

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.2090/2023

Shan Muhammad _____ Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary Information and others _____
Respondents

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Attached

Shan
ASSISTANT DIRECTOR (LITIGATION)
DEPONENT
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Re: Service Appeal No. 2090/2023

1. Shan Muhammad Script Writer (BPS-16), office of
Director General Information & Public Relations, KP

---- APPELLANT

...VERSUS...

1. Director General, Directorate General of Information & PRs, Khyber Pakhtunkhwa.
2. Secretary Information and PRs Department, Government of Khyber Pakhtunkhwa.
3. Govt. of Khyber Pakhtunkhwa through Secretary Finance Department, Peshawar.

-----RESPONDENTS

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO. 1 & 2

PRELIMINARY OBJECTIONS:

1. That the appellant has no cause of action/locus standi to file the instant appeal in the Tribunal.
2. That no legal right of the appellant been infringed, therefore, the appeal is neither competent nor maintainable.
3. That the appellant has not come to the Tribunal with clean hands.

RESPECTFULLY SUBMITTED:

REPLY ON FACTS:

1. That para-1 of the appeal pertains to the appellant's personal record, hence no Comments.
2. That para-2 of the appeal also pertains to appellant personal record, hence no comments.
3. As para-2 above.
4. In pursuance to Regularization Act, 2021, this Department had forwarded a letter No.SO.Estt(INF)4-115/Estt/2021 dated Peshawar the 29th August, 2022 (**Annex-I**) to Finance Department for the creation of 27 posts of the project Titled "Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas". In response, Finance Department created 25 posts and directed this Department via letter No.SO(B&A)/FD/MAS/4-1/SNE/2021 dated 18th, October 2022 (**Annex-II**) that the basic pay scale of the appellant and one Cameraman are exist in the current side in basic pay scale 11 and 14 respectively, therefore the posts mentioned may be reviewed. The Scrutiny Committee of this Department in its meeting held on 07th December, 2023 (**Annex-III**), recommended afresh posts of Script Writer (BPS-16) to resolve the salary issue of the appellant.

Assistant Director (Information)
Directorate General of Information & PRs
Khyber Pakhtunkhwa Peshawar

A/ies/est

5. As para-4 above.

6. As para-4 above.

7. In response to para-7 of the appeal, it is submitted that the salary issue of the appellant will be resolved for good after the creation of the post of Script Writer (BPS-16), which has already been recommended by the Scrutiny Committee in its last meeting held on 07-12-2023.

REPLY ON GROUNDS

A. Ground A of the appeal is incorrect as the regularization issue of the respondent is being dealt according to law.

B. As ground A above.

C. In response to ground C of the appeal, it is stated that the salary issue of the appellant will be resolved after the creation of the post of Script Writer (BPS-16) on the regular side in light of the recommendation of the Scrutiny Committee meeting.

D. As ground C above.

E. As ground C above.

F. In response to ground F of the appeal, it is submitted that there were some misconceptions between the posts and scales of Script Writer and Article Writer. However, the Scrutiny Committee in its last meeting held on December 07, 2023 has cleared the misconceptions and recommended the creation of the post of Script Writer (BPS-16) afresh on the analogy of some other posts already created by the Finance Department under the ibid act. Hence no malafide intention on the part of respondents is involved in addressing the issue of the appellant as per law.

G. As ground F above.

H. As ground F above.

I. Ground I of the appeal pertains to appellant's personal record, hence no comments.

J. As ground I above.

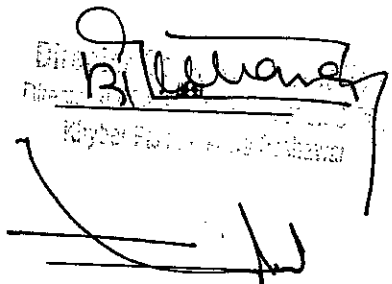
K. No comments.

It is, therefore, most humbly prayed before this Tribunal to dismiss the instant appeal, in favor of the Government.

