


FORM OF ORDER SHEET

Court of

12(2) CPC Petition No. 350/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/05/2023	<p>The Petition U/S 12(2) CPC in appeal no. 1006/2019 submitted by Additional Chief Secretary P&D Department through Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar. It is fixed for hearing before Division Bench at Peshawar on <u>02-06-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Civil Misc No.----/2023

In

Service Appeal No. 1006/2019

12(2) Petition No. 350/2023

1. Additional Chief Secretary, P&D Department Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa P&D Department

VERSUS

1. Syed Qamar Abbas, Chief Coordination Section P&D Department.
2. Secretary Establishment, Govt: of Khyber Pakhtunkhwa.
3. Secretary Irrigation, Govt: of Khyber Pakhtunkhwa.
4. Secretary Finance, Govt: of Khyber Pakhtunkhwa.

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DEPONENT

Through


SECTION OFFICER (LIT:)

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Civil Misc No.----/2023

In

Service Appeal No. 1006/2019

12(2) Petition No. 350/2023

1. Additional Chief Secretary, P&D Department Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa P&D Department

VERSUS

1. Syed Qamar Abbas, Chief Coordination Section P&D Department.
2. Secretary Establishment, Govt: of Khyber Pakhtunkhwa.
3. Secretary Irrigation, Govt: of Khyber Pakhtunkhwa.
4. Secretary Finance, Govt: of Khyber Pakhtunkhwa.

APPLICATION U/S 12(2) CPC FOR SETTING ASIDE THE IMPUGNED JUDGMENT DATED: 19-01-2022 PASSED BY THIS LEARNED TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR AND OBTAINED BY THE RESPONDENT/APPELLANT THROUGH FRAUD AND MISREPRESENTATION.

RESPECTFULLY SHEWETH:

- 1) That through the instant application, the petitioner humbly seeks indulgence of this Hon'ble Tribunal, for setting aside Judgment dated: 19-01-2022 whereby this Hon'ble Tribunal was pleased to allow / grant pay fixation / pay protection in favour of the Respondent / Appellant.

(Copy of Judgment dated: 19-01-2022 passed by this learned tribunal is appended herewith as Annex- "A" for kind perusal of this tribunal)

- 2) That succinctly stated facts giving rise to the filing of petition in hand are that the Respondent / Appellant filed a service appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar for fixation of pay w.e.f 31-01-2003 from the date on which the respondent / appellant was appointed to the post of Environmentalist, in Irrigation Department by counting the previous contractual service towards regular service.

It is further stated that the respondent / appellant was initially appointed vide order dated: 31-01-2003 as Environmentalist on contract basis under the Scheme Titled "Strengthening of M&E Capabilities of Planning cell of Irrigation & Power Department" and his service was regularized vide Notification dated: 25-04-2017 under "The Khyber Pakhtunkhwa P&M cell, Irrigation Employees (Regularization of service) Act, 2017".

(Copy of Service Appeal filed by respondent / appellant is appended herewith as Annex- "B")

- 3) That after regularization of his service, the respondent / appellant performed his duties under the administrative control of Irrigation Department.
- 4) That in the year 2018, vide Notification dated: 22/02/2018 of Establishment Department, Khyber Pakhtunkhwa PPS Rules 2018 was notified for providing the carrier progression to the planning oriental officers working in planning cells of various Administrative Department by creating the PPS Cadre, the P&D Department has become the Administrative Department of the PPS officers and thereafter all the Establishment matters of the PPS officers were tackled by the P&D Department.

(Copy of notification is attached as Annex-C).

- 5) That the respondent / appellant being PPS after also come under the Administrative Control of P&D Department. But while filing the service appeal in Service Tribunal vide dated: 19-07-2019 the Respondent / appellant intentionally neither included the P&D Department in the panel of Respondent nor he filed any service appeal before the competent authority of P&D Department.
- 6) That the Irrigation Department and Finance Department has submitted their Joint Para-wise comments but without intimating or seeking views of P&D Department although the respondent / appellant was basically an employee of P&D Department.
- 7) That the respondent / appellant intentionally concealed the true facts from his parents Department i-e P&D Department and resultantly obtained the impugned Judgement from the tribunal with fraud and misrepresentation.
- 8) That the Impugned Judgment dated: 19-01-2022 of this Hon'ble Tribunal is not sustainable in the eyes of law as same has been obtained by the respondent / appellant through fraud and misrepresentation; hence same may set-aside inter-alia on the following grounds:-

GROUNDS:

