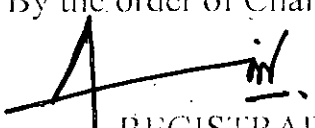


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2356/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/11/2023	<p>The appeal of Mr. Namidar Khan presented today by Mr. Anwar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

Appeal No. 2356 / 2023

Namdar Khan.....Appellant

VERSUS

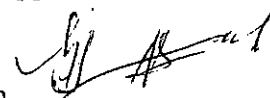
Government of Khyber Pakhtunkhawa and others.....Respondents

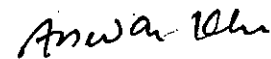
Index

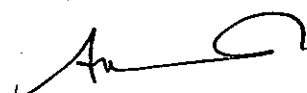
S.No	Description of Documents	Annexure	Pages
1	Memo of Appeal with Affidavit		1-4
2	Appointment letter	A	5
3	Notification Bearing No. SO(E)P&D / 3-1/ Reg: / Projects / M.As/ 2022 dated June 30, 2022		6-7
4	Departmental Appeal		8-9
5	Office Order No. AC(B&A)P&DD /SNE OF FATA / 2022/115 Peshawar dated 16- 10-2023.		10
6	Monthly Salary Statement		11
7	Office Order No. FD (SOSR-1) 12-7 /2014 dated Peshawar the 6 th February 2014		12-13
8	Office Memorandum No.7(9)R-1/2012 dated 31 st May 2013		14-15
9	Office Order No.FD (SOSR-1) 12-2 / 2020(34323) dated Peshawar the 18 th March 2021		16
10	Office Order No.FD (SOSR-1)12-4 /2023/Mr. Sher Muhammad & others dated Peshawar the 15-092023		17
11	Copy of Minutes of the meeting held of 21- 01-2020		18-20
12	Statement for Monthly profit and loss, Deference between pay scale and service details		21-23
13	Wakalatnama		24

Dated: - 14 -11-2023


Appellant

Through 
Muhammad Mujeeb
Advocate Peshawar
Cell No. 0333 9111703


Anwar Khan



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

①

Appeal No. 2356 / 2023

Namdar Khan s/o Sabaz Ali Naib Qasid at Project Managment Unit for Special Package in FATA (Now EX-FATA) P&D Department Peshawar r/o H.No.656 Mohallah Moti, PO Shah Qabool Illaqa Dabgari Tehsil and District Peshawar.....**Appellant**

VERSUS

1. Government of Khyber Pakhtunkhawa through Chief Secretary Khyber Pakhtunkhawa, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtunkhawa planning & Development Department, Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhawa Finance Division, Civil Secretariat Peshawar.
4. Additional Chief Secretary planning & Development Department, Civil Secretariat Peshawar.
5. Deputy Secretary Admin planning & Development Department, Civil Secretariat Peshawar.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974
READ WITH OTHER ENABLING PROVISIONS OF LAW ON THE
SUBJECT AGAINST THE IMPUGNED OFFICE ORDER No.
AC(B&A)P&DD/SNE of FATA / 2022/115 PESHAWAR DATED 16-10-2023
WHERE BY THE REQUEST / APPLICATION FOR PAY PROTECTION
OF APPELLANT IS TURNED DOWN.**

Respectfully Sheweth,

FACTS

1. That initially the appellant was appointed as Naib Qasid (BPS-1) against an existing vacancy in the Project Managment Unit for Special Package in FATA (Now EX-FATA) P&D Department Peshawar. (Copy of office order is annexed).

2. That Government of Khyber Pakhtunkhwa has regularised the services of Ex-FATA Project Employees in the light of Erstwhile FATA Employees Regularisation Act 2021.
3. That vide Notification bearing No.SO(E)P&D/3-1/Reg:/Projects/M.As/2022 dated June 30, 2022 the post / job of the appellant is regularised since 13-01-2022 instead from the date of his initial appointment and his pay protection is not granted / extended. (Copy of Notification is annexed).
4. That feeling aggrieved with the non pay protection the appellant collectively along with other aggrieved employees of the projects has filed a departmental appeal / request to the concerned authority which was turned down vide Office Order No. AC(B&A)P&DD/SNE OF FATA / 2022/115 Peshawar dated 16-10-2023. (Copy of departmental appeal / request and office order is annexed).
5. That feeling aggrieved with the said impugned office order now the appellant seek his redressel from this honourable tribunal on the following grounds amongst other inter alia.

