

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No. 496/2021

Mr. Asim AliAPPELLANT

VERSUS

GOVT OF KPK etcRespondents

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Dated /8/24

APPELLANT

Through

**Noor Muhammad Khattak
Advocated Supreme Court**

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

S.A No. 496/2021

Asim AliAPPELLANT

VERSUS

GOVT OF KPK etcRespondents

APPLICATION FOR FILING ADDITIONAL DOCUMENTS.

Respectfully Sheweth:

1. That the titled service appeal is pending adjudication before this Honorable Tribunal.
2. That service appeal No 496/21 has already been fixed on dated 04-10-2024.
3. The various documents are necessary to be placed on record for adjudication of matter in question, details as under;

S.No	Description of Documents
i	Present order
ii	Applicant salary slip
iii	Cabinet decision.
iv	Ministerial committee
v	Status of STI.
vi	Rule of Business schedule I 1985.
vii	Fee Challan

It is, therefore, respectfully prayed that on acceptance of this application, the documents may kindly be placed on file, and be considered as integral part and parcel of the main file No, 496/21, in the best interest of justice.


APPELLANT
ASIM ALI
SA NO: 496/21

A)
①

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 15082
Dated 20/8/24



(B)
(2)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the NOVEMBER 01, 2019.

NOTIFICATION

No. SOE-V(ERAD)/5-09/2009:

In light of the decision of Provincial Cabinet in its meeting held on 09-05-2019 as well as recommendations of Ministerial Committee, the following employees of the project "Office Automation System Pilots for 05 Departments (Reg Act)" temporarily regularized in Staff Training Institute vide this Department Notification of even No. dated 30-04-2019, are hereby regularized permanently in Staff Training Institute under DDO code PR-8089 w.e.f the date of promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 i.e 07-03-2018:-

S#	Name	Designation with BPS
1.	Muhammad Bilal Khattak	Deputy Director IT/ Manager IT (BS-18)
2.	Syed Rehman Mashwani	Programmer / Assistant Director IT (BS-17)
3.	Milan Haseeb Uddin	Trainer (BS-16)
4.	Muhammad Hamid	Assistant Manager IT (BS-16)
5.	Khalid Khan	Assistant Manager IT (BS-16)
6.	Tariq Kamal	Assistant Manager IT (BS-16)
7.	Muhammad Usman Khan	Assistant Manager IT (BS-16)
8.	Muhammad Younas	Assistant Manager IT (BS-16)
9.	Syed Muhammad Abdullah	Network Engineer (BS-15)
10.	Muhammad Adil	Network Engineer (BS-16)
11.	Muhammad Asim Ali	Assistant Programmer (BS-16)
12.	Falzan Abbas	Assistant (BS-16)
13.	Noman	Computer Operator (BS-16)
14.	Mushtaq Hussain	Computer Operator (BS-16)
15.	Rehmat Hadl	Computer Operator (BS-16)
16.	Jamal Ahmad	Computer Operator (BS-16)
17.	Fawad Nazir	Computer Operator (BS-16)
18.	Shakir Ullah	Computer Operator (BS-16)
19.	Ijaz Hussain	Computer Operator (BS-16)
20.	Muhammad Junaid Khan	Computer Operator (BS-16)
21.	Sajjad Hussain	Computer Operator (BS-16)
22.	Aman Gul	Computer Operator (BS-16)
23.	Muhammad Ramzan	Computer Operator (BS-16)
24.	Faran Kamal	Computer Operator (BS-16)
25.	Usman Khan	Computer Operator (BS-16)
26.	Muhammad Asad Khan	Computer Operator (BS-16)

P.T.O

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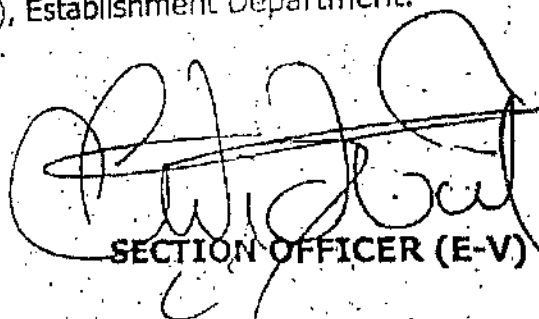
27.	Fawad Ahmad	Computer Operator (BS-16)
28.	Abdul Wali Khan	Driver (BS-06)
29.	Muhammad Taifullah	Nalb Qasid (BS-03)

SECRETARY ESTABLISHMENT
GOVT. OF KHYBER PAKHTUNKHWA

Endstt: No. & Date Even.

Copy forwarded to the following for information:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, Staff Training Institute, Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Section Officer (Budget & Dev), Administration Department.
6. Section Officer (O&M), Establishment Department.
7. PS to Secretary, Finance Department.
8. PS to Secretary, Establishment Department.
9. PS to Secretary, Administration Department.
10. PS to Secretary, ST&IT Department.
11. PA to Deputy Secretary (Estt), Establishment Department.
12. Officers / Officials concerned.


SECTION OFFICER (E-V)

*Muhammad
Zin*

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (May-2024)

(C)



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Personal Information of Mr MUHAMMAD ASIM ALI d/w/s of SHER ALI KHAN

Personnel Number: 00829375 CNIC: 1620282494533 NTN:
Date of Birth: 10.04.1989 Entry into Govt. Service: 31.05.2016 Length of Service: 08 Years 00 Months 002 Days

Employment Category: Active Temporary

Designation: ASSISTANT PROGRAMMER 80851670-GOVERNMENT OF KHYBER PAKH
DDO Code: PR8089-Office Automation System, Staff Training Institute, E & A Department Govt of KP.
Payroll Section: 005 GPF Section: 004 Cash Center:
GPF A/C No: GPF Interest applied GPF Balance: 352,359.00 (provisional)
Vendor Number: -

Pay and Allowances: Pay scale: BPS.For - 2022 Pay Scale Type: Civil BPS: 16 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,150.00	1004	House Rent Allow 45% KP21	9,024.00
1210	Convey Allowance 2005	5,000.00	1500	Computer Allowance	1,500.00
1594	Instruction Allowance	3,000.00	1974	Medical Allowance 2011	1,500.00
2283	Secretariat Perform Allow	46,150.00	2315	Special Allowance 2021	3,500.00
2347	Adhoc Rel Al 15% 22(PS17)	4,204.00	2378	Adhoc Relief All 2023 35%	15,361.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-4,960.00	3501	Benevolent Fund	-1,500.00
3543	Professional Tax	-1,200.00	3609	Income Tax	-5,625.00
3610	Other Recoveries	-5,000.00	3901	Org.of StatGen Admin(ROP)	-2,000.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 67,595.88 Recovered till MAY-2024: 61,971.00 Exempted: 0.06- Recoverable: 5,624.94

Gross Pay (Rs.): 135,389.00 Deductions: (Rs.): -20,935.00 Net Pay: (Rs.): 114,454.00

Payee Name: MUHAMMAD ASIM ALI

Account Number: 247175352

Bank Details: UNITED BANK LIMITED, 211341 NAWAN KILLI NAWAN KILLI,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWABI

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: imuhammadasimali@gmail.com

System generated document in accordance with APPM 4.6.12.9(82882/25.05.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/04.06.2024/02.04:52)

(D) (S)
23
BETTER COPY OF PAGE NO: _____

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(CABINET WING)

NO. SOC (E&AD)9-15/2019
Dated Peshawar the 14th MAY 2019

TO

The Secretary Government of Khyber Pakhtunkhwa,
Establishment Department.

Subject: **DECISION OF MEETING OF THE PROVINCIAL CABINET
DATED 09-05-2019**

Dear Sir,

I am directed to forward herewith the following decision of the meeting of the Provincial Cabinet held on 09-05-2019 under the Chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

ADDITIONAL ITEM NO. 08

SETTLEMENT OF ANOMALIES AMOUNT ARISING OUT IN THE WAKE OF PROMULGATION OF EH KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT 2018

Decision of the Cabinet:

The Cabinet approved recommendation of the Ministerial Committee as under:

- i) With regard to contingent/fixd pay/daily wage staff appointed/recruited by the departments prior to promulgation of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018 without adopting codal formalities under Project Policy, it was agreed that those contingent employees 35 in number, 31 in P&D and 4 in Home Department) may be given one time relaxation for regularization of their services subject to certification of their credentials and suitability by the concerned Government Departments provided that it should not be quoted as precedent to follow in other cases, rather a special dispensation to the contingent paid employees vide order of Peshawar High Court decision given in the writ petition no. 6553-P/2018 dated 12.03.2019.
- ii) A Grievances Redressal Committee headed by Establishment Department consisting of representatives from Finance, Law and concerned administrative departments may be constituted. The Grievance Redressal Committee would report to the same ministerial committee.
- iii) All the position created by Finance Department for all the regularized projects under the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2018 shall be created/placed at the strength of attached formations of respective administrative Departments except the positions of Planning Cells.

Implementing Department: Establishment

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours Faithfully,
(Taj Muhammad)
Section Officer (Cabinet)

ATTESTED
to be true copy
Advocate

ATTESTED
A. M. Z. M.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/Misc/2023

Dated Peshawar, the March 11th, 2024

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

Subject: -

COMPLAINT RECEIVED THROUGH PAKISTAN CITIZEN PORTAL
(PCPE) ILLEGALLY DRAWING SECRETARIAT PERFORMANCE
ALLOWANCE.

Dear Sir,

I am directed to refer to Finance Department's letter No. SO((SR-IV)FD/1-24/2023/AG KP, dated 28.02.2024 and to state that in the Khyber Pakhtunkhwa Government Rules of Business, 1985, Schedule-I (List of Departments & attached Departments), Staff Training Institute has not been reflected as an attached entity of Establishment & Administration Department.

Yours faithfully,

SECTION OFFICER (REG-NS)

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Zin*

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RECOMMENDATIONS OF THE MINISTERIAL COMMITTEE

In pursuance of the directions of Ministerial Committee meeting dated 6.3.2019 the issues of regularized employees of various departments are classified in line with the Anomaly Committee's recommendations. Under the Rules of Business creation/abolition of posts is the domain of Finance Department. At the start of regularization process of the Project Employees, all concerned Administrative Departments were requested to coordinate their cases with the Finance Department for creation of posts on regular side. Moreover, subsequent to promulgation of the Regularization Act, 2018 they were again reminded to expedite the process of creation of posts with the Finance Department. Resultantly, Finance Department issued a schedule of meetings starting from 7.5.2018 to 16.5.2018 with the concerned departments for creation of posts. After this process, Finance Department addressed/asked the Administrative Departments concerned to ensure provision of a certificate to the effect that "all educational qualifications and other credentials of the project employees have been verified and found correct" prior to creation of posts on regular side. After completion of the relevant conditions and formalities of Finance Department as well as meetings with the departments concerned, posts have been created on regular side. However, the following departments have raised issues/difficulties:-

I. Health Department

Name of the Project Regularized	Issues	Remarks
MNCH (approved on 7.3.2007 and revised from time to time till 7-7-18)	Employees appointed without advertisement	Since the issue was subjudice before the Peshawar High Court and the Court in its order dated 12.3.2019 has decided the case in favour of the petitioners, hence the issue stands resolved. It is, therefore, proposed that the qualifications, credential and experience as required under Sections 3,4&5 of the said Act should be checked and after that Administrative Department may issue notification.
Summary		
Total Sanctioned Strength	=	431
Posts created by Finance Department	=	398
Employees appointed without advertisement	=	197
Breakup of employees		
Superintendent (BS-17)	01	
Computer Operator (BS-16)	02	
Account Assistant (BS-14)	04	
Junior Clerk (BS-11)	04	
Driver (06)	51	

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V. Local Government Department

Name of the Project Regularized	Category/Scale of the Employees having anomaly	Issues	Recommendations of the Anomaly Committee
Establishment of Planning Cell	02 Nos of Assistant (BS-16) One No. of Computer Operator (BS-16) 03 Nos. of Driver (BS-03) 02 Nos. of Wash Qasid (BS-03) One No. of Sweeper (BS-03)	> The issue of service structure of employees i.e., Assistant, Computer Operator, Driver, Wash Qasid & Muslim Sweeper. > Disposition of employees.	> Service structure is not an anomaly and is the responsibility of the Standing Service Rules Committee (SSRC). > Planning Cells shall form part and parcel of Provincial Planning Service (PPS).

VI. ST&IT Department

Name of the Project Regularized	Category/Scale of the Employees having anomaly	Issues	Recommendations of the Anomaly Committee
Common Application for Governmental Departments (E-Office)	i. Project Manager (BS-18) ii. Application Manager (BS-17) iii. E-Office Trainer (BS-16) iv. Web Developer (BS-16) v. Office Assistant (BS-14) vi. Assistant IT Manager (BS-16) vii. Support Engineer (BS-16) viii. Assistant IT-Manager (BS-16) ix. Computer Operator (BS-16) x. Office Peon (BS-04) xi. Driver (BS-07) Computer Operator (BS-16)	The issue of adjustment of the employees in their respective five departments where they are working i.e. Establishment, Administration, Elementary & Secondary Education, ST&IT and Health Departments.	Since posts have already been created by the Finance Department, therefore, in order to scale the anomaly, all the positions may be shifted/absced / adjusted at the strength of Staff Training Institute (STI).
		15 Computer Operators do not fulfill the prescribed qualification criteria of the Computer Operator (BS-16) i.e. Graduation with Diploma in IT (DIT).	With regard to Computer Operator having 158 qualification, the Administrative Department should take up case with Finance Department to create S.F. positions in BS-12. However, the incumbents will be given grace period of four years to acquire the prescribed qualification for the post of computer operator (BS-16) i.e. Graduation with Diploma in IT (DIT). Note: The grace period shall commence from the issuance of the regularization notification.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/Misc/2023
Dated Peshawar, the March 11th, 2024

To

✓
The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

Subject: -

COMPLAINT RECEIVED THROUGH PAKISTAN CITIZEN PORTAL
(PCP): ILLEGALLY DRAWING SECRETARIAT PERFORMANCE
ALLOWANCE.

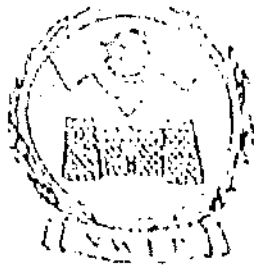
Dear Sir,

I am directed to refer to Finance Department's letter No. SO((SR-IV)FD/I-24/2023/AG KP, dated 28.02.2024 and to state that in the Khyber Pakhtunkhwa Government Rules of Business, 1985, Schedule-I (List of Departments & attached Departments), Staff Training Institute has not been reflected as an attached entity of Establishment & Administration Department.

Yours faithfully,

SECTION OFFICER (REG-10)

*Abdur
Zin*



MIRVAJUKI 1/1

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GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATIVE
DEPARTMENT
(REGULATION WING) Annex

No. SO(O&M)E&AD/1(3)/2007
Dated Peshawar, the 26th February, 2008

To

The Accountant General, NWFP.

Subject: CLEARANCE OF THE STATUS OF STAFF TRAINING INSTITUTE (STI) ESTABLISHMENT DEPARTMENT, GOVT. OF NWFP.

Dear Sir,

I am directed to refer to the subject noted above and to state that Special Allowance and Utility Allowance are admissible to the officers/staff of STI as they are the employees of Civil Secretariat, NWFP and posted there by transfer.

Yours faithfully,

SECTION OFFICER (O&M)

Copy for:-

The Section Officer (Admn), STI for information with reference to his letter No. DD(S.T.)E&AD/1(3)/2007-08, dated 23-02-2008.

Received
[Signature]
26/2/08

SECTION OFFICER (O&M)

Attested
[Signature]

Attested
[Signature]



(5) (10)

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)**

NOTIFICATION

Peshawar the, dated 6th April, 1985.

No. SO(O&M) S&GAD/3-3/1985,---In pursuance of the provision contained in Article 139 of the constitution of the Islamic Republic of Pakistan and in suppression of the North-West Frontier Province Government Rules of Business, 1972, the Governor of the North-West Frontier Province is pleased to make the following rules:

PART - A --- GENERAL

1. SHORT TITLE AND COMMENCEMENT.

- (1) These rules may be called the North-West Frontier Province Government Rules of Business, 1985.
- (2) They shall come into force at once.

2. DEFINITION .--- In these rules, unless the context otherwise requires.

- (a) "Assembly" means the Provincial Assembly of the North-West Frontier Province;
- (b) "Attached Department" means a Department mentioned in column 3 of Schedule-I;
- (c) "Business" means all work done by Government;
- (d) "Cabinet" means the Cabinet of Ministers appointed under Article 132 of the Constitution and includes the Chief Minister appointed under Article 130 of the Constitution;
- (e) "Case" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz: correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
- (f) "Chief Secretary" means the officer notified as such in the Gazette, who shall in addition to other Departments and functions that may be allotted to him

*Attested
Zin*

SCHEDULE-I
[See Rule 3 of NWFP Government Rules of Business, 1985]

LIST OF DEPARTMENTS AND ATTACHED DEPARTMENTS

S.NO	SECRETARIAT DEPARTMENTS	ATTACHED DEPARTMENTS	HEAD OF ATTACHED DEPARTMENTS
1.	Agriculture, Livestock and Cooperation Department.	(a) Directorate General, Agriculture Extension.	(a) Director General, Agriculture Extension.
		(b) Directorate General, Agriculture Research.	(b) Director General, Agriculture Research.
		(c) Directorate of Livestock and Dairy Development.	(c) Director, Livestock and Dairy Development.
		(d) Directorate General On-Farm Water Management.	(d) Director General On-Farm Water Management.
		(e) ² Directorate of Agriculture Engineering	(e) Director Agriculture Engineering
2.	Auqaf, Hajj, Religious and Minority Affairs Department.	--	--
2(A)	³ Energy and Power Department		
3.	Environment Department.	(a) Office of the Chief Conservator of Forests.	(a) Chief Conservator of Forests.
		(b) Office of Conservator of Wildlife.	(b) Conservator of Wildlife.
		(c) Directorate of Fisheries.	(c) Director, Fisheries.
		(d) Directorate General Environmental Protection Agency.	(d) Director General Environmental Protection Agency.
		(e) ⁴ Deleted	(e) Deleted
4.	Establishment & Administration Department.	(a) Directorate of Anti-Corruption Establishment.	(a) Director Anti-Corruption Establishment, NWFP.
		(b) NWFP Service Tribunal.	(b) Chairman, NWFP Service Tribunal.
		(c) Provincial Inspection Team (PIT).	(c) Chairman, Provincial Inspection Team (PIT).

² Added vide Establishment Department Notification No.SO(O&M)/E&AD/2-3/2006 Vol II Dated 11-4-2007
³ Energy and Power Department created vide Notification No. SO(O&M)/E&AD/ 2-34/2008 dated 25.10.2008
⁴ The Directorate of Transport shifted to newly created Transport Department vide Notification No.SO(O&M)/E&AD/2-35/2008 dated 18.9.2008

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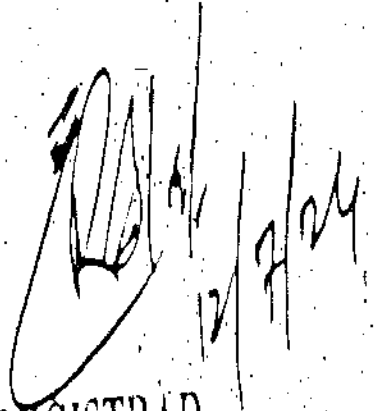
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Cost of Rs. 6,000/- received in Service Appeal No. 496/2021,

Titled Muhammad Asim VS. Establishment Deptt

in the office of Registrar Vide Order 26-06-2024

Dated: 12/07/2024.



REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal, Peshawar
Service Tribunal