


FORM OF ORDER SHEET

Court of _____

Case No.- _____ **330/2023**

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/02/2023	<p>The appeal of Mr. Najam uz Zaman presented today by Mr. Muhammad Arif Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICES TRIBUNAL, K.P.K, PESHAWAR

Service Appeal No. 330 /2023

Najam – uz – ZamanAppellant

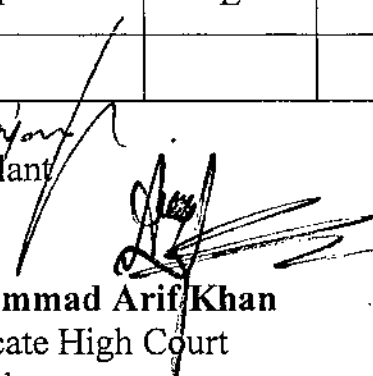
V E R S U S

Chief Secretary Government of KPK & others..... Respondents

I N D E X

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Appellant
Through


Muhammad Arif Khan
Advocate High Court
At Peshawar
03139606785

Date: __/__/2023

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 330 /2023

Najam-uz-Zaman S/o Qamar – uz – Zaman,
R/o House # B – 44 Falacon Complex, Khyber Road, Peshawar
..... **Appellant**

V E R S U S

1. Chief Secretary Government of Khyber Pakhtunkhwa / Chairman Boards of General Provident Investment and Pension Funds
2. Secretary, Finance Department, Khyber Pakhtunkhwa / Member Boards of General Provident Investment and Pension Funds
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
..... **Respondents**

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order issued vide letter No. SOSR – II /FD/1 – 6 / 2022 dated 19th January, 2023, where by appeal of the appellant has been regarded.

Prayer

On acceptance of this appeal and impugned order issued vide letter No. SOSR – II /FD/1 – 6 / 2022 dated 19th January, 2023 may kindly be set aside and respondent may kindly be directed to count the previous service rendered by the appellant for the purpose pay protection and pension etc with all back benefits from their initial appointments.

Respectfully Sheweth:

1. That the petitioner was initially appointed on contract basis by the General Provident Investment (GPI) Fund and Pension Fund, Finance Department as Accountant (Equivalent to BPS-16) on 13.08.2001. **(Copy of appointment letter as annexed at A)**
2. The General Provident Investment (GPI) Fund and Pension Fund were established under the GPI Fund Act, 1999 and Pension Fund Act, 1999. Section 4 of the Pension Fund Act provided as under:

“The Finance Department shall provide secretariat assistance to the Fund”

(Copy of GPI and Pension Fund Acts, 1999 as annexed at B & C)
3. That among other ancillary amendments, the Boards of the Funds were empowered to appoint staff under section 4 of amended Act, 2014. **(Copy of amended acts as annexed at D & E)**

“The Finance Department shall provide secretariat assistance to the Fund. If more staff is required for the said purpose, the Board may appoint the required staff on such terms and conditions as may be prescribed”
4. That in the year 2005 a proper Fund Cell was established in Finance Department and the petitioner was appointed to the position of Assistant Fund Manager on 23rd January, 2006 (Equivalent to BPS – 17). **(Copy of Appointment letter are annexed at F).**
5. That the petitioner served the Fund Cell, Finance Department upto 31st December, 2015. In the meanwhile, the Government of Khyber Pakhtunkhwa established another Fund Namely

Retirement Benefit and Death Compensation (RBDC) Fund under RBDC Act, 2014 as amended in 2016. The Fund was initiated in project mode and the petitioner was appointed on 1st January, 2016 as Project Manager (BPS – 18). **(Copy of RBDC Act, 2014 and appointment letter as annexed at G & H).**

6. That the appointment was made as project employee however, the position was regularized on 7th March, 2018 under Khyber Pakhtunkhwa Employees Regularization Act, 2018. Besides, the petitioners being dealing hand remain associated with the Fund Cell, Finance Department upto 31st December, 2020. **(Copy of KPK Employees Regularization Act and Minutes as annexed at I & J).**
7. That the petitioner has served Finance Department since 2001 and was regularized in 2018 however the petitioner was neither provided gratuity from Fund Cell Finance Department nor counted his service towards pension. In the meanwhile, the Fund Cell, Finance Department appointed Fund Manager on contract basis who served for two & half years (From 21st December, 2017 to 10th July, 2020) and was paid heavy gratuity from GPI and Pension Funds. **(Copy of minutes already annexed at J).**
8. That the petitioner filed appeal before the respondent No. 2 for counting of previous service towards pension, however the same was turned down. **(Copy of appeal and order dated 19th January, 2023 as annexed at K and L).**
9. That the petitioner being aggrieved from the decision of the respondent, hence this appeal on the following amongst the others grounds:

G R O U N D S:

- A. That the action and inaction of the respondent proclaimed their own mala-fide.
- B. That the mandatory provisions of law and rules have badly being violated by the respondents and appellant has not been treated according to the law and rules.
- C. That the Pension Rules, 1963 more particularly ruled 2.1, of ibid rules as well as Civil Servant Regulation (CSR) are very much clear on the point which give protection to such previous service for the purpose of pay protection and pension etc.
- D. That a number of judgments rendered by the Hon'able Tribunal, Hon'able Peshawar High Court, Peshawar as well as the Apex Court of the country have also given protection to such service to be counted for the purpose of pay protection and pension etc. similarly Write Petition No. 1188 – P/ 2014 title as “Baghi Shah vs Government of Khyber Pakhtunkhwa”, judgment dated 1st March, 2018, passed in Writ Petition No. 3221 – P / 2013 title as “Sultan Mehmood vs Government of KPK etc. Judgment dated 1st August, 2011 in service appeal No. 38 / 2011 and judgment dated 3rd January, 2018 and CPLA No. 52 – P / 2011 also supports the case of appellants. (Copies of the judgment will be provided at the time hearing)
- E. That appellant has been deprived of their due right without any omission or commission on their parts in violation of principle of natural justice.
- F. That the action of the respondents from depriving pension benefit of the petitioners is illegal, without any lawful authority and based on mala-fide.

- G. That the action / inactions of the respondents is against the Law, arbitrary, discriminatory and violation of articles – 2A and 25 of Constitution of Pakistan.
- H. That the respondents for their mala-fide intention and baseness have caused a severe mental agony and has impeded the petitioner from getting lawful and depriving a law possession.
- I. The petitioner effectively managed Pension Fund of entire Provisional Government employees however they remain deprived of pensionary benefit for the period served in Fund Cell, Finance Department.
- J. That the appellant seeks the permission of this Hon'able tribunal for further / additional grounds at the time of arguments.

It is, therefore, prayed that the appeal of the appellant may kindly be accepted as prayed for in the heading of appeal.