GROUND S

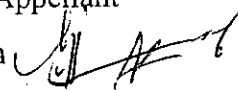
1. That initially the appellant was appointed in the same manner in BPS-1 as a regular Government Employee is appointed in routine.
2. That since his appointment the appellant was getting / receiving his salaries like a regular employee with basic pay and other regular allowances with normal increase in shape of annual increments on the beginning of each new financial year. (Monthly Salary Statement is annexed).
3. That the appellant was neither appointed on fixed pay nor has he ever received 5% annual increment like the project employee get / received but this said rule / principle has been applied to the appellant in gross violation of law, rules and regulation on the subject.
4. That vide office order No.FD (SOSR-1) 12-7/2014 dated Peshawar the 6th February 2014 the Government of KPK Finance Department (Regulation Wing) in pursuance of Finance Division Office Memorandum No.7(9)R-1/2012 dated 31st May 2013 has already allowed the pay protection to non-Gazetted Contract Employee on their regularisation / appointment on regular basis with immediate effect.
5. That vide Office Order No.FD (SOSR-1) 12-2 / 2020(34323) dated Peshawar the 18th March 2021 the finance department once again confirmed and allowed the pay protection but despite the said two office orders the same has been denied to the appellant hence on this score the impugned order needs to be set aside. (Office orders of Finance Department KPK and Govt of Pakistan Finance Division Islamabad are annexed).

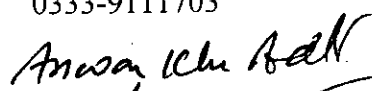
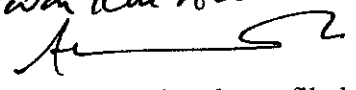
- 6. That vide Office Order No.FD(SOSR-1)12-4/2023/Mr. Sher Muhammad & others dated Peshawar the 15-09-2023 the finance department advised the concerned authority of Planning and Development Department KPk to examine and consider the appeal of the appellant under the Finance Department's Crystal clear Policies / instruction but despite the said advise the appellant was denied the right to pay protection, which is against the law and norms of justice. (Copy of office order and Minutes of the meeting held of 21-01-2020 are annexed).
- 7. That due to regularisation from 13-01-2022 and denial of pay protection the appellant has been demoted to BPS-3 from BPS-4, his monthly basic and gross pay has been decreased and he is also deprived of Pension entitlement which is against the law, norms of justice and fundamental human rights. (Statement for Monthly profit and loss, Deference between pay scale and service details is annexed).
- 8. That impugned order of denial to pay protection is absolutely illegal and without lawful authority.
- 9. That any other ground if need arise at the time of arguments will be agitated with the kind permission of this august tribunal.

It is therefore humbly prayed that on acceptance of this appeal the Office Order No. AC(B&A)P&DD/SNE OF FATA / 2022/115 Peshawar dated 16-10-2023 be set aside and the pay protection since the initial appointment be extended / granted to the appellant. Any other relief which this honourable tribunal deems just, fit and appropriate in the circumstance may also be granted in favour of the appellant.

Dated: - 14 -11-2023



Appellant

Through 
Muhammad Mujeeb
Advocate Peshawar
0333-9111703

CERTIFICATE

Certified that prior to this appeal no such appeal on the subject matter has been filed before this honourable tribunal.


Deponent
Namdar Khan
NIC No:-17301-1510488-5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

Appeal No. _____ / 2023

Namdar Khann.....Appellant

VERSUS


Government of Khyber Pakhtunkhawa and others.....Respondents

AFFIDAVIT

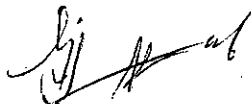
I, Namdar Khan s/o Sabaz Ali Naib Qasid at Project Managment Unit for Special Package in FATA (Now EX-FATA) P&D Department Peshawar r/o H.No.656 Mohallah Moti, PO Shah Qabool Illaqa Dabgari Tehsil and District Peshawar, do here by solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. I also declare that no other appeal of this nature has been filed in this Tribunal earlier.

