# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 692 /2023

SCANNED KPST Peshawar

SAJJAD

VS

PLANNING & DEVELOPMENT DEPTT::

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**APPELLANT** 

THROUGH:

NOOR MOHAMMAD KHATTAK, ADVOCATE SUPREME COURT

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

692 APPEAL NO.

Survice Translation

Mr. Sajjad, Office Attendant (BPS-02),

Directorate of Projects, Khyber Pakhtunkhwa, Peshawar.

#### **VERSUS**

1- The Secretary, Planning & Development Department, Khyber Pakhtunkhwa, Peshawar.

2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

3- The Director General, Planning & Development Department, Khyber Pakhtunkhwa, Peshawar. .....RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA THE IMPUGNED ACT, 1974 AGAINST SERVICE TRIBUNAL WHEREBY 17,01,2023 ORDER DATED APPELLATE DEPARTMENTAL APPEAL OF THE APPELLANT FOR FIXATION OF 20.01.2009 I.E. FROM THE DATE OF INITIAL PAY W.E.F. APPOINTMENT HAS BEEN REJECTED WITHOUT ANY GOOD REASON.

#### PRAYER:

That on acceptance of this appeal the impugned appellate order dated 17.01.2023 may very kindly be set aside and the appellant may kindly be allowed/granted pay fixation w.e.f. 20.01.2009 i.e. from the date of initial appointment with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

#### **R/SHEWETH:** ON FACTS:

1-

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

That the respondent department vide advertisement advertised certain posts and after following the codal formalities the appellant was appointed in the respondent Department as Office Attendant (BPS-02) ined to -day vide order dated 20.01.2009. Copies of advertisement and appointment order are attached as Annexure...... A & B.

> That in response to the order mentioned above the appellant submitted her arrival report and took over the charge of her post. Copy of the charge report is attached as annexure .....

That while performing her duty the service of the appellant was 3regularized vide notification dated 30.06.2022 in pursuance of K.P (Regularization of Services of employees of Erstwhile FATA) Act, 2021. 

- 6- That feeling aggrieved from the appellate order and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

#### GROUNDS:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 20.01.2009 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 20.01.2009 i.e. from the date of appointment and as such the inaction of the respondents is violative of law and rules.
- E- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- F- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the grant of pay fixation w.e.f. 20.01.2009 the date of initial appointment.
- G- That as per rule 2.3. of the West Pakistan Pension Rules, 1963 and FR 22 the appellant is fully entitled for the grant of pay fixation w.e.f. initial appointment with all back benefits.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 15.02.2023

THORUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE SUPREME COURT

KAMRAN KHAN

UMAR FAROOQ

WALED ADNAN MUHAMMAD AYUB ADVOCATES HIGH COURT

### <u>AFFIDAVIT</u>

I, Sajjad, Office Attendant (BPS-02), Directorate of Projects, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

WAY"

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## DIRECTORATE OF PROJECTS

FATA Secretariat Warsak Road Peshawar Phone: 091-5509907, 9213015



## OFFICE ORDER

Consequent upon the interviews conducted on 15-01-2009 by the Selection Committee No.3 for recruitment of Official Cudre Class-IV staff under Directorate of Projects (DoP), FATA Secretariat. The following candidates have been selected for appointment in DoP FATA Secretariat Warsak Road Peshawar on contract basis initially for a period of one year extendable up to the life of DoP as per approved PC-I provision.

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5 Sajjad S/O Zamir Shan 6 Rashid Zaman S/O Muhammad Office Attendant S/O	DoP FATA Secretariat
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7 Muhaminau rom	- FATA
Muhammad  Muhammad  To directed to report	for duty to DoP PALA
directed to repor	The day of issuing the

The selected candidates are directed to report for duty to DoP FATA Secretariat Warsak Road Peshawar with in 7 days positively from the date of issuing the

In case of failure the appointment shall automatically be stand cancelled & the office order. post will be offered to the next candidate on merit.

The candidates will have to produce a medical fitness certificate from the Authorized Medical Superintendent.

The appointment is purely on contract basis and the selected candidates will have to sign a contract appointment deed with DoP, FATA Secretarial accordingly.

