

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

**EXECUTION PETITION NO. 959/2023**

**Khyber Pakhtunkhwa  
Service Tribunal**

IN

Diary No. 11591

SERVICE APPEAL NO. 146/2019

Dated 05/3/2024

Muhammad Ayub.....Petitioner

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa & others.....**Respondents.**

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**Section Officer (Litigation)  
Government of KP  
Establishment Department**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

**Execution Petition No. 959/2023**  
**IN**  
**SERVICE APPEAL NO. 146/2019**

MUHAMMAD AYUB .....Petitioner

VS

Chief Secretary, Khyber Pakhtunkhwa & Others.....Respondents

**IMPLEMENTATION REPORT/REPLY ON BEHALF OF RESPONDENTS**  
**NO. 01 TO 04**

**RESPECTFULLY SHEWETH:**

1. That the Petitioner has got no cause of action to institute the instant Execution Petition.
2. That the Petitioner has not come to this Hon'ble Tribunal with clean hands.
3. That the Petition is not maintainable in the present form.
4. That the petitioner is estopped by his own conduct to file the instant Execution Petition.
5. That the Execution Petition has been filed with mala fide intention.

**ON FACTS**

1. Correct.
2. That the Hon'ble Service Tribunal in its Order dated: 27.09.2023 allowed the appeal on the terms mentioned below:

*“The only point to be determined for inclusion of the appellant in the cadre/seniority list of Computer Operator maintained by Establishment & Administration Department is whether the appellant meet the criteria prescribed for appointment of Computer Operator in accordance with the service rules. The respondents are, therefore, directed to scrutinize eligibility of the appellant in terms of their qualification for the post of Computer Operator and if they are found qualified then they shall be taken on the cadre strength of Computer Operator by including their name at the appropriate place in the seniority list of Computer Operator.*

*The instant service appeal as well as connected service appeal bearing No.147/2019 are allowed the above terms.”*

3. In light of Service Tribunal Judgment dated: 27.09.2023, the case has been examined in this Department which reveals that:

i. That the Petitioner is a Computer Operator (BS-16), Governor’s House Peshawar, earlier appointed as Key Punch Operator (BS-10) by his Appointing/Competent Authority i.e Military Secretary to Governor, Khyber Pakhtunkhwa vide office order dated 22-08-2009 (**Annex-I**), not by the Chief Secretary / Secretary Establishment.

ii. In pursuance of the order of the Hon’ble Tribunal, the case of the petitioner was scrutinized in terms of his qualification for the post of Computer Operator, in light of the Service Rules (**Annexure-II**), in a meeting headed by Special Secretary (Estt) on 24.01.2024, wherein it was highlighted that the petitioner does not meet the criteria in terms of qualification as prescribed in Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006 for the post of Computer Operator. Proper Speaking Order was accordingly issued by the Competent Authority i.e. Secretary Establishment Department (**Annex-III**).


It was further highlighted that the appellant is not a Civil Servant because he was appointed as “Key Punch Operator” (BS-10) in the Governor’s House under the terms and conditions, as earlier settled in his appointment letter issued in 2009. Whereas, all such appointments in Establishment Department, Civil Secretariat are being made under Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006, wherein the nomenclature of “Key Punch Operator” is not mentioned (**Annex-IV**) as the post of Computer Operator in IT Cadre is initial appointment quota post, appointed by the Chief Secretary Khyber Pakhtunkhwa, not Military Secretary to Governor. The ibid rules have been made under Section 26 of Khyber Pakhtunkhwa Civil Servants Act, 1973, which is only applicable on Civil Servants, not household employees.


iii. That the petitioner is a household employee of the Governor’s House, who is not a Civil Servant rather he is governed under the Terms and Conditions of Appointment, Confirmation, Discharge & Retirement etc. of Governor’s Household Gardens and Garage Establishment Rules, 1970 (**Annex-V**).


