

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1006/2019

Date of Institution ... 19.07.2019

Date of Decision ... 19.01.2022

Mr. Syed Qamar Abbas, Environmentalist (BPS-18) Irrigation Department, Khyber Pakhtunkhwa. ... (Appellant)

**VERSUS**

The Chief Secretary Khyber Pakhtunkhwa, Peshawar and others. ... (Respondents)

Noor Muhammad Khattak  
Advocate ... For appellant

Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

**AHMAD SULTAN TAREEN** ... **CHAIRMAN**  
**ATIQ-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are

that the appellant was initially appointed as Environmentalist on contract basis in Irrigation Department vide order dated 31-01-2003. Services of the appellant were regularized through an Act on 25-04-2017 from the date of commencement of the Act, i.e. 13-03-2017. As per Finance Division Notification dated 07-04-2015, pay of the contract employees on their regularization will be protected and in light of the finance division notification, the appellant filed departmental appeal for counting his previous service and pay fixation before the respondents, which was not responded, hence the instant service appeal with prayers that the appellant may be allowed/granted pay fixation with effect from 31-01-2003 i.e. the date on

which the appellant was appointed as Environmentalist by counting his previous contractual service towards regular service.

02. Learned counsel for the appellant has contended that by not fixing the pay of the appellant with effect from 31-01-2003 by the respondents is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the respondents acted in arbitrary and malafide manner by not granting/allowing pay fixation to the appellant with effect from 31-01-2003; that similar nature cases has already been decided by the this august tribunal in service appeal No 318/2019 decided on 02-07-2010, whereby fixation of pay was granted from the date of initial appointment; that under the principle of consistency reported in judgment of Supreme Court of Pakistan in 2009 SCMR 1 and 1996 SCMR 1185, the appellant is fully entitled for the relief meted out to other employees of various departments; that by not counting the previous service of the appellant, the respondents violated Rule-2.3 of the West Pakistan Pension Rules, 1963.

03. Learned Deputy District Attorney for the respondents has contended that services of the appellant were regularized through regularization Act, 2017 from the date of its commencement i.e. 13-03-2017 and not from initial appointment; that the policy of federal government is not applicable in the province, hence he was not regularized from the date of his first appointment; that departmental appeal of the appellant is not traceable in the department, hence no action was taken to this effect.

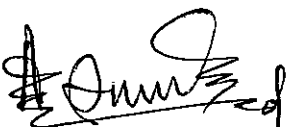
04. We have heard learned counsel for the parties and have perused the record.

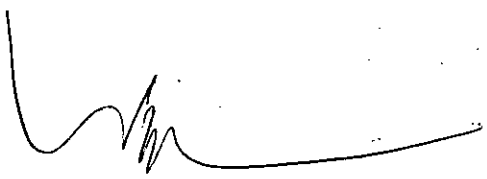
05. Record reveals that the appellant was initially appointed as Environmentalist on contract basis under the scheme of Strengthening of

Monitoring and Evaluation Capabilities of Planning Cell in Irrigation & Power Department vide order dated 31-01-2003. Employees of the above mentioned scheme including the appellant were regularized through the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017 dated 13-03-2017. In light of provision of the Act, a notification dated 24-04-2017 was issued through which services of the appellant alongwith other employees were regularized from the date of commencement of the Act. The appellant invoked the jurisdiction of Finance Division Notification dated 25-04-2017, which has clearly allowed pay protection of contract employees whose service has been regularized through an Act. The provincial government vide notification dated 18-03-2021 have also issued a notification in pursuance of the Federal Government notification and allowed pay protection to such employees.

06. In view of the situation, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER

19.01.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondent present. Arguments heard and record perused.

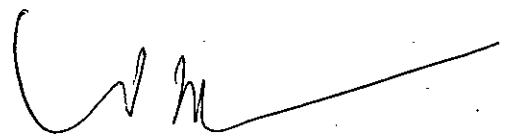
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

19.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

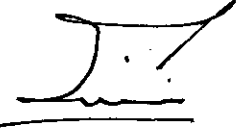
13.12.2021

Appellant alongwith his counsel present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Arguments could not be heard due to paucity of court time. Adjourned. To come up for arguments before the D.B on 15.12.2021.



(Atiq Ur Rehman Wazir)  
Member (E)



(Salah-ud-Din)  
Member (J)

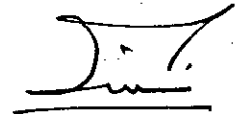
15.12.2021

Appellant in person present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, (Dar-ul-Qaza) Swat. Adjourned. To come up for arguments on 07.01.2022 before D.B.



(Atiq-ur-Rehman Wazir)  
Member (E)



(Salah-ud-Din)  
Member (J)

07.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl, AG for respondents present.

Due to paucity of time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 19.01.2022.



(Atiq-Ur-Rehman Wazir)  
Member (E)



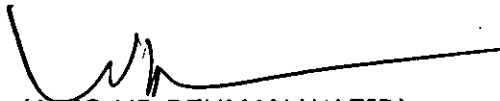
Chairman

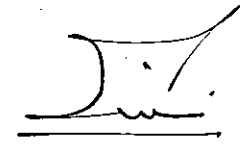
15.09.2021

Mr. Noor Muhammad Khattak, Advocate for the appellant present. Mr. Kabirullah Khattak Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he wants to withdrawal the impleadment application and in this respect his written endorsement obtained at margin of the order sheet. The impleadment application is, therefore, dismissed as withdrawn. Arguments on main service appeal could not be heard due to paucity of time. Adjourned. To come up for arguments before the D.B on 13.12.2021.

*Sir. As per instruction of my client I hear by with drawn the instant Application of 15/9/21  
Noor Muhammad Khattak*

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

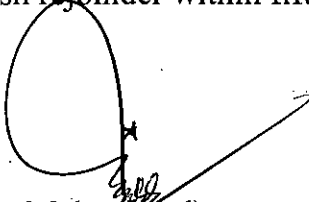
  
(SALAH UD DIN)  
MEMBER (JUDICIAL)


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24.11.2020

Appellant in person present. Addl: AG alongwith  
alongwith Mr. Arab Gul, Supdt for respondents present.


Parawise comments on behalf of respondents No. 1 to  
5 submitted which are placed on record. To come up for  
arguments on 16.02.2021 before D.B. The appellant may  
furnish rejoinder within fifteen days, if so advised.

  
(Mian Muhammad)  
Member (E)

  
Chairman

16.02.2021

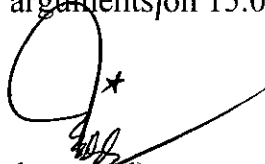
Due to Pandemic of Covid-19, the case is adjourned to  
27.05.2021 for the same.

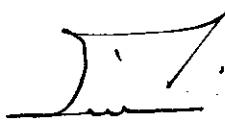
  
Reader

27.05.2021

Appellant alongwith his counsel Mr. Noor  
Muhammad Khattak, Advocate present. Mr. Kabirullah  
Khattak, Additional Advocate General for the respondents  
present.

Learned counsel for the appellant submitted an  
application for ~~impleadment~~ <sup>impleadment</sup> of Secretary Planning and  
Development as respondent in the instant appeal. Copy of  
the application is handed over to the learned Additional  
Advocate General. To come up for reply of the application  
as well as arguments <sup>on the same</sup> on 15.09.2021 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah Ud Din)  
Member(J)

15.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit the written reply on the next date positively. Adjourned to 23.07.2020 for written reply/comments but as a last chance before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

23.07.2020

Appellant himself is present. Mr. Kabirullah Khattak, Additional AG is also present.

Written reply/comments on behalf of respondents have not been submitted so far despite last chance given in the previous order sheet dated 15.06.2020. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Notices be also issued to the respondents for submission of written reply/comment for 21.09.2020 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

21.09.2020

Appellant with counsel and Zakiullah, Senior Auditor for respondent No. 6 alongwith Addl. AG present.

Representative of respondent No. 6 has furnished reply which is placed on record. Cost of Rs. 1000/- received from the said representative has been paid to the appellant and receipt to this extent obtained from the appellant which is also placed on record. Respondents No. 1 to 5 have not furnished reply/comments despite last opportunity. The matter is, therefore, posted to D.B for arguments on 24.11.2020. The appellant may furnish rejoinder to the written reply of respondent No. 6, within a fortnight, if so desires.

  
Chairman

*Cost received  
Rs. 1000/-  
21/9/2020*



26.12.2019

Appellant in person present. Addl: AG alongwith Mr. Shams ud Din, Senior Clerk for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up written reply/comments on 06.02.2020 before S.B.

  
Member

06.02.2020

Appellant in person and Addl. AG alongwith Shamsur Rahman, S.O for the respondents present.

Representatives of the respondents seeks further time to furnish reply. Adjourned to 24.03.2020 on which date the requisite reply/comments shall positively be furnished.

  
(Ahmad Hassan)  
Member

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before S.B.

  
Reader

24.10.2019

Counsel for appellant present.

