

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 867

Dated 29/07/2022

**Service Appeal No. 384/2022**

Muhammad Juanid & Others .....Appellants

**Versus**

Chief Secretary, Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

S.#	Description of Documents	Annex	Pages
1.	Comments duly signed		2-4
2.	Affidavit		5
3.	Authority Letter		6
4.	Surplus Pool Policy	I & II	7-11
5.	Appointment letters of Appellants	III	12-13
6.	Pay Protection letter dated 18-03-2021	IV	14-15

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO. 384/2022**

Muhammad Junaid & others..... **Appellants**

**Versus**

Chief Secretary Khyber Pakhtunkhwa & Others ..... **Respondents**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTION**

1. That the Appellants have got no locus standi /cause of action to file the instant Service Appeal.
2. That no discrimination/injustice has been done to anyone.
3. That the Appeals are not based on facts and is unjustified.
4. That the appellants have concealed some material facts from this Hon'able Tribunal.
5. That the appellants are estopped by their own conduct to file the instant appeal.
6. That the appeal of the appellant is badly time barred.
7. That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary parties.

**ON FACTS:**

1. Pertain to record.
2. Pertains to the Act of the defunct Ehtesab Commission, Khyber Pakhtunkhwa.
3. Pertains to record.
4. Pertains to the personal record of the Petitioners.
5. Pertains to record.
6. Pertains to record.
7. No comments.
8. Pertains to record.
9. Incorrect.

**ON GROUNDS**

- A. **Incorrect**, hence deined. The appellants have been treated strictly in accordance with Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018, Surplus Pool Policy, 2001, and other laws governing rights of the appellants.

- 12
- B. Pertains to record.
- C. **Incorrect**, hence denied. The appellants were kept in Surplus Pool under section-6(b) & 6(c) of the Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018 and were further adjusted under Para-5(c) of the Surplus Pool Policy, 2001, which states that adjustment shall be made on vacant post pertaining to initial recruitment quota from those in the surplus pool (**Annex-I**).
- D. Pertains to record.
- E. **Incorrect**, hence denied. The said notification of the Finance Department was about pay protection to gazetted contract employees whose services were regularized and not about employees of Surplus Pool.
- F. The Seniority of Surplus Pool employees is fixed in accordance with Para-6 of the Surplus Pool Policy, which is reproduced as under(**Annex-II**):-
- a) In case a surplus employee could be adjusted in the respective cadre of his parent Department he shall regain his original seniority in that cadre.
  - b) In case, however, he is adjusted in his respective cadre but in a Department other than his parent Department, he shall be placed at the bottom of seniority list of that cadre.
  - c) In case of his adjustment against a post in a corresponding basic pay scale with different designation/nomenclature of the post, either in his parent Department or in any other department, he will be placed at the bottom of seniority list.
  - d) In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.
- G. **Incorrect**. The pays of the appellants were fixed in accordance with law/rules, after their adjustment in the Industries Department.
- H. FR-22 is applicable only on those civil servants who apply through proper channel from one post to another whereas the appellants were contract employees of Khyber Pakhtunkhwa Ehtesab Commission as is evident from their appointment order (**Annex-III**), hence, the Administrative Department was required to examine and disposed of the case in light of Finance Department letter dated 18-03-2021 (**Annex-IV**) which was self-explanatory about pay protection to contract gazette employees not the employees of the Surplus Pool to whom pay protection cannot be given under the bid notification.
- I. Pertains to leave matters.
- J. **Incorrect**, hence denied. The mentioned judgment is not about Surplus employees.
- K. **Incorrect**, hence denied. The mentioned judgment is not about Surplus employees. The appellants have tried to gain undue favor from this Hon'able Tribunal by alluding to a Judgment of the Apex Court which does not apply/relate to the employees of the Surplus Pool rather the employees who switched on from one department to another through Public Service Commission and proper channel. Thus, they are estopped by their own conduct to file the instant appeal.
- L. That the respondents also seek permission of this Hon'able Tribunal to raise further points at the time of arguments.

