


FORM OF ORDER SHEET

Court of _____

Appeal No. 1429/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09-Sep-24	<p>The appeal of Mr. Atta Ullah presented today by Mr. ALI GOHAR DURRANI Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 19-Sep-24: Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

IN THE
HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1499 /2024

Mr. Atta Ullah Khan Versus. Govt. of KP and others.

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Appellant

Through

(ALI GOHAR DURRANT)
Advocate Supreme Court
0332-9297427

①

IN THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1429/2024

Atta Ullah Khan (BPS-17)
Assistant Director Information, Posted as Public Relation Officer
(PRO) to Ministry of Health, Khyber Pakhtunkhwa.
..... Appellant

Versus

1. The Government of Khyber Pakhtunkhwa,
Through Chief Secretary Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Establishment Department, Government of Khyber
Pakhtunkhwa
Through Secretary Establishment, Government of Khyber
Pakhtunkhwa
Civil Secretariat, Peshawar.
3. The Information & Public Relations Department,
Government of Khyber Pakhtunkhwa.
Through Secretary Information & Public Relations, Government
of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
4. Mr. Sahibzada Hassan Ali (BPS-17), Assistant Director
Information/ Information Officer, Directorate General
Information & PRs, Peshawar, Khyber Pakhtunkhwa.
5. Mr. Saqib Nawaz (BPS-17), Assistant Director Information/
Information Officer, Directorate General Information & PRs,
Peshawar, Khyber Pakhtunkhwa.
6. Mr. Rizwan Malik (BPS-17), Assistant Director Information/
Information Officer, Directorate General Information & PRs,
Peshawar, Khyber Pakhtunkhwa.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
READ WITH ALL OTHER LAW ENABLING
JURISDICTION OF THIS HONORABLE TRIBUNAL

(2)

UNDER ARTICLE 212 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973, TO
STRIKE DOWN THE ILLEGAL & UNLAWFULLY
ISSUED FINAL SENIORITY LIST DATED 14-03-2024
AND THE REJECTION OF THE APPEAL OF THE
APPELLANT AGAINST THE SAID SENIORITY LIST.

RESPECTFULLY SUBMITTED:

The Appellant most earnestly request to submit as under:

That the Appellant is working against the designation mentioned in the heading of the petition in the Information Cadre. The Appellant is a Civil Servant, and is before this Honorable tribunal for the redressal of his grievance in respect of seniority of the appellant, which being part and parcel of the terms and conditions of service, gives exclusive jurisdiction to this honorable tribunal for adjudication of the matter under the Constitution of Pakistan, 1973, the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Khyber Pakhtunkhwa Service Tribunals Act, 1974 and the Rules made under the two Acts.

BRIEF FACTS:

1. That an advertisement was floated by the Khyber Pakhtunkhwa Public Service Commission on 09.02.2018, to which the appellant applied and was successfully appointed on 10.10.2018 as regular civil servant. The appellant is part of the information service cadre. The said appointment of the Appellant was made after proper advertisements, competitive examinations, interview process and subsequent appointment orders in accordance with the law and keeping in view all the codal formalities.

Copy of the Advertisement, Appointment Orders & current posting orders are Annex-A & B.

2. That the Khyber Pakhtunkhwa Assembly passed the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 which received the assent of the Governor in March

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2018. The said Act resulted in the regularization of services of employees working against project posts.

Copy of the KP Employees (Regularization of Services Act) 2018 is Annex-C.

3. That in light of the KP Employees (Regularization of Services) Act, 2018 three (03) employees of different government projects: (01) Information Officer namely Mr. Sahibzada Hassan Ali and (02) Producers namely Mr. Rizwan Malik and Mr. Saqib Navvaz were regularized in the Directorate General Information & Public Relations, Khyber Pakhtunkhwa.

Copy of Regularization Notifications are Annex -D & E.

4. That the respondents issued a final seniority list dated 14.03.2024, wherein the appellant has been shown at Serial No. 11 of the seniority list of Assistant Director Information/Information Officer/ Producers/ Station Manager (FM Radio)/Assistant Registrar (BPS-17) employees of Directorate General Information & Public Relations, Khyber Pakhtunkhwa whereas, the employees (Respondents No. 4, 5 & 6 of the instant service appeal) who have been regularized through the said Regularization Act, 2018 have been placed at Serial No. 6, Serial No. 7 and Serial No. 8 of the seniority list.

Copy of the Seniority List dated 14.03.2024 is Annex-F.

5. That the afore-mentioned Act in section 3 and 4 provided for the regularization of Ad-hoc and project employees and the said regularization was to take effect from the date of the commencement of the Act. The said sections are reproduced as under:

3. Regularization of services of adhoc employees.-- Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of subsection (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular

(4)

basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.-- Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department: Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

6. That to protect the service structure and seniority of the already in-service Civil Servants, general conditions for regularizations in Section 6 and seniority in Section 7 were provided for. The two sections read as under:

5. General conditions for regularization.--For the purpose of regularization of the employees under this Act, the following general conditions shall be observed: (i) the service promotion quota of all service cadres shall not be affected; (ii) the employees shall possess the same qualification and experience as required for a regular post; (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.--(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre,

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irrespective of their actual date of appointment. (2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre: Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. That the above-mentioned seniority list issuance in its totality go in direct conflict with the principles settled by Honorable Supreme Court of Pakistan in judgment reported 2013 SCMR 1752. This is very relevant also based on the fact that not only this judgment is still in field but also the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) endorsed this judgment and sent it to all the administrative Secretaries of the Province on 25-02-2014. This was in continuation of the Office Memorandum of the Cabinet Secretariat, Establishment Division of the Government of Pakistan dated 31-01-2014. The following are the essential aspects of the judgment:

- i. *A civil servant, who after passing the Competitive exam in terms of the recruitment rules, is appointed on merits, loses his right to be considered for promotion, when an employee from any other organization is absorbed without competition or undertaking competitive process with the back dated seniority and is conferred the status of a civil servant in complete disregard of recruitment rules.*
- ii. *Absorption of a non-civil servant conferring on him status of a Civil Servant and likewise absorption of Civil Servant from non Cadre post to a cadre post without undertaking the Competitive process under the recruitment rules.*
- iii. *Introduction of any validation law in the nature of multiple or parallel legislation on the subject of service law.*
- iv. *Benefit of 'absorption' extended since 1994, with or without back dated seniority, is declared ultra vires of the Constitution.*
- v. *The re-employment / rehiring of the retired Civil Government Servants being violative of the constitution are declared nullity*

The apex court further held that:

- (a) *No non Civil-servant can be transferred and appointed by way of deputation to any cadre, the procedure provided under Esta Code has been approved by this court in the case of Muhammad Arshad Sultan.*
- (b) *No Civil servant of Non Cadre post can be transferred out of cadre to be absorbed to a cadre post which is meant for recruitment through competitive process.*
- (c) *The procedure provided under ESTA CODE requires that a*

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person who is transferred and appointed on deputation must be a govt servant and such transfer should be made through the process of selection. The borrowing government has to establish the exigency in the first place and then the person who is being transferred/ placed on Deputation in Govt must have matching qualifications expertise in the field with required experience.