Contends that the appellant was appointed as Environmentalist (BS-18), initially on contract basis w.e.f 31.01.2003. Upon promulgation of Government of Khyber Pakhtunkhwa Irrigation Department Notification dated 28.11.2017, his service was regularized. In the said manner, the appellant performed his duties from 31.01.2003 till the regularization without any break. The departmental appeal was submitted by him on 26.03.2019 for counting the period of service against contract and pay protection for the said period, which was not responded to, hence the appeal in hand. To a question regarding delay in submission of departmental appeal, learned counsel contends that the cause of action in favor of appellant was recurring in nature, therefore, the period of limitation is to be disregarded in the circumstances of the case.

The appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 26.12.2019 before S.B.

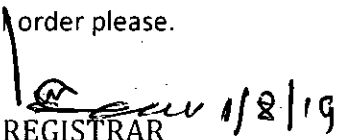


Appellant Deposited  
Security and Process Fee  
24/10/19

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No.- 1006/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/08/2019	<p>The appeal of Syed Qamar Abbas resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 1/8/19</p>
2-	20/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/09/19</u></p> <p> CHAIRMAN</p>
23.09.2019		<p>Issue notice to appellant/counsel for preliminary hearing on 24.10.2019 before S.B.</p> <p> CHAIRMAN</p>

The appeal of Mr. Syed Qamar abbas received today, i.e. on 19/07/2019 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavite is not attached with appeal which may be placed on it.
- 2- Memorandum of appeal should be signed by appellant.
- 3- Copy of Annex-A is illegible which may be replaced with legible/better one.

No. 1946 /S.T,

Dt. 23-7- /2019

*Ar. Soorathis*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak, Adv.

*Note:*

*Sir,*

*That objections No. 1 & 2 has been removed while better copy of Annexure - A is already attached. Hence re-submitted today dated 01/8/2019.*

*01/08/2019.*

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

APPEAL No. 1006 /2019

**SYED QAMAR ABBAS**

**VS**

**IRRIGATION DEPTT:**

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5.	Notification	<b>D</b>	14- 15.
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7.	Judgment	<b>F</b>	17- 23.
15.	Vakalat nama	.....	24.

**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

APPEAL NO. 1006 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1018

Dated 19/7/19

Mr. Syed Qamar Abbas, Environmentalist (BPS-18),  
Irrigation Department, Khyber Pakhtunkhwa ..... **Appellant**

**VERSUS**

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Finance, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 6- The Accountant General, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY w.e.f**  
**31-01-2003 FROM THE DATE ON WHICH THE APPELLANT**  
**WAS APPOINTED TO THE POST OF ENVIRONMENTALIST**  
**AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL**  
**APPEAL OF THE APPELLANT WITHIN THE STATUTORY**  
**PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 31-01-2003 i.e. from the date on which the appellant was appointed as Environmentalist by counting the previous contractual service towards regular service. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as**  
**under:**

- 1- That the appellant was initially appointed vide order dated 31.01.2003 as Environmentalist on contract basis under the scheme of "Strengthening of Monitoring and Evaluation Capabilities of Planning Cell in Irrigation and Power Department. (Copy of the appointment order is attached as annexure.....A).

Filed to-day  
Registrar  
19/7/19

Re-submitted to-day  
and filed.  
Registrar  
18/7/19

- 2- That employees of the above mentioned scheme were regularized through "The Khyber Pakhtunkhwa Planning and Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017", hereinafter to be called the Act, on 13 March 2017. (Copy of the Act 2017 is attached as annexure.....**B**).
- 3- That in light of the provisions of the Act, a Notification dated 25.04.2017 was issued through which services of the appellant along with other employees were regularized from the date of commencement of the aforementioned Act, 2017. (Copy of the notification dated 25.4.2017 is attached as annexure.....**C**).
- 4- That the Finance Division had issued a notification dated 07.04.2015, whereby it has clearly stated that the pay of the contract employees Gazetted and non Gazetted on their regularization/ appointment on regular basis will be protected. Copy of the notification dated 07.04.2015 is attached as .....**D**).
- 5- That the appellant preferred Departmental appeal for counting of his previous service and pay fixation before the respondents but no response has been given till the stipulated period of ninety days.(Copy of the Departmental appeal is attached as annexure.....**E**).
- 6- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the others.

**GROUND:**

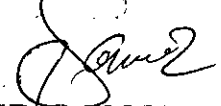
- A- That by not fixing the pay of the appellant w.e.f. 31-1-2003 by the respondents is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not granting/ allowing pay fixation to the appellant w.e. from 31-01-2003.
- D- That similar nature cases has already been decided by this august Service Tribunal in service appeal No.318/2009, decided on 02.07.2010, whereby fixation of pay was granted from the date of initial appointment. Copy of the judgment dated 02-07-2010 is attached as annexure.....**F**).

- E- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earnings of the individuals including persons in the various services of Pakistan, thus not allowing pay fixation to the appellant is utter violation of the above mentioned Article.
- F- That under the principle of Consistency reported in 2009 SCMR page 1 and 1996 SCMR Page 1185 the appellant is fully entitled for the relief meted out to other employees of various departments.
- G- That the respondents acted in discriminatory manner by not counting the previous service of the appellant towards regular service/pension.
- H- That not counting the previous service of the appellant the respondents violated Rule 2.3 of the west Pakistan pension Rules, 1963.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 16.7.2019

**APPELLANT**



**SYED QAMAR ABBAS**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**&**



**MIR ZAMAN SAFI**

**ADVOCATES**



BETTER COPY

④

## SUMMARY FOR GOVERNOR

Subject: APPOINTMENT OF ENVIRONMENTALISTS AND EXONOMISTS IN THE PLANNING AND MONITORING CELLS IN LINE DEPARTMENT

The Provincial Cabinet in its special meeting held on 20.6.2002 under the chairmanship of Governor NWFP was pleased to decide creation/ strengthening of Planning Cells in all major department.

2. The Establishment and Administration Department advertised projects posts in Planning and Monitoring cells of various line departments which include two posts of Environmentalists and four posts of Economics as per advertisement (Annex-I). A committee comprising of the following was constituted for short listing and selection of suitable candidates (Annex-II).

Secretary Finance	Chairman
Additional Secretary (Estt) Establishment Department	Member
Chief Economic P&D	Member
Additional Secretary of The Department concerned	Coopted Member
Department Secretary (Admn) Finance Department	Secretary

Meeting of Short listing/Selection Committee were held under the chairmanship of Finance Secretary in the Committee Room of Finance Department on 22.08.2002 and 22.08.2002 which were attended by the following:-

- 1) Mr. Zia Ur Rehman  
Finance Secretary  
Chairman
- 2) Mr. Muhammad Humayun  
Additional Secretary (Estt)  
S&A Department  
Member
- 3) Syed Badshah Bukhari  
Economists P&D  
Member
- 4) Mr. Zafar Hassan  
Additional Secretary P&D  
Coopted  
Member
- 5) Col. Retd. Marwat Khan,  
Additional Secretary W&S  
Coopted  
Member
- 6) Mr. Siraj-Ud-Din Afridi  
Deputy Secretary W&S  
Coopted  
Member

5

- 7) Engr. Akhtar Pervaiz  
Deputy Secretary (Technical)  
Irrigation Department  
Coopted  
Member
- 8) Mr. Rahim Zada,  
Chief Planning Officer,  
Health Department  
Coopted  
Member
- 9) Mr. Muhammad Younas Javed  
Deputy Secretary (Admn)  
Finance Department  
Secretary

4. Total 55 applications were received for the post of Environmentalists and 174 applications for the posts of Economics. The applications were scrutinized by the Selection Committee and nineteen candidates were found eligibility for interview for the post of Environmentalists, Eighteen candidates were found eligible for interview for the post of Economists (Lists are at Annex-III & IV). The Selection Committee finally recommended the following candidates for the said posts:-

Environmentalists

1. Mr. Irshad Khan S/O Amir Khan
2. Syed Qamar Abbas S/O Jamil Hussain

Salary Recommended per month

Rs.20,000/-

Rs. 16,000/-

Economists

GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

A 9

SUMMARY FOR GOVERNOR

Subject: APPOINTMENT OF ENVIRONMENTALISTS AND ECONOMISTS IN THE PLANNING AND MONITORING CELLS IN LINE DEPARTMENTS.

The Provincial Cabinet in its special meeting held on 20-6-2002 under the chairmanship of Governor NWFP was pleased to decide creation/strengthening of Planning Cells in all major departments.