Director Projects, FATA

4.5

Endst: No.CSF/DoP/592(8) Dated: 20-01- 2009

## Copy forwarded for information and necessary action to:

1. Secretary Planning & Development, FATA Secretariat

2. Secretary Administration & Coordination, FATA Secretariat

3. Secretary Finance FATA Secretarial
4. Additional Accountant General, Pakistan Revenue Sub Office Peshawar 3. Secretary Finance FATA Secretariat

5. Deputy Director Projects, FATA Secretariat.

6. PS to ACS, FATA Secretarint

7. Official Concerned

Steno/Assistant, DoP FATA for record

(MAZHAR KAMRAN Programme Officer

DoP, FA'IA

Director Projects, Directorate of Projects, FATA Secretariat, Peshawar

Subject:

## ARRIVAL REPORT

Reference your office Order No.CSF/DoP/592 (8) Dated: 20-01-2009: I Mr. Sajjad S/O Zahir Shah Khan appointed as Office Attendant BPS-2 and submit my arrival report in the office of Director Projects, Directorate of Projects FATA Secretariat today on 21-01-2009 (F.N).

Sajjad Zahir Shah Khan

Director Projects Warsak Road, Yeshuwar.



### GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

Doted Peshawar, June 30, 2022.

#### NOTIFICATION:

NO.SO(E)P&D/3-1/Rog;/Projects/M.As/2022; In compliance of Section-3-of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Eratvihile Federally Administered Tribal Areas) Act, 2021, the Provincial Government is pleased to notify regularization of services of the following (24) employees of the project illied "Directorate of Projects, FATA Secretariat' with effect from 13.01.2022, subject to following conditions as provided in Section-4 of the Act:

the service promotion quote of all service cadres shall not be affected;

the employees shall possess the same qualification and experience as required for a regular post;

the employees have not resigned from their services or terminated from service (c) on account of misconduct, indifficiency or any other grounds before the commencement of this Act; and

the services of such employees shall be deemed to have been regularized only (d) on the publication of their names in the official Gazette.

S# ·	Name of Officere/Officials	BPS	Designation.
1,	Mr. Shakir Muhammad,	17	Finance & Admin Officer.
2.	Ms. Farzana Yasmeen.	17	Monitoring & Evaluation Officer.
Э.	Syed Igrar Hussain Shah.	17	Programme Officer.
4	Mr, Hizbullah.	17	Programme Officer.
5.	Mr. Akhlar Zemen.	16	Personal Assistant.
6.	Muhammad Akbar Khan.	15	Personal Assistant.
7.	Muhammad Sohall.	16	Office Assistant,
8.	Mr. Gudral Ullah.	16	Office Assistant.
8.	Mr. Shehryar Forld.	16	Computer Operator.
10,	Syed Wahld Shah.	16	Computer Operator.
11.	Mr. Shah Nawaz.	11	Junior Clerk,
12.	Mr. Imron Khon.	06	Driver.
13.	Mr. Shakir Ulloh.	06	Drivor.
14.	Muhammad Yousal.	05	Driver.
15.	Mr. Adnan.	80	Driver
16,	Mr. Sami Ullah.	08	Driver,
17.	Mr, Wahaab Gul	03	Driver.

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18.	Muhammad Faroog Shah	03	Allendant.	
19.	Mr. Sallad	03	Allendanl.	 
20.	Mr. Rashid Zaman,	03.	Allendanl.	
21.	Mr. Yasir Ullah.	03	Altendant,	 :
22.	Mr. Faheem Hussaln.	03	Allendant.	
23.	Muhammad Irshad.	03	Chowkidar.	:
24.	Mr. Raja.	.03	Sweeper.	

As per Section-3 (2) of the Act ibid, all the above employees shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, alongwith the contributions made by Government to their accounts in the said Fund, in the prescribed manner.

#### ADDITIONAL CHIEF SECRETARY P&D DEPARTMENT

#### Endst: No.& date even.

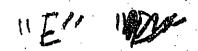
Copy forwarded to the:

- Principal Secretary to Chief Minister, Knyber Pakhtunkhwa, Peshawar.
- Accountant General, Khyber Pakhlunkhwa.
- PSO Chief Secretary, Khyber Pakhtunkhwa.
- Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
- Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- Project Director, Directorate of Projects, FATA Secretariat:
- Assistant Chief (B&A), P&D Department.

  Manager, Government Printing Press for publication in the official gazette at an early date.
- 9. PS to Additional Chief Secretary, P&D Department.
- 10.
- PS to Secretary, P&D Department. PA to Additional Secretary-II, P&D Department.
- PA to Deputy Secretary-II, P&O Department.
- Officers/Officials concerned.

Section Officer (Ésii:)

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#### FOR THE EXTRAORDINARY GAZETTE ISSUE OF THE KHYBER PAKHTUNKHWA

#### PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

#### NOTIFICATION

Dated Peshawar, the 3/01/2022.

Khyber Pakhtunkhwa Pakhtunkhwa/Bills-182/2022/ The Na.PA/Khyber (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31" December, 2021 and assented to by the Oovernor of the Kliyber 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.

