

Form-A

FORM OF ORDER SHEET

Restoration Application No. 225/2024

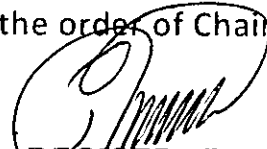
or other proceedings with signature of judge

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05.03.2024

The application for restoration of Execution Petition No. 389/2023 submitted today by him. It is fixed for hearing before Single Bench at Peshawar on 06-3-2024, Original file be requisitioned. Parcha Peshi is given to applicant.

By the order of Chairman


REGISTRAR

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

Restoration Application no. 225/2024

EXECUTION PETITION 389 / 2023

IN

SERVICE APPEAL NO.868/2019

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 11626

Dated 05-03-2024

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

(PETITIONER)

VERSUS

1. The Govt. of KP through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Standing Services Rules Committee through its Chairman, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

(RESPONDENTS)

**APPLICATION FOR RESTORATION OF
INSTANT EXECUTION PETITION**

RESPECTFULLY SHEWETH:

1. That the petitioner has filed the instant execution petition for implementation of judgment dated 14.01.2021 of this Honorable Tribunal.
2. That the execution petition was fixed on 16.11.2023 before this Honorable Tribunal on which the representative of the respondents stated at the bar that Registrar provide working paper/ draft letter for amendments in the Service rules of Khyber Pakhtunkhwa Service Tribunal for consideration of the SSRC on which the Honorable Tribunal directed the Registrar of the Tribunal to handed over working paper/ draft letter to the representative of the respondents who has assured that the matter will be placed before SSRC for consideration and decision and the execution petition was dispose of and petitioner was placed at to file application if the judgment could not be implemented. **(Copy of order sheet is attached as Annexure-A)**

3. That on the direction of the Honorable Tribunal, the Registrar handed over the draft letter to the representative of the respondents for consideration to the SSRC and the meeting on SSRC was held on 10.01.2024 which approved the amended rules/ draft letter of this Honorable Service Tribunal. **(Copy of SSRC meeting minutes is attached as Annexure-B)**
4. That the SSRC has approved the amended service rules of this Honorable Tribunal on 10.01.2024, but after the lapse of about 02 months, the Section Officer (policy) did not bother to send the approved amended rules of the Honorable Service Tribunal to E-3 section of the Establishment Department for finalization of the approved amended rules of the Honorable Service Tribunal in order to implement the judgment dated 14.01.2021 of the Honorable Tribunal, therefore, the petitioner wants to file this application for restoration of his execution petition for implementation of judgment dated 14.01.2021 in its true letter and spirit.

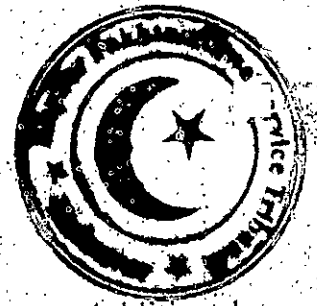
It is, therefore, most humbly prayed that on the acceptance of this application, the instant execution petition may kindly be restored and Section Officer (Policy) may kindly further be directed to send the approved amended rules of the Honorable Service Tribunal to E-3 section of the Establishment Department to finalize the approved amended rules of the Honorable Service Tribunal in order to implement the judgment dated 14.01.2021 of the Honorable Tribunal in its true letter and spirit.



**PETITIONER IN PERSON
IFTIKHAR KHAN**

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E.P No:579/2022

16th Nov 2023

1. Petitioner in person present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Arshad Kamal, Section Officer for the respondents present.

2. A draft letter required from the Registrar of the Tribunal, is directed to be handed over to the representative of respondents, who has assured that the matter will be placed before the SSRC for consideration and decision. The petition is thus disposed of. The petitioner is at liberty to file fresh application if judgment could not be implemented as above.

Consign.

3. *Pronounced in open Court at Peshawar under my hand and seal of the Tribunal on this 16th day of November, 2023.*

SCANNED
KPST
PESHAWAR

Mutazem Shah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Signature)
(Kalim Arshad Khan)
Chairman



(4) (B)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(REGULATION WING)**

**MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD
ON 10.01.2024.**

Meeting of the Standing Service Rules Committee was held on 10.01.2024 at 10:30 AM under the chairmanship of Special Secretary (Regulation), Establishment Department in his office to discuss framing of Services Rules and amendments thereto of the following Administrative Departments:

1. Service Tribunal, Khyber Pakhtunkhwa
2. Home & Tribal Affairs Department
3. Health Department
4. Agriculture Department
5. Local Government Department
6. Provincial Inspection Team, Khyber Pakhtunkhwa.

