

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.**

**PESHAWAR.**

**Service Appeal No. 1363/2023**

Muhammad Raza Khan S/O Syed Muhammad Sharif, Site Supervisor/Sub Engineer  
Irrigation Department, Khyber Pakhtunkhwa, Peshawar.

..... Applicant

**VERSUS**

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Secretary Irrigation Department, Civil Secretariat, Peshawar.
- 3) Secretary Finance Department, Civil Secretariat, Peshawar.
- 4) Secretary Establishment Department, Civil Secretariat, Peshawar.

..... Respondents

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

**Service Appeal No. 1363/2023**

Muhammad Raza S/O Syed Muhammad Sharif, Site Supervisor/Sub Engineer  
Irrigation Department Khyber Pakhtunkhwa, Peshawar.

..... Appellant

**VERSUS**

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Secretary Irrigation Department, Civil Secretariat Peshawar.
- 3) Secretary Finance Department, Civil Secretariat Peshawar.
- 4) Secretary Establishment Department, Civil Secretariat Peshawar.

..... Respondents

Subject: **PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 TO 4.**

**Respectfully Sheweth.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8304

Dated 16-10-23

**Preliminary objections**

- i. That the appellant has got no locus standi to file this appeal.
- ii. That the appellant does not come to the court with clean hand.
- iii. That the appeal is not maintainable mis joinder and non-joinder for necessary parties.
- iv. That the appellant is estopped by own own conduct hence not able to file this petition.
- v. That appeal does not fall in jurisdiction of this tribunal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, hence, not maintainable.
- vi. That the appeal is barred by law and limitation.

**ON FACTS:**

- 1) Para 1 is incorrect. The appellant was appointed in Project Support Unit (PSU) Small Dams vide Ex- Chief Executive FDA office order No. Secy/FDA/3-235/Vol-VI/SD PSU/2019, dated 09/07/2019 under section 14(2) of FDA Standing Orders, 2011 as Site Supervisor, Project Pay Scale(PPS)-6 on urgency basis (**Annex-A**).
- 2) Para 2 pertains to record.
- 3) Para 3 is correct; however, appellant was performing duties as Site supervisor Project Pay Scale(PPS)-6 as explained in Para 1 above.

- 2
- 4) Para 4 need clarification. The sub committee recommended the regularization of 25 Nos. employees with condition that service promotion quota of service cadre would not be affected (Minutes of the Sub Committee attached as Annex-B).
  - 5) Para 5 is correct. It is clarified that as per condition "a" of the notification dated 07/07/2022 (Annex-C) and section 4 of the Khyber Pakhtunkhwa Regularization of service of employees of erstwhile Federally Administered Tribal Areas Act 2021 (Annex-D), *the service promotion quota of all services cadres would not be affected.*
  - 6) Para 6 needs clarification. Upon regularization of the services of 25 employees working in PSU Small Dams under the *Khyber Pakhtunkhwa Regularization of service of employees of erstwhile Federally Administered Tribal Areas Act 2021*, the Respondent No. 3 was requested by Respondent No. 2 for creation of the posts which was acceded by Respondent No. 3 and as such post of Sub Engineer was created in BPS 12 as per cadre of the post (Annex-E) in light of Service Rule of the Irrigation Department (Annex-F).
  - 7) The application of the appellant was submitted by Respondent No. 2 to Respondent No. 4 which was returned with direction to take up the matter with Respondent No. 3 (Annex-G). Accordingly, the issue was taken up with Respondent No. 3 who regretted (Annex-H) with plea that one-time upgradation of the post of Sub Engineers from BPS 11/12 to 16 was granted one time vide Finance Department Notification No. FD/SO(FR)7-13/2017/6253, dated 07/03/2018 (Annex-I).
  - 8) That the appeal is not liable for acceptance.


**ON GROUNDS.**

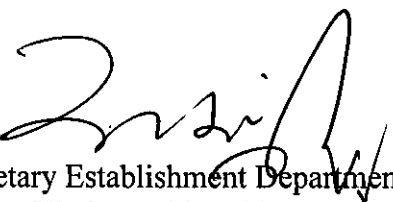
- A. Incorrect and denied.
- B. Pertain to record.
- C. Correct, however, the committee also recommended the regularization of 25 Nos. employees with condition that service promotion quota of service cadre would not be affected as already explained in Para 4 above.
- D. Incorrect. The scale of BPS 12 has been allotted to the appellant as per cadre of the Sub Engineer as per service rules Irrigation Department.
- E. Incorrect. As explained in para D above.

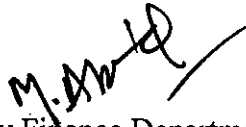
- F. Incorrect and denied. The new posts were created as per cadres by the Respondent No. 3 including posts of Sub Engineers in BPS 12 as already explained in para 6 above.
- G. Correct. But each and every case has its own circumstances.
- H. Correct. But each and every case has its own circumstances.
- I. That the Respondents also seek permission to raise further points at the time of arguments.

**PRAYER**

It is therefore, humbly submitted that appeal filed by the appellant, being contrary to the service rules of the Irrigation Department, *Khyber Pakhtunkhwa Regularization of service of employees of erstwhile Federally Administered Tribal Areas Act 2021* and not falling under Section 4 of the Khyber Pakhtunkhwa Province Service Tribunal Act 1974, may graciously be dismissed with order of cost, please.

  
Secretary Irrigation Department,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Secretary Establishment Department,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Secretary Finance Department,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 4)

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

**SERVICE APPEAL NO. 1363/2023**

**Muhammad Raza**

**Petitioner**

***VERSUS***

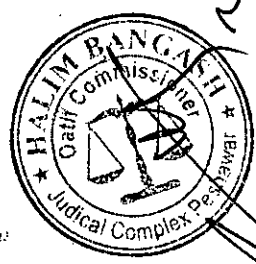
**Government of Khyber Pakhtunkhwa through  
Chief Secretary & others**

**Respondents**

**AFFIDAVIT**

I, Muhammad Jamal ud Din, Superintendent (Small Dams), Irrigation Department on behalf of respondent No. 02, 03 & 04 do hereby affirm and declare on oath that the contents of para-wise comments are true and correct to the best of my knowledge and belief that nothing has been kept concealed from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense/ struck off/ cost.

