


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** \_\_\_\_\_

**2355/2023**

| 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. Sher Muhammad 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<br/><br/>REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

Appeal No. 235 / 2023

Sher Muhammad.....Appellant

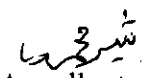
VERSUS

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

**I n d e x**

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

Dated: - 14-11-2023

  
Appellant

Through   
Muhammad Mujeeb

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR**

Appeal No. 2355 / 2023

**Sher Muhammad s/o Bakht Muhammad** Driver at Project Strengthening of P&D, G.S. FATA (Now EX-FATA) Peshawar r/o village Dagai, post office Pabbi Tehsil and District Nowshera.....**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 driver (BPS-4) against an existing

2. That Government of Khyber Pakhtunkhawa 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 redressal from this honourable tribunal on the following grounds amongst other inter alia.

**G R O U N D S**


1. That initially the appellant was appointed in the same manner in BPS-4 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 6<sup>th</sup> February 2014 the Government of KPK Finance Department (Regulation Wing) in pursuance of Finance Division Office Memorandum No.7(9)R-1/2012 dated 31<sup>st</sup> 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 18<sup>th</sup> 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

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-6 from BPS-7, 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

Sher Muhammad  
NIC No:-17201-2279596-5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA PESHAWAR

Appeal No. \_\_\_\_\_ / 2023

Sher Muhammad.....Appellant

VERSUS

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

AFFIDAVIT

I, Sher Muhammad s/o Bakht Muhammad Driver at Project Strengthening of P&D, G.S. FATA (Now EX-FATA) Peshawar r/o Village Dagai, Post Office Pabbi Tehsil and District Nowshera, 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

ATTESTED  
Zahoor Khan Advocate  
NOTARY PUBLIC  
District Courts Peshawar  
14/11/2023

←  
Sher Muhammad

Identified by;

Muhammad Mujeeb  
Advocate  
High Court Peshawar

Amir Khan  
[Signature]

Governor's Secretariat (FATA)  
P&D Cell  
Warsak Road  
Peshawar

OFFICE ORDER

No.AS/GS(FATA)/P&D/2005-2006. Mr. Sher Mohammad s/o Bakht Mohammad, resident of Village Dagai, Post Office Pabbi, Tehsil and District Nowshera is hereby appointed as Driver (BPS-4) against an existing vacancy in the Project "Strengthening of P&D, G.S. (FATA)" 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 resident of NWFP and adjoining tribal areas.
6. He will report for duty at his own expenses.

Sd/-

Additional Secretary (P&D)

Endst: No.AS/GS(FATA)/P&D/2005-06

Dated: 1.5.2006

Copy to:

- Additional AGPR Sub-Office, Peshawar.
- The Accountant, P&D Cell, Governor's Secretariat (FATA).
- The official concerned.

ao dawood Khan

ao dawood Khan

Additional Secretary (P&D)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, June 30, 2022.

**NOTIFICATION:**

**NO.SQ(E)P&D/3-1/Reg./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



Encls: 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]*  
 (Section Officer)  
 Section Officer (Estt.)

To

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

Add: 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>[Handwritten Signature]</i> |
| Namdar Khan      | <i>[Handwritten Signature]</i> |
| Dawood Jan       | <i>[Handwritten Signature]</i> |
| Nasir Khan       | <i>[Handwritten Signature]</i> |
| Zahir Shah       | <i>[Handwritten Signature]</i> |
| Sher Muhammad    | <i>[Handwritten Signature]</i> |

*[Handwritten Signature]*  
09/03/23  
C/Rol  
AC(B&A)  
*[Handwritten Signature]*

9

Dated: 07/07/2023

To,  
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 to 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 16<sup>th</sup>, 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)

**Encls: 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 SHER MUHAMMAD d/w/s of BAKHT MUHAMMAD

Personnel Number: 00310633 CNIC: 1720122795965 NTN:  
Date of Birth: 01.07.1965 Entry into Govt. Service: 01.05.2006 Length of Service: 17 Years 04 Months 001 Days

Employment Category: Active Temporary

Designation: DRIVER 81200978-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 applied GPF Balance: 47,782.00 (provisional)  
Vendor Number: 30456944 - SHER MUHAMMAD 1015139 UBL  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 06 Pay Stage: 1

| Wage type |                           | Amount    | Wage type |                           | Amount   |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| 0001      | Basic Pay                 | 16,600.00 | 1004      | House Rent Allow 45% KP21 | 3,640.00 |
| 1210      | Convey Allowance 2005     | 1,932.00  | 1300      | Medical Allowance         | 1,500.00 |
| 2283      | Secretariat Perform Allow | 16,600.00 | 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) | 1,593.00  | 2378      | Adhoc Relief All 2023 35% | 5,810.00 |