4. No comments.


**PRAYER:**

In view of the above facts, it is very humbly prayed that on acceptance of the reply, the Execution Petition may very graciously be dismissed being devoid of any legal merit and against the existing rules / policy.

  
for (NADEEM ASLAM  
CHAUDHARY)  
Chief Secretary,  
KHYBER PAKHTUNKHWA.  
Through,  
(Kaleem Ullah Baloch)  
Special Secretary, Establishment  
(Respondent No. 01)

  
for (SHAHIBULLAH KHAN)  
SECRETARY,  
ESTABLISHMENT DEPARTMENT,  
Through  
(Kaleem Ullah Baloch)  
Special Secretary, Establishment  
(Respondent No. 02)

  
(MANZOOR AHMAD)  
SECRETARY,  
ADMINISTRATION DEPARTMENT

  
(AMER SULTAN TAREEN)  
SECRETARY,  
FINANCE DEPARTMENT

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

**EXECUTION PETITION NO. 959/2023**

**IN SERVICE APPEAL NO. 146/2019**

Muhammad Ayub.....Petitioner

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa & others.....**Respondents.**

**AFFIDAVIT**

I, Mr. Shahid Ullah, Secretary Establishment Department (BS-20), respondent, do hereby solemnly declare that contents of the Reply in the Execution Petition are correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Tribunal. It is further stated on oath that in this Execution Petition, the answering Respondent has neither been placed ex-parte nor their defense/struck up.

DEPONENT

CNIC No. 11101-1464320-1  
Contact No. 0333,9744944



04 MAR 2024





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT


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**AUTHORITY LETTER**

Mr. Khaliq Ur Rehman, Superintendent (BPS-17), Litigation-II Section, Judicial Wing, Establishment Department, is hereby authorized to submit Reply, in the Hon'able Services Tribunal, in Execution Petition No. 959/2023 in S.A No. 146/2019 Titled "Muhammad Ayub VS Chief Secretary, Khyber Pakhtunkhwa & Others" on behalf of the undersigned.

  
for (NADEEM ASLAM CHAUDHARY)  
Chief Secretary,  
KHYBER PAKHTUNKHWA.  
Through,  
(Kaleem Ullah Baloch)  
Special Secretary, Establishment  
(Respondent No. 01)

  
for (SHAHIDULLAH KHAN)  
SECRETARY,  
ESTABLISHMENT DEPARTMENT,  
Through  
(Kaleem Ullah Baloch)  
Special Secretary, Establishment  
(Respondent No. 02)

  
(MANZOOR AHMAD)  
SECRETARY,  
ADMINISTRATION DEPARTMENT  
(Respondent No. 03)

  
(AMER SULTAN TAREEN)  
SECRETARY,  
FINANCE DEPARTMENT  
✓ (Respondent No. 04)

22 August 2009

OFFICE ORDER

Endst. No. SO/MSG/GH/PP/2009 The Competent Authority is pleased to appoint  
Mr. Muhammad Ayub s/o Muhammad Daud, resident of Mohallah Mian  
Banda, Ghazi Tabaq Ghazi, District Haripur as Key Punch Operator (BPS-11)  
with immediate effect on the following terms and conditions.

- i. His appointment is purely temporary and his services are liable to be terminated without assigning any reason
- ii. In case he wish to resign from service 15 days advance notice will be necessary or in lieu thereof 15 days pay shall be forfeited
- iii. He will be entitled for Conveyance, Medical, House Rent Allowances, TA/DA and leave as per Government rules
- iv. He will not be entitled to Pension or Gratuity. He shall, however, be entitled to Contributory Provident Fund in terms of Civil Servants Amendment Act 2005 (NWFP Act No. IX of 2005)
- v. His appointment is subject to the production of Medical Fitness Certificate from the Civil Surgeon, Peshawar.

Military Secretary to Governor NWFP

Endst. No. SO/MSG/GH/PP/2009 Dated 22 August 2009

Copy forwarded for information and necessary action to:-

1. The Accountant General NWFP Peshawar
2. The Comptroller, Governor's House, Peshawar
3. The Section Officer (B&A), Governor's House Peshawar
4. The Section Officer (Admin), Governor's Secretariat, NWFP Peshawar with the request to terminate the extended term of Contractual appointment of the official vide order Endst. No. SO-3-2/8/GS/09/190-93 dated 02-02-2009:
5. PS to MSG, Governor's House Peshawar
6. Bill Assistant, Governor's House, Peshawar.
7. Official Concerned.
8. Personal File.