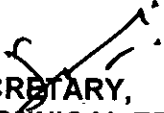
**PRAYER**

4

It is, therefore, prayed that the appeals being devoid of legal merit may be dismissed.

  
CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA  
(RESPONDENT NO. 01)

  
SECRETARY,  
ESTABLISHMENT KHYBER PAKHTUNKHWA  
(RESPONDENT NO.02)

  
SECRETARY,  
INDUSTRIES, COMMERCE & TECHNICAL EDUCATION DEPARTMENT,  
KHYBER PAKHTUNKHWA.  
RESPONDENT NO. 03

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 384/2022**

Muhammad Juanid & Others .....Appellants

**Versus**

Chief Secretary, Khyber Pakhtunkhwa & Others ..... Respondents

**AFFIDAVIT**

I, Majid Hannan Lodhi, Section Officer (Litigation) BPS-17, Judicial Wing, Establishment Department, Govt. of Khyber Pakhtunkhwa do hereby solemnly declare that contents of the para-wise comments are correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Court.

DEPONENT



*[Handwritten Signature]*

CNIC No. 13503-8092069-1

Contact No. 0333-6253335

**Identified by**

Advocate General  
Peshawar High Court Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

6

**AUTHORITY LETTER**

Mr. Majid Hanan Lodhi, Section Officer (BPS-17) (Litigation-II Section), Establishment Department, is hereby authorized to submit Parawise Comments in the Hon'ble Service Tribunal, Khyber Pakhtunkhwa in S.A No. 384/2022 titled as " Muhammad Junaid VS Government of Khyber Pakhtunkhwa & Others" on behalf of the undersigned.

  
SECRETARY ESTABLISHMENT

## Surplus Pool Policy

### Policy for declaring government servants as surplus and their subsequent absorption/ adjustment.

I am directed to refer to the subject noted above and to say that the Provincial Government has been pleased to make the following policy for absorption/adjustment of Government Servants declared as surplus in view of the transition of District System and resultant re-structuring of the Government Organizations/Departments etc.

1. POWER WITH REGARD TO THE DECLARATION OF POSTS AS SURPLUS.

The Finance Department in consultation with Department concerned and with the approval of competent authority would decide with regard to the declaration of a particular organization, set up or individual post as redundant or inessential.

2. CREATION OF SURPLUS POOL

There will be a surplus pools cell in the E&AD. After abolition of such posts in the concerned department, duly notified by the Finance Department, equal number of posts in the corresponding basic pay scales would be created in the E&AD for the purpose of drawl of pay and allowances etc by the employees declared surplus as such.

3. IMPLEMENTATION/MONITORING CELL

For the purpose of coordination and to ensure proper and expeditious adjustment/absorption of surplus staff, the Government of NWFP has been pleased to constitute the following committee:-

- a. Additional Secretary(Establishment) E&AD.....Chairman.
- b. Deputy Secretary LG&RD Department.....Member
- c. Deputy Secretary Finance Department.....Member
- d. Deputy Secretary(Establishment) E&AD.....Secretary

4. CRITERIA FOR DECLARING A GOVERNMENT SERVANT AS SURPLUS AS A RESULT OF ABOLITION OF POST.

Consequent upon the abolition of a post in a particular cadre of a department, the junior most employee in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool as indicated in para 2 above for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment.

5. PROCEDURE FOR ADJUSTMENT OF SURPLUS EMPLOYEES

Notwithstanding anything contained in any other law, rules or regulation to the contrary, for the time being in force, the following procedure for the adjustment of surplus staff would be followed:-

- (a) Before transferring an employee to the surplus pool, he should be given option by the concerned department.