The Establishment and Administration Department advertised projects posts in Planning and Monitoring Cells of various line departments which include two posts of Environmentalists and four posts of Economists as per advertisement (Annex-I). A committee comprising of the following was constituted for short-listing and selection of suitable candidates (Annex-II):-

- |  |                |
|--|----------------|
| Secretary Finance                                    | Chairman       |
| Additional Secretary (Estt) Establishment Department | Member         |
| Chief Economist P&D                                  | Member         |
| Additional Secretary of the department concerned     | Coopted Member |
| Deputy Secretary (Admin) Finance Department          | Secretary      |

Meeting of Short-listing/Selection Committee were held under the chairmanship of Finance Secretary in the Committee Room of Finance Department on 22/8/2002 and 27/8/2002 which were attended by the following:-

- |   |                |
|---|----------------|
| 1) Mr. Zia-ur-Rahman, Finance Secretary                             | Chairman       |
| 2) Mr. Muhammad Humayun, Additional Secretary (Estt) E&A Department | Member         |
| 3) Syed Badshah Bukhari, Chief Economist P&D                        | Member         |
| 4) Mr. Zafar Hassan, Additional Secretary P&D                       | Coopted Member |
| 5) Col. Reid Marwat Khan, Additional Secretary W&S                  | Coopted Member |
| 6) Mr. Siraj-ud-Din Afridi, Deputy Secretary W&S                    | Coopted Member |

*Attest Secy*  
*[Signature]*

1. Engr. Akhtar Pervaiz,  
Deputy Secretary (Technical)  
Irrigation Department

Coopted  
Member

3

2. Mr. Raim Zada,  
Chief Planning Officer,  
Health Department

Coopted  
Member

3. Mr. Muhammad Younas Javed,  
Deputy Secretary (Admin)  
Finance Department

Secretary

1. Total 55 applications were received for the post of Environmentalists and 174 applications for the posts of Economists. The applications were scrutinized by the Selection Committee and nineteen candidates were found eligible for interview for the post of Environmentalists. Eighteen candidates were found eligible for interview for the post of Economists (Lists are at Annex-III & IV). The Selection Committee finally recommended the following candidates for the said posts:-

Environmentalists

1. Mr. Irshad Khan s/o Amir Khan
2. Mr. Qamar Abbas s/o Jamil Hussain

Salary Recommended per month

RS 20,000/-

RS 16,000/-

Economists

1. Mr. Inamullah s/o Dost Muhammad
2. Mian Muhammad Waqar s/o Mian Said Karam
3. Mr. Pervez Akhtar s/o Ghazi Khan
4. Mr. Adnan s/o Inam-ul-Haq

RS 20,000/-

RS 20,000/-

RS 15,000/-

RS 15,000/-

The Selection Committee negotiated the salary package with the above mentioned candidates on 1st & 3rd October, 2002. The salary recommended is indicated against each candidate in para 4 above.

The Governor NWFP being competent authority is requested to kindly approve appointment of the candidates as mentioned in para 4 above and the salary recommended by the Selection Committee subject to medical fitness and police verification by the concerned departments.

Finance Minister

(Zia ul Razaq)  
Secretary Finance

Chief Secretary

Minister for Planning

*The appointments (as per list) under long term in addition to the posts in appointment letter are approved.*

*Attested*

For Signature:

ANNEX-1

A

GOVERNMENT OF NWFP  
IRRIGATION AND POWER DEPARTMENT

No. SO(OP) 6-2/CELL/

Dated Peshawar the 31-01-2003

To

Syed Qamar Abbas S/O Jamil Hussain,  
Usterzai Payan, Tehsil & District  
Kohat

6

Subject: APPOINTMENT AS ENVIRONMENTALIST ON CONTRACT BASIS IN THE "STRENGTHENING OF MONITORING AND EVALUATION CAPABILITIES OF PLANNING CELL IN IRRIGATION AND POWER DEPARTMENT"

The Provincial Government is pleased to inform you that you have been appointed as Environmentalist on contract against an existing vacancy for the current financial year 2002-03 under the scheme "Strengthening of Monitoring and Evaluation Capabilities of Planning Cell in Irrigation & Power Department" on the following terms and conditions :-

- Pay: Rs. 16,000/- per month all inclusive.
- Period of Contract: The period of your contract appointment shall be one year from the date of assumption of charge extendable up to 3 years.
- Pension: Service rendered by you under the present contract shall not qualify for pension/gratuity.
- Leave: you will be entitled for leave as admissible to the civil servants under the NWFP Revised Leave Rules.
- Travelling allowance: Travelling Allowance for journeys as admissible under the NWFP Revised Leave Rules as amended from time to time to regular employees of the department in corresponding pay scale shall be admissible.
- Rules/Regulations: In respect of other matters not covered in this letter you will be governed by the rules/regulations as applicable to Government employees unless otherwise specified by the employer.

*Attested*  
[Signature]

7

Seniority: Being a temporary post, there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category in the Irrigation and Power Department.

- You will be governed by Provincial Government Rules as amended from time to time.
- You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.
- The contract appointment shall be liable to termination on one month's notice or payment of one month's salary in lieu thereof by either side without assigning any reason.
- At the time of reporting for duty, you will be required to produce a medical fitness certificate from Medical Superintendent, Civil Services Hospital Civil Secretariat Peshawar. If any specialist opinion or test report is required in the process the cost will be borne by you.

You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the department during the course of your service.

The Government looks forward to your joining as Environmentalist and proving your worthiness.

If you accept this offer, please report to the Secretary Irrigation and Power Department along with this acceptance letter within one week of its issue, failing which the post will be offered to the next person on reserve list.

*M.A. Shah*  
SECRETARY TO GOVT. OF PUNJAB  
IRRIGATION & POWER DEPT.

*Attested*  
*[Signature]*

Copy of original to: & date

Copies forwarded to: -

- Accountant General, Government of NWFP, Peshawar.
- Additional Chief Secretary, NWFP.
- Secretary to GO NWFP, Finance Department.
- Secretary to GO NWFP, Establishment Department.
- Secretary to GO NWFP, Works & Services Department.
- Secretary to GO NWFP, School and Literacy Department.
- Secretary to GO NWFP, Higher Education Department.
- Secretary to GO NWFP, Health Department.
- Secretary to GO NWFP, Planning and Development Deptt.
- Deputy Secretary (Admin) Irrigation & Power Deptt.
- Person File.

⑤

③

*[Signature]*  
 SECTION OFFICER (ESTT.)  
 IRRIGATION & POWER DEPTT.

*o/ice*

*[Signature]*  
 30/1/2003

*[Signature]*  
 30/1/03

*Attested*  
*[Signature]*

14/2002

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 13<sup>th</sup> MARCH, 2017.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 13<sup>th</sup> March, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/10285.—The Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2<sup>nd</sup> March, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 9<sup>th</sup> March, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA PLANNING & MONITORING CELL, IRRIGATION EMPLOYEES  
(REGULARIZATION OF SERVICES) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2017)

*(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<sup>th</sup> March, 2017).*

AN

ACT

*to provide for regular appointment of certain contract/fixed pay employees of Planning & Monitoring Cell, Irrigation Department, Khyber Pakhtunkhwa*

Preamble.—WHEREAS the Irrigation Department, Khyber Pakhtunkhwa had appointed ten (10) employees on contract/fixed pay basis in the Planning & Monitoring Cell created under Annual Development Programme (ADP) Project;

AND WHEREAS it is expedient to provide regularization of services of these ten (10) contract/fixed pay employees, in the public interest;

1101

*Attested*  
*[Signature]*



It is hereby enacted as follows:

1. **Short title and commencement** --- (1) This Act may be called the Khyber Pakhtunkhwa, Planning & Monitoring Cell, Irrigation Employees (Regularization of services) Act, 2017.

(2) It shall come into force at once.

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

- (a) "ADP" means Annual Development Programme Project, falls against the code "30577", having the name "Creation of Planning & Monitoring Cell in the Department";
- (b) "Department" means the Irrigation Department of Government;
- (c) "employees" mean those employees who were appointed on contract/fixed pay basis in the Planning and Monitoring Cell created under ADP;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "law or Rules" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means following posts of contract/fixed pay employees in the Department, which were sanctioned by the Finance Department on current side.

Environmentalist (BPS-18), Senior Planning Officer (Civil) (BPS-18), Computer Operator (BPS-16), Assistant (BPS-16), Driver (2 Nos.) (BPS-04), Naib Qasid (2 Nos.) (BPS-01), Sweeper (BPS-01) and Chowkidar (BPS-01)

(2) The expressions "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. **Regularization of services of employees:** Notwithstanding any thing contained in any law or rules, all employees, appointed on contract/fixed pay basis and holding the post in the Planning and Monitoring Cell of the Department till the commencement of this Act, under the ADP, shall be deemed to have been validly appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that such employees possess the qualification and experience prescribed for the posts to which they are appointed on regular basis.

*Attested*  
*[Signature]*

4. Determination of seniority.---- (1) The employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be on the commencement of this Act, in the Department.

(2) The inter-se-seniority of the employees whose services are regularized under this Act shall be determined on the basis of their continuous officiating in service:

Provided that if the date of continuous officiating in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. 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.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

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

*Attested*  
*[Signature]*



Dated Peshawar, the 25<sup>th</sup> April, 2017

Annex-IV

6

C-12

NOTIFICATION

SO(G)/Irr/2-16/2017: In pursuance of Sub-section (1) of Section 3 of the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. VIII of 2017), services of following officers/officials are posted on contract/fixed pay basis in ADP Project code No. 35577 "Planning & Monitoring Cell, Irrigation Department" and holding the posts at the time of commencement of the Act shall stand regularized against the following sanctioned posts of Planning & Monitoring Cell, Irrigation Department from the date of commencement of the aforementioned Act.