Dated: - 14 -11-2023

Appellant


Namdar Khan

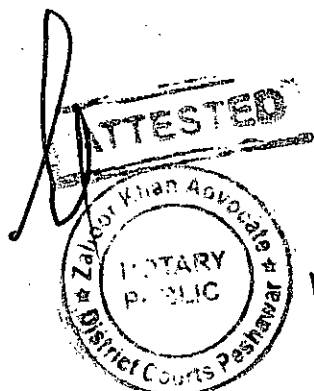
Identified by;



Muhammad Mujeeb
Advocate
High Court Peshawar







14/11/2023

5

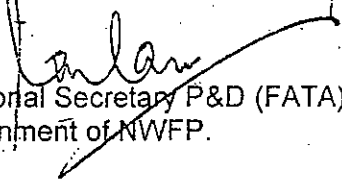
GOVERNOR'S SECRETARIAT (FATA)
(P&D Cell)
N.W.F.P PESHAWAR

No.AS(P&D)/GS/2002-03.
Dated Peshawar, the 1/1/2003.

OFFICE ORDER:

No.AS(P&D)/GS/2002-03. Mr. Namdar Khan S/O Sabaz Ali residence of H.No: 656 Street/Mohallah Moti Post Office Shah Qabool Illaqua Dabgari Tehsil/District Peshawar is appointed as Naib Qasid (BPS-1) against a ~~existing~~ vacancy in the " Project Management Unit for Special Package in FATA P&D Department", Government of NWFP on contract basis till the expiry of the project, on the following terms and conditions:

1. His appointment is purely temporary and his services are liable to terminate at 15 days notice.
2. In case he wishes to resign at any time one month's notice will be necessary or in lieu thereof one month's pay shall be forfeited.
3. He will have to join duty at his own expenses.
4. He will be governed by such rules and orders relating to pay traveling allowance. Leave and Medical etc, as may be issued by the Government from time to time.
5. The offer is subject to conditions that he is citizen of Pakistan and bonafide residence of NWFP and adjoining tribal areas.
6. He will report for duty at his own expenses.


Additional Secretary P&D (FATA)
Government of NWFP.

Endst: No.AS(P&D)/GS/2002-03

1/1/2003

Copy forwarded to:

- The Additional AGPR Sub-Office Peshawar.
- The Accountant FATA Dev: Section.
- The official concerned.

- Additional Secretary P&D (FATA)
Government of NWFP.



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, June 30, 2022.

NOTIFICATION:

NO.SO(E/P&D/3-1/Rec/Projects/M.As/2022: In compliance of Section-3 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021, the Provincial Government is pleased to notify regularization of services of the following (09) employees of the project titled "Strengthening of P&D Department, FATA Secretariat" with effect from 13.01.2022, subject to following conditions as provided in Section-4 of the Act *ibid*:

- the service promotion quota of all service cadres shall not be affected;
- the employees shall possess the same qualification and experience as required for a regular post;
- 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
- the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

S#	Name of Officials	BPS	Designation
1.	Mr. Sher Muhammad	03	Driver.
2.	Mr. Zahir Shah.	03	Driver.
3.	Muhammad Ayaz.	03	Naib Qasid.
4.	Mr. Nasir Khan.	03	Naib Qasid.
5.	Mr. Dawood Khan	03	Naib Qasid.
6.	Mr. Namdar Khan	03	Naib Qasid.
7.	Mr. Ghulam Mustafa	03	Naib Qasid.
8.	Mr. Kaleem Ullah.	03	Naib Qasid.
9.	Muhammad Sajid	03	Naib Qasid.

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

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT

Encl: No. & date even.

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. PSO Chief Secretary, Khyber Pakhtunkhwa.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
6. Project Director, Strengthening of P&D Department, FATA Secretariat.
7. Assistant Chief (B&A), P&D Department.
8. Manager, Government Printing Press for publication in the official gazette at an early date.
9. PS to Additional Chief Secretary, P&D Department.
10. PS to Secretary, P&D Department.
11. PA to Additional Secretary-II, P&D Department.
12. PA to Deputy Secretary-II, P&D Department.
13. Officials concerned.