**ATTESTED**



**Deponent**

Muhammad Jamal ud Din  
Superintendent (Small Dams)  
Irrigation Department  
CNIC No. **15201-0577767-5**  
Cell No. **0348-4319313**



# FATA DEVELOPMENT AUTHORITY

ADMINISTRATION DEPARTMENT

Plot No. 46, Sector B-2, Phase-V, Hayatabad, Peshawar.

PBX Junctions 091-9219518-22 Fax: 091-9219511

51  
Annex-A

## OFFICE ORDER

Dated: 9/07/2019

No. Secy/PDA/3-235/Vol-VI/SD PSU/2019: In the light of the Peshawar High Court Order Sheet dated 02-04-2019 in Writ Petition No. 3560/18 with CM No. 747/19 read with the decisions of the meeting held on 07-03-2019 at the FDA HQ endorsed by the Peshawar High Court, Peshawar, without prejudice to the stand of the FDA in the Writ Petitions No. 3558 & 3560-P/2018, filed in the Peshawar High Court and pending final decision of the Honourable Court therein, the Competent Authority, on the recommendations of the Project Director concerned, ~~has been pleased to appoint~~, in exercise of the powers under Rule 14(2) of FATA-DA (Appointment Against Project Posts) Standing Orders, 2011, the following project employees in the ongoing Project titled "Project Support Unit, Small Dams" ~~on urgency basis at the fixed pay~~, as mentioned against each, as per the PSDP Pay Package, in the best public interest w.e.f 9-7-2019 upto 8-1-2020 or till completion of the recruitment through prescribed manner or till final judgment of the Honourable Competent Court of Law whichever is earlier:-

Sl#	Name	Designation with PPS	Pay Package per month
1.	Mr. Faheem Ullah ✓	APD North (Civil), PPS-7	Rs. 90,000/-
2.	Mr. Naeem Afridi ✓	APD (Civil Hydro Power), PPS-7	Rs. 90,000/-
3.	Mr. Asif Wazir ✓	Asstt. Project Director (A/E), PPS-7	Rs. 90,000/-
4.	Mr. Muhammad Raza ✓	Site Supervisor, PPS-6	Rs. 60,000/-
5.	Mr. Muhammad Arafat ✓	Record Keeper, PPS-2	Rs. 20,000/-

2. Their appointment shall be purely on adhoc basis & performance during this period shall be monitored.

-sd-  
(CHIEF EXECUTIVE)  
FATA-DA, Peshawar.

Copy for information to:

1. All General Manager, FATA-DA
2. Project Director (Small Dams), FATA-DA
3. Assistant Manager (PAW) Finance Department, FATA DA
4. PS to Chief Executive, FATA-DA
5. PA to Secretary, FATA DA

Assistant Manager (Admin)  
FATA-DA, Peshawar.

Attested  
Superintendent  
Small Dams Merges Area  
Irrigation Deptt.

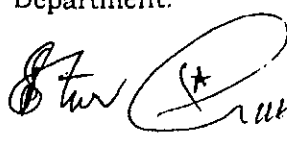


7.3.6  
Annex B


REPORT OF THE SUB-COMMITTEE CONSTITUTED FOR SCRUTINY OF THE  
CREDENTIAL OF PROJECT EMPLOYEES OF PSU SMALL DAMS MERGED AREA  
IRRIGATION DEPARTMENT

1. In pursuance of Notification dated 06-06-2022, a series of meetings of the sub-committee were held on 14-06-2022, 23-06-2022 and 24-06-2022 under the chairmanship of Additional Secretary, Irrigation Department to check the credential of the Project employees of the Project "Creation of Project Support Unit (PSU) for Pre-Construction and Implementation of Small Dams/Power Section" reflected at Sr. No. 97 of the Khyber Pakhtunkhwa (Regularization of services of Employees of Erstwhile Federally Administrated Tribal Area) Act, 2021.
2. In the scrutiny the following three categories of employees were found to be tabled for discussion:
  - i. 16 Nos of employees appointed through project policy, notified and amended time to time by the Federal and Provincial Government.
  - ii. 8 Nos of employees of the "Ex-FDA" were appointed on Adhoc basis. Their services are extended through approved summary by the Hon'ble Chief Minister Khyber Pakhtunkhwa with the directions to regulate their services under KP Project Policy, 2017. In compliance a notification was issued by the Irrigation Department (**Annex-I**).
  - iii. 2 number employees i.e., Site-Supervisor and one driver of PSU, whose services have already been extended by the Competent Authority on the same analogy of 08 number employees as explained above (**Annex-II**).

FINDINGS

1. 18 Nos. of employees' credential were checked and found in light of the Project Policy, 2017 and the Act ibid but Mr. Nascem, Assistant Project Director (Accounts), date of birth is 10-03-1959 and it is unanimously agreed that his services could not be regularized owing to the reason that he has attained the age of 60 years prior to the approval of the Act ibid.
2. 8 Nos. employees were appointed on Adhoc basis but the competent authority i.e., Chief Minister Khyber Pakhtunkhwa has approved their continuation of services with the direction to regulate their services under Project Policy, 2017 which enables them for consideration under the Act.
3. As per TORs of the Committee, the two employees whose services placed at the disposal of Energy & Power Department vide this Department Notification No. SO(G)Irr/2-15/2020, dated 20-01-2021 (**Annex-III**), it was discussed and unanimously agreed that as the regularized project falls in the administrative control of Irrigation Department therefore, their regularization shall carried-out by Irrigation Department. Later on, their fate/placing of their services keeping in view their speciality should be decided jointly by Irrigation and Energy & Power Department.

Attested  
  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.

**RECOMMENDATION.**

7

The Sub-Committee recommends the regularization of 25 Nos. employees with the conditions that service promotion quota of service cadre shall not be affected. ~~While Nascem Ullah Khan~~ was not considered owing the reason that he has attained the age of 60 years prior to the approval of this Act.

