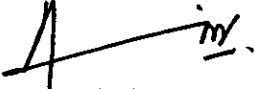


FORM OF ORDER SHEET

Court of _____

Appeal No. 1176/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/05/2023	<p>The appeal of Mr. Asfandiar Khan presented today by Mr. Kamran Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1176 /2023

MR. ASFANDIAR KHAN VS PLANNING & DEVELOPMENT DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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4.	Notification and Act	D & E	7-15
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THROUGH:

APPELLANT


KAMRAN KHAN


M. NAVEED KHAN AFRIDI


MAHMOOD JAN
ADVOCATES HIGH COURT

1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1176 /2023

Mr. Asfandiar Khan, Driver (BPS-06), Sustainable Development Unit,
Planning and Development Department, Khyber Pakhtunkhwa, Peshawar.

.....**APPELLANT**

VERSUS

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

.....**RESPONDENTS**

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
INACTION OF THE RESPONDENTS BY NOT COUNTING THE
PREVIOUS SERVICE TO WORD REGULAR SERVICE FOR THE
PURPOSE OF PENSION AND PAY PROTECTION AND BY NOT
DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY
PERIOD OF NINTHY (90) DAYS.**

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to count the contract service toward regular service for pension and pay protection w.e.f 09.08.2010 in favour of the appellant. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

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

- 1- That the respondent department vide advertisement advertised certain post and after following the codal formalities the appellant was appointed in the respondent Department as Driver (BPS-06)) vide order dated 09.08.2010. Copies of advertisement and appointment order are attached as Annexure..... **A & B.**
- 2- That in response to the order mentioned above the appellant submitted her arrival report and took over the charge of his post. Copy of the charge report is attached as annexure**C.**

- 3- That while performing his duty the service of the appellant was regularized vide notification dated 18.07.2019 in pursuance of K.P (Regularization of Services) Act, 2018. Copies of the notification and Act are attached as AnnexureD &E.
- 4- That in pursuance to the notification mentioned above the services of the appellant was regularized and his pay was fixed from the date of notification, feeling aggrieved, the appellant along with other preferred departmental appeal/ representation before the respondents. Copy of departmental appeal is attached as annexure F.

GROUND:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 09.08.2010 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 09.08.2010, i.e. from the date of appointment and such the inaction of the respondents is violative of law and rules.
- D- That in such a situations/ similar cases pay protection was granted to the regularize civil servants by the finance department vide notification/ circular dated 18.03.2021. Copy of notification/circular dated 18.03.2021 is attached as Annexure G.
- E- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- F- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the grant of pay fixation and pension w.e.f. 09.08.2010 the date of initial appointment.
- G- That as per rule 2.3. of the West Pakistan Pension Rules, 1963 and FR 22 the appellant is fully entitled for the grant of pay fixation w.e.f. initial appointment with all back benefits.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

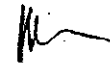


-3-

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

Dated: 23.05.2023


**APPELLANT
ASFANDIAR KHAN**

THOROUGH:


KAMRAN KHAN

M. NAVVED KHAN AFRIDI

**MAHMOOD JAN
ADVOCATES HIGH COURT**

AFFIDAVIT

I, Mr. Asfandiar Khan, Driver (BPS-06), Sustainable Development Unit, Planning and Development Department, Khyber Pakhtunkhwa, Peshawar., do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

2

9A⁰⁰ 4-

VACANCY ANNOUNCEMENT

Application are invited from suitable candidates for the following post on contract basis but extendable up the project life. Application along with CV, attested copies of testimonials and a recent passport size photograph should reach this office within 15 days of the publication of this advertisement. Only short listed candidates will be called for test and interview. No TA/Da will be given. Incomplete applications & those received after due date will not be considered.

Sr	POSITION	DOMICILE	A G E LIMIT	No. OF POSTS	QUALIFICATION/ EXPERIENCE
1	Driver(Fixed Salary)	NWFP	30 YEARS	01	Holding LHV license. Can write log book

Note: The competent authority reserves the right to reject and application / all applications with out assigning any reason.

SD/(Program officer SDU) Special Development Department Unit (SDU) Planning & Development Department Go NWFP SDU building Khyber road Peshawar, Cantt. Ph# 091-9210195/9210237

INFORMED

اپنے دور کے منت

پیرائے در اہور

یوسٹ

اکیس دی یو

کی اینڈ دی

22/3/2010

روزمرہ آج سے مورخہ 22/3/2010



(B)

P & D Department,
Government of Khyber Pakhtunkhwa
SDU Building, Khyber Road, Peshawar, Cantt.
Phone # 091-9211053, 9210195 Fax # 091-9210308
E-Mail: sdupdf_2007@yahoo.com

"B"

No P&D (SDU) / 5107-2
August 09, 2010

-5-

To
Mr. Asfandiyar S/o Zameer Gul
Village Momin Town Dalazak Road
Peshawar

Subject: OFFER OF APPOINTMENT AS DRIVER IN SPECIAL DEVELOPMENT UNIT.