[Signature]
 (Sd/-) *[Signature]*
 Section Officer (Estt)

8

To

The Secretary to Government of Khyber Pakhtunkhwa
Planning & Development Department.

Addl: Secretary-I
P&D Department KP/Kc
Diary No. 589
Dated 9-3-23

Subject:- **REQUEST FOR PAY PROTECTION.**

Respected Sir,

Secretary
P&D Department
Diary No. 1863 w/c
Dated 9/3/23

We, the Employee (Officials) of the Project Titled "**Strengthening of P&D, FATA Secretariat**" Planning & Development have been regularized Vide Notification No. SO(E) P&D/3-1/Reg:/Projects/MA's/2022 dated 13-01-2022. Since all Employees have continuous of service through the time of induction to regularization and drawn salary on standard pay package as drawn by regular employee of Provincial Governemnt on standard terms (**Pay Slip attached**).

In the view of above therefore it is requested that employees may provided pay protection in the existing salary under FR/SR Rules notification No/7(9)R-I/2012-1388, Finance Division regularization of Pakistan (**Annex-I**)

In the reference of above notification No.FD (SOSR-1) 12-7/2014 (**Annex-II**).

In the light of above notification please allow us pay protection.

Dated:- 08-03-2023

Yours Obediently
All Supporting Staff Members

A.C (B&A) P&D Deptt:
No 607
Dated 10/3/2023

File No 93 Dated 9/3/23
(Chief Rule of Law Section)
Planning and Development Department

Name of Employee	Signature
Muhammad Ayaz	<i>Muhammad Ayaz</i>
Namdar Khan	<i>Namdar Khan</i>
Dawood Jan	<i>Dawood Jan</i>
Nasir Khan	<i>Nasir Khan</i>
Zahir Shah	<i>Zahir Shah</i>
Sher Muhammad	<i>Sher Muhammad</i>

9/03/23
C/Rol
AC(B&A)
9/3/23

Dated: 07/07/2023

9

The Additional Chief Secretary
Planning & Development Department
Khyber Pakhtunkhwa

Subject: Request for the Grant of Pay Protection (Being appointed in BPS and in non-receipt of 5% annual increment as of fixed Pay Employees get)

Dear Sir,

With due respect, it is to state that we were the employees of "Strengthening of P&D Department, FATA Secretariat upto 30.06.2022. Government of Khyber Pakhtunkhwa has regularized the services of Ex-FATA Project Employees in the light of Erstwhile FATA Employees Regularization Act-2021 and in this regard Planning & Development Department, Government of Khyber Pakhtunkhwa has issued notification bearing No: SO(E)P&D/3-1/Reg./Projects/M.As/2022, Dated: June 30, 2022 (Copy attached), wherein our jobs regularized since 13.01.2022, instead of our initial dates of appointment, due to which our salaries have been effected and came to low level. In this regard most of the Projects employees have submitted appeals for pay protection which were rejected with the comments from Finance Department that "all the Projects employees who were appointed on fixed pay basis and in receipt of 5% increment are not entitled to the pay protection (copy attached)".

Keeping in view the above and to draw your kind attention towards our problem that we the employees of "Strengthening of P&D Department, FATA Secretariat" were appointed in the same manners in BPS as regular Government employees are appointed in routine wherein, we were getting salaries like regular employees with basic pay and other regular allowances with normal increase, in shape of annual increments and on the beginning of new Financial years as regular employees get. Besides, we neither were appointed on fixed pay and nor we have received 5% annual increment like Project employees get (copy of our last pay bills are attached).

In light of the above facts, it is pertinent to mention that we are exempted from the observations raised by the Finance Department mentioned in their letter as quoted above and your worthy self is therefore requested very humbly to kindly grant us pay protection from the initial dates of our appointment, please.

Your cooperation in the matter will be highly appreciated.