- (i) to proceed on retirement with normal retiring benefits under the existing rules;
  - OR
  - (ii) to opt for readjustment/absorption against a future vacancy of his status/BPS which may not necessarily be in his original cadre/department.
- (b) Those who opt for retirement would be entitled for usual pension and gratuity according to the existing Government Servants Pension and Gratuity Rules of the Provincial Government. Those who opt for absorption/re-adjustment, a category-wise seniority list will be caused in the surplus pool for their gradual adjustment against the future vacancies as and when occurred in any of the Government Departments. These adjustments shall be on seniority-cum-fitness basis. For this purpose, the seniority list will be caused category-wise with reference to their respective dates of appointment in the cadre. In case where dates of appointment of two or more persons are the same, the person older in age shall rank senior and shall be adjusted first.
- (c) Adjustment shall be made on vacant post pertaining to initial recruitment quota from those in the surplus pool in the following manner:-
- (i) In case of occurrence of vacancies in their corresponding posts in any Government Department/ Organization, the senior most employee in the surplus pool should be adjusted first.
  - (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 academic qualification but lacks the professional/technical qualification, he may be adjusted against such post subject to imparting the requisite training.
  - (iv) (a) The surplus employees holding such posts which fall to promotion quota in about all the Departments, he shall remain in the surplus pool till the availability of a post in the parent department.
  - OR
  - (b) Where no equivalent post is available the civil servant may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the post immediately preceding his appointment to a lower post shall remain protected.
  - (v) <sup>84</sup>In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.
  - (vi) <sup>85</sup> Surplus employees, who voluntarily opt, may be allowed adjustment in Autonomous/Semi-autonomous bodies with the concurrence of these bodies, where the job is pensionable. The Government will pay pension contribution for the period they rendered regular service under the Government.

<sup>84</sup> Sub para c (v) added to para 5 vide circular letter No.SORVI(E&AD)5-1/2005, dated 15.2.2006.

<sup>85</sup> Sub para c (vi) added to para 5 vide circular letter No.SORVI(E&AD)5-1/2005, dated 31.5.2006.



- (d) If no suitable person is available in the surplus pool to be adjusted against the vacant/revised post, such a post would be filled up by initial recruitment manner after getting clearance from the E&AD.
- (e) <sup>86</sup>Surplus Staff in BPS-01 to 15 shall not be adjusted in the district other than their district of domicile.
- (f) To facilitate the adjustment of surplus staff, it will be incumbent upon the Administrative Department to take up the case with Finance Department for revival of the essential posts so retrenched as a result of general directive issued by Finance Department from time to time, giving cogent reasons/justification. Against the resultant revival/restoration of the post, the concerned Department will place a requisition on the E&AD for transferring of suitable surplus employee against the said post.
- (g) Unless the surplus employees in Class-IV are fully adjusted/ absorbed against their respective graded posts in various Government Departments/Organizations, the general policy of the Finance Department regarding conversion of BPS-1 & 2 posts to posts in fixed salary @ Rs.2000/- per month for contractual appointed should be restricted to the above extent.

#### 6. FIXATION OF SENIORITY

The inter-se seniority of the surplus employees after their adjustment in various Departments will be determined according to the following principles:-

- (a) In case a surplus employee could be adjusted in the respective cadre of his parent Department he shall regain his original seniority in that cadre.
- (b) In case, however, he is adjusted in his respective cadre but in a Department other than his parent Department, he shall be placed at the bottom of seniority list of that cadre.
- (c) In case of his adjustment against a post in a corresponding basic pay scale with different designation/nomenclature of the post, either in his parent Department or in any other department, he will be placed at the bottom of seniority list.
- (d) <sup>87</sup>In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.

<sup>86</sup> (3) Sub para (e) added to para 5 vide circular letter No.SORVI/E&AD/5-1/2005, dated 19.1.2007.

<sup>87</sup> Sub para d added to para 6 vide circular letter No. SORVI(E&AD)5-1/2005, dated 15.2.2006

**NOTE:-**

In case the officer/official declines to be adjusted/absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall lose the facility/right of adjustment/absorption and would be required to opt for pre-mature retirement from Government service.

Provided that if he does not fulfill the requisite qualifying service for premature retirement he may be compulsorily retired from service by the competent authority.