RESPONDENTS

1. Director General, (Muhammad Imran)
Directorate General Information & PRs
Khyber Pakhtunkhwa
2. Secretary Information & PRs, (Syed Abdul Jabbar Shah)
Government of Khyber Pakhtunkhwa

Director General
Information & PRs
Khyber Pakhtunkhwa



Secretary
Information & PRs Department
Government of Khyber Pakhtunkhwa

Attest

ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT

No. SO/Estt(INF)4-115/Estt/2024
Dated: Peshawar, the 29th August 2022

The Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Subject: CREATION OF POST FOR THE PROJECT EMPLOYEES

Dear Sir,

I am directed to refer to this department letter No. SOG(INF)/I-1/2022/254-57 dated 12-04-2022 and enclose a copy of this department Notification No. SO(A/dm)I-1/2022 dated 29-08-2022 with regard to regularization of 27-Employees of the Project titled "Establishment of PPTU for Operationalization of Five FM Radio Stations in Merged Areas".

It is pertinent to mention that the Scrutiny Committee has recommended 12 employees of the project for regularization (copy attached). However, the Radio Station Wana is not currently functional and therefore, the Competent authority did not approve the regularization of the five employees, attached to the said Radio Station.

It is therefore, requested that 27 positions may be created as per the details given in the aforementioned Notification, please.

[Signature]
Section Officer (Estt.)

Ends of even No. & Dated:-

Copy is forwarded for information to the:-

1. P/S to Secretary, Information & PRs Department, Khyber Pakhtunkhwa.
2. PA to Director General IPRs, Peshawar.
3. Master File.

[Signature]
Section Officer (Estt.)

Attested
[Signature]
ASSISTANT DIRECTOR (REGISTRATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa, Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT**

4

Dated Peshawar the 29th August 2022.

NOTIFICATION

No. SO(Adman)1-1/2022. In terms of Section-3 read with Section-4 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administrative Tribal Areas) Act, 2021 and on the recommendations of the Scrutiny Committee, duly constituted under sub-section-3 of Section-3 of the Act ibid, the following Project Employees of the Project titled "Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas" are hereby regularized with effect from commencement of the Act i.e January 13, 2022:

S.#	NAME OF EMPLOYEES WITH F/NAME	DESIGNATION & BPS
1.	Khalid Rehman S/O Mashar Khan	Producer (BPS-17) FM Radio Razmak
2.	Muhammad Daud Khan S/O Shah Zarin	Producer (BPS-17) FM Radio Kurram
3.	Murad Khan S/O Nawab Khan	Producer (BPS-17) FM Radio Mohmand
4.	Muhammad Quraish S/O Hajid Ullah	Producer (BPS-17) FM Radio Bajaur
5.	Muhammad Dawood S/O Gul Muhammad	Accountant (BPS-16) Head Quarter
6.	Shehla Gul D/O Pir Ghulam Khan	Personal Assiatant (BPS-16) Head Quarter
7.	Fazal Rahman S/O Ihsan Ullah	Computer Operator (BPS-16) Head Quarter
8.	Syed Aman S/O Sahib Jan	Computer Operator (BPS-16) Head Quarter
9.	Imran Khan S/O Za'ir Khan	Camera Man (BPS-16) Media cell
10.	Shan Muhammad S/O Haji Raza Khan	Script Writer (BPS-16) Media cell
11.	Rahim Ullah S/O Muhammad Nadeem Khan	Junior Transmission Eng (BPS-16) : FM Radio Razmak
12.	Qasim Akhtar S/O Isamud Din	Junior Transmission Eng: (BPS-16) FM Radio Mohmand
13.	Bacha Zaib Main S/O Gulbar Mian	Junior Transmission Eng: (BPS-16) FM Radio Bajaur
14.	Bushra Sikandri D/O Jarga Baz Khan	Junior Transmission Eng: (BPS-16) FM Radio Kurram
15.	Safullah S/O Wazir Khan	Driver (BPS-06) Head Quarter
16.	Ismail Khan S/O Ghafar Khan	Driver (BPS-06) FM Radio Bajaur
17.	Anwar Ali S/O Faqir Ali	Driver (BPS-06) FM Radio Kurram
18.	Sardar Khan S/O Badshah Mir Khan	Driver (BPS-06) FM Radio Razmak
19.	Azhar Ullah S/O Sar Nawaz	Naib Qasid (BPS-03) FM Radio Razmak
20.	Inayat ur Rasheed S/O Noor Habib Jan	Naib Qasid (BPS-03) FM Radio Bajaur
21.	Imtiaz Ali S/O Baz Ali	Naib Qasid (BPS-03) FM Radio Kurram
22.	Arshad Khan S/O Secha Gul	Naib Qasid (BPS-03) Head Quarter
23.	Waseem Akram S/O Ali Rahman	Naib Qasid (BPS-03) FM Radio Mohmand
24.	Muhammad Waheed S/O Hafiz Pirsal	Chowkidar (BPS-03) FM Radio Bajaur
25.	Shandi Gul S/O Kawal Khan	Chowkidar (BPS-03) FM Radio Razmak
26.	Shaz Ali S/O Sher Wali Khan	Chowkidar (BPS-03) FM Radio Mohmand
27.	Muhammad Abid Shahzad S/O Muhammad Saeed	Sweeper (BPS-03) Head Quarter