Sincerely yours

S. No.	Name	Designation with BPS	Signature
1.	Sher Muhammad	Driver, BPS-06	
2.	Zahir Shah	Driver, BPS-06	
3.	Muhammad Ayaz	Naib Qasid, BPS-03	
4.	Nasir Khan	Naib Qasid, BPS-03	
5.	Dawood Jan	Naib Qasid, BPS-03	
6.	Namdar Khan	Naib Qasid, BPS-03	

-10/07/2023



**GOVERNMENT OF KHYBER PAKHTUNKHWA,
PLANNING & DEVELOPMENT DEPARTMENT.**

(10)

No. AC(B&A)P&DD/SNE of FATA/2022/115
Dated Peshawar the October 16th, 2023

To

1. Sher Muhammad, Driver,
2. Zahir Shah, Driver,
3. Ayaz Khan, Naib Qasid,
4. Namdar Khan, Naib Qasid,
5. Dawood Jan, Naib Qasid,
6. Nasir Khan, Naib Qasid,

Strengthening of P&D Department,
FATA Secretariat.

Subject: - **REQUEST FOR PAY AND SERVICE PROTECTION.**

Dear Sir,

I am directed to refer to a joint appeal dated 30.05.2023, submitted by your good selves for grant of pay protection and to enclose herewith a copy of Finance Department letter No. FD(SOSR-1)12-4/2023/Mr. Sher Muhammad & Others dated 15.09.2023 along with its enclosures, wherein Finance Department has tendered that "All project employees who were appointed on fixed pay basis and in receipt of 5% increment are not entitled to the pay protection" please.

Yours Faithfully,

(ABDUL WADOOD SHAH)
ASSISTANT CHIEF (B&A)

Encis: As above:

Copy forwarded to the:

1. PS to Secretary, P&D Department.
2. PA to Additional Secretary (Admn), P&D Department.
3. PA to Deputy Secretary, (Admn), P&D Department.

ASSISTANT CHIEF (B&A)

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (August-2023)



11

Personal information of Mr NAMDAR KHAN d/w/s of SABZA ABL
 Personnel Number: 00093825 CNIC: 1730115104885
 Date of Birth: 15.11.1974 Entry into Govt. Service: 01.01.2003

NTN:
 Length of Service: 20 Years 08 Months 001 Days

Employment Category: Active Temporary

Designation: NAIB QASID 8120978-GOVERNMENT OF KHYBER PAKH
 DDO Code: PR8239-Strengthening of P and D Department FATA (Reg. Act Ex FATA) Peshawar
 Payroll Section: 009 GPF Section: 002 Cash Center:
 GPF A/C No: GPF Interest Free **GPF Balance:** 81,380.00 (provisional)
 Vendor Number: 30486073 - NAMDAR KHAN 0010022966150010 ABL
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 03 Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	14,840.00	1004	House Rent Allow 45% KP21	3,542.00
1210	Convey Allowance 2005	1,785.00	1390	Medical Allowance	1,500.00
2283	Secretariat Perform Allow	14,840.00	2311	Dress Allowance - 2021	1,000.00
2312	Washing Allowance 2021	1,000.00	2313	Integrated Allowance 2021	600.00
2347	Adhoc Rel Al 15% 22(PS17)	1,441.00	2378	Adhoc Relief All 2023 35%	5,194.00

Deductions - General

Wage type		Amount	Wage type		Amount
3003	GPF Subscription	-1,150.00	3501	Benevolent Fund	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till AUG-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 45,742.00 Deductions: (Rs.): -1,750.00 Net Pay: (Rs.): 43,992.00

Payee Name: NAMDAR KHAN
 Account Number: 0010022966150010
 Bank Details: ALLIED BANK LIMITED, 250310 Warsak Road Peshawar Warsak Road Peshawar, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: GARI MIRZAMAN SHAH DABGARRI

City: PESHAWAR

Temp. Address:

City:

Domicile: -

Email: namdar.k1975@gmail.com

Housing Status: No Official



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

19

NO. FD (SOSR-T) 12-7/2014

Dated Peshawar the 6th February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

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.7(9)R-1/2012 dated 31st May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made 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.

Yours faithfully,


(RAZAULLAH KHAN)
Addl: Secretary (Regulation)

P.T.O

Endst: No. FD (SOSR-1) 12-7 /2014

Dated 5th Feb, 2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.


(MASOOD KHAN)
Deputy Secretary (Reg-II)

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.


(Wazir Muhammad Aghar)
Section Officer (SR-1)

Government of Pakistan
Finance Division
(Regulations Wing)

F. No. 7(9)R-I/2012-

Islamabad, the 31st May, 2013


OFFICE MEMORANDUM

Subject: - PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The undersigned is directed to say that the proposals for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of contract employees on their regularization. The Courts have held from time to time that the pay of contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of a non-Gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions circulated by Establishment Division as amended for 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.

