

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Najam-uz-Zaman
Service Appeal No. 330/2023

Appellant

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

Respondents

INDEX

| S#. | Subject | Annexure | Page No. |
|------------|--|------------------|-----------------|
| 01 | Para-wise comments | ----- | 01-02 |
| 02 | Affidivit | ----- | 03 |
| 03 | Offer of Appointment | Annex-I | 04 |
| 04 | Extension of contracr | Annex-II | 05 |
| 05 | Appointment Order on Contract basis | Annex-III | 06 |
| 06 | Regularization of service act,2018 | Annex-IV | 07-08 |
| 07 | Regularization of service act,2018 with immediat effect i.e 07.03.2018 | Annex-V | 09-20 |
| 08 | Pay Protection letter dated 18.03.2021 | Annex-VI | 21 |

9. Authority letter

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Dated 18/8/23

1

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No.330

Mr.Najam-uz-Zaman

Petitioner

VERSUS

Secretary, Finance Department Govt. of Khyber Pakhtunkhwa & others.

Respondent

PARAWISE COMMENTS ON BEHALF (RESPONDENT NO.01&02) **Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth: - That the respondent No.01&02 submit as under: -

Diary No. 7071

Preliminary Objections:

Dated 17/8/2023

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this Hon'ble Service Tribunal with clean hands. Hence, disentitled to any relief whatsoever.
3. That no discrimination/injustice has been done to anyone.
4. That the appellant is estopped by the conduct to file the instant appeal.
5. That the appeal is not based on facts and is unjustified.
6. That the appellant is legally bound to disclose the real facts before the court.
7. That the appeal has been filed to entangle the department into unnecessarily litigation and to waste the precious time of the Honorable Court.
8. That the appeal is bad for miss-joinder and non-joinder of the necessary parties.

FACTS

1. Correct. The appellant was appointed as Accountant on contract basis for a period of one year on fixed pay vide Finance Department appointment letter dated 13.08.2001 (**Annex-I**).
2. Pertains to record, hence no comments.
3. Correct to the extent that as per Khyber Pakhtunkhwa Act. No.XLI of 2014 "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. Correct to the extent that the appellant was appointed as Assistant Fund Manager on fixed pay for a period of one year, on contract basis, vide Finance Department Order dated 27.06.2006 (**Annex-II**).
5. Correct the appellant was appointed as Project Manager (BPS-18) in ADP No.339(140342) "Retirement Benefits and Death Compensation Cell" under Khyber Pakhtunkhwa Finance Department on contract basis for financial year 2015-16 or till the expiry of the project with fixed pay on contract basis. (**Annex-III**).
6. Correct to the extent that the services of the appellant were regularized w.e.from 07.03.2018 in light of Khyber Pakhtunkhwa (Regularization of Services) Act, 2018 (**Annex-IV**).
7. Incorrect. The services of the appellant were regularized in light of Khyber Pakhtunkhwa (Regularization of Services) Act, 2018 but with immediate effect i.e 07.03.2018 from the dated of commencement of the Act (**Annex-V**).
8. Appeal of the appellant was processed and filed being not covered under the rules/policy. As per policy of the Provincial Government his services has been counted w.e.from the dated of regularization i.e 07.03.2018. Moreover, in light of Finance Department Circular Letter dated 18.03.2021 services rendered on fixed pay basis shall not qualify for pay protection and pension/gratuity (**Annex-VI**).
9. No comments.

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GROUNDS:

- A. Incorrect there is no mala-fide on the part of respondents.
- B. Incorrect the appellant has been treated in accordance with rules/policy and no irregularity has been committed in this regard.
- C. Incorrect. His services have been counted for the purposed of benefits w.e.from the dated of regularization in light of Khyber Pakhtunkhwa (Regularization of Services) Act, 2018.
- D. Incorrect. As per policy of the Provincial Government his services has been counted w.e.from the dated of regularization i.e 07.03.2018. Moreover, in light of Finance Department Circular Letter dated 18.03.2021 services rendered on fixed pay basis shall not qualify for pay protection and pension/gratuity.
- E. Incorrect. The appellant has been treated in accordance with rules/policy of the Provincial Government.
- F. Para "E" is reiterated.
- G. Incorrect. No irregularity has been observed on the part of respondents.
- H. Incorrect. The appellant has not been deprived of his legitimate right rather he has been treated in accordance with rules/policy.
- I. As replied above.
- J. The respondents seek leave to raise additional grounds at the time of arguments.

PRAYER:

In view of the above, it is requested that instant case being devoid of merit may kindly be dismissed, please.


Chief Secretary, Khyber Pakhtunkhwa
✓ (Respondent No.01)


Secretary Finance Department
✓ (Respondent No.02)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Najam-uz-Zaman
Service Appeal No. 330/2023

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

Reply /Parawise Comments on Behalf of Secretary Finance Govt. of Khyber Pakhtunkhwa Respondent No.02.