**7. COMPETENT AUTHORITY TO NOTIFY/ORDER ADJUSTMENT/ABSORPTION.**

After the transfer of services of surplus employee to a Department for adjustment/absorption against a vacant/revived post, the Competent Authority to notify/order his absorption/adjustment, shall be the respective appointing authority under the relevant rules for the post.

Provided that the decision of adjustment/absorption of surplus employees by the E&AD shall be binding upon the respective appointing authorities.

(Authority: letter NO.SOR-I(E&AD)1-200/98, Dated 8<sup>th</sup> June, 2001)

**Decision of the meeting of chief secretary with district coordination officers, on the issue of surplus pool.**

I am directed to refer to the subject noted above and to say that a meeting was held on 4.8.2001 in the Cabinet Room Civil Secretariat under the Chairman of Chief Secretary, NWFP to discuss the issues relating to adjustment of employees rendered surplus due to restructuring of the Government Departments and Devolution of Power Plan, 2000. The following decisions were taken in the said meeting:-

- i) Administrative Departments may reconsider adjustments already made against the available posts at District level. The guiding principle for reviewing the adjustment would be aimed at avoiding dislocation of the employees to the possible extent.
- ii) The DCOs will maintain the surplus pool of the employees, declared surplus in the District cadres and their subsequent adjustment against the vacant posts (District Cadres). It must be ensured that only the junior most employees in the scale in the cadre be declared surplus. At the stage of adjustment of Class-IV posts, the senior most be adjusted first. However, for the other posts besides seniority, the background of the individual and requisite experience of the posts shall be kept in view. The surplus pool of Divisional cadres be maintained by the DCOs posted at divisional headquarters.
- iii) The surplus pool of the employees of the Head Offices be maintained by the Head of the concerned Attached Department. Declaring employees surplus and their subsequent adjustment be made strictly according to the spirit of the policy of the Provincial Government issued vide circular letter No.SORI (S&GAD)1-200/98, dated 8.6.2001.

- iv) The surplus pool of the Secretariat be maintained by the Establishment Department in consultation with the Department concerned.
- v) The salaries of the surplus employees be disbursed through their relevant offices for the time being.
- vi) It was also felt that the sanctioned staff for the office of DCO and other offices is not sufficient. The ministerial staff has no appropriate tiers for the purpose of control and promotion i.e. Senior Clerk and Superintendent etc. The post of Chowkidar/ Sweeper does not exist in the office of DCOs and other offices. Even the other required staff does not meet the bare minimum. The DCOs will, therefore, forward the required proposal for consideration of Finance Department. The budget for the same can be arranged from the available savings due to phasing away of magistracy etc.
- vii) The LR&RD Department may reconsider the adjustment of the employees of the Local Council Board, so as to find out whether any such employees have been adjusted against the regular Government posts funded from the Provincial Consolidated Fund.
- viii) For adjustment of regular Class-IV (BS 1- 4) Government Servant in surplus pool, Finance Department may consider conversion of fixed pay/ contract posts into regular.

2. It is requested that decisions taken during the meeting held on 4.8.2001 may kindly be implemented by all concerned in letter and spirit and compliance report be furnished accordingly.

(Authority; letter NO.SOR-I(S&GAD)1-200/98 (Vol.I), Dated 13<sup>th</sup> August, 2001)

REQUESTED

Signature



Annex III  
KHYBER PAKHTUNKHWA  
EHTESAB COMMISSION



No. EC/HR/22-6(01)/2015

Date: 01.08.2017

To

Mr. Muhammad Junaid S/o Muhammad Saeed  
R/o House No.156, New Colony Jehangir Abad, Tehkal Bala, District Peshawar.

Subject: APPOINTMENT TO THE POST OF ASSISTANT DIRECTOR, WEB- BPS-17  
(RS.30370-2300-76370)

1. With reference to examination and subsequent recommendation by the Committee constituted under section 11(4) of KPEC Act, 2014 (as amended), the Director General, KP Ehtesab Commission is pleased to appoint you as Assistant Director, Web (BPS-17) in KP Ehtesab Commission.

