

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CM NO. 351 /2024

IN

EXECUTION PETITION NO. 960/2023

IN

SERVICE APPEAL NO. 146/2019


Muhammad Ayub *Computer Operator (BPS) 16 Government House* Petitioner

VERSUS

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

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Section Officer (Litigation)
Government of KP
Establishment Department

30-04-2024
S.B
Peshawar
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28-05-24

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CM NO. 351 /2024.

IN

EXECUTION PETITION NO. 960/2023

IN

SERVICE APPEAL NO. 146/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12674

Dated 10/5/24

1. Chief Secretary, Khyber Pakhtunkhwa,
2. Secretary, Establishment Department,
3. Secretary, Administration Department,
4. Secretary, Finance Department(Appellants)

Versus

Muhammad Ayub .. *Computer Operator BPS-16 Governor House* Respondent

OBJECTION PETITION UNDER SECTION 47 OF CPC ON BEHALF OF OBJECTORS

Respectfully Sheweth: -

1. 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."

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

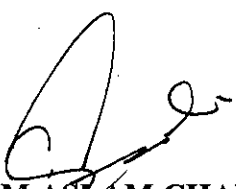
- i. That the Petitioner is a Computer Operator (BS-16), Governor's House Peshawar, earlier appointed as Key Punch Operator (BS-10) by his Appointing/Competent Authority i.e Military Secretary to Governor, Khyber Pakhtunkhwa vide office order dated 22-08-2009 (**Annex-I**), not by the Chief Secretary / Secretary Establishment.
- ii. In pursuance of the order of the Hon'ble Tribunal (**Annexure-II**), the case of the petitioner was scrutinized in terms of his qualification for the post of Computer Operator, in light of the Service Rules, 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**).

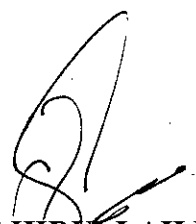
It was further highlighted that the appellant is not a Civil Servant because he was appointed as "Key Punch Operator" (BS-10) in the Governor's House under the terms and conditions, as earlier settled in his appointment letter issued in 2009. Whereas, all such appointments in Establishment Department, 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. Speaking Order in this regard has been issued by Secretary Establishment Department (Annex-V).

- 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-VI).
- 3. That the respondents have also filed CPLA in Supreme Court of Pakistan, Islamabad, which is pending for adjudication.
- 4. That the directions of this Hon'ble Tribunal i.e. *"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"* have been complied with in letter and spirit by the respondents. It merits mention here that the appellant has not been found qualified, therefore, he cannot be taken on the cadre strength of the Computer Operator.

Keeping in view the humble submissions made above, it is, therefore, humbly prayed that the instant Execution Petition being devoid of any legal merit and consideration may very graciously be dismissed with cost.


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


 (SHAHIDULLAH 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CM NO. _____

IN

EXECUTION PETITION NO. 960/2023


Muhammad AyubPetitioner

VERSUS

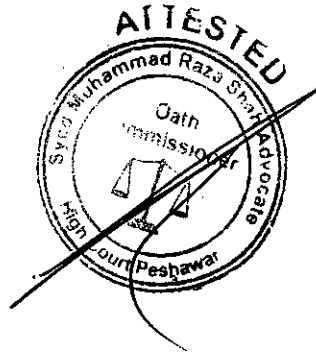
Chief Secretary Khyber Pakhtunkhwa & others.....**Respondents.**

AFFIDAVIT

I, Mr. Shahid Ullah, Secretary Establishment Department (PAS BS-20), respondent, do hereby solemnly declare that contents of the Objection 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 Objection Petition, the answering Respondent has neither been placed ex-parte nor their defense/struck up.

For  DEPONENT

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




10 MAY 2024




**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**


AUTHORITY LETTER

Mr. Amjad Ali, 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 Govt. of Khyber Pakhtunkhwa & others" on behalf of the undersigned.


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


(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)

107
August 2009
6OFFICE ORDER.

SO(MSG)/GH/PF/2009 The Competent Authority is pleased to appoint
Mr. Muhammad Ayub son Muhammad Daud, resident of Mohabbat, Mohabbat
Banda, Ghazi, Tehsil Ghazi, District Haripur as Key Punch Operator (KPO) with
with immediate effect on the following terms and conditions.

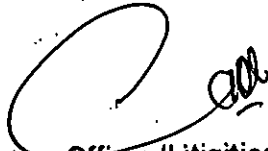
- i. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- ii. In case he wish to resign from service 15 days advance notice will be necessary or in lieu thereof 15 days pay shall be forfeited.
- iii. He will be entitled for Conveyance, Medical, House Rent Allowances, TADA and leave as per Government rules.
- iv. He will not be entitled to Pension or Gratuity. He shall not 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 Peshawar

Ends No. SO(MSG)/GH/PF/2009 Dated 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 Ends No SO 1-2/8/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.


Section Officer (Litigation)
Government of KP
Establishment Department

(Muhammad T.)
Section Officer (B&A)

**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:

- 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 therefor 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 Amendments 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.

-sd-

Military Secretary to Governor NWFP**ENDST: NO. SO(MSG)/GH/PF/2009.**


Dated __, 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 Secretariat, NWFP.
4. 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.
5. PS to MSG, Governor's House Peshawar.
6. Bill Assistant, Governor's House, Peshawar.
7. Official Concerned.
8. Personal.

(Muhammad Islam)
Section Officer to MSG

Fair copy prepared on dated 04.12.2023



Section Officer (Litigation)
Government of KP
Enforcement Department

'A' -3-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Service Appeal No. 146/2019

**BEFORE: RASHIDA BANO --- MEMBER(J)
MUHAMMAD AKBAR KHAN--- MEMBER(E)**

Muhammad Ayub, Computer Operator (BPS-16), Governor House
Peshawar.....(Appellant)

Versus

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Administration Department Government of Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.....(Respondents)

Present:

Mr. NOOR MUHAMMAD KHATTAK,
Mr. ASAD MEHMOOD & MAIN MUHAMMAD IMRAN
Advocates..... For appellant

Mr. MUHAMMAD JAN
District Attorney..... For respondents

Date of Institution.....21.12.2018
Date of Hearing.....27.09.2023
Date of Decision.....27.09.2023

CONSOLIDATED JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER(E):- Through this judgment this appeal and the connected service appeal bearing No. 147/2019 titled "Muhammad Haleem versus The Chief Secretary, Khyber Pakhtunkhwa Peshawar and others", are decided as both are the same and can conveniently be decided together.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

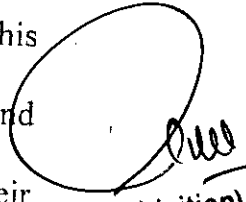
Section Officer (Litigation)
Government of KP
Establishment Department

SCANNED
BY BT
Peshawar

02. According to the facts gathered from the record, the appellants were appointed as Key Punch Operators (BPS-10) on 22.08.2009 in the office of Governor House Peshawar; that the Khyber Pakhtunkhwa Finance Department upgraded the post of Key Punch Operators from (BPS-10 to BPS-12) with the nomenclature of Computer Operator w.e.f. 12.07.2010 vide order dated 05.08.2010; that the Finance Department Khyber Pakhtunkhwa further upgraded the post of Computer Operator from (BPS-12 to BPS-16) vide Notification dated 29.07.2016 due to which the post of the appellants were also upgraded; that since the date of appointment the appellants were working as Computer Operator which was up-graded from BPS-12 and then BPS-16 but the name of the appellants were not included in the seniority list of Computer Operator. Feeling aggrieved, the appellant filed departmental appeal which was rejected on 27.11.2018 hence preferred the instant service appeal on 21.12.2018.

Khyber Pakhtunkhwa
 Finance Department
 Peshawar

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellants and learned District Attorney and have gone through the record with their valuable assistance.


 Section Officer (Litigation)
 Government of KP
 Establishment Department

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

04. Learned counsels for the appellants contended that the order dated 27.11.2018 refusing inclusion of the names of the appellants in the seniority list of Computer Operator (BPS-16) are against the law fact, norms of justice; that the appellants are regular civil servants and as per Section 8 of the Khyber Pakhtunkhwa Civil Servants, Act, 1973 and rule 17 of the (Appointment Promotion & Transfer) Rules, 1989 the appellants are entitled

Section Officer (Litigation)
 Government of KP
 Establishment Department

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to be placed at proper place in the seniority list of Computer Operator (BPS-16); that the appellants are civil servants and can not be deprived from their legal right of seniority of Computer Operators as mandated in Section-8 of the civil servants Act, 1973; that the posts of the appellants were created by the Government of Khyber Pakhtunkhwa Finance Department with the approval of competent authority and all the arrangement for the recruitment of the appellants have been done by the provincial government which means that the appellants have also right of seniority of BPS-16 like other provincial government servants; that the appellants have not been treated in accordance with law and rules and deprived from their legal rights of seniority.

05. Learned District Attorney on the other hand contended that the appellants are not entitled to be included in the seniority list of I.T Cadre of Civil Secretariat being employee of Governor's House rather than Establishment Department; that the departmental appeal of the appellants were rejected on the ground that they were appointed as Key Punch Operator (BS-10) under the terms & conditions issued by Governors House in August 2009. Moreover, all such appointments in Civil Secretariat were being made under the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006 wherein the nomenclature of Key Punch Operator is not mentioned; that the appellants were not employees of Establishment Department, therefore, they have no rights of inclusion of their name in the seniority list as well as of promotion in the I.T cadre of Civil Secretariat.

06. It is admitted fact that the appellants are bonafide civil servants initially appointed as Key Punch Operator in BS-10 through proper

SCANNED
KPBT
Peshawar

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Section Officer (Litigation)
Government of KP
Establishment Department

ATTACHED

EXAM
Khyber Pakhtunkhwa
Establishment Department

procedure by the Military Secretary to the Governor being appointing authority under the prevalent rules. There were two categories of employees in the Governor House i.e. one drawing Pay & Allowances from the budget provided by the Federal Government and the other from the Provincial consolidated fund duly authorized by the Provincial Assembly and allocated/released by the Provincial Finance Department. Admittedly the appellant belonged to the second category and as such are provincial civil servants borne on the cadre strength of Administration Department. A total 10 posts of various nomenclature and Basic Pay Scale including two posts of Key Punch Operator (BS-10) were created by the Finance Department for the Governor House on 28.04.2009 which were filled through prescribed manner. It is also not disputed that before 12.07.2010 computer related posts with different nomenclature and pay scale were in existence in various departments and offices of the Provincial Government. To do away with the anomaly and standardize related posts the Provincial Government of Khyber Pakhtunkhwa upgraded the posts of Key Punch Operator, Data Entry Operator, Computer Assistant and Computer Operator to BS-12 and changed their nomenclature to one standard nomenclature of Computer Operator vide Notification dated 12.07.2010. All the incumbents/beneficiaries of this Notification are on the way to their career progression in their respective cadres and departments who have now been placed in BS-16 vide Finance Department Notification dated 29.07.2016.

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Section Officer (Litigation)
Government of K.P.
Establishment Department

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

07. Admittedly the categories of employees other than the house hold staff of the Governor House either directly managed by the Establishment & Administration Department from the very first appointment or taken on the cadre strength of Civil Secretariat by maintaining joint seniority list. All the

7-

regular employees who were recruited in the Governor House are working on the cadre strength of Civil Secretariat. Record available in the case file reveals that the following employees appointed by Governor/MS to the Governor were later on promoted on the cadre strength of Civil Secretariat:

Sr. No.	Name of Employees initially appointed by MS to Governor	Years of promotion encadrement in Civil Secretariat
1.	Muhammad Sabir S/o Abdur Rehman, Naib Qasid	13 th March, 2009 as Junior Clerk on acting charge basis.
2.	Muhammad Latif S/o Nadir Khan, Bhishti,	30.05.2007 as Daftari
3.	Hazrat Ullah S/o Duwat Khan, Naib Qasid	31.01.2009 as Daftari
4.	Atiqur Rehman S/o Muhammad Ayub, Daftari.	05.07.1997 as Junior Clerk

08. The case of the appellant is similar to the above mentioned employees as the appellant like similarly placed employees are civil servant governed by the Civil Servants Act, 1973 and rules made thereunder, validly appointed by the appointing authority in the prescribed manner and as such they are also eligible to be treated on equal footings. The only point to be determined for inclusion of the appellant in the cadre/seniority list of Computer Operators 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 Operators.

ATTESTED
 EXAMINER
 Cyber Tribunal
 Service Tribunal
 Peshawar

Section Officer (Litigation)
 Government of KP
 Establishment Department

SCANNED
 KPBT
 Peshawar

- 09. The instant service appeal as well as connected service appeal bearing No. 147/2019 are allowed on the above terms. Parties are left to bear their own costs. File be consigned to the record room.
- 10. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 27th day of September, 2023.

SCANNED
KP-37
Peshawar

(RASHIDA BANO)
MEMBER (J)

(MUHAMMAD AKBAR KHAN)
MEMBER (E)

Kamranullah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 27/9/23

Number of Words Page 6

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Number of Copies _____

Date of _____ 15/11/23

Date of Decision, etc. _____ 15/11/23

Section Officer (Litigation)
Government of KP
Establishment Department



Ph#091-9213457
Fx#091-9210447

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the January 24, 2024

13

ORDER

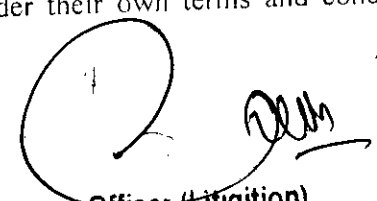
NO.SOE-V (E&AD)/11.1/2024

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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Section Officer (Litigation)
Government of KP
Establishment Department

14
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.

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1/2/24
SECTION OFFICER (E-V)

Section Officer (Litigation)
Government of KP
Establishment Department

1/2/2024
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NOTIFICATION

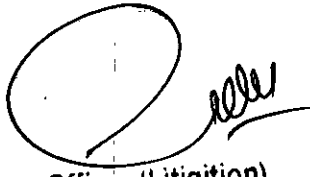
2nd February, 2007.

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 the¹¹ [Khyber Pakhtunkhwa] Civil Secretariat, as defined in rules 2 (r) of the¹² [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

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PART-II
RECRUITMENT

Number and nature of post. --- (1) The service shall comprise the posts specified in column 2 of the Appendix and such other post as maybe added to it from time to time in the Secretariat Departments.⁽¹⁾

(2) Any person appointed to any post specified in the Appendix by any Department before the commencement of these rules shall, on such commencement, be deemed for all intent and purposes, to have been appointed on the authority of the Establishment Department as assigned to it within the meaning of the Khyber Pakhtunkhwa Government Rule of Business, 1985, and their affairs shall onward be administered by the said Department, in accordance with these rules and any other rules for the time being in force and applicable to him in accordance with the said Rules of Business.

4. Appointing Authority. — Appointment to a post shall be made by the concerned appointing authority as defined in rule 2 (b).

5. Method of recruitment. --- (1) Appointment to various posts shall be made,---

(a) In case of post of Director, Deputy Director, System Analyst and Database Administrator by promotion.⁽⁵⁾

(b) In the case of posts of Assistant Director, Programmer, LAN Administrator, Web Administrator, Data Processing Officer and Deputy Database Administrator, fifty percent by initial recruitment and fifty percent by promotion; and⁽⁶⁾

(c) In the case of other posts, by initial recruitment, in the manner specified in column No. 3 to 5 of the Appendix.

(2) Posts in Basic Scale 12 and above falling to the share of initial recruitment shall be filled on the recommendation of the Khyber Pakhtunkhwa Public Service Commission and posts falling to the share of promotion quota shall be filled on the recommendation of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

6. Age.—(1) Subject to any relaxation in respect of a person or class of a person, no person shall be appointed to the service by initial recruitment unless she is within age limit prescribed for the post in column 4 of the Appendix.

(2) The age shall be reckoned from the last date notified for submission of application.

7. Qualifications. ---(1) No person shall be appointed to the service by initial recruitment unless he possesses the qualification specified in column 3 of the Appendix.

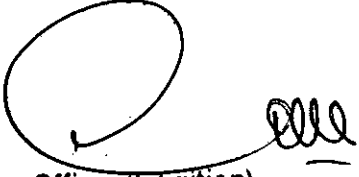
(2) No person, not already in Government service, shall be appointed to the service unless

(a) he produces a certificate of character from the Head of Academic Institution last attended, and also the certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents; and

(1) Words "in the Secretariat Departments" added vide Notification No. SOR-IV(ED)/3-2007 dated 22-03-2007.

(5) Clause (a) of Sub-rule (1) of Rule 5 substituted vide Notification No. SOE-VI(E&AD)/5-16/2016, dated 21-12-2016.

(b) he has appeared before the Standing Medical Board/Civil Surgeon/Medical Superintendent and found fit for Government service.


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PART-III
PROBATION AND CONFIRMATION

8. **Probation.**—A person appointed to a post on regular basis shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that if his work or conduct during the period of probation has, in the opinion of the appointing authority, not been found satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired—

- (a) Dispense with his service, if he has been appointed by initial recruitment; or revert him to his parent department if applied through proper channel; or
- (b) Revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or
- (c) Extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

9. **Confirmation.**—After satisfactory completion of the probationary period, the probationer shall be confirmed; provided that he holds a substantive post; provided further that a probationer shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning sub-section (3) of section 6 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

PART-IV
SENIORITY


10. **Seniority.**— The seniority inter se of the persons borne on the service shall be determined—

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or the Departmental Selection Committee, as the case may be; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of persons appointed otherwise, with reference to the date of their continuous regular appointment to the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their *inter se* seniority as in the lower post.

PART-V

11. **Application of General Rules.**— In all other matters not specifically provided for in these rules, the holder of posts under these rules shall be governed by any rules made or deemed to have been made under the¹⁷ [Khyber Pakhtunkhwa] Civil Servants Act, 1973.

CHIEF SECRETARY
GOVERNMENT OF THE
KHYBER PAKHTUNKHWA.


Section Officer (Litigation)
Government of KP
Establishment Department

APPENDIX

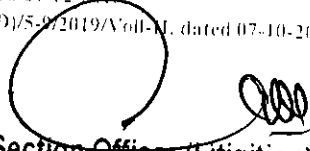
See rule 2(a), (b), 3, 5(1), 6(1) and 7(1)

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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, from 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 ⁽⁶⁾ Computer Operators, having qualification prescribed for initial recruitment with five year service as such. ⁽⁵⁾
4	Deleted ⁽⁶⁾			
5	Deleted ⁽⁵⁾			
6	⁽⁴⁾ Computer Operator ⁽⁵⁾	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. ⁽²⁾	18-28 Years	By initial recruitment.

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

⁽²⁾ Age deleted vide Notification No. SOR-IV(E&AD)3-2/2007, dated 08-12-2009.
⁽³⁾ Qualification substituted vide Notification No. SOE-V(E&AD)5-16/2008, dated 25-07-2012.
⁽⁴⁾ Nomenclature of Post and qualification substituted vide Notification No. SOE-V(E&AD)5-16/2008, dated 15-04-2014.
⁽⁵⁾ 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.
 BPS-12 deleted vide Notification No. SOE-V(E&AD)5-16/2016, dated 21-12-2016.
⁽⁶⁾ Assistant Programmer deleted vide Notification No. SOE-V(E&AD)5-9/2019/Vol-I, dated 07-10-2022.


Section Officer (Litigation)
Government of KP
Establishment Department



Ph#091-9213457
Fx#091-9210447

**GOVERNMENT OF KHYBER PAKHTUN
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

Dated Peshawar, the January 24, 2024

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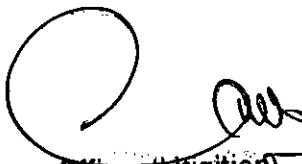
ORDER

NO.SOE-V (E&AD)/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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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.

17/2/2024
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SECTION OFFICER (E-V)

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Section Officer (Litigation)
 Government of KP
 Establishment Department

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

To
THE ACCOUNTANT GENERAL, WEST PAKISTAN, LAHORE.

Dated Lahore, the 30th March, 1970.

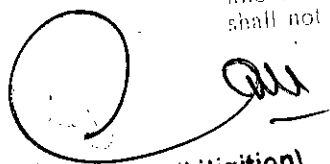
Subject—TERMS AND CONDITIONS OF APPOINTMENT, CONFIRMATION, DISCHARGE AND RETIREMENT, ETC., OF THE GOVERNOR'S HOUSEHOLD, GARDENS AND GARAGE ESTABLISHMENTS.


SIR,

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 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.


 Section Officer (Litigation)
 Government of KP
 Establishment Department


 Attested

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

To

THE ACCOUNTANT GENERAL, WEST PAKISTAN, LAHORE

Dated Lahore, the 30th March, 1970

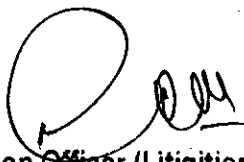
Subject:- TERMS AND CONDITIONS OF APPOINTMENT, CONFIRMATION, DISCHARGE AND RETIREMENT ETC. OF THE GOVERNOR'S HOUSEHOLD, GARDENS AND GARAGE ESTABLISHMENTS.

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Government of KP
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(14)

LEAVE:

- (4) a. An employee/servant of the said establishments, who is in continuous 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 of 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 on 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 year 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, had he been alive and discharged or retired from service, on the date of his death.

[Signature]


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Government of KP
Establishment Department

LEAVE:

- (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
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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.

- (ii) 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.

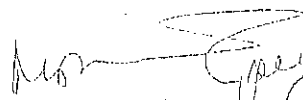

NOTE:

(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.


 Section Officer (Litigation)
 Government of KP
 Establishment Department

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the 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:

- (7) 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 authorized 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.
- (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.

NOTE:

- (i) Each employee will be required to make nomination in the forms at Annexure 'A' and 'B' after having put in ten year service or more. The nomination so made shall be pasted in the Service Book of the individual concerned to 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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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.

Signature
Section Officer (Litigation)
Government of KP
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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 ALLOWANCE:

- (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 extend and under the conditions applicable to Government servants of the corresponding category.
- 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.


Section Officer (Litigation)
Government of KP
Establishment Department

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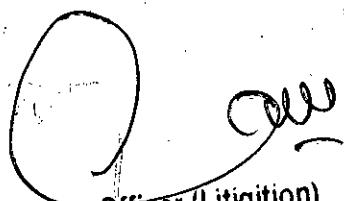
(15)




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 authorized by him, in accordance with the policy of Government of West Pakistan adopted for the regular non-gazetted Government Servants.


 Section Officer (Litigation)
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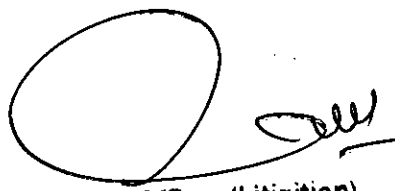
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DISMISSAL FROM SERVICE

(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.

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 COMDR.
Military Secretary to Governor,
West Pakistan.

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Section Officer (Litigation)
Government of KP
Establishment Department

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- i. On the ground of conduct, which has led to his conviction in criminal charge / conviction.
 - ii. When the authority empowered to dismiss him from service, is satisfied for one reason or the other that he has rendered himself un-suitable for future service.

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Your obedient servant

M. AFZAL KHAN
WING COMDR.

Military Secretary to Governor,
West Pakistan

Fair Copy prepared on dated 28/02/2024


Section Officer (Litigation)
Government of KP
Establishment Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/E&AD/Misc/2020
Dated Peshawar, the December 24, 2020

To

1. The Director STT, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No. SOR-VI/E&AD/1-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Establishment, Khyber Pakhtunkhwa.
7. PS to Special Secretary (Establishment) Establishment Department.
8. PS to Special Secretary (Reg). Establishment Department.

SECTION OFFICER (POLICY)

Section Officer (Litigation)
Government of KP
Establishment Department