S. No.	Name & Father Name	Designation	Remarks
1.	Muhammad Javed s/o Wali Jan	Deputy Project Director (BPS-18)	Recommended
2.	Muhammad Ishfaq s/o Muhammad Israr Khan	Project Manager (BPS-18)	
3.	Mr. Salman Khan s/o Hashim Gul	Assistant Director (BS-17)	
4.	Muhammad Nascem s/o Waris Khan	Assistant Project Director (Accounts) (BS-17)	It is unanimously agreed that services of the officer concerned could not be regularized owing to the reason that he has attained the age of 60 years prior to the approval of the Act ibid
5.	Muhammad Jamal-ud-Din s/o Amir Baiz Khan	Superintendent (BPS-17)	Recommended
6.	Mr. Wajid Khan s/o Atta Khan	Assistant Project Manager (BS-17)	
7.	Mr. Faheem Ullah s/o M. Noor Khan	Assistant Director (Civil) (North) (BS-17)	
8.	Mr. Nacem Afridi s/o Saleem Afridi	Assistant Project Director (Civil) (BS-17)	
9.	Mr. Asif Wazir s/o Azmat Ullah Wazir	Assistant Director (Mechanical) (BS-17)	
10.	Mr. Jumma Khan s/o Daud Khan	Site Supervisor (BPS-16)	
11.	Mr. Imran Khan s/o Muhammad Wali Ullah	Assistant (BPS-16)	
12.	Mr. Nigar Ahmad s/o Mukhtiar Ahmad	Computer Operator (BPS-16)	
13.	Mr. Suleman Khattak s/o Riaz Ahmad	Computer Operator (BPS-16)	
14.	Muhammad Arafat s/o Sharif Khan	Record Keeper (BPS-07)	
15.	Mr. Faqir Hussain s/o Multan Khan	Naib Qasid (BPS-03)	
16.	Mr. Aftab Ahmad s/o Khan Bahadur	Naib Qasid (BPS-03)	
17.	Mr. Zewar Khan s/o Amir Khan	Sweeper (BPS-03)	
18.	Mr. Sami Ullah Jan s/o Zafar Ullah Jan	Driver (BPS-06)	

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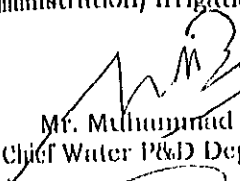
Attested  
 Superintendent  
 Shal Dams Meigs  
 Irrigation Deptt.




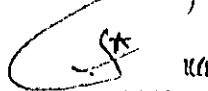
19.	Mr. Zubir Khan n/o Habib ur Rehman	Naib Qasid (BPS-03)	
20.	Mr. Adnan Khan n/o Sabir Ali Khan	Driver (BPS-06)	
21.	Mr. Abdul Wahab Khan n/o Rehmata Ullah	Naib Qasid (BPS-03)	
22.	Muhammad Sufyan n/o Muhammad Sher Khan	Naib Qasid (BPS-03)	
23.	Mr. Zaheer Ahmad n/o Mukhtar Ahmad	Driver (BPS-06)	
24.	Muhammad Tahir n/o Noor ul Basar Khan	Driver (BPS-06)	
<del>25.</del>	<del>Muhammad Razu</del>	<del>Site Supervisor (BPS-16)</del>	
26.	Mr. Zafar Khan	Driver (BPS-06)	

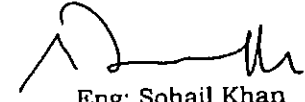
Mr. Nasur Ali  
DS (Administration) Irrigation Department

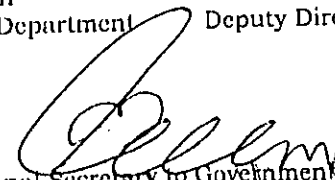
~~Eng. Nadir Iqbal  
PD (PSU Small Dams) Irrigation Department~~

  
Mr. Muhammad Ayaz  
Chief Water P&D Department

  
Mr. Badri Zaman  
Supdt: Establishment Department

  
Mr. Zahid Hussain  
Budget Examiner, Finance Department

  
Eng. Sohail Khan  
Deputy Director O/o the Chief Engineer (South)  
Irrigation Department

  
Chairman/Additional Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department

  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

Annex-C

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, FRIDAY, 15<sup>th</sup> JULY, 2022.

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

**NOTIFICATION**

Dated Peshawar the 07<sup>th</sup> July, 2022.

**No. SO(G)/IRR/2-15/2022:** In compliance of Section-3 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administrated Tribal Area Act 2021 (Khyber Pakhtunkhwa Act No.1 of 2022), the Provincial Government is pleased to notify regularization of services of the following (25) employees of the project titled "Creation of Project Support Unit (PSU) for Pre-Construction and Implementation of Small Dams/Power Section mentioned at S.No.97" in the Act ibid w.e.f 13-01-2022, subject to the following conditions as provided in section-4 of the Act ibid: -

- a) The services promotion quota of all service cadres shall not be affected;
- b) The employees shall possess the same qualification and experience as required for a regular post;
- c) The employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of Act ibid,
- d) The services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette

Attested

S.No	Name / Father Name	Designation	BPS
1.	Muhammad Javed S/O Wali Jar	Deputy Project Director	18
2.	Muhammad Ishfaq S/O Muhammad Israr Khan	Project Manager	18
3.	Salman Khan S/O Hamesh Gul	Assistant Director	17
4.	Muhammad Jamal ud Din S/O Amir Baiz Kahn	Superintendent	17
5.	Wajid Khan S/O Atta Khan	Assistant Project Manager	17
6.	Faheemullah S/O Muhammad Noor Khan	Assistant Director (Civil) (North)	17
7.	Naeem Afridi S/O Salim Afridi	Assistant Project Director (Civil)	17
8.	Asif Wazir S/O Azmat Ullah Wazir	Assistant Director (Mechanical)	17
9.	Juama Khan S/O Daud Khan	Site Supervisor/Sub-Engineer	16
10.	Inran Khan S/O Muhammad Wali Ullah	Assistant Accountant	16
11.	Nigar Ahmed S/O Mukhtiar Ahmed	Computer Operator	16
12.	Suleman Khattak S/O Riaz Ahmed	Computer Operator	16
13.	Muhammad Raza S/O Syed Muhammad Shariq	Site Supervisor/Sub-Engineer	16
14.	Muhammad Arafat S/O Sharif Khan	Record Keeper	07
15.	Sarniullah Jan S/O Zafar Ullah Jar	Driver	06
16.	Zafar Khan S/O Dary Khan	Driver	06
17.	Zaheer Ahmad S/O Mukhtiar Ahmad	Driver	06
18.	Tahir Khan Khalil S/O Noor Ul Easar Khan	Driver	06
19.	Adnan Khan S/O Sabz Ali Sabir	Driver	06
20.	Faqeer Hussain S/O Multan Khan	Naib Qasid	03
21.	Aftab Ahmad S/O Khan Bahader	Naib Qasid	03
22.	Zabit Khan S/O Habib ur Rehman	Naib Qasid	03
23.	Abdul Wahab S/O Rehmat Ullah	Naib Qasid	03
24.	Muhammad Sufyan S/O Muhammad Sher Khan	Naib Qasid	03
25.	Zcewar Khan S/O Amir Khan	Sweeper	03

Attached  
 Superintendent  
 Small Dams Merge Area  
 Irrigation Deptt.

2. Consequent upon regularization of services of the above project employees, the employees at S.No.1 to 8 shall report to Govt. of Khyber Pakhtunkhwa, Irrigation Department, Peshawar, while project employees at S.No.9 to 25 shall report to Office of the Chief Engineer (North), Irrigation Department, in the best public interest.

3. As per Section-3 (2) of the Act ibid, all the above employees shall, in lieu of pension and gratuity, be entitled to service such amount contributed by them towards the Contributory Provident Fund (CPF), along with the contributions made by Government to their accounts in the said Fund, in the prescribed manner.

--sd--

**Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department**

*Attested*  
*[Signature]*  
**Superintendent**  
Small Dams Merge Area  
Irrigation Deptt.

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

FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

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Annex-I

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

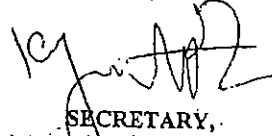
Dated Peshawar, the 13/01/2022.

No. PA/Khyber Pakhtunkhwa/Bills-182/2022/ 745 The Khyber Pakhtunkhwa  
(Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021  
having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31<sup>st</sup> December, 2021 and  
assented to by the Governor of the Khyber Pakhtunkhwa on 7<sup>th</sup> January, 2022 is hereby published as an  
Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF  
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS) ACT, 2021.  
(KHYBER PAKHTUNKHWA ACT NO. I OF 2022)**

(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.  
(Extraordinary), dated the 13/01/2022).

(Here print as in the accompaniment).



SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager,  
Government Stationery and Printing Department, Peshawar, with the request to publish the same in the  
extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies  
thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.



SECRETARY,

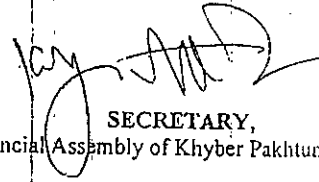
Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills-182/2022/ 746-50 Dated 15/01/2022

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Deputy Director I.T, Provincial Assembly of Khyber Pakhtunkhwa for official website.

Attested  
Supervisor  
Small Dams Merge Area  
Irrigation Deptt.



SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

AN  
ACT

*to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas.*

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application and commencement---(1) This Act may be called the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021.

(2) It shall apply to all the employees as defined in clause (d) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions--- (1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for appointment to project post under a Department or office in the erstwhile Federally Administered Tribal Areas;
- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "employees" means a person, who was appointed on contract basis, as per project policy, to a project post, in the erstwhile Federally Administered Tribal Areas, and such post was duly reflected in PC-I of that project, and who possess the prescribed qualification, training and experience for the said post at the time of such appointment;
- (e) "Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (f) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (g) "project" means a perpetual nature project in the erstwhile Federally Administered Tribal Areas, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Departments and reflected in the Schedule;

AH *[Signature]*

*[Signature]*  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.

Deputy Commissioner  
Government of Khyber Pakhtunkhwa  
Law Department

- (h) "project post" means a post in the project; and
- (i) "Schedule" means a Schedule appended to this Act.

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

3: Appointment and regularization of services of employees.--- (1) Notwithstanding anything contained in any law or rules, the employees, appointed on contract basis, against project posts, in the erstwhile Federally Administered Tribal Areas, and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Department.

(2) All such employees, after the commencement of this Act, shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.

(3) A Committee, headed by the Secretary of the Department concerned, with the following membership, shall scrutinize all the credentials of the employees, before issuance of the regularization orders:

- (a) head of the Attached Department concerned;
- (b) representative of the Establishment and Administration Department of Government;
- (c) representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government; and
- (e) Deputy Secretary of the Department concerned.

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

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

5. Determination of seniority.---(1) All employees, whose services are regularized under this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this

2/7

*Attested*  
  
 Superintendent  
 Small Dams Merge Area  
 Irrigation Deptt.