(ICHYBER PAKHTUNKHWA ÅCT NO. I OF 2022) (First published after having received the assent of the Governor of the

Kliyber Pakhtunkhwa in the Guzette of the Khyber Pakhtunkhwa.

(Extraordinary), dated the / / /01/2022).

(Here print as in the accompaniment).

Provincial Assumbly of Khyber Palditunkhwa.

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 Gazotte 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.

Provincial Assembly of Khyber Pakhtunkhwa E.No. PA/Khyber Pakhtunkhwa /Blils-182/2022/ Dated / 5/01/2022

A copy of the above is forwarded to:-

The Principal Secretary to Governor, Khyber Pakhtunkhwa.

The Secretary to Government of Khyber Pakhrunichwa, Law Department.

The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.

The Director Information, Khyber Pakhlunkhwa.

The Deputy Director I.T. Provincial Assembly of Khyber Pakhtunkhwa for official

SECRETARY,

Provincial mbly of Khyber Pakhtunkhwa EXTRAORDINARY

COVERNMENT



REGISTERED NO. PHI

GAZETTE



-10-

#### KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 13th JANUARY, 2022.

## PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

#### NOTIFICATION

Dated Peshawar, the:13th January, 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 31<sup>th</sup> December, 2021 and assented to by the Governor of the Khyber Pakhtunkhwa on 07<sup>th</sup> 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. I 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 13th January, 2022).

VCL VV

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

AVHEREAS 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 Khybert Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021.
- (12) It shall apply to all the employees as defined in clause (d) of sub-section (1) of section 2 of this Act.

560

- (3) It shall come into force at once.
- 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 ers white Federally Administered Tribal Areas;
  - (e) "Government" means the Government of Khyber Pakhtunkhwa:
  - (d) "employees" means a person, who was appointed an 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-Fof 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 Husiness, 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 efstwhile 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;
  - (b) "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 eredentials by the concerned Department.
  - (2) All such employees, after the commencement of this Act, shall, in flew of pension and granuity, 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 scruting all the credentials of the employees, before issuance of the regularization orders:

## KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 13" JANUARY, 2022. 552

- (ii) I light 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 Covernment, 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 abserved:
  - (a) the service promotion quota of all service eadres shall not be affected:
  - (b) the employees shall possess the same qualification and experience as required for a regular post;
  - 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.—(d) 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, whotare 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 to Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or eadre, irrespective of their actual date of appointment.
    - (2) The seniority inter-se of the employees, whose services are regularized under this Net 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.
    - to. 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.

#### | Schedule | [see section 2 (1) (h) (i)] | . \_ \_ \_

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	-	Promotion of Olive Cultivation Grafting for Oil Production in Bajaur
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		22. Construction of Building for Existing Vety institution in District Artificial Insemination in Existing Veterinary Facilitation in District
		Artificial disentination in casaling
		Orakzai.  23. Construction of Building for 3 Rented Veterinary Institutions and Opening
		23.   Construction of Bunding for 5 Reacts of One CVD in Manuzai Area, Orakzai Agency.
		of the CVD it was a second

N	1105	K PANTIONNITA GOVERNMENT GAZZATO,
2	1.	Opening of 5 CVCs, 8 CVDs, 22 AlCs and Diagnostic Laboratory in
		Kurran Arenes
7	5.	Provision of Al Facilities in Existing 1) Veterinary Institutions in NWA.
,	6.	Provision of Veterinary Health Facilities in District North Waziristan.
7	7.	Opening of 41 Veterinary Centres, 22 AICs and Op-gradation of one CVD
	i	to CVII Status In SWA.
-	28.	Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR
_	711	Peshawar. Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
	<u> 29.                                    </u>	Opening of 02- CVDs and 04-AICs in FR Kohat.
_	30.	Establishment of Mobile Veterinary Clinic in Sub Division Kohat.
_	<u>31.</u>	Opening of 2 CVDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVII
	32.	Strang in FR OLKHAN.
	33.	Description of Mobile Veterinary Clinic in Sub Division D.I. Khan.
	34.	Opening of 1 CVII. 02 CVDS, 04 CVCS and 11 AICS in FR Tunk.
-	35.	Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level
١	32.	Property to the Print Minister Tamb
├	36.	os stall Mater Control 10-All's and 10-1
1		locadation of 01 CVC to CVD in FR Bannu.
1-	37.	Opening of 08 Veterinary Centres and 08 AICS in FR LACK).
-	38	Demoision of Mobile Veterinary Clinic in Sub Division Laker.
}-	39	Provide Maintige Committee and Consider Maintige Committee and Comm
١	,	Livestock Farmers Through PPP in FATA.
ĺ	40	1 St. A. A. A. A. Michaeles Department in PATA
١	41	Through Existing Very remaining Discuss Through Existing Very Figure 1
	, ,	Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in
	1	Cribal Districts.
	1	2. Provision of Mobile Vety: Clinic in Bajaur Agency.
	_	are a self-stat Incommunity Services in Existing Punction Verry.
	1	Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.t.
	}	Library
•		4. Program Management Unit for Roads and Infrastructure.
		15. Strengthening of Finance Department Civit Secretariat PATA.
	Τ.	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 PATA.
		52. Eye Care Program in FATA (Phase-III).
		53. Thatassemia Control Program in FATA.
	-	5.1 Advisite Haspital Program in FATA (Plast-III).
	1	55. Ustablishment of Mental Health Clinics in ATIQ Hospitats in PATA.
	1	56. Health Nutrition Program in UATA.

