

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 1227/2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7458

Dated 13/09/23

**MUHAMMAD SAUD,**  
**ASSISTANT DIRECTOR (M&E) ST&IT DEPARTMENT..... APPELLANT**

**VERSES**

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH**

**Subject: Joint Para wise comments of the Respondents**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action or locus standi to file the instant Service Appeal.
2. The appellant has in Fact- Tried to mislead/Misguide the Honorable Tribunal.
3. The appellant has concealed the material facts from this honorable Tribunal hence it is liable to be dismissed.
4. The appellant has not come to this honorable Tribunal with clean hands.
5. The present Service Appeal is liable to be dismissed for non-joinder / misjoinder of necessary parties.
6. The instant Service Appeal is against the prevailing law and rules.
7. The instant Service Appeal is not maintainable in the present form and also in the present circumstances of the issue.
8. That the appellant is estopped by their own conduct to file instant appeal.

**FACTS:**

1. **No comments.**
2. As per record the appellant was initially appointed in defunct FATA Development Authority (FDA) Peshawar against the posts of Assistant Manager Monitoring & Evaluation (M&E) BPS-17 (**Annexed-D**)
3. In compliance with FATA Development Authority (FDA) Regulation (Repeal) Act 2020 the institution was declared defunct and thus dissolved. Whereas, appellant along with other personnel of the defunct FDA were declared "Surplus" and kept under the supervision of Establishment & Administration Department vide Notification No.SO(O&M)/3-18/2020 dated 05-08-2020 (**Annexed-E**) and FATA Development Authority Regulation (Repeal) Act 2020 (**Annexed-F**).
4. **Correct.** In light of Surplus Pool Policy, the appellant has been adjusted vide Establishment Department Notification No.SOE-III(E&AD)1-3/2020/FDA dated 09-10-2020 (**Annexed-G**) and in pursuance of the Establishment Department Notification therefore, the petitioner's services were further placed at the disposal of Directorate of S&T vide ST&IT Notification No.SO(E)ST&IT/KP/PF/1-158/2020 dated 23-10-2020 against the

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vacant regular post of Assistant Director (M&E) BPS-17 in Directorate of Science & Technology (**Annexed-H**). In compliance with order, the appellant gladly accepted the Terms & Conditions laid down in his appointment order and consequently he has joined the ~~charge~~ vide Charge Assumption Report dated 13-10-2020 (**Annexed-I**), however, he did not raise the issue of relevancy of the job description and qualification at the time of assumption of the charge.

5. **Incorrect.** As per prevailing Service Rules of Directorate of S&T vide ST&IT Department Notification No. SO(E)/ST&IT/KP/2-36/2018-19/Vol-VI dated 31-01-2020, Initial recruitment quota is observed/mentioned therein. However, there is no hurdle in the career progression of the appellant for further promotion to higher posts in BPS-18 and onward. It is further added that for promotion to the post of Deputy Director BPS-18, there are no hurdles whatsoever that can hamper his further promotion, as per following criteria laid down in the prevailing Service Rules:

***“By promotion, on the basis of Seniority-cum-fitness, from amongst Assistant Directors, Internet and Information Managers and Network Managers having at least Five years Service” (Service Rules Annexed-J).***

In order to give further opportunity for promotion to the appellant from Assistant Director to Deputy Director, amendment has been made in the above Service Rules on 16-12-2022, which are as under:

***“By promotion on the basis of seniority-cum-fitness from amongst the Assistant Director having at least five years as such” (Annexed-K).***

6. Pertains to record hence need no comment.
7. Incorrect, hence expressly denied. Khyber Pakhtunkhwa Provincial Planning Service Rules 2018 were framed for Planners of P&D Department as well as Planners of Planning Cells of Administrative Departments at Civil Secretariat level and only those posts were included in the schedule-I of PPS cadre which are at the Secretariat level. The detail of Administrative Departments along with their respective planning cadre posts are mentioned in Schedule-I of ibid rules.

As far as the case of appellant is concerned, he was the employee of defunct FATA Development Authority and after its dissolution, he was declared surplus by Establishment Department and it is the domain of that Department to adjust him as per Surplus Pool Policy. Accordingly, he has adjusted on the vacant post which he gladly accepted and assumed the charge as explained in Para-4 above. Furthermore, 45 vacant posts of Provincial Planning Service BPS-17 were already placed with Public Service Commission well before the dissolution of the FATA Development Authority and the same have been advertised by the Commission, therefore, the petitioner cannot be adjusted against PPS cadre posts already advertised and the process of selection completed by the PSC according to law.

8. Incorrect. The appeal of the appellant was examined in this department and was filed on the ground not being covered under the rules and Surplus Pool Policy of the Provincial Government.
9. The appellant has filed a writ petition in the honourable Peshawar High court against the Notification of the Establishment Department for placing ~~this~~ services at the disposal of Secretary ST&IT Department for further placement on the vacant post of Assistant Director (M&E) BPS-17 in the Directorate of Science and Technology, Govt. of Khyber Pakhtunkhwa. The Honourable Peshawar High Court has passed Judgement on 13-10-2022, wherein direction was issued to the worthy Chief Secretary Khyber Pakhtunkhwa at para-10, that he may pass an appropriate order on the appeal of the petitioner (**Judgement copy Annexed-L**).

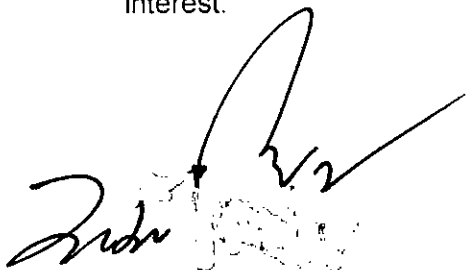
In light of the Peshawar High Court Judgement dated 13-10-2022, a **note** was moved by Secretary ST&IT Department to the worthy Chief Secretary Khyber Pakhtunkhwa to revisit the adjustment of the officer as per ~~this~~ qualification and experience, but the Chief Secretary Khyber Pakhtunkhwa has regretted the appeal of the appellant on the grounds that Adjustment of the said Officer has been made as per Surplus Pool Policy and no provision of cancelation of adjustment order or re-adjustment exists in the ibid Policy. Regretted letter of Administrative Department alongwith note for Chief Secretary attached as (**Annexed-M&N**)

#### GROUND:

- A) **Incorrect.** The appellant has been considered in accordance with the Rules /Policy and adjusted or converted from Public Servant of Autonomous Body {i.e. FATA Development Authority (FDA)} to the status of Civil Servant against the regular post in Directorate of Science & Technology Govt. of Khyber Pakhtunkhwa, with proper / smooth career progression to get promoted to higher post.
- B) **Incorrect.** The appellant has been adjusted strictly in accordance with the Surplus Pool policy 2001 and corresponding to Service Rules of Science & Technology and Information Technology Department, after thorough deliberation by the committee constituted by the Establishment Department for the purpose of adjustment of Surplus Pool employees of FATA Development Authority (FDA).
- C) **Incorrect.** Adjustment of surplus employee is not the domain of P&D Department as far as the adjustment of the appellant against the vacant post of PPS cadre is concerned, detail reply has already been given in Para-7 of the instant comments.
- D) As explained in above paras.
- E) The position has been explained in Paras 5 & 6 and A.
- F) As above.
- G) As above.
- H) The respondents seek permission to raise additional grounds at the time of hearing.

**PRAYER:**

In view of the above factual replies, it is humbly prayed that the instant Appeal No. 1227/2023 being devoid of merit may please be dismissed with costs in the best public interest.



**Chief Secretary**  
Through Secretary ST&IT,  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 1



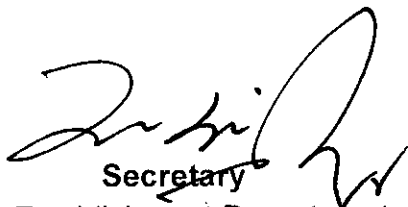
**Secretary**  
P & D Department  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 2



**Additional Chief Secretary**  
P & D Department,  
Govt. of Khyber Pakhtunkhwa.  
Respondent No. 3



**Secretary ST&IT**  
Through Deputy Secretary ST&IT  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 4

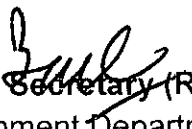


**Secretary**  
Establishment Department,  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 5



**Director General**  
Directorate General of S&T  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 6

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**Additional Secretary (Regulation)**  
Establishment Department,  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 7



**Director**  
Directorate of S&T  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 8

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1227/2023

MUHAMMAD SAUD,

Assistant Director (M&E) ST&IT Department..... APPELLANT

VERSES

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH

AFFIDAVIT

I Iftikhar Ali, Superintendent BPS-17 Directorate General of Science and Technology Khyber Pakhtunkhwa being authorized Officer to file the joint Para-wise comments pertaining to Appeal No. 1227/2023 titled Muhammad Saud, Assistant Director (M&E) ST&IT Department VS Govt. of Khyber Pakhtunkhwa, hereby solemnly declare on oath that the subject comments to be submitted before the honorable Tribunal are true and facts based to the best of my knowledge. Furthermore, nothing has been concealed from the honorable Tribunal.