Government of Khyber Pakhtunkhwa  
 Law Department

15/10/73

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

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

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

7. Overriding effect.--Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

3/7

*Attested*  
**Superintendent**  
**Small Dams-Merge Area**  
**Irrigation Deptt.**

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department



Schedule  
[see section 2 (1) (h) (i)]

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

1.	Strengthening and Capacity Building of AGRI Extension in FATA.
2.	Promotion of Olive Cultivation / Grafting for Oil Production in Bajaur Agency.
3.	Establishment of Semen Production Unit at Jamrud and Breed/ Veterinary Service Improvement Program.
4.	Capacity Building Directorate of Livestock FATA.
5.	Mobile Veterinary Clinic in FATA (MVC).
6.	Establishment of Model Dairy Farm in FATA.
7.	Strengthening of Artificial Insemination/Veterinary Aid Services and Disease Reporting System L&DD in FATA.
8.	Creation of Disease Free Zone Through Mass Vaccination and Treatment and Feasible Districts on Pilot Basis.
9.	Opening of 5 CVDS 5 CVCS 6 AICS and Up-gradation of 2 CVDS to the level of CVHS Status in Bajaur Agency.
10.	Provision of Medicine and A.I Services in Existing Vet. Institution in Bajaur Agency.
11.	Establishment Vety. Diagnostic Lab in CVH Khar and Construction of Garage For 2 Vehicle in ALO Office Bajaur Agency.
12.	Provision of A.I. Facilitates/Medicine in Existing Veterinary Institution Construction of Building of Functional Veterinary Centers (In Rented Building), Special Campaign for The Control of Ecto and Endo Parasite in Mohmand Agency.
13.	Opening of 3 CVDS, 23 VCS, 16 AICs and Up-gradation of CVD Lakaro to CVH Status Mohmand Agency.
14.	Provision of Mobile Vety Clinic in Mohmand Agency.
15.	Opening/Establishment of 2 CVDs in Rented Building Ambar Area and Provision of A.I. Services in Existing Institutes of Mohmand Agency.
16.	Opening of 18 Vety Centers and 26 AICS in Khyber Agency.
17.	Opening of 3 CVDs in Rented Building, Bara Khyber Agency.
18.	Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary Hospitals in Jamrud and Landikotal.
19.	Opening of 3 CVCs, 11 CVDs and 9 AICs and Up-gradation of 3 CVDs to CVH Status in Orakzai Agency.
20.	Small Ruminants (Sheep and Goat) Development Program in Tribal Districts
21.	Provision of Artificial Insemination Services in Existing Veterinary Institution in Orakzai Agency.
22.	Construction of Building for Existing Vety Institution and Provision of Artificial Insemination in Existing Veterinary Facilitation in District Orakzai.
23.	Construction of Building for 3 Rented Veterinary Institutions and Opening of One CVD in Mamozai Area, Orakzai Agency.
24.	Opening of 5 CVCs, 8 CVDs, 22 AICs and Diagnostic Laboratory in Kurram Agency.
25.	Provision of AI Facilities in Existing 11 Veterinary Institutions in NWA.
26.	Provision of Veterinary Health Facilities in District North Waziristan.
27.	Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVD to CVH Status In SWA.
28.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR Peshawar.
29.	Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
30.	Opening of 02- CVDs and 04-AICs in FR Kohat.

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*[Signature]*  
Superintendent  
Small Dams Melioration Area  
Irrigation Dept

31.	Establishment of Mobile Veterinary Clinic in Sub Division Kohat.
32.	Opening of 2 CVDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVH Status in FR DI KHAN.
33.	Provision of Mobile Veterinary Clinic in Sub Division D.I. Khan.
34.	Opening of 1 CVH, 02 CVDS, 04 CVCS and 11 AICS in FR Tank.
35.	Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level of CVH in Sub Division Tank.
36.	Opening of 5 Vety. Dispensaries, 05 Civil Vety. Centers, 10-AICs and Up-gradation of 01 CVC to CVD in FR Bannu.
37.	Opening of 08 Veterinary Centres and 08 AICS in FR LAKKI.
38.	Provision of Mobile Veterinary Clinic in Sub Division Lakki.
39.	Uplifting the Socio-Economic Condition and Gender Mainstreaming of Livestock Farmers Through PPP in FATA.
40.	Strengthening of Fisheries Department in FATA.
41.	Control of Zoonotic / Contagious Disease Through Existing Vety Health Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in Tribal Districts.
42.	Provision of Mobile Vety. Clinic in Bajaur Agency.
43.	Provision of Artificial Insemination Services in Existing Function Vety. Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.I. Khan.
44.	Program Management Unit for Roads and Infrastructure.
45.	Strengthening of Finance Department Civil Secretariat FATA.
46.	Aids Control Program in FATA.
47.	Health Sector Reforms Unit FATA.
48.	District Health Information System.
49.	Physical Rehabilitation Centres in FATA.
50.	Hepatitis Control Program in FATA (Phase-III).
51.	Integrated Vector Management Program in FATA.
52.	Eye Care Program in FATA (Phase-III).
53.	Thalassemia Control Program in FATA.
54.	Mobile Hospital Program in FATA (Phase-III).
55.	Establishment of Mental Health Clinics in AHQ Hospitals in FATA.
56.	Health Nutrition Program in FATA.
57.	TB Control Program in FATA.
58.	Maternal, Newborn, Child Health (MNCH) Program Merged District.
59.	Expanded Programme on Immunization (EPI) in FATA.
60.	Strengthening of EPI Program in FATA.
61.	Facilitation of FR Setup Health Sector in FRs (Tank Jandola).
62.	Facilitation of FR Health Setup in FRs (DI Khan Darazinda).
63.	Facilitation of Health Setup in FRs (Bannu Wazir).
64.	Facilitation of Health Setup in FRs (Lakki Bittani).
65.	Facilitation of Health Setup in FRs (Kohat Dara Adam Khel).
66.	Facilitation of Health Setup in FRs (Peshawar Hassan Khel).
67.	Opening of 07 CDs in FR Tank.
68.	Opening of 08 CHCs / CDs in FR D.I Khan District.
69.	Opening of 06 CHCs / CDs in FR Bannu District.
70.	Opening of 08 CHCs / CDs in FR Lakki.
71.	Opening of 02 CDs in FR Kohat District.
72.	Opening of 11 CHCs / CDs in FR Peshawar.
73.	Opening of 41 CHCs / CDs in Mohmand District.
74.	Opening of 22 CHCs / CDs in Khyber District.
75.	Opening of 07 CHCs / CDs in Kurram District.
76.	Opening of 15 CHCs / CDs in Orakzai District.

Attested

Subordinate  
Small Dam's Merge Area  
Irrigation Deptt.