Appellant
Through

Muhammad Arif Khan
Advocate High Court
At Peshawar

Date: __/__/2023

BEFORE THE SERVICES TRIBUNAL, K.P.K, PESHAWAR

Service Appeal No. _____/2023

Najam – uz – Zaman **Appellant**

VERSUS

Chief Secretary Government of KPK & others..... **Respondents**

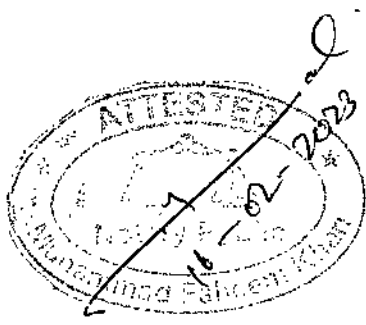
AFFIDAVIT

I, Najam – uz – Zaman S/o Qamar – uz – Zaman R/o Peshawar, do hereby solemnly affirm and declare that as per instructions of my client the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Majid
DEPONENT

CNIC 17301-7767926-1

0333-9102737



BEFORE THE SERVICES TRIBUNAL, K.P.K, PESHAWAR

Service Appeal No. _____/2023

Najam – uz – ZamanAppellant

V E R S U S

Chief Secretary Government of KPK & others.....Respondents

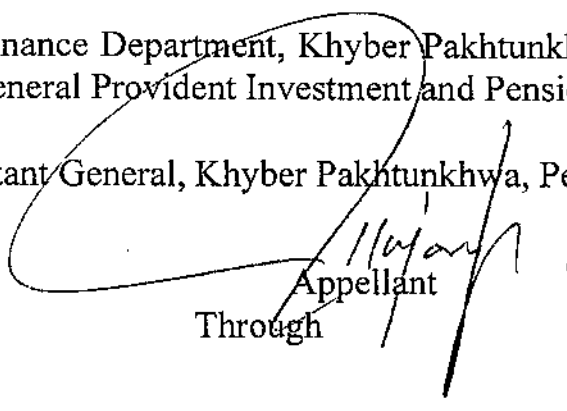
ADDRESSES OF PARTIES

APPELLANT:

Najam-uz-Zaman S/o Qamar – uz – Zaman,
R/o House # B – 44 Falacon Complex, Khyber Road, Peshawar .

RESPONDENTS:

1. Chief Secretary Government of Khyber Pakhtunkhwa / Chairman Boards of General Provident Investment and Pension Funds
2. Secretary, Finance Department, Khyber Pakhtunkhwa / Member Boards of General Provident Investment and Pension Funds
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar



Appellant
Through

Muhammad Arif Khan
Advocate High Court

Date: ___ / ___ /2023





No.1/42-Fund(FD)2001/Vol.V
Dated Peshawar, the 13th August, 2001

To

Mr. Najam-uz-Zaman,
S/O Qamar-uz-Zaman,
Street No.10, Ashrafia Colony,
Post office Afghan Colony,
Eidgah Road,
Peshawar City.

Annex



(S)

SUBJECT:- APPOINTMENT AS ACCOUNTANT ON CONTRACT BASIS IN FUND SECTION FINANCE DEPARTMENT, GOVERNMENT OF NWFP.

Reference your application for appointment as "Accountant" in this Department.

The Board for General Provident Investment Fund and Pension Fund has approved your appointment as Accountant on contract basis to maintain accounts of both Funds on double entry system on the following terms and conditions:-

- (i) You shall serve the Board as Accountant on contract basis for a period of one year. The period will commence from the date of assumption of the charge of the post. The contract period will be extendable subject to the approval of the competent authority depending upon your performance during one year.
- (ii) For the services rendered, you shall be entitled to receive a fixed salary of Rs.6000/- per month from NWFP General Provident Investment Fund and NWFP Pension Fund. The pay shall commence from the date of assumption of the charge of the post. You shall not be entitled to any other allowance/facility or honoraria.
- (iii) Your appointment will be subject to the production of a valid medical fitness certificate by the standing medical board.
- (iv) No TA/DA shall be allowed to you for joining duty.
- (v) Any conduct on your part violative of the provisions of the NWFP Government Servants (Conduct) rules 1987, shall amount to misconduct on your part.
- (vi) In the event of misconduct on your part or a breach of any of the terms and conditions highlighted above, the Government may at any time dispense with your services without any notice and without assigning any reason.
- (vii) You will report to Additional Finance Secretary(Budget) through Deputy Secretary(Resources) of Finance Department.
- (viii) The service rendered by you to the Board shall not be construed as service rendered to Government of NWFP.

If the above terms and conditions of appointment on contract basis are acceptable to you, you should report to the Addl. Finance Secretary(Budget) by 1.9.2001 failing which the offer shall be treated as withdrawn/cancelled

(SAJJAD AHMAD)
SECTION OFFICER(FUNDS/LOANS)

Annex B

(12)
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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P. III

G A Z E T T E

North West Frontier Province

Published by Authority

PESHAWAR, MONDAY 8TH MARCH, 1999.

PROVINCIAL ASSEMBLY OF N.W.F.P.

NOTIFICATION

8th March, 1999.

No. PA/NWFP/Legis: I/99/4829. The North-West Frontier Province General Provident Investment Fund Bill, 1999, having been passed by the Provincial Assembly of North-West Frontier Province on 16th February, 1999 and assented to by the Governor of North-West Frontier Province on the 3rd March, 1999, is hereby published as an Act of the Provincial Legislature of North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE GENERAL
PROVIDENT INVESTMENT FUND ACT, 1999.

(N.W.F.P. ACT NO. II OF 1999)

[First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of North-West Frontier Province (Extraordinary), dated the 8th March, 1999].

AN
ACT

to provide for establishment of a General Provident Investment Fund in the North-West Frontier Province.

WHEREAS it is expedient to provide for establishment of a General Provident Investment Fund in the North-West Frontier Province;

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the North-West Frontier Province General Provident Investment Fund Act, 1999.

(2) It shall extend to whole of the North-West Frontier Province.

(3) It shall come into force at once.

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

- (a) "Bank" means the financial institution in whose custody and control the Fund under this Act is kept and invested;
- (b) "Board" means the Board constituted under section 5;
- (c) "Fund" means the Fund established under section 3(1);
- (d) "Government" means the Government of the North-West Frontier Province;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Public Account of the Province" shall have the same meaning as assigned to it under Article 118 of the Constitution of the Islamic Republic of Pakistan; and
- (g) "section" means a section of this Act.

3. Establishment of the fund. - (1) As soon as may be after the commencement of this Act, Government shall establish a fund to be known as the Provincial General Provident Investment Fund.

(2) The Fund shall be established with a capital of Rs.1050.000 million having been authorized by Government from the Public Account of the Province during the financial years 1991-92 to 1995-96.

(3) Subject to the availability of resources, with particular reference to its over all liabilities, Government shall, with effect from the financial year 1997-98, place the annual net receipt of the General Provident Fund being maintained by it within the meaning of the Provident Funds Ordinance, 1925(XIX of 1925), in the Fund established under sub-section (1).

(4) The amount credited to the Fund shall be distinct and operated upon strictly in accordance with the provisions of this Act and the rules made thereunder.

(5) An expenditure from the Fund shall be charged upon the Provincial Consolidated Fund within the meaning of Article 121(e) of the Constitution of the Islamic Republic of Pakistan.

4. Control and management of Fund. - (1) The Fund shall be under the control of, and operated upon by, the Board and shall be kept in such Bank and invested in such manner as may be determined by the Board in consultation with Government.

(2) The Fund shall be available and utilized for payment to the subscribers of General Provident Fund.

5. Constitution of the Board. - (1) There shall be a Board to carry out the purpose of section 4, consisting of the following members:-

- (i) the Chief Secretary to Government; Chairman
- (ii) the Secretary to Government, Finance Department; Member
- (iii) the Secretary to Government, Services and General Administration Department; Member
- (iv) the Managing Director, Bank of Khyber; Member
- (v) the Chief Manager, State Bank of Pakistan, Peshawar; Member
- (vi) a representative of the subscribers to the General Provident Fund to be nominated by Government; and Member
- (vii) the President, Stock Exchange, Islamabad; Member

(2) An Additional Secretary, Finance Department, nominated by the Secretary Finance, shall act as Secretary of the Board.

(3) The Board shall meet at such place and on such date as the Chairman may direct.

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(4) The Board shall evolve its own procedure for the conduct of its business under this Act.

(5) No remuneration shall be admissible to any member or the Secretary of the Board.

6. Audit and accounts. - (1) The Bank shall be responsible to maintain the accounts in the Fund in such form and in such manner as may be prescribed.