*It is further stated on the oath that in this appeal, the answering respondents have neither been placed ex parte nor their defense is struck off. / cost*  
*Iftikhar*



*Iftikhar*

(Iftikhar Ali)  
Superintendent  
CNIC NO. 16102-6256975-7  
0345-9289160

*Iftikhar*

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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**APPEAL NO. 1227/2023**

**MUHAMMAD SAUD,**

**Assistant Director (M&E) ST&IT Department..... APPELLANT**

**VERSES**


**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH**

**AUTHORITY LETTER**

Mr. Iftikhar Ali Superintendent BPS-17 Directorate General of Science & Technology Khyber Pakhtunkhwa is hereby authorized to file the joint Para-wise comments pertaining to Writ Petition No. 1227/2023 titled as Muhammad Saud Assistant Director (M&E) ST&IT Department VS Govt. of Khyber Pakhtunkhwa with this direction to attend the court dates for hearing and allied proceedings punctually on behalf of the respondents.



**(Director General)**  
Directorate General of S&T



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
P E S H A W A R

In The Service Appeal No. \_\_\_\_\_/2023

1. **Muhammad Saud**  
Assistant Director M&E,  
Science & Technology & Information Technology Department,  
Khyber Pakhtunkhwa, Peshawar ..... **Appellant**

**V e r s u s**

1. **The Govt. of Khyber Pakhtunkhwa**  
Through Chief Secretary,  
Civil Secretariat, Peshawar.
2. **The Secretary to Govt. of Khyber Pakhtunkhwa**  
Planning & Development Department,  
Civil Secretariat, Peshawar.
3. **The Additional Chief Secretary to Govt. of Khyber Pakhtunkhwa**  
Planning & Development Department,  
Civil Secretariat, Peshawar.
4. **The Secretary to Govt. of Khyber Pakhtunkhwa**  
Science & Technology & Information Technology Department,  
Civil Secretariat, Peshawar.
5. **The Secretary to Govt. of Khyber Pakhtunkhwa**  
Establishment & administration Department,  
Civil Secretariat, Peshawar.
6. **Director General of Science & Technology**  
Directorate of Science & Technology,  
House # 13 Old Jamrud Road,  
University Town, Peshawar.
7. **Additional Secretary Regulation**  
Establishment & Administration Department, Civil  
Secretariat, Peshawar
8. **Director Science & Technology**  
Directorate of Science & Technology,  
House # 13 Old Jamrud Road,  
University Town, Peshawar. .... **Respondents**

*J. R. H. a*



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APPEAL UNDER SECTION 4 OF THE KP, SERVICE TRIBUNAL ACT 1973, AGAINST THE REGRET LETTER NO. SOE/ST&IT/KP/1-158/2022/2115-18, DATED 13.02.2023 VIDE WHICH APPEAL OF THE APPELLANT FOR WITHDRAWAL OF ADJUSTMENT/PLACEMENT NOTIFICATION NO.SOE-III (E&AD)1-3/2020/FDA DATED 09.10.2020 AND READJUSTEMENT UNDER THE SURPLUS POOL POLICY IN ACCORDANCE WITH THE QUALIFICATION AS MENTIONED IN THE SERVICE RULES WAS REGRETED.

**PRAYER AND APPEAL:**

TO SET ASIDE THE ESTABLISHMENT AND ADMINISTRATION DEPARTMENT, GOVERNMENT OF KHYBER PAKHYTUNKHWA IMPUGNED NOTIFICATION NO. SOE-III (E&AD)1-3/2020/FDA DATED 09.10.2020, AND SCIENCE AND TECHNOLOGY & INFORMATION TECHNOLOGY REGRET LETTER NO. SOE/ST&IT/KP/1-158/2022/2115-18 DATED 13.02.2023, VIDE WHICH APPEAL OF THE APPELLANT FOR WITHDRAWAL OF THE ADJUSTMENT / PLACEMENT AND RE-ADJUSTEMENT OF APPELLANT AS PER HIS QUALIFICATION IN ACCORDANCE WITH THE SURPLUS POOL POLICY.

AND TO ADJUST THE APPELLANT KEEPING IN VIEW HIS QUALIFICATION AND EXPERIENCE AGAINST THE POST OF PROVINCIAL PLANNING SERVICES (PPS) (BPS 17) OR ANY OTHER POST AS IN THE GOVERNMENT OF KHYBER PAKHTUNKHWA WITH ALL BACK BENEFITS.

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Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That the appellant is law abiding citizen of Pakistan and supposed to be treated in accordance with law and his right must be respected as embodied in the Constitution of Islamic Republic of Pakistan, 1973.
2. That Appellant having Master of Business Administration (MBA) qualification was appointed against the post of Assistant Manager Monitoring & Evaluation (M&E) (BPS-17) P&D Department on 20.06.2012 in the erstwhile FATA Development Authority. Since his appointment, Appellant performed his duties against the respective post with full zeal and zest and to the entire satisfaction of their superiors.



2. That vide Notification dated 05.08.2020 (**Annex:-A**) issued in terms of Section-4 of the Federally Administered Tribal Areas Development Authorities Regulations (Repeal) Ordinance, 2020 wherein the Government of the Khyber Pakhtunkhwa, Establishment & Administration Department Regulation Wing was pleased to declare as many as 94 employees of the defunct FATA Development Authority including Appellant as "surplus" and placed them in the Surplus Pool for their further adjustment as per Policy in vogue w.e.f. 20.04.2020. It is apprised that the Government of Khyber Pakhtunkhwa had enacted a law namely "The Federally Administered Tribal Areas Development Authority Regulations (Repeal) Act-2020" where under Federally Administered Tribal Areas Development Authority stood dissolved.
3. That pursuant to the cited developments, vide Notification dated 10.09.2020 (**Annex:-B**) the services of Appellant were placed at the disposal of the ST & IT Department for further adjustment in the Directorate of Science & Technology against the vacant post of Assistant Director Monitoring & Evaluation (M&E) (BPS-17). It is significant to aver here that proposed post is not corresponding with the Service Rules of the Directorate General of Science & Technology, job description and qualifications of the Appellant.
5. That it is apt to add here that vide Notification dated 31.10.2020 (**Annex:-C**) Prescribed qualification for the post of Assistant Director M&E (BPS-17) Science & Technology/I.T is related to Science & Technology subjects and is not commensurate with the qualifications/experience of Appellant. Appellant having the Degrees of MBA thus lacking the prescribed qualification/criteria which is not only against the Surplus Policy (**Annex:- D**) in vogue rather contrary to the public interest as well. It is necessary to adduce here that the requisite qualification for the subject posts are purely technical as is evident from the letter dated 07.10.2020 (**Annex:-E**) therein requisition was sought from the concerned quarter for initial recruitment. It would also be relevant to note here that the respondent have clogged up the service career progression of the Appellant because as per Rules the promotion against the post of Deputy Director (BPS-18) is to be made on the basis of seniority-cum-fitness from amongst the Assistant Director, who having a requisite qualification against the initial appointment and having at least five years service in the relevant field.
6. That two employees of the same department as of appellant i.e FATA Development Authority, namely Tufail Khan Khalil and Hamayun Khan were declared surplus and placed at the disposal of the Secretary Transport & Mass Transit Department for their further adjustment against the vacant posts of Assistant Director (BPS-17) w.e.f. 01.02.2020 through Notification dated 09.12.2020 (**Annex:-F**). Subsequently, they were adjusted and assumed the charge (Charge Reports **Annex:-G**) of their respective

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posts. During that period, an anomaly arose regarding their qualification which was properly processed to the Secretary Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa seeking clarification about the qualification of the incumbents against the respective posts (**Annex:-H**), which was properly replied by Establishment department of kp on 09.03.2021 (**Annex:-I**) by holding that both the incumbents having Degrees of MBAs which make them qualified for the said posts as per the eligibility given in the Service Rules.