- A. That the impugned judgment dated: 19-01-2022 was obtained by concealing material facts from this learned Tribunal; respondent / appellant misguided this learned tribunal by withholding truth, therefore, judgement dated: 19-01-2022 is not sustainable in the eyes of law and liable to be set-aside.
- B. That the respondent / appellant intentionally neither made a party his parent department i-e P&D Department in the panel of respondents nor filed any departmental appeal to the competent authority of P&D Department. Therefore, the service of appeal was not maintainable in the tribunal as the service appeal of the respondent / appellant was filed before the wrong forum intentionally i-e Irrigation Department.
- C. That the respondent / appellant being PPS Cadre officer was administratively controlled by the P&DD and his erstwhile matters were dealt in P&DD. But the

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respondent / appellant intentionally conceals the true facts from his parent department, Therefore, without seeking views of the P&DD the impugned judgement dated: 19-01-2022 was obtained fraudulently by concealment of true facts.


- D. That the petitioner got knowledge regarding judgement on 25/01/2022 by receiving notice from the Hon'ble tribunal in the E.P No. 690/2022 in the service appeal No. 1006/2019. In the execution petition the respondent / appellant made P&DD a party as respondent No. 05 which apparently shows the fraudulent attitude of the respondents / appellant.


(Copy of Court Notice is attached as Annex-D)

- E. That the petitioners do not claim any thing from the respondents no.2 to 4 being pro-forma respondents.
- F. That the petitioner humbly seeks permission of this learned tribunal for raising additional grounds at the stage of arguments.

PRAYER

In aforementioned circumstances, it is humbly prayed that the petition in hand may kindly be accepted and judgment dated: 19-01-2022 maybe set aside, as it is in the interest of justice and fair play.


ADDITIONAL CHIEF SECRETARY
Planning And Development Department
Govt: Of Khyber Pakhtunkhwa
(PETITIONER NO.1)


SECRETARY
Planning And Development Department
Govt: Of Khyber Pakhtunkhwa
(PETITIONER NO. 2)

Through


ADDITIONAL ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Civil Misc No. ---/2023

In

Service Appeal No. 1006/2019

1. Additional Chief Secretary, P&D Department Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa P&D Department

VERSUS

3. Syed Qamar Abbas, Chief Coordination Section P&D Department.
4. Secretary Establishment, Govt: of Khyber Pakhtunkhwa.
5. Secretary Irrigation, Govt: of Khyber Pakhtunkhwa.
6. Secretary Finance, Govt: of Khyber Pakhtunkhwa.

AFFIDAVIT

I, Munir Khan, Section Officer (Lit:), Planning & Development Department do hereby solemnly affirm and declare on oath that the contents of the 12 (2) Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal intentionally.

Munir Khan

DEPONENT

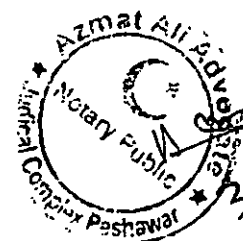
CNIC No. 17301-5773651-9

Cell # 0301-9880357

Identified by:

[Signature]
Advocate General
Khyber Pakhtunkhwa, Peshawar.

ATTESTED



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1006/2019

Date of Institution ... 19.07.2019

Date of Decision ... 19.01.2022

Mr. Syed Qamar Abbas, Environmentalist (BPS-18) Irrigation Department, Khyber
Pakhtunkhwa. ... (Appellant)

VERSUS

The Chief Secretary Khyber Pakhtunkhwa, Peshawar and others.
... (Respondents)

Noor Muhammad Khattak
Advocate ... For appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Environmentalist on contract basis in Irrigation Department vide order dated 31-01-2003. Services of the appellant were regularized through an Act on 25-04-2017 from the date of commencement of the Act, i.e. 13-03-2017. As per Finance Division Notification dated 07-04-2015, pay of the contract employees on their regularization will be protected and in light of the finance division notification, the appellant filed departmental appeal for counting his previous service and pay fixation before the respondents, which was not responded, hence the instant service appeal with prayers that the appellant may be allowed/granted pay fixation with effect from 31-01-2003 i.e. the date on

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which the appellant was appointed as Environmentalist by counting his previous contractual service towards regular service.

02. Learned counsel for the appellant has contended that by not fixing the pay of the appellant with effect from 31-01-2003 by the respondents is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the respondents acted in arbitrary and malafide manner by not granting/allowing pay fixation to the appellant with effect from 31-01-2003; that similar nature cases has already been decided by the this august tribunal in service appeal No 318/2019 decided on 02-07-2010, whereby fixation of pay was granted from the date of initial appointment; that under the principle of consistency reported in judgment of Supreme Court of Pakistan in 2009 SCMR 1 and 1996 SCMR 1185, the appellant is fully entitled for the relief meted out to other employees of various departments; that by not counting the previous service of the appellant, the respondents violated Rule-2.3 of the West Pakistan Pension Rules, 1963.