(2) No amount from the Fund shall be withdrawn, unless it is approved by the Board. Withdrawal of amount shall be permissible only under the joint signatures of the Chief Secretary and the Secretary Finance in their capacity as Chairman and member of the Board.

(3) The Bank shall prepare annual statement of accounts of the Fund within 30 days of closing of the respective financial year. The Board shall cause the annual statement to be laid before Government accompanied by a brief report on the maintenance and management of the Fund.

(4) Accounts in the Fund shall be audited in the prescribed manner.

7. Power to make rules. - Government may make rules for carrying out the purposes of this Act.

BY ORDER OF MR. SPEAKER
Provincial Assembly of N.W.F.P.

ABDUL HANEEB KHATTAK,
Secretary,
Provincial Assembly of N.W.F.P.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P. III
G A Z E T T E

North West Frontier Province

Published by Authority
PESHAWAR, MONDAY 8TH MARCH, 1999.
PROVINCIAL ASSEMBLY OF N.W.F.P.

NOTIFICATION
8th March, 1999.

No. PA/NWFP/Legis:I/99/4824. The North-West Frontier Province Pension Fund Bill, 1999, having been passed by the Provincial Assembly of North-West Frontier Province on 16th February, 1999 and assented to by the Governor of North-West Frontier Province on the 3rd March, 1999, is hereby published as an Act of the Provincial Legislature of North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE
PENSION FUND ACT, 1999.

(N.W.F.P. ACT NO. I OF 1999)

[First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of North-West Frontier Province (Extraordinary), dated the 8th March, 1999].

AN
ACT

to provide for the establishment of a Pension Fund in the North-West Frontier Province.

WHEREAS it is expedient to provide for establishment of a Pension Fund in the North-West Frontier Province

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the North-West Frontier Province Pension Fund Act, 1999.

(2) It shall extend to whole of the North-West Frontier Province.

(3) It shall come into force at once.

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

- (a) "Board" means the Provincial Pension Fund Board constituted under section 5;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Fund" means the Provincial Pension Fund established under section 3;
- (d) "Government" means the Government of the North-West Frontier Province;
- (e) "prescribed" means prescribed by rules made under this Act; and
- (f) "section" means a section of this Act.

3. Establishment of Fund. - (1) As soon as may be after the commencement of this Act, Government shall establish a fund to be known as the Provincial Pension Fund.

(2) The Fund shall be established with a seed money of Rs. 150 million from the financial year 1996-97. The Fund shall, subject to the availability of resources, be enhanced from year to year by depositing such amount in the Fund as Government may, with particular reference to its over all liabilities towards payment of pension, determine in respect of each year.

(3) The amount credited to the Fund shall be distinct and operated upon strictly in accordance with the provisions of this Act and the rules made thereunder.

(4) An expenditure from the Fund shall be charged upon the Provincial Consolidated Fund within the meaning of Article 121 (a) of the Constitution of the Islamic Republic of Pakistan.

(5) The amount in the Fund shall be invested in such Bank/Developmental Financial Institutions/National Saving Schemes or any other profitable scheme as the Board may approve.

4. Maintenance of Fund. - (1) The Fund or any portion thereof, not for the time being invested under sub-section (5) of section 3, shall be kept in a scheduled bank determined by

the Board in consultation with Government, which offers maximum profits.

(2) The Fund shall be under the control of and operated upon by the Board and shall be utilized for the payment of pension to the employees of Government.

(3) The Finance Department of Government shall provide secretariat services to the Fund.

5. Constitution of Board. (1) There shall be a Board to carry out the purposes of this Act, consisting of the following members:-

- (i) the Chief Secretary to Government; Chairman.
- (ii) the Secretary to Government, Finance Department; Member.
- (iii) the Secretary to Government, Services and General Administration Department; Member.
- (iv) a representative of the High Court to be nominated by Chief Justice, Peshawar High Court; Member.
- (v) the Managing Director, Bank of Khyber; Member.
- (vi) the President, Islamabad Stock Exchange; Member.
- (vii) the Chief Manager, State Bank of Pakistan, Peshawar. Member.

(2) An Additional Secretary of the Finance Department, nominated by the Secretary Finance, shall act as Secretary of the Board.

(3) The Chief Secretary, or in his absence, the Secretary Finance, shall preside over a meeting of the Board.

(4) The Board shall meet at such time and place and on such date as the Chairman may direct.

(5) The Board shall evolve its own procedure for the conduct of its business under this Act.

(6) No remuneration shall be admissible to any member, including the Secretary, of the Board.

6. Withdrawal, audit, etc.- (1) The Bank, in whose custody the Fund is kept, shall be responsible to maintain the accounts in the Fund in such form and in such manner as may be prescribed.

(2) No amount from the Fund shall be withdrawn unless it is approved by the Board. Withdrawal of amount shall be permissible only under the joint signatures of the Chief Secretary and the Secretary Finance in their capacity as Chairman and member of the Board.

(3) The Finance Department shall prepare annual statement of accounts of the Pension Fund within 30 days of closing of the respective financial year. The Board shall cause the annual statement to be laid before Government accompanied by a brief report on the maintenance of the Fund.

(4) The Fund shall be audited in the prescribed manner and the Audit Report shall be tabled in the Provincial Assembly.

7. Power to make rules.- Government may make rules for carrying out the purposes of this Act.

BY ORDER OF MR. SPEAKER
Provincial Assembly of N.W.F.P.

ABDUL HAMEED KHATTAK,
Secretary,
Provincial Assembly of N.W.F.P.

EXTRAORDINARY
GOVERNMENT



Annex 'D'

REGISTERED NO. P

GAZETT

(17)



KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY 18TH DECEMBER, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 18th December, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/14188.—The Khyber Pakhtunkhwa General Provident Investment Fund (Amendment) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2nd December, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 12th December, 2014 is hereby published as an Act of Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA GENERAL PROVIDENT INVESTMENT FUND (AMENDMENT) ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XLI OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 18th December, 2014).

AN

ACT

to amend the Khyber Pakhtunkhwa
General Provident Investment Fund Act, 1999

Preamble.—WHEREAS It is expedient to amend the Khyber Pakhtunkhwa General Provident Investment Fund Act, 1999 (Khyber Pakhtunkhwa Act No. II of 1999), for purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa General Provident Investment Fund (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. II of 1999.--- In the Khyber Pakhtunkhwa General Provident Investment Fund Act, 1999 (Khyber Pakhtunkhwa Act No. II of 1999), hereinafter referred to as the said Act, in section 3,-

(a) in sub-section (3), for the word "Ordinance", the word "Act" shall be substituted; and

(b) in sub-section (5), for the words "An expenditure from", the words "An expenditure for" shall be substituted.

3. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. II of 1999.--- In the said Act, in section 4,-

(a) in sub-section (1), the words "in consultation with Government" shall be deleted; and

(b) after sub-section (1) a new sub-section "(1A)" shall be inserted, namely:

"(1A) The Finance Department shall provide secretariat assistance to the Fund. If more staff is required for the said purpose, the Board may appoint the required staff on such terms and conditions as may be prescribed. The expenditure to be incurred on a account of payment of salary and other allowances, as may be, determined from time to time, shall be met from the Fund."

4. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. II of 1999.--- In the said Act, in section 5, in sub-section (1), for clauses (iii), (iv) and (vii) the following shall respectively be substituted, namely:

(iii)	Secretary to Government, Administration Department;	Member
(iv)	a representative from Financial Institutions or Corporate Sectors, nominated by Government on the Recommendation of the Board;	Member
(vii)	a representative from Stock Market or Academia, nominated by the Government on the recommendation of the Board.	Member

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5. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. II of 1999.--- In the said Act, in section 6, for sub-section (3), the following shall be substitute, namely:

"(3) The Board shall prepare annual statement of accounts of the Fund with in thirty days of closing of the respective financial year and lay the same before Government accompanied by a brief report on the maintenance and management of the Fund."