7. **That** Respondent No.2/Government of Khyber Pakhtunkhwa Planning & Development Department framed Rules under Section-26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 on 22.02.2018 (**Annex:-J**). Section-4 thereof provides the method of recruitment against the post of Provincial Planning Service (PPS) (BPS-17) with the requisite qualification of Business Administration, therefore, Appellants could be adjusted against the said posts because they having the requisite qualification and experience. As it has already been held in the Policy *ibid* that necessary steps should be taken to adjust proper person against proper posts. In this context of the matter was also brought into the notice of the high-ups and also it was pointed out that total 45 posts of the Provincial Planning Services (PPS) (BPS-17) are/were lying vacant (**Requisition Annex:-K**) for which the Appellants are fully fit and eligible to be adjusted having requisite qualification and experience.
8. **That** Appellant also ventilated his grievances to the Respondents on 23.12.2020 (**Annex:-L**) through proper channel for removal of anomalies by inviting their kind attention towards the discrepancies in the process of adjustment of surplus pool employees but the same remained un-responded inspite of the processing the same as is evident from the letters dated 28.01.2021 and 03.02.2021 (**Annex:-M**). Appellant being endured to continue their struggles and moved up a reminder dated 25.02.2021 (**Annex:-N**) but met the same fate.
9. **That** appellant filed a writ petition in the honorable Peshawar high court against the impugned Notification issued by Establishment department, government of Khyber Pakhtunkhwa for placing services of Appellant at the disposal secretary Science and Technology & Information Technology, where in the Honorable court Directed the Chief Secretary, kp to decide the appeal made by the Appellant, keeping in view his qualification and experience (**Annex-O**). The appellant was intimated vide letter No. soe/st&it/kp/1-158/2022/2115-18 DATED 13.02.2023 that his appeal has been regretted (**Annex-P**)
10. **That** appellant, being aggrieved of the acts and omissions of the Respondents and their refusal to adjust the Appellant against the posts that are commensurate with his

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qualifications and experience, is constrained to approach this honorable Tribunal inter- alia on the following grounds:-

**Grounds:**

A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to adjust the Appellant against the relevant post according to his qualifications and experience, which is unjust, unfair and hence not sustainable in the eye of law.

B. That surplus policy provides:-

(c) *Adjustment shall be made on vacant post pertaining to initial recruitment quota from those in Surplus Pool in the following manner:-*

(i) .....

(ii) *In case of cross-cadre adjustment, the persons with such minimum qualification as prescribed in the relevant service Rules for the post in question shall be adjusted keeping in view their seniority position.*

(iii) *If an employee possesses the basic qualification but lacks the professional/technical qualification, he may be adjusted against such post subject to imparting the requisite training.*

Therefore, question arises that if an aspirant/employee who is going to be appointed by way of initial recruitment and who having no requisite qualification, would be eligible/fit for appointment against the subject post, therefore, while adjusting the Appellant against the requisite post, Respondents were required to strictly follow instructions/rules meant therefor. It is also mentioned that the adjustment of the Appellant is not only against the instructions/Policy *ibid*, but also against the experience of the Appellant which can otherwise be correctly utilized in the best public interest.

C. That corresponding posts were/are lying vacant in the other sister Departments wherein Appellant could be adjusted as stipulated in the Policy in vogue. Surplus employees would be adjusted against their relevant cadre posts whenever the corresponding post is not lying vacant. Thus at the time of adjustment and at the

moment as elaborated herein above that 45 posts of Provincial Planning Services (PPS) (BPS-17) were lying vacant and the Appellant was fully fit and eligible to be adjusted having requisite qualification and experience by complying with the instructions of the Policy in vogue, therefore, the refusal of Respondent to adjust the Appellant against the requisite posts is not tenable in the eye of law.

**D.** That Respondents/Department have violated Section-11A of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule- 7(2) (3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. As set procedure for absorption and appointment/transfer has been catered which was supposed to be observed, therefore, appellant was not dealt in accordance with the rules which is not suitable in eye of law.

**E.** That Appellant have gained rich experience against post relating to their qualification and his adjustment against irrelevant post amounts to wasting of their abilities and skill, therefore, the request of the Appellant is genuine and based best public interest, therefore, the refusal on the part of Respondents is against the law and in violation of fundamental rights of Appellant which is not sustainable under the law.

**F.** That by means of Notification dated 09.03.2021 ibid, the request of other colleagues under similar circumstances was considered to be genuine by removing anomaly regarding their qualification and promotion against the next higher grade while Appellant inspite of his repeated requests were not dealt with in accordance with law and Rules, therefore, Appellant was highly discriminated which is in violation of Article-25&27 of the Constitution of Islamic Republic of Pakistan, 1973.

**G.** That under the law when something is required to be done in a manner then the same must be done in the required manner. The Respondents is duty bound to act in the matter in accordance with law and rules and to adjust Appellant against the post which are commensurate with their qualification and experience, therefore, Respondents have disregarded the clear instructions of the Policy ibid which is liable to struck down.

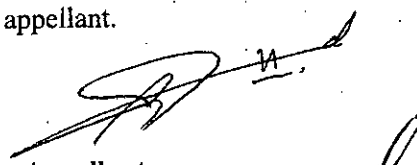
**H.** That the Appellant with the permission of this Hon'ble Tribunal would raise additional grounds during the course of arguments after stance of the Respondents/Department is revealed.

For the aforesaid reasons, it is therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to declare the IMPUGNED NOTIFICATION NO. SOE-III (E&AD)1-3/2020/FDA DATED 09.10.2020 and LETTER NO. SOE/ST&IT/KP/1-158/2022/2115-18 DATED 13.02.2023 to be illegal and their refusal to adjust the Appellant against the relevant post according to his qualifications and experience, as without lawful authority and hence of no legal effect and this

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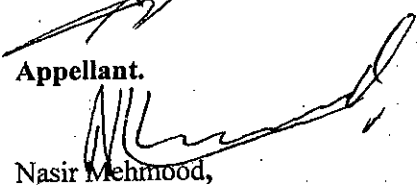
August Tribunal may further be pleased to direct the Respondents to act in the matter in accordance with law and to adjust the Appellant keeping in view his qualification and experience against the post of Provincial Planning Services (PPS) (BPS 17) or any other post as in the Government of Khyber Pakhtunkhwa with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.



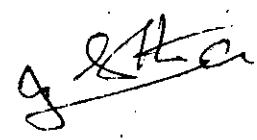
**Appellant.**

**Through**



Nasir Mehmood,  
Advocate,  
Supreme Court of Pakistan

Dated: 10.05.2023



(13)

# FATA Development Authority

1-2/A, Park Avenue, University Town, Peshawar

PBX: 091(9216160, 5844096, 9218344)

Fax: (091) 9218518

No Secy/FDA/3-11/Vol-III/2010

Dated 19<sup>th</sup> June, 2012

To

Muhammad Saud S/o Muhammad Yousaf,  
House No. 48: Street No. 11: Sector J-1, Phase-2,  
Hayatabad, Peshawar.  
Contact # 091-5816893, 0300-5913876.

Subject: Employment as Assistant Manager (Monitoring & Evaluation) in FATA-Development Authority Headquarters.

Dear Sir,

Reference your application for appointment as "Assistant Manager (Monitoring & Evaluation) FATA-DA". The Competent Authority has selected you for appointment as Assistant Manager (Monitoring & Evaluation), FATA-DA on contract basis initially for a period of one (01) year on the following Terms and Conditions:-

- (i) Post : Assistant Manager (Monitoring & Evaluation), FATA-DA (BPS-17).
- (ii) Pay package of BPS-17 (16000-1200-40000) plus all allowances admissible under the rules.
- (iii) Pension/Gratuity: the services rendered by you under this employment shall not qualify for any Pension or Gratuity.
- (iv) Leave: You will be governed by FATA-DA leave Rules.
- (v) Conduct: Your conduct during the employment on contract shall be regulated by relevant conduct rules.
- (vi) Travelling Allowance: Travelling allowance on official journeys will be admissible to you as per FATA-DA rules.
- (vii) Appeal: Appeal Rules, as applicable to the other employees of the Authority shall be applicable.
- (viii) Medical Fitness: Your appointment is subject to medical fitness certificate from the Authorized Medical Officer i.e. Civil Surgeon Federal Government Hospital, Peshawar. On appointment medical facilities shall be admissible as per Authority rules.
- (ix) Police Verification Report: Your appointment is subject to clearance of your antecedents from the Federal/Provincial Security Agencies.
- (x) Conduct & Discipline: Your conduct during the employment on contract shall be regulated by FATA-DA (Conduct) Rules, 2009.
- (xi) Termination/Extension of Contract: The appointment on contract shall be liable to termination on one month's notice or payment of one month's pay in lieu thereof by either side without assigning any reason.

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# FATA Development Authority

1-2 A. Park Avenue, University Town, Peshawar

PBX: 091(9216160, 5844096, 9218344)

Fax: (091) 9218518

- (xii) Other Matters: In respect of other matters (if any) not specified here, you will be governed by the Rules / Standing Orders as applicable to FATA-DA employees.
- (xiii) Undertaking:- You shall give an undertaking to the effect that during the employment, you shall be held responsible for the losses occurring to the Government assets held by you and you shall be held answerable thereof.
2. If you accept the above terms and conditions of appointment, please send your acceptance to the FATA Development Authority within 07 days of the issuance of this letter.
3. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof within the time specified in Para 02 above.

