

17th March, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 01.06.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFPT
Peshawar



(Salah-ud-Din)
Member (J)

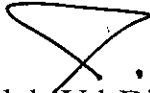


(Kalim Arshad Khan)
Chairman

1st June, 2023

1. Junior to counsel for appellant present. Mr. Muhammad Jan, District Attorney for respondents present.
2. Junior to counsel for appellant requested for adjournment as senior counsel for appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.09.2023 before D.B. P.P given to the parties.

SCANNED
KFPT
Peshawar



(Salah-Ud-Din)
Member (J)



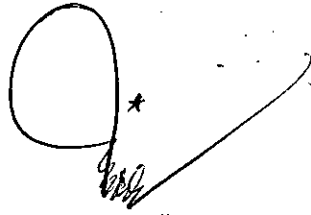
(Kalim Arshad Khan)
Chairman

Mutazem Shah

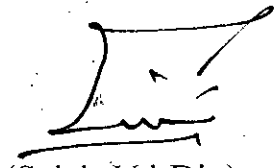
25.10.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.12.2022.




(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

15/12/23


Due to rush of work to
come up for the same as before on
17-03-2023



03.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, AAG alongwith Mr. Umer Farooq A.D for respondent No. 5 present and submitted reply/comments which is placed on file.


Reply/comments on behalf of respondents No. 1 to 4 is still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 13.04.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

13.04.2022

Counsel for the appellant present. Mr. Muhammad Rasheed Deputy District Attorney for respondents present.

Written reply/comments submitted, which is placed on file. Learned counsel for the appellant seeks adjournment in order to properly assist the court. Adjourned. To come up for arguments on 08.07.2022 before D.B.


(Rozina Rehman)
Member (J)


Chairman

8-7-2022

Due to Holidays of Eid Ul Azha the case is adjourned to 25-10-2022

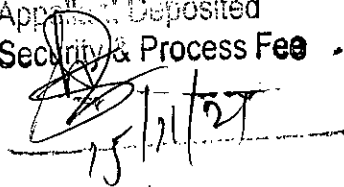
Reader

1605/19

11.11.2021

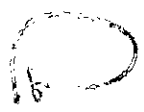
Counsel for the appellant present. Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 as required to produced on previous date has been produced and placed on file. Preliminary arguments have been heard.

Subject to all just and legal objections including limitation, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 03.01.2022 before the S.B.

Appellant Deposited
Security & Process Fee



Chairman





23.06.2021 Counsel for the appellant present and requests for time to further prepare the brief. Adjourned to 22.09.2021 for preliminary hearing before S.B.


Chairman

22.09.2021 Counsel for the appellant present.

Learned counsel for the appellant requested for adjournment to submit some additional documents i.e Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018. Adjourned. To come up for preliminary hearing before the S.B on 11.11.2021.

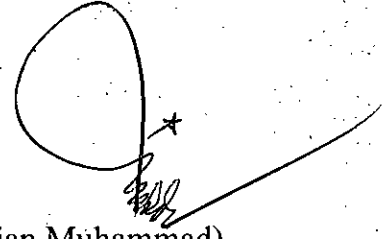

(MIAN MUHAMMAD)
MEMBER (E)

17.08.2020

Junior to counsel for the appellant present.

Junior to counsel for the appellant seeks adjournment as senior learned counsel is not available today.

Adjourned to 19.10.2020 before S.B.



(Mian Muhammad)
Member(E)

19.10.2020

The legal fraternity is observing strike today, therefore, the case is adjourned to 23.12.2020 on which date to come up for preliminary hearing before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

23.12.2020

Appellant present through counsel.

He made a request for adjournment. Adjourned. To come up for preliminary hearing on 16.03.2021 before S.B.



(Rozina Rehman)
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 23.06.2021 before S.B.



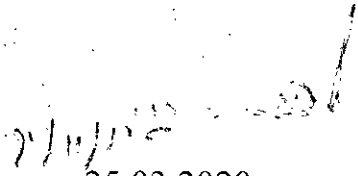
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06.02.2020


Counsel for the appellant present and requested for adjournment.

Adjourned to 25.03.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.


Reader

16.06.2020

Junior to counsel for the appellant present.

A request for adjournment is made on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 17.08.2020 before S.B.

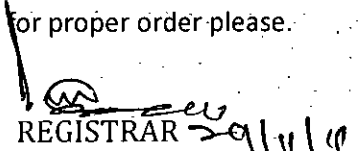



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1605/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/11/2019	<p>The appeal of Mr. Shaida Muhammad presented today by Mr. Hafeez-ul-Asad Shangla Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 29/11/19</p>
2-	02/01/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/01/20</u>.</p> <p> CHAIRMAN</p>
	03.01.2020	<p>Counsel for the appellant present.</p> <p>Learned counsel requests for time to further prepare the brief regarding the stance of status of appellant as a civil servant and the break occurred in rendering service at different projects/departments.</p> <p>Adjourned to 06.02.2020 before S.B.</p> <p> Chairman</p>

SCANNED
16/11/2019
PESHAWAR

P-21
delivered

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 11005 /2019

Shaida Muhammad.....(Appellant)

V E R S U S

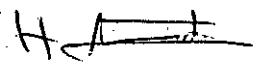
Government of KP and others.....(Respondents)

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	1-6
2.	Addresses of the parties	-	7
3.	Copy of the order of appointment	'A'	8-9
4.	Copy of the appointment order	'B'	10-14
5.	Copy of the appointment order	'C'	15-17
6.	Copy of the notification dated 01-08-2018	'D'	18-
7.	Copies of the certificates	'E'	19
8.	Copy of the application dated 07-11-2019	'F'	20-24
9.	Wakalat Nama (in original)	-	25

Appellant

Through:


(HAFEEZ UL ASAD SHANGLA)
Advocate,
Peshawar
Cell # 0314-5951897

Dated: -27-11-2019

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 1605 /2019

Diary No. 1695

Dated 29/11/19

Shaida Muhammad S/O Nisar Muhammad R/O village Sadiq Abad,
Ghari Baloch P.O Pakha Ghulam Tehsil and District
Peshawar.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
2. Government of Khyber Pakhtunkhwa Mines and Minerals
Department through Secretary at Civil Secretariat, Peshawar
3. Director of Mines and Minerals through Director General at
Khyber Road, Peshawar
4. Government of Khyber Pakhtunkhwa through Secretary
Finance at Civil Secretariat, Peshawar
5. Ministry of Petroleum and Natural Resources through
Secretary at Federal Secretariat, Islamabad.....(Respondents)

Filed to-day
Registrar
29/11/19

Appeal under Section 4 of the Service Tribunal Act, 1974 against the impugned order No SO (E)/MDD/Z-17/2019 Peshawar dated November 7, 2019 and No FD/SOSR-11) 4-36/2019 dated 25-6-2019, whereby application filed by the Appellant for considering his previous service i.e. FATA DC 7-7-1988 to 5-10-1991, Ministry of Petroleum and Natural Resources 12-10-1991 to 15-10-2001, Model Coal Mine Project 16-02-2017 to 06-03-2018 and 07-03-2018 to 24-10-2018 as regular, was filed / dismissed,

2

PRAYER IN APPEAL:-

By accepting this Appeal, the impugned order No No SO (E)/MDD/2-17/2019 Peshawar dated November 7, 2019 and No FD/SOSR-11) 4-36/2019 dated 25/06-2019 may kindly be set aside and consequently the service rendered by the Appellant in different Government department/under Government Administrative Control Projects may kindly be considered for the purpose of pension and other benefits available to regular Government servant with all back benefits alongwith the grant of any other remedy deem fit by this Honourable Tribunal.

Respectfully Sheweth:-

Facts leading to the institution of the instant appeal are as under:-

BRIEF FACTS:-

1. That after serving in private sector from 1985 to 1988, the Appellant was appointed in FATA DC Peshawar as Mining Engineering (BPS-17) on 07-07-1988 and served there till 05-10-1991. (Copy of the order of appointment is attached as Annex 'A').
2. That thereafter, the Appellant jointed Saindak Metal an enterprise of Ministry of Energy (Petroleum Division) as Senior Mining Engineer in SML Grade IX Eqv (BPS-19) on 12th October, 1991 and served there till 15-10-2001. (Copy of the appointment order is attached as Annex 'B').