(Muhammad I)  
Section Officer to

Section Officer (Litigation)  
Government of KP  
Establishment Department

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**GOVERNOR'S HOUSE,  
PESHAWAR**

22, August 2009

**OFFICE ORDER.**

No. SO (MSG)/GH/PF/2009. The Competent Authority is please to appoint Mr. Muhammad Ayub s/o Muhammad Daud, resident of Mohallah Mobeen Banda, Ghazi, Tehsil Ghazi, District Haripur as Key Punch Operator (BPS-10), with immediate effect on the following terms and conditions:

- vi. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- vii. In case he wish to resign from service 15-days advance notice will be necessary or in-lieu therefor 15 days pay shall be forfeited.
- viii. He will be entitled for Conveyance, Medical, House Rent Allowances. TA/DA and leave as per Government rules.
- ix. He will not be entitled to Pension or Gratuity. He shall, however be entitled to Contributory Provident Fund in terms of Civil Servants Amendments Act 2005 (NWFP Act No. IX of 2005).
- x. His appointment is subject to the production of Medical Fitness Certificate from the Civil Surgeon, Peshawar.

-sd-

**Military Secretary to Governor NWFP**

**ENDST: NO. SO(MSG)/GH/PF/2009.**

Dated \_\_, August, 2009

Copy forwarded for information and necessary action to:-

9. The Accountant General NWFP, Peshawar.
10. The Comptroller Governor's House, Peshawar.
11. The Section Officer (B&A), Governor's Secretariat, NWFP.
12. The Section Officer (Admn), Governor's Secretariat, NWFP, Peshawar with the request to terminate the extended term of Contractual appointment of the official vide order Endst. No. SO (A) 3-2/8/GS/09/190-93 dated 02.02.2009.
13. PS to MSG, Governor's House Peshawar.
14. Bill Assistant, Governor's House, Peshawar.
15. Official Concerned.
16. Personal.

**(Muhammad Islam)**  
Section Officer to MSG

Fair Copy prepared on dated 27/02/2024

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**Section Officer (Litigation)**  
**Government of KP**  
**-stablishment Department**



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APPENDIX

See rule 2(a), (D), 3, 5(1), 6(1) and 7(1)

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S#	Nomenclature of Posts	Minimum Qualification for Initial Recruitment or by Transfer	Age Limit	Method of Recruitment
1.	2.	3.	4.	5.
1	Director	Ph.D in Computer Science, with seven years experience of Programming, System Analysis and Operational Management; or  Second Class Master Degree in Computer Science from a recognized University with twelve years experience of Programming, System Analysis and Operational Management.	35-45 Years	By promotion, on basis of seniority-cum-fitness, form amongst Deputy Directors (System Analyst and Database Administrator) working in the Civil Secretariat with at least seven years service as such or twelve years service in BPS-17 and above. If no suitable person is available for promotion, then by initial recruitment.
2	Deputy Director (System Analyst / Database Administrator).		(2)	By promotion, on basis of seniority-cum-fitness, from amongst Assistant Director (Programmer / LAN Administrator / Web Administrator / Data Processing Officer / Deputy Database Administrator) with five years experience.
3	Assistant Director (Programmer / LAN Administrator / Web Administrator / Data Processing Officer / Deputy Database Administrator).	Second Class Master Degree or equivalent qualification in Computer Science from a recognized University.	22-35 Years	(a) Fifty per cent by initial recruitment; and  (b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the <sup>(6)</sup> Computer Operators, having qualification prescribed for initial recruitment with five year service as such. <sup>(5)</sup>
4		Deleted <sup>(6)</sup>		
5		Deleted <sup>(5)</sup>		
6	<sup>(4)</sup> Computer Operator <sup>(5)</sup>	i. Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years), from a recognized university; or  ii. Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education. <sup>(4)</sup>	18-28 Years	By initial recruitment.

Sd/-xxx  
(SHARIF HUSSAIN)  
SECTION OFFICER (REG: IV)

<sup>(1)</sup> Age deleted vide Notification No. SOR-IV(E&AD)3-2/2007, dated 08-12-2009.

<sup>(2)</sup> Qualification substituted vide Notification No. SOE-V(E&AD)/5-16/2008, dated 25-07-2012.

<sup>(3)</sup> Nomenclature of Post and qualification substituted vide Notification No. SOE-V(E&AD)/5-16/2008, dated 15-04-2014.

<sup>(4)</sup> Clause (b) of Method of Recru: substituted & S.No 5 deleted vide Notification No. SOE-V(E&AD)/5-16/2016, dated 21-12-2016.

