

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 1872/2023

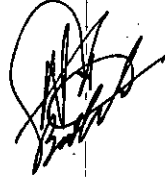
Noor Muhammad, Field Cattle Attendant, F.R. Bannu..... **Appellant**

VERSUS

Govt of Khyber Pakhtunkhwa & Others..... **Respondents**

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Dr. Noor Badshah Khattak
Veterinary Officer

12-02-24
Peshawar.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1872 / 2023

37
①
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11083

Dated 12-02-2024

Noor Muhammad.....

Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others.....

Respondents

Para-wise comments on behalf of the respondent No. 01, 02 & 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no locus standi for filing this Service Appeal.
2. That the Appeal is wrong and based on illegal and unlawful presumptions.
3. That the Appellant has got no cause of action to file the present Appeal.
4. That the Appeal is not maintainable in this present form.
5. That the Appeal is bad for mis-joinder and non-joinder of parties.
6. That this honorable tribunal has got no jurisdiction to entertain the present appeal.
7. That the appeal is barred by law and limitation.

FACTS

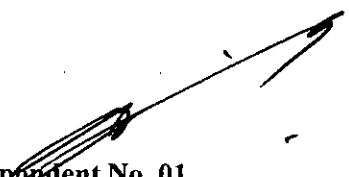
1. Correct to the extent that the appellant was appointed as Field Cattle Attendant purely on contract basis dated 01/06/2001. (Annexure-A).
2. Pertains to record.
3. Correct to the extent that the services of all the project employees (including the petitioner) of Erstwhile FATA were regularized by the Government through Notification No. SO (LFC) / AD /1-29/2022 dated 01/08/2022 in light of the Regularization of Services of Employees of Erstwhile FATA, Act 2021/2022 (Annexure-B).
4. Incorrect. The Services of the Appellant along with others were regularized from the date of commencement of the Regularization of Services of Employees of Erstwhile FATA Act 2021/2022 as per terms and conditions mentioned in the said Act, Moreover as per official record no Departmental Appeal has been filed by the Appellant. It is pertinent to mention here that the appellant was working in a developmental project before his service regularization; therefore, his pay cannot be fixed from initial appointment as per rules. (Annexure-C).
5. Incorrect.


Grounds

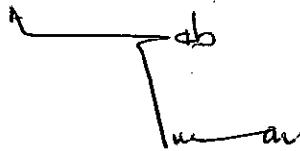
- A. Incorrect. The action of respondents is based on facts and law and the appellant was regularized under the ibid Act. His previous services were temporary against developmental scheme.
- B. Incorrect. The respondents have acted in accordance with law and rules and have not violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. Incorrect. As stated in fact No. 04.

- D. Incorrect. The respondents have acted as per the ibid Act, and no discriminatory actions have been omitted by the respondents as they are bound to obey the norms of natural justice.
- E. Incorrect. As stated above, the petitioner has been dealt with in accordance with the ibid Act, which is effective from the date of its enactment i.e. 13/01/2022. The question of disparity in this case does not arise as all the project employees regularized have been treated equally and no one has been given Project benefits towards regular service.
- F. Incorrect. The petitioner cannot be granted pay fixation from the date of his initial appointment as he was not a regular employee at that time.
- G. The respondents seek permission to raise additional grounds at the times of arguments.

In view of the above, it is, therefore, most humbly prayed that the instant Appeal may kindly be dismissed in favor of the respondents with cost.


Respondent No. 01
Dr. Muhammad Israr
Secretary, Livestock, Fisheries and Cooperative
Government of Khyber Pakhtunkhwa.
Peshawar


Respondent No.02
Mr. Amir Sultan Tareen
Secretary Finance Department
Government of Khyber Pakhtunkhwa


Respondent No. 03
Dr. Alamzeb
Director General (Ext), Livestock
& Dairy Development Department
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 1872/2023

Noor Muhammad Field Cattle Attendant, F.R. Bannu..... **Appellant**

VERSUS

Govt of Khyber Pakhtunkhwa & Others..... **Respondents**

AFFIDAVIT

I, Dr. Alamzeb, Director General (Ext), Livestock & Dairy Development Department, Peshawar, do hereby solemnly affirm on oath that the contents of the parawise comments related to the above mentioned Service Appeal are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this Honorable Tribunal.

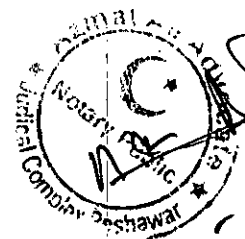
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/Cost.