3. That thereafter serving in private sector for some time, again the Appellant was appointed in Government of Khyber Pakhtunkhwa Mineral Department as a Project Manager (BPS18) in Model Coal Mine Project on 16-2-107 and served there till 06-03-2018. (Copy of the appointment order is attached as Annex 'C').
4. That then through notification No SOE/MOD/Z-25/2015 dated 01-08-2018, Appellant service was declared to be regularized from 07-03-2018 in consequences of (Regularization of Service) Act 2018 KPK Act No X of 2018. (Copy of the notification dated 01-08-2018 is attached as Annex 'D').
5. That after regular service of 07 months and 17 days, the Appellant completed his 60 years of age and hence his regular period of service was also ended on 24-10-2018 with retirement benefits. (Copies of the certificates are attached as Annex 'E').
6. That thereafter, the Appellant filed an application for considering his non-regular service/service under Government Administrative Project for the purpose of pension benefits, which was filed/turndown through the impugned order dated 07-11-2019. (Copy of the application and order dated 07-11-2019 is attached as Annex 'F').
7. That now the Appellant files this Appeal against the impugned order No SO (E)/MDD/Z-17/2019 Peshawar dated

4

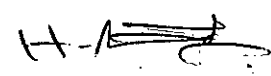
November 7, 2019 and No FD/SOSR-11) 4-36/2019 dated 26-6-2019, having no other opportunity, remedy on the following grounds inter-alia:-

GROUNDS:-

- A) That the Appellant is a law abiding citizen of Pakistan, having good moral character and there is no complaint whatsoever against the Appellant of whatever kind it may be.
- B) That the impugned orders of the Respondents is against the principles of natural justice and hence liable to be set aside.
- C) That Appellant served for a considerable period of about 14 years in different project, which were under the Administrative control of Government and as from different verdict of superior Courts. Project/Ad-hoc Employees are also entitled for pension benefits.
- D) That the Appellant is now passing through an age where he cannot perform job in any other institute and by allowing pension benefits to Appellant his livelihood issues can be minimize.
- E) That the other points, when graciously be allowed shall be submitted and argued at the time of arguments before this august Tribunal.

It is, therefore, very humbly prayed that on acceptance of this appeal, the impugned order No SO (E)/MDD/17/2019 Peshawar dated November 7, 2019 and No FD/SOSR-11) 4-36/2019 dated 25-06-2019 may kindly be set aside and consequently the service rendered by the Appellant in different Government department/under Government. Administrative Control Projects may kindly be considered for the purpose of pension and other benefits available to regular Government servant with all back benefits alongwith the grant of any other remedy deem fit by this Honourable Tribunal.

Any other relief not specifically asked for may also be granted in favour of the Appellant.

Through: Appellant

 (HAFEEZ UL ASAD SHANGLA)
 Advocate
 High Court, Peshawar

Dated:-27-11-2019

Appellant

 Said

 29/11/19

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Shaida Muhammad.....(Appellant)

VERSUS

Government of KP and others.....(Respondents)

AFFIDAVIT

I, Shaida Muhammad S/O Nisar Muhammad R/O village Sadiq Abad, Ghari Baloch P.O Pakha Ghulam Tehsil and District Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

Shaida
29/11/21

DEPONENT

CNIC # 17101-0249894-3

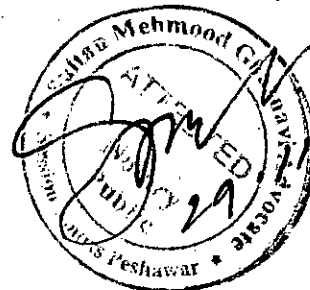
Cell # 0332-9599595

Identified by:-

(HAFEEZ UL ASAD SHANGLA)

Advocate

Peshawar



.19

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Shaida Muhammad.....(Appellant)

VERSUS

Government of KP and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Shaida Muhammad S/O Nisar Muhammad R/O village Sadiq Abad,
Ghari Baloch P.O Pakha Ghulam Tehsil and District Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
2. Government of Khyber Pakhtunkhwa Mines and Minerals Department through Secretary at Civil Secretariat, Peshawar
3. Director of Mines and Minerals through Director General at Khyber Road, Peshawar
4. Government of Khyber Pakhtunkhwa through Secretary Finance at Civil Secretariat, Peshawar
5. Ministry of Petroleum and Natural Resources through Secretary at Federal Secretariat, Islamabad

Through: Appellant



(HAFEEZ UL ASAD SHANGLA)

Advocate

High Court, Peshawar

Dated:-27-11-2019

PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name: Shalida-Mohammad

Father Name: Nisar Mohammad

Gender: Male Country of Stay: Pakistan

Identity Number: 17101-0249899-3 Date of Birth: 24.10.1958

Date of Issue: 11.12.2017 Date of Expiry: Lifetime

Holder's Signature

21127

سارن آمان علی لونج ڈاک خانہ بھنگوہار
 نام: سارن آمان علی لونج ڈاک خانہ بھنگوہار
 سارن آمان علی لونج ڈاک خانہ بھنگوہار

17101-0249899-3

101971048080
 139-58-101869

Registrar General of Pakistan

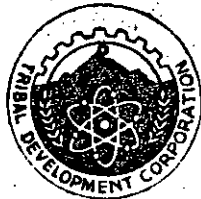
گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

ADDU
 H A

A-1-A

(8)

-5-



NOOR HASSAN JAN

Director,
INDUSTRIES & MINERALS DEVELOPMENT
FEDERALLY ADMINISTERED TRIBAL AREAS
DEVELOPMENT CORPORATION
MICHNI ROAD - PESHAWAR.

Dated: April 14th, 2000.

Off : (0521) 78875, 091-9212156.
Phones : (0521) 78672, 79572 9212152/9212155.
FAX : (0521) 78104 Fax: 9212156.
Grams ZARKHEZ

TO WHOM IT MAY CONCERN.

I am glad to certify that Mr. Shaida Muhammad Khan worked in the Directorate of Industries and Minerals Development, Federally Administered Tribal Areas, Development Corporation (FATADC), Peshawar from 07-7-1988 to 05-10-1991 as Mining Engineer. His monthly salary was Rs.5287/- per month. During this period he worked on the exploration and development of Manganese Project in North Waziristan Agency. Both his work and conduct remained good.

I wish him success in life.

NOOR HASSAN JAN.
Director Industries and Minerals
Development, FATA Development
Corporation, Peshawar.

ADDU
A. J. J.



Resource Development Corporation (Private) Ltd.

Old Baldia House, Ramsay Road, Off M.A. Jinnah Road,
Quetta - Pakistan.

9

No. 4(405) RDC/91/65-68

Dated: 23-9-91

Mr Shaide Muhammad S/O
Nisar Muhammad C/O
Village and P.O Box Prang,
Mohalla Shaheed Bazar Tehsil & Distt
Charsad (NWFP)

OFFER OF APPOINTMENT

Dear Sir,

With reference to your application dated NIL and your subsequent interview with us we have pleasure in offering you an appointment as Senior Mining Engineer in RDC Pay Scale of Rs.3870-195-6210 Grade IX subject to the following terms and conditions:-

1 You shall be required to undergo a probationary period of THREE months. During the period of probation your employment may be terminated without notice and without assigning any reason.

2 On satisfactory completion of the probationary period you will be confirmed in the service of the Corporation.

3 You shall receive: (per month)

Basic Pay	Rs.	3,870.00
House Rent Allowance 50% of the basic Pay	Rs.	1,935.00
Adhoc Increase	Rs.	387.00
Indexation	Rs.	81.00
Medical Allowance @ 15% of the Basic Pay	Rs.	580.50
Project Allowance	Rs.	-
Dearness Allowance.	Rs.	200.00

TOTAL: Rs. 7,053.50

4 You shall be bound by the Corporation's Rules and Regulations of service as amended from time to time.

AJEW

Contd.....P/2

ONE MONTH'S written notice on either side as may be implied thereof. In case, of breach of any of the terms of this letter, any provision of law, and any rules and regulations of service, you shall be subject to dismissal on charge of misconduct without notice or any benefits.

6. You shall perform, observe and conform to such duties and instructions as may from time to time be assigned or communicated to you by the Corporation.

7. The Corporation may change your designation, responsibilities or duties, from time to time, according to its requirements.

8. You shall not seek nor accept any employment outside the Corporation during the currency of your employment.

9. You shall discharge your duties and responsibilities efficiently and diligently to the satisfaction of the management of the Corporation and you will not act in any manner contrary to the interest of the Corporation.

10. Your appointment is subject to your being found and remaining medically fit at the time of, and during your employment with the Corporation. To determine your medical fitness, you will be required to undergo periodic medical examination as and when decided by the Corporation doctor or the Corporation authorised doctor whose decision shall be final and binding on you.

11. This offer of employment is conditional subject to your acceptance of the terms and conditions as hereinabove contained within a period of seven days of receipt of this letter. In case there is no acceptance within the said period this offer shall be deemed to have been automatically cancelled. No travelling or daily allowance shall be allowed for joining this assignment and at the time of termination of service.


12. Your Headquarter will be at SAINDAK but your appointment will carry liability of service anywhere in Pakistan.

13. You shall sign the duplicate copy of this letter in token of your acceptance of the terms and conditions as contained hereinabove and you should report for duty to the Project Director, Saindak Copper Gold Project, Saindak, within 15 days.