<sup>(5)</sup> BPS-12 deleted vide Notification No. SOE-V(E&AD)/5-16/2016, dated 21-12-2016

<sup>(6)</sup> Assistant Programmer deleted vide Notification No. SOE-V(E&AD)/5-9/2019/Vol-II, dated 07-10-2022.

Section Officer (Litigation)  
Government of KP  
Establishment Department

GOVERNMENT OF KHYBER  
ESTABLISHMENT DEPARTMENT  
(Establishment Department)

KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Ph: 091-9213457  
Ex: 091-9210447


Dated Peshawar, the January 24, 2024

**ORDER**

**NO.SOE-V (ESAD)/11.1/2024** WHEREAS, the Hon'ble Service Tribunal Peshawar in its Judgment dated 27-09-2023 in Appeal No.146/2019 allowed the Appeals on the terms mentioned below (Annex-I):-

*"The only point to be determined for inclusion of the appellant in the cadre/seniority list of Computer Operator maintained by Establishment & Administration Department is whether the appellant meet the criteria prescribed for appointment of Computer Operator in accordance with the service rules. The respondents are, therefore, directed to scrutinize eligibility of the appellant in terms of their qualification for the post of Computer Operator and if they are found qualified then they shall be taken on the cadre strength of Computer Operator by including their name at the appropriate place in the seniority list of Computer Operator. The instant service appeal as well as connected service appeal bearing No.147/2019 are allowed the above terms."*

2. AND WHEREAS, as per available record with the appeals, both the Appellants were earlier appointed as Key Punch Operators (BPS-10) by Military Secretary to Governor, Khyber Pakhtunkhwa vide office order dated 22-08-2009 and 01-03-2010 respectively (Annex-II & III), in exercising his powers under Terms and Conditions of Appointment, Confirmation, Discharge and Retirement etc. of the Governor's Household, Gardens and Garage Establishments Rules, 1970. The ibid Rules provide specific terms and conditions of service of the Governor's Household Employees.
3. AND WHEREAS, the Military Secretary (MS) to Governor vide his letter dated 27-04-2011 forwarded an application in respect of the appellants with the request to include them in the seniority list of Computer Operators of Establishment Department (Annex-IV) without mentioning the mode of appointment of the officials under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 read with Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006. Consequently, Establishment Department regretted the appeal of the Appellants with the assertion that the same were not covered under the Civil Servants Act, 1973 and the rules made thereunder (Annex-V).
4. AND WHEREAS, feeling aggrieved, the Appellants filed the service appeals (Annex-VI & VII) with the prayer that the impugned letter dated 27-11-2018 may be set aside and their name may be included in the seniority list of Computer Operators (BPS-16) of Establishment Department.
5. AND WHEREAS, in pursuance of the order of the Hon'ble Tribunal the case of the appellants was scrutinized in terms of their qualification for the post of Computer Operator, in light of the Service Rules (Annexure-VIII), in a meeting headed by Special Secretary (Estab) on 24.01.2024. It was highlighted in the meeting that the appellants are not Civil Servants because they were appointed as "Key Punch Operators" (BS-10) in the Governor's House under their own terms and conditions of

  
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Government of KP  
Establishment Department

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as earlier settled in their appointment orders issued in 2009 and 2010. Moreover, appointments of Computer Operators (BPS-16) in the Administrative Departments of Civil Secretariat are being made under the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006. It is worth mentioning that the nomenclature of "Key Punch Operators" is not reflected in the ibid Rules. The post of Computer Operator (BPS-16) of IT Cadre is required to be filled by initial recruitment from amongst the candidates having (Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years), from a recognized university; or Second Class Bachelor Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education (Annex-VIII). The Chief Secretary Khyber Pakhtunkhwa is the Appointing Authority in case of Computer Operators (BPS-16) of Secretariat Departments as provided under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. The IT Cadre Rules have been framed under Section-26 of Khyber Pakhtunkhwa Civil Servants Act, 1973, which are only applicable on Civil Servants and Military Secretary to Governor have no authority of appointment of Computer Operators (BPS-16) under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006.