  
(Mian Muhammad Waqar)  
Secretary,  
FATA-DA







15

GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN. DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the August 05<sup>th</sup>, 2020

NOTIFICATION

No. SO(O&M)/E.&AD/3-18/2020: In terms of Section-4 of the "The Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020", the Competent Authority is pleased to declare the following 94 employees of defunct FATA Development Authority as "Surplus" and place them in the Surplus Pool of Establishment Department for their further adjustment/placement as per policy in vogue w.e.f. 20.04.2020:-

S.No.	Name	Designation	BPS
1.	Arshad Khan Afridi	Manager (II)	18
2.	Muhammad Jamil Khan	ACO SWA	17
3.	Muhammad Farid Khan	ACO Mohmand	17
4.	Abdul Ghaflar	ACO Bajaur	17
5.	Niaz Bahadar	ACO Kurram	17
6.	M. Haris Shah	ACO Orakzai	17
7.	Tufail Khan Khalil	ACO Khyber	17
8.	Muhammad Hamayun Khan	ACO SWA	17
9.	Mr. Muhammad Saud	AM (M&E)	17
10.	Nihar Ali	Assistant	16
11.	Shahid	Assistant	16
12.	Mazhar Ali Shah	Assistant	16
13.	Farman Ali Afridi	Assistant	16
14.	Mrs. Sadia Jehangir	Assistant	16
15.	Muhammad Akif Khan	Assistant	16
16.	Usman Tariq	Assistant	16
17.	Faheem Ullah	Assistant	16
18.	Luqman Hakeem	Assistant	16
19.	Shakeel Ahmad	Assistant	16
20.	Zaheer ud Din	Assistant	16
21.	Altaf ur Rehman	Computer Operator	16
22.	Nasrullah Khan	Computer Operator	16
23.	Zahidullah	Computer Operator	16
24.	Feroz Shah	Computer Operator	16
25.	Lawad Hussain Khan	Computer Operator	16
26.	Lakhr-e-Alam	Computer Operator	16
27.	Sajid Nabi	Computer Operator	16
28.	Abtesham Ghani	Computer Operator	16
29.	Muhammad Ajmal	Computer Operator	16

16

30.	Nadha Sabahuddin	Computer Operator	16
31.	Syed Adnan Ali Shah	Computer Operator	16
32.	Habib ur Rehman	Computer Operator	16
33.	Inamullah Kundi	Computer Operator	16
34.	Muhammad Fawad	Computer Operator	16
35.	Shahzada Saqib Zaman	Computer Operator	16
36.	Sanaid Ali	Computer Operator	16
37.	Rahib Shah	Computer Operator	16
38.	Abdul Jabbar	Computer Operator	16
39.	Syed Shah Said	Computer Operator	16
40.	Bakht Bakht	Computer Operator	16
41.	Shukir Ullah	Computer Operator	16
42.	Shahid Jamal	Computer Operator	16
43.	Muhammad Aftab Khan	Driver	5
44.	Shah Hussain	Driver	5
45.	Muhammad Fahir	Driver	5
46.	Haider Raza	Driver	5
47.	Noor Khan	Driver	5
48.	Muhammad Junaid Khan	Driver	5
49.	Sami Ullah	Driver	5
50.	Kachkol Khan	Driver	5
51.	Imran Ullah	Driver	5
52.	Ali Gul	Driver	5
53.	Abdul Sami	Driver	5
54.	Manzoor ur Rehman	Driver	5
55.	Shabir Jan	Driver	5
56.	Hidayat Ullah	Driver	5
57.	Saleh Khan	Driver	5
58.	Munir Khan	Driver	5
59.	Bilal Khan	Driver	5
60.	Abdul Wahid	Driver	5
61.	Ihsan Ullah Jan	Driver	5
62.	Syed Qasim	Driver	5
63.	Raza Gul	Driver	5
64.	Pir Ullah	Driver	5
65.	Inamullah	Sub Qasid	2
66.	Ikrani Ullah	Sub Qasid	2
67.	Sharbat Ali	Sub Qasid	2
68.	Abdur Rehman	Sub Qasid	2

70.	Khan Baqila	Naib Qasid	2
70.	Yasir Khan	Naib Qasid	2
71.	Shah Baz Masih	Sanitary Worker	2
72.	Naeem Shah	Naib Qasid	2
73.	S. Atiq Shah	Naib Qasid	2
74.	Shukrullah	Naib Qasid	2
75.	Adeel Ahmad	Naib Qasid	2
76.	Akhtar Zeb	Naib Qasid	2
77.	Saifur Rehman	Naib Qasid	2
78.	Muhammad Asad	Naib Qasid	2
79.	S. Munir Shah	Naib Qasid	2
80.	Altaf Masih	Sanitary Worker	2
81.	Muhammad Yaseen	Naib Qasid	2
82.	Din Muhammad	Naib Qasid	2
83.	Arshad Ali	Naib Qasid	2
84.	Fauqeer Ahmad	Naib Qasid	2
85.	Amjad Hussain	Naib Qasid	2
86.	Muqadar Khan	Naib Qasid	2
87.	Liaqat Ali	Chowkidar	2
88.	Rehmat ullah	Naib Qasid	2
89.	Zabit Gul	Naib Qasid	2
90.	Huzrat Noor	Naib Qasid	2
91.	Ubaid Ullah	Naib Qasid	2
92.	Intikhab Hussain	Naib Qasid	2
93.	Hazrat Umar	Naib Qasid	2
94.	Liaqat Ali	Naib Qasid	1

2. In order to ensure proper and expeditious adjustment/absorption of the above mentioned surplus staff, Deputy Secretary (Establishment) Establishment Department has been declared as focal person to properly monitor the whole process of adjustment/ absorption of the surplus pool staff.

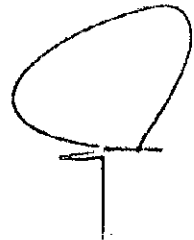
3. Consequent upon above, all the above surplus staff alongwith their original record of service are directed to report to the Deputy Secretary (Establishment), Establishment Department for further necessary action.

**CHIEF SECRETARY  
GOVT. OF KHYBER PAKHTUNKHWA**

Encls. No. & Date Even

Copy to:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries, Khyber Pakhtunkhwa.
6. The Accountant General, Khyber Pakhtunkhwa



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**GOVT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)**

Dated Peshawar, the August 05<sup>th</sup> 2020

**NOTIFICATION:-**

**No. SO (O&M)/E&AD/3-18/2020** in terms of Section -4 of the "The Federal Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020", the Competent Authority is pleased to declare the following 94 employees of defunct FATA Development Authority as "Surplus" and place them in the Surplus Pool of Establishment Department for their further adjustment placement as per policy in vogue w.e.f 20.04.2020:-

S. No	Name	Designation	BPS
1.	Arshad Khan Afridi	Manager (II)	18
2.	Muhammad Jamil Khan	ACO SWA	17
3.	Muhammad Tariq Khan	ACO Mohmand	17
4.	Abdul Ghaffar	ACO Bajour	17
5.	Niaz Bahadar	ACO Kurram	17
6.	M. Haris Shah	ACO Orakzai	17
7.	Tufail Khan Khalil	ACO Khyber	17
8.	Muhammad Hamayun Khan	ACO NWA	17
9.	Mr. Muhammad Saud	ACO (M&E)	17
10.	Nihar Ali	Assistant	16
11.	Shahid	Assistant	16
12.	Mazhar Ali Shah	Assistant	16
13.	Farman Ali Shah	Assistant	16
14.	Mrs. Sadia Jehangir	Assistant	16
15.	Muhammad Akif Khan	Assistant	16
16.	Usman Tariq	Assistant	16
17.	Faheem Ullah	Assistant	16
18.	Luqman Hakeem	Assistant	16
19.	Shakeel Ahmad	Assistant	16
20.	Zaheer Ud Din	Assistant	16
21.	Altaf Ur Rehman	Computer Operator	16
22.	Nasrullah Khan	Computer Operator	16
23.	Zahidullah	Computer Operator	16
24.	Feroz Shah	Computer Operator	16
25.	Fawad Hussain Khan	Computer Operator	16
26.	Fakhr-e-Alam	Computer Operator	16
27.	Sajid Nabi	Computer Operator	16
28.	Ahtesham Ghani	Computer Operator	16
29.	Muhammad Ajmal	Computer Operator	16

*J. Raza*

30.	Nadia Salahuddin	Computer Operator	16
31.	Syed Adnan Ali Shah	Computer Operator	16
32.	Habib Ur Rehman	Computer Operator	16
33.	Inamullah Kundi	Computer Operator	16
34.	Muhammad Fawad	Computer Operator	16
35.	Shahzada Saqib Zaman	Computer Operator	16
36.	Sajjad Ali	Computer Operator	16
37.	Rahib Shah	Computer Operator	16
38.	Abdul Jabbar	Computer Operator	16
39.	Syed Shah Said	Computer Operator	16
40.	Baidar Bakht	Computer Operator	16
41.	Shakir Ullah	Computer Operator	16
42.	Shahid Jamal	Computer Operator	16
43.	Muhammad Aftab Khan	Driver	5
44.	Shah Hussain	Driver	5
45.	Muhammad Tahir	Driver	5
46.	Haider Raza	Driver	5
47.	Noor Khan	Driver	5
48.	Muhammad Junaid Khan	Driver	5
49.	Sami Ullah	Driver	5
50.	Kachkol Khan	Driver	5
51.	Imran Ullah	Driver	5
52.	Ali Gul	Driver	5
53.	Abdul Sami	Driver	5
54.	Manzoor Ur Rehman	Driver	5
55.	Shabir Jan	Driver	5
56.	Hidayat Ullah	Driver	5
57.	Saleh Khan	Driver	5
58.	Munir Khan	Driver	5
59.	Bilal Khan	Driver	5
60.	Abdul Wahid	Driver	5
61.	Ihsan Ullah Jan	Driver	5
62.	Syed Qasim	Driver	5
63.	Raza Gul	Driver	5
64.	Pir Ullah	Driver	5
65.	Inamullah	Naib Qasid	2
66.	Ihram Ullah	Naib Qasid	2
67.	Sharbat Ali	Naib Qasid	2
68.	Abdur Rehman	Naib Qasid	2