Yours Faithfully

For Resource Development Corporation

I have read the above terms and Conditions and accept the same.


(MUHAMMAD HAYAT BALOCH)
Deputy Manager (A&P)

CC: 1 Project Director RDC Saindak
2 Accounts Deptt RDC/HO Quetta
3 Accounts Deptt RDC Saindak.

SIGNATURE

M.A.B



No. DGM-13(22)/93
GOVERNMENT OF PAKISTAN

MINISTRY OF PETROLEUM AND NATURAL RESOURCES

Tele : { Grams : PETROMINERAL
Phone : 211220
Fax : 821770

Islamabad, the 11th Octb. 1995.

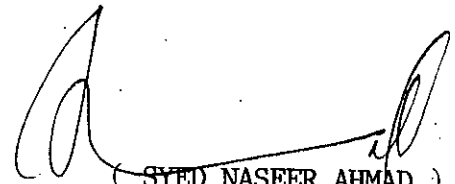
Mr. Shaida Mohammad Khan,
Deputy Director,
Mineral Wing,
M/O Petroleum & N.R.,
Islamabad.

SUBJECT: LETTER OF APPRECIATION

Announcement of the First National Mineral Policy on 23rd September, 1995 was a historic achievement which could be possible after 48 years of Pakistan's life. This achievement was possible through untiring efforts and valuable inputs of the officers of the Mineral Wing under the dynamic leadership of the Director General Minerals.

2. Formulation of the National Mineral Policy has a long story since 1981 but the actual inputs started with start of the Mineral Wing since July 1991. The efforts of Mineral Wing are full of continuous day and night inputs, consultations and deep involvement at Federal/Provincial executive as well as political level with wise and talented planning of the D.G. Minerals and his team of devoted officers including yourself. This Ministry is proud of having officer like you who made this historic event possible. I am confident that your efforts in formulation of Mineral Policy will go long way in promoting exploration and development of Mineral Sector by attracting local as well as foreign investment in this Sector.

3. At the occasion of this historic event, it is my pleasure to convey felicitations and appreciation from my own side as well as on behalf of the Minister for Petroleum and Natural Resources in recognition of the good work done by you towards this achievement. I hope this spirit of initiatives and inputs will continue in future as well, to bring more such events for a prosperous mineral sector leading towards economic development of Pakistan.


(SYED NASEER AHMAD)
SECRETARY

AJEW

N. A. S.

Ann - B H

SAINDAK METALS LIMITED

An Enterprise of the Government of Pakistan
Ministry of Energy (Petroleum Division)
Head Office Building Samungly Road Quetta
Teleph one: 92-81-9201645

No. 4(405)RDC/91/4722

August 6, 2018

TO WHOM IT MAY CONCERN
(CERTIFICATE)

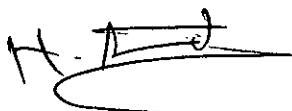
This is to certify that Mr. Shaida Muhammad S/O Nisar Muhammad CNIC No. 17101-0249899-3 was serving in this Organization, which is under the administrative control of Ministry of Energy (Petroleum Division) as Senior Mining Engineer in SML Grade-IX Eqv. BPS-19 since October 12, 1991 to October 15, 2001 He remained engaged the Pre-Stripping of South Ore Body associated with the Metallurgical Construction Company China. His performance, till date employed in this Department was found satisfactory. There is nothing against him during the period of his employment in this Department as render him unsuitable for further employment in Government service.

(MUHAMMAD AFZAL)
Personnel Officer

MUHAMMAD AFZAL
Personnel Officer (HR)
SAINDAK METALS LIMITED

MUHAMMAD AFZAL
Personnel Officer (HR)
SAINDAK METALS LIMITED
Ministry of Energy (Petroleum Division)
Government of Pakistan

Asst. Secy





0459-397834
FAX:0459-397834



MAKERWAL COLLIERIES LIMITED

Makerwal P.O. Makerwal Distt. Mianwali

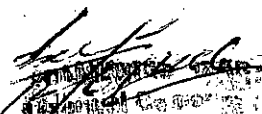
Ref.No. 786-1 Adm-1/2005

Date 12.6.2006

TO WHOM IT MAY CONCERN

This is to certify that Mr. Shaida Muhammad Khan s/o Nisar Muhammad B.Sc Mining Engineer has worked in this Project w.e. from 2.5.2005 to 12.6.2006 as Mining Engineer/Section Manager. He has been found well versed in his trade and hard working. His contribution paid to EOBI w.e. from 1.6.2005 to 31.5.2006.

This certificate is being to him on his own request.

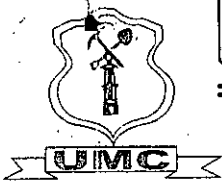

COLLIERIES MANAGER
MCL MAKERWAL

To,

Person concerned

attenu
H. A.

Head Office: 195- 1/D, Model Town Lahore Tel.# 042-5839776



UNITED MINERALS COMPANY

COAL MINES OWNERS


Ref. No 147/08/umc

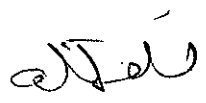

Date: 18/07/2008

To Whom It May Concern

It is certified that Mr. Shaida Muhammad S/O Nisar Muhammad has worked in this firm as a **Mining Engineer** from 30-04-1985 to 30-06-1988. During his staff with us we found him honest, hard worker, motivated and dedicated to his job. We completely satisfied with his intelligence and capabilities.

He has gained experience in all mining activities like mine planning, development work, ventilation plans, safety plans etc. He can solve any critical problem when ever occur, because of his practical knowledge and managerial competency. We wish him more success in his life.


UNITED MINERALS CO.
Aziz Mansion Habib Nala
Jinnah Road Quetta.



Ghani Mines
(Pvt.) Limited

Largest Rock Salt Explorers in Pakistan

13

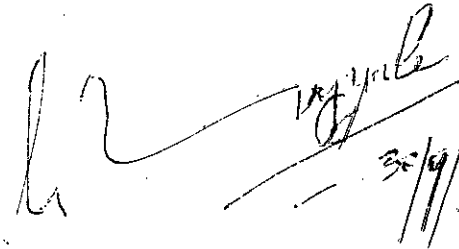
Ref No: GIMPL-Admin-07/13

Date 31-09-2013

TO WHOM IT MAY CONCERN

It is certified that Mr. Shaida Muhammad s/o Nisar Muhammad has worked with our organization as Mining Engineer with effect from September, 2008 to September 2013. His EOBI Card Number is **610-OF-253614** and his contribution towards EOBI for the above period has since been paid accordingly.

We wish him all the best in his future life.


30/9/13

GHANI MINES PVT LTD
QUAIDABAD DISTT KHUSHAB

Asst

N. AS

Head Office:
20-A/D1, Liberty Tower, Suite # 204,
Liberty Market, Gulberg III, Lahore-Pakistan.
Tel.: +92-42-5877761-62
Fax: +92-42-5877763
Website: www.ghanimines.com

Site Office:
Quaidabad, District
Khushab-Pakistan.
Tel.: +92-454-770272
Fax: +92-454-770972



Zeeshan Mining

HEAD OFFICE
P.O. BOX NO.5
3 - M.A. JINNAH ROAD,
QUETTA

Ref. No. 786-03/14.

Date 5-03-2014.

TO WHOM IT MAY CONCERN

We are pleased to certify that MR. SHAIDA MUHAMMAD have served this organization i.e. ZEESHAN COAL MINING, Lease No. ML-CKL-I-COAL-155, in the capacity of Mining Engineer from June, 2006 to July, 2007. We find him hardworking to the entire satisfaction of the management.

We wish him successful in future.

For ZEESHAN MINING.


Chief Executive.

attenu

H.A.S.