2. Ministries/Divisions/Departments are authorized to protect/fix pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of Finance Division is required.



(Muhammad Bashir Zahid)
Accounts Officer(R-I)
Tele: 9245843

All Ministries/Divisions/Departments

(15)

Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.


(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843

Government of Pakistan
Finance Division
(Regulations Wing)

15A

158

F.No. 7(9) R-I/2012-1388


Islamabad, the 6th March, 2014

OFFICE MEMORANDUM

Subject: - CLARIFICATION REGARDING PROTECTION OF PAY OF CONTRACT EMPLOYEES ON REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The undersigned is directed to refer to this Division's O.M. of even number dated 31st May, 2013 and state that AGPR, Islamabad and certain Ministries/Divisions/Departments have raised certain queries for clarification which have been examined and clarified as under:-

S. No	Queries raised	Clarification
i.	Finance Division's O.M. dated 31 st May, 2013 does not contain effective date of implementation. From which date will it take effect.	The said O.M. will take effect from the date of its issue i.e. 31-05-2013.
ii.	Whether the pay of employees working on daily wages, short-term vacancies and on contract basis, regularized by the Cabinet Sub-Committee is protectable.	The pay of only those contract employees (Non-gazetted), whose appointments have been made on standard terms and conditions in BPS by the competent authority, is protectable.
iii.	Whether employees whose services were transferred from development to non-development side are entitled to pay protection.	Pay is protectable of those employees only whose contract appointment in development side was made in BPS-1 to 15 on standard terms and conditions.
iv.	Whether the pay of contract employees on their regularization in lower grade is protectable or otherwise.	Finance Division's O.M. clearly states that in case of regular appointment in lower grade pay shall not be protected.
v.	Whether the contract employees of BPS-1 to 4 who were moved one scale up w.e.f. 01-07-2007 are entitled to protection of pay on regularization.	Yes.
vi.	In case the pay protection is allowed w.e.f. 31-05-2013 to all back date cases, please clarify about the date of pay fixation regarding date of regularization or implementation of this policy and whether payment of arrear after 31-05-2013 payable or not.	As stated against (i) above.
vii.	Whether an employee working in a Development Project on his appointment on regular basis in the Ministry, Division and Department is protectable.	As stated against (ii) above.
viii.	Whether the pay of an employee working on contract basis in the Provincial Government who later on joins a regular post in a Federal Government is also protectable.	Yes, subject to conditions, as stated against (ii) above.



(Muhammad Bashir Zahid)
Accounts Officer(R-I)

All Ministries/Divisions/Departments

15B

Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.


(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFDD](https://www.facebook.com/GoKPFDD) twitter.com/GoKPFDD

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

To:

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

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

Dear Sir,

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

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



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

17

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKFPD](https://www.facebook.com/GoKFPD) twitter.com/GoKFPD

**NO. FD(SOSR-1)12-4/2023/Mr. Sher Muhammad & Others
Dated Peshawar the: 15-09-2023**

To

The Section Officer (B&A),
Planning & Development Department,
Peshawar.

Subject: - **REQUEST FOR PAY AND SERVICE PROTECTION**

I am directed to refer to your letter No.AC(B&A)P&DD/SNE of FATA/2022/115 dated 23.08.2023 on the subject noted above and to advise that the instant case may be examined under Finance Department's policies/instructions letters No. FD(SR-1)12-7/2014 dated 06.02.2014, No.FD(SOSR-1)12-2/2020(34323) dated 18.03.2021 and minutes of the meeting dated 21.01.2020 (copies enclosed) which are crystal clear about admissibility of Pay Protection to contract employs, please.

Encl:A.A

[Signature]
15/09/23
SECTION OFFICER (SR-1)

17-A



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT.**

**.NO.AC(B&A)/P&DD/1-5/DG M&E/Vol-III/2022-23
Dated Peshawar the 03rd July, 2023**

To The Director General, Establishment of Monitoring & Evaluation system,
Planning & Development Department.