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Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

77.	Opening of 24 CHCs/CDs in North Waziristan District.
78.	Opening of 18 CHCs / CDs in South Waziristan District.
79.	Removal of Staff Deficiencies in Newly opened Areas in Health Facilities FATA.
80.	Establishment of Government College of Management Sciences, SWA.
81.	Strengthening of Crises Management Cell Through FATA Analysis and Strategy Team.
82.	Establishment of Levy Training Center at Shahkass, Jamrud, Khyber Agency.
83.	Establishment of Center of Excellence/Govt. College of Technology, Khar, Bajaur Agency.
84.	Establishment of Vocational Training Centres / Institutes in Bajaur Agency and FR Kohat.
85.	Opening Govt. Polytechnic Institute Parachinar Kurram Agency in rented building.
86.	Establishment of Govt. Technical Institute Wana SWA.
87.	Establishment of Govt. Technical Institute SWA at Chaghmalai.
88.	Introduction of Additional Technologies in Polytechnic Institutes of FATA.
89.	Overcoming of Staff/Equipment Deficiencies in Technical Institutes in FATA.
90.	Operationalization and Provision of Equipment/Machinery to Labs of Existing Technical Institutes in Mohmand Agency GTI Mohmand Agency.
91.	Reformation of Technical Education in all Institutes in FATA.
92.	Introduction of 02 Technologies (Civil & Electrical) at Govt. Tech. Institute Sadda kurram Agency.
93.	Introduction of New Technologies in Existing Technical Institutes of Tribal Districts.
94.	FATA Investment Facilitation Agency (FIFA).
95.	Small and Medium Enterprises Facilitation Unit.
96.	Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas.
97.	<del>Creation of Project Support Unit for the Consolidation and Implementation of Small Dams/Power Section</del>
98.	Strengthening of Local Govt. Directorate FATA.
99.	Directorate of Projects FATA Secretariat.
100.	Directorate of Monitoring and Evaluation in FATA Secretariat.
101.	Establishment of Fed Formation for the Directorate of Monitoring and Evaluation in FATA Secretariat.
102.	Satellite Monitoring of Development Schemes in FATA.
103.	Project Management Unit, Fata Infrastructure Programme.
104.	Khyber Area Development Project.
105.	Mohmand Area Development Project.
106.	Bajaur Area Development Project.
107.	Fata Water Resources Development Project.
108.	Survey Feasibilities Under Various Sector Phase-II.
109.	Urban Policy and Planning Unit FATA.
110.	Project Management Unit for World Food Programme in FATA.
111.	Strengthening of P&D Department.
112.	Establishment of HR/Archival Library in P&DD.
113.	Strengthening of AI&C Department, FATA Secretariat.
114.	Instructional and Physical Training Programme in FATA.
115.	Institutionalization of Boy Scouts Activities in Tribal Districts in FATA.
116.	Strengthening of FATA Olympics Association.

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Attested  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.

117.	Strengthening of Zakat and Ushr Department, FATA Secretariat.
118.	Strengthening of Minerals Department, PMU for Mineral Sector Projects.
119.	Exploration and Evaluation of Dimension and Decorative Stones in FATA.
120.	Exploration and Evaluation of Occurrences in FATA.
121.	Establishment / Operation of Mines Rescue, Safety and Labour Welfare Centre in FATA.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

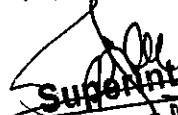
(KIFAYAT ULLAH KHAN AFRIDI)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

*Attested*  
*[Signature]*  
Sub-Intendent  
Small Dams Mergo Area  
Irrigation Deptt.

LIST OF COPIES TO BE DISTRIBUTED

S. No	Designation of Officer	No of Copies to be Supplied
1.	The Secretary, Provincial Assembly of Khyber Pakhtunkhwa.	75
2.	The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.	10
3.	The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.	10

Attested

  
**Superintendent**  
Small Dams Merge Area  
Irrigation Deptt.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No. BO(NMDs-II)/FD/3-5/Vol-II/2022/Regularization/Irr: Dated: 07.11.2022

To: The Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department,  
Peshawar.

*Amir E*

Subject: ARRANGEMENT OF FUNDS UNDER GRANT NO.61-NMAS.

Dear sir,  
I am directed to refer to your Department's letter No.12-AO/IRR/Creation/2021-22 dated 29.08.2022, on the above captioned subject and to state that Finance Department agrees to create 25-posts of different categories in Irrigation Department (NMDs) for ADP Scheme (Creation of Project Support Unit for Pro Construction and implementation of Small Dams Power Section) which have been regularized through the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act 2021, w.e.f.01.07.2022 as per following details:-  
(DDO Code-PR-8250)

#	Designation	BPS	Position code	No. of posts
1	Dy. Project Director	18	81206715	01
2	Project Manager(AE)/Deputy Director	18	81206716	01
3	Assistant Director (E&M) (Civil)	17	81206711-14 81210731	05
4	Superintendent	17	81210744	01
5	Assistant Accountant	16	81206710	01
6	Computer Operator	16	81210732-33	02
7	Record Keeper	07	81206717	01
8	Site Supervisor /Sub Engineer (E&M)	12	81206195 81206492	02
9	Driver	06	81210734-38	05
10	Naib Qasid	03	81210739-43	05
11	Sweeper	03	81210745	1
Total				25

2. It is therefore, requested to submit audit copy mentioning DDO/position Codes alongwith financial implications, duly signed for authentication of this Department.

3. Finance Department's letter No. BO(NMDs-II)/FD/3-5/Vol-II/2022/Regularization/Irr: dated 14.10.2022 is hereby withdrawn.

Yours faithfully

(Sayed *[Signature]* Kamar)  
Budget Officer (NMDs-II)

Ends: No. & date even.

Copy forwarded to the:

1. Assistant Director-II FMIU, Finance Department.
2. PA to Additional Secretary Finance-I, Finance Department.
3. Computer Cell Finance Department NMAs.
4. Master file/Record.

Budget Officer (NMDs-II)

*Attested*  
*[Signature]*  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.