Reference your application for the subject post. The competent authority is pleased to appoint you as Driver in Special Development Unit on contract basis.

The terms and conditions of appointment are as below:

1. The contract of your job will be initially for a period of six months, which is extendable/renewable on satisfactory performance of duties.
2. You will be on probation for a period of 3 months.
3. Your service is liable to be terminated on one month's notice.
4. In case you wish to resign at any time, one month's notice will be necessary or, in lieu thereof, one month's pay shall be forfeited.
5. You will have to produce a medical certificate of fitness from the Medical Superintendent/Civil Surgeon.
6. Your appointment to the above post will not confer any right of regular appointment, absorption against any other post nor your service will be counted towards seniority/promotion/pension etc.
7. You have to join duty at your own expense.
8. You will have to execute a Contract Agreement with Special Development Unit, Government of Khyber Pakhtunkhwa.
9. You must report for duty within 07 days of the issuance of this order otherwise the offer will be automatically cancelled.

[Signature]
Programme Officer, SDU

Cc
1. PA to Director General, SDU.

LEGIBLE COPY OF THE PAGE NO.05

**SPECIAL DEVELOPMENT UNIT
P&D Department,
Government of Khyber Pakhtunkhwa
SDU Building Khyber Road, Peshawar Cantt.**

No P & D (SDU)/3107-8
August 09, 2010)

Subject: OFFER OF APPOINTMENT AS DRIVER IN SPECIAL DEVELOPMENT UNIT

Reference your application for the subject post. The competent authority is pleased to appoint you as Driver in Special Development Unit or contract basis.

The terms and conditions of appointment are as below

1. The contract of your job will be initially for a period of six months which is extendible/ renewable on satisfactory performance of duties.
2. You will be on probation for a period of 3 months.
3. Your service is liable to be terminate on one months' notice.
4. In case you wish to resign at any time, one months' notice will be necessary or in liu therefore one month's pay shall be forfeited.
5. You will have to produce a medical certificate of fitness from the medical superintendent/Civil Surgeon.
6. Your appointment to the above post will not confer any right of regular appointment absorption against any other post nor will your service be counted towards seniority/promotion/pension etc.
7. You have to join duty at your own expenses.
8. You will have to execute a contract Agreement with Special Development Unit Government of Khyber Pakhtunkhwa.
9. You must report for duty within 07 days of the issuance of this order otherwise the offer will be automatically cancelled.

Sd
Programme Officer, SDU

Cc

1. PA to Director General SDU

To
The Director General,
Special Dev. Unit,
PS D Dept. Co-RPK;

① 'C'
-6-

Subject: ARRIVAL REPORT

Madam,

Reference to your letter NO PSD(SDU)3107-8 Dated 19/08/2010

copy attached

Please accept my arrival report today on

11th August 2010 (F/N)

Thanks

Yours sincerely

Director General
Astana/Car

S/O

Zameer Gul

Accepted

11/08/10



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar the July 18, 2019.

"D"
-7-

ORDER:

NO.SO(E)P&D/3-1/Reg./Projects/2019: In compliance with the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 and in pursuance of the recommendations of the Ministerial Committee in light of Provincial Cabinet meeting decision dated 09.05.2019, the Competent Authority is pleased to notify the regularization of services of the following twelve (12) contingent employees of the project titled "Sustainable Development Unit", P&D Department with effect from 07.03.2018 as provided under Section-5 of the Act ibid, subject to the condition that their regularization shall not affect the service promotion quota of all service cadres:-

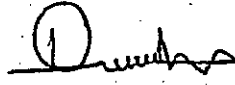
S#	Name of employee	Designation	BPS
1.	Mr. Abdul Wadood	Office Assistant	16
2.	Mr. Muneer Khan	Junior Clerk	11
3.	Mr. Asfandiyar	Driver	06
4.	Mr. Zahid Khan	Driver	06
5.	Mr. Inayat Khan	Naib Qasid	03
6.	Mr. Alta Muhammad	Naib Qasid	03
7.	Mr. Akhtar Ali	Naib Qasid	03
8.	Mr. Sajid Hussain	Naib Qasid	03
9.	Muhammad Iftikhar	Chowkidar	03
10.	Mr. Kausar Shah	Chowkidar	03
11.	Mr. Hameed Gul	Mali	03
12.	Mr. Gulzar Masih	Sweeper	03

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT

Endst: No. & date even.