Name of officers/officials	Designation/BPS
Syed Qamar Abbas S/o Syed Jamil Hussain	Environmentalist/BPS-18 ✓
Engr. Nadir Iqbal Khan S/o Qamar Zaman Khan	Senior Planning Officer (Civil)/BPS-18
Sahibzada Muhammad Iftikhar S/o Muhammad Jamal	Computer Operator/BPS-16
Ishtiaq Ahmad S/o Momin Khan	Assistant/BPS-16
Ishaq Ali S/o Syed Ali Khan	Driver/BPS-06
Shahid S/o Mohammad Iqbal	Driver/BPS-06
Ishfaq Ahmad S/o Akhtar Munir	Naib Qasid/BPS-03
Ajmal Shah S/o Munir Khan	Naib Qasid/BPS-03
Raj Komar S/o Gurbachan	Sweeper/BPS-03
Ibrahim S/o Javed Ullah	Chowkidar/BPS-03

Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department

*Encl: No. and date even as above.*

Copy forwarded to:-

- The Accountant General, Khyber Pakhtunkhwa
- The Secretary to Speaker, Provincial Assembly, Khyber Pakhtunkhwa
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
- All heads of attached Departments, Irrigation Department, Peshawar
- PSO to Chief Secretary, Khyber Pakhtunkhwa
- Manager, Government Printing Press Department, Khyber Pakhtunkhwa for publication in the Official Gazette.
- PS to Senior Minister for Irrigation & Social Welfare, Khyber Pakhtunkhwa, Peshawar
- PS to Additional Chief Secretary (P&D), Khyber Pakhtunkhwa
- PS to Secretary to Government of Khyber Pakhtunkhwa, Irrigation Department Peshawar
- PS to Additional Secretary to Government of Khyber Pakhtunkhwa, Irrigation Department Peshawar
- Officers/officials concerned.

Section Officer (General)

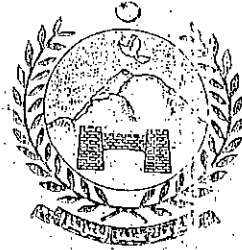
Attested

EXTR. ORDINARY

REGISTERED NO. PIII

GOVERNMENT

GAZETTE



# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 27<sup>TH</sup> DECEMBER, 2017

## GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

### NOTIFICATION

Dated Peshawar, the 28<sup>th</sup> November, 2017

(To be substituted by this Department Notification of even No. dated 25-04-2017)

No. SO(G)/Ir/2-16/2017.— In pursuance of Sub-section (1) of Section 3 of the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. VIII of 2017), services of following officers/officials appointed on contract/fixed pay basis in ADP Project code No. 30577 "Planning & Monitoring Cell, Irrigation Department" and holding the posts at the time of commencement of the Act ibid shall stand regularized against the following sanctioned posts of Planning & Monitoring Cell, Irrigation Department from the date of commencement of the aforementioned Act:-

S#	Name of officers/officials	Designation/BPS
1	Syed Qamar Abbas S/o Syed Jamil Hussain	Environmentalist/BPS-18
2	Engr. Nadir Iqbal Khan S/o Qamar Zaman Khan	Senior Planning Officer (Civil)/BPS-18
3	Sahibzada Muhammad Iftikhar S/o Muhammad Jamal	Computer Operator/BPS-16
4	Ishiaq Ahmad S/o Momin Khan	Assistant/BPS-16
5	Ishaq Ali S/o Syed Ali Khan	Driver/BPS-06
6	Shahid S/o Mohammad Iqbal	Driver/BPS-06
7	Ishiaq Ahmad S/o Akhtar Munir	Naib Qasid/BPS-03
8	Ajmal Shah S/o Munir Khan	Naib Qasid/BPS-03
9	Raj Komar S/o Gurbachan	Sweeper/BPS-03
10	Ibrahim S/o Javed Ullah	Chowkidar/BPS-03

Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department

*Atte Sed*  
*g*

Islamabad, the 7<sup>th</sup> April, 2015

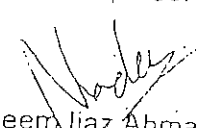
OFFICE MEMORANDUM

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


The proposal 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 gazetted contract employees on their regularization. The Courts have held from time to time that the pay of gazetted 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 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 in a BPS 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 from higher grade to lower grade, pay shall not be protected.

2. Accountant General of Pakistan Revenues (AGPR) will make fixation of pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of this Division is required.

  
(Nadeem Ijaz Ahmad)  
Section Officer (R-2)  
Ph. 9245846

All Ministries/Divisions/Departments

*Attested*  


①  
D-14

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 & Gilgit-Baltistan.
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.
35. Web Master

15

(Nadeem Ijaz Ahmad)  
Section Officer(R-2)  
Tele: 9245846

Attested  
[Signature]

To


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


E-16

SUBJECT: DEPARTMENTAL APPEAL FOR ACCEPTING/COUNTING THE PREVIOUS SERVICE (BACK BENEFITS)/PAY PROTECTION OF STAFF OF PLANNING & MONITORING DIRECTORATE, IRRIGATION DEPARTMENT.

- 1) The Planning & Monitoring Cell (P&M Cell) was created in Irrigation & Power Department on January 31<sup>st</sup>, 2003 through an ADP scheme and staff was recruited/ selected through Departmental Selection Committee via open merit competition in the stated project.
- 2) Based on the continued planning & monitoring requirements of Irrigation Department, the Planning & Monitoring Cell was shifted from the development in to current side and the same post for the incumbents working on the project posts were accordingly sanctioned. Keeping in view of our satisfactory performance and experience, the department was kind enough to regularize our service against the sanctioned posts through an act passed by the Provincial Assembly, Khyber Pakhtunkhwa (Annex-I) and the orders of regularization issued accordingly (Annex-II).
- 3) We on one hand are very much grateful for regularizing our services but on the other hand we are aggrieved for not counting/accepting our previous fourteen years valuable services which we served in Irrigation Department. Beside this, we have also not been given pay protection despite the notifications issued from time to time by the Federal and Provincial Finance Department regarding pay protection for Non-Gazetted Staff (Annex-III & IV) as well as Federal notification for Gazetted officers ( Annex-V & VI).
- 4) In view of the above stated position it is humbly requested to accept/ count our previous services given to Irrigation Department from the date of our initial appointment as well as grant us the pay protection already explained above and any other remedy deemed proper and not specifically asked for may kindly be given please.

Dated: 26/03/2019

  
Syed Qamar Abbas  
(Environmentalist)  
Irrigation Department,  
Govt. of Khyber Pakhtunkhwa.

*Attested*  


Secy Irrigation  
Diary No: 5252  
Date: 18-7-17

IN THE PESHAWAR HIGH COURT PESHAWAR

F-17

3253-P/2012

1-2-299



1. Syed Qamar Abbas, Environmentalist Department, Civil Secretariat Peshawar.
2. Abdul Wajid, Economist BPS-18 Irrigation Department, Civil Secretariat Peshawar.
3. Nadir Iqbal Khan, Senior Planning officer (Civil) BPS-18 Irrigation Department, Civil Secretariat Peshawar.
4. Sahibzada Muhammad Istikhar, Computer Operator BPS-16 Irrigation Department, Civil Secretariat Peshawar.
5. Muhammad Jehangir Khan, Computer Operator BPS-16 Irrigation Department, Civil Secretariat Peshawar.
6. Ishtiaq Ahmad, Assistant BPB- 11 Irrigation Department, Civil Secretariat Peshawar.
7. Istfaq Ali Khan, Driver BPS-4 Irrigation Department, Civil Secretariat Peshawar.
8. Aksar Ali, Driver BPS-4 Irrigation Department, Civil Secretariat Peshawar.
9. Istfaq, Naib Qasid BPS-1 Irrigation Department, Civil Secretariat Peshawar.
10. Ajmal Shah, Naib Qasid BPS-1 Irrigation Department, Civil Secretariat Peshawar.
11. Jehanzeb Chowkidar Irrigation Department, Civil Secretariat Peshawar.
12. Rajkumar Sweeper BPS-1 Irrigation Department, Civil Secretariat Peshawar.

(Petitioners)

VERSUS

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

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973

Secretary Irrigation  
AS

Attested

ATTESTED  
EXAMINER  
Peshawar High Court

18 JUL 2017



18

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

Writ Petition No.3253-P/2017

JUDGMENT

Date of hearing.....15-06-2017

Petitioner: (Syed Qamar Abbas and others) by Mr. Zartaj Anwar, Advocate.

Respondents: (Government of Khyber Pakhtunkhwa and others) by Mr. Waqar Ahmad Khan, AAG.