EXTRAORDINARY  
GOVERNMENT



22  
REGISTERED NO. PIII  
GAZETTE

Amex E

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT.

**NOTIFICATION**

Dated Peshawar the 17<sup>th</sup> February, 2011

NO.SO(E)IRR/23-5/73: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No. SO(E)IRR/23-5/73 dated 20-12-2006, the Irrigation 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 (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province  
Irrigation Department.

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Printed and published by the Manager,  
Gaz. & Ptg. Dept., Khyber Pakhtunkhwa, Pesh.

Attested  
Superintendent  
Small Farms Merg. Area  
Irrigation Deptt.

S#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	4	5
<b>PART-I-ENGINEERING STAFF</b>				
1.	Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director. (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3.	Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<p>a. Sixty five percent by initial recruitment.</p> <p>b. ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.</p> <p>c. five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and</p> <p>d. twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such.</p> <p>Note: - Provided that where candidate under Clause (b) &amp; (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<p>a. Eighty percent by initial recruitment; and</p> <p>b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.</p>

*Attested*  
 ADMINISTRATIVE OFFICER  
 IRRIGATION DEPARTMENT  
 KHYBER PAKHTUNKHWA  
 PESHAWAR

*Attested*  
 Superintendent  
 Irrigation Deptt.

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT**

24

Dated Peshawar the 22<sup>nd</sup> December, 2017

**NOTIFICATION**

**No. SO: E/IRRI/23-5/73/Vol-III:** 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, the Irrigation Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO E/IRRI/23-5/73 dated 17.02.2011, the following further amendments shall be made namely:-

**AMENDMENTS**

In the Appendix:-

- (i). against serial No. 1 to 27, in Column No. 2, the basic pay scales mentioned after nomenclature of post, shall respectively be deleted.
- (ii). against serial No. 1, in column No. 2, after the word "University", the words "and have successfully completed the Senior Management Course" shall be added.
- (iii). against serial No. 16, in column No. 5, the words "and Assistant Land Reclamation Officers" shall be deleted; and
- (iv). against serial No. 17, in column No. 2, the oblique and words "/Assistant Land Reclamation Officer" shall be deleted.

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department

**Ends: No and date even**

Copy of the above is forwarded:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Additional Accountant General (P. Sub Office), Peshawar.
6. The All Commissioner in Khyber Pakhtunkhwa.
7. All Heads of Irrigation Department, Khyber Pakhtunkhwa.
8. All Deputy Commissioners/P.As in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. All Superintending Engineers in Irrigation Department.
14. All Executive Engineers of Irrigation Department.
15. P. to Chief Secretary, Khyber Pakhtunkhwa.
16. P. to Secretary Irrigation Department, Peshawar.
17. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested to supply 200 copies of the printed gazette, for further distribution.
18. P. to Additional Secretary, Irrigation Department, Peshawar.

*Chief Engineer (Sewerage)*

OFFICE OF THE CHIEF SECRETARY (EST)

3917  
403  
SK  
AS  
Superintendent  
Small Dams & Irrigation Dept  
22

*Fazal Elahi*  
(FAZAL ELAHI)  
Section Officer (Est)



Annex G Annex-G

Dairy No. 190  
Dated 2-2-2022  
Irrigation Department  
Civil Secretariat Peshawar

To: The Secretary, To Govt; of Khyber Pakhtunkhwa,  
Irrigation Department, Peshawar.

Subject: ISSUANCE OF SALARY FROM BPS-12 TO BPS-16.

Reference to the subject noted above, it is to bring in your kind notice that the undersigned were appointed as Site Supervisors (BPS-16) under PSU Small Dams In Ex-FATA-DA (Orders and copy of PC-II are attached at Annex-A). Later on, the PSU Small Dams was regularized through Act "Regularization of Services of Employees Erstwhile Federally Administrated Tribal Area, 2021 and we were also regularized under the said project as Site Supervisors/Sub Engineers in (BPS-16) upon the recommendation of the Scrutiny Committee (Minutes are attached at Annex-B), Notification of Regularization was issued on 7<sup>th</sup> July, 2022 (Copy enclosed at Annex-C).

However, we got our first salary in January, 2023, which is equal to that of (BPS-12) instead of (BPS-16) (Salary slips are attached at Annex-D).

It is humbly requested to your goodself to kindly correct our salaries and issue according to our scales at the earliest, please.

Muhammad Raza  
Site Supervisor/ Sub Engineer

Yours obediently,  
Jumrah Khan  
Site Supervisor/ Sub Engineer

Secretary Irrigation  
Attested AS  
Superintendent  
Small Dams Merge Area  
Irrigation Deptt.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT  
(General Section)

Irrigation Department Civil Secretariat Peshawar

www.irrigation.gov.pk

irrigation@pk.gov.pk

011-2233671

No. SO (G)/Irr/2-16/2022

Dated Peshawar, the 27<sup>th</sup> February, 2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.

Subject: ISSUANCE OF SALARY FROM BPS-12 TO BPS-16

Dear Sir,

I am directed to refer to the above noted subject and to enclose herewith a copy of application received from Mr. Jumma Khan, Site Supervisor/Sub Engineer and Mr. Muhammad Raza Site Supervisor/Sub Engineer. They were appointed as Site Supervisor (BPS-16) under PSU Small Dam in Ex-FATA-DA and were regularized through an act of the Assembly in 2021 (Annex-I) and regularization notification dated 07.07.2022 was also issued in BPS-16 (Annex-II).

2. Now the applicants are requesting to allow them to draw their salaries in BS-16 (as per regularization notification Annex-II) instead of BPS-12.

3. I am, therefore, directed to request that comments in the subject matter may please be furnished to this Department so as to proceed further in the matter, please.

Yours faithfully,

*o/c*  
  
Section Officer (General)

Encl No. & Date as above.

Copy forwarded to the:

1. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa.
2. PA to Additional Secretary Irrigation Department Peshawar.

*Attested*

*28/2/23 o/c*

Section Officer (General)



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

No.SOR-V(E&AD)/7-247/Irr/2023  
Dated 24<sup>th</sup> March, 2023

Per Bacy Irrigation  
Diary No: 1902  
Date: 27-3-23

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department.