2. The terms & conditions of appointment are as under:-

- a. Your services will be governed in accordance with the KPEC Act (ibid) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPEC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
- b. You will draw the pay in BPS-17 (RS. 30370-2300-76370) plus other allowances as admissible under the KP Government Rules and KPEC Employees Service Regulations, 2017.
- c. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
- d. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by HEC/concerned institute or board as the case may be.
- e. You can be posted/ transferred/ attached anywhere in KP Ehtesab Commission, as considered necessary by the Competent Authority.
- f. Your seniority would be determined in accordance with the KPEC Employees Service Regulations, 2017.

3. If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPEC within 07 days of issuance of this letter.

4. Your appointment will be notified on the receipt of your joining report.

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission
- Personal File
- Master File

Director General  
KP Ehtesab Commission  
Peshawar

Assistant Director (HR)  
KP Ehtesab Commission



**EHTESAB COMMISSION  
KHYBER PAKHTUNKHWA**

No. EC/HR/22-6(01)/2015

Dated 01-08-2017

To

Mr. Muhammad Junaid S/O Muhammad Saeed,  
R/o House No. 156. New Colony Jehangir Abad, Tehkal Bala, District Peshawar.

Subject:- **APPOINTMENT TO THE POST OF ASSISTANT DIRECTOR, WEB- BPS-17  
(RS. 30370-2300-76370)**

With reference to examination and subsequent recommendation by the Committee constituted under section 11(4) of KPEC Act, 2014 (as amended), the Director General, KP Ehtesab Commission is pleased to appoint you as **Assistant Director, Web (BS-17) in KP Ehtesab Commission.**

2. The terms & conditions of appointment are as under:-

- a. Your services will be governed in accordance with the KPEC Act (ibid) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPEC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
- b. You will draw the pay in BS-17 (Rs. 30370-2300-76370) plus other allowances as admissible under the KP Government Rules and KPEC Employees Service Regulations, 2017.
- c. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
- d. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by HEC/concerned institute or board as the case may be.
- e. You can be posted/transferred/attached anywhere in KPK Ehtesab Commission, as considered necessary by the Competent Authority.
- f. Your seniority would be determined in accordance with the KPEC Employees Service Regulations, 2017.

3. If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPEC within 07 days of issuance of this letter.

4. Your appointment will be notified on the receipt of your joining report.

**Director General,  
KP Ehtesab Commission,  
Peshawar.**

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission.
- Personal file.
- Master file.

SD/-  
Assistant Director (HR),  
KP Ehtesab Commission

9

13

KHYBER PAKHTUNKHWA  
EHTESAB COMMISSION

NO. P/HR/1/2014

Date: 01.03.2017

Mr. Ali Wa Rehman S/o Muhammad Yousof  
R/o Subair Colony Fakhra Uddin, Dargah Road, District Peshawar.

Subject: APPOINTMENT TO THE POST OF ASSISTANT DIRECTOR, SOFTWARE - BPS-17  
(RS. 30370-3300-36370)

With reference to examination and subsequent recommendation by the Committee constituted under section 11(4) of KPFC Act, 2014 (as amended), the Director General KP Ehtesab Commission is pleased to appoint you as Assistant Director, Software (BPS-17) in KP Ehtesab Commission.

The terms & conditions of appointment are as under:-

- a. Your services will be governed in accordance with the KPFC Act (1973) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPFC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
- b. You will draw the pay of BPS-17 (RS. 30370-3300-36370) plus other allowances as admissible under the KP Government Rules and KPFC Employees Service Regulations, 2017. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
- c. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by HEC, concerned institute or board as the case may be.
- d. You can be posted, transferred, attached anywhere in KP Ehtesab Commission as considered necessary by the Competent Authority.
- e. Your seniority would be determined in accordance with the KPFC Employees Service Regulations, 2017.

If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPFC within 07 days of issuance of this letter.

Your appointment will be ratified on the receipt of your joining report.