14-

## 565 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 13th JANUARY, 2022.

565 t	HYBER	PAKHTUNKHWA GUVERNINEHT GALLET
37 1	iii Co	ntrol Program in FATA.
37.		
	4.5	1. I Have company on Humanican visit
59.	Comme	athening of EPI Program in FATA.
60.	Strem	tation of FR Scup Health Sector in FRs (Tank Jandola).
61.		
62.		
<u>63.</u>	Facil	itation of Tleath Scrup in FRs (Lukki Hittani).
64.		
65.	l'uci	litation of Health Scrup in FRs (Peshawar Hussan Khel).
66.		
67.		
68.	Opu	uning of 08 CHCs/CDs in FR Bannu District.
69	Opu	ening of 08 CHCs / CDs in Fit Lakki.
70	() p	ening of 02 CDs in FR Kohat District.
71		
73	. \ ()p	pening of 11 CHES / CDs in Mohmand District.
7		
7	4. O	pening of 22 Crics / CDs in Kurram District.  pening of 07 CHCs / CDs in Kurram District.
7	5. O	pening of 07 CHCs7 CDs in Orakzai District.  pening of 15 CHCs/ CDs in Orakzai District.
7	6. \ O	pening of 15 CHCs/ CDs in Wath Waziristan District.
	77. C	Opening of 15 CHCs/CDs in Oralyan Parinistan District.  Opening of 24 CHCs/CDs in North Waziristan District.  Opening of 18 CHCs / CDs in South Waziristan District.  Opening of 18 CHCs / Colonius in Newly opened Areas in Health Facilities
\	78. (	Opening of 18 CHCs / CDs in South Waziristan District.  Removal of Staff Deficiencies in Newly opened Areas in Health Facilities
	70 1	Removal of Stall Deficiencies in the state of the state o
.	- 11	ATA.
	80.	ATA.  Establishment of Government College of Management Sciences, SWA.  Strengthening of Crises Management Cell Through FATA Analysis and
\	61	Strengthening of Crises Management
1	1	Strategy Team.  Establishment of Levy Training Center at Shahkass, Jamrud, Khyher
<u> </u>	82.	Establishment of Levy Training Control
1	. !	Agency.  Histablishment of Center of Excellence/Govi. College of Technology, Khar.
t	83.	Establishment of Center of Excentence Govern
1		Dajaur Agency. Course / Institutes in Bajaur Agency
Ì	84.	Bajaur Agency.   Establishment of Vocational Training Centres / Institutes in Bajaur Agency
1		and FR Kohat.  Opening Govt. Polytechnic Institute Parachinar Kurram Agency in rented
'	85.	Opening Govt. Polytechnic institute 1 and 1
	1	building
	86.	building.  Establishment of Govt. Technical Institute Wana SWA.  Establishment of Govt. Technical Institute SWA at Chaghmalai.  Establishment of Govt. Technical Institute SWA in Chaghmalai.
•	87.	Userphichment of Cover recommendation in the state to the first of PAIA.
	KK	Introduction of Addutional rectaining Delicioncies in Technical Institutes in
	89	Charge mine of Statinguignment (12)
	}	11: A T A
	9(	Departionalization and Provision of Equipment/Whitinery  Existing Technical Institutes in Mohmand Agency GTI Mohmand Agency  Lixisting Technical Institutes in Mohmand Agency in FATA.
		1 Coloring Communication institutes with the color of the
	9	1. Reformation of Technical Education is a Electrical) at Govt. Tech: Institute
	9	2 Untraduction of 0.2 Technologies (CT)
	-	Sadda kurram Agency.