Attest

 Secretary, Information & Public Relations
 Government of Khyber Pakhtunkhwa
 Peshawar

0.17 answer

General Conditions:

1. The employees shall be governed under the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administrative Tribal Areas) Act, 2021 and the rules made or instructions issued there under from time to time.
2. All the employees, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.
3. The seniority of the employees shall be determined under Section-5 of the aforementioned Act.

Sd/-

Secretary to Government of Khyber Pakhtunkhwa,
Information & Public Relations Department.

Copy of the above is forwarded to:-

1. Accountant General Khyber Pakhtunkhwa.
2. Principle Secretary to Governor Khyber Pakhtunkhwa.
3. Principle Secretary to Chief Minister Khyber Pakhtunkhwa.
4. Director General Information & Public Relations Khyber Pakhtunkhwa.
5. PSO to Chief Secretary Khyber Pakhtunkhwa.
6. Manager Printing Press Peshawar with the request to publish the Notification in the official gazette.
7. All Section Officer Information Department.
8. Planning Officer Information Department.
9. PS to Spi. Assistant to Chief Minister on Information & Public Relations KP.
10. PS to Secretary Information & Public Relations Department KP.
11. All officers/official concerned.
12. Master file.

O. J. Awan
Section Officer (Establishment)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT (NMA's)

Finance Department Civil Secretariat Peshawar

http://www.finance.gkp.gov.pk

facebook.com/GoKPPFD

twitter.com/GoKPPFD

No. SO (B&A)/FD/MAS/4-1/SNE/2021

Dated 18th, October 2022

Secretary to Govt. of Khyber Pakhtunkhwa,
Information & Public Relations Department.

Subject:- CREATION OF POST FOR THE PROJECT EMPLOYEES

Dear Sir,

I am directed to refer to your Department's letter No.SO.Estt (INF)4-115/Estt/2021 dated 29.08.2022 on the above captioned subject and to state that Finance Department agrees to the creation of the following posts of different categories for the project employees of erstwhile FATA (Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas) who's services now been regularized through the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile FATA) Act 2021, as per detail given below:-

Name of office/DDO Code	Designation/Nomenclature	Basic Pay Scale	Nos. of Posts
PR8251- Operationalization of FM Radio Stations NMA's	Producer	17	04
	Accountant	16	01
	Personal Assistant	16	01
	Computer Operator	16	02
	Junior Transmission Engineer	16	04
	Driver	06	04
	Naib Qasid	03	05
	Chowkidar	03	03
	Sweeper	03	01
	Grand Total:-		25

2. I am further directed that the basic pay scale of the two posts i.e. (Camera Man BPS-16 and Scriptwriter BPS-16) are exist in the current side in basic pay scale 14 and 11 respectively, therefore the posts mentioned may be reviewed by the Scrutiny Committee accordingly.

Yours faithfully,

(Syed Rafaqat Ali Shah)
Budget Officer (NMD-III)

SO (Extt:)/SO (Admin)

SO (B&A)

Copy to:-

1. PS to Secretary Finance Department, Govt. of Khyber Pakhtunkhwa.
2. PS to Special Secretary (Budget), Finance Department.

Budget Officer (NMD-III)

A Hested
Assistant Director (Litigation)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

18/10/2022

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⑦

GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT

No. SO(B&A)/INF/1-24/SNE/NMDS/2024
Dated Peshawar the 1st January, 2024

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department.