- (d) An employ holding a post under any authority or corporation, body, or organization established by or under Provincial Government has controlling share or interest, could not conferred status of a civil servant.
- (e) It is a settle principle of law that if the right of promotion is not blocked by the re-employment then such powers can be exercised, then too in exceptional cases for a definite period, besides it violates the fundamental rights of the serving civil servant, on account of such rehiring on contract are deprived for their legitimate expectancy of promotion to a higher cadre, which is violative of the provision of Article 4, 19 and 25 of the constitution of Pakistan.
- (f) The absorption and out of turn promotion will also impinge on the self-respect and dignity of the civil servant, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been included from other service/ cadre regardless of their (inductees) merits and results in the competitive exams (if they have appeared for all exam at all), hence are violative of Art 14 of the constitution.
- (g) Principle of locus poenitentiae id the power of receding till a decisive step is taken but it is not a principle of law that order once passed become irrevocable and past and closed transaction, if the order is illegal then perpetual rights cannot be gained on the basis of an illegal order.
- (h) Any backdated seniority cannot be granted to any absorbee and his inter se seniority, an absorption in the Cadre shall be maintained at the bottom as provided under the rules regulating the seniority.

Copy of letter dated 25-02-2014 is Annex-G.

Copy of Office Memorandum dated 31-01-2014 is Annex-H.

8. The appellant filed a representation against the said seniority list vide departmental appeal dated 30.07.2024 which was filed (Rejected) by the respondent department through letter dated 13.08.2024.

Copy of the Departmental Appeal dated 30.07.2024 & Rejection Order dated 13.08.2024 are Annex- I & J.

9. That now the appellant against the rejection of departmental appeal whereby the representation in respect of seniority has been denied, the appellant now approached this Honorable

(7)

Tribunal for indulgence of this tribunal amongst others on the following grounds:

GROUNDS:

- a. Because the Appellant is an aggrieved person within the meaning of Article 212 of the constitution of the Islamic Republic of Pakistan 1973.
- b. Because the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. The said rights flow out of the terms and conditions of service of the appellant and this Honorable tribunal being the custodian of the Rights of Civil Servants as enshrined in the Civil Servants Act, the rules made thereunder as well as the protection afforded by the Constitution of Islamic Republic of Pakistan, 1973, is why the Appellant seeks the redress of their grievances and to bring to an end the ordeal the Appellant is going through due to the illegal, unlawful and unjust acts and inaction of the Respondents.
- c. Because the condition 5 of the Regularization Act *ibid* vindicates the stance of the appellant and most certainly paves way for the allowing of the instant appeal.
- d. Because the honorable Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1282/2022 also decided that in a similar matter that, for regularization of employees there are general conditions which will have to be fulfilled before regularization of service of a project or adhoc employees out of which condition No. 4 ((Khyber, Pakhtunkhwa Employees Regularization of Services, Act) 2018) is; (iv) *The services of such employees shall be deemed to have been regularized only on the publication of their names in the official gazette.* So, publication of names of the regularized employees is condition pre-requisite for giving effect of regularization to the service of adhoc/project employees until and unless the names of the regularized employees are not published in official gazette,

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therefore, they will not be considered regularized in accordance with above mentioned condition. Hence, keeping in view this dictum of this honorable Tribunal and the Regularization Act, 2018 the Respondents of the instant appeal stand regularized later in time then the date of the Regularization Act, 2018 which is 07.03.2018 thus stands junior in the seniority list then the Appellant.

Copy of Judgment in Service Appeal No. 1282/2022 is Annex-K.

- e. Because the honorable Supreme Court in Civil Appeals No. 290 to 297 of 2022 very clearly decided that the preference in seniority shall be given to those appointed through proper process by the Public Service Commission as against those who are regularized.
- f. Because the Rights of the Appellant are secured under Article 8; and the entirety of Part II of the Constitution of the Islamic Republic of Pakistan, and its redress falls solely within the ambit of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973. The appellant stand senior to the private respondents and therefore his seniority should be protected as such.
- g. Because the principles of legitimate expectation as expounded by the Honorable Superior Courts and recently reiterated in 2022 SCMR 694 is seriously violated in the instant case. Wherein the petitioner and similarly placed employees are being deprived of their due rights all based on an illegality.
- a. Because "Intelligible differentia" exists between the appellant and the respondents. The principles of "Intelligible differentia" have been vitiated by the respondents. In the case of Dr. Mobashir Hassan Vs. Federation of Pakistan (PLD 2010 SC 265), the Apex Court defined "intelligible differentia" in the following terms:
"As far as 'intelligible differentia' is concerned, it distinguishes persons or things from the other persons or

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things, who have been left out. The Indian Supreme Court, while relying upon the statement of Professor Willis in *Charanjit Lal v. Union of India* (AIR 1951 SC 41), observed that "any classification which is arbitrary and which is made without any basis is no classification and a proper classification must always rest upon some difference and must bear a reasonable and just relation to the things in respect of which it is proposed". Same principle has been highlighted in *Shazia Batool v. Government of Balochistan* (2007 SCMR 410).

59. Thus, keeping in view the above principles and the definition of classification "intelligible differentia" means, in the case of the law differentiating between two sets of the people or objects, all such differentiations should be easily understood as logical and lucid and it should not be artificial or contrived."

- b. Because when the base is wrong and rooted in a nullity, any superstructure built on the base is wrong. The principle laid down through PLD 1958 SC 104 has been reiterated in PLD 2022 SC 119, 2021 SCMR 637, PLD 2007 SCMR 1835, which essentially forms part of our jurisprudence.
- h. Because the Appellant has not been treated in accordance with law, and their right secured and guaranteed under Law and Constitution have been violated.
- i. Because the Appellant has suffered for no fault of their own and the entire premise of the case is based on the illegality of the respondents to the complete detriment of the Appellants.
- j. Because the famous judgment of Supreme Court of Pakistan in *Anita Turab* case (PLD 2013 SC 195) clearly lays down that merit has to be followed and the merit in the instant case is clearly setting aside the discriminatory attitude towards the Appellant in

bringing the decisions in violation of letter dated 25-02-2014 and office Memorandum dated 31-01-2014.

- k. Because the Appellant has served the department with utmost honesty and clarity and must not be deprived of their due rights.
- l. Because the Respondents cannot be allowed under the law to pass any illegal orders, as valuable Rights of the Appellants are involved, which are guaranteed under the Constitution of Islamic Republic of Pakistan 1973.
- m. Because the Judgment of the Honorable Supreme Court reported as 2013.SCMR 1752 has been specifically violated. The same warrants action from this Honorable Tribunal.
- n. Because the decisions of the provincial government by placing people other than those coming through proper competitive process is illegal, unlawful and without lawful authority.
- o. Because the seniority of the appellant has been literally done away with. The deviation is illegal and unlawful.
- p. Because the Appellant crave for leave to add further grounds at the time of his oral arguments before this Hon'ble Court highlighting further contraventions of the provisions of the Constitution & Laws.

P R A Y E R:

In view of the above, it is humbly prayed that this honorable Court may graciously be pleased to:

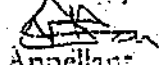
- a. Declare the Final Seniority list 14.03.2024 to be arbitrary, illegal, unlawful and without any authority and that the Appellant be placed at seniority list above the respondents who were regularized into service- as against regular appointment into service. Furthermore, also declare that any seniority list based on the afore-mentioned seniority subsequent to the instant appeal may also be declared to be illegal, unlawful and without any authority so vested in the respondents.

b. Direct that the Appellant be treated in accordance with the law and that all actions in negation of the law are to be strike down.

c. Any other relief deemed appropriate in the circumstance of the case may also be granted.