03. Learned Deputy District Attorney for the respondents has contended that services of the appellant were regularized through regularization Act, 2017 from the date of its commencement i.e. 13-03-2017 and not from initial appointment; that the policy of federal government is not applicable in the province, hence he was not regularized from the date of his first appointment; that departmental appeal of the appellant is not traceable in the department, hence no action was taken to this effect.

04. We have heard learned counsel for the parties and have perused the record.

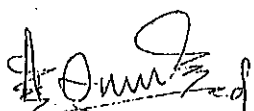
05. Record reveals that the appellant was initially appointed as Environmentalist on contract basis under the scheme of Strengthening of

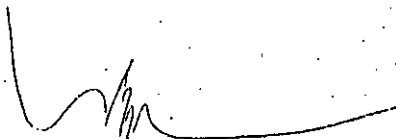
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Monitoring and Evaluation Capabilities of Planning Cell In Irrigation & Power Department vide order dated 31-01-2003. Employees of the above mentioned scheme including the appellant were regularized through the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017 dated 13-03-2017. In light of provision of the Act, a notification dated 24-04-2017 was issued through which services of the appellant alongwith other employees were regularized from the date of commencement of the Act. The appellant invoked the jurisdiction of Finance Division Notification dated 25-04-2017, which has clearly allowed pay protection of contract employees whose service has been regularized through an Act. The provincial government vide notification dated 18-03-2021 have also issued a notification in pursuance of the Federal Government notification and allowed pay protection to such employees.

In view of the situation, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
19.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy
19/01/22

03/02/22

16/02
18/2

06/04/22
06/04/22

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1006 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1018

Dated 19/7/19

Mr. Syed Qamar Abbas, Environmentalist (BPS-18),
Irrigation Department, Khyber PakhtunkhwaAppellant

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Finance, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 6- The Accountant General, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY w.e.f 31-01-2003 FROM THE DATE ON WHICH THE APPELLANT WAS APPOINTED TO THE POST OF ENVIRONMENTALIST AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 31-01-2003 i.e. from the date on which the appellant was appointed as Environmentalist by counting the previous contractual service towards regular service. 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 appellant was initially appointed vide order dated 31.01.2003 as Environmentalist on contract basis under the scheme of "Strengthening of Monitoring and Evaluation Capabilities of Planning Cell in Irrigation and Power Department. (Copy of the appointment order is attached as annexure.....A).

.....F).

(9)

- 2- That employees of the above mentioned scheme were regularized through "The Khyber Pakhtunkhwa Planning and Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017", hereinafter to be called the Act, on 13 March 2017. (Copy of the Act 2017 is attached as annexure.....B).
- 3- That in light of the provisions of the Act, a Notification dated 25.04.2017 was issued through which services of the appellant along with other employees were regularized from the date of commencement of the aforementioned Act, 2017. (Copy of the notification dated 25.4.2017 is attached as annexure.....C).
- 4- That the Finance Division had issued a notification dated 07.04.2015, whereby it has clearly stated that the pay of the contract employees Gazetted and non Gazatted on their regularization/ appointment on regular basis will be protected. Copy of the notification dated 07.04.2015 is attached asD).
- 5- That the appellant preferred Departmental appeal for counting of his previous service and pay fixation before the respondents but no response has been given till the stipulated period of ninety days.(Copy of the Departmental appeal is attached as annexure.....E).
- 6- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the others.

GROUNDS:

- A- That by not fixing the pay of the appellant w.e.f. 31-1-2003 by the respondents 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 granting/ allowing pay fixation to the appellant w.e. from 31-01-2003.
- D- That similar nature cases has already been decided by this august Service Tribunal in service appeal No.318/2009, decided on 02.07.2010, whereby fixation of pay was granted from the date of initial appointment. Copy of the judgment dated 02-07-2010 is attached as annexure.....F).

E- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earnings of the individuals including persons in the various services of Pakistan, thus not allowing pay fixation to the appellant is utter violation of the above mentioned Article.

F- That under the principle of Consistency reported in 2009 SCMR page 1 and 1996 SCMR Page 1185 the appellant is fully entitled for the relief meted out to other employees of various departments.

G- That the respondents acted in discriminatory manner by not counting the previous service of the appellant towards regular service/pension.

H- That not counting the previous service of the appellant the respondents violated Rule 2.3 of the west Pakistan pension Rules, 1963.