[Handwritten signature]

DEPONENT

CNIC NO# 21407-1965650-5
MOB NO # 0300-8156494

ATTESTED



12-2-2024

(Annexure - A) (4)

Order

Bannu and on production of health and age certificate from medical superintendent district headquarter hospital bannu, Mr. Noor Muhammad S/o Roidar Khan wazir muhammad khel, kot. awal noor FR Bannu is hereby appointed as field Cattle attendant on contract basis Rs. 2000/ PM fixed pay per month at AICentre KotAwal Noor FR, Bannu with immediate effect.

- 1 His service are purely temporary on contract basis and he can be terminated at any time without assigning any reason.
- 2 His services shall stand terminated on completion of the scheme period and he will deserve/claim his right for regularization his service.
- 3 In case he wish to resign from service he will be required to give one months notice in advance or refund one months pay in lieu of notice thereof.
- 4 In case he wish to accept this offer on the said terms and condition he should report for duty at AICentre kot.Awal Noor FR, Bannu within 16-days of the issue of this order.

sed
ASSISTANT DIRECTOR,
LIVESTOCK & DAIRY DEVELOPMENT,
FR, BANNU.

No. 635-38, Dated FR, Bannu the 1/6/2001

Copy forwarded to-

- 1 The Deputy Commissioner, Bannu for information and with reference to his letter No. 1289/PC-4 (C) dated 16/2001
- 2 The Deputy Director Livestock & Dairy Development, FR, Peshawar for information please.
- 3 The District Account Officer, Bannu for information please.
- 4 The Official concerned for immediate compliance.

2/16
ASSISTANT DIRECTOR,
LIVESTOCK & DAIRY DEVELOPMENT,
FR, BANNU
lws

Amir
[Signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

(Annexure B)

NOTIFICATION:

Dated Peshawar the 1st August, 2022

NO.S0 (LFC)/AD/1-20/2022:- In pursuance of Section-3 and 4 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile FATA) Acts, 2021/2022, the Agriculture, Livestock Fisheries, & Cooperative Department, on the recommendations of the Committee, constituted under sub-section 3 of Section-3 of the Act Ibid, vide this department notification NO.S0T (LFC) AD/1-1/2021-22 dated 03-03-2022, is pleased to notify the regularization of services of the following employees from BS-03-10 working under the projects appearing at S # 03 to 39 & 41-43 of the schedule of Act 2021 w.e.f. 13-01-2022 and at S.# 20 of the schedule of Act 2022 Ibid w.e.f. 31-03-2022 respectively subject to verification of their educational qualifications and other credentials from the concerned recognized Boards /Institutions by Directorate General (Ext) Livestock and Dairy Development, Khyber Pakhtunkhwa:-

S.#	Name of Employees	Designation/BPS	Domicile
1. 191080-060023 CAPACITY BUILDING OF LIVESTOCK DIRECTORATE -- FATA			
1.	Mr. Syed Amjad Hussain	Veterinary Assistant (BS-10)	Kurram
2.	Mr. Ali Janan	Veterinary Assistant (BS-10)	Kurram
3.	Mr. Farid Ullah	Chowkidar	Kurram
4.	Mr. Shahid Afzal	Sweeper	Peshawar
5.	Mr. Foyez Khan	Chowkidar	Peshawar
2. Provision of Mobile Vety Clinic in Mohmand Agency.			
6.	Bilal Ahmad	Veterinary Assistant (BS-10)	Mohmand
7.	Munsiif Khan	Driver (BS-06)	Mohmand
3. 191098-Provision of Mobile Veterinary Clinic in Sub Division Kohat			
8.	Muhammad Yasir	Veterinary Assistant (BS-10)	FR Kohat
9.	Shah Fahad	Driver (BS-06)	FR Kohat
4. Provision of Mobile Veterinary Clinic in Sub Division Peshawar			
10.	Abdul Haseeb	Veterinary Assistant (BS-10)	FR Peshawar
11.	Abdur Rauf Khan	Driver (BS-06)	FR Peshawar
5. Provision of Mobile Veterinary Clinic in Sub Division D.I.Khan			
12.	Noor Muhammad	Driver (BS-06)	FR Tank
13.	Muhammad Ishaq	FIELD CATTLE ATTENDANT	D.I.K
6. Provision of Mobile Veterinary Clinic in Sub Division Lakkli			
14.	Muhammad Durraiz Khan	Driver (BS-06)	Bannu
15.	Aftab Alam	Field Cattle Attendant	FR, Bannu
7. Mobile Veterinary Clinic in Bajaur			
16.	Ibraheem Khan	Veterinary Assistant (BS-10)	Bajaur
17.	Bakht Zada	Driver (BS-06)	Bajaur
18.	Zia Ur Rahman	Chowkidar	Bajaur
8. 191096-Control of Zoonotic/Contagious Diseases, through Existing Vety/Health Facilities & Establishment of Two Mobile Milk Testing Labs: on Pilot in Tribal Districts			
19.	Muhammad Yaqoob	Driver (BS-06)	Bajaur
20.	Abdul Rasheed	Driver (BS-05)	FR Bannu
9. Veterinary Diagnostic Lab in CVH Khar			
21.	Hazrat Shah	Veterinary Assistant (BS-10)	Bajaur
22.	Ismail Khan	Chowkidar	Bajaur
23.	Qabil Zada	Attendant/Kharkroob	Bajaur
10. Opening/Establishment of 2 CVDs in Rented Building Ambar Area and provision of A.I services in existing vety institutes in Mohmand Agency			
24.	Sheraz Khan	Veterinary Assistant (BS-10)	Charsadda
25.	Bekshad Ali	Chowkidar	Mohmand
26.	Roidar Khan	Field Cattle Attendant	Mohmand
27.	Faiz ur Rahman	Field Cattle Attendant	Mohmand