Attention:- Budget Officer (NMD-III)

Subject:- MINUTES OF THE SCRUTINY COMMITTEE MEETING HELD ON
DECEMBER 07, 2023 TO REVIEW THE REGULARIZATION MATTER
OF THE TWO LEFT OVER PROJECT EMPLOYEES

Sir,

I am directed to refer to Finance Department letter No. SO(B&A)/FD/MAS/4-
INF/2021 dated 18.10.2022 and to enclose herewith a copy of approved minutes of the Scrutiny
Committee Meeting for further necessary action as desired, please

Encl: As above:

Yours faithfully,

SECTION OFFICER (B&A)

Copy of Encl No. & Date:-

Copy for information to the:-

1. P/S to Secretary Information & PRs Department.
2. P/A to Director General, Information & PRs, Khyber Pakhtunkhwa.
3. P/A to Deputy Secretary (INF), Information & Public Relations Department.
4. Master File.

Attested
[Signature]
ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

SECTION OFFICER (B&A)

MINUTES OF THE SCRUTINY COMMITTEE MEETING HELD ON DECEMBER 07, 2023 TO REVIEW THE REGULARIZATION MATTER OF THE TWO LEFT OVER PROJECT EMPLOYEES

A meeting of the Scrutiny Committee to review the regularization issue of the two left-over posts of the project titled 'Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas' under the "Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administrated Tribal Areas) Act, 2021, was held under the chairmanship of Secretary Information & Public Relations Department on December 07, 2023 at 1300 hours:- "

The following attended the meeting:

- 1. Mr. Muhammad Imran,
Director General, DGIPR, Khyber Pakhtunkhwa (Member)
- 2. Syed Habib ul Hassan Gillani,
Deputy Secretary (Reg-I), Establishment Department (Member)
- 3. Mr. Khurram Rehman,
Deputy Secretary (Information), Information & PRs Department (Member)
- 4. Syed Razaqat Ali Shah
Section Officer, Finance Department (Member)
- 5. Mr. Zaman Ali Khan
Section Officer (Budget) Administration Department (Member)
- 6. Mr. Ihsan Ali
Planning Officer, Planning and Development Department (Member)

The meeting started with recitation from the Holy Quran.

2. The Chair welcomed the participants and threw light on the aims and objectives of the meeting. The forum was briefed that 32 employees of various categories had been serving in the afore-mentioned project. However, after the commencement of the ibid Act, the Finance Department, Govt. of Khyber Pakhtunkhwa vide letters No. SO (B&A)/FD/MAS/4-1/SNE/2021 dated 18-10-2022 and No. BO(NMD-III)/FD/MAS/4-1/SNE/2022 dated 09-06-2023 created as many as 25 posts and 5 posts respectively for the project employees on the regular side leaving the creation of the posts for Cameraman (BPS-16) and Script Writer (BPS-16) with the observation that the said posts already existed on the regular side in basic scale 14 and 11 respectively and may be reviewed by the Scrutiny Committee accordingly.

Attested
[Signature]
ASSISTANT SECRETARY (REGISTRATION)
Information & Public Relations Department
Khyber Pakhtunkhwa

APR 10 2024
[Signature]

3. The forum was apprised that the post of Script Writer (BPS-16) no where existed on the regular side as misconceived by the Finance Department. Basically the post of Article Writer is in Basic Pay Scale 11, which exists on the regular side and has job description different from the Script Writer (BPS-16). As for the post of Cameraman, although the post exists in Basic Pay Scale 14 on the regular side, however, downgrading the incumbent official, who has already been performing his duties for the last one year upto the satisfaction of the high-ups without receiving any stipend, would result in litigation thereby further delaying the process of creation of these posts. The post of Senior Cameraman already existed on the regular side in Basic Pay Scale 16.

4. It was further pointed out that the posts for Personal Assistant (BPS-16) and Accountant (BPS-16), which too never existed on the regular side in the DGIPR/subordinate offices, had been newly created by the Finance Department in light of the *ibid* Act. Therefore, there is no harm in creating the posts of Script Writer and Senior Cameraman in Basic Pay Scales 16 afresh and this is imperative to avoid litigation. After due deliberations, it was concluded that the creation of these posts will neither raise the issue of litigation nor seniority. Furthermore, draft service rules have also been prepared for the Script Writer.