I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 16.7.2019

APPELLANT



SYED QAMAR ABBAS

THOROUGH:

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

&

MIR ZAMAN SAFI

ADVOCATES

GOVERNMENT



GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 22nd FEBRUARY, 2018

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar, Dated: 22nd February, 2018

NO. SO(E)P&D/6-1/SR/PPS/2018 .- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA PROVINCIAL
PLANNING SERVICE RULES, 2018.**

1. **Short title application and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018.
 - (2) These rules shall apply to the recruitment and promotion to the posts in Provincial Planning Service.
 - (3) These rules shall come into force at once.
2. **Definitions.**--- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-
 - (a) "appointing authority" means the appointing authority as specified in rule 6 of these rules;
 - (b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
 - (c) "Government" means the Government of the Khyber Pakhtunkhwa Province;
 - (d) "Department" means the Planning and Development Department;
 - (e) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;

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- (f) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-19 and 20 or any change in the training required from time to time;
- (g) "Schedule" means the Schedule appended to these rules;
- (h) "Service" means the Provincial Planning Service; and
- (i) "Secretariat" means the Civil Secretariat as defined in clause (r) of rule 2 of the Khyber Pakhtunkhwa Government Rules of Business, 1985.

3. Constitution of the Service.--- The Service shall consist of the posts as specified in Schedule-I and such other posts as may be added to it from time to time.

4. Method of recruitment.--- (1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be such as specified in Schedule-II.

(2) Initial recruitment to the Service shall be made through an examination conducted by the Commission.

(3) The standard and syllabus of examination for the Service shall be such as specified in Schedule-III.

5. Training.--- On appointment to the post borne in the Service in BPS-17 via initial recruitment, every officer so appointed shall successfully complete six months mandatory training at any academy or institute decided by Government as per Module specified in Schedule-IV. The training shall be followed by a Departmental Examination as specified in Schedule-V, to be conducted by the Academy or institute, as the case may be.

6. Appointing Authority.--- The Chief Secretary, Khyber Pakhtunkhwa shall be the appointing authority for posts borne on the Service in BPS-17.

7. Savings.--- In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to the terms and conditions of service made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

8. Transitional.--- The seniority position of various officers appointed in planning cadres of various Departments and brought on the strength of the Service on coming into force of these rules shall be considered from the date of their regular appointment to posts in their present Basic Scales of pay:

Provided that where two or more civil servants have been appointed to their present Basic Scale on the same day, the older in age shall be considered senior.

9. **Repeal and saving.**--- (1) On coming into force of these rules, the service rules of the concerned line Departments shall stand repealed to the extent of the posts as given in Schedule-1.

(2) Any person appointed to a post specified in Schedule-1 before the commencement of these rules shall, on commencement of these rules, be deemed for all intents and purposes to have been validly appointed under these rules on the authority of the Planning and Development Department as assigned to it under the Khyber Pakhtunkhwa Government Rules of Business, 1985, and his/her affairs shall henceforth be administered by the Planning and Development Department in accordance with these rules and any other rules for the time being in force and made applicable to him/her in accordance with the Khyber Pakhtunkhwa Government Rules of Business, 1985.

SCHEDULE-1
(see rule 3)

S. No	Department		Name of Posts	Basic Scale	No. of Posts	Total No.
	1		2	3	4	5
1	Planning and Development Department	Main P&D	Senior Chief	20	4	51
			Chief of Section	19	9	
			Director (M&E)	19	1	
			Assistant Chief	18	10	
			Research Officer	17	13	
		PPI Cell	Director	19	1	
			Assistant Chief	18	1	
			Research Officer	17	6	
		DG PERRA	Director Planning & Tech.	19	1	
			Program Manager	18	4	
		Assistant Director	17	1		
2	Elementary and Secondary Education Department		Chief Planning Officer	19	1	10
			Senior Planning Officer	18	3	
			Planning Officer	17	5	
			Statistical Officer	17	1	
3	Higher Education, Archives and Libraries Department		Chief Planning Officer	19	1	06
			Deputy Chief Planning Officer	18	1	
			Senior Planning Officer	18	1	
			Planning Officer	17	2	
			Statistical Officer	17	1	
4	Health Department		Chief Planning Officer	20	1	09
			Deputy Chief Planning Officer	19	1	
			Senior Planning Officer	18	2	
			Planning Officer	17	5	
5	Industries, Commerce and Technical-Education Department		Economic Advisor	19	1	04
			Assistant economic Advisor	18	1	
			Research Officer	17	2	
6	Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.		Senior Planning Officer	18	1	03
			Planning Officer	17	1	
			Monitoring Officer	17	1	