(Annexure-B)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

28.	Gulrez Khan	Field Cattle Attendant	Mohmand
29.	Shahzeb	Field Cattle Attendant	Mohmand
30.	Fawad Khan	Field Cattle Attendant	Mohmand
31.	Qasim Khan	Field Cattle Attendant	Mohmand
32.	Aftab Hussain	Field Cattle Attendant	Mohmand
11. Construction of Building for existing Vety Institution and provision of Artificial Insemination Services in existing vety institution in District Orakzai			
33.	Atta Ur Rehman	Veterinary Assistant (BS-10)	Kohat
34.	Kamil Rehman	Veterinary Assistant (BS-10)	Orakzai
35.	Sharafat Nawaz	Field Cattle Attendant	Orakzai
36.	Tasdeeq Ali	Field Cattle Attendant	Orakzai
37.	Hazrat Ullah	Field Cattle Attendant	Orakzai
38.	Abdul Wahid	Field Cattle Attendant	Orakzai
39.	Gul Zahir	Field Cattle Attendant	Orakzai
40.	Ataf Hussain	Field Cattle Attendant	Orakzai
12. OPENING OF 3 CVDS IN RENTED BUILDINGS, BARA, KHYBER AGENCY			
41.	Asmatullah	Veterinary Assistant (BS-10)	Karak
42.	Muhammad Riaz	Veterinary Assistant (BS-10)	Khyber
43.	Salman	Bahisht Cum Khak	Khyber
44.	Mehboob Alam	Chowkidar	Khyber
45.	Ijaz Ahmad	Chowkidar	Khyber
46.	Muhammad Farooq	Bahisht Cum Khak	Khyber
13. ESTABLISHMENT OF 2 VETERINARY DIAGNOSTIC LABORATORY CIVIL VETERINARY HOSPITAL LANDI KOTAL AND CVH JAMRUD, KHYBER AGENCY			
47.	Taj Muhammad	Lab Attendant	Khyber
48.	Abid	Lab Attendant	Khyber
14. 191073-Opening of 02 VD's & 04 AI Centers in FR Kohat			
49.	Sohail Akhtar	Veterinary Assistant (BS-10)	FR Kohat
50.	Muhammad Sohail Khan	Veterinary Assistant (BS-10)	FR Kohat
51.	Said Nawaz	Chowkidar	FR Kohat
52.	Haq Nawaz	Bahisht	FR Kohat
53.	Haj Nawaz	Field Cattle Attendant	FR Kohat
54.	Dil Nawaz	Field Cattle Attendant	FR Kohat
55.	Riaz Mehmood	Bahisht	FR Kohat
56.	Muhammad Aslam	Field Cattle Attendant	FR Kohat
57.	Arif Khan	Chowkidar	FR Kohat
58.	Gul Muhammad Khan	Field Cattle Attendant	FR Kohat
15. 191046-110222-MOBILE VETERINARY CLINIC ALL FATA			
59.	Jihad Ali	Veterinary Assistant (BS-10)	Orakzai
60.	Zainab Gul	Driver (BS-06)	Orakzai
61.	Imran Khan	Driver (BS-06)	Mohmand
62.	Nizam Khan	Driver (BS-06)	Orakzai
63.	Latif Ullah	Driver (BS-06)	NWTD
64.	Anwar Sohail	Driver (BS-06)	Bannu
65.	Hamid Hussain	Field Cattle Attendant	Kurram
66.	Adnan	Class-IV	Bajaur
67.	Ihsan Ullah	Class-IV	Bannu
191087-170352-Strengthening of Artificial Insemination / Veterinary Aid Services and Disease Reporton System LADD in FATA			
68.	Mr. Azhar Farooq	Veterinary Assistant (BS-10)	Bajaur
69.	Mr. Matee Ullah	Veterinary Assistant (BS-10)	Khyber
70.	Mr. Farman Shah	Veterinary Assistant (BS-10)	NWA
71.	Mr. Rooh Ul Amin	Veterinary Assistant (BS-10)	Bajaur
72.	Mr. Hidayat Ullah	Veterinary Assistant (BS-10)	Bajaur
73.	Mr. Shah Faizal	Veterinary Assistant (BS-10)	Bajaur
74.	Mr. Zia Ullah	Veterinary Assistant (BS-10)	NWA
75.	Mr. Azmat ulah	Veterinary Assistant (BS-10)	NWA
76.	Mr. Daud khan	Veterinary Assistant (BS-10)	NWA