6. AND WHEREAS, the appellants are household employees of the Governor's House who are not Civil Servants rather they are governed under the Terms and Conditions of Appointment, Confirmation, Discharge & Retirement etc. of Governor's Household Gardens and Garage Establishment Rules, 1970 (Annex-IX). Their placement in the Seniority List of Computer Operators (BPS-16) of Administrative Departments in the Civil Secretariat will infringe the right of more than 300 employees and not covered under Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 as well as open a floodgate of unending and unnecessary litigations for the Provincial Government Departments.

7. NOW, THEREFORE, I, SHAHIDULLAH KHAN, Secretary Establishment, Khyber Pakhtunkhwa after examining all the relevant rules, record and materials placed on file, hereby dispose of the request of the appellants in light of the Hon'ble Service Tribunal Peshawar Judgment dated 27-09-2023, being devoid of any legal merit and against the existing rules referred above.

(SHAHIDULLAH KHAN)  
SECRETARY ESTABLISHMENT  
KHYBER PAKHTUNKHWA

Endst: No. & Date Even: -

Copy forwarded to: -

1. The Military Secretary to Governor Khyber Pakhtunkhwa.
2. The Registrar, Service Tribunal, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary Khyber Pakhtunkhwa.
4. PS to Secretary Establishment Department.
5. Master file.

SECTION OFFICER (E-V)

Section Officer (Litigation)  
Government of KP  
Establishment Department

17/2/2024  
26/1/24

SECRETARY ESTABLISHMENT  
KHYBER PAKHTUNKHWA

2<sup>nd</sup> February, 2007.11/11  
-31/

Am


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No. SOR-IV(ED)/3-2/2007.--- In exercise of the powers conferred by 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 Khyber Pakhtunkhwa (Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA (PROVINCIAL  
INFORMATION TECHNOLOGY GROUP) SERVICE  
RULES, 2006.

PART-I  
GENERAL

1. **Short title and commencement.** --- (1) These rules may be called Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006. (2) These rules shall come into force at once.
2. **Definition.** — In these rules, unless the context otherwise requires, the following expressions shall have the meanings here by respectively assigned to them, that is to say—
  - (a) "Appendix" means the Appendix to these rules;
  - (b) "Appointing Authority" means the concerned authority specified in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
  - (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
  - (d) "Government" means the Government of the Khyber Pakhtunkhwa;
  - (e) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
  - (f) "Post" means a post specified in column 2 of the Appendix and such other post as may be added to it from time to time.
  - (g) "Province" means the Khyber Pakhtunkhwa;
  - (h) "Recognized University" means any University incorporated by law in Pakistan or any other University which may be declared as recognized by Government;
  - (i) "Secretariat" means the<sup>11</sup> [Khyber Pakhtunkhwa] Civil Secretariat, as defined in rules 2 (r) of the<sup>12</sup> [Khyber Pakhtunkhwa] Government Rules of Business, 1985; and
  - (j) "Service" means the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service.

  
Section Officer (Litigation)  
Government of KP  
Establishment Department

THE ACCOUNTANT GENERAL, WEST PAKISTAN, LAHORE.

Dated Lahore, the 30th March, 1970.

Subject: TERMS AND CONDITIONS OF APPOINTMENT, CONFIRMATION, DISCHARGE AND RETIREMENT ETC., OF THE GOVERNOR'S HOUSEHOLD, GARDENS AND GARAGE ESTABLISHMENTS


SIR,

The supersession of all previous orders issued on the above subject, the Governor of West Pakistan, has been pleased to order that in the matters of appointment, confirmation, leave, discharge, discipline, retirement from service, grant of pension/gratuity etc., the Governor's Household, Gardens, and Garage Establishments will henceforth be governed by the following provisions with effect from the date of issue of these orders:--

## APPOINTMENTS:

- (1) Appointments to these establishments shall be made by the Military Secretary to the Governor of West Pakistan, or any other officer authorised by him to exercise these powers.
- (2) Age on first appointment to these establishments shall not normally exceed 25 years, but in suitable and deserving cases this age limit can be relaxed by the Military Secretary to the Governor of West Pakistan, or any other officer authorised by him.
- (3) a. On first appointment every member of staff shall have to be medically examined by the Medical Officer, Governor's House Dispensary, Karachi, or the Civil Surgeon of the respective area, where he is appointed and produce medical certificate of fitness as required under the medical rules.  
b. The present incumbents of these establishments will also be required to produce medical certificate of fitness as at (a) above. The servants/employees, who may be declared medically unfit, will continue in service subject to the approval by the Military Secretary to the Governor, West Pakistan, on their previous terms and conditions of service and the terms and conditions of service sanctioned herein shall not be applicable to them.