Following officers attended the meeting:

Sr. #	Name of officer	Designation	Department/office
1.	Muhammad Saeedullah	Addl: Secretary (Reg-II)	Establishment Department.
2.	Mr. Ayaz Khan	Additional Secretary	Law Department
3.	Mr. Gohar Zaman	Additional Secretary	Local Government Department
4.	Mr. Sadaqat Ullah	Additional Secretary	Health Department
5.	Muhammad Nadeem Akhtar	Deputy Secretary	Agriculture Department
6.	Mr. Fazal Qayyom	Deputy Secretary	Home & Tribal Affairs Department
7.	Mr. Noor ul Haq	Dy. Secretary (Policy)	Establishment Department
8.	Muhammad Saeed	Deputy Director	Khyber Pakhtunkhwa, Public Service Commission.
9.	Mr. Noman Khan	Secretary	Provincial Inspection Team, Khyber Pakhtunkhwa
10.	Mr. Niamat Khan	Section Officer	Finance Department
11.	Mr. Pir Muhammad Afridi	Superintendent	Services Tribunal, Khyber Pakhtunkhwa

The Chair welcomed all the participants of the meeting. Thereafter agenda items of the following departments were discussed and the representatives of the departments were asked to brief the forum on their respective agenda items.

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Service Tribunal, Khyber Pakhtunkhwa.

Agenda: Amendment in Service Rules of staff of Khyber Pakhtunkhwa Service Tribunal in light of Court Judgment.

The representative of Services Tribunal, Khyber Pakhtunkhwa briefed the forum regarding amendments in Service Rules of Ministerial Staff of Khyber Pakhtunkhwa Service Tribunal stating that one, namely Mr. Ifikhar Khan, Office Assistant(BS-16) had filed Service Appeal before the Hon'ble Service Tribunal, Khyber Pakhtunkhwa praying for amendments in the existing Service Rules to the extent that a joint seniority may be maintained of Assistant Registrar, Assistant, Law Drafter and Cashier-cum-Assistant(BS-16) for the purpose of promotion to the post of Superintendent/Additional Registrar/Budget & Account Officer (BS-17). Accepting the said appeal, the Khyber Pakhtunkhwa Service Tribunal vide its judgment 868/2019 dated 14.01.2021 directed to amend the Service Rules in order to give fair chance of promotion to the Assistants to the post of Superintendent/Additional Registrar/Budget & Account Officer (BS-17).

After detailed discussion the forum unanimously agreed to the proposed amendments in the existing Service Rules of ministerial staff of Khyber Pakhtunkhwa Service Tribunal as per Appendix-I.

Local Government Department.

Agenda: Amendments in the Service Rules of the Directorate General Local Government and Rural Development Department, Khyber Pakhtunkhwa.

The representative of Local Government Department briefed the forum on agenda item wherein amendments in the existing Service Rules of Assistant Director (BPS-17) has been proposed. He maintained that under the Local Government Act, 2013 as amended in 2019 the Local Government setup has been devolved to Tehsil level which has led to creation of 96 new posts of Assistant Director (BS-17). Presently all the posts falling under initial quota are lying vacant. The situation has led to acute shortage of Assistant Directors. Therefore, Administrative Department has proposed to increase the promotion quota for Assistant/Senior Scale Stenographer(BS-16) along with proposal of doing away with promotional exam being time consuming exercise.

During the course of discussion, it was proposed that nine (09) weeks of mandatory training may be prescribed for promotion of Assistant/Senior Scale Stenographer (BS-16) to the post of Assistant Director(BS-17) in lieu of promotional exam.

After detailed discussion, the forum unanimously agreed to the proposed amendments in the existing service rules of Assistant Director (BPS-17) as per Appendix-II.

Home & Tribal Affairs Department.

Agenda-1: Amendment in the existing Service Rules of Prosecution Department.

The representative of the Home Department, while explaining the agenda item, apprised the forum that pursuant to instructions of Establishment Department regarding replacement of

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Senior Management Course(SMC) with technical training course for promotion of BS-19 Officers to BS-20, Home & Tribal Affairs has reviewed the Service Rules of the Prosecution Department by prescribing Technical Training Courses in lieu of SMC. However, during the course of discussion it was revealed that the existing Service Rules have been sub-judice before Khyber Pakhtunkhwa Service Tribunal on various accounts while the Service Tribunal has referred the matter to decide it by coming up with a just and equitable solution within sixty days. However, another issue was also highlighted regarding Seniority of those Prosecution Officers who were upgraded on the directions of Peshawar High Court. Hence, upgraded vis-à-vis initially recruited dispute in terms of seniority and associated litigation further complicated the framing of Service Rules in hand.