6. Insertion of new section 6A in the Khyber Pakhtunkhwa Act No. II of 1999.--- In the said Act, after section 6, a new section 6A shall be inserted, namely:

"6A. Delegation of powers.--- The Board may delegate, by general or special order, any of its powers to the Chairman or to a Member, as the case may be."

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 22ND DECEMBER, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 22nd December, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/14394.—The Khyber Pakhtunkhwa Pension Fund (Amendment) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th December, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 15th December, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA PENSION FUND
(AMENDMENT) ACT, 2014**

(KHYBER PAKHTUNKHWA ACT NO. XLIII OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 22nd December, 2014).

AN
ACT

to amend the Khyber Pakhtunkhwa Pension Fund Act, 1999

Preamble.— WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Pension Fund Act, 1999 (Khyber Pakhtunkhwa Act No. 1 of 1999), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**— (1) This Act may be called The Khyber Pakhtunkhwa Pension Fund (Amendment) Act, 2014.

(2) It shall come into force at once.

2. **Amendment of section 3 of the Khyber Pakhtunkhwa Act No. 1 of 1999.**--- In the Khyber Pakhtunkhwa Pension Fund Act, 1999 (Khyber Pakhtunkhwa Act No. 1 of 1999), hereinafter referred to as the said Act, in section 3, in sub-section (4), for the words "An expenditure from", the words "An expenditure for" shall be substituted.

3. **Amendment of section 4 of the Khyber Pakhtunkhwa Act No. 1 of 1999.**--- In the said Act, in section 4, for sub-section (3), the following shall be substituted, namely:

"(3) The Finance Department shall provide secretariat assistance to the Fund. If more staff is required for the said purpose, the Board may appoint the required staff on such terms and conditions as may be prescribed. The expenditure to be incurred on account of payment of salary and other allowances as may be determined from time to time, shall be met from the Fund."

4. **Amendment of section 5 of the Khyber Pakhtunkhwa Act No. 1 of 1999.**--- In the said Act, in section 5, in sub-section (1), for clauses (iii), (v) and (vi), the following shall be substituted, namely:

(iii) The Secretary to Government Administration Department; Member

(v) a representative from Financial Institutions or Corporate Sectors, nominated by Government on the recommendation of the Board; Member

(vi) a representative from Stock Market or Academia, nominated by Government on the recommendation of the Board. Member."

5. **Amendment of section 8 of the Khyber Pakhtunkhwa Act No. 1 of 1999.**--- In the said Act, in section 6, for sub-section (3), the following shall be substituted, namely:

"(3) The Board shall prepare annual statement of accounts of the Fund with in thirty days of closing of the respective financial year and lay the same before Government accompanied by a brief report on the maintenance and management of Fund."

6. **Insertion of new section 6A in the Khyber Pakhtunkhwa Act No. 1 of 1999.**--- In the said Act, after section 6, a new section 6A shall be inserted, namely:

"6A Delegation of power.---The Board may delegate, by general or special order, any of its powers to the Chairman or to a Member, as the case may be."



BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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

Annex



GOVERNMENT OF NWFP
FINANCE DEPARTMENT.

No.1/5(F/L)FD/2005/AFM

Dated Peshawar, the 23rd January 2006

23



ORDER

The Boards of NWFP General Provident Investment Fund and NWFP Pension Fund in joint meeting held on 12.12.2005 are pleased to approve the extension with effect from 1.9.2005 to 30.11.2005 in the contract appointment of Mr.Najam-uz-Zaman, Accountant of the Boards subject to the existing terms and conditions.

2. The Boards are further pleased to appoint Mr.Najam-uz-Zaman as Assistant Fund Manager at fixed salary of Rs.15,000/- PM for a period of two years w.e.f. 1.12.2005 to 30.11.2007 subject to the following terms and conditions:-

- (i) Any conduct on his part violative of the provisions of the NWFP Government Servants (Conduct) rules 1987, shall amount to misconduct on his part.
- (ii) In the event of misconduct on his part or a breach of any of the terms and conditions, the Government may at any time dispense with his services without any notice and without assigning any reason.
- (iii) The service rendered by him to the Board shall not be construed as service rendered to Government of NWFP.

3. On his appointment as Assistant Fund Manager his duties will be as under:-

- i) He would work under Investment Committees and be responsible to Boards as broadly required:-
- ii) To maintain Books of Accounts on double entry system.
- iii) To assist the Fund Manager in managing Government Trust Fund transactions equity market portfolio and mutual funds efficiently and effectively.
- iv) To assist the process for Money Market and Foreign Exchange transactions equity market portfolio.
- v) Any other responsibility assigned.
- vi) To assist in the conduct of annual external & internal audit.
- vii) To prepare periodic financial statements, reports as per requirements of INTOSAI
- viii) To maintain record/record minutes of the meetings of Investment Committees/Boards and publications/compilation of the same on annual basis.


PROVINCIAL FINANCE CONTROLLER/
SECRETARY OF THE BOARDS

Copy forwarded for information to:-

1. Secretary to Government of NWFP, Finance Department,
2. Secretary to Government of NWFP, Administration Department.
3. Chief Manager, State Bank of Pakistan, Peshawar.
4. Member Inspection Team, Peshawar High Court, Peshawar.
5. Managing Director, Bank of Khyber, Peshawar.
6. Mr.Sajid Khan, Representative of the Subscribers.
7. President Stock Exchange, Islamabad.
8. PS to Chief Secretary, NWFP.
9. Mr.Najam-uz-Zaman,

Received
5/9


(MUSHTAQ AHMAD)
OFFICER (FUNDS) (ANSI)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

24
Annex "G"
11/11/14

KHYBER PAKHTUNKHWA

Published by Authority

RESHAWAR, THURSDAY, 6TH NOVEMBER, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA.

NOTIFICATION

Dated Peshawar, the 6th November, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/10788.—The Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 28th October, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 29th October, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS RETIREMENT
BENEFITS AND DEATH COMPENSATION ACT, 2014**

(KHYBER PAKHTUNKHWA ACT NO. XXXIII OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 6th November, 2014).

AN
ACT

to establish a fund for the retirement benefits and death compensation of the civil servants of the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to establish a fund for the retirement benefits and death compensation of the civil servants of the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:



Chapter-I
Preliminary

1. Short title, application and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Act, 2014.

(2) It shall apply to all the civil servants of the Province of the Khyber Pakhtunkhwa, employees of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa and Peshawar High Court, Peshawar.

(3) It shall come into force at once.

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

- (a) "Board" means the Board of Management constituted under section 3 of this Act;
- (b) "civil servant" means a person as defined in clause (b) of section 2 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVII of 1973), including employees of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa and Peshawar High Court, Peshawar;
- (c) "death compensation" means an amount approved by the Board, to be paid to the family of a deceased civil servant on his death during service;
- (d) "family" means and includes the persons entitled to the pensionary benefits of the civil servant under the Pension Rules for the time being in force;
- (e) "Fund" means the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Fund established under section 7 of this Act;
- (f) "Government" means the Government of the Khyber Pakhtunkhwa;
- (g) "prescribed" means prescribed by rules;
- (h) "retired civil servant" means and includes a civil servant who opt to retire after completing twenty five (25) years qualifying service or retired on attaining the age of superannuation i.e. sixty (60) years or retired on medical grounds or compulsory retired and receives the pension;

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- (i) "rules" mean rules made under this Act; and
- (j) "Schedule" means Schedule appended to this Act.

Chapter II
Board Of Management.

3. Board of Management.—(1) On the commencement of this Act, Government shall, constitute a Board to be known as the Board of Management to control, supervise and administer the Fund, established under section 7 of this Act.