5. It was also observed that the Basic Pay Scales of these posts have been adopted from the PC-I as prepared by the Federal Government before the merger of Tribal Districts into Khyber Pakhtunkhwa. As per the "Regularization of services of Employees of ERSTWHILE Federally Administered Tribal Areas (FATA) Act 2021", Section 3, Subsection (1), "*Notwithstanding anything contained in any law or rules, the employees, appointed on contract basis, against project posts, in the erstwhile FATA, and holding such project posts till the commencement of this act, shall be deemed to have been validly appointed, on regular basis, from the commencement of this act, subject to verification of their qualifications and other credentials by the concerned departments.*" It was informed that the employees on the posts of Script Writer and Cameraman have the required qualifications to be validly appointed on regular basis.

6. The Scrutiny Committee after thorough deliberations recommended that the creations of the two (02) leftover posts is in the continuation of the "Khyber Pakhtunkhwa (Regularization of services of Employees of ERSTWHILE Federally Administered Tribal Areas) Act 2021", and subsequent letter of the Finance Department, No. SO(B&A)/FD/MAS/4-1/SNE/2021 dated 18.10.2022. The following proposals are hereby

Attested
 ASSISTANT DIRECTOR (LITIGATION)
 Directorate General Information & PRs

recommended to resolve the regularization issue of the two (02) left-over employees of the project 'Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas' in compliance with the ibid Act:

- i. The post of Script Writer (BS-16) may be created afresh on the analogy of Personal Assistant (BPS-16) and Accountant (BPS-16) as already created by the Finance Department vide letter No. SO (B&A)/FD/MAS/4-1/SNE/2021 dated 18-10-2022 on the regular side under the ibid Act.
- ii. Instead of the post of Cameraman (BPS-14), the post of Senior Cameraman (BS-16) may be created on the regular side to address the issue of the incumbent employee.

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

Mr. Ihsan Ali
Planning Officer
Planning and Development
Department

Mr. Zaman Ali Khan
Section Officer (Budget)
Administration Department

Handwritten initials/signature on the left margin.

Mr. Syed Rafaqat Ali Shah
Section Officer, Finance Department

Mr. Khurram Rehman
Deputy Secretary, Information
PRs

Mr. Syed Habib ul Hassan Gillani
Deputy Secretary (Reg-I),
Establishment Department

Mr. Muhammad Imran
Director General Information &
PRs

Syed Abdul Jabbar Shah
Secretary Information & PRs

A. Attarkeed
ASSISTANT DIRECTOR (INFORMATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

**BEFORE THE HONORABLE KHYBER P
PESHAWAR WA SERVICE TRIBUNAL**

In Ref:
Service Appeal No. 2090/2023

Shan Muhammad.....Appellant

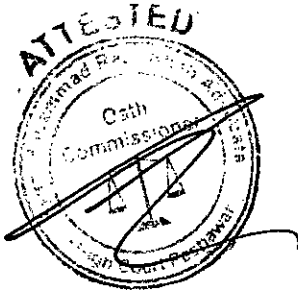
VERSUS

Government of Khyber Pakhtunkhwa and others.....Respondents

AFFIDAVIT

I, Muhammad Imran, Director General (BPS-20) of Directorate General of Information & PRs KP, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Para Wise Comments on behalf of Respondents No. 1 & 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that answering respondents have neither place aspartic nor defense stuck off/ cost.



11 3 MAY 2024

[Handwritten Signature]

DEPONENT

Respondent No.1

CNIC# 17301-9648034-1

Cell# 0313-9192880

Director General Information
Directorat: General Information & PRs
Khyber Pakhtunkhwa Peshawar



DIRECTORATE GENERAL INFORMATION & PRs
KHYBER PAKHTUNKHWA, PESHAWAR

INFORMATION & PRs
PESHAWAR

No. INF _____
Dated Peshawar _____

n 1318
13/5/2024

(11)

AUTHORITY LETTER

I hereby authorize Mr. Saqib Nawaz, Assistant Director (Litigation), Directorate General Information & Public Relations, Khyber Pakhtunkhwa to submit Para-wise comments on behalf of Secretary and Director General Information & Public Relations Khyber Pakhtunkhwa in Service Appeal No. 2090/2023 Shan Muhammad Vs Government of Khyber Pakhtunkhwa and others.

DIRECTOR GENERAL
INFORMATION & PRs, KHYBER
PAKHTUNKHWA, PESHAWAR

Director General Information
Directorates General Information & PRs
Khyber Pakhtunkhwa, Peshawar