Subject: ISSUANCE OF SALARY FROM BPS-12 TO BPS-16.

Dear Sir,

I am directed to refer to your letter No. SO(G)/Irr/2-16/2022 dated 27-02-2023 and to state that in pursuance of the Administrative Department Notification No. SO(G)/IRR/2-15/2022 dated 07-07-2022 the post of Site Supervisor/Sub-Engineer has been regularized in BS-16. Since creation of posts under the Rules of Business 1985, is the domain of Finance Department, therefore, the Administrative Department may take up the case with Finance Department for rectification.

Yours's faithfully,

(Sultan Wazir Khan)  
SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded to: -

- 1. PA to Deputy Secretary (R-III) Establishment Department.
- 2. Master File.

Secretary Irrigation

SECTION OFFICER (REG-V)

Attested  
Superintendent  
Small Dams Merg  
Irrigation Deptt

AS  
[Signature]

[Signature]  
28/03/23  
[Signature]

Annex 'H'



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT  
(General Section)

www.iri.gov.pk 031-9221671

No. SO (G)/Irr/2-16/2023

Dated Peshawar, the 12<sup>th</sup> April, 2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department,  
Peshawar.

Subject: ISSUANCE OF SALARY FROM BPS-12 TO BPS-16

Dear Sir,

I am directed to refer to the above noted subject and to enclose herewith a copy of application received from Mr. Jumma Khan, Site Supervisor/Sub Engineer and Mr. Muhammad Raza Site Supervisor/Sub Engineer. They were appointed as Site Supervisor (BPS-16) under PSU Small Dam in Ex-FATA-DA and were regularized through an act of the Assembly in 2021 (copy enclosed) and regularization notification dated 07.07.2022 was also issued in BPS-16 (copy enclosed).

2. Now the applicants are requesting to allow them to draw their salaries in BS-16 (as per regularization notification) instead of BPS-12. Therefore Irrigation Department forwarded the subject case to Establishment Department for views /comments. In response, Establishment Department informed this Department that since the creation of the posts under the Rules of Business 1985, is the domain of the Finance Department, therefore, Irrigation Department may take up the case with Finance Department for rectification (copy enclosed).

3. I am, therefore, directed to request that views/comments in the subject matter may please be furnished to this Department so as to proceed further in the matter, please.

Yours faithfully,

*[Signature]*  
for Section Officer (General)

Encl No. & Date as above.  
Copy forwarded to the:

- ✓ 1. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa.
- 2. PA to Additional Secretary Irrigation Department Peshawar.

*[Signature]*  
13/04/23

*[Signature]*  
for Section Officer (General)

*[Signature]*  
*[Signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

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Annex-H

Finance Department Civil Secretariat Peshawar

http://www.finance.gkp

Facebook.com/Gst/770

www.finance.gkp

No. BO (C-II) FD/3-5/13/Vol-II/2022/111/Regularization

Dated: 03.04.2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department,  
Peshawar.

Dulyfile 1720  
Dated 04-05-23  
Secy Irrigation Department  
Civil Secretariat Peshawar

Subject: - ISSUANCE OF SALARY FROM BPS-12 TO BPS-16.

Dear Sir,

I am directed to refer to your letter No. BOG/111/2-18/2023 dated 12.04.2023, on the subject noted above and to state that grant of BPS-16 to Sub-Engineers was one-time personal upgradation specific to the incumbents having 10-years or more service at their credit, hence the same cannot be claimed by those sub-Engineers whose services are regularized under Khyber Pakhtunkhwa (regularization of services of Employees of erstwhile FATA Areas) Act, 2021, therefore Finance Department regrets its inability to accede to the subject request please.

Yours faithfully,

Budget Officer (NMD-II)

Copy forwarded to:

1. PA to Additional Secretary-I, Finance Department.
2. Master File.

Budget Officer (NMD-II)

Secretary Irrigation

[Handwritten signatures and initials: AS, BOG, DS, K, etc.]  
 [Handwritten notes: 19/5/23, etc.]

Attested

[Handwritten signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

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ANNEX-I

No SO(FR)/D/7-13/2017/253  
Dated Peshawar, the 07 03 2018

**NOTIFICATION**

**NO.FD/SO(FR)17-13/2017/253**, In pursuance of recommendations of the upgradation committee and approval granted by Competent Authority, sanction is hereby accorded to the upgradation of the post of Sub-Engineers from BPS-11/12 to BPS-10 (one line) as personal to the incumbents having 10 years or more service at their credit in the same scale in all the Government Departments of Khyber Pakhtunkhwa, with immediate effect

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Encls: No. & Date even.**

**Copy of the above is forwarded for information and necessary action to the:-**

- 1 PS to Additional Chief Secretary, FATA.
- 2 All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3 Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4 Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5 Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- 6 Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 7 Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8 All Heads of Attached Departments in Khyber Pakhtunkhwa
- 9 Registrar, Peshawar High Court, Peshawar.
- 10 Registrar, Service Tribunal Khyber Pakhtunkhwa
- 11 The Treasury Officer, Peshawar
- 12 All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA
- 13 Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
- 14 PS to Finance Secretary.
- 15 All Section Officers/Budget Officers in Finance Department

SECTION OFFICER (FR)

Attested

Supervisor  
Dams & Irrigation Deptt.

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

**SERVICE APPEAL NO. 1363/2023**

**Muhammad Raza**

**Petitioner**

***VERSUS***

**Government of Khyber Pakhtunkhwa through  
Chief Secretary & others**

**Respondents**

**POWER OF ATTORNEY**

I, Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department do hereby authorize Muhammad Jamal Ud Din, Superintendent, PSU Small Dams, Merged Area, Peshawar to file Para-Wise Comments and make statement before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with Service Appeal No.1363/2023 filed by Muhammad Raza V/S Government of Khyber Pakhtunkhwa through Chief Secretary & others.

  
**SECRETARY,  
IRRIGATION DEPARTMENT**