Director General  
KP Ehtesab Commission  
Peshawar

Copy to:

- a. Director, Finance & Audit Wing, KP Ehtesab Commission
- a. Personal File
- a. Register File

Assistant Director (HR)  
KP Ehtesab Commission



**EHTESAB COMMISSION  
KHYBER PAKHTUNKHWA**

No. EC/HR/22-6(01)/2015

Dated 01-08-2017

To

Mr. Zia Ur Rehman S/O Muhammad Yousaf,  
R/o Zubair Colony Pakha Ghulam Dalazak Road Peshawar.

Subject:- **APPOINTMENT TO THE POST OF ASSISTANT DIRECTOR, WEB- BPS-17  
(RS. 30370-2300-76370)**

With reference to examination and subsequent recommendation by the Committee constituted under section 11(4) of KPEC Act, 2014 (as amended), the Director General, KP Ehtesab Commission is pleased to appoint you as Assistant Director, Web (BS-17) in KP Ehtesab Commission.

2. The terms & conditions of appointment are as under:-

- g. Your services will be governed in accordance with the KPEC Act (ibi) and Rules, Regulations and Policies made thereunder. In all other matters, not specifically provided for in KPEC Employees Service Regulations, 2017, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis.
- h. You will draw the pay in BS-17 (Rs. 30370-2300-76370) plus other allowances as admissible under the KP Government Rules and KPEC Employees Service Regulations, 2017.
- i. The post is regular, however, your confirmation will be subject to satisfactory completion of probationary period.
- j. Your appointment shall be subject to satisfactory report regarding your security clearance and verification of degrees/documents by HEC/concerned institute or board as the case may be.
- k. You can be posted/transferred/attached anywhere in KPK Ehtesab Commission, as considered necessary by the Competent Authority.
- l. Your seniority would be determined in accordance with the KPEC Employees Service Regulations, 2017.

3. If the offer and the terms & conditions, mentioned above are acceptable to you, you should report to Human Resource Wing, KPEC within 07 days of issuance of this letter.

4. Your appointment will be notified on the receipt of your joining report.

**Director General,**  
KP Ehtesab Commission,  
Peshawar.

Copy to:

- Director, Finance & Audit Wing, KP Ehtesab Commission.
- Personal file.
- Master file.

SD/-  
Assistant Director (HR),  
KP Ehtesab Commission



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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[twitter.com/GoKPFDP](https://twitter.com/GoKPFDP)

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

To:

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

Subject:

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

Dear Sir,


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

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



- v) That the service rendered on contract basis shall not qualify for pension / gratuity
- vi) That in case of regular appointment in lower grade, pay shall not be protected.
- vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old / new cases which are fulfilling the pay protection criteria mentioned above.

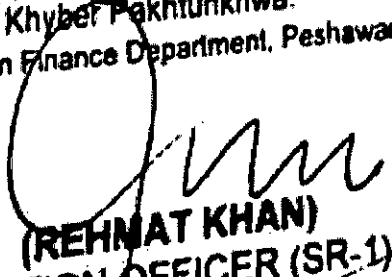
2. In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

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

**Endat: No & Date even.**

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

1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
7. The Director, FMIU, Finance Deptt: with the request to upload the same on FD's Website.
8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
9. All the District Accounts Officers in Khyber Pakhtunkhwa.
10. The Section Officer (Cabinet) Estt: Deptt., Khyber Pakhtunkhwa with reference to his letter No.SOC(E&A)9-51/2021 dated 08-03-2021.
11. The Section Officer (Estab), C&W Deptt: with reference to his letter No.SOE/C&WD/1-41/2018 dated 26-10-2020 in respect of Eng. Syed Nasir Jehan, Asstt: Engineer / SDO (BS-17) of C&W Deptt: KP.
12. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
13. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa.
14. The Private Secretary to Secretary, Finance Deptt: Khyber Pakhtunkhwa.
15. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
16. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar.

  
 (REHMAT KHAN)  
 SECTION OFFICER (SR-1)

... adjusted under ... Commission (Repeal) Act, 2018 ... section-6(b) & ... of the Surplus Pool Policy, ... states that adjustment shall be made on vacant ... initial recruitment quota from those ... (Annex-I).