admitted to regular hearing on 19.10.2010 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant was appointed as Security Guard on 15.3.2010 by the competent authority after fulfilment of all the codal formalities including medical examination by the Police and Services Hospital, Peshawar. The appellant submitted joining report on 15.3.2010. Other colleagues of the appellant have been sent for training while the appellant has been declared disentitled to undergo training and he has not been paid monthly salary. He further argued that the appellant took over charge of the post and valuable rights have been accrued to him. His services could not be terminated on verbal directions by the respondents without any proper enquiry. He requested that the appeal may be accepted.

6. The learned AAG, on the other hand, argued that the appellant was not appointed, hence he was not a civil servant and the present appeal before this Tribunal is not maintainable under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He was not appointed but conditionally selected as Security Guard subject to certain conditions including medical fitness certificate. The appellant alongwith others were medically examined. The candidate having found fit have been sent for training, while the appellant alongwith 11 others were found suffering from HCV/HBS. Since the Rescue Squad is an Emergency squad and being suffering from a chronic disease, sending the appellant to undergo training was not in the interest of government as well as general public, even for health of the appellant. He requested that the appeal may be dismissed with costs.

7. The Tribunal observes that the appellant was appointed by the competent authority as Security Guard on 15.3.2010. He took over charge on the same day. Proper charge report is not available on the file, however, the appellant submitted an affidavit to this effect. He was medically examined by the doctors in Police & Services Hospital, Peshawar and was found fit. His subsequent medical examination is without any justification. No charge sheet/statement of allegations

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was issued to him nor proper enquiry conducted and he has been condemned unheard.

8. In view of the above, the appeal is accepted, and the respondents are directed to release salary of the appellant from the date of appointment and he may be sent to undergo training of Emergency Rescue Services under the rules. Parties are left to bear their own costs. File be consigned to the record.

9. This order will also dispose of connected service appeal No. 1581/2010, Afzal Khan and service appeal No. 1582/2010, Fazal Karim in the same manner.

ANNOUNCED
21.6.2012.

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy

EMAN ZAVAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Number of Pages: 11-7-2012

Urgent: 8

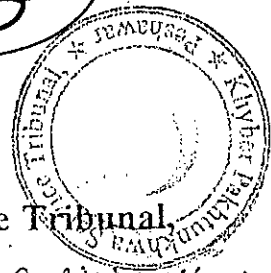
Total: 2

Name of Applicant: 10

Date of Completion of Copy: 11-7-2012

Date of Delivery of Copy: 11-7-2012

53



Before The Khyber Pakhtunkhwa Service Tribunal,
Peshawar

Execution Petition No. 162/12

Appeal No., 2012

Fazal Karim, HTV Driver, Emergency Rescue Services
(Rescue 1122), Old Haji Camp, Peshawar

..... Petitioner

Vs

Director General, Emergency Rescue Services
(Rescue 1122), Old Haji Camp, Peshawar.

..... Respondent

15.04.2013

Petitioner in person and Mr. Arshad Alam, GP with Muhammad Arif, Asstt. Admin. Officer for the respondents present. Representative of the respondents produced order dated 15.4.2013, whereby the petitioner has been appointed. Copy handed over to the petitioner. Petitioner is satisfied. The petition is filed accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.4.2013.

Sd/-
Member

Sd/-
Member

Be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 21.12.15
Number of Witnesses 4
C. 2
L. 6
T. 2
N. 2
Date of Judgment 21.12.15
By: [Signature]

54 53

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE NASIR-UL-MULK, CJ.
MR. JUSTICE AMIR HANI MUSLIM
MR. JUSTICE GULZAR AHMED

CIVIL PETITION NOS. 423-P TO 425-P OF 2012

(on appeal from the judgment of the Service Tribunal KPK Peshawar dated 21.06.2012 passed in Appeal Nos. 1580 to 1582 of 2010)

Director Emergency
Rescue Services (Rescue 1122) & others ...Petitioners

VERSUS

Muhammad Imtiaz
Afzal Khan
Fazal Karim

(in CP 423-P/12)
(in CP 424-P/12)
(in CP 425-P/12)
...Respondents

For the Petitioners: Mr. Abdul Latif Yousafzai, AG, KPK.
a/w Salahuddin Khattak, Legal Rep.

For the Respondents: N.R.

Date of Hearing: 15.09.2014

ORDER

NASIR-UL-MULK, CJ.— Pursuant to our last order dated 07.06.2013 a Standing Medical Board was constituted which has submitted its report dated 26.06.2013 according to which all the respondents did suffer from Hbs Ag + positive, which is not contraindication for service; PCR Negative; that there was no sign of chronic liver disease and further that they all are fit for service. The learned counsel assisting the Advocate General Khyber Pakhtunkhwa, however, pointed out that the respondents were project employees and they had filed service appeal before the Service Tribunal, which were not maintainable. Apart from this legal issue that has been raised the respondents otherwise have been found fit to serve in Emergency Rescue Services (Rescue 1122). Since medical unfitness was the only

Supreme Court of Pakistan
Peshawar

94 55

reservation raised by the Department against the appointment of the said respondents, in view of the report of the Medical Board, the respondents cannot be denied appointment. The petition is, therefore, dismissed and leave declined.



Sd/- Nasir-ul-Mulk, HCJ
Sd/- Amir Hani Muslim, J
Sd/- Gulzar Ahmed, J

Certified to be true copy.

[Signature]
Deputy Registrar, 9/21/14
Supreme Court of Pakistan,
Peshawar.

PESHAWAR
15th September, 2014.
Mudassar

[Signature]
16/9

"Not approved for reporting."



Serial 66

Month of January 2015

For Morning Shift

#	Name	Des	Shift	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
1	Bakht Rawan	AYSAE																																		
2	Ihsan Ullah	S-I																																		
3	M. Sajid	LEP																																		
4	Ali Roman	EMT																																		
5	Sabz ali	"																																		
6	Ishfaq	"																																		
7	Aqub Khan	"																																		
8	Ihsan Ullah	"																																		
9	Roman	"																																		
10	Hikmah	"																																		
11	M. Jan	UTV																																		
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13	Zulfiqar	"																																		
14	Shahid	"																																		
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Prepared by
 Kuldip
 07/01/2015

Verified by