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GOVERNMENT OF PUNJAB
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

514.	Gul Samad	Field Cattle Attendant	FR, Lakk
515.	Said Ullah	Chow Cum Beh	FR, Lakk
516.	Nazer Gul	Field Cattle Attendant	FR, Lakk
517.	Aqai Jan	Chow Cum Beh	FR, Lakk
518.	Bahi Khan	Field Cattle Attendant	FR, Lakk
519.	Hamayun Khan	Chow Cum Beh	FR, Bannu
520.	Abdul Wali Khan	Field Cattle Attendant	FR, Lakk
521.	Amlin Gul	Field Cattle Attendant	FR, Lakk
522.	Afsar Jan	Field Cattle Attendant	FR, Lakk
523.	Abdur Rauf	Chow Cum Beh	FR, Lakk
524.	Eid Raza	Chow Cum Beh	FR, Lakk
525.	Mir Zali Khan	Field Cattle Attendant	FR, Lakk
526.	Rehman Ullah	Chow Cum Beh	FR, Lakk
527.	Muhammad Usman	Field Cattle Attendant	FR, Lakk
528.	Tariq Ahmad Khan	Chow Cum Beh	FR, Lakk
31.191091-010074-Opening of 5-Vety: Dispensary, 5-Civil Vety: Centers, 10-AICs and Up-gradation of 01-CVC to CVD in FR, Bannu			
529.	Farhad Ullah	Veterinary Assistant (BS-10)	FR, Bannu
530.	Muhammad Luqman	Veterinary Assistant (BS-10)	FR, Bannu
531.	Sifat Ullah	Veterinary Assistant (BS-10)	FR, Bannu
532.	Ihsan Ullah	Veterinary Assistant (BS-10)	FR, Bannu
533.	Fakhr Ullah Shah	Veterinary Assistant (BS-10)	FR, Bannu
534.	Inam Ullah	Veterinary Assistant (BS-10)	FR, Bannu
535.	Imdad Ullah	Veterinary Assistant (BS-10)	FR, Bannu
536.	Muheeb Ullah	Veterinary Assistant (BS-10)	Bannu
537.	Azim Ullah	Veterinary Assistant (BS-10)	FR, Bannu
✓ 538.	Noor Muhammad	Field Cattle Attendant	FR, Bannu
539.	Nawar Khan	Field Cattle Attendant	FR, Bannu
✓ 540.	Aurang Zeb Khan	Sweeper	FR, Bannu
541.	Sardar Ali	Field Cattle Attendant	FR, Bannu
542.	Muhammad Riaz Khan	Chow	FR, Bannu
543.	Ajmal Khan	Field Cattle Attendant	FR, Bannu
544.	Mumtaz Khan	Field Cattle Attendant	FR, Bannu
545.	Abdul Malik Khan	Field Cattle Attendant	FR, Bannu
546.	Rasool Nawaz	Field Cattle Attendant	FR, Bannu
547.	Ihsan Ullah	Chow	FR, Bannu
548.	Hidayat Ullah	Beh	FR, Bannu
549.	Saad Ullah Khan	Chow	FR, Bannu
550.	Fazal Rehman	Field Cattle Attendant	FR, Bannu
551.	Saeed Khan	Field Cattle Attendant	FR, Bannu
✓ 552.	Niaz Ullah Khan	Chow	FR, Bannu
553.	Inayat Ullah	Beh	FR, Bannu
554.	Nazirat Ullah	Chow	FR, Bannu
555.	Noor Khan	Beh	FR, Bannu
556.	Masood-Ur-Rehman	Chow	FR, Bannu
557.	Shahid Ullah	Beh	FR, Bannu
558.	Sana-Ul-Haq	Chow	FR, Bannu
559.	Taj Aman Ullah	Beh	FR, Bannu
560.	Rafiq Ullah	Chow	FR, Bannu
561.	Saifur Rehman	Field Cattle Attendant	FR, Bannu
32.Provision of Medicines and Artificial Insemination Services in Existing Veterinary Institution in Bajaur			
562.	Mohammad Gul	Veterinary Assistant (BS-10)	Bajaur
563.	Mohammad Tariq	Veterinary Assistant (BS-10)	Bajaur
564.	Mohammad Ishaq	Veterinary Assistant (BS-10)	Bajaur
565.	Roozullah	Veterinary Assistant (BS-10)	Bajaur
566.	Naeemullah	Field Cattle Attendant	Bajaur
567.	Abdul Ghani	Field Cattle Attendant	Bajaur