Interim Relief:

For what has been stated in the body of the appeal, may it please this honorable tribunal to direct that no promotion case be processed on the illegally issued impugned seniority list in the respondent department.


Appellant

15401-0884728-9

Through

03459109905

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231-A, Street No. 13, New Shami Road, Peshawar.

Certificate:

It is certify that no such like APPEAL against the seniority list dated 14.03.2024 has earlier been filed by the Appellant in this Honourable Tribunal.

(12)

IN THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2024

Atta Ullah Khan Versus Govt. of KP and others.

AFFIDAVIT:

I, Atta Ullah (BPS-17), Assistant Director Information Posted as Public relation officer (PRO) to Ministry of Health, Khyber Pakhtunkhwa, (Appellant) do hereby affirm on oath that the contents of the enclosed appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable tribunal.


Deponent

Identified by:

C.NIC# 15401-0884728-9

Ali Gohar Durrani
Advocate Supreme Court.

(13)

IN THE
HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL
PESHAWAR

Appeal No. _____/2024

Mr. Atta Ullah Khan Versus Govt. of KP and
others.

Memo Of Address:

Appellant:

Atta Ullah Khan (BPS-17), Assistant Director Information, Posted
as Public Relation Officer (PRO) to Ministry of Health, Khyber
Pakhtunkhwa.

Respondents:

1. The Government of Khyber Pakhtunkhwa,
Through Chief Secretary Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Establishment Department, Government of Khyber
Pakhtunkhwa.
Through Secretary Establishment, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Information & Public Relations Department,
Government of Khyber Pakhtunkhwa.
Through Secretary Information & Public Relations, Government
of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Mr. Sahibzada Hassan Ali (BPS-17), Assistant Director
Information/ Information Officer, Directorate General
Information & PRs, Peshawar, Khyber Pakhtunkhwa.
5. Mr. Saqib Nawaz (BPS-17), Assistant Director Information/
Information Officer, Directorate General Information & PRs,
Peshawar, Khyber Pakhtunkhwa.
6. Mr. Rizwan Malik (BPS-17), Assistant Director Information/
Information Officer, Directorate General Information & PRs,
Peshawar, Khyber Pakhtunkhwa.

Appellant

Through

Ali Gohar Durrani
Advocate Supreme Court.

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Amna

(A)

Dated: 09.02.2018

ADVERTISEMENT No. 03/2018

Online applications are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by 26.02.2018.

Apply Online Only. Applications other than online will not be accepted. To apply, visit any Jazz Cash/ Easy Paisa Agent, deposit application fee of RS.285/- excluding service charges and get transaction I.D through SMS. Visit PSC website www.kppsc.gov.pk and apply online. The candidates are advised to fill all the columns carefully no change will be allowed later on. Unclaimed qualification, experience etc will not be accepted.

Note: Documents are not required at the time of submission of application; candidates who qualified the test will have to submit their documents within a week time after announcement of the result.

ADMINISTRATION DEPARTMENT

1. TWO (02) POSTS OF PROTOCOL OFFICER.
QUALIFICATION: (i) Master's Degree in Political Science / History / International Relations / Literature (English / Urdu) / Journalism OR Bachelor's Degree with LLB, from a recognized University; and (ii) Three years experience in Journalism / Publicity in a Government office / News Agency / Newspaper.
AGE LIMIT: 21 to 35 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes
ALLOCATION: One each to Merit & Zone-1.

AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT

2. TWO (02) POSTS OF SENIOR RESEARCH OFFICER / SENIOR BIOCHEMIST IN LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH WING)
QUALIFICATION: (a) Ph.D in Veterinary / Animal Sciences / Bio chemistry, after basic degree of D.V.M or equivalent qualification recognized by PVMC. OR (b) M.Sc (Hons) / M.Phil / M.S in Veterinary / Animal Sciences / Bio chemistry, after basic degree of DVM or equivalent qualification recognized by PVMC having two years Research Experience with at least two Research Publication. OR (c) Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences recognized by PVMC having five years' experience in the relevant field (Research) with at least two Research Publication.
AGE LIMIT: 28 to 45 years. PAY SCALE: BPS-18. ELIGIBILITY: Both Sexes.
ALLOCATION: Merit
3. FOUR (04) POSTS OF RESEARCH OFFICER / FARM MANAGER IN LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH WING)
QUALIFICATION: Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences recognized by PVMC.
AGE LIMIT: 22 to 32 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes
ALLOCATION: One each to Merit, Zone-1, 4 & 5
4. ONE (01) (LEFTOVER) POST OF RESEARCH OFFICER / FARM MANAGER (MINORITY QUOTA) LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH WING).
QUALIFICATION: Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences recognized by PVMC.
AGE LIMIT: 22 to 32 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes
ALLOCATION: Merit
5. ONE (01) POST OF AUDIO VIDEO PRODUCER IN AGRICULTURE RESEARCH WING.
QUALIFICATION: At least 2nd Class Master's Degree in Journalism or Mass Communication or B.Sc (3 years) or equivalent qualification from a recognized University with two years Experience in the relevant field.
AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes
ALLOCATION: Merit
6. ONE (01) POST OF STATISTICAL OFFICER IN AGRICULTURE RESEARCH WING
QUALIFICATION: M.Sc in Statistics or M.A.M.Sc in Economics or Maths with Statistics as a compulsory subject.

(15)