(2) The Board shall consist of the following, namely:

- | | |
|--|----------|
| (a) Chief Secretary, Government of the Khyber Pakhtunkhwa; | Chairman |
| (b) Secretary to Government, Finance Department; | Member |
| (c) Secretary to Government, Law, Parliamentary Affairs and Human Rights Department; | Member |
| (d) Secretary to Government, Establishment Department; | Member |
| (e) Secretary to Government, Administration Department; | Member |
| (f) Secretary to Government, Higher Education, Archives and Library Department; | Member |
| (g) Secretary to Government, Elementary and Secondary Education Department; | Member |
| (h) Secretary to Government Health Department; | Member |
| (i) Accountant General of the Khyber Pakhtunkhwa; | Member |



(j) two representatives of the civil servants (one from BPS-01 to 16 and the other from BPS-17 and above) to be nominated by Government for a period of two years; and Members

(k) an Additional Secretary, Finance Department. Member-cum-Secretary

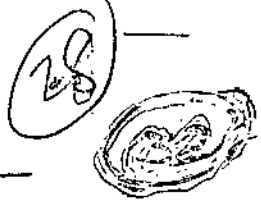
(3) The principal office of the Board shall be at Peshawar.

(4) The Finance Department of the Government shall provide Secretariat support to the Fund.

4. Powers of the Board.—The Board shall:

- (a) settle claims for retirement and death compensation benefits and all matters connected with such claims;
- (b) sanction grant from the Fund to the civil servants or their families in accordance with the provisions of this Act and the rules made thereunder;
- (c) invest surplus money held in the Fund in profitable ventures especially in Islamic mode of investment;
- (d) control, supervise and administer the assets of the Fund in such manner as to promote the purpose for which the Fund is established;
- (e) determine and revise the rates of contribution and amounts of benefit as it may deem necessary;
- (f) make arrangement, if considered necessary for the life insurance of civil servants in lieu of payment of death compensation with insurance company or other insurer and for such period as it may deem fit; and
- (g) do or cause to be done all things ancillary or incidental to any of the aforesaid powers or to the purposes of the Fund.

5. Meeting of the Board.—(1) The meeting of the Board shall be convened at least once in every three months or earlier as may be directed by the Chairman and shall be held at Peshawar or at any other place as may be decided by the Chairman.



(2) Six members including Chairman shall constitute a quorum for the meeting of the Board.

(3) All decisions of the Board shall be taken by majority of votes; provided that in case of equality of votes, the Chairman shall have a casting vote.

(4) The meeting of the Board shall be presided by the Chairman and in absence of the Chairman, Secretary to Government, Finance Department shall preside the meeting.

(5) All orders and decisions of the Board shall be authenticated by the signature of the Chairman or of such other person as authorized by the Board.

6. Management Committee.—(1) The Board shall, as soon as possible, constitute a Management Committee, for the efficient and speedy disposal of claims of civil servants and their families and incurrence of expenditure on management of the Fund, which shall consist of the following:

- | | | |
|-------|---|-----------------------|
| (i) | Secretary to Government, Finance Department; | Chairman |
| (ii) | Secretary to Government, Administration Department; | Member |
| (iii) | two representatives of the civil servants, to be nominated by Government for a period of two years; and | Members |
| (iv) | Secretary of the Board. | Member-cum-Secretary. |

(2) The Management Committee shall perform such functions and exercise such powers as delegated to it by the Board.

Chapter III
Retirement Benefit And Death Compensation Fund

7. Fund.—(1) There shall be established a Fund to be called the Retirement Benefits and Death Compensation Fund which shall vest in the Board and be administered by it.

(2) The Fund established under the Khyber Pakhtunkhwa Government Employees Welfare Fund Ordinance, 1969, shall be deemed to be a part of this Fund.

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(3) All sums received from the civil servants as contribution for the Fund and any interest or profit accruing thereon and any grant by Government and any other amount related to the Fund shall be credited to the Fund.

(4) The moneys credited to the Fund shall be kept in such banks and financial institutions as the Board may decide.

8. Payment of contribution.—(1) Every civil servant shall be liable to pay to the Fund such sum of money as prescribed in the Schedule or may be determined by the Board from time to time as contribution and the amount of such contribution shall as far as possible be deducted at the source from his pay and credited or remitted to the Fund.

(2) In case of deduction of contribution at the source from the pay of a civil servant, the Accountant General, after compilation of accounts with all District Account offices and other offices, as the case may be, shall transfer the amount to the accounts of the Fund, up to the tenth day of each month.

(3) Where the amount of contribution cannot, for any reason, be deducted from the pay of the civil servant, the civil servant shall remit to the Fund the sum of contribution payable by him, and any balance remaining unpaid due to inadvertence or negligence of the civil servant or otherwise shall be recoverable from him in such manner as may be prescribed.

(4) Default in the payment of contribution, either for the reason that the pay of the employee was not drawn or due to his negligence or fault or for any other reason whatsoever, shall not affect the right of the civil servant or his family to receive the amount of said benefit in the event of retirement or death of the civil servant.

(5) In case of proceeding on leave without pay, a civil servant shall pay the amount of his contribution through pay order, crossed cheque and in any other manner as may be prescribed.

(6) In case of retirement, the civil servant shall deposit to the Fund the unpaid amount and on the death of a civil servant the amount unpaid may be recovered from the amount admissible to him or his family, as the case may be.

9. Payment of retirement benefits and death compensation.—(1) At the time of retirement of a civil servant, the amount shall be paid to the civil servant as provided in the Schedule.

(2) A civil servant, who is dismissed, removed, terminated or resigned from service, shall be paid the amount along with the profit accrued thereon.

(3) If a civil servant dies while in service, his family shall be paid full amount as prescribed for his grade of pay from the Fund.

(4) The amount shall be paid to the civil servant or his family at the time of retirement or death according to his last pay scale or grade. In case a civil servant is given promotion from retrospective effect after his retirement or death the differential amount shall be paid according to the revised grade or pay, subject to payment of difference in monthly contribution for the uncovered period; and

(5) The retired civil servant or the family of the deceased civil servant shall submit the application on the form prescribed by the Board for the grant of retirement benefit.

Chapter-IV
General

10. Audit and accounts.—(1) The accounts of the Fund shall be maintained in such manner as the Board may, from time to time, direct and by such officer as the Board may appoint.

(2) The accounts of the Fund shall be audited by Auditor General of Pakistan.

(3) Audit report of the accounts shall be submitted to the Board for appropriate action.

11. Protection of action taken in good faith.—No suit, prosecution or other proceedings shall lie against the Board or any officer or other authorized person for anything done in good faith or purporting to have been done in pursuance of this Act or the rules made there under.

12. Power to make rules.—Government may, make rules for carrying out the purposes of this Act.

13. Power to make regulation.—The Board may, make regulation for carrying out the purposes of this Act.

14. Removal of difficulties.—(1) If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such orders, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

(2) Government may exercise this power up to one year from the commencement of this law.

15. Repeal.—The Khyber Pakhtunkhwa Government Employees Welfare Fund Ordinance, 1969, is hereby repealed.

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(4) The amount shall be paid to the civil servant or his family at the time of retirement or death according to his last pay scale or grade. In case a civil servant is given promotion from retrospective effect after his retirement or death the differential amount shall be paid according to the revised grade or pay, subject to payment of difference in monthly contribution for the uncovered period; and

(5) The retired civil servant or the family of the deceased civil servant shall submit the application on the form prescribed by the Board for the grant of retirement benefit.

Chapter-IV
General

10. Audit and accounts.—(1) The accounts of the Fund shall be maintained in such manner as the Board may, from time to time, direct and by such officer as the Board may appoint.

(2) The accounts of the Fund shall be audited by Auditor General of Pakistan.