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

726	Farooq Shah	Naib Qasid	Peshawar
727	Sher Alam	Sweeper	Peshawar
728	Mr. Naik Marjan	Behishti	Khyber
41. Up-Lifting the Socio Economic Condition and Gender Mainstreaming of Livestock Farmers through PPP in FATA			
729	Muhammad Muneeb	Naib Qasid	Khyber
730	Mr. Rahman Ali	Naib Qasid	Khyber
731	Mr. Amir Islam	Naib Qasid	FR Peshawar
732	Mr. Iqbal Hussain	Field Cattle Attendant	Mohmand

-SD/-
SECRETARY AGRICULTURE,
LIVESTOCK, FISHERIES & COOP:
DEPARTMENT

Encl. No. & date of Encl.

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. Director General (Extension)/Director Merged Areas Livestock & Dairy Development Department, Khyber Pakhtunkhwa with the advice to adjust the above mentioned officials against regular/sanctioed posts already approved through SNEs while for remaining employees, if any, case for creation of posts may be taken up with Finance Department accordingly.
5. Manager Govt. Printing Press, Peshawar.
6. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
7. PS to Secretary Planning & Development Department, Khyber Pakhtunkhwa.
8. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
9. PS to Secretary Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa.
10. Master File
11. Officials concerned.
12. Personal File.

(AHMAD HUSSAIN)
SECTION OFFICER (LFC)

9
47
(Amended)

**FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA.**

**PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

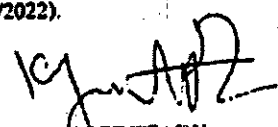
NOTIFICATION

Dated Peshawar, the 13/01/2022.

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

**THE KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS) ACT, 2021.
(KHYBER PAKHTUNKHWA ACT NO. 1 OF 2022)**
(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 13/01/2022).


(Here print as in the accompaniment)


SECRETARY,
Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above)

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

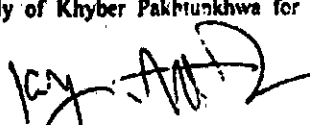
Proof should be sent to this Secretariat before publication.


SECRETARY,
Provincial Assembly of Khyber Pakhtunkhwa
Dated 15/01/2022

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

A copy of the above is forwarded to -

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


SECRETARY,
Provincial Assembly of Khyber Pakhtunkhwa

Amended


(Annexure - C) 53

LIST OF COPIES TO BE DISTRIBUTED

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

Amir


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(C)

AN
ACT

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

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

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

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

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

(3) It shall come into force at once.