*J. Sh. a*

69.	Khan Bacha	Naib Qasid	2
70.	Nasir Khan	Naib Qasid	2
71.	Shah Baz Masih	Sanitary Worker	2
72.	Naeem Shah	Naib Qasid	2
73.	S. Aftab Shah	Naib Qasid	2
74.	Shukrullah	Naib Qasid	2
75.	Adeel Ahmad	Naib Qasid	2
76.	Akhtar Zeb	Naib Qasid	2
77.	Saifur Rehman	Naib Qasid	2
78.	Muhammad Asad	Naib Qasid	2
79.	S. Musarrat Shah	Naib Qasid	2
80.	Altaf Masih	Sanitary Worker	2
81.	Muhammad Yaseen	Naib Qasid	2
82.	Din Muhammad	Naib Qasid	2
83.	Arshad Ali	Naib Qasid	2
84.	Tauqeer Ali	Naib Qasid	2
85.	Amjad Hussain	Naib Qasid	2
86.	Muqadar Khan	Naib Qasid	2
87.	Liaqat Ali	Chowkidar	2
88.	Rehmat Ullah	Naib Qasid	2
89.	Zabit Gul	Naib Qasid	2
90.	Hazrat Noor	Naib Qasid	2
91.	Ubaid Ullah	Naib Qasid	2
92.	Intikhab Hussain	Naib Qasid	2
93.	Hazrat Umar	Naib Qasid	2
94.	Liaqat Ali	Naib Qasid	2

2. In order to ensure proper and expeditions adjustment/absorption of the above mentioned surplus staff. Deputy Secretary (Establishment) Establishment Department has been declared as focal person to property monitor the whole process of adjustment/absorption of the surplus pool staff.

3. Consequent upon above, all the above surplus staff along with their original record of service are directed to report to the Deputy Secretary (Establishment), Establishment Department for further necessary action.

-SD-

**CHIEF SECRETARY**  
**GOVT. OF KHYBER PAKHTUNKHWA**

Endst: No. & dated Even

Copy to:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries, Khyber Pakhtunkhwa.
6. The Accountant General, Khyber Pakhtunkhwa.

*J. S. H. a*

7. Chief Executive defunct FATA Development Authority with the request to ensure provision of Last Pay Certificates (LPCs) of the above mentioned surplus staff/employees to Establishment & Administration Department.
8. Director General Information & Public Relations, Khyber Pakhtunkhwa.
9. All Divisional Commissioners in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. Deputy Secretary (Establishment), Establishment Department.
13. Deputy Secretary (Admin), Establishment & Administration Department.
14. PS to Secretary Establishment Department.
15. PS to Special Secretary (Regulation), Establishment Department.
16. PS to Special Secretary (Establishment), Establishment Department.
17. Section Officer (E-III) Establishment Department with the request to take up case for creation of corresponding 94 regular posts for the above mentioned surplus staff/employees in the surplus pool of Establishment department for drawl of salaries w.e.f. 20.04.2020 onward till further adjustment/posting.
18. Section Officer (Budget & Development), Establishment & Administration Department for necessary action regarding preparation and submission of Budget Estimates for the purpose of salaries of above mentioned 94 surplus staff/employees of defunct FATA-DA for the period from 20.04.2020 onward to Finance Department.
19. All Section Officers in Establishment Department.
20. PA to Secretary defunct FATA Development Authority (FDA).

(FAZL HADDOO)  
SECTION OFFICER (O&M)

05/08/2020

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19

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, WEDNESDAY, 12<sup>th</sup> AUGUST, 2020.

**PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA**

**NOTIFICATION**

Dated Peshawar, the 12<sup>th</sup> August, 2020.

No. PA/Khyber Pakhtunkhwa/Bills-108/2020/3260.— The Federally Administered Tribal Areas Development Authority Regulation (Repeal) Bill, 2020 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 28<sup>th</sup> July, 2020 and assented to by the Governor of the Khyber Pakhtunkhwa on 10<sup>th</sup> August, 2020 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE FEDERALLY ADMINISTERED TRIBAL AREAS DEVELOPMENT AUTHORITY REGULATION  
(REPEAL) ACT, 2020.**

**(KHYBER PAKHTUNKHWA ACT NO. XXIX OF 2020)**

*(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,  
(Extraordinary), dated the 12<sup>th</sup> August, 2020).*

**AN  
ACT**

*to repeal the Federally Administered Tribal Areas Development Authority  
Regulation, 2006*

**WHEREAS** the Federally Administered Tribal Areas Development Authority, established under the Federally Administered Tribal Areas Development Authority Regulation, 2006 and continues to function under the Khyber Pakhtunkhwa Continuation of Laws in Erstwhile Federally Administered Tribal Areas Act, 2019 (Khyber Pakhtunkhwa Act No. XXIV of 2019), after the merger of erstwhile Federally Administered Tribal Areas with the Khyber Pakhtunkhwa Province through the Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018);

**AND WHEREAS** it is expedient to repeal the Federally Administered Tribal Areas Development Authority Regulation, 2006, in order to dissolve the Federally Administered Tribal Areas Development Authority, in the manner as hereinafter provided:

*J. S. K. C.*



It is hereby enacted as follows,-

1. **Short title and commencement.**---(1) This Act may be called the Federally Administered Tribal Areas Development Authority Regulation (Repeal) Act, 2020.

(2) It shall come into force at once.

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

- (a) **"assets"** mean all properties and funds at the disposal of the Authority, and all properties, funds and due exchanged for, derived from, or otherwise attributable to the said properties and funds, cash, investments, accounts, receivables, loans granted, inventory, buildings, vehicles, furniture, plant, machinery, joint ventures and official record, which are under the administrative control of the Authority before the promulgation of this Act;
- (b) **"Authority"** means the Federally Administered Tribal Areas Development Authority, established under the repealed Regulation;
- (c) **"employees"** mean duly qualified persons, appointed against regular posts of the Authority, except those employed under Article 14 of the Federally Administered Tribal Areas Development Authority (Appointment against Project Posts) Standing Order, 2011;
- (d) **"Government"** means the Government of Khyber Pakhtunkhwa;
- (e) **"project employees"** mean the persons, who were appointed against project posts, and presently working in the ongoing projects under the control of the Authority; and
- (f) **"repealed Regulation"** means the Federally Administered Tribal Areas Development Authority Regulation, 2006, as repealed under section 3 of this Act.

3. **Repeal.**---The Federally Administered Tribal Areas Development Authority Regulation, 2006, is hereby repealed and as a corollary thereof, the Federally Administered Tribal Areas Development Authority, established thereunder, shall stand dissolved.

4. **Employees of the Authority.**--- On promulgation of this Act, employees of the Authority shall be deemed to have been declared surplus and placed at the disposal of the Establishment Department of Government for adjustment or posting as per policy. The Establishment Department of Government shall be the successor for resolving issues of human resources or litigations etc:

Provided that the project employees shall continue their services till the completion of projects of the Authority and thereafter their services shall be deemed to be terminated.

*J. S. T. e*

21

5. **Assets and liabilities of the Authority.**— On the promulgation of this Act, all the assets and liabilities of the Authority, upon its dissolution, shall stand transferred in the following manner:

- (a) ongoing projects of the Authority alongwith project employees shall be handed over to concerned Administrative Departments of Government; and
- (b) headquarter building, located at Phase-V, Hayatabad, Peshawar and moveable assets of closed projects of the Authority shall be handed over to the Administration Department of Government.

6. **Removal of difficulties.**—The Chief Minister, Khyber Pakhtunkhwa may setup a committee, consisting of such members as deemed appropriate, which shall be responsible to resolve any difficulty arising out of the dissolution of the Authority, not inconsistent with the provisions of this Act and make recommendations for appropriate action.