The forum, after detailed discussion while deferring the agenda, unanimously decided that Administrative Department may submit revised self-contained working paper containing all supporting documents i.e. court orders/latest judgments, summaries pertaining to upgradation, seniority list before and after upgradation, Service Rules before & after upgradation, which will be placed before SSRC for consideration after due examination by Law, Finance and Establishment Departments.

Agenda-2: Framing of Service Rules for PSS/SAW of Home & Tribal Affairs Department.

Representative of Home Department while highlighting the agenda item stating that Home Department in collaboration with 11 Corps has established Provincial Security Secretariat (PSS) at SAW, Home Department which houses 14 different Provincial and Federal Agencies/Departments working under one roof for implementation of Revised National Action Plan, 2021 and to curb increasing trend of Illegal Spectrum through quick sharing of Information.

The representative further explained that Finance Department has recently sanctioned 04 posts of various categories for PSS/SAW Wing vide letter No. BO-III/FD/2-15/SNEs/2023-24 dated 02.08.2023 and also a number of posts for which Service Rules have not been framed till now, which necessitates framing of Service Rules.

After detailed discussion, the forum unanimously agreed upon the proposed Service Rules as per Appendix-III, subject to the condition that Administrative Department is required to make sure implementation of Cabinet decision regarding regularized project employees conveyed vide Establishment & Administration Department letter No. SOC(E&AD)9-15/2019 dated 14.05.2019.

Health Department.

Agenda-1: Framing of Service Rules of staff of Regional Blood Center (RBC), Health Department.

Representative of Health Department apprised the forum regarding background of agenda item that framing of Service Rules for newly created posts in Regional Blood Center (RBC) were discussed in SSRC meeting held on 16.02.2023. However, at vetting stage, Law Department proposed some minor changes in the Service Rules and advised to place the same afresh before

Standing Service Rules Committee (SSRC) for approval. Accordingly, the Administrative Department placed the agenda item after incorporating necessary changes as suggested/advised by Law Department for reconsideration.

After due discussion and deliberation, the forum unanimously agreed to the framing of Service Rules for the newly created posts as per Appendix-IV. However, Administrative Department is required to re-vet the same from Law Department prior to final approval from the Competent Authority.

Agenda-2: Draft proposed Service Rules/Structure of Electricians in Govt. of Khyber Pakhtunkhwa, Health Department.

The representative of Health Department while explaining the agenda item highlighted that the proposed Service Rules of Electrician are being placed before Standing Service Rules Committee in pursuance of the decision of Peshawar High Court, Peshawar dated 06.06.2023 wherein the court has directed the process of finalization of Service Rules within a period of three months positively.

During discussion, it was pointed out that Service Rules for Electricians already exist with fair chance of promotion under three tier formula from Assistant Electrician to Electric Generator Operator and then to Electrician. However, anomalies were observed in Budget Copies wherein the post of Electrician exists in various scales i.e. (BS-06, BS-07, BS-09, BS-10 & BS-12) while no post has been reflected in Budget Book as Electric Generator Operator and Assistant Electrician.

However, after detailed discussion, the forum unanimously agreed to advise Health Department to remove the above highlighted anomalies in basic pay scales by rectifying budget copies from department concerned in order to bring it aligned with existing Service Rules so as to resolve the issue.

Agriculture Department.

Agenda-1: Working paper for SSRC for Insertions/amendments in the existing Service Rules of Directorate General Soil & Water Conservation, Khyber Pakhtunkhwa.

Representative of the department apprised the forum regarding framing of Service Rules pertaining to newly created post of Senior Director (BPS-20), Assistant Director (BPS-17) and Sub-Engineer (Civil) (BPS-12) as well as proposed amendments in the existing Service Rules of the staff of Directorate General Soil and Water Conservation, Khyber Pakhtunkhwa.

After detailed discussion, the forum unanimously agreed to the framing of Service Rules for the newly created posts as well as proposed amendments in the existing Service Rules as per Appendix-V.

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Agenda-2: Amendment in the existing Service Rules of Agriculture (Extension) Wing of Agriculture Department.

Representative of the Administrative Department briefed the forum regarding framing of rules for certain newly created posts as well as proposed amendments in the existing Service Rules of staff of Directorate General (Extension), Khyber Pakhtunkhwa.

After threadbare discussion, the forum unanimously agreed to framing of Service Rules for newly created posts as well as proposed amendments in the existing Service Rules as per Appendix-VI.

Provincial Inspection Team.

Agenda: Framing of service rules for the post of Assistant Director (IT)(BPS-17) and Superintendent (BPS-17) in the Office of Provincial Inspection Team, Khyber Pakhtunkhwa.