  
Attested

  
Section Officer (Litigation)  
Government of KP  
Establishment Department

No. MSG-(24-A/68)-70/1955

To

THE ACCOUNTANT GENERAL, WEST PAKISTAN, LAHORE

Dated Lahore, the 30<sup>th</sup> March, 1970


Subject:- TERMS AND CONDITIONS OF APPOINTMENT, CONFIRMATION, DISCHARGE AND RETIREMENT ETC. OF THE GOVERNOR'S HOUSEHOLD, GARDENS AND GARAGE ESTABLISHMENTS.

Sir,

In supersession of all previous orders issued on the above subject, the Governor of West Pakistan, has been pleased to order that in the matters of appointment, confirmation leave, discharge, discipline, retirement from service, grant of pension / gratuity etc., the Governor's Household, Gardens and Garage Establishment will henceforth be governed by the following provisions with effect from the date of issue of these orders:-

## APPOINTMENTS:-

- (1) Appointments to these establishments shall be made by the Military Secretary to the Governor of West Pakistan or any other officer authorized by him to exercise these powers.
- (2) Age on first appointment to these establishments shall not normally exceed 25 years, but in suitable and deserving cases this age limit can be relaxed by the Military Secretary to the Governor of West Pakistan, or any other officer authorized by him.
- (3) a. On first appointment every member of staff shall have to be medically examined by the Medical Officer, Governor's House Dispensary, Karachi or the Civil Surgeon of the respective area, where he is appointed and produce medical certificate of fitness as required under the medical rules.  
b. The present incumbents of these establishments will also be required to produce medical certificate of fitness as at (a) above. The servants/employees, who may be declared medically unfit, will continue in service subject to the approval by the Military Secretary to the Governor, West Pakistan on their previous terms and conditions of service and the terms and conditions of service sanctioned herein shall not be applicable to them.

  
Section Officer (Litigation)  
Government of KP  
Establishment Department

LEAVE:

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- (4) a. An employee/servant of the said establishments, who has been in continuous service of one year, but not exceeding three years, shall be granted leave on average pay @ one day for each completed thirty days of duty period and maximum leave on average pay that may be accumulated shall be 20 days. In addition, he will be entitled to 10 days sick leave on half average pay for each completed year of service on the production of a medical certificate. All employees/servants falling in this category will also be entitled to 20 days casual leave during a calendar year.
- b. An employee/servant, who has been on any of the said establishments for a continuous period of more than three years shall be governed by the Leave Rules, 1955, as amended from time to time, as in the case of permanent Government servants in Class IV.

PENSION/GRATUITY:

- (5) a. The members of the aforesaid establishments shall on discharge or retirement from service be entitled to a gratuity not exceeding one half month's pay for each completed year of qualifying service, provided that the qualifying service at the time of discharge or retirement from service, is not less than 10 years and more than 15 years.
  - b. All those, who have put in more than 15 years and less than 25 years of service, shall on discharge or retirement from service be entitled, to a gratuity not exceeding one month's pay for each completed year of qualifying service.
  - c. The pension/gratuity to all those members of the aforesaid establishments, who have to their credit at the time of discharge or retirement from service 25 years or more of qualifying service, shall on discharge or retirement be entitled to pension-cum-gratuity as admissible to regular Government Servants under the West Pakistan Civil Services Pension Rules, as amended from time to time.
  - d. On resignation, an employee shall be entitled to pension/gratuity.
- (6) An employee/servant, who dies before discharge or retirement, his nominee or nominees and if there is no nominee, his family and if there is no family, his heirs shall be entitled to receive 75% of the amount of gratuity that would have been payable to him under sub paragraph (5) above if he had been alive and discharged or retired from service on the date of his death.

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Section Officer (Litigation)  
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## LEAVE:

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(4) a. An employee / servant of the said establishments, who continues service of one year, but not exceeding three years will be granted leave on average pay @ one day for each thirty days of duty period and maximum leave on average pay that may be accumulated shall be 20 days. In addition, he will be entitled to 10 days sick leave on half average pay for each completed year of service on the production medical certificate. All employees / servants falling in this category will also be entitled to 20 days casual leave during a calendar year.

b. An employee / servant, who has been on any of the establishments for a continuous period of more than the years shall be governed by the Leave Rules, 1955, as amended from time to time, as in the case of permanent Government servants in Class-IV.