7. **Repeal of the Khyber Pakhtunkhwa Ordinance No. VII of 2020.**— The Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020 (Khyber Pakhtunkhwa Ordinance.No. VII of 2020) is hereby repealed.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

---

(NASRULLAH KHAN KHATTAK)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

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

*J. & K. Khan*



(22)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)**

Dated Peshawar the October 09, 2020

**NOTIFICATION**

**No. SOE-III (E&AD)1-3/2020/FDA-** In exercise of the power vested under provision of Sr. No. 1 (b) of Rule-4 Appointment, Promotion and Transfer Rules, 1989 read with Para-5(c)(ii) of the Surplus Policy contained in E&A Department (Regulation Wing) Govt. of Khyber Pakhtunkhwa circular letter No. SOR-I (E&AD) 1-200/1998 dated 08-06-2001, the Competent Authority has been pleased to place the services of Muhammad Saud, Ex-Assistant Manager (M&E) (BPS-17) (Surplus Pool of Establishment & Administration Department) at the disposal of Secretary Science & Technology and Information Technology Department for his further adjustment in the Directorate of Science & Technology, Khyber Pakhtunkhwa against the vacant post of Assistant Director (Monitoring & Evaluation) (BPS-17) w.e.f 01-10-2020 under initial recruitment quota.

**SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

**Endst: No. SOE-III (E&AD)1-3/2020/FDA-**

Dated Peshawar the October 09, 2020

Copy forwarded to the:

1. Secretary to Govt. of Khyber Pakhtunkhwa Science & Technology and Information Technology Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. Accountant General Khyber Pakhtunkhwa.
4. Directorate of Science & Technology, Khyber Pakhtunkhwa.
5. CSO to Chief Secretary Khyber Pakhtunkhwa.
6. Section Officer (Admn/Budget & Dev.), E&A Department.
7. Section Officer (O&M) Establishment Department.
8. PS to Secretary (Estt) Establishment Department.
9. PS to Special Secretary (Estt) Establishment Department.
10. PS to Additional Secretary (Reg-II) Establishment Department.
11. PA to Deputy Secretary (Estt) Establishment Department.
12. Officer concerned.
13. Master file.

*12*  
*16/10/2020*  
*DD/SA*

*16/10/2020*

*Zaman Ali Khan*  
*9/10/20*  
(Zaman Ali Khan)  
Section Officer (E-III)

3894  
16-10-2020

*AD/ST*  
*Supdt*

*g. A. Khan*



(23)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT**  
2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No.091-9212400/9212722

Fax No.091-9212401

Dated Peshawar, the 23.10.2020

**NOTIFICATION:** 4771-785

No.SOE/ST&IT/KP/PF/1-158/2020. In pursuance of Establishment Department Notification No.SOE-III(E&AD)1-3/2020/FDA dated 09.10.2020 and in exercise of the power vested under provision of Sr. No. 1 (b) of Rule-4 Appointment, Promotion and Transfer Rules, 1989 read with Para-5(c) (ii) of the Surplus Policy contained in E&A Department (Regulation Wing) Government of Khyber Pakhtunkhwa circular letter No. SOR-I (E&AD) 1-200/1998 dated 08.06.2001, the Competent Authority has been pleased to place the services of Muhammad Saud, Ex-Assistant Manager (M&E) (BPS-17) (Surplus Pool of Establishment & Administration Department) at the disposal of the Directorate of Science & Technology, Khyber Pakhtunkhwa against the vacant post of Assistant Director (Monitoring & Evaluation) (BPS-17) w.e.f. 01.10.2020 under initial recruitment quota.

**SECRETARY  
ST&IT DEPARTMENT**

Endst. No. and date even:-

Copy forwarded to:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
2. Accountant General Khyber Pakhtunkhwa.
3. Director, of Science & Technology, Khyber Pakhtunkhwa.
4. CSO to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Admn/Budget & Dev:), E&A Department.
6. PS to Secretary (Estt) Establishment Department.
7. PS to Secretary, ST&IT Department.
8. PA to Additional Secretary, ST&IT Department.
9. PA to Deputy Secretary (Admn), ST&IT Department.
10. PA to Chief Planning Officer, ST&IT Department.
11. Officer Concerned.

*Muhammad  
Saud*

*JM*  
Section Officer (Establishment)

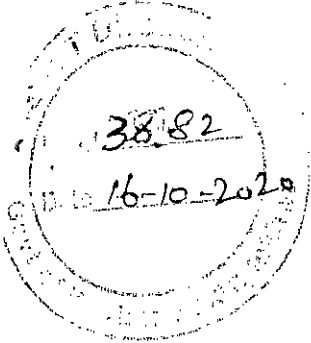
*g. g. g. g.*

24

**ARRIVAL REPORT**

In compliance of the Notification No. SOE-III(E&AD)1-3/2020/FDA dated 09-10-2020 of the Establishment and Administration Department (Establishment Wing), Government of Khyber Pakhtunkhwa Peshawar.

I, Muhammad Saud Assistant Director (Monitoring & Evaluation) (BPS-17) do hereby submit my Arrival Report on 13-10-2020 F.N/



*[Signature]*  
(Muhammad Saud)  
Assistant Director (M&E)  
ST&IT Department

Endst No. dated even. / 44115  
Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Director, Directorate of Science & Technology Khyber Pakhtunkhwa.
3. The Section Officer, (E-III), Establishment Department with reference to his Notification quoted above.
4. The Section Officer (Estt), ST&IT Department.
5. PS to Secretary Establishment Department.
6. PS to Secretary ST&IT Department.
7. PA to Additional Secretary, ST&IT Department.
8. PA to Deputy Secretary, ST&IT Department.

*[Signature]*  
16/10/2020

*[Signature]*  
(Muhammad Saud)  
Assistant Director (M&E)  
ST&IT Department

*[Signature]*  
16/10/20  
DYK/ST

*[Signature]*  
AD/ST  
*[Signature]*

*[Signature]*  
19/10/20  
Pakhtun  
M.B.

*[Signature]*  
19-10-2020

*[Signature]*

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*[Signature]*

(25)

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA SCIENCE AND TECHNOLOGY AND  
INFORMATION TECHNOLOGY DEPARTMENT**

DATED: 31.01.2020

**NOTIFICATION**

**No.SOE/ST&IT/KP/2-36/2018-19/VOI:VI** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion And Transfer) Rules, 1989 and supersessions of all previous Notifications issued in this behalf, the Science and Technology and Information Technology Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Columns No. 3 to 5 of the Appendix to this Notification which will be applicable to the posts specified in Column No. 02 of the said Appendix borne, in the Khyber Pakhtunkhwa Director General, Directorate of Science and Technology.

**APPENDIX**

S. No	Nomenclature of the posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General (BPS-20).	---	---	By promotion, on the basis of seniority cum fitness, from amongst the Directors and Additional Directors of Information Technology of Directorate of Science and Technology holding the posts in BPS-19 with at least three years service in BS-19 or ten years service in BS-18 and above or seventeen years service in BPS-17 and above, and have successfully completed Senior Management Course.
2	Director/ Additional Director IT (BPS-19).	---	---	By promotion, on the basis of seniority cum fitness, from amongst the Deputy Directors having seven years service in BPS-18 or twelve years service in BPS-17 and above.
3	Deputy Director (BPS-18).	---	---	By promotion, on the basis of Seniority-cum-fitness, from amongst Assistant Directors, Internet and Information Managers and Network Managers having at least five years service.

4	Assistant Director/Internet and Information Service Manager/Network Manager (BPS-17).	At least Second Class Master's Degree in the field of Physical Science, Biological Sciences, Earth Sciences, Applied Sciences, Computer Science, Information Technology, Agriculture, Forestry, Medicine and Engineering or equivalent qualification from a recognized Universities or Institutions.	24-32 years.	By initial recruitment.
5	Budget and Account Officer (BPS-17).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Accountants BPS-16 with at least five years service as such.
6	Superintendent (BPS-17).	---	---	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior scale Stenographers, with at least five years service as such.</p> <p>NOTE: Joint seniority of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion to the post of Superintendent: provided that when the date of continuous appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed senior to the Senior Scale Stenographer.</p>
7	Assistant Research Officer (BPS-16).	At least Second Class Master's Degree or (BS four years) in Biological Sciences or Bachelor of Engineering in any discipline or equivalent qualification from a recognized University.	24-32 years.	By initial recruitment.