Deductions - General

| Wage type |                  | Amount    | Wage type |                           | Amount    |
|-----------|------------------|-----------|-----------|---------------------------|-----------|
| 3006      | GPF Subscription | -1,420.00 | 3501      | Benevolent Fund           | -1,200.00 |
| 3609      | Income Tax       | -7.00     | 4004      | R. Benefits & Death Comp. | -450.00   |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
|------|-------------|------------------|-----------|---------|

Deductions - Income Tax

Payable: 82.48 Recovered till AUG-2023: 14.00 Exempted: 0.12- Recoverable: 68.60

Gross Pay (Rs.): 50,275.00 Deductions: (Rs.): -3,077.00 Net Pay: (Rs.): 47,198.00

Payee Name: SHER MUHAMMAD

Account Number: 1015139

Bank Details: UNITED BANK LIMITED, 211609 WARSAK ROAD WARSAK ROAD,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: shermohammadfata@gmail.com

System generated document in accordance with APPM 4.6.12.9(82882/24.08.2023/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/01.09.2023/17:48:46)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

19

NO. FD (SOSR-1) 12-7/2014  
Dated Peshawar the 6<sup>th</sup> 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 31<sup>st</sup> 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 6<sup>th</sup> 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 Afsar)**  
Section Officer (SR-1)

Government of Pakistan  
Finance Division  
(Regulations Wing)

\*\*\*\*

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

Islamabad, the 31<sup>st</sup> May, 2013

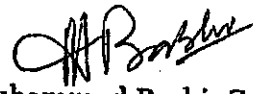
OFFICE MEMORANDUM

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.

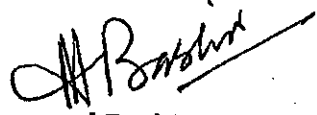
  
(Muhammad Bashir Zahid)  
Accounts Officer(R-I)  
Tele: 9245843

All Ministries/Divisions/Departments



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, 8<sup>th</sup> 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

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 31<sup>st</sup> 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 <sup>st</sup> 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 (iii) 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

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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.
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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.
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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.
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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/GoKPFD](https://www.facebook.com/GoKPFD) [twitter.com/GoKPFD](https://twitter.com/GoKPFD)

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

To:

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

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

Dear Sir,

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

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

PTO



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

17

Finance Department Civil Secretariat Peshawar

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

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**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-I)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**

  
**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 03<sup>rd</sup> 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".**

Dear Sir,

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

Encl. As above

Yours Faithfully

  
(MUHAMMAD IRFAN)  
DEPUTY SECRETARY (ADMN)

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

DEPUTY SECRETARY (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

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

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 01-01-2019)

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 21<sup>st</sup> 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.

2. 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)

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MINUTES OF THE MEETING HELD ON 21<sup>ST</sup> 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.

MAJID

4. *List of participants is attached herewith.*



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

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

Mr. Niamat Khan,  
Section Officer (SR-1), NRJD  
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

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

STATEMENT

DIFFERENCE BETWEEN PAY SCALE

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

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

|                              |                                     |  |
|------------------------------|-------------------------------------|--|
| قیمت<br>50 روپے              | 19760                               | پشاور بار ایسوسی ایشن، خیبر پختونخواہ  |
| ایڈویکٹ: محمد مجیب / الورخان | بار کونسل ایسوسی ایشن نمبر: 10-7302 | PESHAWAR<br>BAR ASSOCIATION  |
| رابطہ نمبر: 0333 9111703     |                                     |    |

بعدالت جناب: سرور کی سرپرستی خیر مقدمہ، شمارہ

amara-Adv (@gawal.com

|                    |                 |
|--------------------|-----------------|
| مخاطب: ایڈوانس     | دعویٰ: کس اسلیم |
| شہادہ محمد (دستور) | علت نمبر:       |
| بنام               | مورخہ:          |
| حکومت وٹیر         | جرم:            |
|                    | تھانہ:          |

### بابت تحریر آئکہ

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

آن مقام شمارہ کیلئے محمد مجیب - الورخان کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے و تقررات 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 طرف یا اپیل کی برآمدگی اور منسوخی، نیز

دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کاروائی کے واسطے اور ذکیل 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 پر داختم منظور و قبول ہوگا

دوران مقدمہ میں جو خرچہ ہر جانب التوالی مقدمہ کے سبب سے ہوگا کوئی تازہ پیشی مقام دورہ یا حد سے

باہر ہو تو وکیل صاحب بابت نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 13/11/2023

العواہ شد العبد

مقام شمارہ کے لیے منظور ہے۔

M. Mujeeb  
Adv