Government of
Khyber Pakhtunkhwa
Minerals Development Department

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107

Dated Peshawar, the 16th February, 2017

NOTIFICATION

No. SO (E)/MDD/2-2/2016: On the recommendation of the Project Selection Committee, the competent authority is pleased to appoint Mr. Shaida Muhammad S/O Nisar Muhammad R/O Village & P.O Prang Mohallah Shaheeda Bazar Charsadda, as Project Manager (BPS-18), in the Project titled "Establishment of Model Coal Mines Project Shahkot District Nowshera" with a fixed salary of Rs.85000/- (Rupees Eighty-five thousand only) per month (all inclusive) in the ADP Scheme titled "Establishment of Model Coal Mines Project Shahkot District Nowshera", purely on contract basis subject to, inter-alia, the following Terms & Conditions upto 30.06.2017 further extendable periodically subject to his satisfactory performance, or till expiry of the project whichever is earlier, in the public interest, with immediate effect:

TERMS AND CONDITIONS:

- i. The appointment shall be governed by the Provincial Government Project Policy and the Conduct Rules 1987;
- ii. The appointee shall serve the Government as Project Manager (BPS-18), in the Project titled "Establishment of Model Coal Mines Project Shahkot District Nowshera" with a fixed salary of Rs.85000/- (Rupees Eighty-five thousand only) per month (all inclusive) in the ADP Scheme "Establishment of Model Coal Mines Project Shahkot District Nowshera".
- iii. The appointee shall devote his full time to perform his duties as Project Manager in the ADP Scheme;
- iv. The appointee shall carry out such Administrative functions in relation to his duties as the Govt. may, from time to time, assign to him;
- v. For the service rendered, the appointee shall be entitled to receive pay as may be prescribed in the project policy/PC-I and will not be entitled to earn any annual increments during his contractual appointment. The pay of the appointee will commence from the date of his assumption of charge of the post and ceased on the date of his termination of the agreement or on termination of his services for any reason, whichever may be earlier;
- vi. The appointee shall if required to travel in the public interest be entitled to receive traveling allowance at such rate as may be prescribed;
- vii. The appointee shall not, unless permitted by the Government indulge in private practice nor shall he indulge, directly or indirectly, in any trade, business or occupation, and in any politically activity what 'sever, other than his obligations under the agreement;
- viii. If the performance of the appointee is found un-satisfactory, his services will be terminated on 15-days notice or payment of 15-days salary in lieu of notice;

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- ix. The appointee shall be held responsible for the losses accruing to the project due to his carelessness or inefficiency and which shall be recovered from him;
- x. The appointee shall be entitled to TA / DA in accordance with the TA Rules of Khyber Pakhtunkhwa Province;
- xi. The appointee shall not be entitled to any pension or gratuity for the services rendered by him;
- xii. Either party to this agreement may terminate the agreement by giving to the other party 15-days notice in writing of its intension to do so and on the expiration of such notice the agreement shall be terminated;
- xiii. On the completion of the project, the services of the appointee will be terminated;
- xiv. The appointee shall work against the post for which he was recruited and will not be transferred to any other post in the project or at any other station;
- xv. In case the project post is converted in to regular budgetary post, the post will be filled in according to the rules prescribed for the post through the Public Service Commission or Departmental Selection Committee, as the case may be. The appointee shall have no right of adjustment against the regular post. However, if eligible, he may also apply and compete for the post with other candidates;
- xvi. The appointee shall execute an agreement on Stamp Paper under the Project Policy with the employer;

2. If the above terms and conditions of the Project Policy are acceptable to him, he should report to the Chief Inspector of Mines, Inspectorate of Mines Khyber Pakhtunkhwa, within fourteen days positively after issuance of this Notification failing which his appointment shall be considered as reverted/withdraw.

Secretary to Govt. of Khyber Pakhtunkhwa,
Minerals Dev. Department

Endst: No. & Date Even: /7674-81.

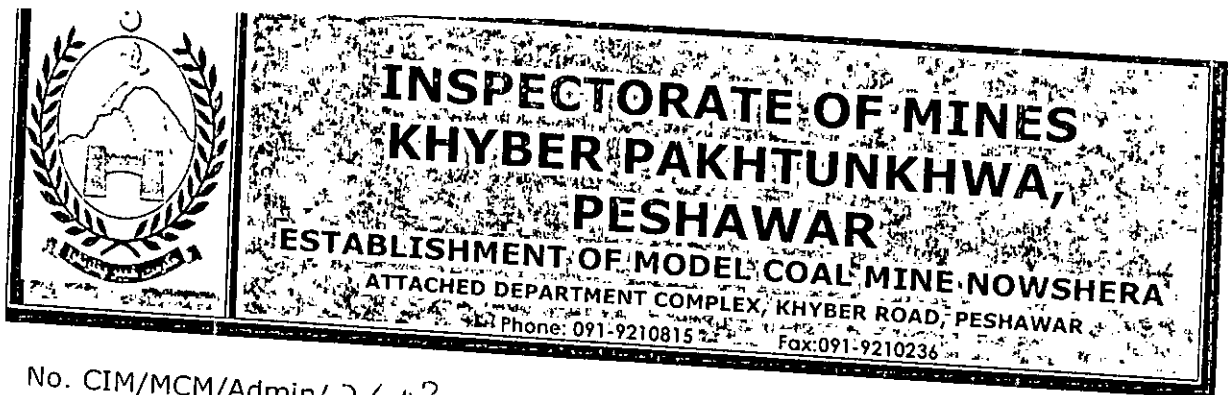
Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Planning, Minerals Development Department.
3. The Chief Inspector of Miens, Inspectorate of Mines, Khyber Pakhtunkhwa Peshawar.
4. The District Accounts officer Nowshera.
5. The Project Director "Establishment of Model Coal Mines Project Shahkot Nowshera"
6. The P.S to Secretary Minerals Development Department.
7. The Officer Concerned.
8. Office Order File.

Autu

H. A. J.

(Muhammad Javed)
Section Officer (Estt :)



No. CIM/MCM/Admin/2603

Date: 26/06/2019

TO WHOM IT MAY CONCERN

It is certified that **Mr. Shaida Muhammad S/O Nisar Muhammad** has worked as Project Manager (BPS-18) in the Establishment of Model Coal Mine in Inspectorate of Mines in Mineral Development Department, Government of Khyber Pakhtunkhwa since 16th February, 2017 till 06th March, 2018. During this period we found him honest, hardworking and dutiful.

We wish him a successful carrier.


PROJECT DIRECTOR/CIM
Establishment of Model Coal Mine

Attes w

H. A. J.



Government of Khyber Pakhtunkhwa
Minerals Development Department
Civil Secretariat Peshawar

Amr-D^B
18

Establishment Section

Da ed: 01/08/2018

Notification

No. SOE/MFJ /2-25/2015. In terms of Section-4 of The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, (Khyber Pakhtunkhwa Act No. X of 2018), the Competent Authority, is pleased to regularize the services of the following employees of the project titled "Establishment of Model Mine at Nowshera", with effect from. 7.3.2018: -

S.No	Name	BPS	Designation
1	Shaيدا Muhammad	18	Deputy Director (T)
2	Faqir Elahi	17	Assistant Director (B&A)
3	Bashir Ahmad	17	Assistant Director (T)
4	Muhammad Tahir	17	Assistant Director (T)
5	Arsalan Ahmad	16	Assistant
6	Shah Fahad	16	Computer Operator
7	Abid Ur Rehman	16	Computer Operator
8	Asif Iqbal	16	Mechanical Supervisor
9	Muhammad Aqeel	12	Surveyor
10	Obaid Ullah	12	Compressor Operator
11	Bakht Jamil shah	12	Compressor Operator
12	Muhammad Ali Shah	12	Shot Firer
13	Asmat Ullah	12	Haulage Driver
14	Noor Wali	11	Mine Sirdar
15	Obaid Ullah	11	Mine Sirdar
16	Muhammad Tauqeer	11	Junior Clerk
17	Sohai Ahmad	11	Junior Clerk
18	Amjad Hayat	9	Store Keeper
19	Arshad Ali	7	Plumber/Pipe Fitter
20	Waheed Ur Rehman	6	Driver
21	Abid Ullah	6	Driver
22	Junaid Muhamad	3	Naib Qasid
23	Dil Muhammad	3	Naib Qasid
24	Shakir Ullah	3	Chowkidar
25	Yasir Gul	3	Chowkidar
26	Habib Ullah	3	Sweeper
27	Sareer Ahmad	3	Sweeper

---sd---

Secretary to
Govt. of Khyber Pakhtunkhwa
Minerals Development Department

Encst: No. & date Even:

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary, Khyber Pakhtunkhwa
4. PS to Additional Chief Secretary P&D Department, Khyber Pakhtunkhwa
5. PS to Secretary Establishment Department, Khyber Pakhtunkhwa
6. PS to Secretary Minerals Development Department, Khyber Pakhtunkhwa
7. PS to Secretary Finance Department, Khyber Pakhtunkhwa
8. Manager Govt. Printing Press
9. All the above named employees
10. Office order file

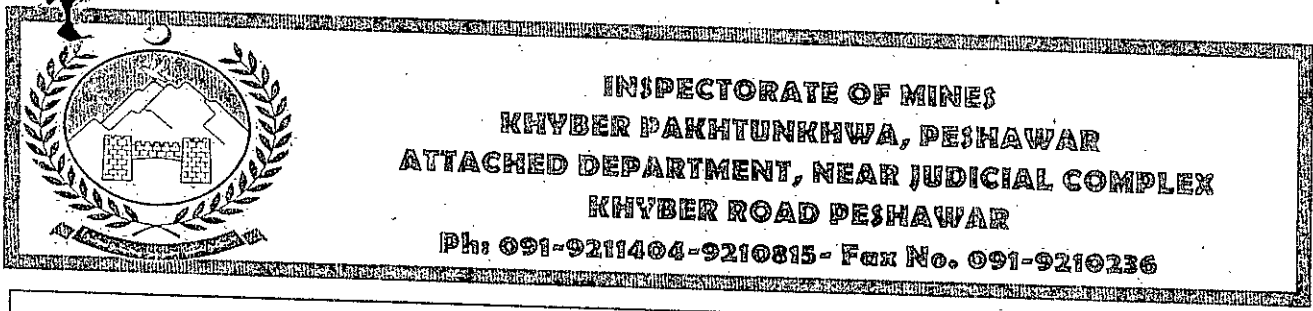
A. N. S.