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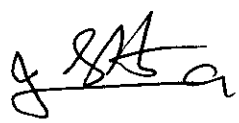
8	Senior Scale Stenographers (BPS-16).	(i) At least Second Class Bachelor's Degree from a recognized University; (ii) a speed of seventy(70) words per minute in the short hand in English and thirty five(35) words per minute in typing; and (iii) having knowledge of computer in using MS office.	24-32 years.	By initial recruitment.
9	Assistant (BPS-16).	At least Second Class Bachelor's Degree from a recognized University.	24-32 years.	a) Seventy five percent by promotion, on basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service, as a Senior and Junior Clerks; and b) twenty five percent by initial recruitment.
10	Accountant (BPS-16).	At least Second Class Bachelor's Degree (Finance or Commerce) from a recognized University and having basic knowledge of computer.	24-32 Years.	By initial recruitment.
11	Computer Operator (BPS-16).	(i) At least Second Class Bachelor's Degree in Computer Science/ Information Technology (BCS/BIT four years) from a recognized University or (ii) At least Second class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	20-32 years.	By initial recruitment.
12	Senior Clerk (BPS-14).	---	---	By promotion, on basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years service.
13	Junior Clerk (BPS-11).	(i) At least Second Class Secondary School	18-30 years.	a). Thirty-three percent by promotion, on the basis of

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		<p>Certificate from a recognized Board; and</p> <p>(ii) typing speed of thirty words per minutes on computer.</p>		<p>seniority cum fitness, from amongst the Daftries, Qasids, Naib Qasids, Chowkidars and Sweepers having Secondary School Certificate from a recognized Board with at least two years service as such; and</p> <p>b). sixty seven percent by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftries, Qasids, Naib Qasids, Chowkidars and Sweepers with reference to the dates of their passing the Secondary School Certificate.</p>
14	Driver (BPS-6).	Literate having LTV driving license issued by competent authority. Preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicle.	18-40 years.	By initial recruitment .
15	Daftari (BPS-4).	At least Middle pass.	18-40 years.	By promotion, on the basis of seniority cum fitness, from amongst holders of the posts of Qasids and Naib Qasids.
16	Qasid (BPS-4).	---	---	By promotion, on the basis of seniority cum fitness, from amongst Naib Qasids, Chowkidars and Sweepers with at least three years service.
17	Naib Qasid (BPS-3).	Literate.	18-40 years.	<p>a) Fifty percent by initial recruitment; and</p> <p>b) fifty percent by transfer from Chowkidars and Sweepers.</p>
18	Chowkidar (BPS-3).	Preferably literate.	18-40 years.	By initial recruitment.
19	Sweeper (BPS-3).	Preferably literate.	18-40 years.	By initial recruitment.

Secretary to  
Government of the Khyber Pakhtunkhwa  
Science and Technology and Information Technology Department



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1786-837

ENDORSEMENT NO. SOE/ST&IT/KP/2-36/2018-19/VOI:VI

Dated Peshawar the 31.01.2020

Copy forwarded to the;

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
5. Directorate of Science & Technology Government of Khyber Pakhtunkhwa.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Adviser to Chief Minister on ST&IT Department Government of Khyber Pakhtunkhwa.
8. Chief Planning Officer, ST&IT Department Government of Khyber Pakhtunkhwa.
9. Manager Government Printing Press Peshawar for publication in the next issue of Govt. Gazette.
10. All Section Officers, ST&IT Department Government of Khyber Pakhtunkhwa.
11. All Planning Officers, ST&IT Department Government of Khyber Pakhtunkhwa.
12. PS to Secretary ST&IT Department Government of Khyber Pakhtunkhwa.
13. PA to Additional Secretary, ST&IT Department Government of Khyber Pakhtunkhwa.
14. PA to Deputy Secretary, ST&IT Department Government of Khyber Pakhtunkhwa.

*[Signature]* 31/01/2020

Section Officer (Establishment)  
Science & Technology and Information Technology  
Department Government of Khyber Pakhtunkhwa

*o/c*

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4/2/20

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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16<sup>TH</sup> DECEMBER, 2022

### GOVERNMENT OF KHYBER PAKHTUNKHWA SCIENCE & TECHNOLOGY AND INFORMATION TECHNOLOGY DEPARTMENT

#### NOTIFICATION

Peshawar, dated the 16/12/2022

**No.SO(Estt)/ST&IT/KP/2-36/2022/Vol-VII.** - In exercise of the powers conferred by rule 3(2) of the Khyber Pakhtunkhwa Appointment, Transfer and Promotion Rules, 1989, the Science and Technology and Information Technology Department is pleased to direct that in this Department's Notification No. SOE/ST&IT/KP/2-36/2018-19/Vol-VI/786-837 dated 31-01-2020 the following amendments shall be made, namely.

#### AMENDMENTS

In the APPENDIX, after Serial No.3, the following new entries shall be inserted in the respectively columns, namely:

S.NO	NOMENCLATURE OF POSTS	MINIMUM QUALIFICATIONS APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION FOR APPOINTMENT BY PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
3	Deputy Director (BPS-18)	---	---	---	By Promotion on the basis of seniority-cum-fitness, from amongst the Assistant Directors, having at least five years service as such.
3-A	Deputy Director Networks (BPS-18)	---	---	---	By promotion on the basis of seniority-cum-fitness, from amongst the Internet and Information Managers and Network Managers having at least five years service as such.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA SCIENCE AND  
TECHNOLOGY & INFORMATION TECHNOLOGY DEPARTMENT

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

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JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT  
W.P.No.1795-P/2021



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Muhammad Haris Shah & Muhammad Saud  
Vs  
Government of Khyber Pakhtunkhwa through Chief  
Secretary & others

Date of hearing: 13.10.2022

Mr. Muhammad Amin Ayub, Advocate, for the petitioners.

Mr. Wilayat Khan, AAG, for the respondents.

JUDGMENT

\*\*\*\*\*

ABDUL SHAKOOR, J.- Through the instant constitutional petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioners, seek the following relief:

"It is, therefore, humbly prayed that this Hon'ble court may graciously be pleased to declare the acts and omissions of the respondents and their refusal to adjust the petitioners against the relevant posts according to their qualifications and experience, as without lawful authority and hence of no legal effect and this august Court may further be pleased to direct the respondents to act in the matter in accordance with law and to adjust the petitioners keeping in view their qualifications and experience against available posts of Provincial Planning Services (PPS) (BPS-17) in the Government of Khyber Pakhtunkhwa Planning & Development Department as 45 posts are vacant, with all back benefits.

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Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to petitioners."

2. Facts, in brief, leading to the instant petition are that initially both petitioners have been appointed as Agency Coordination Officer (ACO) BPS-17 and Assistant Manager Monitoring & Evaluation (M&E) BPS-17 in the erstwhile FATA Development Authority (FDA), on the basis of having MBA qualification, in the years 2010 & 2012, respectively. However, vide notification dated 05.08.2020, issued in terms of Section-4 of the Federally Administered Tribal Areas Development Authorities Regulations (Repeal) Ordinance, 2020, 94 employees of the defunct FDA including the petitioners were declared as surplus employees. Resultantly, they were placed in surplus pool for their further adjustment, as per policy in vogue with effect from 20.04.2020. Vide, Federally Administered Tribal Areas Development Authority Regulations (Repeal) Act-2020, said FDA stood dissolved. Subsequently, vide Notification dated 10.09.2020, the services of petitioners were placed at the disposal of the Science Technology and Information Technology (ST&IT) Department for further adjustment in the Directorate of Science & Technology against the vacant post of Assistant Director (BPS-17) & Assistant Director Monitoring &

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Evaluation (M&E) BPS-17. According to the averments of petition, said posts are not corresponding with the job description and qualification of the petitioners. Therefore, they have approached the respondents for redressal of their grievances in respect of anomalies in their adjustments, being surplus employees, but to no avail, hence the instant petition.

3. In view of the averments made in the petition, the respondents No.2, 4 & 5 were put on notice to furnish their parawise comments, which they have submitted, wherein issuance of the desired writ was resisted on certain legal and factual grounds.

4. Arguments heard and record perused.

5. The main thrust of the arguments of the learned counsel appearing on behalf of the petitioners was that petitioners, on account of their adjustment in the present department, would suffer immensely, as there is no career progression for them in the present department on account of having academic education, which has got nothing to do with the science and technology. He added that petitioners, in view of their qualification and past experience should be adjusted in Planning and Development Department, where 45 posts of their cadre are still lying vacant and same was the mandate of "Surplus Pool Policy" in vogue.

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6. In response to the above stance of the learned counsel of the petitioner, the learned AAG appearing on behalf of the respondents, submitted that the ground, on the basis of which petitioners are seeking their adjustment in the Hyber Pakhtunkhwa Planning and Development Department, is having no force, since where the petitioners were adjusted, there is bright chance of their promotion to the next higher level right from BPS-18 and onward. In support thereof he has pointed out the service Rules, in view whereof, petitioners can be promoted to BPS-18 which is referred to in the comments filed by the official respondents and it reads as "By promotion, on the basis of Seniority-cum-fitness, from amongst Assistant Directors, Internet and Information Managers and Network Managers having at least five years' service".

7. It is the assertion of petitioners that they can be adjusted against 45 vacant posts of PBS-17 in Planning & Development Department; that same would not only be in line with the "Surplus Pool Policy", but in view of their qualification and past experience will be in the interest of public and their interest in terms of their future career. No doubt, respondents in their comments have pointed out that said vacant posts have already been advertized for the

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Peshawar High Court

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appointment of candidates from the open market, but still it is within the domain of respondents to decrease the two posts for the adjustment of petitioners.