122.	ONE (01) POST OF JUNIOR SCALE STENOGRAPHER (FEMALE QUOTA) IN DIRECTORATE OF INDUSTRIES & COMMERCE. QUALIFICATION: (i) intermediate or equivalent qualifications from a recognized Board; and (ii) A speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (iii) Knowledge of computer in using MS Word and MS Excel. AGE LIMIT: 18 to 28 years. PAY SCALE: BPS-14 ALLOCATION: Merit. ELIGIBILITY: Female
123.	ONE (01) POST OF JUNIOR SCALE STENOGRAPHER (DISABLE QUOTA) IN DIRECTORATE OF INDUSTRIES & COMMERCE. QUALIFICATION: (i) intermediate or equivalent qualifications from a recognized Board; and (ii) A speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (iii) Knowledge of computer in using MS Word and MS Excel. AGE LIMIT: 18 to 28 years. PAY SCALE: BPS-14 ALLOCATION: Merit. ELIGIBILITY: Both Sexes
124.	ONE (01) POST OF JUNIOR SCALE STENOGRAPHER (MINORITY QUOTA) IN DIRECTORATE OF INDUSTRIES & COMMERCE. QUALIFICATION: (i) intermediate or equivalent qualifications from a recognized Board; and (ii) A speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (iii) Knowledge of computer in using MS Word and MS Excel. AGE LIMIT: 18 to 28 years. PAY SCALE: BPS-14 ALLOCATION: Merit. ELIGIBILITY: Both Sexes
125.	ONE (01) POST OF JUNIOR SCALE STENOGRAPHER IN PRINTING & STATIONERY DEPARTMENT. QUALIFICATION: (i) Intermediate or equivalent qualification from a recognized Board and (ii) Speed of Fifty words per minute in shorthand in English and thirty words per minute in typing and (iii) Diploma in Computer from a recognized Board. AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14 ALLOCATION: Zone-1 ELIGIBILITY: Both sexes
INFORMATION AND PUBLIC RELATIONS DEPARTMENT	
126.	SEVEN (07) POSTS OF ASSISTANT DIRECTOR INFORMATION / INFORMATION OFFICER QUALIFICATION: (i) At least Second Class Master's Degree in Journalism or Mass Communication from a recognized University; and (ii) Two years practical experience in the relevant field. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes. ALLOCATION: Two to Merit and One each to Zone-1, 2, 3, 4 & 5
127.	ONE (01) POST OF ASSISTANT DIRECTOR (I.T.) QUALIFICATION: At least Second class Master degree in Computer Science / Information Technology or equivalent qualification from a recognized University. AGE LIMIT: 22 to 35 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes ALLOCATION: Zone-1
128.	TWO (02) POSTS OF ASSISTANT INFORMATION OFFICER / ASSISTANT PRODUCER. QUALIFICATION: (i) At least Second Class Bachelor's Degree from a recognized University, with Journalism as one of the subjects; OR (ii) At least Second Class Bachelor's Degree from a recognized University with two years practical experience in Journalism. AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes ALLOCATION: One each to Zone-3 & 4
129.	ONE (01) POST OF OFFICE ASSISTANT. QUALIFICATION: At least Second Class Bachelor's Degree from a recognized University. AGE LIMIT: 20 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: Zone-3
130.	ONE (01) POST OF JUNIOR TRANSMISSION ENGINEER QUALIFICATION: (i) At least Second Class Bachelor's Degree in Electronics or Electrical Engineering (Telecommunication) from a recognized University; OR (ii) Diploma of Associate Engineering with one year experience in Radio Transmission. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes ALLOCATION: Merit
131.	ONE (01) POST OF JUNIOR SCALE STENOGRAPHER. QUALIFICATION: (i) Intermediate or equivalent qualification from a recognized board; (ii) Speed



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT

Amman (B)
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Dated Peshawar the 10th October, 2018

NOTIFICATION

No. SO (INF) 4-11/SEMI/2018/Vol:IX The Competent Authority on the recommendation of Khyber Pakhtunkhwa Public Service Commission Peshawar, is pleased to appoint the following recommendee as Assistant Director Information / Information Officer (DS-17) in the Directorate General Information & PRs, Khyber Pakhtunkhwa subject to the terms and conditions mentioned hereunder:-

S.No	Name with Father's Name	District / Zone
1.	Sana Ullah S/O Mir Ameen Khan	FR Lakki
2.	Khan Ghaleb O/A Dikwa Khan	Mardan/2
3.	Ara Ullah Khan S/O Shah Wazir	Mardan/3
4.	Riaz Ghafur S/O Abdul Ghafur	Mardan/2
5.	Anwar Khan S/O Nazeem Khan	Karak/4
6.	Mujahid Khan S/O Saif Muhammad	Mohaz/1

TERMS AND CONDITIONS

- i. The officers appointed shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under;
 - ii. They shall be on probation initially for a period of one year extendable to another one (01) year;
 - iii. Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if an officer performance during this period is not found satisfactory, in such an event, the officer will be given one month's prior notice of termination from service or one month's pay in lieu thereof, in case an officer wishes to resign at any time, one month's prior notice shall be necessary or in lieu thereof one month's pay shall be forfeited;
 - iv. They will be governed by such rules & regulations as may be issued from time to time by the Government.
 - v. They will not be entitled to any TA/DA on his first appointment as Assistant Director Information/Information Officer (DPS-17) in the Directorate General of Information & PRs, Khyber Pakhtunkhwa.
- If the above terms and conditions are acceptable to them, they should report to the Directorate General Information & Public Relations Peshawar within thirty (30) days of this notification.

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

No. SO (INF) 4-11/SEMI/2018/Vol:IX Dated Peshawar the 10th October, 2018

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Directorate General of Information & Public Relations, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Khyber Pakhtunkhwa Public Service Commission w/r to his letter No. PSC/SR-VI/22358 dated 13th August, 2018.
4. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary Information, Khyber Pakhtunkhwa, Peshawar.
7. Officers concerned.
8. Personal files.

[Signature]
Section Officer (Establishment)

[Signature]
Station Director
Pakhtunkhwa Radio FM, 92.7MHz,
Directorate of Information,
Govt. of Khyber Pakhtunkhwa Peshawar



DIRECTORATE GENERAL
INFORMATION & PUBLIC RELATIONS
KHYBER PAKHTUNKHWA

17

No. IIR/Comm/19 Dated Peshawar, 13th March 2024

OFFICE ORDER

The Competent Authority, Director General Information & Public Relations, Khyber Pakhtunkhwa has been pleased to issue the following posting/transfer of officers/officials of the Directorate General Information & Public Relations, Khyber Pakhtunkhwa in the public interests, with immediate effect till further orders:-

S#	Public Relations Officers	Ministers/Advisors/Special Assistants
01.	Muhammad Dawood	Barrister Muhammad Ali Saif
02.	Mr. Naeem ul Haq	Advisor on Information & Public Relations
03.	Mr. Mujahid Khan	Mr. Atab Alam Khan Afridi Minister for Law, Parliamentary Affairs & Human Rights
04.	Mr. Muhammad Huzafa Bin Saleh	Mr. Zahid Ghonzeb Advisor on Culture, Tourism, Archeology and Museums
05.	Mr. Irshad Ahmad	Mr. Khaleeq Ur Rehman Minister for Excise, Taxation & Narcotics Control
06.	Mr. Sajid Khan	Mr. Shakeel Khan Minister for Communication & Works
07.	Mr. Sardar Hamid Roghani	Mr. Aqib Ullah Khan Minister for Irrigation
08.	Mr. Qazi Arif	Mr. Maena Khan Minister for Higher Education, Archives and Libraries
09.	Mr. Riaz Ghofur	Mr. Amjad Ali Special Assistant for Housing
10.	Mr. Ataulah	Syed Fakhar Jehan Advisor on Sports & Youth Affairs
11.	Mr. Ataulah	Mr. Abdul Karim Khan Special Assistant for Industries, Commerce and Technical Education
12.	Muhammad Iqbal	Mr. Nazeer Ahmad Abbasi Minister for Revenue & Estate
13.	Mr. Rehmat Ali	Miss. Mashal Azam Advisor on Zakat, Usher, Social Welfare and Women Empowerment
14.	Mr. Shan Muhammad	Mr. Arshad Ayub Khan Minister for Local Government, Elections and Rural Development
15.	Mr. Fazal Qayyum	Mr. Pakhtoon Yar Khan Minister Public Health Engineering
16.	Mr. Afrazab	Syed Qasim Ali Shah Minister for Health
17.	Mr. Khan Ghaleb	Mr. Ujrat Ali Khan Special Assistant for Population Welfare
18.	Mr. Kramatullah	Mr. Fazal Shakoor Minister for Labour
		Mr. Fazal Hakim Khan Minister for Climate Change, Forestry, Environment and Wildlife
		Muhammad Adnan Qadri Minister for Aqaf, Mali & Religious Affairs
		Muhammad Sajjad Minister for Agriculture
		Mr. Faisal Khan Tarakai Minister for Elementary & Secondary Education
		Muhammad Zahir Shah Minister for Food
		Mr. Khalid Latif Khan Special Assistant for Science, Technology & IT

Director General
Information & Public Relations, Khyber Pakhtunkhwa

Endst: No. & Date Even.