l f	<i>\$</i> 7	PROVINCIAL ASSEMBLY OF KHYBER PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA	
	Wellare	Operation of Mines Rescue. Safety and Labour	
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l_		<del></del>	
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		116. Strengthening of FATA Olympies Association.	
		11. Such guerning with the first of the firs	
		112. Establishment of FIGATERIVAL CHARLE III.	
		111. Strengthening of P&D Department.	
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		1109. Urban Pulicy and Planning Unit FATA.	
		108. Survey Feasibilities Under Various Sector Phase-II.	
		107. Fata Water Resources Development Project.	
	L	106. Bujaur Area Development Project.	
		105. Mohmand Area Development Project.	
		104. Khyher Aren Development Project.	
		103. Project Management Unit. Fata Infrastructure Programme.	<u> </u>
	_1	102 Satellite Manitoring of Development Schemes in PATA.	
		(10) Directorate of Fell Formation for the Directorate of Monitoring and	~
		Discensive of Administration and Evaluation in PATA Secretarial.	
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	•	Neighbu of Project Support Unit For Pre Construction and Implementation	1
•			1
4	•	9.1 PATA Investment Facilitation Agency (FIFA).	_ [
	N,	93. Introduction of New Technologies in Existing Technical International	ا ج
-		KHYBER PAKHTUNKHWA GOVERNMEN COMPANY C	1-

(KIFAYAT ULLAH KHAN AFRIDI)
Secretary
Provincial Assembly of Khyder Pakistunkhwa

Τo.

The Secretary to Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat, Peshawar

Subject:

<u>APPEAL</u>

REGARDING PAY PROTECTION OF PAY OF PROJECT/
CONTRACT EMPLOYES OF REGULARIZED UNDER THE
"KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF
EMPLOYEES OF ERSTWHILE FATA ACT 2021"

Respect Sir,

It is stated with profound veneration that the Govt. of Khyber Pakhtunkhwa regularized the services of the employees of the Directorate of Projects & PMU-World Food Program erstwhile FATA under the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Bill, 2021 on 13th January 2022. This act of the Govt. was highly appreciated by the contract employees whose services were regularized thus provided them with job security in future. However, it was noted with concern that their salaries were fixed at the initial stage of the appointment.

In this regard, the P&D Department submitted an appeal of the employees to Finance Department vide letter No. SO (B&A)/P&DD/1-4/SDU/2021-22/100 dated: 22<sup>nd</sup> December, 2022 (copy enclosed). However, the Finance Department, without properly scrutinize the case, returned the same by quoting the Finance Department Circular No. FD (SR-1)12-7/2014 Dated: 6<sup>th</sup> February, 2014 and the Finance Department letter No. FD (SOSR-1) 12-2/2020 (34323) dated: 18<sup>th</sup> March, 2021. It is, however, to be noted that Finance Department letter No. FD (SOSR-1) 12-2/2020 (34323) dated: 18<sup>th</sup> March, 2021allow pay protection to gazetted contract employees on their regularization/appointment on regular basis (copy enclosed).

It is pertinent to mention here that the employees of the above mentioned projects had been working in these projects since 2008 and fixing their salaries at the initial pay of their respective grades have resulted in huge reduction in their salaries without recognizing the services rendered by them in their respective projects. The reduction in salaries coupled with the double digit inflation, has adversely affected the employees and has a far reaching implication upon their living standards

Foregoing in view, it is once again prayed that the pay of the employees of D rectorate of Projects & PMU-World Food Program may be protected from their initial date of appointment so as to cope with the prevailing inflation,

Yours obediently All Employees of Directorate of Projects & PMU-World Food Program

(List annexed).