The representative of the Provincial Inspection Team while explaining the agenda item apprised the forum that Finance Department recently accorded sanction to the creation of posts of Assistant Director IT (BS-17) & Superintendent (BS-17), necessitating framing of Service Rules for the same and thus PIT proposes certain amendments in the existing Service Rules for various posts.

During discussion it was pointed out that framing of Service Rules for these newly created posts were discussed in detail in the previous SSRC meeting held on 28.09.2023 wherein it was observed that double line of promotion had been proposed to be provided for Assistant (BPS-16) to the post of Superintendent (BPS-17) as well as to Assistant Secretary (BPS-16) which still exists in the proposal in hand which needs rectification. However, Provincial Inspection Team has removed an anomaly pertaining to Computer Operators by deleting promotion share of Computer Operator (BPS-16) to the post of Senior Scale Stenographer (BPS-16) paving way for their promotion to the newly created posts of Assistant Director IT (BPS-17).


After threadbare discussion, the forum unanimously agreed to advise the PIT representative to rectify the anomaly with regard to promotion of Assistant (BPS-16) to Assistant Secretary (BPS-16) and Superintendent (BPS-17) both being different in basic pay scales and agreed upon the proposed amendments with regard to Senior Scale Stenographer (BPS-16) and Computer Operators (BPS-16) as per Appendix-VII.

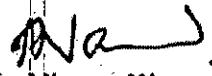
The meeting ended with a vote of thanks to and from the chair.

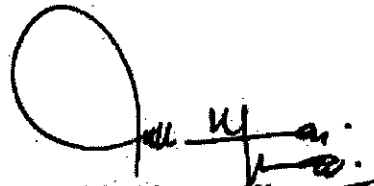
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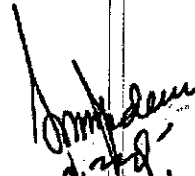
**MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD
ON 10.01.2023**



Mr. Pir Muhammad Khan
Afridi
Superintendent,
Service Tribunal, KP



Mr. Niamat Khan
Section Officer
Finance Department.

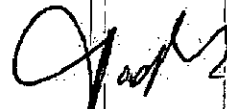

Mr. Noman Khan
Secretary
Provincial Inspection Team



Muhammad Saeed
Deputy Director,
Public Service Commission
For SSRC held on 10-01-24



Mr. Nadeem Akhtar,
Deputy Secretary,
Agriculture Department.



Mr. Noor ul Haq
Deputy Secretary (Policy),
Establishment Department

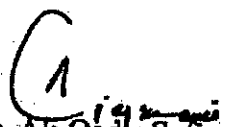

Mr. Fazal Qayyum
Deputy Secretary
Home Department


Mr. Sadaqat Ullah
Additional Secretary
Health Department


Muhammad Saeedullah
Additional Secretary (Reg-II),
Establishment Department


Mr. Boman Zaman
Additional Secretary,
Local Government
Department.


Mr. Ayaz Khan
Additional Secretary
Law Department


Mr. Ali Qadir Safi
Special Secretary (Reg),
Establishment Department

Appendix-I

S.No	Nomenclature of the posts. (Existing)	Nomenclature of the posts (Proposed)	Minimum qualification for appointment by initial recruitment or by transfer	Age limit	Method of recruitment (Existing)	Method of recruitment (Proposed)	Reason
1.	a). Superintendent (BS-17)	Superintendent/ Additional Registrar/ Budget & Account Officer (BPS-17)			a). By promotion on the basis of seniority-cum-fitness, from amongst the Assistant (BS-16) with at least five years service as such.	By promotion on the basis of seniority-cum-fitness, from amongst the holders of the posts of Office Assistant (BS-16), Assistant Registrar (BS-16), Law Drafter (BS-16) and Cashier-cum-Assistant (BS-16) with five years service as such. Note:- A joint seniority list of Office Assistants (BS-16), Assistant Registrar (BS-16), Law Drafter (BS-16) and Cashier-cum-Assistant (BS-16) shall be maintained for the purpose of promotion to the post of Superintendent/ Additional Registrar/ Budget & Account Officer (BPS-17).	As per judgement in Service Appeal 868/2018, a joint seniority list of Office Assistant, Assistant Registrar, Law Drafter and Cashier-cum-Assistant be maintained for the purpose of promotion to the posts of Additional Registrar, Superintendent and Budget & Account Officer.
	b). Additional Registrar (BS-17)				b). By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Registrars and Law Drafter (BS-16) with at least five years service as such; Provided that if no suitable officer is available for promotion, then by transfer.		
	c). Budget & Account Officer (BS-17).				c). By promotion on the basis of seniority-cum-fitness, from amongst the Cashier-cum-Assistant (BS-16) with at least three years service. Provided that if no suitable officer is available for promotion, then by transfer.		