Copy forwarded to the:

1. PS to concerned Minister/Advisor/SACM
2. PS to Secretary Information & Public Relations, Department
3. Officers/Officials Concerned.


15/3/2024
Deputy Director (Comm.)
For DG

39/18

Annex

11-88

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Regularization of services of adhoc employees.
4. Regularization of services of project employees.
5. General conditions for regularization.
6. Seniority.
7. Removal of difficulties.
8. Overriding effect.

SCHEDULE

July 2018
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THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary) dated the 7th March, 2018).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act, unless the context otherwise requires;

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;
- (c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

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- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,
 - (i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
 - (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation of which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedules" means a Schedule appended to this Act.

(2) The expression "adhoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of adhoc employees.—Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act.

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subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.—Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.—For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.—(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before

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the commencement of this Act are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to him to be necessary for the purpose of removing such difficulty:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. Overriding effect.—Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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in the name of...

SCHEDULE
See section 2(1)(h)(k)

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- ① Capacity Building of Planning and Development Department.
 - ② Establishment of M&E System in Khyber Pakhtunkhwa.
 - ③ Sustainable Development Unit, Planning and Development Department.
 - ④ Urban Policy Unit, Planning and Development Department.
 - X ⑤ Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
 - X ⑥ Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
 - X ⑦ Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
 8. Roll Back Malaria Control Program.
 9. Prime Minister's Program for prevention and control of Hepatitis.
 10. Establishment of Financial Management Cell in Health Department.
 11. Establishment of Safe Blood transfusion.
 12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
 13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
 14. Mother, Neonatal and Child Health (MNCH) Program, in Khyber Pakhtunkhwa.

15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Batha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarma Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.

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30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
 31. Establishment of Planning Cell at Local Government and Rural Development Department.
 32. Retirement Benefit and Death Compensation Cell.
 33. Automation of Pension Payment System (APPS).
 34. Energy Monitoring Unit.
 35. Establishment of Planning Cell in Food Department.
 36. Automation of Food Department.
 37. Operationalization of Redesigned Energy and Power Department.
 38. Establishment of Planning Cell in Energy and Power Department.
 39. Computerization of Land Record.
 40. Creation of MRS Cell in C&W Department.
 41. Enhancement of existing facilities in MIS/GIS for C&W Department.
 42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
 43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
 44. Afghan Management and Repatriation Cell at Home Department.
 45. Traffic Control Management System and FM Radio 693-120173.
 46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.

July



GOVERNMENT OF KHYBER PAKHTUNKHWA
 ESTABLISHMENT & PUBLIC RELATIONS
 DEPARTMENT

Amber

Dated Peshawar the 28th August, 2018.

26

NOTIFICATION

No. SO.Estt:(INF)2-5/2018/Regularization Cases: In compliance of the Khyber Provincial Employees (Regularization of Services) Act, 2018, the Provincial Government is pleased to regularize services of the following (03) employees of the project titled "Establishment of Special Media Cell in the Directorate of Information" and "Strengthening of Information Department" of the Directorate General Information & PRs, Khyber Pakhtunkhwa with effect from the date of commencement of the Act i.e. 07-03-2018 as provided under section-4 of the Act subject to the condition that it shall not affect the service promotion quota of all service categories.

S.No.	Name of Officer	BPS	Designation
1.	Hafiz Ghulam Mudasar	17	Assistant Director (I.I)
2.	Ayan Ullah	17	Statistical Data Analyst
3.	Sabihzada Hassan Ali	17	Assistant Director Information Officer

In case the documents / credentials of the above mentioned employees are found fake / incorrect at any stage, the regularization shall be cancelled.

The inter se-seniority of the said employees shall be maintained as per rules.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
 INFORMATION & PRS DEPARTMENT

No. SO.Estt:(INF)2-5/2018/Regularization Cases Dated Peshawar the 28th August, 2018

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
6. Director General, Directorate General Information & PRs, Khyber Pakhtunkhwa for information and necessary action.
7. Controller, Government Printing and Stationary Department for publication in the official gazette at an early date.
8. P.S to Secretary Information & PRs Department for information.
9. Officers concerned.
10. Personal files.

[Signature]
 Section Officer Establishment

5192-5215

Amend

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Dated Peshawar the 17th October, 2013

NOTIFICATION

27

No. SOL/SH/INF/2-52018/Regularization Cases In pursuance of the Khyber Pakhtunkhwa (Amendment of Service) Act, 2012, the competent authority is pleased to regularize the following officers of the project titled "Establishment of three FM Radio Stations at Kohat, Swat and Abbottabad and Strengthening of Pakhtunkhwa FM Radio 92.2 at Peshawar" Department General Information & PRs, Khyber Pakhtunkhwa with effect from the date of commencement of the Act as provided in the section of the Act itself.

Name of Officer	BPS	Designation
1. Mr. Razaan Akhbar	17	Producer
2. Mr. Saqib Nawaz	17	Producer
3. Mr. Umair Bin Nadeem	17	Producer
4. Mr. Muhammad Athar Sar	17	Transmission Engineer
5. Mr. Sajid Ali	17	Transmission Engineer
6. Mr. Akhbar Ali	17	Transmission Engineer

They shall remain on probation for a period of one year under sub-section (1) of section 15 of Appointment, Promotion and Transfer Rules-1989 and amendment made there

In case the documents / credentials of the above mentioned officers are found false / incorrect, their regularization shall be cancelled.

Their seniority of the said employees shall be maintained as per Act itself.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
INFORMATION & PRS DEPARTMENT**

No. SOL/SH/INF/2-52018/Regularization Cases Dated Peshawar the 17th October, 2013

Copy of the above is forwarded to the:-

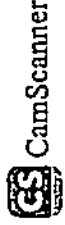
1. Accountant General, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Director General, Directorate General Information & PRs Khyber Pakhtunkhwa for information and necessary action.
7. Controller, Government Printing and Stationery Department for publication in the official gazette at an early date.
8. District Accounts Officer, Abbottabad, Swat and Kohat.
9. PS to Secretary Information & PRs Department for information.
10. Officers concerned.
11. Personal files.

(Signature)
Section Officer (Establishment)

Amr (F)
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GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT
Dated Peshawar the 14th March 2024



NOTIFICATION

No.SO.Est. (INP) 4(146)/2024/MPS-17: In terms of Section-8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and with prior approval of the Competent Authority, final seniority list of Assistant Directors Information/Information Officers / Producers / Station Manager (FM Radio) / Assistant Registrar (BPS-17) of the Directorate General Information & PRs, Khyber Pakhtunkhwa as it stood on 01.01. 2024 is hereby notified for the information of all concerned.