#### LIST OF EMPLOYEES

						- i	•
S.Ho.	Nama/Designation	/Pay Scale of the Project Emplo	Aca .	Date of			
3.170	Name of Employee	Dosignation	Pay Scale	Appointment	Date of Regularisation	Total Sorvice In Project	Signature
1	Shakir Muhammad	Artoun & Finance Officer	17	17-Mar-09	1/13/2022	13 YEARS	4
2 '	Farzana Yasmuen	Monlioring & Evaluation Office/	17	15-Jun•10	1/13/2022	12 YEARS	- Algani
3	Syed Igrar Hussein Shah	Programme Officer	17	7-Aug-17	1/13/2022	4 YEARS	1/2.
4	Hizbistali	Programme Officer	17	11-Jan-11	1/13/2022	11 YEARS	A partial
5	Sajjati Mehammad	Sectors Specialist, WFP	. 17	26-Jan-15	1/13/2022	7 YEARS	
5 -	Akhlar Zonian	PA	16	20-Jan-10	1/13/2022	12 YEARS	
7	Muhammad Akbar Khan	PA	16	· 25-Jan-10	1/13/2022	12 YEARS	Oppular
8	Mulanimad Schait	Office Assistant	16	1-101-15	1/13/2022	7 YEARS	A THE REAL PROPERTY.
9	Gudrai Ullaii	Office Assistant	16	8-Aug-17	1/13/2022	4 YEARS	Church
10	Snuh yar Fano	Computer Operator	16	5-Mar-09	1/13/2022	13 YEARS	Lilian -
11	Synd Wanid Shali	Compuler Operator	16	7-Aug-17	1/13/2022	4 YEARS	Dhal
13	Ωπγυτη Kingn	Office Assistant	16	1/7/2015	1/13/2022	7 YEARS	Car 2
13	Khalid Mehmood	Computer Operator	16	7/15/2015	1/13/2022	5 YEARS	14
14	Noor Rahman	Computer Operator	16	7/8/2017	1/13/2022	5 YEARS	MORE
15	Strandawa:	Juniar Clark	11	20-Jan-10	1/13/2022	12 YEARS	(ghan)
16	Imran Shan	Driver	£	21-Jan-09	1/13/2022	13 YEARS	(V) (4
17	Shaku Ullah	Oriver	6	21-Ján-09	1/13/2022	13 YEARS	
18	Muhammad Yousal	Onver .	67	1-Apr-11	1/13/2022	11 YEARS	Laury
15	Adnan	Onver	le de la companya de	30-Aug-18	1/13/2022	J YEARS	A Tom

-20-

		T		,		•	
20	Sami Ullan	Driver	ما	20-Aug-18	1/13/2022	1 YEARS	REALL!
21	Waheeb Gul	Driver	€.	27-Aug-18	1/13/2022	. 3 YEARS	
22	Aluhammad Farooq Shah	Office Attendant	3	21-Jan-09	1/13/2022	13 YEARS	Afmel.
23.	Saljad	Office Altendant	2	21-Jan-09	1/13/2022	13 YEARS	all
24	Rushid Zaman	Office Attendant	3	21-Jan-09	1/13/2022	13 YEARS	Paul
25	Yaşir Ullah	Office Altendant	ख 7	30-Aug-18	1/13/2022	3 YEARS	11/1/
26	Foolm Hussain	Office Attendant	乙	27-Aug-18	1/13/2022	3 YEARS	forhir
° 27	Muhammad tishad	Special Messenger/Walchman	ر	21-180-09	1/13/2022	13 YEARS	1
28	Raja	Sweeper	١.	1-Feb-10	1/13/2022	12 YEARS	0011

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## PLANNING & DEVELOPMENT DEPARTMENT

NO.SO (B&A)/P&DD/1-4/SDU/2021-22/100 Dated Peshgwar the 22<sup>nd</sup> December, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department,

Peshawar.

Planning & Progression Depth

Subject: -

PAY PROTECTION OF PAY OF PROJECT CONTRACT EMPLOYEES REGULARIZED UNDER THE "KHYBER | PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FATA) ACT 2021".

Dear Sir,

I am directed to refer to the subject noted above and to say that project employees of the Directorate of Projects & PMU-World Food Program were regularized in wake of the "Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile FATA) Act 2021" copy of the departmental Regularization Orders enclosed. The respective employees have lodged a joint appeal to the worthy Secretary P&D for grant of pay protection claiming pay protection in the light of the Finance Division Office Memorandum dated 20.09.2016 and Finance Department Notification dated 18.03.2021 (copies enclosed).

. Foregoing in view a copy of the said appeal along with all supporting documents, submitted for favour of grant of concurrence to Pay Protection in the light of the above-cited notifications, please.

Yours Faithfully

Encl: As above

(JAWAD KHAN) ASSISTANT CHIEF (B&A)

Copy forwarded for information to:

The Secretary, P&D Department.

2. The Director General, SDU, P&D Der tment.

3. The Additional Secretary-II, P&D Department.

4. Deputy Secretary (Admn), P&D Department.

ASSISTANT CHIEF (B&A)



## GOVERNMENT OF KHYBER PAKHTUNKHI FINANCE DEPARTMENT

facebook.com/GoKPFD 😼 twitter.com/GoKPFD

NO. FD(SOSR-1)12-4/2022/ERSTWHILE FATA

Dated Peshawar the: 09-01-2023

To

The Section Officer (B&A), Planning & Development Department, <u>Pesha</u>war.