(3) Audit report of the accounts shall be submitted to the Board for appropriate action.

11. Protection of action taken in good faith.—No suit, prosecution or other proceedings shall lie against the Board or any officer or other authorized person for anything done in good faith or purporting to have been done in pursuance of this Act or the rules made there under.

12. Power to make rules.—Government may, make rules for carrying out the purposes of this Act.

13. Power to make regulation.—The Board may, make regulation for carrying out the purposes of this Act.

14. Removal of difficulties.—(1) If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such orders, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

(2) Government may exercise this power up to one year from the commencement of this law.

15. Repeal.—The Khyber Pakhtunkhwa Government Employees Welfare Fund Ordinance, 1969, is hereby repealed.

289. KHYBER PAKHTUNKHWA GOVERNMENT ORDER NO. 10/2014 EXTRAORDINARY, 6th NOVEMBER, 2014

SCHEDULE
(see section 10)

**Rate of Contribution and
Amount of Benefit**

The rate of contribution to the retirement benefit and death compensation fund by a civil servant and the amount of benefit and death compensation to be paid to a civil servant or to the family of a civil servant shall be as under:

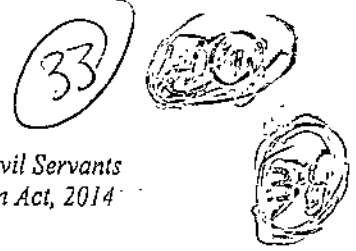
Grade Of Government Servant.	Amount Of Retirement Benefit And Death Compensation.	Monthly Deduction (In rupees).
BPS 01-04.	200,000/-.	300/-.
BPS 05-10.	300,000/-.	450/-.
BPS 11-15.	400,000/-.	600/-.
BPS 16.	450,000/-.	650/-.
BPS 17.	600,000/-.	900/-.
BPS 18.	875,000/-.	1,350/-.
BPS 19.	10,50,000/-.	1,600/-.
BPS 20 and above.	12,50,000/-.	2,000/-.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

AN
ACT

11
*further to amend the Khyber Pakhtunkhwa Civil Servants
Retirement Benefits and Death Compensation Act, 2014*



WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Act, 2014 (Act No. XXVIII of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation (Amendment) Act, 2016.

(2) It shall come into force at once and shall be deemed to have taken effect from 6th November, 2014.

2. Insertion of new section in the Khyber Pakhtunkhwa Act No. XXVIII of 2014.---In the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Act, 2014 (Act No. XXVIII of 2014), hereinafter referred to as the said Act, after section 1, the following new section shall be inserted, namely:

“(1A) Claim to retirement benefits and death compensation .-
--Notwithstanding any claim made or right accrued by a civil servant after the commencement of this Act, for the payment of any amount on account of retirement benefits and death compensation, shall be dealt in accordance with sub-section (1) of section 9 as amended by section 4 of the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation (Amendment) Act, 2016.”

3. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XXVIII of 2014.---In the said Act, in section 3, for sub-section (4), the following shall be substituted, namely:

“(4) The Finance Department of the Government shall provide secretarial assistance to the Fund. If more staff is required for maintenance of the Fund, the Board may appoint the required staff on

[Signature]
Assistant Secretary
Govt. of Khyber Pakhtunkhwa
Lahore



such terms and conditions, as may be prescribed. The expenditure to be incurred on account of payment of salary to the employees and other expenses for maintenance of the Fund, as may be determined from time to time, shall be met from the Fund."

4. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XXVIII of 2014.---In the said Act, in section 9, for sub-section (1), the following shall be substituted, namely:

- "(1) At the time of retirement of civil servant, the amount shall be paid to him with the following percentage:
 - (a) the amount of benefit on retirement during the first five years, on the commencement of this Act, shall be twenty five percent;
 - (b) the amount of benefit on retirement during the second five years, on commencement of this Act, shall be fifty percent;
 - (c) the amount of benefit on retirement during the third five years, on the commencement of this Act, shall be seventy five percent; and
 - (d) the amount of benefit on retirement after fifteen years, on commencement of this Act, shall be hundred percent."

[Signature]
 Asstt. Legal Officer
 Govt. of Khyber Pakhtunkhwa
 Law Department

**BY ORDER OF MR. SPEAKER
 PROVINCIAL ASSEMBLY OF KHYBER
 PAKHTUNKHWA**

(AMANULLAH)
 Secretary
 Provincial Assembly of Khyber Pakhtunkhwa



Amir H. 35

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(Retirement Benefit & Death Compensation Cell)

Dated Peshawar:07-12-201

ORDER OF APPOINTMENT

No.RBDC/FD/1-1/2015/Appointments: On the recommendations of Project Selective Committee, the competent authority has been pleased to appoint the following staff for the ADP No.339(140342), namely "Retirement Benefit & Death Compensation Cell Government of Khyber Pakhtunkhwa Finance Department, as per given TORs.

S.No	Name	Father Name	Post
1	Najam Uz Zaman	Qamar Uz Zaman	Project Manager (BPS-18)
2	Muhammad Haroon	Muhammad Anwar Khan	Fund Manager (BPS-17)
3	Shafaat Ahmed Qureshi	Zahoor Ahmed Qureshi	SAP FI Module Expert (BPS-17)
Waiting List Of Candidates			
S.No	Name	Father Name	Post
1	Imtiaz Ali	Farid Gul	Project Manager (BPS-18)
2	Imtiaz Ali	Farid Gul	Fund Manager (BPS-17)
3	Arshad Saeed	Abdul Rashid	SAP FI Module Expert (BPS-17)

Terms & Conditions:-


1. The appointment is purely on contract basis for Financial Year 2015-16, or till expiry of the Project.
2. He will be entitled for fixed pay as per approved PC-I of the Project.
3. His services are liable to be terminated on fifteen (15) days notice if not required found unsatisfactory.
4. He has to join duty at his own expenses.
5. He has to produce Health Certificate from the Medical Superintendent, Service Hospital Peshawar and Character & Antecedents Certificate from concerned Police Station before joining duty.
6. In case he wishes to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
7. He will be governed by Rules & Regulations applicable to the Project employee of the Government of Khyber Pakhtunkhwa.
8. He will have to execute Contract Agreement with the project authorities.
9. He will have to join duty within 30 days from the issuance of this order failing which the offer will be treated as withdrawn & person on waiting list would be offered to join.

Secretary
Finance Department

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Finance, Finance Department.
3. PS to Special Secretary Finance, Finance Department.
4. Personal File official concerned.

Project Director (RBDC)
Finance Department

Annea  36
2018

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.



(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Regularization of services of adhoc employees.
4. Regularization of services of project employees.
5. General conditions for regularization.
6. Seniority.
7. Removal of difficulties.
8. Overriding effect.

SCHEDULE



2173

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018].

**AN
ACT**

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;
- (c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,-
- (i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
- (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

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

3. | Regularization of services of adhoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act.



subject to verification of their qualifications and other credentials by the concerned Government Department.

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

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

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

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

6. Seniority.—(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before


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the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

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

7. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

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

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



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

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.

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7 |

15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.



30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.



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

Subject: Minutes of the 43rd meeting of the Boards of General Provident Investment Fund and Pension Fund

Meeting of the Boards of General Provident Investment and Pension Funds was held under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the conference room of Chief Secretary's Office on 20.11.2020 at 01:30 p.m. List of participants is at Annex-I.

2 The meeting started with recitation from the Holy Quran. The Finance Secretary introduced the members, gave introduction & purposes of the Funds' and presented the agenda items, which were discussed and decisions made.

AGENDA ITEM I: Confirmation of the minutes of 42nd meeting of the Boards

3 Minutes were placed before the Boards for confirmation.

Decision:

Minutes were confirmed.