Total Sanctioned strength		35 (Thirty Five) Posts	
1. Assistant Directors Information/Information Officers (Headquarters Office)	22 (Twenty)	Filled Posts: 17	Vacant Posts: 05
2. Producer	11 (Twelve)	Filled Posts: 08	Vacant Posts: 03
3. Station Manager FM 92.6 MHz Mardan	01 (One)	Filled Posts: 01	Vacant Posts: 00
4. Assistant Registrar (Headquarters Office)	01 (One)	Filled Posts: 01	Vacant Posts: 00

S.No	Name of Officer / qualification	Date of Birth/ Domicil	Date of First Entry into Govt. service on regular basis	Date of regular appointment/ promotion to BPS-16	Date of regular appointment/ promotion to BPS-17	Present appointment	Method of recruitment/ appointment	Remarks
1	2	3	4	5	6	7	8	9
1	Mr. Habib Ullah Khan M.A Journalism & D.L.T	31-03-1986 South Waziristan	31-10-2017 AD/10(BS-17)		31-10-2017	FM-Radio 92.2 MHz Peshawar as a Producer	By Initial Recruitment	
2	Miss Aysha Taskeen Gul M.A Journalism & Mass Communication	17-02-1985 Peshawar	09-07-2017 AD/10(BS-17)		09-07-2017	Assistant Director / Information Officer in DGIPR	By Initial Recruitment	

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3.	Mr. Nisar Muhammad MA Journalism & Mass Communication	12-04-1985 Bajour.	31-10-2017 AD/IO (BS-17)	-	31-10-2017	Assistant Director / Information Officer in DGIPR	By Initial Recruitment	
4.	Muhammad Sajjad MA Journalism	10.04.1977 Charsadda	19.03.2005 ALO (BS-16)	19.03.2005	13-11-2017	Assistant Director / Information Officer in DGIPR	By Promotion	
5.	Mr. Zar Wali MA Journalism & Mass Communication	15.2.1979 Chitral	10.11.2006 ALO (BS-16)	10.11.2006	27.12.2017	Press Secretary to Chief Minister, Khyber Pakhtunkhwa. (OPS)	By Promotion	
6.	Sahibzada Hassan Ali MA Journalism	09-12-1987 Swabi	07-03-2018 AD/IO (BS-17)		07-03-2018	Assistant Director / Information Officer in DGIPR	Service regularized as Assistant Director, under KP Regularization of Services Act- 2018.	
7.	Saqib Nawaz M.Phil in Media Studies	06-07-1986 Peshawar	07-03-2018 Producer (BS-17)		07-03-2018	Assistant Press Registrar in DGIPR	Service regularized as Assistant Director under KP Regularization of Services Act- 2018.	
8.	Rizwan Malik BS (Hoas) Journalism & Mass Communication	06-11-1989 Abbottabad	07-03-2018 Producer (BS-17)		07-03-2018	Assistant Director DGIPR	Service regularized as Assistant Director under KP Regularization of Services Act- 2018.	
9.	Waqar Hussain Shah MA Arabic and Master of Science in Mass Communication	18-03-1983 Abbottabad	17-06-2011 AIO (BS-16)	17-06-2011	20-06-2018 Assistant Director Information	AD / Information - Officer o/o Press Secretary to Chief Minister, Khyber Pakhtunkhwa.	By Promotion	
10.	Syed Aamir Hussain M.Sc Journalism & Mass Communication	10-03-1983 D.I.Khan	29-06-2011 AIO (BS-16)	29-06-2011	20-06-2018 Assistant Director Information	Press Secretary to Governor Khyber Pakhtunkhwa (OPS)	By Promotion	

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11.	Sana Ullah Master in Journalism & Mass Communication	04-07-1986 FR- Lakki	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	Regional Information Officer DI Khan (OPS)	By Initial Recruitment	
12.	Khan Ghalib B.Ed / M.Sc Communication & Media Studies	07-12-1987 Mardan	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	On deputation to Food Safety and Halal Food Authority, Khyber Pakhtunkhwa	By Initial Recruitment	
13.	Atta ullah M.Phil (Mass Communication)	20-03-1987 Malakand	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	Assistant Director /Information Officer DGIPR.	By Initial Recruitment	
14.	Riaz Ghafur M.A Journalism & Mass communication	04-04-1992 Mardan	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	Assistant Director information DGIPR	By Initial Recruitment	
15.	Anwar Khan M.Phil (Mass Communication)	20-09-1984 Karak	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	FM Radio as a Producer	By Initial Recruitment	
16.	Mujahid Khan M.A Journalism & Mass Communication	10-02-1984 Mohamand.	10-10-2018 Assistant Director Information		10-10-2018 Assistant Director Information	Assistant Director /Information Officer DGIPR.	By Initial Recruitment	
17.	Syed Bilal Hussain MSc Mass Communication.	17-09-1986 Abbottabad	15-02-2019 Assistant Director Information		15-02-2019 Assistant Director Information	Assistant Director, PRIO, Islamabad	By Initial Recruitment	
18.	Mr. Masood Ahmad, B.A	15-05-1967 Peshawar	01-01-1987 Calligrapher	22-12-2016	01-03-2021	Assistant Director /Information Officer DGIPR.	By Promotion	
19.	Mr. Sajid Saleem, B.A	06-5-1965 D.I.Khan	01.2.1992 Translator (BPS-6)	22.12.2015	19-01-2022	Assistant Director /Information Officer DGIPR.	By Promotion	

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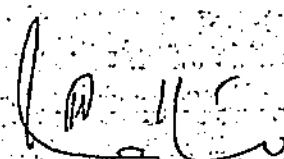
20.	Mr. Afrasiab, M.A (Journalism & Mass Communication) & M.A (IR)	05.4.1984 Mardan	1.8.2012 Telecom Electric Technician (BPS- 12)	18.11.2016	19-01-2022	On deputation to Education Department, Khyber Pakhtunkhwa	By Promotion	
21.	Mr. Irshad Ahmad, B.A	21-1-1972 Peshawar	13-12-1994 Translator (BPS-06)	27-12-2016	19-01-2022	Assistant Director /Information Officer DGIPR.	By Promotion	
22.	Muhammad Daud Khan	05-01-1986 Charsadda	13-01-2022 Producer		13-01-2022	Assistant Director /Information Officer DGIPRs	Service regularized under the Khyber Pakhtunkhwa (Regularization of services of employees of Erstwhile Federally Administered Tribal Areas) Act, 2021	
23.	Murad Khan	25-01-1986 Mohmand	13-01-2022 Producer		13-01-2022	FM Radio Mohmand	Services regularized under the Khyber Pakhtunkhwa (Regularization of services of employees of Erstwhile Federally Administered Tribal Areas) Act, 2021	
24.	Zahid Ullah	05.08.1984 North Waziristan	13-01-2022 Producer		13-01-2022	FM Radio Wana	Services regularized under the Khyber Pakhtunkhwa (Regularization of services of employees of Erstwhile Federally Administered Tribal Areas) Act, 2021 through Peshawar High Court Peshawar.	
25.	Muhammad Quraish	05-01-1986 Bunner	13-01-2022 Producer		13-01-2022	FM Radio Bajaur. Also hold additional charge of the post of Producer in FM Radio Peshawar.	Services regularized under the Khyber Pakhtunkhwa (Regularization of services of employees of Erstwhile Federally Administered Tribal	

							Areas) Act, 2021 .	
26.	Khalid Rehman	25-04-1991 North Waziristan	13-01-2022 Producer		13-01-2022	FM Radio Abbottabad as Producer	Services regularized under the Khyber Pakhtunkhwa (Regularization of services of employees of Erstwhile Federally Administered Tribal Areas) Act, 2021 .	
27.	Mr. Sajid Khan	28-03.1984 Peshawar	31.07.2018 Assistant Producer (BPS-16)		05.10.2023	Assistant Director/Information Officer DGIPR.	By Promotion	

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
INFORMATION & PRS DEPARTMENT

Copy of the above is forwarded to:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Director General, Directorate General Information & Public Relations, Khyber Pakhtunkhwa.
3. Deputy Director (I.T), Directorate General Information & PRs, Khyber Pakhtunkhwa.
4. Manager, Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar.
5. Section Officer (Reg-1) Establishment Department, Govt. of Khyber Pakhtunkhwa.
6. P.S to Chief Secretary, Govt of Khyber Pakhtunkhwa, Peshawar.
7. Officer Concerned.
8. PS to Secretary, Information & PRs Department, Khyber Pakhtunkhwa.
9. P.A to Additional Secretary, Information & PRs Department, Khyber Pakhtunkhwa.
10. Master file.