Subject - **CONSIDERATION OF SERVICES/PAY PROTECTION OF THE
EMPLOYEES OF M&E SYSTEM P&D DEPARTMENT, REGULARIZED
UNDER THE ACT "REGULARIZATION OF SERVICES OF
EMPLOYEES OF ERSTWHILE FEDERALLY ADMINISTERED TRIBAL
AREAS ACT, 2021".**

Bears S/ I am directed to refer to a joint appeal dated 01.06.2023, submitted by all
Employees of 03 newly regularized schemes of M&E, MAs, for grant of pay protection
and to enclose herewith a copy of Finance Department letter No.FD(SOSR-1)12-
4/2023/M&E Employees dated 15.06.2023 along with some enclosures, wherein
Finance Department has rendered that "all project employees who were appointed on
fixed pay basis and in receipt of 5% increment are not entitled to the pay protection".

Please

Enclosure above

Yours Faithfully

DEPUTY SECRETARY (ADMN)

Copy forwarded for information to
1. The Secretary, P&D Department
2. The Additional Secretary, P&D Department

DEPUTY SECRETARY (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GokPPD](https://www.facebook.com/GokPPD) twitter.com/GokPPD

NO. FD (SOSR-1) 12-4/2019(30969)
Dated Peshawar the: 17-01-2020

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

Attention: Section Officer (O&M)

Subject: - PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS (NON-
GAZETTED FROM APRIL 1971 TO 1981)

Dear Sir,

I am directed to refer to this Department's letters of even number dated 08-01-2020 & dated 14-01-2020 on the subject noted above and to state that a meeting has been re-scheduled to be held on 21st January, 2020 at 02:00 P.M under the Chairmanship of Addl. Secretary (Reg) Finance Department in his office to discuss the terms & conditions of contract employees in light of project policy in order to settle the issue once for all.

It is, therefore, requested that a well conversant officer may kindly be deputed to attend the said meeting on due date, time & venue, please.

Your's faithfully,

SECTION OFFICER (SR-1)

Copy for information to the:-

- i. Section Officer (Admn) Finance Department, Peshawar.
- ii. PA to Addl. Secretary (Reg), Finance Department, Peshawar.

SECTION OFFICER (SR-1)

19 346
11

c/o

**MINUTES OF THE MEETING HELD ON 21st JANUARY, 2020 REGARDING
PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS (NON-
GAZETTED FROM BPS-01 TO BPS-15)**

1. A meeting on the subject issue was held on 21-01-2020 at 02:00 P.M under the Chairmanship of Additional Secretary (Regulation) Finance Department.

2. On opening the discussion, the Chair welcomed the participants and briefly highlighted the difficulties arising out in the instant case. The standard terms & conditions were discussed and the Finance Department was of the view that these employees have not been appointed on the standard terms & conditions because they were project employees and also in the receipt of 5% increment. Hence, the said policy is applicable only on those employees who are appointed in Basic Pay Scales and are regularly in the receipt of annual increment as allowed to other civil servants of the Khyber Pakhtunkhwa.

3. Ultimately, it was unanimously decided that all the project employees who were appointed on fixed pay basis and in receipt of 5% increment are not entitled to the pay protection in light of Finance Department's letter No.FD (SOSR-1)12-7/2014 dated 06-02-2014.