\*\*\*\*\*

YAHYA AFRIDI, C.J.- Syed Qamar Abbas and others, petitioners, seek the constitutional jurisdiction of this Court, praying that:-

*"It is, therefore, prayed that on acceptance of this writ petition an appropriate writ may please be issued in favour of the petitioners and against the respondents as prayed for."*

2. Today, the worthy AAG placed on record Notification No.SO(G)/Irr/2-16/2017, dated 25<sup>th</sup> April, 2017 of the Government of Khyber Pakhtunkhwa Irrigation Department and states that the petitioners have since been re-appointed on regular basis.

*Attested*  
*[Signature]*

**ATTESTED**  
**EXAMINER**  
**Peshawar High Court**  
**18 JUL 2017**

19

In view of the above, this writ petition has served out its purpose and is disposed of, accordingly.

*M. M. Yusuf Akhund*  
*M. Abdul Sattar*

Dt. 15-06-2017.



CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 82 of  
The Constitution of Pakistan Order 1984

18 JUL 2017

*Attended*  
*[Signature]*

No. 154  
 Date of Presentation of Application 18/7/17  
 No of Pages 27  
 Copying fee \_\_\_\_\_  
 Urgent Fee \_\_\_\_\_  
 Total 12-00  
 Date of Preparation of Copy 18/7/17  
 Date Given For Delivery 18/7/17  
 Date of Delivery of Copy 18/7/17  
 Received By [Signature]

20

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BETTER COPY OF ANNEXURE

20

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**SERVICE APPEAL NO. 318/2009**

Date of institution.....21.02.2009

Date of Decision.....02.07.2010 ✓

Mian Siraj, Driver, School of Nursing, Kohat.  
Village & P/O Bilitang Tehsil and District Kohat.....Appellant

VS

- 1- Government of NWFP (K.P.K) through Secretary Health Department Peshawar.
- 2- Director provincial Health Services Academy, Peshawar.
- 3- Accountant General, NWFP (K.P.K), Peshawar.
- 4- District Accounts Officer, Kohat.....Respondents

**APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 FOR FIXATION OF PAY WITH EFFECT FROM THE DATE OF APPOINTMENT AS PER NOTIFICATION DATED 30-7-2008 AS IS DONE TO THE OTHER EMPLOYEES AGAINST WHICH APPELLANT SUBMITTED HIS DEPARTMENTAL APPEAL DATED 10-11-2008 BUT THE SAME IS NOT RESPONDED DESPITE LAPSE OF 90 DAYS.**

Mr. Waqar Ahmad Seth, Advocate	.....For appellant
Mr. Sher Afghan Khattak, Addl: Advocate General	.....For Respondents
Mr. Sultan Mehmood khattak	.....Member
Mr. Noor Ali Khan	.....Member

**JUDGMENT**

SULTAN MEHMOOD KHATTAK, MEMBER:- According to the appointments made in the appeal, the appellant namely Mian Siraj was appointed as Driver in Family Health Project in the year 1994. On winding up of the said project on 31-12-1999, the Finance Department created posts

*Attested*

**ATTESTED**

*Attested*

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~~21~~  
~~21~~

of Drivers on fixed pay of Rs. 2500/- per month, without any break. The appellant was accordingly appointed as Driver Nursing School Kohat vide order dated 19-7-1999. At that time number of other employees were appointed on regular basis but the same was discriminated. Respondent No. 1 vide letter dated 21-1-2008 for the fixed employee namely Sahib-Ur-Rehman Driver into regular who is similarly placed employee like appellant, therefore respondent is requested for conversion of all other Drivers into regular pay scales. The Finance Department vide letter dated 12.5.2008 gave concurrence for conversion for the posts of Drivers on fixed pay into pay scale No.1 and in accordance with the said concurrence. Notification was issued by respondent No.2 on 17-5-2008, wherein the appellants name appeared at S. No. 7, but with immediate effect, whereas pay fixation of other employees was done with effect from the date of appointment. Feeling aggrieved the appellant submitted his departmental appeal on 09-11-2008, but with no response within the stipulated period, hence this appeal with the prayers that on acceptance of the appeal the respondents be directed to fix the pay of the appellant from the date of initial appointment in dated of 12-5-2008 along-with arrears to bring it at par with the length of service with such other relief as may deem fit-in the circumstances of the case may also be granted.

2. The respondents have filed their written reply, wherein they refuted the post of the appellant and stated that the case of the appellant is different from the case of other employees and that he was appointed in Family Health Project on 6-12-1994 till the project life i.e. 31-12-1999. He was adjusted as Driver at Nursing School on 14-2-2000 as per entry made in his service book on fixed pay of Rs. 3500/-P-M. Moreover he was brought to regular BPS-4 vide Finance Department's Notification dated 12-5-2008, with immediate effect. As such he is not entitled to the relief claimed by him.

Arguments heard and record perused.

3. As <sup>no</sup>doubt the appellant was appointed as Driver in the Family Health Project on 06-12-1991 but before winding up the project on 31-12-1999, he was appointed as Driver in Nursing School Kohat vide office order dated 19-7-1999. As per entry in the service book the appellant was later on adjusted as Driver at fixed pay @ Rs. 2500/- per month vide order dated 14-2-2000. In the light of Finance Department's letter dated 12-5-2008, the post of the appellant was

*Attested*  
A

**ATTESTED**  
A

*Attested*  
A

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*[Handwritten initials]*

*[Handwritten initials]*

reverted to BPS-4 on regular side, vide Notification dated 17-5-2008 of respondent No.2; but with immediate effect. The main contention of the appellant is that in the light of Finance Department's letter dated 30-7-2008 he is entitled is fixation of his pay from the date of his initial appointment instead of 12-5-2008 the Sahib-Ur-Rehman, similarly placed employee. Moreover, respondent No.2 has also addressed a letter dated 15-10-2008 to respondent No.4 in favor of the appellant for fixation of his pay from the date of appointment. However, it was observed that he will not be entitled to arrears up to 30-6-2008.

4. In view of the above the Tribunal deems it appropriate to remand the case of the appellant to the respondent Department with the direction to consider his claim with regard to entitlement of fixation of his pay from the date of appointment in the light of the aforesaid letters as well as case of Sahib-Ur-Rehman . Driver, strictly in accordance with law/rules on the subject within a period of one month of the receipt of this order. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED

*Attested*

*[Handwritten initials]*

ATTESTED

*[Handwritten initials]*

*Attested*

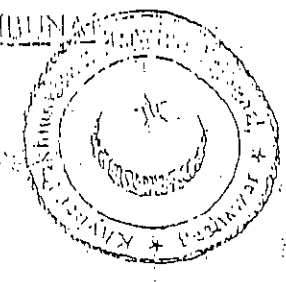
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Page (A)

REPUBLIC OF PAKISTAN FEDERAL BUREAU OF INVESTIGATION  
PESHAWAR

SERVICE APPEAL NO. 318/2009

Date of institution: 21.03.2009  
Date of decision: 02.07.2010



Handwritten marks and signatures on the right margin, including a circled number '20'.

Mian Siraj, Driver, School of Nursing, Kohat,  
Village & P.O. Bilitang,  
Tehsil & District, Kohat.

(Appellant)

VERSUS

Government of NWFP (K.P.K.) through  
Secretary Health Department, Peshawar,  
Director, Provincial Health Services Academy, Peshawar,  
Accountant General, NWFP (K.P.K.), Peshawar,  
District Accounts Officer, Kohat. (Respondents)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974  
FOR FIXATION OF PAY WITH EFFECT FROM THE DATE OF  
APPOINTMENT AS PER NOTIFICATION DATED 30.7.2008, AS IS  
DONE TO THE OTHER EMPLOYEES AGAINST WHICH  
APPELLANT SUBMITTED HIS DEPARTMENTAL APPEAL  
DATED 10.11.2008 BUT THE SAME IS NOT RESPONDED  
DESPITE LAPSE OF 90 DAYS.

Mr. Saqar Ahmad Sethi, Advocate;  
Mr. Amir Afgan Khattak,  
Additional Advocate General;

For appellant

For respondents

Mr. Sultan Mehmood Khattak,  
Mr. Amir Afgan Khattak

Member  
Member

JUDGMENT

SULTAN MEHMOOD KHATTAK, MEMBER:-

According to the

statements made in the appeal, the appellant, namely, Mian Siraj, was appointed  
as driver in Family Health Project in the year 1994. On winding up of the said  
project on 31.12.1999, the Finance Department granted posts of Drivers on fixed  
pay of Rs. 2500/- per month, without any break. The appellant was accordingly  
appointed as Driver in Planning School. The side order dated 19.7.1999. At that  
time number of other employees were appointed on regular basis but the

Handwritten signatures and marks at the bottom left, including the word 'Attested' written multiple times.