Subject: -

PAY PROTECTION OF PROJECT CONTRACT EMPLOYEES REGULARIZED UNDER THE "KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FATA) ACT 2021".

I am directed to refer to your letter No.SO(B&A)/P&DD/1-4/SDU/2021-22/100 dated 22.12.2022 on the subject noted above and to advise that the case may be examined in light of Finance Department's circular letters No. FD(SR-I)12-7/2014 dated 06.02.2014, FD(SOSR-I)12-2/2020(34323) dated 18:03:2021 and minutes of the meeting held on 21.01.2020 (copies enclosed) which are crystal clear, please.

Encl:A.A

SECTION OFFICER (SR-1)



#### GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

NO.SO (B&A)/P&DD/1-4/SDU/2021-22/100 Dated Peshawar the 17th January, 2023 Jan-

Τo

The Director General, SDU

P&D Department.

Planning & Cevelopment Deptt:

Subject: -

PAY PROTECTION OF PAY OF PROJECT/CONTRACT EMPLOYEES'N REGURLARIZED UNDER THE "KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE

FATA) ACT 2021"

Dear Sir.

I am directed to refer to a joint appeal submitted by all Employees of Directorate of Projects (DOP) & PMU-World Food Program (WFP) for grant of pay protection dated 07.11.2022 and to enclose herewith a copy of Finance Department letter No.FD(SOSR-1)12-4/2022/ERSTWHILE FATA dated 09.01.2023 along with enclosures, wherein Finance Department has tendered that "all project employees who were appointed on fixed pay basis and in receipt of 5% increment are not entitled to the pay protection", please.

Yours Faithfully

Encl: As above.

(JÁWAD KHAN) ASSISTANT CHIEF (B&A)

Copy forwarded for information to:

- 1. The Additional Secretary-II, P&D Department.
- 2. The Deputy Secretary (Admn), P&D Department.
- 3. P.S to Secretary, P&D Department.

ASSISTANT CHIEF (B&A)



## GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

inance: repartment Civil Secretarial Peshawar

(f) http://www.finance.gkp.pli

NO. FD (SOSR-1) 12-2/2020(34323) Dated Peshawar the: 18th March, 2021

The Addl: Chief Secretary, P&D Department, Knyber Pakhtunkhwa. The Addi: Chief Secretary, Merged Areas Secil: Khyber Pakhlunkhwa. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa. All Administrative Secretaries to Govt; of Khyber Pakhtunkhwa. The Principle Secretary to Governor, Khyber Pakhtunkhwa. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa 6. All Heads of Allached Departments in Knyber Pakhlunkhwa The Registrar, Peshawar High Court, Peshawar. 8. All District & Sessions Judges in Khyber Pakhtunkhwa q The Chairman, Public Service Commission, Khyber Pakhlunkhwa

10 11.

The Chairman, Services Tribunal, Khyber Pakhlunkhwa.

All Deputy Commissioners, in Khyber Pakhlunkhwa. 12. 13.

Subject:

ė

PROTECTION OF PAY OF CONTRACT EMPLOYEES ON <u>Basis.</u>

Dear Sir.

In pursuance to the Finance Division's Office Memorandum No.4(2)R-2/2014-237 dated 7th April, 2015, the Competent Authority (Provincial Cabinet) is pleased to allow the pay protection to gazetted contract employees on their regularization / appointment on regular basis subject to the following conditions:-

- That the contract appointment has been made in BPS on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- That the contract employee has applied through proper channel and has been properly relieved by the appointing ii) authority. This condition shall not apply in case of regularization on the same post.
  - That regularization / regular appointment has been made iii) with the approval of competent authority.
  - That there is no break I interruption between contract iv) service and regular service.

qualify for penal, to pratuity.

tion of the times of each talent appointment in lower grade, pay!

shall not be provided.

That the pay protection / fixation of pay will be admissible with immediate effect with regard to old I new cases vii) which are fulfilling the pay protection criteria mentioned above.

in addition to the above, the Accountant General Khyber Pakhlunkhwa may make fixalion of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

ours faithfully.

(Muhammad Salim Shah) Deputy Secretary (Reg-I & II)

### Endst: No & Date even.

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## A Copy for information & necessary action is forwarded to the:-

- Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
  - Accountant General, Khyber Pakhlunkhwa, Peshawar.
- All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- All the District Comptroller of Accounts in Khyber Pakhtunkhwa. 5.
- The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.

  The Director, Fmju, Finance Depti; with the request to upload the same on FD's Website.