4. List of participants is attached herewith.

ANJ

20

347



12 13

Mr. Musharraf Khan Marwat
Addl: Secretary (Reg)
Finance Department

Mr. Shoalb,
Deputy Secretary (Policy),
Establishment Department

Mr. Niamat Khan,
Section Officer (SR-1), NRD
Finance Department

Mr. Nisar Ahmad,
Supdt: SR-1 Section
Finance Department

9

STATEMENT FOR PROFIT AND LOSS

BETWEEN CONTRACT EMPLOYEES WITH BASIC PAY AND REGULAR EMPLOYEES. BASIC PAY FOR MONTH

21

CANTRACTUAL	REGULAR DIFFERENCEB	FINANCIAL LOSS
1) MUHAMMAD AYAZ BASIC PAY.16500/-PM GROSS PAY .44934/-PM	BASIC PAY.14840/-PM GROSS PAY.45742/-PM	1646/= 2454 808 /=-
2) NAMDAR KHAN BASIC PAY.16940/- PM GROSS PAY.45423/- PM	BASIC PAY. 14840/- PM GROSS PAY.45742/- PM	2100/= 2419 219 /=-
3) DAWOOD JAN BASIC PAY.16060/-PM GROSS PAY.43995/-PM	BASIC PAY.14840/- PM GROSS PAY.34569/-PM	1220/= 10646 9426/=
4) SHER MUHAMMAD BASIC PAY.20140/-PM GROSS PAY.56619/-PM	BASIC PAY.16600/- PM GROSSPAY.50275/-PM	3540/= 9884 6344/=
5) NASIR KHAN PASIC PAY.16060/-PM GROSS PAY.48813/-PM	BASIC PAY.14840/-PM GROSS PAY.34569/-PM	1220/= 15464 14244/=
6) ZAHIR SHAH BASIC PAY.19530/-PM GROSS PAY.52855/-PM	BASIC PAY.16600/-PM GROSSPAY.50275/PM	2930/= 5510 2580/=

22

STATEMENT
DIFFERENCE BETWEEN PAY SCALE

<u>CANTRECTUAL</u>	<u>REGULAR</u>
1) MUHAMMAD AYAZ NAIB QASID.BPS-04 -----	BPS-03
2) NAMDAR KHAN NAIB QASID.BPS-04 -----	BPS-03
3) DAWOOD JAN NAIB QASID.BPS-04 -----	BPS-03
4) SHER MUHAMMAD DRIVER.BPS-07 -----	BPS-06
5) NASIR KHAN NAIB QASID.BPS-04 -----	BPS-03
6) ZAHIR SHAH DRIVER.BPS-07 -----	BPS-06

23

SERVICE DETAIL OF REGULAR EMPLOYEES

MERGED AREA.

S.NO.	NAME/ FATHER NAME	DATE OF BIRTH	DATE OF JOINING	Post-BPS	Regularization Order & Date	Total Service
1	Muhammad Ayaz S/o Jamil Khan NIC.16202-0891135-5	11.12.1980	17.07.2004	Naib Qasid BPS.04 (Pay 44934/-) PM	Notification No.SO CE)P&DD 3-1 Reg/Project IMA Date 13.01.2022	17 Years 11 Months 15 Days
2	Namdar Khan S/o Sabz Ali NIC17301-1510488-5	15.11.1974	01.01.2003	Naib Qasid BPS.04 (Pay 45423-)PM	As Above	19 Years 06 Month 01.Day
3	Dawood Khan S/o Hidayat ullah NIC.17101-1027413-9	15.10.1976	01.05.2006	Naib Qasid BPS.04 (Pay 43995/-)PM	As Above	16 Year 2.months 01 day
4	Sher Muhammad S/o Bakht Muhammad NIC 17201-2279596-5	01.07.1965	01.05.2006	Driver BPS.07 (Pay 56619/-)PM	As Above	16 Years 02.months 2 days
5	Nasir Khan S/o Muhammad Hanif NIC17301-126319-1	21.03.1979	01.03.2006	Naib Qasid BPS.04 (Pay 48813/-)PM	As Above	16 Years 01 month 1 day
6	Zahir Shah S/o Amal Shah NIC 21202-9295454-5	18.07.1970	11.07.2006	Driver BPS.07 (Pay 52588/-)PM	As Above	15 years 05 months 2 days.

50 روپے

19761

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: محمد مجیب - الورخان

PESHAWAR
BAR ASSOCIATION



بار کونسل ایسوسی ایشن نمبر: 10-7302

رابطہ نمبر: 0333-9111703

بعدالت جناب: سروس کی سہولت خیر الخیر خواہ پشاور، Anwar.Adv@gmail.com

مخانب: ایڈولفٹ	دعویٰ:
ناصر خان	علت نمبر:
بنام	مورخہ:
حکومت و سزا	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے محمد مجیب - الورخان کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹ طرفہ یا اپیل کی برآمدگی اور منسوفی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ اور داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سبب سے ہوگا کوئی تازگی پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا باندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 13/11/2023

العواہ شد العبد
مقام پشاور کے لیے منظور ہے۔

M. Majeed (Adv)

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

ناصر خان ولد سبزی شاہ قبول نشاد
17301-1510488-5