AGENDA ITEM II: Implementation status of the decisions of 42nd meeting of the Boards

4 The Boards expressed satisfaction over the implementation status.

AGENDA ITEM III Resignation of Fund Manager and payment of gratuity

5 The Finance Secretary informed the Boards that on the recommendation of selection Committee, the Boards hired Mr. Afnan Khan as Fund Manager, KPFI on contract basis for a period of two years. Accordingly, an agreement was executed between the Funds and the Fund Manager. He joined office w.e.f. 21st Dec, 2017. Before his contract expiry on 20th Dec, 2019, the Boards in its 42nd meeting dated 26th Aug, 2019 approved recommendations of the HR Committee regarding extension in his contract period upto 31st Dec, 2022 with revised salary of Rs.1,650,000/-. Accordingly, notification regarding extension was issued and revised agreement was executed between the Funds and Fund Manager.

6 Further informed that the Fund Manager in light of clause 4.1 of the Agreement, tendered resignation from service w.e.f 10.07.2020. in the meanwhile the Boards in meeting dated 11.12.2008 approved HR Policy for KPFI staff, which include entitlement to gratuity. The gratuity amount of the concerned was worked out as Rs.4,356,000/, which the HR Committee already recommended.

Decision:

The Boards approved resignation of the Fund Manager and payment of gratuity amounting Rs.4,356,000/- to the concerned.

AGENDA ITEM IV Annual Accounts of GPI and Pension Funds for the year ended 30th June, 2020, Performance Bonus and hiring of Chartered Accountants Firm

7 Annual accounts for the financial year 2019-20 were prepared and placed before the Boards. During financial year, the General Provident Investment (GPI) and Pension Funds earned Rs.7,710 million and Rs.5,054 million respectively.

8 Keeping in view profitability of Funds, employees of Khyber Pakhtunkhwa Fund Management be compensated in shape of two-month-salary (Gross) as performance bonus out of the Funds. Further, proposed that financial audit has not been carried out since 2014, therefore, a well reputed Chartered Accountant Firm may be hired for the purpose. In this regard provision of Rs.10 million has already been made in the proposed budget 2020-21.

9 Further, the Chair asked about the Funds' Audit Committee, to which it was informed that the Boards in its 29th meeting dated 09.12.2014 authorized the Investment Committee as Funds Audit Committee, which was notified on 26th December, 2014.

Decisions:

- i. The Boards approved accounts of the GPI Fund and Pension Fund for the FY 2019-20.
- ii. The Boards approved payment of performance bonus to following employees and interns equal to two months' salary (Gross):
 - a. Drawing and Disbursement Officer (DDO)
 - b. Manager Operations; and
 - c. Two interns
- iii. Hiring a reputed Chartered Accountants Firm for financial audit from 2014 to June, 2020 was also approved. The Investment Committee was authorized to proceed accordingly and appoint the Firm as per rules and following prescribed procedures.

AGENDA ITEM V Organizational structure of Funds

10 It was informed that the Boards approved hiring of 33-employees for effective management of the Funds. In this way, a Human Resources (HR) committee was constituted to recommend suitable candidates for approval of the Boards. The positions were accordingly advertised and processed as per approved selection criteria and through associated committees. During the course of hiring it was observed that the governing laws lack provision for recruitment, while the SyFA Bill, 2019, hadn't attain finality.

11 It was further informed that the Funds were managed through only two employees i.e. Fund Manager and Manager Operations. After resignation of Fund Manager, only one employee is left to handle the entire operations of the Funds. Unavailability of proper staff increase risk factor which needs consideration. In this way following were proposed:

- I. In order to effectively manage the Funds, the Boards may hire few appropriate employees among the final merit list as per the recommendation of the HR Committee

OR

- II. Necessary amendments in existing laws may be carried out to the effect or let the SyFA bill attain finality and thereafter the hiring of staff may be processed afresh. In the meanwhile, approvals of HR committee with regard to hiring of staff, rented office building / renovation and procurement of goods may be cancelled. In that case, additional cost of Rs.5 million to be incurred on account of payment of rent & renovation.

12 The matter was discussed in detail and finalized as under:

Decisions:

- i. The Boards cancelled the entire hiring
- ii. Governing laws of the Funds may be amended to have provision for hiring of staff and removal of hindrance in this respect.
- iii. The HR committee already constituted may revisit the HR Policy for improvement, amend the existing law of the Funds and suggest way forward in respect of future organizational structure of the Funds. Also the issue regarding rented office building at Khyber Pakhtunkhwa Bar Council may also be looked into and suggest proposal for consideration of the Boards.

AGENDA ITEM VI Budget Estimates of the KPFM for Financial Year 2020-21

13 The Finance Secretary presented budget for the Financial Year 2020-21 amounting Rs.58.842 million and informed that the Boards of General Provident Investment Fund, Pension Fund and Hydel Development Fund had earlier agreed to incur administrative expenditure of KPFM from the said Funds on pro rata basis.

14 The Chairman pointed out that since hiring has been cancelled therefore it would be appropriate to constitute a finance committee under the Chairmanship of Secretary, Administration Department with the mandate to finalize the budget and place the same before next Boards' meeting.

Decision:

Following Finance Committee was constituted with the mandate to assess the existing arrangement of maintenance of accounts, budget of the Funds and suggest way forward for improvement in the system:

- | | |
|--|----------|
| i. Secretary, Administration Department | Chairman |
| ii. Representative of subscribers to GP Fund | Member |
| iii. Chief Manager, State Bank of Pakistan | Member |
| iv. Secretary of the Boards | Member |

AGENDA ITEM VII Khyber Pakhtunkhwa Fund Management Staff contract extension

15 It was informed that contract period of Mr. Imtiaz Ali, Manager Operations expired on 30th June, 2020. The matter regarding extension in the contract period of Mr. Imtiaz Ali, Manager Operations was placed before the 9th meeting of the Human Resources (HR) Committee of GPI & Pension Funds and informed that KPFM HR policy allows staff contract extension for up to 2 years.

16 Considering excellent performance, essential role, and to ensure retention of Manager Operations, the HR committee proposed to the Boards that his contract may be extended from 1st July 2020 till 30th June 2022 for a period of 2 years with 15% annual increment each year and up-gradation to Assistant Vice President (AVP) as per KPFM HR policy grading system.

17 The Boards informed that the HR committee not only judged the candidate deserving but also considered his retention prudent from a risk management perspective. The HR committee proposed following average incentives to the Boards for approval:

- i. Contract may be extended for 2 years from 1st July 2020 till 30th June 2022;
- ii. Award annual increment of 15% each year;
- iii. The revised salary may be claimed in arrears (w.e.f. 1st July, 2020) after the Boards approval; and
- iv. Position be upgraded to Assistant Vice President (AVP) at Grade – 6 of the approved HR Policy;

18
under:

The proposals of HR Committee were discussed in detail and finalized as

Decisions:

- I. The Boards approved recommendations of the 9th HR Committee as mentioned in para 17 (i), (ii) and (iii).
- II. Recommendation regarding position up-gradation, the HR Committee may be reviewed and place the same before next Boards' meeting for approval.

AGENDA ITEM VIII Interns' retention

19 It was informed that in the absence of staff, the Fund hired two interns on the analogy of National Internship Program to shoulder the workload. Since hiring of staff has been postponed therefore, it was proposed that both interns may be retained till hiring of Khyber Pakhtunkhwa Fund Management Staff / further orders of the Boards.

Decision:

The Boards approved extension in contract period of the interns till hiring of staff.