## PENSION / GRATUITY.


(5) a. The members of the aforesaid establishments shall on charge or retirement from service be entitled to a gratitude not exceeding one half month's pay for each completed years of qualifying service, provided that the qualifying service discharge or retirement from service, is not less than 10 years and more than 15 years.

b. All those, who have put in more than 15 years and less than 25 years of service, shall on discharge of retirement from service be entitled to a gratuity not exceeding one month pay for each completed year of qualifying service.

c. The pension / gratuity to all those members of the aforesaid establishments, who have to their credit at the time of their discharge or retirement from service 25 year or more qualifying service, shall on discharge or retirement be entitled pension-cum-gratuity as admissible to regular Government Servant under the West Pakistan Civil Services Pension Rules, as amended from time to time.

d. On resignation, on one shall be entitled to pension/gratitude.

(6) An employee/servant, who dies before discharge or retirement, his nominee or nominees and if there is no nominee, his family and if there is no family, his heirs shall be entitled to receive 75% of the amount of gratuity that would have been payable to him under sub paragraph (5) above, who has been alive and discharged for retired from service on

  
Section Officer (Litigation)  
Government of KP  
Establishment Department



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date of his death. If an employee dies after discharge or retirement but has not yet received his gratuity, his nominee or nominees and if there is no nominee, his family, if there is no family, his heirs shall be entitled to receive 100% of the amount of gratuity that would have been payable to him. The entitlement to pension/gratuity on death after 25 years of qualifying service will be decided according to the provisions of West Pakistan Civil Services Pension Rules, as amended from time to time.

NOTE:


The qualifying service will start on attaining the age of 18 years and would exclude the period of leave without pay and allowances being counted towards qualifying service. The Military Secretary to the Governor of West Pakistan, or any other officer authorised by him shall have powers to condone the deficiency in or interruptions of service upto a period of six months for the purpose of qualifying service towards gratuity or gratuity-cum-pension, as the case may be, when the service is long and meritorious in the case of deficiency, and provided each spell of service is for a period of more than 5 years in the case of interruption.

- (B) Gratuity or pension-cum-gratuity as the case may be, under sub-paragraph (5) above may also be granted to an employee/servant, who, by physical or mental infirmity is permanently incapacitated for public service or for the particular branch of it to which he belongs.

NOTE:

(i) Each employee will be required to make nomination in the forms at Annexure 'A' and 'B' after having put in ten years service or more. The nomination so made shall be pasted in the Service Book of the individual concerned. In the absence of such nomination being exercised the amount payable shall be disbursed to the nominee or nominees, or family or heirs, as the case may be, of the employee concerned according to the formulae as set out in the West Pakistan Civil Services Pension Rules.

- (ii) An employee/servant, who is discharged from service on any of these establishments as a disciplinary measure shall not be entitled to any gratuity/pension, etc., unless it is otherwise determined and ordered by the punishing authority.

  
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- (8) Gratuity or pension-cum-gratuity as the case may be under sub-paragraph (5) above may also be granted to an employee / servant, who by physical or mental infirmity is permanently incapacitated for public service or for the particular branch of it to which he belongs.

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**MEDICAL FACILITIES:**


- (9) The members of the aforesaid establishments drawing pay not exceeding Rs. 150 per mensem shall be entitled to medical facilities on the scale and in the manner as applicable to Class IV Government servants. All those who are drawing pay exceeding Rs. 150 per mensem shall be entitled to medical facilities on the scale and in the manner as applicable to Class III Government servants under the West Pakistan Government Servants (Medical Attendance) Rules, 1959, as amended from time to time.

**RENT FREE ACCOMMODATION:**

- (10) The employees/servants borne on the said establishment drawing pay not exceeding Rs. 150/- per mensem shall be entitled, subject to availability, to rent-free residential accommodation in the Governor's House Estate and free use of water. The members of these establishments drawing pay exceeding Rs. 150/- per mensem shall be entitled, subject to availability, to rent free residential accommodation, the next category of accommodation according to their pay above that of applicable to Class IV Government servants. They shall, however, not be required to pay the conservancy charges, if any.