ATTESTED

ATTESTED

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21

28

29

... was discriminated. Respondent No.1 vide letter dated 21.01.2008  
 ... the fixed pay employee, namely Sahib-ur-Rehman Driver into regular  
 ... who is similarly placed employee like appellant, therefore, respondent  
 ... requested for conversion of all other Drivers into regular pay scales. The  
 ... Department vide letter dated 12.5.2008 gave concurrence for conversion  
 ... of Drivers on fixed pay into Pay Scale No.4 and in accordance with  
 ... said concurrence. Notification was issued by respondent No.2 on 17.5.2008,  
 ... wherein, the appellant's name appeared at S.No.7, but with immediate effect,  
 ... whereas pay fixation of other employees was done with effect from the date of  
 ... appointment. Feeling aggrieved, the appellant submitted his departmental appeal  
 ... on 09.11.2008, but with no response within the stipulated period, hence this  
 ... appeal with the prayer that on acceptance of the appeal, the respondents be  
 ... directed to fix the pay of the appellant from the date of initial appointment  
 ... of 12.5.2008 along with arrears to bring it at par with the length of  
 ... service with such other relief as may deem fit in the circumstances of the case  
 ... may also be granted.

The respondents have filed their written replies, wherein, they refuted the  
 ... of the appellant and stated that the case of the appellant is different from  
 ... the case of other employees and that he was appointed in Family Health project  
 ... on 6.12.1994 till the project life i.e. 31.12.1999. He was adjusted as Driver at  
 ... Nursing School on 14.2.2000 as per entry made in his service book on fixed pay  
 ... BPS-4/P.A. Moreover, he was brought to regular BPS-4 vide Finance  
 ... Department's Notification dated 12.5.2008, with immediate effect. As such he  
 ... is not entitled to the relief claimed by him.

Argument heard and record perused.

ATTESTED

*Attested*  
[Signature]

*Attested*  
[Signature]

ATTESTED  
[Signature]

*Attested*  
[Signature]

22

In doubt, the appellant was appointed as Driver in the Family Health Project on 26.12.1994 but before winding up of the Project on 31.12.1999, he was appointed as Driver in Muslim School Kohat, vide office order dated 19.7.1999. As per entry in the service book, the appellant was later on adjusted as Driver at fixed pay @ Rs.2500/- per month vide order dated 14.2.2000. In the light of Finance Department's letter dated 12.5.2008, the post of the appellant was changed to BPS-4 on regular side, vide Notification dated 17.5.2008 of respondent No.2, but with immediate effect. The main contention of the appellant is that in the light of Finance Department's letter dated 30.7.2008 he is entitled to fixation of his pay from the date of his initial appointment instead of 12.5.2008 like Shihab-ur-Rehman, similarly placed employee. Moreover, respondent No.2 has also addressed a letter dated 15.10.2008 to respondent No.4 in favour of the appellant for fixation of his pay from the date of appointment. However, it was observed that he will not be entitled to arrears upto 30.6.2008.

5. In view of the above, the Tribunal deems it appropriate to remand the case of the appellant to the respondent-department with the direction to consider his claim with regard to entitlement of fixation of his pay from the date of appointment in the light of the aforesaid letters as well as case of Shihab-ur-Rehman, Driver, strictly in accordance with law/rules on the subject within a period of two months of the receipt of this order. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

RECEIVED  
15/07/2010

(MOOR ALI KHAN)  
MEMBER

(GUL AKSHEEMOOD KHATK) )  
MEMBER

*Attested*

*Attested*

Certified true copy  
Khajana Khushwa  
Services Kohat

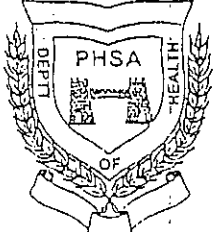
*Attested*

**ATTESTED**

**ATTEST**



23

	<p><b>Provincial Health Services Academy</b> Dept: of Health Govt. of Khyber Pakhtunkhwa Budhni Road Duran Pur Peshawar, ☎ # 091-2650861, 2260109; Fax # 091- 2261249 E-mail: phsa_peshawar@yahoo.com</p>
---	---

To be substituted by even No. & date.

**OFFICE ORDER**

Ex-post facto approval is hereby accorded to regularize the services of the following driver of Nursing School Kohat with effect from the date of appointment i.e. 06/12/1994 as ordered by the honorable Services Tribunal, Peshawar judgment dated 02/07/2010 in Service Appeal No. 318/2009 on the analogy of Mr. Sahib-ur-Rahman Driver, vide Finance Department letter No. BVI/FD/4-48/2007/08 dated 12/05/2008 and Secretary Health letter No. SO-III/ 8-90/07 (Sahib-ur-Rahman) dated 21/01/2008. However, arrear of pay & allowances will be admissible from 14/02/2000.

Name	Designation	Date of appointment
Mr. Mian Siraj	Driver	06/12/1994

-sd-  
DIRECTOR

F/No. 215/PHSA/Admn/Appointment/2012-13/5517-20 Dated . 16/07/2012

- Cc:
1. District Accounts Officer, Kohat.
  2. Vice Principal, School of Nursing Kohat for compliance under intimation to this office.
  3. Registrar, Services Tribunal Pakhtunkhwa Peshawar.
  4. Mr. Mian Siraj Driver, School of Nursing Kohat.

**ATTESTED**




**ATTESTED**



DIRECTOR



Attested  




**VAKALATNAMA**

*Before the KP Service Tribunal, Peshawar*

OF 2019

*Syed Qamar Abbas*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

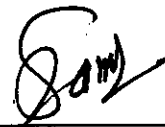
*Educators Deptt.*

(RESPONDENT)  
(DEFENDANT)

I/We *Syed Qamar Abbas*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2019



CLIENT

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

**MIR ZAMAN SAFI  
ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Mobile No.0345-9383141

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

Appeal No.1006/2019.

Mr. Syed Qamar Abbas.....Appellant.

**VERSUS**

The Chief Secretary,  
Government of Khyber Pakhtunkhwa & others, .....Respondents.

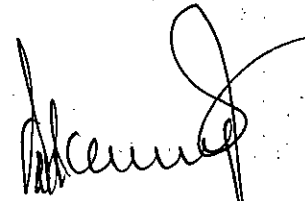
**(Reply on Behalf of Respondent No. 6)**

**Respectfully Sheweth:-**

Para No. 01 to 11.

Being an administrative matter, the issue relates to respondent No. 2,3,4 & 5 . Hence, they are in a better position to redress the grievances of the appellant. Besides, the appellant has raised no grievances against Respondent No.6.

Keeping in view the above mentioned facts, it is humbly prayed that the appellant may be directed to approach respondent No. 2,3,4 & 5 for the satisfaction of his grievances and the appeal in hand having no merits may be dismissed with cost.



ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO.1006/2019**

**Mr. Syed Qamar Abbas,  
Environmentalist, Irrigation Department.**

**Petitioners**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa & Others**

**Respondents**

**INDEX**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page(s)</b>
1.	Para-wise Comments		<b>1-2</b>
2.	Affidavit		<b>3</b>
2.	Khyber Pakhtunkhwa Planning & Monitoring Cell Irrigation Employees (Regularization of Services Act 2017)	<b>A</b>	<b>4-7</b>

1  
750

**BEFORE THE KHYBER PAKHTUNKHWA PESHAWAR**

**SERVICE APPEAL NO.1006/2019**

**Mr. Syed Qamar Abbas**  
**Environmentalist Irrigation Deptt:**

**(Appellant)**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa**  
**Irrigation Department, through Secretary Irrigation & others**

**(Respondents)**

**PARAWISE COMMENTS ON BEHALF OF OFFICIAL RESPONDENTS**

Respectfully sheweth:-

**Preliminary Objections:-**

1. That the appellant has got no cause of action.
2. That the appellant cannot invoke the extraordinary jurisdiction of the Hon'able court.
3. That it is a matter of delegated legislation & cannot be challenged before the court of law.
4. That the August Hon'able court has no jurisdiction as barred by Article 212 of the Islamic Republic of Pakistan Constitution 1973.
5. That it is policy matter & as per apex court, decisions in such like matters, writ jurisdiction is not invocable.
6. That the writ appellant is not maintainable in its present form and it suffers from legal lashes.

**ON FACT:**

1. Correct.
2. Correct.
3. In correct. According to Section 3 of the Regularization Act, 2017 the employees have been regularized with effect from the commencement of the Act i.e. 13.03.2017 and not from the date of initial appointment on contract basis.
4. Incorrect. The policy of Federal Govt. is not applicable in the Province. His service has been regularized through legislation legislated by Provincial Assembly. Being employee of the Province, he must abide by the Rules Regulations of the provincial Govt.
5. Incorrect. The departmental appeal of the appellant is not traceable in the department.
6. No comments.

**GROUND:**

- A. Incorrect. Upon regularization of services of said officer, his pay fixed as per current BPS under existing Rules of Provincial Govt.
- B. Incorrect. The respondent department has not violated article 4 & 5 of the Constitution of Islamic Republic of Pakistan.

He has been treated in accordance with the law and prevailing policy of the Provincial Govt.