  The Manager, Govt, Printing Press, Printing & Press Department, Peshawar.
- All the District Accounts Officers in Khyber Pakhtunkhwa. В
- The Section Officer (Cabinet) Esit: Depti:, Khyber Pakhtunkhwa with reference to his letter No.SOC(E&A)9-51/2021 dated 08-03-2021. 10.
- NO.SUL(EBA)9-51/2021 dated up-03-2021.
  The Section Officer (Estab), C&W Depti: villa reference to his letter No.SOE/C&WDI1-61/2010 dated 76-10-2020 in respect of Eng. Syed Nastr Johan, Assit: Engineer / SDO (BS-17) of C&W Depti: KP. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa. 11,
- 12.
- The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa. 13.
- The Private Secretary to Secretary, Finance Deptt: Khyber Pakhtunkhwa. 14.
- PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa. PAs to Additional Secretaries / Deputy Secretaries In Finance Department, Peshawar. 15.

SECTION OFFICER (SR-1)

- vi) That in case of regular appointment in lower grade, pay shall not be protected.
- vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old new cases which are fulfilling the pay protection criteria mentioned above.
- In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully, Sd/-(Muhammad Sallm Shah) Deputy Secretary (Reg-I & II)

#### Endst: No & Date even.

#### A Copy for information & necessary action is forwarded to the:-

- 1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar
- 3. All Heads of Autonomous / Semi-Autonomous Bodies in Khyber Pakhtunkhwa.
- 4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- 5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
- 6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 7. The Director, FMIU, Finance Deptt: with the request to upload the same on FD's Website.
- 8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
- 9. All the District Accounts Officers in Khyber Pakhtunkhwa
- 10. The Section Officer (Cabinet) Estt: Deptt., Khyber Pakhtunkhwa with reference to his letter No.SOC(ESA)9-51/2021 dated 08-03-2021.
- The Section Officer (Estab), C&W Deptt: with reference to his letter No SOE/C&WD/1-61/2010 dated 26-10-2020 in respect of Eng. Syed Nasir Johan, Asstt: Engineer / SDO (BS-17) of C&W Deptt. KP.
- 12. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa
- 13. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa
- 14. The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa,
- 15. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa,
- 16. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar,

Sd/-(Rehmat Khan) SECTION OFFICER (SR-I)

AG KP Peshawa	r
S#:4	P Sec:009 Month: January 2023
Pers #: 00438011 Buckle:	PR8237 -Directorate of Projects FA
Name: SAJJAD Buckle:	Directorate of Projects F
ATTENDANT	NTN:
CNIC No.1730116827615	GPF #:
GPF Interest Free	Old #:
O3 7-1:	
03 Active Temporary PAYS AND ALLOWANCES:	PR8237 -005
ODO1- P1	11.0237 -005
0001-Basic Pay	14,840.00
1004-House Rent Allow 45% KP21	3,542.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,763.00
2311-Dress Allowance - 2021	
2312-Washing Allowance 2021	1,000.00
2313-Integrated Allowance 2021	1,000.00
2341-Dispr. Red All 15% 2022KP	600.00
2347-Adhoc Rel Al 15% 22(PS17)	1,441.00
Gross Pay and Allowances	1,441.00
	27,149.00
DEDUCTIONS:	
GPF Balance 5,570.00	
3501-Benevolent Fund	Subrc: 770.00
4004-R. Benefits & Death Comp:	600.00
- Omp.	300.00
Total Deductions	
	1,670.00
	05
	25,479.00
D.O.B	LFP Quota:
01.06.1986	VID OF THE COLUMN TO THE COLUM
14 Years 00 Months 012 Days	NRSP BANK LIMITED UNIVERSITY ROAD PESH 0670010001412

-27-

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO: OF	2023 SCANNED
Sajjael	(APPELLANT) (PLAINTIFF) (PETITIONER)
PED Deptt	1
I/We Affeliant  Do hereby appoint and constitute N  Advocate Supreme Court to appendict to appen	ear, plead, act, compromise
withdraw or refer to arbitration Counsel/Advocate in the above noted for his default and with the authority Advocate Counsel on my/our cost Advocate to deposit, withdraw and sums and amounts payable or deposit above noted matter.	I matter, without any liability to engage/appoint any othe I/we authorize the said receive on my/our behalf a
Dated. 15 / 2 /2023	Sgind CLIENT
	ACCEPTED A
	(BC-10-0853) (15401-0705985-5)
	JMAR FAROOQ MOHMAND AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
7	MUHAMMAD AYUB ADVOCATES

Flat No. (TF) 291-292 3<sup>rd</sup> Floor, Deans Trade Centre, Peshawar Cantt. (0311-9314232)