Section Officer (Establishment)

33

Amirul



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

No. SOR-VI/EGAD/1-13/ 2009
Dated. 25th Feb. 2014

Annex 5
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1. Addl. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl. Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries in Govt. of Khyber Pakhtunkhwa.
5. The Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

Subject: CRL ORIGINAL PETITION NO. 89/2011, CMA 309-K/2012, CMA 310-K/2012, CRL No. 42-K/2012, 80-K/2012, 157-K/2012, 13-K/2013, CMA 243/13, CRL No. 29-K/2013, CMA 101-K/2013, CRL No. 185-K/2012, 225-2013, 226/2013, 227/2013, CMAs 244-K TO 247-K/2013, 251-K & 256-K/2013, CRL No. 263/2013, CRL No. 282 IN CRL ORIGINAL PETITION NO. 89/2011 (2013/SCMIV/253).

Dir Sir,

For directed in forward herewith copy of Government of Pakistan Cabinet Secretary Establishment Division Office Memorandum No. 1/59/2013-Lit-IV dated 31-01-2014 on the subject noted above for information and compliance.

Yours faithfully,
Zikr
25-02-14
(QUIET UL-AIN)
SECTION OFFICER (REG-VI)

Copies for airtel to:

1. All Divisional Commissioners in Khyber Pakhtunkhwa.
2. All Heads of Attached Departments in Khyber Pakhtunkhwa.
3. All Autonomous/Semi-Autonomous Bodies in Khyber Pakhtunkhwa.
4. All Deputy Commissioners Khyber Pakhtunkhwa and Political Agents in FATA.
5. The Registrar Peshawar High Court, Peshawar.
6. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.

Zikr
25-02-14
SECTION OFFICER (REG-VI)

M. S. of Amirul

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GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

Amul
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Amul
Islamabad, 31 January, 2014

No.1/52/2013-Lit-IV

OFFICE MEMORANDUM

Subject: CRL ORIGINAL PETITION NO. 89/2011, CMA.309-K/2012, CMA.310-K/2012, Crl.M.As.42-K/2012, 80-K/2012, 87-K/2012, 13-K/2013, CMA.2453/13, Crl.MA.29-K/2013, CMA.131-K/2013, Crl.M.As.185-K/2012, 225/2013, 226/2013, 227/2013, CMAs. 244-K TO 247-K/2013, 257-K & 258-K/2013, Crl.M.A. 263/2013, Crl. MA. 282 IN CRL ORIGINAL PETITION NO.89/2011(2013/SCMR/1752)

The undersigned is directed to say that the Honorable Supreme Court of Pakistan had passed judgment on 12-6-2013 on the subject petitions clubbed with a number of other petitions and had ordered that a copy of this judgment be sent to all the Chief Secretaries of the Provinces as well as the Establishment Secretary with the direction to streamline the service structure of civil servants in line with principles laid down in this judgment.

It was expected that afore-mentioned judgment was downloaded by all Ministries/ Divisions for compliance. However, for the sake of convenience, the following guidelines/principles are highlighted:-

The Honourable Court has declared the following practices as illegal:-

A civil servant, who after passing the competitive exam in terms of the recruitment rules, is appointed on merits, loses his right to be considered for promotion, when an employee from any other organization is absorbed without compelling or undertaking competitive process with the backdated seniority and is conferred the status of a civil servant in complete disregard of recruitment rules.

- (ii) Absorption of a non Civil Servant conferring on him status of a Civil Servant and likewise absorption of a Civil Servant from non cadre post to cadre post without undertaking the competitive process under the recruitment rules.
- (iii) Introduction of any validation law in the nature of multiple or parallel legislation on the subject of service law.
- (iv) Benefit of 'absorptions' extended since 1994, with or without backdated seniority, are declared ultra vires of the constitution.

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(v) The re-employment / rehiring of the retired Civil / Government Servants being violative of the constitution are declared nullity.

The Apex Court has further held that:-

- (a) No non-civil servant can be transferred and appointed by way of deputation to any cadre. The procedure provided under Esta Code has been approved by this Court in the case of Mohammad Arshad Sultan.
- (b) No civil servant of a non-cadre post can be transferred out of cadre to be absorbed to a cadre post which is meant for recruitment through competitive process.
- (c) The procedure provided under ESTACODE requires that a person who is transferred and appointed on deputation must be a govt servant and such transfer should be made through the process of selection. The borrowing Govt has to establish the exigency in the first place and then the person who is being transferred placed on deputation in Govt must have matching qualification, expertise in the field with required experience.
- (d) An employee holding a post under any authority or corporation, body or organization established by or under any Provincial or Federal law or which is owned or controlled by Federal or Provincial Government or in which Federal Government or Provincial Government has controlling share or interest, could not conferred status of a civil servant.
- (e) It is settled principle of law that if the right of promotion is not blocked by re-employment then such powers can be exercised, then too in exceptional cases for a definite period. Besides it violates the fundamental rights of the serving civil servants, on account of such rehiring on contract are deprived of their legitimate expectancy of promotion to a higher cadre, which is violative of the provisions of Articles 14, 19 and 35 of the Constitution.
- (f) The absorption and out of turn promotion will also impinge on the self respect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other services / cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all), hence are violative of Article 14 of the Constitution.
- (g) Principle of locus poenitentiae is the power of receding till a decisive step is taken but it is not a principle of law that order once passed becomes irrevocable and past and closed transaction. If the order is illegal then perpetual rights cannot be gained on the basis of an illegal order.

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Any backdated seniority cannot be granted to any absorbee and his inter-seen seniority, on absorption in the cadre shall be maintained at the bottom as provided under the Rules regulating the seniority.

All Ministries / Divisions and Departments / Organizations under them are requested to comply with the judgment of the Apex Court in letter and spirit.

(Muhammad Shakeel Malik)
Joint Secretary

All Ministries / Divisions / Departments

Copy forwarded for information: lct -

1. Chief Secretary, Government of the Punjab, Lahore
2. Chief Secretary, Government of Sindh, Karachi
3. Chief Secretary, Government of KPK, Peshawar
4. Chief Secretary, Government of Balochistan, Quetta
5. Chief Secretary, Gilgit Baltistan, Gilgit.
6. Chief Secretary, Government of A.J&K, Muzaffarabad

(Naseer Ahmed)
Deputy Secretary

in the CO

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S/111
3/17/2024

To
The Secretary to Government of Khyber Pakhtunkhwa Information & Public Relations

Subject: APPEAL FOR CORRECTION IN SENIORITY LIST OF ASSISTANT DIRECTORS/INFORMATION OFFICERS

Amor
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Respected Sir,

The undersigned officers are writing to bring your kind attention to make necessary correction in the seniority list of Assistant Directors/Information Officers as per rules.