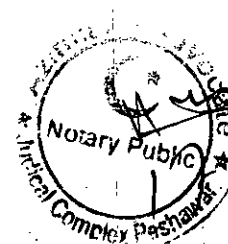
AFFIDVAIT

I, Hashmatullah Superintendent, Govt.of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Pare-wise comments in Service Appeal No.330/2023 on behalf of Secretary to Govt. of Khyber Pakhtunkhwa Finance Department is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.The case is still subjudice in the court of law/*non SEZ-Party.*



Deponent

ATTESTED



08-2023

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

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

To

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

Annex-I

**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

Affected
[Signature]
[Signature]

[Signature]

(SAJJAD AHMAD)
SECTION OFFICER(FUNDS/LOANS)

Annex-11

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.

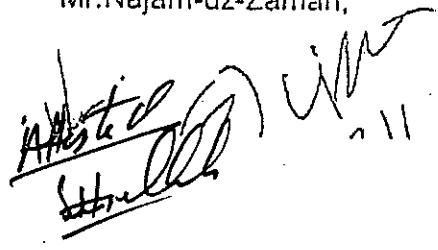

PROVINCIAL FINANCE CONTROLLER/
SECRETARY OF THE BOARDS

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




(MUSHTAQ AHMAD)
OFFICER (FUNDS/SAVINGS)



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

Dated Peshawar: 07-12-2015

ORDER OF APPOINTMENT

No.RBDC/FD/1-1/2015/Appointments: On the recommendations of Project Selection Committee, the competent authority has been pleased to appoint the following staff of 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 Post Station before joining duty.
6. In case he wishes to resign at any time, one month notice will be necessary or 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.

*Affected
Khan*

Project Director (RBI)
Finance Department

Annex-IV (37) (39)

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 subsection (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;

Attestd
H. H. H.

- (38) 40
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- (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 subsection (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,

Attested
S. H.ullah

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

Attended
S. H. Khan

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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.

Attended
Shah

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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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.

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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.

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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 Shakkot 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.

Advised
S. H. Khan

Annex

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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, KPFM 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 KPFM 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.

Attested
[Signature]

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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:

Approved
[Signature]

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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:

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Sattarullah

(48) (48) (48) (50)

- 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

Attended
Retained

(49) 51
(19)

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.

Attested
[Signature]

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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.

Attended
[Signature]



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. 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,

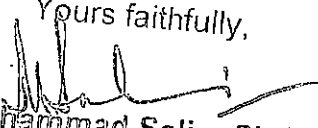
In pursuance to the Finance Division's Office Memorandum No.4(2)R-2/2014-237 dated 7th April, 2015, the Competent Authority (Provincial Cabinet) is pleased to allow the pay protection to gazetted contract employees on their regularization / appointment on regular basis subject to the following conditions:-

- 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.

Attested
[Signature]

- v) That the service rendered on a regular basis shall qualify for pension / gratuity ¹¹ *11/11/2021* in lower grade, pay
- vi) That in case of regular 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.

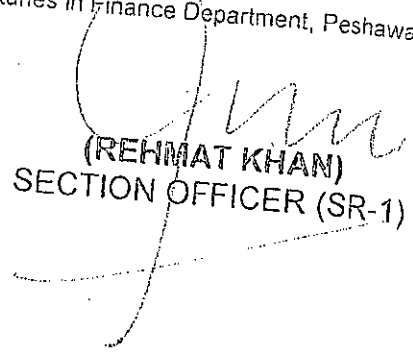
2. In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully,

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

Endst: No & Date even.

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

1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
7. The Director, FMIU, Finance Deptt: with the request to upload the same on FD's Website.
8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
9. All the District Accounts Officers in Khyber Pakhtunkhwa.
10. The Section Officer (Cabinet) Estt: Deptt., Khyber Pakhtunkhwa with reference to his letter No.SOC(E&A)9-51/2021 dated 08-03-2021.
11. The Section Officer (Estab), C&W Deptt: with reference to his letter No.SOE/C&WD/1-61/2010 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)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

**MOST IMMEDIATE
COURT MATTER**

AUTHORITY LETTER.

Mr. Hashmatullah Superintendent (Litigation-II) Section, Finance Department is authorized to attend the Service Tribunal Khyber Pakhtunkhwa Peshawar, Service Appeal No.330/2023 in case titled Najam-uz-Zaman versus Government of Khyber Pakhtunkhwa and on behalf of Secretary Finance Government of Khyber Pakhtunkhwa.


Secretary to Government Khyber Pakhtunkhwa

✓ Finance Department

Attested
Hashmatullah