AGENDA ITEM IX Working Capital Loan requirement (Pearl Securities Limited)

20 It was informed that the Board of General Provident Investment Fund invested Rs.93 million in equity share of non-listed company i.e. Pearl Securities Ltd. Purpose of investment was to have securities market access and research based proposals for consideration of the Boards. The investment yielded Rs.120 million as dividend during the period 2008 to 2020. Now due to Covid-19 and bearish market position, the Company demanded supporting loan facility from the funds. The matter was discussed in 112th meeting of the Investment Committee dated 05.12.2019 which recommended the following:

- i. PSL share price may be revaluated again and subsequently be sold out
- ii. Shares of PSL may be retained till the company gains profit
- iii. In case, if loan is provided than the committee may determine the loan amount


21

The Boards discussed the matter in length and decided as under:

Decision:

The Investment Committee may examine pros & cons of selling or retaining the equity share and submit concrete proposal for consideration of the

49



Boards as no decision can be made on the basis of scanty information provided to the Boards.

AGENDA ITEM X **Recommendations / decisions of HR Committee meetings for approval of the Boards**

22 Approval was sought specifically to the following recommendations of the Human Resources (HR) committees which was taken in its 8th and 9th meeting:

- i. The Committee recommended reimbursement of medical charges of Rs.438,321/- to Manager Operations and instructed the Secretary of the Boards for the release of the said amount
- ii. The Committee recommended the proposal regarding extension to Mr. Najam-uz-Zaman, Deputy Director RBDC and Mr. Muhammad Haroon, Assistant Director RBDC for four months till 30th June, 2020.
- iii. The committee recommended reimbursement and release of Rs.127,982/- of medical benefits to Manager Operations.
- iv. The committee recommended release of aforesaid Gratuity / End of Service award amounting to Rs.4,356,000/- to Head of Investment / Fund Manager.

Decisions:

- i. The Boards accorded ex-post approval to the above-mentioned decisions of the HR committee.
- ii. Since hiring of staff remains pending till amendment of laws, therefore, the services of Mr. Najam-uz-Zaman, Deputy Director, and Mr. Muhammad Haroon, Assistant Director, Retirement Benefit and Death Compensation (RB&DC) Fund may continue to provide support w.e.f. 01.07.2020 till 31.12.2020 on the agreed term & conditions.

AGENDA ITEM XI **Recommendations / decisions of Investment Committee meetings for approval of the Boards**

23 The Boards were informed that the Investment Committee of Funds in its 106th to 121st meetings (from August, 2019 till November, 2020) have carried out investment / re-investment transactions, for which ex-post approval of the Boards was sought.

Decision:

The Boards accorded ex-post approval to the recommendations of Investment Committee. Details at Annex-II.

AGENDA ITEM XII **Presentation by M/s Deloitte & Co, Chartered Accountant over the audit reports for the Financial Year 2011-12 to 2013-14**

24 It was informed that meeting of the Boards was called on short notice, therefore, the management of audit firm was unable to attend the meeting. It was recommended to invite the firm to present the agenda before the next Boards meeting.

Decision:

The audit firm may be invited in next meeting to present the agenda.

50

AGENDA ITEM XIII Investment of Civil Officers' Mess Fund

25 It was informed that the Management Committee of Civil Officers' Mess in its meeting held on 30.06.2020 decided that Rs.36 million shall be invested by the Investment Committee of GPI and Pension Funds and in this regards notifications have been received by the KPFM. Subsequently, the Investment Committee of GPI & Pension Funds in its 119th meeting dated 27.07.2020 recommended to invest the said amount with Sindh Bank Ltd for period of six months @ 6.50% p.a.

Decision:

Being not relevant to the convened Boards, the Administration Department will present the same before the Board of Civil Officers' Mess in its next meeting.

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

Annex 51

The Secretary,
Government of Khyber Pakhtunkhwa, Finance Department,
Peshawar

SUBJECT: DEPARTMENTAL APPEAL FOR COUNTING OF PREVIOUS SERVICE
TOWARDS PENSION (i.e. FROM THE DATE OF FIRST APPOINTMENT
ON 1st SEPTEMBER, 2001

Dear Sir,

The General Provident Investment (GPI) Fund and Pension Fund were established under the GPI Fund and Act, 1999 and Pension Fund Act, 1999, as both amended in 2014 (Annex – I, II, III & IV). As per section 4 (3) of the Acts ibid, the Finance Department had to provide secretariat assistance to the Fund. For proper management of Fund and maintenance of accounts, the Boards appointed the undersigned as Accountant (BPS – 16) (Annex – V). The post of accountant was later re-designated as Fund Officer. The undersigned was paid salary as admissible to BPS – 16 employee of the Government. On 1st December 2005 the undersigned was promoted as Assistant Fund Manager (AFM) with pay package and other facilities allowed to BPS – 17 officers of the Government (Annex – VI).

The Government of Khyber Pakhtunkhwa established another Fund namely Retirement Benefit and Death Compensation (RB&DC) Fund under RB&DC Act, 2014 as amended in 2016 (Annex – VII). Section 3 of the Act provide similar of provision of secretariat assistance by the Finance Department. The Fund was initiated in project mode and on 01st January, 2016, the undersigned assumed charge as Project Manager (BPS - 18) in RB&DC Fund, Finance Department (Annex – VIII). The appointment was made as project employee however, the position was regularized on 7th March, 2018 (Annex – IX). During the period as Project Manager, the undersigned also managed & supervised the GPI & Pension Funds as additional assignment (Annex – X).

Sir, the above explanation is given to mention that I have served the Finance Department since 2001 and now regularized in 2018 whereby the period was not counted for pensionary benefit causing heavy financial loss to the undersigned. On the other hand, the Boards of GPI & Pension Funds approved grant of gratuity to the staff of KPFM (Annex – XI) whereby the Fund Manager, who served for the period of 2 years & 6 months only had been given gratuity (Annex – XII), while the undersigned has neither given such benefit at KPFM nor counted previous service for pensionary benefit at RBDC Fund.

Therefore, it is very humbly requested that my previous service from w.e.f 01st September, 2001 to 6th March, 2018 may be counted towards pension please.

Enclosed: as above

Yours faithfully

Najam uz Zaman
Deputy Director FMU
Finance Department
(091-9210661)



Annex 52
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

NO.SOSR-II/FD/1-6/2022

Dated Peshawar the 19.01.2023

To

Najam-uz-Zaman,
Deputy Director FMU, Finance Department,
Khyber Pakhtunkhwa.




Subject:- DEPARTMENTAL APPEAL FOR COUNTING OF PREVIOUS SERVICE TOWARDS PENSION (I.E FORM THE DATE OF FIRST APPOINTMENT ON 01ST SEPTEMBER, 2001.

Dear Sir,

I am directed to refer to your application regarding departmental appeal for counting of previous service towards pension (i.e from the date of first appointment on 01st September, 2001) and to state that the subject case is not covered under the rules/policy, hence, regretted, please.

Yours faithfully,

SECTION OFFICER (SR.II)

قیمت 50 روپے	62528	  
ایڈویکیٹ:		
بار کونسل/ایسوسی ایشن نمبر:	10-7721	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
رابطہ نمبر:	0313 960 6785	

Before the Hon'ble Tribunal Service K.P. K Peshawar

مخاطب:	دعویٰ:
Najam-uz-Zaman & Co	علت نمبر:
بنام	موردہ:
Chief Secretary, KP & Other	جزم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی کارروائی متعلق
 آن مقام کیلئے محمد عارف خان ایڈووکیٹ کو وکیل مقرر
 کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل گمرانی و نظر ثانی و بیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو کوئی جملہ مذکورہ یا اختیار انت حاصل ہوں گے اور اس کا سناختہ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جہان التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا احد سے
 باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ بیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے


 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTOONKHWA
 واقعہ:

نوٹ: اس وکالت نامہ کی فوری کاپی تاحال قبول ہوگی۔

1-7767926-1730 CNIC
 محمد عارف خان
 Contact # 0333-9102737