H. A.

Muhammad Javed
Section Officer (Estt:)

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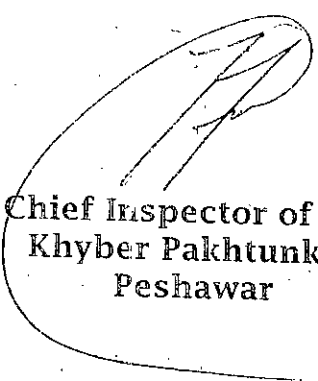
No. CIM/MCM/Admin/ 3170

Dated: 26/06/2019

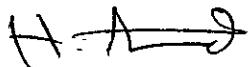
TO WHOM IT MAY CONCERN

It is certified that Mr. Shaida Muhammad S/O Nisar Muhammad has worked as Deputy Director (Technical) (BPS-18) in the Establishment of Model Coal Mine in Inspectorate of Mines in Khyber Pakhtunkhwa since 07.03.2018 to 24.10.2018. During this period we found him honest, hardworking and dutiful.

We wish him a successful carrier.


Chief Inspector of Mines
Khyber Pakhtunkhwa
Peshawar





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**Government of
Khyber Pakhtunkhwa
Minerals Development Department**

SOE/MDD/2-17/Superannuation/2019
Dated Peshawar, the 24th July, 2019

7996-01

NOTIFICATION

No. SOE/MDD/2-17 /2019/Superannuation.

In terms of Rule 20 of Revised Leave Rules 1981, Competent Authority has been pleased to allow Mr. Shaida Muhammad, Deputy Director (technical) (BS-18), Establishment of Model Coal Mine Jalozai, District Nowshera to proceed on retirement on attaining the age of superannuation w.e.f 24-10-2018.

Secretary to Govt. of Khyber Pakhtunkhwa,
Minerals Dev. Department

No. No. SOE/MDD/2-17 /2019/Superannuation:

Dated: 24th July, 2019

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Nowshera.
2. The Director General Mines & Minerals, Khyber Pakhtunkhwa, Peshawar.
3. P.S to Minister for Minerals Development Khyber Pakhtunkhwa.
4. P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Manager, Govt. Printing Press, Peshawar.
6. The Officer Concerned.

Asamudis
Section Officer (Estt.)

A. J. J. J.

H. A. J.



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Government of
Khyber Pakhtunkhwa
Minerals Development Department

No. SO (E)/MDD/2-17/2019
Dated Peshawar, November 07, 2019

/12982


To



Mr. Shaida Muhammadi,
Ex-Deputy Director (Tech),
Establishment of Coal Mines, Nowshera.

- Subject: 1. REQUEST FOR FAVORABLE CONSIDERATION OF MY PREVIOUS 13 YEARS OF GOVERNMENT SERVICE TO AWARD ME THE PENSION BENEFITS / FACILITIES AFTER MY RETIREMENT FROM THE MINES & MINERALS DEPARTMENT.
2. APPLICATION FOR THE EARLY DECIDING OF APPLICATION FILED BY THE APPLICANT ON 04-09-2018 FOR THE PURPOSE OF CONSIDERING MY 13 YEARS PROJECT SERVICES OF APPLICANT FOR THE PURPOSE OF PENSION AND OTHER BENEFITS AVAILABLE FOR REGULAR EMPLOYEES ON HIS RETIREMENT.

I am directed to refer to your applications dated 04-09-2018 and 17-10-2019 on the subjects noted above and to state that your applications have been filed by the competent authority being not covered under the rules. Moreover, a copy of Finance Department letter No.FD/SOSR-II/4-36/2019, dated 25-06-2019 containing instructions regarding entitlement of Government servants for pension is also enclosed for information.


(Mian Hussain Din)
Section Officer (Estt.)

Encls: as Above.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD/SOSR-II/4-36/2019
Dated Peshawar the 25.06.2019

Mineral Dev: Deptt: (KPK)
Secy: Diary No.. 6537..
Date.. 27-06-2019..

DS (Admin) M.M.D
D.No. 3002
Date 27-6-2019

To
The Secretary to Govt. of Khyber Pakhtunkhwa
Minerals Development Department, → P-74/c
Khyber Pakhtunkhwa.

Subject:- REQUEST FOR ISSUANCE OF RETIREMENT NOTIFICATION.

Dear Sir,

→ P-83/c
I am directed to refer to your letter No. SO(E)/MDD/2-17/2019/4285 dated 22.05.2019 on the subject noted above and to state that the case has been examined. Under Rule 3.4 of Civil Servant Pension Rules and Orders 2006 " A Superannuation Pension is granted to Government Servant who retired on or after attaining the age of sixty years. Moreover, under rule 4.4 of the rules ibid, after a qualifying service of not less than 10 years, full superannuation, retiring invalid or compensation pension may be granted not excluding the maximum limits.

In view of the above, the retiring age of Superannuation Pension is 60 years. However, the minimum qualifying service for Pension is 10 years. In the instant case, the Officer after its regularization on 07.03.2018 under the Employees Regularization of Services Act 2018, has rendered only 07 months and 17 days service against a regular post which is not countable towards Pension under the relevant Civil Servant Pension Rules 2006.

Yours Faithfully

(MGAZZAM KHAN)
(SECTION OFFICER (SR.II))

(SECTION OFFICER (SR.II))

Copy for Master File.

Minerals Dev. Department
Date 27-6-2019
Add. Secy. D. No. 830

AS

The officer concerned may be informed.

DS(A)

Put up pl.

→
S.O(E) / P-83/c 27.06.19

SA

28.6.2019

Reminder

To

The Secretary,
Mineral Development Department,
Khyber Pakhtunkhwa Peshawar.

(Through proper channel)

Subject: **APPLICATION FOR THE EARLY DECIDING OF APPLICATION FILED BY THE APPLICANT ON 04/09/2018 FOR THE PURPOSE OF CONSIDERING MY 13 YEARS PROJECT SERVICES OF APPLICANT FOR THE PURPOSE OF PENSION AND OTHER BENEFITS AVAILABLE TO A REGULAR EMPLOYEES ON HIS RETIREMENT**

Respected Sir,

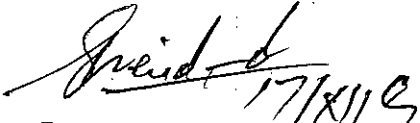
With reference to my application dated: 04/09/2018 on the above mentioned subject (copy is enclosed) which is self explanatory but no action is taken on the matter so far.

It is further submitted that I filed an application for considering my above mentioned service for pension and other available benefits to regular government employees and still I am waiting for the decision of that application.

It is therefore humbly requested that a favorable decision may kindly be made on my application as early as possible.

Thanking you

Diary No. 5115
Dated 17/12/2019
Inspectorate of Mines
Khyber Pukhtunkhwa
Peshawar.


Engr. Shaida Muhammad
Ex-Deputy Director(Tech)
Mines & Mineral Department
Khyber Pakhtunkhwa

To

The Chief Inspector of Mine,
Inspectorate of Mines,
Khyber Pakhtunkhwa Peshawar.

Mineral Dev: Deptt: (KPK)

Secy: Diary No..7830..

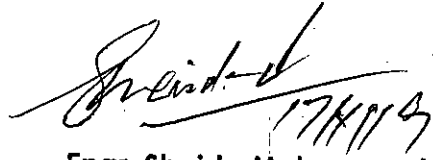
Date...17.10.2019..

Subject: APPLICATION FOR THE EARLY DECIDING OF APPLICATION FILED BY THE APPLICANT ON 04/09/2018 FOR THE PURPOSE OF CONSIDERING MY 13 YEARS PROJECT SERVICES OF APPLICANT FOR THE PURPOSE OF PENSION AND OTHER BENEFITS AVAILABLE TO A REGULAR EMPLOYEES ON HIS RETIREMENT

Respected Sir,

Please forwarded my application with enclosure to the Secretary Mines & Mineral for further necessary action.