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

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

Deputy Secretary
Government of Khyber Pakhtunkhwa
Law Department

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

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

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

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

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

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

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

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

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

Deputy Secretary
Government of Khyber Pakhtunkhwa
Law Department



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

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

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

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

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

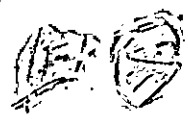
Deputy Commissioner
Government of Punjab
Livestock Department

1.	Strengthening and Capacity Building of AGRIC Extension in FATA.
2.	Promotion of Olive Cultivation / Grafting for Oil Production in Bajaur Agency.
3.	Establishment of Semen Production Unit at Jamrud and Breed/ Veterinary Service Improvement Program.
4.	Capacity Building Directorate of Livestock FATA.
5.	Mobile Veterinary Clinic in FATA (MVC).
6.	Establishment of Model Dairy Farm in FATA.
7.	Strengthening of Artificial Insemination/Veterinary Aid Services and Disease Reporting System LADD in FATA.
8.	Creation of Disease Free Zone Through Mass Vaccination and Treatment and Feasible Districts on Pilot Basis.
9.	Opening of 5 CVDS 5 CVCS 6 AICS and Up-gradation of 2 CVDS to the level of CVHS Status in Bajaur Agency.
10.	Provision of Medicine and A.I Services in Existing Vet. Institution in Bajaur Agency.
11.	Establishment Vety. Diagnostic Lab in CVH Khar and Construction of Garage For 2 Vehicle in ALO Office Bajaur Agency.
12.	Provision of A.I. Facilities/Medicine in Existing Veterinary Institution Construction of Building of Functional Veterinary Centers (In Rented Building), Special Campaign for The Control of Ecto and Endo Parasite in Mohmand Agency.
13.	Opening of 3 CVDS, 23 VCS, 15 AICs and Up-gradation of CVD Lakaro to CVH Status Mohmand Agency.
14.	Provision of Mobile Vety Clinic in Mohmand Agency.
15.	Opening/Establishment of 2 CVDs in Rented Building Amber Area and Provision of A.I. Services in Existing Institutes of Mohmand Agency.
16.	Opening of 18 Vety Centers and 26 AICS in Khyber Agency.
17.	Opening of 3 CVDs in Rented Building, Bara Khyber Agency.
18.	Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary Hospitals in Jamrud and Landikotal.
19.	Opening of 3 CVCS, 11 CVDs and 9 AICs and Up-gradation of 3 CVDs to CVH Status in Orakzai Agency.
20.	Small Ruminants (Sheep and Goat) Development Program in Tribal Districts
21.	Provision of Artificial Insemination Services in Existing Veterinary Institution in Orakzai Agency.
22.	Construction of Building for Existing Vety Institution and Provision of Artificial Insemination in Existing Veterinary Facilitation in District Orakzai.
23.	Construction of Building for 3 Rented Veterinary Institutions and Opening of One CVD in Marozai Area, Orakzai Agency.
24.	Opening of 5 CVCS, 8 CVDs, 22 AICs and Diagnostic Laboratory in Kurram Agency
25.	Provision of AI Facilities in Existing 11 Veterinary Institutions in NWA.
26.	Provision of Veterinary Health Facilities in District North Waziristan.
27.	Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVD to CVH Status in SWA.
28.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR Peshawar.
29.	Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
30.	Opening of 03 CVDs and 04 AICs in FR Kohat.

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Deputy-Commissioner Officer
Government of FATA
Law Department

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

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Deputy Legislation Officer
Government of Sindh
Law Department

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

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

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

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

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**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT, KHYBER PAKHTUNKHWA,
PESHAWAR**

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Web: www.livestockextkp.gov.pk

AUTHORITY LETTER

Dr Noor Badshah Khattak, Veterinary Officer (BPS-17), of this office is hereby authorized to submit/pursue Service Appeal No. 1872/2023 Titled Noor Muhammad Vs Government of Khyber Pakhtunkhwa & Others, on behalf of Secretary Livestock, Fisheries & Cooperatives, Government of Khyber Pakhtunkhwa (Respondent No. 01), Secretary Finance, Government of Khyber Pakhtunkhwa (Respondent No 02) and Director General (Ext) Livestock & Dairy Development Department Khyber Pakhtunkhwa (Respondent No.03).

Respondent No. 01

Dr. Muhammad Israr

Secretary, Livestock, Fisheries and Cooperative
Government of Khyber Pakhtunkhwa.
Peshawar

Secretary

**Livestock, Fisheries & Coop: Deptt:
Khyber Pakhtunkhwa**

Respondent No. 03

Dr. Alamzeb

Director General (Ext), Livestock
& Dairy Development Department
Peshawar