Copy forwarded to the:-

- 1 Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 2 Accountant General, Khyber Pakhtunkhwa.
- 3 PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 4 Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Deptt.
- 5 Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 6 Director General (SDU), P&D Department.
- 7 Manager, Government Printing Press, Peshawar for publication in the official gazette at an early date.
- 8 PS to Additional Chief Secretary, P&D Department.
- 9 PS to Secretary, P&D Department.
- 10 PA to Chief Economist, P&D Department.
- 11 PA to Additional Secretary, P&D Department.
- 12 PA to Deputy Secretary (Admn), P&D Department.


(IHSAN ULLAH)
Section Officer (Estt)

"E" -8-

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 (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

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

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

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

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

-9-

- (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,

- 10 -

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

-11-

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.

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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.

- 13 -

7 | Page

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.

-14-

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.

To

(F)

-16-

The Director General,
Planning and Development Department,
KPK, Peshawar.

Subject: DEPARTMENTAL APPEAL, FOR THE PAY PROTECTION AND COUNTING OF THE PREVIOUS SERVICE OF THE APPELLANT W.E.F 09.08.2010, FOR THE PURPOSE OF PENSION.

FACTS;

1. That the department vide advertisement advertised certain Post and after following the codal formalities the appellant was appointed in the respondent Department as Driver (BPS-06) vide order dated 09.08.2010.
2. That in response to the order mentioned above the appellant submitted her arrival report and took over the charge of his post.
3. That while performing his duty the service of the appellant was regularized vide notification dated 18.07.2019 in pursuance of K.P (Regularization of Services) Act, 2018.
4. That in pursuance to the notification mentioned above the services of the appellant was regularized and his pay was fixed from the date of notification.
5. That the appellant is filing the instant Departmental appeal on following grounds inter alia.

GROUND:

- I- That the inaction of Departmental by not allowing pay fixation to the appellant w.e.f. 09.08.2010 is against the law, facts, norms of natural justice and materials on the record.
- J- That the Departmental acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 09.08.2010, i.e. from the date of appointment and such the inaction of the Departmental is violative of law and rules.
- K- That in such a situations/ similar cases pay protection was granted to the regularize civil servants by the finance department vide notification/ circular dated 18.03.2021.

L- That the inaction of the Departmental is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.

M- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the grant of pay fixation w.e.f. 02.09.2009 the date of initial appointment.

N- That as per rule 2.3. of the West Pakistan Pension Rules, 1963 and FR 22 the appellant is fully entitled for the grant of pay fixation w.e.f. initial appointment with all back benefits.

It is, therefore, most humbly prayed that the instant Departmental appeal of the appellant may be accepted. Any other relief if not asked may also be granted if deemed fit.

Dated: 15.02.2023

Appellant


ASFANDIAR KHAN

Driver (06), Sustainable
Development Unit,
Planning and
Development Department,
Khyber Pakhtunkhwa,
Peshawar.

39

11-18-

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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

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

To:

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

Subject:

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


Dear Sir,

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

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

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


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

Yours faithfully,

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

Endst: No & Date even.

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

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


 (REHMAT KHAN)
 SECTION OFFICER (SR-1)

- vi) That in case of regular appointment in lower grade, pay shall not be protected.
- vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old new cases which are fulfilling the pay protection criteria mentioned above.

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

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

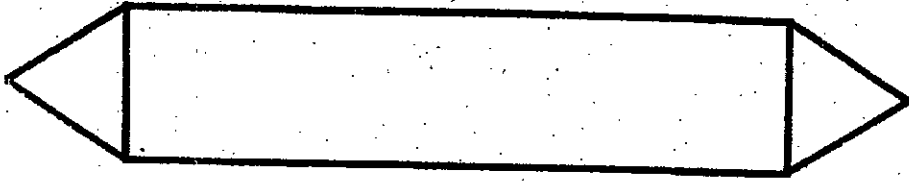
Endst: No & Date even.

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

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

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

بعدالت سروس ٹریبونل کے دور



اسفند خان

23ء 2 منجانب

اسفند خان نام P&D

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لیے کاغذوں خان + محمود خان + اسفند خان کے نام پر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted

2023ء

موسمی

ماہ

23

المرقوم

اسفند خان

واہ العبد

د

العبد

اسفند خان

اسفند خان