Thanking you



Engr. Shaida Muhammad
Ex-Deputy Director(Tech)
Mines & Mineral Department
Khyber Pakhtunkhwa

O/C

✓ The Secretary Mines & Mineral Department,
Civil Secretariat Peshawar (KPK).
(Through the Chief Inspector of Mines KPK Peshawar)

Subject: **Request For Favorable Consideration Of My Previous 13 Years Of The Government Services To Award Me The Pension Benefits/Facilities After My Retirement From The Mines & Minerals Department.**

R/Sir,

It is stated that I had served the industries & Minerals Development Federally Administered Tribal Areas Development Corporation (FATA DC) Government of Pakistan Peshawar as Mining Engineer (BPS-17) w.e.f. 7-7-1988 to 5-10 1991 & had drawn Salary to the tune of Rs. 5287/month (as an Annexure-A). Then I joined Saindak Metals Ltd (an enterprise of the Government of Pakistan, Ministry of Petroleum & Natural Resources) as Senior Mining Engineer (RDC Grade - ix equivalent to BPS-19) w.e.f. 12-10-1991 to 15-10-2001, & had drawn salary to the tune of RS. 23000/Month (as an Annexure-B).

I have also worked as Project Manager (BPS-18) in the project Establishment of Model Coal Mine from 22/02/2017 to 07/03/2018.(as an annexure-C). Presently I am working as Deputy Director Technical (BPS-18) in the Mines & Minerals Department (KPK) w.e.f. 07-03-2018 till date (as an Annexure-D). My date of retirement is 24-10-2018.

Keeping in view the above facts, I hereby request your great honor to consider my 13 years of previous Government services towards pension so that I may also avail the benefits & all other related facilities admissible to Government servant after retirement on special Sympathetic and humanitarian grounds.

Thanking You

Yours Faithfully




Engr Shaida Mohammad
Engr Shaida Mohammad

Deputy Director (T)

Mines & Mineral Department.

attch

H.A.

قیمت 50 روپے	34337			
ایڈوکیٹ: حفیظ الاسد شانگلہ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر: 0314 5951897				

بعدالت جناب: سر و سسر سروسٹیل، لپٹامہ

مخائب: سائل / اپیلانٹ	دعویٰ: لیسٹڈ کمپنی
شیر احمد	علت نمبر:
بنام	مورخہ:
حکومت	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام سروسٹیل کے لیے حفیظ الاسد شانگلہ ایڈوکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

29/11/09

المقوم:

العبد گواہ شد العبد

مقام سروسٹیل کے لیے منظور ہے۔

Said
29/11/09

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, 2013.

(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;

(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;

Asstt. Secy. Health
Govt. of Khyber Pakhtunkhwa
Peshawar

- (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 of 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.

Asstt. Secy. Govt. of Khyber Pakhtunkhwa
Law Department

(2) The expression "ad hoc 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 ad hoc 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 ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

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

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

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

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

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

Asstt. Secy. to Govt. of M.P. Law, Bhopal

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.
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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.
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12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
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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.

Asstt. Secy
Govt. of Khyber Pakhtunkhwa
Law, Peshawar

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, Khyber Pakhtunkhwa.
- 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).
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29. Strengthening of Information Department.
30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
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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 Shāhkōt 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.

Assist. Leg. Dir. of
Govt. of Khyber Pakhtunkhwa
Lahore

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

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

SCHEDULE

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
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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.
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55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
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58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.



3/1/22

DIRECTORATE GENERAL MINES AND MINERALS

KHYBER PAKHTUNKHWA

ATTACHED DEPARTMENTS COMPLEX, KHYBER ROAD PESHAWAR

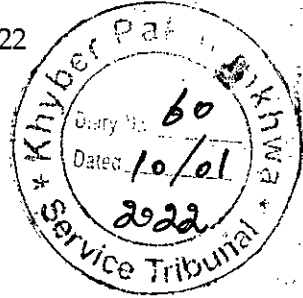
No. 450 /DGMM/ Admn/SA No. 1605/2019

Dated 07 /01/2022

To

✓
The Registrar,
Service Tribunal Khyber Pakhtunkhwa,
Peshawar.

13/04



Subject **SERVICE APPEAL No. 1605/2019 TITLED SHAIDA MUHAMMAD VS GOVT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS.**

I am directed to refer to the subject noted above and to state that the said appeal fixed on 03/01/2022 for hearing before the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar.

In this regard, it is stated that the said appeal does not relate to Respondent No. 03 Director General of Mines and Minerals Khyber Pakhtunkhwa. The appellant Mr. Shaida Muhammad was working in the project of Inspectorate of Mines Khyber Pakhtunkhwa.

In view of above, it is requested that the Respondent No. 03 i.e Director General Mines & Mineral Khyber Pakhtunkhwa may be withdrawn from the said Service Appeal and Chief Inspector of Mines Khyber Pakhtunkhwa may be considered as Respondent No. 03, please.

Assistant Director (Admin)
H/Q Office, Peshawar.

Dated _____/01/2022

Endst: _____/DGMM/Admn/SA No. 1605/2019:

Copy forwarded to:

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa, Peshawar.
2. PA to Chief Inspector of Mines Khyber Pakhtunkhwa. Peshawar.
3. Deputy Director (Litigation) H/Q Office Peshawar.
4. The Section Officer (Litigation) Mineral Development Khyber Pakhtunkhwa with reference to letter No.SO(Lit)/MDD//1-1450/2021/8193-95 dated: 07.12.2021 and to request to make correspondence in the above mentioned Service Appeal with Chief Inspector of Mines, please.
5. Master File/DGMM/Admn/2021.

Put up to the court with appeal.

Ready

10/01/2022

Assistant Director (Admin)
H/Q Office, Peshawar.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1605/2019

Shaida Muhammad S/O Nisar Muhammad R/O Village Sadiq
Abad, Ghari Baloch P.O Pakha Ghulam Tehsil and District
Peshawar..... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa & Others.... (Respondent)

S#	Description of Documents	Annexures	Pages
1.	Parawise Comments	-	2-6
2.	Pension Rules	A	7-9
3.	Copy of Notification of Appointment in Projects	B	10-11
4.	Copy of Regularization Notification	C	12



21 MAR 2022

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1605/2019

Shaida Muhammad S/O Nisar Muhammad R/O Village Sadiq
Abad, Ghari Baloch P.O Pakha Ghulam Tehsil and District
Peshawar..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
2. Government of Khyber Pakhtunkhwa Mines and Minerals
Department through Secretary at Civil Secretariat, Peshawar
3. Chief Inspector of Mines Khyber Pakhtunkhwa, at Khyber
Road, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Finance at Civil Secretariat, Peshawar
5. Ministry of Petroleum and Natural Resources through
Secretary at Federal Secretariat,
Islamabad.....(Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENTS No.1 to 5

Respectfully Sheweth:

The written reply on behalf of respondents No. 1 to 5
is humbly submitted as under:

Preliminary Objection:

1. That the Appellant has not come to this Hon'ble court
with clean hands.
2. That the Appellant filed petition on mala-fide
intention.

3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the Appellant had only served **07 months and 17 days** of regular service in Model Coal Mines, Inspectorate of Mines Khyber Pakhtunkhwa. Hence, he is not eligible for pension.

ON FACTS:

1. Not related to Responding Department, hence unable to respond the instant para.
2. Not related to Responding Department, hence unable to respond the instant para.
3. Correct to the extent of his project employment that was ended on 06.03.2018.
4. Correct to the extent of regularization from the date 07.03.2018.
5. Incorrect. The respondent had just rendered 07 months & 17 days regular service. The superannuation Notification is silent about retirement benefits.
6. Correct to the extent that the Appellant had submitted an application for considering his non regular service/service under Government Administrative for the purpose of pension benefit which was thereafter forwarded to Secretary Minerals Development Department who had turn down/filed his request on the grounds that his

regular service of seven months and seventeen days is less than ten years therefore, he is not eligible under Rule-3(1)(a) of Khyber Pakhtunkhwa Civil Servants Pension Rules 2021 (**copy is attached as Annex-A**).

7. Needs No Comments.

GROUND:

A. Needs No comments.

B. Incorrect. The Appellant was appointed in the Annual Development Programme titled "Establishment of Model Coal Mines Project Shahkot District Nowshera" under Provincial Government Project Policy and the Conduct Rules, 1987 vide Minerals Development Department Notification No. SO (E)/MDD/2-2/2016/7674-81 dated 16.02.2017 (**Copy is attached as Annex-B**). His Services were regularized w.e.f 07.03.2018 vide Notification No. SO(E)/MDD/2-25/2015 dated 01.08.2018 under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 (**Copy is attached as Annex-C**). Thereafter, on attaining the age of superannuation, he was retired from service with effect from 24.10.2018. He has rendered 07 months 17 days regular service only and has been dealt in accordance with rules/law etc. on the subject.