**TRAVELLING ALLOWANCE AND OTHER ALLOWANCES:**

- (11) a. The members of the aforesaid establishments drawing pay not exceeding Rs. 150/- per mensem shall be entitled to Travelling Allowance/Daily Allowance and Travelling Allowance Concession on the scale and in the manner as applicable to Class IV Government servants and those who are drawing pay exceeding Rs. 150/- per mensem, shall be entitled to Travelling Allowance and Travelling Allowance concession of Inter Class. Daily Allowance will be admissible to them as applicable to Class III Government servants. The leave travel concession shall be allowed to the extent and under the conditions applicable to Government servants of the corresponding category.
- b. The members of the aforesaid establishments drawing pay not exceeding Rs. 150/- per mensem shall be entitled to other allowances and concessions, etc., on the scale and in the manner applicable to Class IV Government servants and those drawing pay exceeding Rs. 150/- per mensem shall be entitled to such as applicable to Class III Government servants.

  
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- b. The members of the aforesaid establishments drawing pay net exceeding Rs.150/- per mensem shall be entitled to other allowances and concessions etc., on the scale and in the manner applicable to Class-IV Government Servants and those drawing pay exceeding Rs.150/- per mensem shall be entitled to such as applicable to Class-III Government Servants.

  
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DISCIPLINE

- (12) The following penalties may, for good and sufficient reasons, be imposed on a member of the aforesaid establishment:-
- (i) Censure
  - (ii) Withholding of increment or promotion.
  - (iii) Fine recoverable in cash of an amount not exceeding Rs. 20/- in each case.
  - (iv) Recovery by deduction from pay of whole or part of any pecuniary loss caused to Government by negligence or breach of orders.
  - (v) Suspension.
  - (vi) Reduction to a lower post or time scale, or to a lower stage in the time scale.
  - (vii) Removal from the service, which does not disqualify from future employment.
  - (viii) Dismissal from service, which ordinarily debars from further employment.
- (13) The appointing authority shall be the punishing authority.
- (14) The appellate authority in all cases shall be the Military Secretary to Governor of West Pakistan, who shall be the sole Judge; provided that where a penalty/punishment is imposed by the order of the Military Secretary to Governor West Pakistan, himself, there shall be no appeal, but the employee/servant concerned may appeal for a review of the order.

RETIREMENT FROM SERVICE

- (15) An employee/servant shall retire from service after attaining the age of 55 years or the age of superannuation fixed by the Government of West Pakistan. The extension in service beyond the age of superannuation can be granted by the Military Secretary to Government of West Pakistan, or any other officer, duly authorised by him, in accordance with the policy of Government of West Pakistan adopted for the regular non-gazetted Government Servants.

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Government of KP  
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### DISMISSAL FROM SERVICE

(16) An employee/servant may be dismissed or removed from service—

(i) on the ground of conduct, which has led to his conviction in a criminal charge/conviction;

or

(ii) when the authority empowered to dismiss him from service, is satisfied for one reason or the other that he has rendered himself unsuitable for future service.

### DISCHARGE FROM SERVICE

(17) An employee/servant may be discharged from service at any time without any notice.

2. These terms and conditions shall also apply to the similar establishments in the—

- (1) Office of the Secretary to Governor West Pakistan, Governor's House, Lahore.
- (2) Government House, Peshawar and attached Houses.
- (3) Government House, Quetta and attached Houses.
- (4) Government House, Karachi and attached Houses.
- (5) West Pakistan, Rawalpindi, including Governor's Annex.
- (6) Government House, Murree and West Pakistan House, Murree.

3. These rules have been issued with the concurrence of the Finance Department, Government of West Pakistan. A copy, duly endorsed by the Finance Department, Government of West Pakistan, is being sent to you separately.

Your obedient servant,

M. AEFZAL KHAN,  
WING COMMANDER,  
Military Secretary to Governor,  
West Pakistan.

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*[Handwritten signature]*

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Your obedient servant

M. AFZAL KHAN  
WING COMDR.  
Military Secretary to Governor,  
West Pakistan

For Copy prepared on dated: 28.02.2024

  
Section Officer (Litigation)  
Government of KP  
Establishment Department