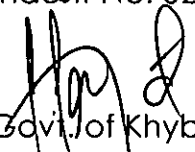
2  
157


- C. Incorrect. Para No."B" is reiterated.
- D. Pertains to record, hence no comments.
- E. Incorrect. He has been treated in accordance with the rules and regulation and there is no mala fide on part of the respondent department.
- F. Incorrect. The appellant is governed by the policy of the Provincial Govt. He must comply with rules/regulation of the Provincial Govt.
- G. Incorrect. The respondents have acted in accordance with the law, rules and policy of the Provincial Govt.
- H. Incorrect. Para "G" is reiterated.
- I. No comments.

It is, therefore, requested that the petition being devoid of merits may be dismissed with cost.

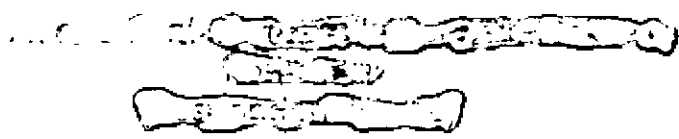
  
Chief Secretary Khyber Pakhtunkhwa  
(Respondent No. 01)

  
Secretary to the Govt. of Khyber Pakhtunkhwa  
Finance Department  
(Respondent No. 02)

  
Secretary to the Govt. of Khyber Pakhtunkhwa  
Establishment Department  
(Respondent No. 03)

  
Secretary to the Govt. of Khyber Pakhtunkhwa  
Irrigation Department  
(Respondent No.04)

Director (Technical) Irrigation Department  
(Respondent No. 05)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO.1006/2019**

**Mr. Syed Qamar Abbas,  
Environmentalist, Irrigation Department.**

**Petitioners**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa & Others**

**Respondents**

**AFFIDAVIT**

I, Section Officer (Litigation)), Irrigation Department on behalf of respondents (No 01 to 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 Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**Deponent**

*Qamar*  
Section Officer (Litigation)  
Irrigation Department

EXTRAORDINARY  
GOVERNMENT

Annex-A



4  
REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 13<sup>th</sup> MARCH, 2017

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 13<sup>th</sup> March, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/10285.—The Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2<sup>nd</sup> March, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 9<sup>th</sup> March, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA PLANNING & MONITORING CELL, IRRIGATION EMPLOYEES  
(REGULARIZATION OF SERVICES) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2017)

*(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<sup>th</sup> March, 2017.)*

AN  
ACT

*to provide for regular appointment of certain contract/fixed pay employees of Planning & Monitoring Cell, Irrigation Department, Khyber Pakhtunkhwa.*

Preamble.—WHEREAS the Irrigation Department, Khyber Pakhtunkhwa had appointed ten (10) employees on contract/fixed pay basis in the Planning & Monitoring Cell created under Annual Development Programme (ADP) Project;

AND WHEREAS it is expedient to provide regularization of services of these ten (10) contract/fixed pay employees, in the public interest;

1101

*Attested*  
*[Signature]*



It is hereby enacted as follows:

1. Short title and commencement --- (1) This Act may be called the Khyber Pakhtunkhwa, Planning & Monitoring Cell, Irrigation Employees (Regularization of services) Act, 2017.

(2) It shall come into force at once.

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

- (a) "ADP" means Annual Development Programme Project, falls against the code "30577", having the name "Creation of Planning & Monitoring Cell in the Department";
- (b) "Department" means the Irrigation Department of Government;
- (c) "employees" mean those employees who were appointed on contract/fixed pay basis in the Planning and Monitoring Cell created under ADP;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "law or Rules" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means following posts of contract/fixed pay employees in the Department, which were sanctioned by the Finance Department on current side.

Environmentalist (BPS-18); Senior Planning Officer (Civil) (BPS-18), Computer Operator (BPS-16); Assistant (BPS-16), Driver (2 Nos.) (BPS-04), Naib Qasid (2 Nos.) (BPS-01), Sweeper (BPS-01) and Chowkidar (BPS-01)

(2) The expressions "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. Regularization of services of employees: Notwithstanding any thing contained in any law or rules, all employees, appointed on contract/fixed pay basis and holding the post in the Planning and Monitoring Cell of the Department till the commencement of this Act, under the ADP, shall be deemed to have been validly appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that such employees possess the qualification and experience prescribed for the posts to which they are appointed on regular basis.

Attested  
[Signature]

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12  
11

Determination of seniority. --- (1) The employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be on the commencement of this Act, in the Department.

(2) The inter-se seniority of the employees whose services are regularized under this Act shall be determined on the basis of their continuous officiating in service.

Provided that if the date of continuous officiating in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. 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.

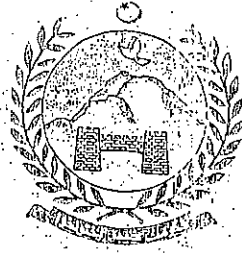
BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

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

*Attested*  
*[Signature]*

EXTR. ORDINARY  
GOVERNMENT



7 120  
13-18  
REGISTERED NO. F

GAZETT

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 27<sup>TH</sup> DECEMBER, 2017

## GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

### NOTIFICATION

Dated Peshawar, the 28<sup>th</sup> November, 2017

(To be substituted by this Department Notification of even No. dated 25-04-2017)

No. SO(G)/Ir/2-16/2017.— In pursuance of Sub-section (1) of Section 3 of the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act 2017 (Khyber Pakhtunkhwa Act No. VIII of 2017), services of following officers/officials appointed on contract/fixed pay basis in ADP Project code No. 30577 "Planning & Monitoring Cell, Irrigation Department" and holding the posts at the time of commencement of the Act ibid shall stand regularized against the following sanctioned posts of Planning & Monitoring Cell, Irrigation Department from the date of commencement of the aforementioned Act:-

S#	Name of officers/officials	Designation/BPS
1.	Syed Qamar Abbas S/o Syed Jamil Hussain	Environmentalist/BPS-18
2.	Engr. Nadir Iqbal Khan S/o Qamar Zaman Khan	Senior Planning Officer (Civil)/BPS-18
3.	Sahibzada Muhammad Iftikhar S/o Muhammad Jamal	Computer Operator/BPS-16
4.	Ishfaq Ahmad S/o Momin Khan	Assistant/BPS-16
5.	Ishaq Ali S/o Syed Ali Khan	Driver/BPS-06
6.	Shahid S/o Mohammad Iqbal	Driver/BPS-06
7.	Ishfaq Ahmad S/o Akhtar Munir	Naib Qasid/BPS-03
8.	Ajmal Shah S/o Munir Khan	Naib Qasid/BPS-03
9.	Raj Komar S/o Gurbachan	Sweeper/BPS-03
10.	Ibrahim S/o Javed Ullah	Chowkidar/BPS-03

Secretary to Government of Khyber Pakhtunkhwa  
Irrigation Department

855

*Atta Uddin*  
*g*

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

**Service Appeal No.1006/2019  
Syed Qamar Abbas**

**Petitioners**

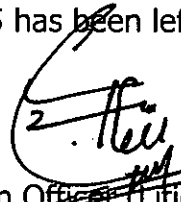
**VERSUS**

**Chief Secretary, Khyber Pakhtunkhwa,  
Secretary Irrigation & others**

**Respondents**

**TO WHOM IT MAY CONCERN**

It is certified that Syed Qamar Abbas, the then Environmentalist (BS-18) and Appellant in the subject Service Appeal No.1006/2019 is now posted as Director Technical PMC, Irrigation Department, who is also Respondent No.05 of the said case, due to which the Signature Section of Respondent No.05 has been left blank and unsigned.

  
for Section Officer (Litigation)  
Irrigation Department  
12/11/2020

**AUTHORITY LETTER**

I, Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department do hereby authorize Mr. Arab Gul, Superintendent (Litigation Section), Irrigation Department to file comments and make statement before the Khyber Pakhtunkhwa Service Tribunal in connection with court Appeal No.1006 filed by Syed Qamar Abbas Vs Government of Khyber Pakhtunkhwa & Others.



Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department

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

C.M NO. \_\_\_\_\_/2021

IN

APPEAL NO.1006/ OF 2019

**SYED QAMAR ABBAS                      VS                      IRRIGATION DEPTT:**

**APPLICATION FOR IMPLEADMENT OF THE SECRETARY**  
**PLANNING & DEVELOPMENT DEPARTMENT , KHYBER**  
**PAKHTUNKHWA, PESHAWAR IN ABOVE MENTIONED**  
**APPEAL IN THE ARRAY OF RESPONDENTS**

**R/SHEWETH:**

**The applicants submits as under:**

- 1- That the captioned adjudication is pending adjudication before this August Tribunal, which was fixed for regular hearing today dated 27/05/2021.
- 2- That appellant have filed the above mentioned appeal for pay fixation of pay w.e.f 31/01/2003 from the date on which the appellant was appointed to the post of Environmentalist.
- 3- That during the pendency of appeal ,the appellant was transferred from the Irrigation Department and inducted in the provincial planning cadre i.e. in P & D Deptt: vide Nt dt; 9<sup>th</sup> January 2020.
- 4- That if the above mentioned official respondent has not been impleaded as respondent in the above titled appeal ,justice will not be meted out to the appellant properly and so to the appellant his valuable rights be disbursed appropriately.