C. Incorrect. The Appellant was appointed in the Model Coal Mines Project of Inspectorate of Mines, Khyber Pakhtunkhwa in 2017 on the terms and conditions accepted by the appellant, wherein, Clause-xi of the terms and condition clearly states that **"The appointee shall not be entitled to any pension of gratuity for the services rendered by him"**. Therefore, the appellant is not entitled to claim any pension for the project service. Moreover, under Rule-3(1)(a) of the Khyber Pakhtunkhwa Civil Servant Pension Rules 2021, the minimum qualifying service for pension is 10 years. However, the Appellant after its regularization on 07.03.2018 has rendered only **seven months and seventeen days** service against a regular post which is not countable towards pension under the relevant Khyber Pakhtunkhwa Civil Servant Pension Rules 2021. Furthermore, the services rendered by Appellant in different projects do not relate to this Department. Therefore, he is not entitled for pension from this Department.

D. Needs No Comments.

E. Needs No Comments.

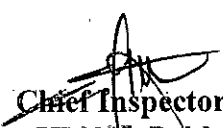
PRAYERS:

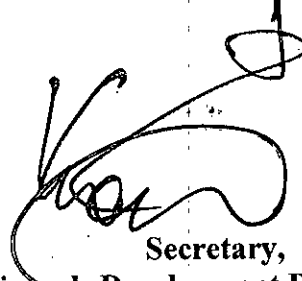
It is therefore, humbly prayed that, on acceptance of this written narrative comments...

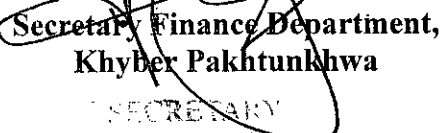
behalf of respondents, the appeal of the appellant may graciously be dismissed.

Moreover, the appellant had wasted the precious time and resources of government in the instant case, therefore, he may be ordered to bear the cost of proceedings.

Respondents:


Chief Inspector of Mines,
Khyber Pakhtunkhwa
Khyber Pakhtunkhwa
Peshawar.


Secretary,
Minerals Development Department,
Khyber Pakhtunkhwa
Govt. of Khyber Pakhtunkhwa
Minerals Dev. Department,
Peshawar.


Secretary Finance Department,
Khyber Pakhtunkhwa
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt.


Chief Secretary
Government of Khyber Pakhtunkhwa



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 06th SEPTEMBER, 2021.

GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

NOTIFICATION

Dated Peshawar, the 06th September, 2021

No. SOSR-II/FD/2-4/2021.---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 Chief Minister of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

KHYBER PAKHTUNKHWA CIVIL SERVANTS PENSION RULES, 2021

Chapter-I

Preliminary

1. **Short title and commencement---** (1) These rules may be called the Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021.

(2) These rules shall come into force at once.

2. **Definitions.---**In these rules, unless the context otherwise requires:-

(a) "Act", means the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973);

(b) "Accounts Officer", means an officer, who keeps the accounts of Government and includes the Accountant General, Khyber Pakhtunkhwa, District Comptrollers of Accounts and District Accounts Officers and any other officer, who keeps Government accounts;

(c) "competent authority" means the authority to appoint civil servants in-various basic pay scales respectively;

(d) "commutation", means the advance payment of 35% of gross pension to the pensioner for the specific period as specified under these rules, which shall be restorable when the paid amount is

(c) "family" means-

(i) wife in the case of male civil servant or husband in case of female civil servant, for life time or till re-marriage;

(ii) children as per detail given below; who were dependent upon the deceased civil servant or pensioner;

(a) unmarried daughters, life time or till marriage;

(b) disabled and retarded children, for life time and without age limit;

(c) widowed or divorced daughters, for life time or till remarriage;

(d) son(s) upto the age of 21 years; and

(e) in case of non-existence of any of the above family members, to the father or failing the father to the mother subject to the condition that they were wholly dependent upon the deceased civil servant or pensioner and have no other source of income.

(f) "family pension", means a compassionate grant paid to the family at the rate of hundred percent (100%) of the pension;

(g) "gratuity", means the amount as specified by Government and paid to the family of a civil servant who dies while in service;

(h) "gross pension" means the pension before surrender of the amount for commutation of gratuity;

(i) "net pension" means the pension being drawn, minus medical allowance;

(j) "pension" means a periodical payment, made by Government, in consideration of past service, rendered by a civil servant;

(k) "pensioner", means a civil servant retired from service and receiving pension or a member of the family of a deceased civil servant in case of family pension;

(l) "Pension Form" means the Pension Form appended to these rules;

Chapter-II
Service Qualifying for Pension

3. **Conditions of qualification.**---(1) The service of a civil servant does not qualify for pension unless it conforms to the following conditions:

- (a) the service shall not be less than ten years;
- (b) the service must be paid by Government from the Provincial Consolidated Fund;
- (c) the service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension;
- (d) the time spent by a civil servant in approved training shall count as service qualifying for pension; however, the period of training before actual appointment to a civil post shall not count for pension;
- (e) all leave, other than extra ordinary leave counts as qualifying service for the purpose of pension;

Explanation: The period of extraordinary leave shall not be treated as qualifying service for pension but only as a bridge between the two periods of qualifying service.

- (f) the period of suspension, followed by reinstatement, shall be deemed to have been the period as qualifying for pension, regardless of the fact whether the civil servant was or was not allowed full pay and allowances for the period of suspension;
- (g) time spent by a civil servant on deputation in another Government or autonomous body working under Government;
- (h) military pensionable service which ceases before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service;
- (i) if a permanent post, on which a civil servant holds a lien, is abolished, under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post, under Government, qualifies for pension; and
- (j) for the purpose of grant of pension for the service in an autonomous or semi-autonomous body, the pay drawn and the effective service, rendered by a civil servant in an autonomous or semi-autonomous body, the authorized capital of which is wholly subscribed by the Federal or Government in a post, appointment to which is by law, required to be made and salary of which is required to be fixed by the Federal Government or Government shall be treated as pay



Government of
Khyber Pakhtunkhwa
Minerals Development Department

Amx-C
H/S 58

Dated Peshawar, the 16th February, 2017

NOTIFICATION

No. SO (E)/MDD/2-2/2016: On the recommendation of the Project Selection Committee, the competent authority is pleased to appoint Mr. Shaida Muhammad S/O Nisar Muhammad R/O Village & P.O Prang Mohallah Shaheeda Bazar Charsadda, as Project Manager (BPS-18), in the Project titled "Establishment of Model Coal Mines Project Shahkot District Nowshera." with a fixed salary of Rs.85000/- (Rupees Eighty-five thousand only) per month (all inclusive) in the ADP Scheme titled "Establishment of Model Coal Mines Project Shahkot District Nowshera", purely on contract basis subject to, inter-alia, the following Terms & Conditions upto 30.06.2017 further extendable periodically subject to his satisfactory performance, or till expiry of the project whichever is earlier, in the public interest, with immediate effect:

TERMS AND CONDITIONS:

- i. The appointment shall be governed by the Provincial Government Project Policy and the Conduct Rules 1987;
- ii. The appointee shall serve the Government as Project Manager (BPS-18), in the Project titled "Establishment of Model Coal Mines Project Shahkot District Nowshera" with a fixed salary of Rs.85000/- (Rupees Eighty-five thousand only) per month (all inclusive) in the ADP Scheme "Establishment of Model Coal Mines Project Shahkot District Nowshera".
- iii. The appointee shall devote his full time to perform his duties as Project Manager in the ADP Scheme;
- iv. The appointee shall carry out such Administrative functions in relation to his duties as the Govt. may, from time to time, assign to him;
- v. For the service rendered, the appointee shall be entitled to receive pay as may be prescribed in the project policy/PC-I and will not be entitled to earn any annual increments during his contractual appointment. The pay of the appointee will commence from the date of his assumption of charge of the post and ceased on the date of his termination of the agreement or on termination of his services for any services for any reason, whichever may be earlier;
- vi. The appointee shall if required to travel in the public interest be entitled to receive traveling allowance at such rate as may be prescribed;
- vii. The appointee shall not, unless permitted by the Government indulge in private practice nor shall he indulge, directly or indirectly, in any trade, business or occupation, and in any politically activity what sever, other than his obligations under the agreement;
- viii. If the performance of the appointee is found un-satisfactory, his services will be terminated on 15-days notice or payment of 15-days salary in lieu of notice;

P.T.O

- (ix) The appointee shall be held responsible for the losses accruing to the project due to his carelessness or inefficiency and which shall be recovered from him;
- x. The appointee shall be entitled to TA / DA in accordance with the TA Rules of Khyber Pakhtunkhwa Province;
- xi. The appointee shall not be entitled to any pension or gratuity for the services rendered by him;
- xii. Either party to this agreement may terminate the agreement by giving to the other party 15-days notice in writing of its intension to do so and on the expiration of such notice the agreement shall be terminated;
- xiii. On the completion of the project, the services of the appointee will be terminated;
- xiv. The appointee shall work against the post for which he was recruited and will not be transferred to any other post in the project or at any other station;
- xv. In case the project post is converted in to regular budgetary post, the post will be filled in according to the rules prescribed for the post through the Public Service Commission or Departmental Selection Committee, as the case may be. The appointee shall have no right of adjustment against the regular post. However, if eligible, he may also apply and compete for the post with other candidates;
- xvi. The appointee shall execute an agreement on Stamp Paper under the Project Policy with the employer;

2. If the above terms and conditions of the Project Policy are acceptable to him, he should report to the Chief Inspector of Mines, Inspectorate of Mines Khyber Pakhtunkhwa, within fourteen days positively after issuance of this Notification failing which his appointment shall be considered as reverted/withdraw.