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S. No	Department	Name of Posts	Basic Scale	No. of Posts	Total No.
	1	2	3	4	5
7	Sports Tourism, Archaeology, Museum and Youth Affairs Department.	Planning Officer	17	1	01
8	Information and Public Relations Department	Planning Officer	17	1	01
9	Transport Department	Senior Planning Officer	18	1	02
		Planning Officer	17	1	
10	Excise and Taxation Department	Taxation Analyst cum SPO	18	1	03
		Economist	18	1	
		Research Officer	17	1	
11	Agriculture and Livestock Department	Chief Planning Office	19	1	06
		Deputy Director Planning	18	1	
		Deputy Director Monitoring	18	1	
		Planning Officer	17	1	
		Assistant Statistical Officer	17	1	
		Assistant Director Planning	17	1	
12	Public Health Engineering Department.	Planning Officer	17	1	01
13	Local Government, Elections and Rural Development Department	Planning Officer	18	1	01
14	Mineral Development Department	Chief Planning Officer	19	1	07
		Sr. Planning Officer	18	2	
		Planning Officer	17	4	
15	Science and Technology and Information Technology Department	Sr. Planning Officer	18	1	04
		Planning Officer	17	3	
16	Environment, Wildlife and Forestry Department	Deputy Director Planning	18	1	02
		Planning Officer	17	1	
17	Labour Department	Research Officer	17	1	01
18	Rescue 1122	Director Planning	19	1	04
		Deputy Director Planning	18	1	
		AD Planning	17	2	
19	District Positions	Planning/Technical Officers	17	25	25
	BPS-20	5			
	BPS-19	19			
	BPS-18	35			
	BPS-17	57 + 25 = 82.			
	Grand Total	141			

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SCHEDULE-II
(see rule 4(1))

S.No	Nomenclature of Posts	Minimum qualification	Age Limit	Method of Recruitment
I	II	III	IV	V
1	Provincial Planning Service (PPS) (BPS-20) as per detail at Schedule-I	---	---	By promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-19 and having at least five (05) years service in BPS-19 or seventeen (17) years service against posts in BS-17 and above and have undergone Senior Management Course (SMC) or any other training course prescribed by Government.
2	Provincial Planning Service (PPS) (BPS-19) as per detail at Schedule-I	---	---	<ul style="list-style-type: none"> <li data-bbox="1025 1144 1408 1549">i. Eighty five percent (85%) by promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-18 and having at least seven (07) years service in BPS-18 or twelve (12) years service against posts in BS-17 and above and have undergone Mid Career Management Course (MCMC); <li data-bbox="1025 1549 1408 1751">ii. ten percent (10%) by transfer from amongst Officers of PAS/APUG/PMS/PCS; and <li data-bbox="1025 1751 1408 2187">iii. five percent (05%) by appointment through horizontal transfer from officers of Government owned autonomous organizations with at least twelve (12) years regular service in BPS-17 and above having qualification prescribed for initial recruitment of officers of Provincial Planning Service (PPS) (BPS-17).

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3	Provincial Planning Service (PPS) (BPS-18) as per detail at Schedule-I	---	---	<p>i. Ninety percent (90%) by promotion on the basis of seniority-cum-fitness, from amongst the officers of Provincial Planning Service (PPS) in BS-17 having at least five (05) years service; and</p> <p>ii. ten percent (10%) by transfer from amongst Officers of PAS/APUC/ PMS/PCS.</p>
4	Provincial Planning Service (PPS) (BPS-17) as per detail at Schedule-I	<p>a. At least Second Class Master's Degree or Bachelor of Studies (four years) from a recognized University or equivalent qualification in any of the fields namely Economics, Development studies, Agriculture Science, Health Planning and Management, Industrial Economics, Educational Planning and Management, Public Administration, Statistics, Business Administration, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, International Relations, Development Planning; or</p> <p>b. At least Second Class B.Sc/B.E Degree from a recognized University in Civil Engineering or Electrical Engineering or Urban and Regional Planning or City Development and Regional Planning or Town Planning.</p>	21 to 30 years	<p>i. Ten percent (10%) by initial recruitment through departmental examination in a prescribed manner to be determined by the Department and conducted by the Khyber Pakhtunkhwa Public Service Commission from amongst the in-service employees working in Planning Cells of various Departments and the Planning and Development Department's Staff in BPS-11 and above.</p> <p>Provided that only those shall be eligible who possess the required qualification as mentioned against the post in Column No. III.</p> <p>Provided further that upon selection, the candidates shall undergo seven (07) weeks mandatory training in the field of project planning and management as specified in Schedule-IV.</p> <p>Provided further that if no suitable person is available then by initial recruitment; and</p> <p>ii. ninety percent (90%) by initial recruitment.</p>