It is therefore most humbly prayed that on acceptance of this Impleadment application the Official Respondent Namely, The secretary Planning & Development, Khyber Pakhtunkhwa, Peshawar may kindly be impleaded as party in the array of respondents.

**APPLICANT**



**SYED QAMAR ABBAS**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, January 09, 2020.

**NOTIFICATION:**

No. SO(E)P&D/071/19-39/2019: In pursuance of the decision of the Provincial Cabinet dated 09.05.2019 and the establishment of Provincial Planning Cadre, the competent authority is pleased to include all planning oriented posts in BPS-17 and above of newly regularized components/units of Planning & Development, Department and Planning Cells of Administrative Departments, Civil Secretariat along-with incumbents as well as left over posts as per appendix in the Schedule-I of The Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018.

2. The competent authority is further pleased to exclude the following posts of Rescue-1122 from the schedule-I of The Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018:

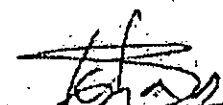
- i. Director Planning (BS-19). (1 post).
- ii. Deputy Director Planning (BS-18). (1 post).
- iii. AD Planning (BS-17). (2 posts).

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Endst: of even No. & Date.

Copy forwarded to the:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries in Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Director General, Sustainable Development Unit, P&D Department.
6. Executive Director, UPU, P&D Department.
7. Director General, M&E, P&D Department.
8. Director General, Rescue-1122, Peshawar.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Director Information, Khyber Pakhtunkhwa.
11. Deputy Secretary (Admn.), P&D Department, Merged Areas.
12. Assistant Chief (B&A), P&D Department.
13. Accounts Officer, CBP, P&D Department.
14. PS to Additional Chief Secretary, P&D Department.
15. PS to Secretary, P&D Department.
16. PAs to Additional Secretary/Chief Economist, P&D Department.
17. PA to Deputy Secretary (Admn.), P&D Department.

  
(SONA KHANT) 9/1/2020  
Section Officer (Estt.)

## APPENDIX

S.NO.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DESIGNATION	BP5	DEPARTMENT
1.	Engr. Asif Shahab	Assistant Chief	18	CBP, P&D Department
2.	Amin Khan Bongaah	Assistant Chief	18	CBP, P&D Department
3.	Ms. Pawasha Rehman	Assistant Chief	18	CBP, P&D Department
4.	Dr. Kashif Nazir	Assistant Chief	18	CBP, P&D Department
5.	Rafiq Jan	Assistant Chief	18	CBP, P&D Department
6.	Tehsil Zaman	Assistant Chief	18	CBP, P&D Department
7.	Muhammad Ayaz	Assistant Chief	18	CBP, P&D Department
8.	Abdul Aziz Abbasi	Assistant Chief	18	CBP, P&D Department
9.	Faaiz Arbab	Research Officer	17	CBP, P&D Department
10.	Engr. Nasir Khan	Research Officer	17	CBP, P&D Department
11.	Engr. Naveed Ishtiaq	Research Officer	17	CBP, P&D Department
12.	Ali Hussain	Research Officer	17	CBP, P&D Department
13.	Waqas Ghaus	Research Officer	17	CBP, P&D Department
14.	Engr. Muhammad Tariq	Research Officer	17	CBP, P&D Department
15.	Shahbaz Khan	Research Officer	17	CBP, P&D Department
16.	Junaid	Research Officer	17	CBP, P&D Department
17.	Muhammad Irfan	Research Officer	17	CBP, P&D Department
18.	Tahir Aman	Research Officer	17	CBP, P&D Department
19.	Pir Bilal Muhammad	Research Officer	17	CBP, P&D Department
20.	Mian Ayub Gul	Research Officer	17	CBP, P&D Department
21.	Asim Javed	Research Officer	17	CBP, P&D Department
22.	Taimur Arbab	Research Officer	17	CBP, P&D Department
23.	Engr. Yasir Adnan	Research Officer	17	CBP, P&D Department
24.	Engr. Qazi Muhammad Zohaib	Research Officer	17	CBP, P&D Department
25.	Zainab Khatoon	Research Officer	17	CBP, P&D Department
26.	Syed Shoaib Ali Shah	Research Officer	17	CBP, P&D Department
27.	Muhammad Shoaib	Research Officer	17	CBP, P&D Department
28.	Mukhtar Ahmad	Research Officer	17	CBP, P&D Department
29.	Muhammad Tariq	Research Officer	17	CBP, P&D Department
30.	Hizbullah Khan	Research Officer	17	CBP, P&D Department
31.	Ozair Rahim	Research Officer	17	CBP, P&D Department
32.	Arbab Wajid Khan	Research Officer	17	CBP, P&D Department
33.	Sher Azam Khan	Director Technical	19	M&E, P&D Department
34.	Waheed Afzal	Director Technical	19	M&E, P&D Department
35.	Muhammad Ayaz	Director Evaluation	19	M&E, P&D Department



36.	Akhtar Shahzad Bangash	Deputy Director	18	M&E, P&D Department
37.	Saleem Shah	Deputy Director	18	M&E, P&D Department
38.	Asim Riaz Muhammad Ali	Deputy Director	18	M&E, P&D Department
39.	Hidayat Ullah	Deputy Director	18	M&E, P&D Department
40.	Muhammad Imran Khan	Deputy Director	18	M&E, P&D Department
41.	Sikandar Khan	Deputy Director	18	M&E, P&D Department
42.	Aftab Haider	Deputy Director	18	M&E, P&D Department
43.	Muhammad Shoaib	Deputy Director (Evaluation)	18	M&E, P&D Department
44.	Shahzad Khan	Deputy Director	18	M&E, P&D Department
45.	Ashfaq Khan	Deputy Director	18	M&E, P&D Department
46.	Afrasiyab Khattak	Deputy Director	18	M&E, P&D Department
47.	Alam Zeb	Deputy Director	18	M&E, P&D Department
48.	Changaiz Alam Durrani	Assistant Director	17	M&E, P&D Department
49.	Kamran Ali Khan	Assistant Director (Evaluation)	17	M&E, P&D Department
50.	Ejaz Hamid	Assistant Director	17	M&E, P&D Department
51.	Pir Muhammad Raza Shah	Assistant Director	17	M&E, P&D Department
52.	Ms. Shaista Qaiser	Assistant Director	17	M&E, P&D Department
53.	Amjad Ali Shah	Assistant Director	17	M&E, P&D Department
54.	Khurshid Alam	Assistant Director	17	M&E, P&D Department
55.	Asrar Ahmad	Assistant Director	17	M&E, P&D Department
56.	Aftab Alam	Assistant Director	17	M&E, P&D Department
57.	Muhammad Adeel Khan	Assistant Director	17	M&E, P&D Department
58.	Muhammad Yasir Mahsud	Assistant Director	17	M&E, P&D Department
59.	Naveed Ullah	Assistant Director	17	M&E, P&D Department
60.	Pir Tariq Shah	Assistant Director	17	M&E, P&D Department
61.	Tariq Ikram	Assistant Director	17	M&E, P&D Department
62.	Muhammad Awais	Assistant Director	17	M&E, P&D Department
63.	Fahad Noor	Assistant Director	17	M&E, P&D Department
64.	Wajid Anwar	Assistant Director	17	M&E, P&D Department
65.	Hizbullah Khan	Assistant Director	17	M&E, P&D Department
66.	Abdul Wadood Shah	Assistant Director	17	M&E, P&D Department
67.	Babar Naseem	Assistant Director	17	M&E, P&D Department
68.	Mujahid Naseer	Assistant Director	17	M&E, P&D Department
69.	Muhammad Amar Rafiq	Assistant Director	17	M&E, P&D Department
70.	Ejaz Ahmad	Assistant Director	17	M&E, P&D Department
71.	Zahid Gul	Assistant Director	17	M&E, P&D Department
72.	Obaid Ur Rehman	Assistant Director	17	M&E, P&D Department

	Vacant	Director Technical		
110.	Vacant	Economist	19	Irrigation Department
111.	Engr. Nadir Iqbal	Senior Planning Officer	18	Irrigation Department
112.	Syed Qamar Abbas	Environmentalist	18	Irrigation Department
113.	Vacant	Monitoring Officer	18	Irrigation Department
114.	Vacant	Planning Officer	17	Irrigation Department
115.	Khan Muhammad	Planning Officer	17	Irrigation Department
116.	Jalal Ahmad	Planning Officer	17	Home Department
117.	Muhammad Ismail Mohmand	Planning Officer	17	Home Department
118.	Vacant	Director Planning & Monitoring	17	Home Department
119.	Vacant	Planning Officer	19	PHE Department
120.	Vacant	Planning Officer	17	PHE Department
121.	Vacant	Planning Officer	17	PHE Department
122.	Vacant	Chief Planning Officer	19	Sports Department
123.	Alamgir Khan	Senior Planning Officer	18	Sports Department
		Monitoring Officer	17	Sports Department



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1133 /ST

Dated: 24/5 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Secretary Irrigation Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1006/2019 SYED QAMAR ABBAS.

I am directed to forward herewith a certified copy of Judgment dated 19.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR