


FORM OF ORDER SHEET

Court of _____

Appeal No. 197/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/01/2024	<p>The appeal of Mr. Ahmad Faraz Khan presented today by Malik Muhammad Anwar Khan Banvi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No: ~~197~~¹⁹⁷/2024

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17)(PR-8028), Staff Training Institute , Estb: & Admn: Department, Civil Secretariat, Peshawar.....Appellant

VS

1-Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

2- Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.....Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Memo of Service Appeal		1-3
2.	Affidavit		4
3.	Addresses of the Parties		5
4.	Notice to Respondents		6
5.	Copy of Offer of Appointment Order dated: 16-03-2016 & Joining of Service dated: 25-03-2016	I	7-8
6.	Copy of KPK Employees Regularization of Services Act,2018 dated: 07-03-2018	II	9-17
7.	Copy of Establishment Department Notification (ITEC PR-8028) dated: 18-10-2018	III	18-19
8.	Copy of Establishment Department Notification (E-Office PR-8089) dated: 01-11-2019	IV	20-21
9.	Copy of Health Department Notification dated: 18-07-2018	V	22
10.	Copy of Higher Education Department Notification dated: 09-08-2018	VI	23
11.	Copy of Application /Appeal dated: 04-08-2021	VII	24
12.	Copy of STI Letter dated: 09-08-2021	VIII	25
13.	Copy of Establishment Department Letter dated: 09-09-2021	IX	26
14.	Copy of STI Letter dated: 22-10-2021	X	27
15.	Copy of Establishment Department Letter dated: 09-11-2021	XI	28
16.	Copy of STI Letter dated: 24-11-2021	XII	29
17.	Copy of Establishment Department Letter dated: 04-12-2022	XIII	30
18.	Copy of STI Letter dated: 09-02-2022	XIV	31
19.	Copy of Establishment Department Letter dated: 16-02-2022	XV	32
20.	Copy of STI Letter dated: 25-03-2022	XVI	33-34
21.	Copy of IT Professional Staff (PR-8028) Appeal to Chief Secretary dated: 27-07-2022	XVII	35-36
22.	Copy of IT Professional Staff (PR-8028) Appeal to Secretary Establishment dated: 25-09-2023	XVIII	37-38
23.	Copy of Establishment Department Letter dated: 20-10-2023	XIX	39
24.	Copy of STI Letter dated: 26-10-2023	XX	40
25.	Wakalat Nama		41

Dated: 26-01-2024

Appellant 

Through


(Muhammad Anwar Khan Banvi)

Advocate

0313-9936260

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No: ~~194~~/2024

Mr. Ahmad Faraz Khan S/O Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028), Staff Training Institute, Estb: & Admn: Department, Civil Secretariat, PeshawarAppellant

VS

1-Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar

2-Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.....Respondents

SERVICE APPEAL UNDER S-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR ISSUANCE OF DIRECTIONS TO GOVT: OF KHYBER PAKHTUNKHWA, FOR CORRECTION OF DATE OF SERVICE REGULARIZATION OF THE APPELLANT W.E.F 07.03.2018 INSTEAD OF 01.07.2018, VIDE IMPUGNED NOTIFICATION NO.SOE-V/E&AD/5-09/2009 DATED: 18-10-2018. THE APPEAL OF THE APPELLANT IS WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Prayers:

It is most humbly prayed that on acceptance of instant Service Appeal of the Appellant this Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar may graciously direct the Respondent to treat the Appellant equally at par with his other Colleagues/ Counter parts in terms of Service Regularization w.e.f **07.03.2018** instead of **01.07.2018**, vide impugned Notification NO.SOE-V/E&AD/5-09/2009 Dated: 18-10-2018, from the commencement of Khyber Pakhtunkhwa Employees Regularization of Services Act, 2018 without "ifs & buts" & hesitation together with Seniority, Promotion and all back benefits, etc. and proper correction/corrigendum in this juncture may kindly be issued accordingly so as to meet the ends of justice.

Respectfully Sheweth

ON FACTS:

- 1- That the Appellant is law abiding citizen of Pakistan and have every legal and constitutional right duly protected under the law of the land.
- 2- That the Appellant was appointed as IT Officer/Network BS-17 in the Project titled as "IT Professional Training Center" dated **16-03-2016** vide Offer of Appointment Order.NO.SOE/ST&IT/KP/2-5/DoIT/15 & Joining of Service dated **25-03-2016**(Annex-I)
- 3- That in the year 2018, Govt: of Khyber Pakhtunkhwa has passed an Act titled as "The Khyber Pakhtunkhwa Employees Regularization of Services Act 2018".(Annex-II)
- 4- That after promulgation of the said Act, number of Project Employees of the various Projects was regularized from the date of commencement of the Act.
- 5- That the Govt: of Khyber Pakhtunkhwa, Establishment Department has Regularized 24 number of the Project Employees of "IT Professional Training Center for Unemployed IT Graduates & Govt: Employees" in the Staff Training Institute under DDO Code PR-8028 w.e.f **01.07.2018**, instead of **07.03.2018** vide impugned Notification No: SOE-V/E&AD/5-09/2009 dated **18.10.2018**. (Annex-III)

- 6- That 29 number of Employees of the Project titled "Office Automation System Pilot for 05 Departments" under the DDO Code PR-8089 were regularized w.e.f. the date of the introduction of the Act i.e **07.03.2018**, vide Establishment Department's Notification No: SOE-V/E&AD/05-09/2009 dated **November 01, 2019. (Annex-IV)**
- 7- That the Govt: of Khyber Pakhtunkhwa, Health Department has regularized 12 number of Contractual Employees of "IT Support for Improvement of Health Services Delivery, Khyber Pakhtunkhwa" from the date of Promulgation of the Act vide Notification No: E&A/Health/2-65/2018 dated **08.07.2018. (Annex-V)**
- 8- That the Govt: of Khyber Pakhtunkhwa, Higher Education Department has regularized 20 number of Contractual Employees of " Establishment of Higher Education Management Information System (HEMIS) Cell" reflected against Sr No.19 in the Schedule appended with the ibid Act w.e.f **02.03.2018**, vide impugned Notification No: KC/SOB/HE/1-5/SNE/Regularization of HEMIS Employees/2017-18/ 1910-63 dated **09.08.2018.(Annex-VI)**
- 9- That inspite of the fact that IT Professional Training was reflected in Schedule at Sr. No: 24-B & the Project was Regularized under the above mentioned Act 2018. Clause 04 of the ibid Act states that:

"Regularization of Services of Project Employees – Notwithstanding anything contained in any Law or Rules, the Employees at Sub-clause (ii) of Clause(e) of Sub-Section(1) of 2 of this Act, appointed on Contract Basis against Project Posts and holding such Project Posts till the commencement of this Act, shall be deemed to have validly been appointed on Regular Basis from the date of commencement of this Act, subject to verification of their qualification and other credentials by the concerned Government Department."

but contrary to the clear Provision in the Act, the Services of the Appellant was Regularized w.e.f **01.07.2018** instead of **07.03.2018**, resultantly, the Appellant and all other concerned Staff are placed at the bottom of the Seniority List, on this Score, the Appellant Stands Junior from those Contractual Employees whose Services were Regularized under the same Act w.e.f **01.07.2018**.

- 10- That the Appellant is not treated equally at par with his other Colleagues/ Counterparts in terms of Service Regularization w.e.f **01.07.2018** instead of w.e.f **07.03.2018**, hence, the Appellant suffered a lot at all angles and deprived of his vested rights of Monitory Benefits, Seniority and Promotion, etc, due to impugned Notification No: SOE-V/E&AD/5-09/2009 dated **18.10.2018**.
- 11- That due to the illegal, unlawful, unauthorized act, sheer violation of the Constitution and Discrimination of the Respondents, adversely affected the Career Progression of the Appellant. From such act of the Respondents, the Appellant aggrieved and approached to the Respondent time & again but all in vain, for cursory Evidence vide Appeal/Application/Review Petition/Representation dated: **4th August 2021**, SO/Admn/ STI Letter No: DD(STI)2-1/2021-22//ITEC/467 dated: **09.08.2021**, S.O (E-V) Letter No: SOE-V/E&AD/5-09/2007 dated: **09.09.2021**, SO/Admn/STI letter No: DD/STI/E&AD/2-1/2021-22/ITEC/588 dated: **22.10.2021**, S.O (E-V) letter No; SOE-V/E&AD/5-09/2007/423 dated: **09.11.2021**, S.O (Admn) STI letter No: DD/STI/E&AD/2-1/2021-22/ITEC dated: **24.11.2021**, SO (E-V) Letter No: SOE-V E&AD/5-09/2007 dated: **04.12.2022**, SO (Admn)STI letter No: DD/STI/E&AD/5-1/ITEC Staff/2019 -20/766 dated: **09.02.2022**, SO (E-V) letter No: SOE-V/ E&AD/5-09/2020/547 dated: **16.02.2022**, SO (Admn) STI letter No: DD/STI/E&AD/5-1/IT Staff /2019-20/804 dated: **25-03-2022**, IT Professional Training Center Staff (PR-8028) STI, E&AD Appeal to Chief secretary, KPK, dated: **26-07-2022** vide Diary No: 2335 w.e.f **27.07.2022** and IT Professional Training Center Staff

(PR-8028) STI, E&AD Appeal dated: **18-09-2023** for correction in Notification of Regularization of IT Professional Staff (PR- 8028) to Secretary Establishment KPK, vide Diary No: 2233-w.e dated: **25-09.2022**, SO/O&M/E&AD/6-7/2023 dated: **20-10-2023** vide STI Diary No.835 dated: **25-10-2023** & Director STI, E&AD Letter No.DD/STI/E&AD/2-1/2021-22/ITEC dated: **26-10-2023 (Annex-VII---XX)**.

ON GROUNDS:

- 1- That from every angle the Appellant is fully entitled for Service Regularization w.e.f the introduction of the Act, 2018 on the analogy of his other Colleagues/Counter-parts being Precedental/ Identical Case. Therefore, the Service of the Appellant may be regularized strictly in accordance with his other Colleagues/Counter-parts as per commencement of the Act
- 2- That the Case of the Appellant is identical, precedental, analogical & similar in nature with all those Project Employees whose services are regularized from the date of Promulgation of the Act i.e. **07.03.2018** as per Section-4 of the aforesaid Act. Therefore, from all corner of the Law, the Appellant is entitled for Service Regularization w.e.f **01.07.2-018**.
- 3- That the Appellant is discriminated in terms of Service Regularization, Seniority, Promotion and Financial Loss as well, due to such impugned Notification No: SOE-V/E&AD/5-09/2009 dated **18.10.2018**, which is Crystal clear deviation from the Constitution of Pakistan/Law/Rules & Policies.
- 4- That any other grounds not raised here may graciously be allowed to be raised at the time of hearing /arguments amongst other.
- 5- That any other relief may also be graciously extended in favor of the Appellant in the circumstances of the Case.

Fore going in view, it is most respectfully prayed that the Service Appeal of the Appellant may please be allowed as prayed for, in the Heading of Service Appeal.

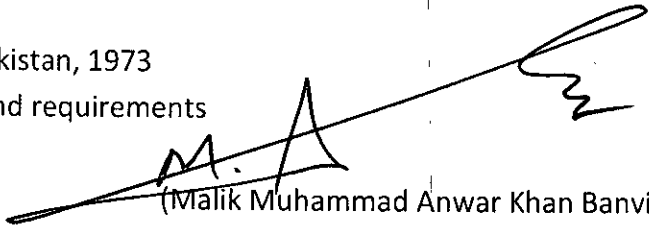
Appellant 
Through 
(Malik Muhammad Anwar Khan Banvi)
Advocate
0313-9936260

Certificate

No Service Appeal against the Impugned Notification No: SOE-V/E&AD/5-09/2009 dated **18.10.2018** has earlier been filed by the Appellant Before The Honorable Court/Tribunal on the subject matter.

Law Books

1. Constitution of Islamic Republic of Pakistan, 1973
2. Case Laws/Rules according to need and requirements


(Malik Muhammad Anwar Khan Banvi)
Advocate

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No:-----/2024

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028)....Appellant

VS

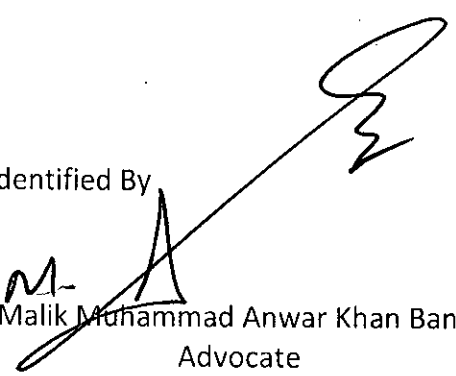
1-Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar

2-Secretary Establishment, Khyber Pakhtunkhwa Civil Secretariat, PeshawarRespondents

AFFIDAVIT

I, Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17)(PR-8028), Staff Training Institute , Establishment & Administration Department, Civil Secretariat, Peshawar, do hereby affirm and declare that the contents of this Service Appeal is true and correct and nothing has been concealed from this Honorable Tribunal.

Identified By


(Malik Muhammad Anwar Khan Banvi)
Advocate
0313-9936260




Deponent

CNIC No: 11101-1471803/1
0331-5615267

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028) VS
Government of Khyber Pakhtunkhwa through Chief Secretary, Secretary Establishment,
Khyber Pakhtunkhwa Civil Secretariat, Peshawar.

ADDRESSES OF THE PARTIES

APPELLANT

Mr. Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (BS 17) (PR-8028), Staff
Training Institute, Establishment & Administration Department, Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
2. Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

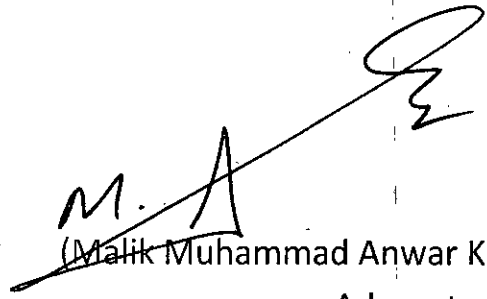
NOTICE UNDER RULE-11 OF THE KPK SERVICE TRIBUNAL RULES, 1974

To

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa Peshawar
2. Secretary Establishment, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

Dear Sir,

Please take Notice that the Appellant is filing Service Appeal Before The Honorable Service Tribunal, Peshawar titled as "Ahmad Faraz Khan s/o Sarfaraz Khan, IT Officer/Network (PR-8028) Staff Training Institute E&AD Vs Chief Secretary Government of Khyber Pakhtunkhwa & Others".



(Malik Muhammad Anwar Khan Banvi)

Advocate
0313-9936260



GOVERNMENT OF KHYBER PAKHTUNKHWA
ST & IT DEPARTMENT PESHAWAR
2nd Floor., SDU building, Khyber Rd, Peshawar
Dated Peshawar, the 16th March 2016.

Annex I

OFFER OF APPOINTMENT

NO.SOE/ST&IT/KP/2-5/DoIT/15. On the recommendation of Departmental Selection Committee and in exercise of the powers conferred under Para-9 of the "Khyber Pakhtunkhwa Policy Regulating Appointment to Posts in Development Projects" 2008, Mr. Ahmad Faraz Khan s/o Sarfaraz Khan resident of District Bannu is hereby appointed as **IT Officer/Team Lead (Network)** equivalent to (BPS-17) on contract basis against the available vacant posts in the Project titles "IT Professional Training Center for Graduate & Govt. Employees" in the Directorate of Information Technology, Khyber Pakhtunkhwa on the terms and condition mentioned below:-

Terms and conditions:

- i. His appointment shall be for a period of One year.
- ii. His appointment shall be on District based
- iii. His character antecedent shall be verified from Provincial Police Department. In case he is found involved in any criminal/anti State activities his offer of appointment shall stand canceled.
- iv. His services shall stand terminated automatically on completion of the Project.
- v. His appointment shall be purely on contract basis. If his performance is found unsatisfactory, his services shall be terminated on **15 days** or on payment of **15 days** salary in lieu thereof.
- vi. If the officer/official resigns he shall also give notice or deposits **15 days** salary in lieu therefor.
- vii. He shall work against the subject post for which he is recruited and shall not be transferred to any other post in the project or any other station/project under the same Department/Government.
- viii. He shall give an undertaking to the effect the during the employment, he will be held responsible for the losses (accruing to the project for which he will be held answerable there for)
- ix. He shall produce a Medical Fitness Certificate from one of the Government Hospitals.
- x. His appointment shall not confer upon his any right for regular appointment/absorption against the post of IT Officer/Team Lead (Network) equal to (BS-17) nor shall his services count towards seniority/promotion.
- xi. He shall neither be treated as Civil Servant nor be entitled for pension or C.P.Fund.
- xii. He shall be entitled for TA/DA in accordance with the TA Rules of the Provincial Government.
- xiii. He shall not be entitled for medical allowance.

SECRETARY TO GOVT.OF KP
ST&IT DEPARTMENT

Endst. Of even No. and date:

Copy forwarded to:-

- 1- The Accountant General, KP, Peshawar.
- 2- The Secretary to Govt. of KP, P&D Department, Peshawar.
- 3- The Secretary to Govt. of KP, Establishment Department, Peshawar.
- 4- The Secretary to Govt. of KP, Finance, Peshawar.
- 5- The Director, Information Technology, KP Peshawar.
- 6- PS to Secretary to Govt. of KP, ST&IT Department Peshawar.
- 7- The officer concerned with the request to report to Director, Information Technology, KP within 15 days from the receipt of this offer of appointment.

(WAMIQ)
SECTION OFFICER (ESTT)

Handwritten signature and number 7

Dated: 25-03-2016

To

Director-IT,
Directorate of Information Technology,
Government of Khyber Pakhtunkhwa.

Subject: JOINING OF SERVICE

Dear Sir,

In compliance with Information Technology Directorate order No: SOE/ST&IT/a-

SOE/ST&IT/KP/2-5/DOIT/15

Dated: 16/03/2016 regarding appointment of mine as IT Officer/Team lead (Network)

in the Project:

"IT Professional Training Center for Graduates & Govt."

With the acceptance of Terms and Conditions mentioned in subject order

I hereby, submit my arrival report for duties today on 25/03/2016 (Before noon)

for further necessary action.

Encl: Medical fitness certificate, All Documents

Yours faithfully



Ahmad Faraz Khan

S/D/o

SAR Faraz Khan

Contact: 03315615267

Mailing Address: afkhanad@gmail.com

Af
8

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Regularization of services of adhoc employees.
4. Regularization of services of project employees.
5. General conditions for regularization.
6. Seniority.
7. Removal of difficulties.
8. Overriding effect.

SCHEDULE



**THE KHYBER PAKHTUNKHWA EMPLOYEES
(REGULARIZATION OF SERVICES) ACT, 2018.**

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018].

**AN
ACT**

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

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

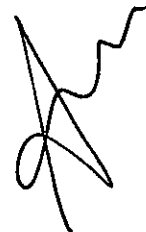
(3) It shall come into force at once.

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

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

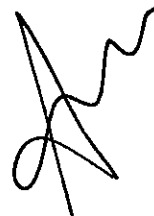
(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;



- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,-
 - (i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
 - (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

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

3. Regularization of services of adhoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act,



subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

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

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

6. Seniority.---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before



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

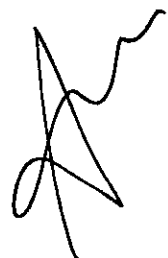
(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

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

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

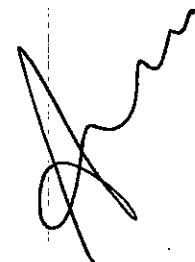
Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

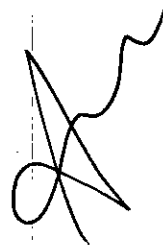


~~SECRET~~
SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.



15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.



30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.



47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

NOTIFICATIONDated Peshawar, the 18th October, 2018

No. SOE-V(E&AD)/5-09/2009: In pursuance of Section-5 (iv) of "The Khyber Pakhtunkhwa Employees Regularization of Services Act, 2018" the Provincial Government is pleased to notify the regularization of services of the following employees of the project "IT Professional Training Center for Unemployed IT Graduates and Government Employees" in Staff Training Institute under DDO code PR-8028 w.e.f 01-07-2018.

S#	Name	Designation with BPS
1.	Mr. Khurram Shahzad	I.T Officer / Desktop (BS-17)
2.	Mr. Arbab Shah-E-Rome	I.T Officer / Web (BS-17)
3.	Mr. Amir Habib	I.T Officer / Web (BS-17)
4.	Mr. Ghulam Sarwar Khan	I.T Officer / Desktop (BS-17)
5.	Mr. Waheed Khan	I.T Officer / Web (BS-17)
6.	Mr. Asif Saeed	I.T Officer / Desktop (BS-17)
7.	Mr. Abdul Basit Muhammad	I.T Officer / Network (BS-17)
8.	Mr. Ahmad Faraz Khan	I.T Officer / Network (BS-17)
9.	Mr. Sajjad Jaffar	I.T Officer / Web (BS-17)
10.	Mr. Noor Zaman	I.T Officer / Desktop (BS-17)
11.	Mr. Asim Shahzad	I.T Officer / Network (BS-17)
12.	Mr. Muhammad Kashif Ali	I.T Officer / Web (BS-17)
13.	Mr. Mujahid Khan	I.T Officer / Desktop (BS-17)
14.	Mr. Shaukat Mehmood	I.T Officer / Network (BS-17)
15.	Mr. Sikandar Bakht	I.T Officer / Network (BS-17)
16.	Mr. Aftab Ahmed	I.T Officer / Desktop (BS-17)
17.	Mr. Mehran Tahir	I.T Officer / Web (BS-17)
18.	Mr. Noman Zaman	Assistant Accountant (BS-16)
19.	Mr. Shakil Jan	Assistant Coordinator (BS-16)
20.	Mr. Adnan Samin Khan	Assistant Coordinator (BS-16)
21.	Mr. Ahmad Ullah	Driver (BPS-05)
22.	Mr. Shahid Gul	Naib Qasid (BPS-03)
23.	Mr. Hassan Mehmood	Sweeper (BPS-03)
24.	Mr. Miraj Gul	Chowkidar (BPS-03)

SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA


Endstt: No. & Date Even.

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.

P.T.O

3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. PS to Secretary, Finance Department.
7. PS to Secretary, Establishment Department.
8. PS to Secretary, Administration Department.
9. PS to Secretary, Law, Parliamentary Affairs & Human Rights Department.
10. PS to Secretary, ST&IT Department.
11. Manager, Government Printing Press, Peshawar
12. PS to Special Secretary (Estt), Establishment Department.
13. PA to Additional Secretary (Reg), Establishment Department.
14. PA to Deputy Secretary (Estt), Establishment Department.
15. Officers / Officials concerned.


(SICARIS MURTIKAWAD KICAM)
SECTION OFFICER (E-V)



Annex-IV



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

NOTIFICATION

Dated Peshawar, the NOVEMBER 01, 2019

No. SOE-V(E&AD)/5-09/2009: In light of the decision of Provincial Cabinet in its meeting held on 09-05-2019 as well as recommendations of Ministerial Committee, the following employees of the project "Office Automation System Pilots for 05 Departments (Reg Act)" temporarily regularized in Staff Training Institute vide this Department Notification of even No. dated 30-04-2019, are hereby regularized permanently in Staff Training Institute under DDO code PR-8089 w.e.f the date of promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 i.e 07-03-2018:-

S#	Name	Designation with BPS
1.	Muhammad Bilal Khattak	Deputy Director IT/ Manager IT (BS-18)
2.	Syed Rehman Mashwani	Programmer / Assistant Director IT (BS-17)
3.	Mian Haseeb Uddin	Trainer (BS-16)
4.	Muhammad Hamid	Assistant Manager IT (BS-16)
5.	Khalid Khan	Assistant Manager IT (BS-16)
6.	Tariq Kamal	Assistant Manager IT (BS-16)
7.	Muhammad Usman Khan	Assistant Manager IT (BS-16)
8.	Muhammad Younas	Assistant Manager IT (BS-16)
9.	Syed Muhammad Abdullah	Network Engineer (BS-16)
10.	Muhammad Adil	Network Engineer (BS-16)
11.	Muhammad Asim Ali	Assistant Programmer (BS-16)
12.	Faizan Abbas	Assistant (BS-16)
13.	Noman	Computer Operator (BS-16)
14.	Mushtaq Hussain	Computer Operator (BS-16)
15.	Rehmat Hadi	Computer Operator (BS-16)
16.	Jamal Ahmad	Computer Operator (BS-16)
17.	Fawad Nazir	Computer Operator (BS-16)
18.	Shakir Ullah	Computer Operator (BS-16)
19.	Ijaz Hussain	Computer Operator (BS-16)
20.	Muhammad Junaid Khan	Computer Operator (BS-16)
21.	Sajjad Hussain	Computer Operator (BS-16)
22.	Aman Gul	Computer Operator (BS-16)
23.	Muhammad Ramzan	Computer Operator (BS-16)
24.	Faran Kamal	Computer Operator (BS-16)
25.	Usman Khan	Computer Operator (BS-16)
26.	Muhammad Asad Khan	Computer Operator (BS-16)

P.T.O

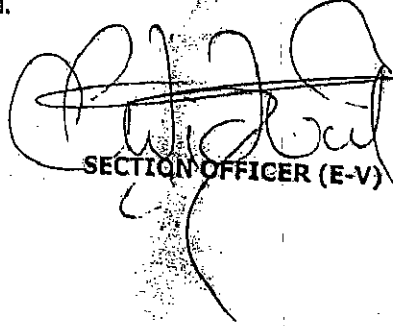
27.	Fawad Ahmad	Computer Operator (BS-16)
28.	Abdul Wali Khan	Driver (BS-06)
29.	Muhammad Taifullah	Naib Qasid (BS-03)

SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA

Endstt: No. & Date Even.

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. Section Officer (O&M), Establishment Department.
7. PS to Secretary, Finance Department.
8. PS to Secretary, Establishment Department.
9. PS to Secretary, Administration Department.
10. PS to Secretary, ST&IT Department.
11. PA to Deputy Secretary (Estt), Establishment Department.
12. Officers / Officials concerned.


SECTION OFFICER (E-V)





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTIFICATION

Dated Peshawar the 12th July, 2018

NO. E&A(Health)/2-65/2018 (Regularization): In pursuance of Section 4 of the Khyber Pakhtunkhwa employees (Regularization of Services) Act, 2018, the following employees of "IT Support for Improvement of Health Service Delivery, Khyber Pakhtunkhwa" appointed on contract basis, shall stand regularized against the below mentioned posts, with effect from the date of commencement of Act:

S. No	Name of Employee	Designation and BPS against regularized	Present and Permanent place of posting
1.	Mr. Muhammad Ashfaq s/o Asad Khan	Assistant Director IT BPS-17	Hayatabad Medical Complex, Peshawar
2.	Mr. Yaseen Muhammad s/o Noor Muhammad	Assistant Web Developer BPS-16	Hayatabad Medical Complex, Peshawar
3.	Mr. Fazal Naeem	Computer Operator BPS -16	Hayatabad Medical Complex, Peshawar
4.	Mr. Awais Ahmad S/O Shakeel Ahmed	Computer Operator BPS -16	Mardan Medial complex, Mardan
5.	Mr. Mehran Zafar S/O Zafar Khan	Computer Operator BPS -16	Mardan Medial complex, Mardan
6.	Mr Saddam Hussain S/O Muhammad Hussain	Computer Operator BPS -16	Mardan Medial complex, Mardan
7.	Mr. Rooh Ul Amin S/O Muhammad Shuaib	Computer Operator BPS -16	Mardan Medial complex, Mardan
8.	Ms Nosheen Naz D/O Muhammad Qasim	Computer Operator BPS -16	Hayatabad Medical Complex, Peshawar
9.	Mr. Subhan Ullah S/O Fasih Ullah	Computer Operator BPS -16	Mardan Medial complex, Mardan
10.	Ms. Naila Raheem D/O Raheem Ullah	Computer Operator BPS -16	Hayatabad Medical Complex, Peshawar
11.	Mr. Muhammad Yaseen S/O Masood Ikram Khan	Computer Operator BPS -16	Hayatabad Medical Complex, Peshawar
12.	Mr. Muhammad Khan s/o Azhar Abdullah	Computer Operator BPS -16	Mardan Medial complex, Mardan

2. The Controlling officers shall verify the credentials of above mentioned staff from concerned boards and universities. In case found fake/ambiguous, the regularization shall be cancelled.

3. The entre-se-seniority shall be determined as per rules.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

[Handwritten signature]



**Government of Khyber Pakhtunkhwa
Higher Education Department**

NOTIFICATION

Dated Peshawar the, 9th August, 2018

No. KC/SOB/HE/1-5/SNEs/Regularization of HEMIS Employees/2017-18/1910-63 In pursuance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, the competent authority is pleased to regularize the services of following staff with effect from 02-03-2018 appointed on contract basis in the Project under the titled "Establishment of Higher Education Management Information System (HEMIS) Cell" reflected against Sr. No. 19 in the schedule appended with the Act *ibid*:-

Sr No.	Name with Parentage	BPS	Designation
1	Muhammad Nasir S/O Abdul Wadood	17	Web Developer
2	Waseem Ahmad S/O Nisar Ahmed	17	Database Administrator
3	Farrukh Nawaz S/O Qayyum Nawaz	17	Monitoring Officer
4	Muhammad Ghufuran S/O Muhammad Ismail	17	Monitoring Officer
5	Daud Shah S/O Muhammad Shah	17	Monitoring Officer
6	Tanweer Ali S/O Shir Ali Khan	17	Computer Operator
7	Naveed Akhtar S/O Abdul Wahab	16	Data Collector
8	Sardar Waqas Bashir S/O Sardar Muhammad Bashir	16	Data Collector
9	Waqar Ahmed S/O Nawab Ali	16	Data Collector
10	Fahad Sher Khan S/O Abur Raheem	16	Data Collector
11	Zahir Shah S/O Gul Badshah	16	Data Collector
12	Waheed Murad S/O Bakht Munir	16	Data Collector
13	Sajjad Ayub S/O Muhammad Ayub	16	Data Collector
14	Abid Ali S/O Mian Gul	06	Driver
15	Naeem Khan S/O Nusrat Ali	06	Driver
16	Nasirullah S/O Zaheer Ullah	03	Naib Qasid
17	Aman Khan S/O Nisar Khan	03	Naib Qasid
18	Asad Ali S/O Jan Muhammad	03	Naib Qasid
19	Amjad Ali Khan S/O Alam Gul	03	Chowkidar
20	Atique S/O Pappu	03	Sweeper

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Copy forwarded for information to the:-

- 1- All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
- 2- Principal Secretary, to Governor, Khyber Pakhtunkhwa.
- 3- Principal Secretary, to Chief Minister, Khyber Pakhtunkhwa.
- 4- Accountant General, Khyber Pakhtunkhwa.
- 5- Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 6- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 7- Director General, CE&MS, Khyber Pakhtunkhwa.
- 8- Director, Higher Education, Khyber Pakhtunkhwa.
- 9- Director, Higher Education Academy of Research & Training, Peshawar.
- 10- Director, Archives & Libraries, Khyber Pakhtunkhwa.
- 11- Chairman, Higher Education Regulatory Authority, Khyber Pakhtunkhwa.
- 12- Managing Director, EEF & FEF, Khyber Pakhtunkhwa.
- 13- All Coordinating Principals, Govt: Colleges (M&F) in Khyber Pakhtunkhwa.
- 14- Director, HEMIS Higher Education Department.
- 15- Director, Management Unit, Higher Education Department.
- 16- Deputy Director, HEMIS Higher Education Department with the request to place the Notification on the official website of Higher Education Department.
- 17- Manager, GS&PP Department, Peshawar for publication in official gazette.
- 18- All Employees Concerned.
- 19- All Section Officers in Higher Education Department.
- 20- P.S to Secretary/Special Secretary Higher Education Department.
- 21- P.A to Additional Secretary/Deputy Secretaries in HED.
- 22- Master File.

(Aziz Muhammad)
SECTION OFFICER (B&A)
Higher Education Department

Annex-VII

Dated: 4th August, 2021

The Director,
Staff Training Institute,
E & A Department.

Subject:

REQUEST FOR CORRECTION OF NOTIFICATION

Dear Sir,

Refer to the subject cited above and to state that, IT Professional Training Center was regularized through Khyber Pakhtunkhwa Regularization of Services Act, 2018 (Attached at Flag-A).

The total No of regularized projects in the mentioned Act were notified from the date of commencement of the Act i.e. 7th March, 2018. (Attached at Flag-B) and staff was placed in different Departments & attached units.

Furthermore, it is requested, that IT Professional was regularized in the same act but it was notified w.e.f 01st July, 2018, (Attached at Flag-C) which resultantly place all the IT Professional staff in the bottom of the rest of the regularized staff according to their Basic scale.

It is therefore, requested that permission may be granted to approach the quarter concerned to address dispute and corrigendum may be issued in the instant case w.e.f 07th March, 2021, please.

Your's sincere

IT Professional Staff (PR-8028)

Handwritten signature: Ahmad Faraz Khan

RI process
6.8.21

DPA
6/8

SP(A)

Handwritten initials/signature

Handwritten signature



GOVERNMENT OF KHYBER PAKHTUNKHWA
STAFF TRAINING INSTITUTE
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

Annex-VIII

No. DD (STI) E&AD/2-1/2021-22/IITEC/467
Dated: 09 August, 2021

To

Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

Subject:-

**AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT
PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE**

Dear Sir,

I am directed to refer to the subject and to enclose herewith an application submitted by Employees of PR-8028 Staff Training Institute, the then employees of the project "IT Professional Training Center" regularized under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

2. In the subject matter, the said employees have raised an issue regarding the date of regularization of their services. The services of the said employees were regularized w.e.f 01-07-2018 vide Establishment Department notification at "Annex-A".

3. It is worthy to mention here that, the services of all the Project Employees regularized under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 were regularized from the date of commencement of the said Act i.e., 07-03-2018 as per section 4 of the Act vide "Annex-B".

4. Employees regularized under the same act in other departments of Government of Khyber Pakhtunkhwa were also regularized from the date of commencement of the said Act. In this regard precedent notifications of other Departments are placed vide "Annex-C" for ready reference.

5. In view of the above, it is therefore requested to amend the date of regularization of employees of IT Professional Training Center (PR-8028) Staff Training Institute to 07-03-2018 instead of 01-07-2018 please.

Yours Faithfully,

Section Officer (Admn) 9/8,

Copy to:-

1. PS to Director Staff Training Institute, E&A Department.
2. Section Officer (E-V), Establishment Department.

Section Officer (Admn) 9/8,

25



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

Annex-IX

No. SOE-V(E&AD)/5-09/2007

Dated Peshawar, the 9th Sep, 2021

To

The Director,
Staff Training Institute,
Peshawar.

Staff Training Institute
Sl. No.: 369
Dated: 13-09-2021

SUBJECT: AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE.

Dear Sir,

I am directed to refer to your letter No. DD (STI)E&AD/2-1/2021-22/ITEC/467 dated 09.08.2021 on the subject noted above and to state that it may be clarified whether employees of the project "IT Professional Training center" had drawn salaries from the project side during the period 07.03.2018 till 30.06.2018 or otherwise?

It is therefore requested to provide copies of Last Pay Certificates (LPCs) of the said project employees on project side before regularization and their first payrolls after regularization, to proceed further in the matter, please.

Yours faithfully,

SECTION OFFICER (E-V)

Endstt: No. & Date Even.

Copy forwarded to the:-

1. PS to Secretary, Establishment Department.
2. PA to Additional Secretary (Estt), Establishment Department.
3. Master file.

*Pl put up
14.9.21*

SECTION OFFICER (E-V)

DAA
16/9
Sofia
DDO IT, teer.
16/9



GOVERNMENT OF KHYBER PAKHTUNKHWA
STAFF TRAINING INSTITUTE
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

~~27~~
Annex X

No. DD (STI) E&AD/2-1/2021-22/ITEC/588
Dated: 22nd October, 2021

To

Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

Subject: -

AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT
PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE

Dear Sir,

I am directed to refer to Establishment Department Letter No. SOE-V(E&AD)/5-09/2007 dated 9th September, 2021 on the subject above and to enclose herewith the requisite information i.e. Payslips for the month of June 2018 on project side and for the month of January 2019 on regular side, to proceed further in the matter, Please.

Yours Faithfully,

Section Officer (Admn).

Copy to:-

- i. PS to Director Staff Training Institute, E&A Department.
- ii. Section Officer (E-V), Establishment Department with reference to the letter quoted above.

Section Officer (Admn)

Abdul Samad

25.10.21

50 (A)
Discussed

25/10/21

AD II.

27



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

Annex-XI

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

No. SOE-V(E&AD)/5-09/2007/423

Dated Peshawar, the 9th Nov, 2021

To

→ The Director,
Staff Training Institute,
Peshawar.

SUBJECT: AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE.

Dear Sir,

I am directed to refer to your letter No. DD (STI)E&AD/2-1/2021-22/ITEC/588 dated 22.10.2021 on the subject noted above and to state that the pay slips provided reveal that subject employees had drawn salaries from project side till 30.06.2018 and from 01.01.2019 on the regular side. However, it is not known whether they drew salaries from regular side or project side for the intervening period i.e. 01.07.2018 till 31.12.2018.

It is therefore requested to provide the pay slips for the months of July and December, 2018 to clear the above observation, please.

Yours faithfully,

SECTION OFFICER (E-V)

Endstt: No. & Date Even.

Copy forwarded to the:-

1. PS to Secretary, Establishment Department.
2. PA to Additional Secretary (Estt), Establishment Department.
3. Master file.

*RR Pwscem
12-11-21
D/A*

SECTION OFFICER (E-V)
*Re link & P.U
alongwith details:
SO(A)
12.11.2021*



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Staff Training Institute
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

Annex-XII

No. DD (STI) E&AD/2-1/2021-22/ITEC
Dated: 24th November, 2021

To

Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

Subject: - **AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT
PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE**

Dear Sir,

I am directed to refer to Establishment Department Letter No.SOE-V (E&AD)/5-09/2007/423 dated 9th November, 2021 on the subject noted above and to enclose herewith the requisite information i.e. first pay slip on regular side for the month of November 2018 and December 2018 to proceed further in the matter.

2. It is to bring to your kind notice that the concerned regularized staff had received regular side salary for the month of July to October 2018 as arrears in the month of November 2018 & no project salary had been drawn in the financial year 2018-19.
3. I am therefore, further directed to request that the date of notification of regularization of the concerned staff of IT Professional may be amended from the commencement of the Act (*Khyber Pakhtunkhwa Employees Regularization of Services Act 2018*) i.e. 07.03.2018, please.

Yours Faithfully,

Section Officer (Admn) 24/11/21

Copy to:-

- i. PS to Director, Staff Training Institute, E&A Department.
- ii. Section Officer (E-V), Establishment Department with reference to the letter quoted above.

Section Officer (Admn) 24/11/21



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

Annex XIII

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

No. SOE-V(E&AD)/5-09/2007

Dated Peshawar, the 4th Dec, 2022

To

The Director,
Staff Training Institute,
Peshawar.

SUBJECT: AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE.

Dear Sir,

I am directed to refer to your letter No. DD (STI)E&AD/2-1/2021-22/ITEC/660 dated 24.11.2021 on the subject noted above and to state that since the posts for regularization of staff of "I.T Professional Training Center" were created by Finance Department w.e.f 01.07.2018, therefore, antidation of regularization Order from the date of commencement of KP Regularization Act, 2018 i.e. 07.03.2018 is not possible at this stage, please.

Yours faithfully,

[Signature]
SECTION OFFICER (E-V)

Endstt: No. & Date Even.

Copy forwarded to the:-

1. PS to Special Secretary, Establishment Department.
2. Master file.

By Procurement
13.1.22
DDA
SD(A)
AD IT
13.01.2022
18/11

STI-494
6/1/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
STAFF TRAINING INSTITUTE
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

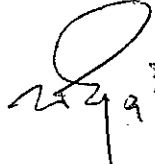
Annex-XIV

No. DD (STI) E&AD/5-1/IT Staff/2019-20
Dated: 09th February, 2022

1766

To

Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department


- Wase
- Supr
- E.

SUBJECT: - **AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTER, STAFF TRAINING INSTITUTE**

Dear Sir,

I am directed to refer to Establishment Department letter No.SOE-V(E&AD)/5-09/2007 dated: 4th December,2022 on the subject mentioned above and to state that IT professional Training was reflected in Schedule at S.No.24-B of the projects regularized under the Khyber Pakhtunkhwa Regularization of Services Act,2018. Clause 04 of the Act ibid state that;

“Regularization of Services of Project employees...Not with standing anything contained in any law or rules, the employees at sub-clause(ii) of clause (e) of sub-section(1) of Section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualification and other credentials by the Government Department”.

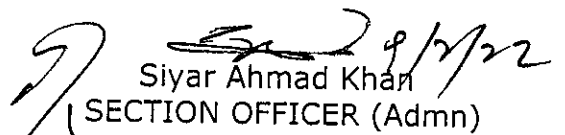
2. Moreover, the said Act was passed on 07th March 2018 and regularized project employees under this Act were notified regular from the date of commencement of this Act. However, contrary to provision of Act ibid, the concerned staff of the subject project was notified regular w.e.f 01st July, 2018, while employees of rest of the projects were notified regular from the date of commencement of the ibid Act i.e. 07th March, 2018. In this regard copies of 03 notifications issued by Establishment, Health & HED in respect of other similar projects are attached herewith for kind perusal / ready reference.

3. Foregoing in view, the Establishment Department is requested to kindly review the case and amend/notify the date of notification of regularization of the said staff of “IT Professional Training Center” from the date of commencement of Khyber Pakhtunkhwa Employees Regularization of Services Act,2018 i.e. 07 March, 2018, instead of 01-07-2018, please.

Encl:(AA)



Yours faithfully,


Siyar Ahmad Khan
SECTION OFFICER (Admn)

Copy forwarded for information to PS to Director, STI.


SECTION OFFICER (Admn)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

Annex-XV

No. SOE-V(E&AD)/5-09/2020/547

Dated Peshawar, the 16th Feb, 2022

To

The Director,
Staff Training Institute,
Peshawar.

SUBJECT: AMENDMENT IN DATE OF REGULARIZATION OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTRE, STAFF TRAINING INSTITUTE.

Dear Sir,

I am directed to refer to your letter No. DD (STI) E&AD/5-1/IT Staff/2019-20 dated 09.02.2022 on the subject noted above and to state that the subject case was processed however the same has been regretted.

Yours faithfully,


SECTION OFFICER (E-V)

Endstt: No. & Date Even.

Copy forwarded to the:-

1. PS to Special Secretary, Establishment Department.
2. Master file.


SECTION OFFICER (E-V)

21.2.22

DDA

Sd/A

IT Officer.

21.02.2022
21/2/22



GOVERNMENT OF KHYBER PAKHTUNKHWA
STAFF TRAINING INSTITUTE

ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

Annex-XVI

No. DD (STI) E&AD/5-1/IT Staff/2019-20/804
Dated: 25th March, 2022

To

Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department

SUBJECT: -

**AMENDMENT IN DATE OF REGULARIZATION OF
EMPLOYEES OF IT PROFESSIONAL TRAINING CENTER,
STAFF TRAINING INSTITUTE**

Dear Sir,

I am directed to refer to Establishment Department letter No.SOE-V(E&AD)/5-09/2020/547 dated: 16th February,2022 on the subject mentioned above and to state that an application regarding amendment/correction in the date of regularization was received on 04th August ,2021 (**Annex-I**) from regularized employees of IT professional Training center (PR-8028), placed under the umbrella of Staff Training Institute, Establishment & Administration Department, which was forwarded to Establishment Department vide letter No.DD(STI)E&AD/2-1/2021-22/ITEC dated 09 August,2021 (**Annex-II**). The Establishment Department asked for clarification vide letter No.SOE-V(E&AD)/5-09/2007 dated 9th September, 2021 (**Annex-III**) whether employees of subject project had drawn salaries from the project side during the period from 07-03-2018 to 30-06-2018 or otherwise. This institute accordingly clarified position and required information were furnished vide letter No.DD(STI)E&AD/2-1/2021-22/ITEC/588 dated 22nd October,2021 (**Annex-IV**). Pay slips of the employees for the month of July & December, 2018 were furnished by this institute vide letter No.DD(STI)E&AD/2-1/2021-22/ITEC dated 24th November,2021 (**Annex-V**). However, the Establishment Department Vide letter No.SOE-V(E&AD)/5-09/2007 dated 04th December,2022 responded that the "antidation of regularization order from the date of commencement of KP Regularization Act,2018 i.e.07-03-2018 is not possible at this stage," without mentioning any reason (**Annex-VI**).

2. Keeping in view, problem being faced by subject employees when their colleagues of similar projects have been regularized from the date of commencement of the Act, this institute vide letter No.DD(STI)E&AD/5-1/IT Staff/2019-20/766 dated 09th February,2022, again forwarded the case for review along with various notifications issued by the Government in respect of other projects, but the same was regretted Vide Letter No.SOE-V(E&AD)/5-09/2020/547 dated 16th February,2022, without stating any reason to this institute as to why the date of regularization cannot be amended as per the date of commencement of the KP Regularization Act,2018.

33



GOVERNMENT OF KHYBER PAKHTUNKHWA
STAFF TRAINING INSTITUTE
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

3. I am therefore directed to request to review the case for anti-dating as other similar projects regularized under the act were notified regular from the date of commencement of the KP Regularization Act, 2018. Advice of Law Department may be obtained, if deemed necessary.

Encl:(AA)

Yours faithfully,


Siyar Ahmad Khan
SECTION OFFICER (Admn) 25/3/21

Copy forwarded for information to PS to Director, STI.


SECTION OFFICER (Admn) 25/3/21

Annex-XVII

Dated: 26th July, 2022

To,

The Honorable Chief Secretary,
Khyber Pakhtunkhwa.

PS/C.S Khyber Pakhtunkhwa
Diary No. 2335(w/e)
Date: 27-07-2022

Subject: **APPEAL FOR AMENDMENT IN DATE OF REGULARIZATION
OF EMPLOYEES OF IT PROFESSIONAL TRAINING CENTER,
STAFF TRAINING INSTITUTE**

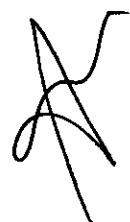
Dear Sir,

It is very humbly requested that employees of IT Professional Training Center are regularized under the "Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018", the said scheme is reflected at Serial No.24-B of the schedule of the Act *ibid*. **(Annex-I)**

2. It is further to bring to your kind notice that the Act *ibid* was passed unanimously on **07th March, 2018**; wherein at section 04 it is stated that;

"Regularization of services of project employees ...Notwithstanding anything contained in any law or rules. The employees at sub-Clause(ii) of clause (e) of sub-section (1) of Section 2 of this Act, appointed on the contract basis against project posts and holding such project posts till the commencement of this Act, should be deemed to have been validly appointed on regular basis from the date of Commencement of this Act, subject to verification of their qualification and other credentials by the Government Department".

3. However, contrary to provision of the Act *ibid*, the concerned staff of IT Professional Training Center is notified regular w.e.f **01st July, 2018, (Annex-II)** while all other similar projects present at schedule of the Act *ibid* are notified regular from the date of commencement i.e. 07th March, 2018. Resultantly, the concerned employees, stand junior amongst all the employees regularized from the same Act. In this regard copies of 03 notifications issued by Establishment Department, Health Department & Higher Education Department in respect of other similar projects regularization are annexed herewith for kind perusal / ready reference. **(Annex-III).**

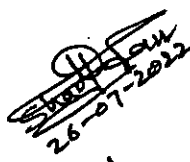

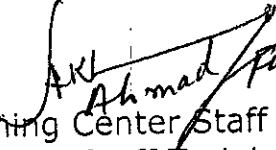



35

4. It is further to bring to your kind notice that in this regard the case for amendment in date of regularization has been submitted several times to the Establishment Department, **(Annex-IV)**, which has been regretted, without any reason. **(Annex-V)**

5. It is very humbly requested that date of regularization may be changed from 01st July 2018 to 07th March 2018 to take along the employees of the project "IT Professional Training Center" with all the other regularized employees under the same Act.

Your's sincerely





IT Professional Training Center Staff (PR-8028)
Staff Training Institute
E&A Department



Annex-XVIII

Dated: 18th September, 2023

Secretary E&AD KP
7/6/23
Date 25/9/23

To:

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

2233-64
25.09.2023

Subject: **CORRECTION IN NOTIFICATION OF REGULARIZATION OF
IT PROFESSIONAL STAFF (PR-8028)**

Dear Sir,

It is very humbly requested that employees of IT Professional Training Center are regularized under the "Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018", the said scheme is reflected at Serial No.24-B of the schedule of the Act ibid. **(Annex-I)**

2. It is further to bring to your kind notice that the Act ibid was passed unanimously on **07th March, 2018**; wherein at section 04 it is stated that;

"Regularization of services of project employees ...Not withstanding anything contained in any law or rules. The employees at sub-Clause(ii) of clause (e) of sub-section (1) of Section 2 of this Act, appointed on the contract basis against project posts and holding such project posts till the commencement of this Act, should be deemed to have been validly appointed on regular basis from the date of Commencement of this Act, subject to verification of their qualification and other credentials by the Government Department".

3. However, contrary to provision of the Act ibid, the concerned staff of IT Professional Training Center is notified regular w.e.f **01st July, 2018, (Annex-II)** while all other similar projects present at schedule of the Act ibid are notified regular from the date of commencement i.e. 07th March, 2018. Resultantly, the concerned employees, stand junior amongst all the employees regularized from the same Act. In this regard copies of 03 notifications issued by Establishment Department, Health Department & Higher Education Department in respect of other similar projects regularization is annexed herewith for kind perusal / ready reference. **(Annex-III).**

25/9/23

25/9
SJE
25/9

25/9

US (Public) E&AD

Discy No. 2233-64

Date 25/9/23

4. It is further to bring to your kind notice that in this regard the case for amendment in date of regularization was submitted several times to quarter concerned, (Annex-IV), but it has been regretted, without any reason. (Annex-V)

5. It is very humbly requested that the aggrieved employees are treated distinctively and we look forward for your kind consideration in the matter and to request to issue directions to quarter concerned, for correction of the date of regularization i.e, 07th March 2018 instead of 01st July 2018, please.

Your's sincerely

[Handwritten signatures and dates: 18/9/23, 13/9/23, 18/9/23, 18/9/23]

[Signature: Ahmad Paraz Khan]
18/9/23

IT Professional Training Center Staff (PR-8028)
Staff Training Institute
E&A Department

[Handwritten signature] 18/9/23

[Handwritten signature]

Annex - XIX



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

No. SO(O&M)E&AD/6-7/2023
Dated Peshawar, the 20th October, 2023

To

The Director,
Staff Training Institute,
Khyber Pakhtunkhwa.

Staff Training Institute

Diary No: 835

Dated: 25.10.23

Subject: -

CORRECTION IN NOTIFICATION OF REGULARIZATION OF IT
PROFESSIONAL STAFF (PR-8028).

Sir,

I am directed to forward herewith a copy of an application dated 18-09-2023 on the subject noted above alongwith its enclosures, received from IT Professional Training Center Staff, STI for views/comments, please.

Yours faithfully,


SECTION OFFICER (O&M)

Endst: No. & Date Even.

Copy to the:-

1. PS to Secretary Establishment Department.
2. PS to Special Secretary (Regulation), Establishment Department.
3. PA to Additional Secretary (Regulation-II), Establishment Department.
4. PA to Deputy Secretary (Policy), Establishment Department.
5. Master File.


SECTION OFFICER (O&M)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(STAFF TRAINING INSTITUTE)

Benevolent Fund Building Near Jans Bakers, Peshawar Cantt:
Ph: 091-9211929 & 091-9213718

No. DD (STI) E&AD/2-1/2021-22/ITEC
Dated: 26th October, 2023

To
Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

Annex-XX

Attention: Section Officer (O&M)
Regulation Wing,
E&A Department.

Subject:- CORRECTION IN NOTIFICATION OF REGULARIZATION OF IT PROFESSIONAL STAFF
(PR-8028)

Dear Sir,

Refer to your office letter No.SO(O&M)/E&AD/6-7/2023 dated Peshawar 20th October, 2023 and to state that Staff of IT Professional Training were regularized through Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018. The Staff was notified regular on 01 July, 2018 and placed under PR-8028 under the administrative control of Staff Training Institute (STI).

2. Further it is stated that clause 4 of the ibid Act states that;

"Regularization of services of project employees.--- Notwithstanding anything contained in any law or rules, the employees at sub-clause(ii) of clause (e) of Sub-section (1) of Section 2 of this Act, appointed on the contract basis against project posts and holding such project posts till the commencement of this Act, should be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualification and other credentials by the Government Department"

3. It is worthy to mention here that, the services of all the Project Employees regularized under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 were regularized from the date of commencement of the ibid Act i.e., 07-03-2018 as per section 4 of the Act.

4. Employees regularized under the same Act in other departments of Government of Khyber Pakhtunkhwa were also regularized from the date of commencement of the said Act. In this regard precedent notifications of other Departments are placed vide "Annex-A" for ready reference.

5. In view of the above, it is therefore requested to amend the date of regularization of employees of IT Professional Training Center (PR-8028) Staff Training Institute to 07-03-2018 instead of 01-07-2018 please.

Yours Sincerely

Dildar Muhammad
Director
Staff Training Institute
E&A Department

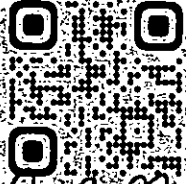
فیتہ 50

28097

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈووکیٹ مس محمد الوزیر خان بنوی

PESHAWAR BAR ASSOCIATION



کارڈ نمبر ایسوسی ایشن نمبر: BC-23-6921

رابطہ نمبر: 013-9936260

Before the Honorable KPK Service Tribunal, Peshawar
بعدالت جناب

Ahmad Faiz Khan

Appellant	مجاہد
محمد عزیز خان	دعویٰ:
بنام	علت نمبر:
حکومت خیبر پختونخواہ	مورخہ:
	جرم:
	تھانہ:
بابت تحریر آنکہ	

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

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے و تقریر و فیصلہ پر حلف دینے، جواب دہی اقبال، دعویٰ اور ذمہ داریت از ہر قسم کی تصدیق

زیریں پر دستخط کر کے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاخیر کی صورت میں پشاور اور منسویٰ، نیز

دائر کرنے اپیل کرانی و نظر ثانی و پیروی کر کے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مندرجہ کے کل یا جزوی

کارروائی کے واسطے اور وکیل یا مختار قانونی اور اپنے ہمراہ یا اپنے تقریر کا اختیار ہوگا اور صاحب

مقرر شدہ کو وہی جملہ ضروریات حاصل ہوں گے اور اس کا سزا شدہ منظور و قبول ہوگا

دوران مقدمہ میں جو فریضہ جانیے التزام مقدمہ کے سب سے ہوگا اور اپنی پیشی، مقام، دورہ یا عدالت

باہر ہو تو وکیل صاحب یا پٹنہ ہوں گے کہ پیروی نہ کر سکیں اور عدالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 26/10/2024

العبد المذنب الواسع العبد المذنب الواسع

مقام کے لیے منظور ہے۔

Accepted

on. [Signature]

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