8. The learned AAG appearing on behalf of the respondents also pointed out that petitioners, being civil servants, cannot invoke the jurisdiction of this Court in view of a clear bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan. He, in support of his contention, drawn our attention to the Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and submitted that petitioners after the dissolution of FDA i.e. original department have been adjusted in ST&IT Department and thus have attained the status of Civil Servants for the purpose of ibid Act. They in view of the aforesaid section of the ibid Act are liable to be transferred within or outside the province against any post under the Federal Government, Provincial Government or Local Authority, or a Corporation or body set-up or established by such Government. We have given our serious thought to the aforesaid objection of the learned AAG on the basis of which he is of the view that the instant petition is not maintainable, but we felt not persuaded to agree with it. As it is admitted fact that petitioners have not been transferred in the present department from some other department of

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Peshawar High Court

*J. S. Khan*



KPK, rather, they have been adjusted in the present department on the dissolution of original organization i.e. FATA Development Authority, whereas, they are only seeking directions to the respondents that they be adjusted in the relevant department i.e. Planning & Development Department, in line with the "Surplus Pool Policy", keeping in view their qualification and past experience and thus, the instant petition is not hit by Article 212 of the Constitution of Pakistan.

9. It may be observed that petitioners before invoking the extra ordinary jurisdiction of this Court for their proper adjustment, in line with "Surplus Pool Policy" have moved their appeals before the Worthy Chief Secretary, but same are still pending for his decision. In such view of the matter, it is not appropriate for this Court to give its final verdict, in the matter in hand. Better it be disposed of with the direction to the Worthy Chief Secretary that he may pass an appropriate order on the appeals of petitioners which is pending in his office since long without any decision thereon.

10. Accordingly, the instant petition is disposed of with the direction to the worthy Chief Secretary that he may pass an appropriate order on the appeals of the petitioners, keeping in view their qualification and past experience and observations

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EXAMINER  
Peshawar High Court

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made in para-7 of this judgment, which are pending disposal before him since long. The needful shall be done within a month from today or the date of receipt of this order.

**Announced**  
**13.10.2022**

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JUDGE

*AD*  
JUDGE

AMJAD P S DB Hon'ble Justice Masrur Haidri & Hon'ble Mr. Justice Abdul Shakoor

*[Signature]*  
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Date of Delivery of Copy..... 11/22  
Received by..... Nazim

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

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No.SOE/ST&IT/KP/1-158/2022 / 2115-15  
Date the Peshawar, 13/02/2023

40,

Muhammad Saud,  
Assistant Director (M&E),  
Directorate of Science & Technology, Khyber Pakhtunkhwa.

Subject: - REQUEST FOR PROVISION OF INFORMATION REGARDING FINAL  
DECISION N THE COURT JUDGMENT W.P NO. 1795-P/2021 TITLES  
MUHAMMAD HARIŞ SHAH & OTHERS VS GOVT KP.

I am directed to refer to your application dated 02.02.2023 on the subject noted above and to state that, as per views of Establishment Department, adjustment of officers have been made as per Surplus Pool Policy and no provision of cancellation of adjustment order or re-adjustment exist in the ibid Policy. Therefore, appeal of the petitioners already adjusted in the Science & Technology & Information Technology Department may be regretted.

H/salim

Section Officer (Establishment)

Endst No. and date even.  
Copy forwarded to the:

1. PS to Secretary, ST&IT Department, Government of Khyber Pakhtunkhwa.
2. PA to Additional Secretary ST&IT Department Government of Khyber Pakhtunkhwa.
3. PA to Deputy Secretary (Admn), ST&IT Department, Khyber Pakhtunkhwa.

Section Officer (Establishment)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No. 091-9212400/9212722

Fax No. 091-9212401

**NOTE FOR CHIEF SECRETARY**

Mr. Muhammad Haris Shah and Mr. Muhammad Saud were appointed as Agency Coordination Officer (BS-17) and Assistant Manager Monitoring & Evaluation (BS-17) in the erstwhile FATA Development Authority (Ex-FDA) having degrees in Business Administration in 2010 and 2012 respectively. They were declared surplus by the Establishment Department on 5<sup>th</sup> August, 2020 after the enactment of "The Federally Administered Tribal Areas Development Authority Regulations (Repeal) Act, 2020" (**Annex-I & II**).

2. Subsequently, their services were placed at the disposal of ST & IT Department by the Establishment Department for further adjustment in the Directorate of Science & Technology (**Annex-III**). The ST & IT Department adjusted Mr. Muhammad Haris Shah and Mr. Muhammad Saud on the posts of Assistant Director (BS-17) and Assistant Director M&E (BS-17) respectively, in the Directorate of Science & Technology (**Annex-IV**).

3. It is pertinent to mention here that the positions of Assistant Directors at DoST require qualification in science & technology and other relevant qualification, whereas both the officers are holding degrees in Business Administration which does not fulfill the requirement of adjustment as per surplus pool policy (**Annex-V**). Hence, they submitted an appeal to Chief Secretary Khyber Pakhtunkhwa on which they did not receive any response (**Annex-VI**).

4. Aggrieved with the adjustment, the appellants filed a writ petition, in which the Honorable Court directed that the Chief Secretary Khyber Pakhtunkhwa may pass an appropriate order on the appeal of the petitioners considering their qualification and past experience (**Annex-VII**).

5. Hence, it is proposed that Establishment Department may revisit the adjustment of both officers as per their qualification and experience.

6. Para 5/N of the Note is submitted for approval, please.

  
28/11/2022  
(MUHAMMAD KHALID)  
SECRETARY ST&IT DEPARTMENT

24/2  
3/11/22

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7. Note for the Chief Secretary submitted by ST&IT Department regarding appeals of Mr. Muhammad Haris Shah, Ex-Agency Coordination Officer (BS-17) and Mr. Muhammad Saud, Ex-Assistant Manager Monitoring & Evaluation (BS-17) of erstwhile FDA in light of the directions passed by the Hon'ble Peshawar High Court Peshawar on 13.10.2022 in writ petition No.1795-P/2021 (Annex-VII) has been examined.

8. It is pointed out that the Federally Administered Tribal Areas Development Authority Regulations (Repeal) Act, 2020 was promulgated on 12.08.2020. Under Section-3 of the Act ibid the Federally Administered Tribal Areas Development Authority Regulations 2006 was repealed and as a corollary thereof the Federally Administered Tribal Areas Development Authority established thereunder stand dissolved. Section-4 of the Act stipulates that employees of the Authority shall be deemed to have been declared surplus and placed at the disposal of the Establishment Department of Government for adjustment or posting as per policy. The Establishment Department of Government shall be the successor for resolving issues of human resources or litigations etc. Provided that the project employees shall continue their services till the completion of projects of the Authority and thereafter their services shall be deemed to be terminated. In pursuance of ibid Section Ninety four (94) employees of defunct FATA Development Authority including the officers in the instant case were declared as surplus on 05.08.2020 (Annex-I). Subsequently upon availability of vacancies they were adjusted in various Government Departments. Moreover, upon request and in consultation with the Administrative Department services of the officers mentioned in Para-1 ante were placed at the disposal of Khyber Pakhtunkhwa Science & Technology & Information Technology Department for their further adjustment in the Directorate of Science & Technology, Khyber Pakhtunkhwa against the vacant post of Assistant Director (BS-17) falling in the initial quota (Annex-III) as per Surplus Pool Policy on 09.10.2020 and the Administrative Department issued their adjustment/placement notification against the posts of Assistant Director and Assistant Director (M&E) respectively.

9. Stance of the Administrative Department at Para-3 and 5 ante is self-contradictory to the notifications dated 23.10.2020 and 28.10.2022 issued by the Administrative Department whereby the services of the officers were further adjusted in Directorate of Science & Technology. It is worth mentioning that the Administrative Department was at liberty to withdraw their request at the time of correspondence regarding filling up of vacancies through available officers/employees in the Surplus Pool, had it been

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found against the Surplus Pool Policy. Moreover, there is no concept for re-adjustment under the Surplus Pool Policy.

10. Since adjustment of the officers have been made as per Surplus Pool Policy and no provision of cancellation of adjustment order or re-adjustment exists in the ibid Policy, therefore, appeals of the petitioners already adjusted in the Science & Technology & Information Technology Department may be regretted.

  
(Zuffiqar Ali Shah)  
Secretary Establishment



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

**APPEAL NO. 1227/2023**

MUHAMMAD SAUD,  
ASSISTANT DIRECTOR (M&E) ST&IT DEPARTMENT..... APPELLANT

**VERSES**

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH**

1. The Gove. of Khyber Pakhtunkhwa,  
Through Chief Secretary,  
Civil Secretariat Peshawar. Respondent No. 1
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Planning & Development Department,  
Civil Secretariat Peshawar. Respondent No. 2
3. The Additional Chief Secretary,  
Planning & Development Department,  
Civil Secretariat Peshawar. Respondent No. 3
4. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Science & Technology and Information Technology  
Deptt. Civil Secretariat Peshawar. Respondent No. 4
5. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment & Administration Department,  
Civil Secretariat Peshawar. Respondent No. 5
6. The Director General,  
Directorate General of Science & Technology,  
Govt. of Khyber Pakhtunkhwa Peshawar. Respondent No. 6
7. Additional Secretary (Regulation)  
Establishment & Administration Department,  
Civil Secretariat Peshawar. Respondent No. 7
8. Director,  
Directorate General of Science & Technology,  
Govt. of Khyber Pakhtunkhwa Peshawar. Respondent No. 8

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