Secretary to Govt. of Khyber Pakhtunkhwa,
Minerals Dev. Department

Enclst: No. & Date Even: /7674-81.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Planning, Minerals Development Department.
3. The Chief Inspector of Miens, Inspectorate of Mines, Khyber Pakhtunkhwa Peshawar.
4. The District Accounts officer Nowshera.
5. The Project Director "Establishment of Model Coal Mines Project Shahkot Nowshera"
6. The P.S to Secretary Minerals Development Department.
7. The Officer Concerned.
8. Office Order File.

(Muhammad Javed)
Section Officer (Estt :)



Government of Khyber Pakhtunkhwa
Minerals Development Department
Civil Secretariat Peshawar

Establishment Section

Da ed: 01/08/2018

Notification

No. SOE/MFI/2-25/2015. In terms of Section-4 of The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, (Khyber Pakhtunkhwa Act No. X of 2018), the Competent Authority, is pleased to regularize the services of the following employees of the project titled "Establishment of Model Mine at Nowshera", with effect from. 7.3.2018: -

S.No	Name	BPS	Designation
1	Shaida Muhammad	18	Deputy Director (T)
2	Faqir Elahi	17	Assistant Director (B&A)
3	Bashir Ahmad	17	Assistant Director (T)
4	Muhammad Tahir	17	Assistant Director (T)
5	Arsalan Ahmad	16	Assistant
6	Shah Fahad	16	Computer Operator
7	Abid Ur Rehman	16	Computer Operator
8	Asif Iqbal	16	Mechanical Supervisor
9	Muhammad Aqeel	12	Surveyor
10	Obaid Ullah	12	Compressor Operator
11	Bakht Jamil shah	12	Compressor Operator
12	Muhammad Ali Shah	12	Shot Firer
13	Asmat Ullah	12	Haulage Driver
14	Noor Wali	11	Mine Sirdar
15	Obaid Ullah	11	Mine Sirdar
16	Muhammad Tauqeer	11	Junior Clerk
17	Sohai Ahmad	11	Junior Clerk
18	Amjad Hayat	9	Store Keeper
19	Arshad Ali	7	Plumber/Pipe Fitter
20	Waheed Ur Rehman	6	Driver
21	Abid Ullah	6	Driver
22	Junaid Muhammad	3	Naib Qasid
23	Dil Muhammad	3	Naib Qasid
24	Shakir Ullah	3	Chowkidar
25	Yasir Gul	3	Chowkidar
26	Habib Ullah	3	Sweeper
27	Sareer Ahmad	3	Sweeper

---sd---

Secretary to
Govt. of Khyber Pakhtunkhwa
Minerals Development Department

List: No. & date Even:

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary, Khyber Pakhtunkhwa
4. PS to Additional Chief Secretary P&D Department, Khyber Pakhtunkhwa
5. PS to Secretary Establishment Department, Khyber Pakhtunkhwa
6. PS to Secretary Minerals Development Department, Khyber Pakhtunkhwa
7. PS to Secretary Finance Department, Khyber Pakhtunkhwa
8. Manager Govt. Printing Press
9. All the above named employees
10. Office order file

Muhammad Javed
Section Officer (Estt.)

13/04/2022

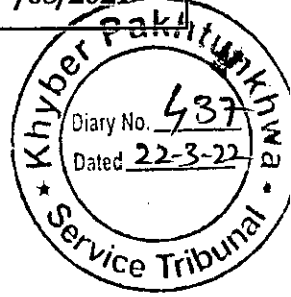


INSPECTORATE OF MINES
KHYBER PAKHTUNKHWA, PESHAWAR
ATTACHED DEPARTMENT, NEAR JUDICIAL COMPLEX
KHYBER ROAD PESHAWAR
Ph: 091-9211746- Fax No. 091-9210236 Email: iomadmn@gmail.com

No. CIM/Admn/Court Cases/Shaida Muhammad/2022/1430 Dated: 21 /03/2021

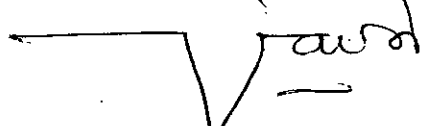
To

The Registrar,
Service Tribunal Khyber Pakhtunkhwa,
Peshawar.




Subject: - SERVICE APPEAL NO. 1605/2019 TITLED SHAIDA MUHAMMAD VS GOVT: OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS

I am directed to refer to the subject noted above and to submit herewith the Parawise Comments of subject appeal of Shaida Muhammad vs Govt: of Khyber Pakhtunkhwa in original and 4 copies alongwith a copy vetted through Additional Advocate General Service Tribunal Khyber Pakhtunkhwa for further process, please.


Assistant Director
(Administration)
Inspectorate of Mines
Khyber Pakhtunkhwa

Endstt: No. CIM/Admn/Court Cases/Shaida Muhammad/2022/_____ Dated: /03/2022
Copy forwarded to:

1. The Chief Inspector of Mines Khyber Pakhtunkhwa.
2. P.S to Secretary Minerals Development Department.
3. P.S to Secretary Finance Khyber Pakhtunkhwa.
4. Section Officer (Litigation) Minerals Development Department w/r to his letter No. SO(Lit)/MDD/1-1450/2022/4284-85, dated 15.03.2022.
5. The Assistant Director (Admin), H/Q Office Directorate General Mines and Minerals w/r to his letter No. 451-55/DGMM/ Admn/SA No 1605/2019 dated 07.01.2022.


Assistant Director
(Administration)
Inspectorate of Mines
Khyber Pakhtunkhwa

IN THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1605/2019

Shahida Muhammad

.....Appellant/Petitioner

Versus


Government of Khyber pakhtunkhwa & others

.....Respondents

INDEX

<u>Sr. No.</u>	<u>Description</u>	<u>Pages</u>
01.	Reply on behalf of Respondent No.	01
02.	Affidavit and authorization	02

Respondent No: 05



MUHAMMAD UMAR FAROOQ
Assistant Director (Legal)
Ministry of Energy (Petroleum Division)
(Policy Wing)
Government of Pakistan, Islamabad

IN THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1605/2019

Shahida Muhammad

.....Appellant/Petitioner

Versus

Government of Khyber pakhtunkhwa & others

.....Respondents

Reply of behalf of Respondent no 5 (Secretary, Petroleum Division, Government of Pakistan, Islamabad)

Respectfully Sheweth:

REPORT

1. That saindak Metals Ltd. (SML) is a Public Limited Company, registered with Securities and Exchange Commission of Pakistan (SECP) under Companies Act. SML being a limited Company has its own non-statutory service rules being approved by its own Board of Directors.
2. That employees of SML are purely dealt/governed with employees rules and terms and conditions being signed with SML independently.

PRAYER:

In the light of above submissiions, and being an employment issue of SML, no prayer/relief claimed against Respondent no.5, it is respectfully prayed that this Hon'ble Court may deleted that the name of Respondent No.5 from the array of Respondents.



On behalf of Respondent No.5

MUHAMMAD UMAR FAROOQ
Assistant Director (Legal)
Ministry of Energy (Petroleum Division)
(Policy Wing)
Government of Pakistan, Islamabad

IN THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1605/2019

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Versus

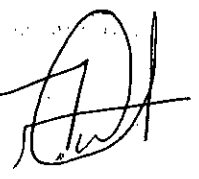
Government of Khyber pakhtunkhwa & others

.....Respondents

AFFIDAVIT

I, Muhammad Umar Farooq, Assistant Director (Legal), Ministry of Energy (Petroleum Division), Islamabad, do hereby solemnly affirm that the contents of the Para-wise comments on behalf of respondent No.5 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court/Tribunal.

MUHAMMAD UMAR FAROOQ
Assistant Director (Legal)
Ministry of Energy (Petroleum Division)
(Policy Wing)
Government of Pakistan, Islamabad



DEPONENT

CNIC: 38201-9559922-9
CELL No: 0345-8664009