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1130

SCHEDULE-III
(see rule 4(3))

The Syllabus and standard of examination for the Provincial Planning Service shall include the following five compulsory papers and viva voce as per the details given below:

S.No.	Subject/Paper		Maximum Marks	Syllabus
1	English (Précis & Composition)		100	(1) Grammar and Vocabulary (2) Reading Comprehension and Analysis (3) Précis Writing
2	English Essay		50	Candidates will be required to write one or more essays in English. A wide choice of subjects will be given.
3	General Knowledge	Economy of Pakistan (70 Marks)	150	<ol style="list-style-type: none"> 1. Definition and measurement of development, characteristics of under development, rethinking on the concept of development, Growth vs. Redistributive Justice, absolute and relative poverty, basic needs approach. 2. Planning experience of Pakistan: A critical evaluation of the strategy of economic planning. 3. Agricultural development in Pakistan: Changes in agriculture policies over plan periods, major monetary and fiscal measures to promote agricultural development, Green Revolution strategy and its implications for growth and redistribution, Land Reforms and changes in the tenure system 1950 - 1980, Cooperative Farming. 4. Industrial development in Pakistan: Early industrialization strategy, creation of Financial and Development Institutions, major monetary and fiscal measures to promote industrial development, changing role of public sector over the plan periods, evaluation of nationalization policy, concentration of industrial income and wealth. 5. Role of foreign trade and aid in economic development, Trends of Pakistan's Balance of Payments, changes in direction of trade, trends in Pakistan's major exports and imports, causes of significant changes in the trends, the role of migration and remittances in Pakistan's economy, costs and benefits of Foreign Aid. 6. Privatization, denationalization and deregulation, conceptual and operational aspects, international comparisons.

(17)

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		<p>Current Affair (50 Marks)</p>		<p>Candidates will be expected to display such general knowledge of History, Geography and Politics as is necessary to interpret current affairs:</p> <ol style="list-style-type: none"> Pakistan's relations with its neighbours. Pakistan's relations with big powers. International economic issues and Pakistan. Pakistan's role in regional and international organizations. Structure of Pakistan's economy, economic planning and development strategies. Central issues and problems in the educational system. Major economic, social and political issues of the world as reflected and discussed in periodicals and newspapers.
		<p>Everyday Science (30 marks)</p>		<ul style="list-style-type: none"> • Introduction Nature of science: Brief history, contribution of Muslims in the evolution and development of science, Impact of science on society. • The Physical Sciences <ol style="list-style-type: none"> Constituents and structure:- Universe, galaxy, solar system, sun, earth, minerals Processes of Nature:- Solar and Lunar Eclipses; day and night and their variation; Energy :- Sources and resources of energy, energy conservation; <ol style="list-style-type: none"> Ceramics, Plastics, Semiconductors; Computers, Satellites; Antibiotics, Vaccines, Fertilizers, Pesticides • Biological Sciences <ol style="list-style-type: none"> The basis of life – the cell, chromosomes, genes, nucleic acids The building blocks – proteins, hormones and other nutrients, Concept of balanced diet, Metabolism. The human body – a brief account of human physiology and human behavior.

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KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1132

4	Islamiyat	50	<ol style="list-style-type: none"> 1. Need of religion and its role in human life. Islam and other religions 2. Fundamental beliefs and practices of Islam. <ol style="list-style-type: none"> (a) Tauheed (Unity of Allah). Risalat (Finality of Prophethood), Akhirat (Day of Judgment) (b) Salat, Soum, Zakat, Hajj, Jihad 3. Islamic way of life <ol style="list-style-type: none"> (i) Sources of Shariah: The Quran, Sunnah, Ijma (Consensus), Qiyas and Ijtihad (Reasoning) (ii) Social system in Islam: Responsibilities and mutual relationship of members of family, separate role of man and woman in an Islamic social setup, concept of women's freedom in Islam, responsibilities of man and woman in character-building of new generation (iii) Islamic political system: - Legislative system, Judicial system (iv) Muslim ummah: Role and objectives of Muslim Ummah 4. Quranic Ayat and their translation Following last (10) surrahs of the Holy Quran and their translations:- Surrah Al-Feel to Surrah An-Nas.
5	Economics	100	<ol style="list-style-type: none"> 1. Micro Economics: Consumer behaviour, determination of market demand and supply, theory of the Firm, producer's equilibrium pricing of the factors of production. 2. Macro Economics: Basic economic concepts, National Income Accounting, consumption function and multiplier, determination of equilibrium level of income and output, inflation. 3. Money and banking: Functions of money, Quantity Theory of money, the Fisher and Cambridge Formulations, systems of note issue, credit creation, functions and central banks, instruments of credit control, Theory of Liquidity Preference. 4. Public Financing: Government expenditure, sources of government revenue, types of taxes, incidence of different taxes, public debt, objectives, methods of repayment, deficit financing. 5. International Trade: Theory of comparative cost, arguments for protection, balance of payments, international liquidity, international money and banking institutions.

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6	Viva Voce	50
1.	English (Précis & Composition)	100 Marks
2.	English Essay	50 Marks
3.	General Knowledge	150 Marks
4.	Islamiat	50 Marks
5.	Economics	100 Marks
6.	Viva Voce	50 Marks
	Total:	500 Marks

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KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1134

SCHEDULE-IV
(see rule 5)

**Training Module for Provincial Planning Service,
Khyber Pakhtunkhwa officers**

(Twenty four (24) weeks Training including four (4) weeks for study tours)

Module I: General Management and Organizational Development (three (3) weeks)

Module II: Personal Knowledge and Skills (two (2) weeks)

Module III: E-Government (three (3) weeks)

Module IV: Project Planning and Management (seven (7) weeks)

Module V: Secretariat - Office Management (five (5) weeks)

Module	Course	Contents	Duration
I	General Management and Organizational Development.	<ul style="list-style-type: none">• How to manage through subordinates.• To know the process of hiring, firing, or promotion of employees.• To have knowledge about effective planning, delegating, coordinating, staffing, organizing, and decision making to attain better service delivery.• Gender sensitization	3 weeks
II	Personal Knowledge and Skills	<ul style="list-style-type: none">• Drafting skills and the manner of writing official letters, summaries, notes, minutes of the meetings, file note etc (both manual and computerized)• Listening skills• Speaking/communication skills• Presentation skills• Briefing skills• Report writing (general & technical)• Time management• Stress management• Dispute resolution• Team building• Humaneering and attitude building.	2 weeks
III	E-Government	<p>Specific:</p> <ul style="list-style-type: none">• MS Word• MS Excel• MS PowerPoint• MS Project• File Tracking• E-Office• HR Data basing <p>General:</p> <ul style="list-style-type: none">• Using internet, browsing, surfing, downloading• Email• MIS	3 weeks

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Module	Area	Contents	Duration
IV	Project Planning and Management	<ol style="list-style-type: none"> 1. Basic concepts i.e. economic development, economic growth, Gross Domestic Produce (GDP), Gross National Produce (GNP), determinants of economic development, features of developing economy. 2. Economic planning---characteristics of planning, objective and types. 3. Evolution of planning machinery in Pakistan. 4. Project and project cycle 5. Project documents i.e. PC-II, PC-I, PC-III, PC-IV & PC-V. 6. How planned projects are practically implemented. 7. Composition and competency of development forums i.e. DDAC, DDWP, PDWP, CDWP, ECNEC, NEC. 8. Concepts of Sponsoring Agency, Executing Agency, Planning Manual, PSDP, ADP, Pre-PDWP meeting, Umbrella project, Non-ADP project, project revision and its types, administrative approval, audit copy, re-appropriation, punching of funds and BOQ. 9. Tendering. 10. Identification and valuation of costs and benefits, NPV, IRR. 11. Cost effectiveness analysis. 12. Network analysis -- PERT / CPM for project management. BC Ratio, sensitivity analysis, CPM, Gantt Chart, Pie Diagram, RBM framework. 13. Project Policy 14. Role and responsibilities of Project Director and Project Management Professional Course (PMP). 	7 weeks

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V	Secretariat - Office Management	<ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa Organ gram - various Administrative, regulatory setups. 2. Coordination mechanisms between administrative authorities, Departments, attached Departments and autonomous, semi-autonomous bodies. 3. Charter of duties of different government Departments devolved and non-devolved with special introduction to regulatory Departments such as Finance Department, Planning and Development Department, Law Department and Establishment Department. 4. The Khyber Pakhtunkhwa Civil Servants Act, 1973. 5. The Khyber Pakhtunkhwa Government Rules of Business, 1985. 6. The Khyber Pakhtunkhwa Civil Servants Appointment, Promotion and Transfer Rules, 1989. 7. Manual of Secretariat Instructions, Appeal and Conduct Rules. 8. Court cases-time limitations and procedure. 9. Revised Leave Rules, 1981. 10. Policies-recruitment, postings, transfers, deputation, surplus pool. 11. Delegation of Powers Rules. 12. Anti-corruption laws - NAB Ordinance. 13. The Khyber Pakhtunkhwa Local Government Act, 2013. 14. Assembly Business. 	5 weeks
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Note: The duration of modules only indicates the time given to them five lectures per day of one hour each, five days a week. Monthly tests shall be conducted for each Module.

Study Tour: Four Weeks

Destination	Focal Point	Duration
Punjab	Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Lahore. Study of any signature project of development sector.	One Week
Sindh	Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Karachi. study of any signature project of development sector.	One week
Islamabad	Pakistan Planning and Management Institute, Pakistan Institute of development Economics, CDA.	One week
Baluchistan	Planning and Development Department, Chamber of Commerce and Industry, Local Government Department, Administration Department Civil Secretariat Quetta. Study of any signature project of development sector.	One week

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SCHEDULE-V
(see rule 5)

Departmental Examination

Last week of training shall also include written examination and finalization of marks based on the following outline:	
Written Test (Modules)	50 Marks
Various Assignments during Training (Preparation of Project Documents/ADP/Re-appropriation proposals/Working Papers/Minutes of the meeting)	20 Marks
Conduct Reports During Training (Punctuality, participation, discipline, initiatives, Group Discussions, attitude, response)	20 Marks
Module Based Test Scores	10 Marks
Total	100 Marks
Note: Passing marks will be 60	

Attachment: The trainees, for the purpose of acquaintance with practical disposal of Official/Government business, shall undergo three month attachment on rotation at different sections of Planning and Development Department, Finance Department, Project Implementation Units (PIUs) and Planning Cells of different line departments.

Objectives:

- (i) To acquaint the trainee with general office work of the Departments.
- (ii) To educate the trainee towards understanding the provincial budget making, planning and financial processes.
- (iii) To expose the trainee to development initiatives of different sectors, both private and public funded.
- (iv) To inculcate proper attitude in the UFI with regard to interaction with the general public.

**Secretary to,
Government of the Khyber Pakhtunkhwa
Planning and Development Department.**

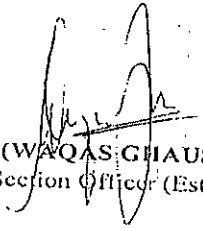
15/25

Endst: No. SO(EP&D/6-1/SR/PPS/2018

Dated Peshawar the February 22, 2018.

Copy forwarded to the: -

1. Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government Khyber Pakhtunkhwa.
6. Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. All Chief of Sections, P&D Department.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director Information, Khyber Pakhtunkhwa.
12. PSO to Chief Secretary Khyber Pakhtunkhwa.
13. PS to Additional Chief Secretary, P&D Department.
14. PS to Secretary, P&D Department.
15. PA to Chief Economist, P&D Department.
16. Manager, Govt: Printing Press Peshawar.


(WAQAS:GHAUS)
Section Officer (Estt.)

ANNEX-D

(26)

GS&PD-2/664-RST-30,000 Forms-1-11-2022/PHC Jobs/Form A&B Ser. Tribunal/P2

"B"

Dated 25-10-22
Diary No. 11
Addl. Secretary-II

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. EP 690 of 20 22

Syed Qamar Abbas

Appellant/Petitioner

Chief Secy KPK Peshawar

Versus

Respondent

Respondent No. (5)

Notice to: - Secy Planning & Development deptt: KPK Peshawar.

AS-II
SOLLIER
25/11/23

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 07/10/2023..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this..... 17/11

Day of..... 20 23

Tan
For Implementation Report

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

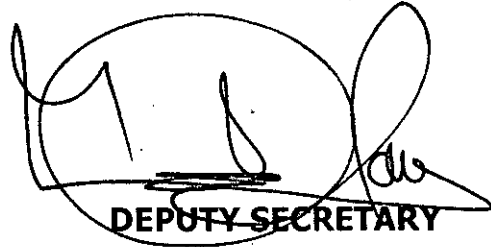


**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT**

Dated Peshawar, the 08th May, 2023

AUTHORITY LETTER

Mr. Munir Khan, Section Officer (Litigation) of Planning & Development Department is hereby authorized to peruse / defend all court cases in all courts as well as submit Para-wise Comments / Replies in the cases duly sworn on affidavit in the courts on behalf of Additional Chief Secretary and Secretary P&D Department.



DEPUTY SECRETARY

**DEPUTY SECRETARY-LA)
P&D Department
Khyber Pakhtunkhwa**