The undersigned officers were appointed through the Khyber Pakhtunkhwa Public Service Commission (KPPSC) via advertisement No. 03/18 dated February 09, 2018 (annex I), while the department notified the undersigned officers through a notification on October 10, 2018 (annex II). However, it is pertinent to note that the department had sent requisition letters for hiring of undersigned officers on December 13, 2017, and January 09, 2018, respectively (annex III). In the same period the Government of Khyber Pakhtunkhwa regularized the project employees through "The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 dated March 07, 2018" (annex IV). Resultantly, three (03) employees i.e. 02 Producers and 01 Information Officer were regularized under the mentioned act in the Directorate General of Information & Public Relations (DGIPRS), Khyber Pakhtunkhwa.

Furthermore, the department has placed the mentioned three (03) project regularized officers senior from the undersigned who were recruited through KP Public Service Commission in the seniority list notified by the department (annex V), while the section 6 (Seniority) of the Regularization Act 2018 clearly states:

(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

Additionally, Section 5 (General conditions for regularization) sub-section (iv) of the Act read as:


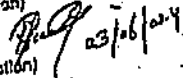
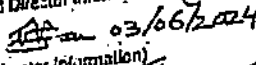
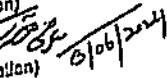
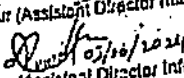
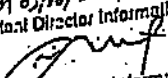
"The services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette". As publication of names in Official Gazette is prerequisite for giving effect to regularization of the project employees, until and unless

their names are published they will not be considered regularized in accordance with fore-mentioned rules.

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It is therefore requested to review and make the necessary correction/changes in the notified seniority list of Assistant Directors/Information Officers, please.

Yours Faithfully


 Mr Gurn Ullah (Assistant Director Information) 03/06/2024

 Mr Khan Ghaffar (Assistant Director Information) 03/06/2024

 Mr Alta Ullah (Assistant Director Information) 03/06/2024

 Mr Huz Ghafur (Assistant Director Information) 03/06/2024

 Mr Anwar Khan (Assistant Director Information) 03/06/2024

 Mr Mujahid Khan (Assistant Director Information) 03/06/2024

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GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT

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No. SO (INF)4(146)/2024/Seniority
Dated Peshawar the 13th August, 2024

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To

13/8/24

Subject:

Mr. Sami Ullah Assistant Director & Others,
Directorate General Information & Public Relations,
Khyber Pakhtunkhwa.

APPEAL FOR CORRECTION IN SENIORITY LIST OF ASSISTANT
DIRECTORS/INFORMATION OFFICERS.

I am directed to refer to your appeal regarding the above cited subject and to convey that the appeal was thoroughly examined and filed by the worthy Secretary IPRs Department Khyber Pakhtunkhwa.

Section Officer (Establishment)

Encls: No. & date as above.

Copy of the above is forwarded for information to the:

1. Directorate General Information & Public Relations Khyber Pakhtunkhwa.
2. P.S to Secretary Information & Public Relations Department, Khyber Pakhtunkhwa.
3. Master file.

Section Officer (Establishment)

Mr. Ali Gohar Durrani
Advocate

For appellant

Mr. Haris Iqbal
Advocate

For private respondents

Mr. Asad Ali Khan
Assistant Advocate General

For official respondents

Date of Institution.....18.07.2022
Date of Hearing.....13.11.2023
Date of Decision.....13.11.2023

JUDGMENT

RASHTA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

"In view of the above, it is humbly prayed that this honorable Court may graciously be pleased to:

- a) Declare the final seniority list No.SO(E)P&D/3-4/PPS/SI/2020 dated 25-05-2022 to be arbitrary, illegal, unlawful and without any authority and that the Appellant be placed at seniority list above the respondents who were regularized into service as against regular appointment into service.
- b) Direct the respondents that the judgment of the Honorable Supreme Court reported in 2013 SCMR 1752 be implemented in letter and spirit in respect of the Khyber Pakhtunkhwa Provincial Planning Service Cadre and violation of the said judgment be strike down.
- c) Direct that the appellant be treated in accordance with the law and that all actions in negation of the law are to be strike down.
- d) Any other relief deemed appropriate in the circumstance of the case may also be granted."



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2. Brief facts of the case, as given in the memorandum of appeal, are that appellant are part of the planning Service Cadre of the Government of Khyber Pakhtunkhwa who after getting the appointment in BPS-17 in the said cadre on 03.09.2018. The Government of Khyber Pakhtunkhwa Planning Service Rules 2018 was promulgated which provides to regulate the Planning service cadre and the service structure. The ibid rules were published in through Notification No.SO(E)P&D/6-1/SR/PPD/2018 dated 22.02.2018. Subsequently, the Khyber Pakhtunkhwa (Regularization of Services Act, 2018 was passed and after receiving assent of the Governor in the March, 2018 was promulgated. The said Act resulted in regularization of services of employees working against project post under the P&D Department of Government of Khyber Pakhtunkhwa. The department issued a tentative seniority list, wherein, the appellant already holding the post in regular service of the Planning Cadre and those other officers whose services were regularized on the strength of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, were dealt with by the department in the common seniority list. In the tentative seniority list, so issued on 20.02.2020, the appellant was shown at Serial No.23 which according to him is not a proper place and he filed representation against the said seniority list on 04.03.2020. Subsequently, the respondents issued another seniority list on 23.10.2020 and the appellant, who was initially shown at serial No. 23 of the tentative seniority dated 20.02.2020 for employees in BPS-17, was suddenly sent to Serial No.105 of the subsequent seniority list. The appellant also filed representation against the subsequent seniority list on 29.10.2020 but no response was given from the department. Similarly another tentative seniority was also issued on 11.04.2020 with the similar placement of the appellant at serial No.105. Final seniority list was issued on 25.05.2022 whereby appellant was placed at serial No.101 in negation of the law and rules

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on the subject. Appellant filed representation against the said final seniority on 08.06.2022, which was regretted on 04.07.2022. He believes that his seniority was disturbed due to encadrement of the outsiders. The appellant concluded factual part of his appeal with the submission in respect of the illegality committed by issuance of the final seniority list dated 25.05.2022 and encadrement of employees notified vide notification dated 09.01.2020 by including them in the Provincial Planning Service Cadre. The appellant has approached this Tribunal for the solicited relief described under the prayer part of his memorandum of appeal at its end.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant, learned counsel for private respondents as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and respondents violated Article 4, 8, 9, 18 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. He further argued that appellant under the law is required to be placed at serial No. 23 of the seniority list instead of serial No. 105 and private respondents have wrongly placed senior to the appellant and the appellant has been discriminated against by going in negation of the Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018 and the said deviation and negation is unwarranted and not recognized by the law. He submitted that seniority of the appellant issued by the respondents are substantially against the Regularization of Employees Act, 2018 but also in violation of the Appointment, Promotion and Transfer Rules, 1989.

5. 1. Conversely, learned counsel for private respondents assisted by learned Assistant Advocate General contended that the appellant has been treated in accordance with law and rules and no fundamental rights of the appellant have been violated and no illegal and unjust acts have been done by the respondents. He further contended that respondents by taking into account the PPS Service Rules and in light of the Provincial Cabinet decision made in its meeting held on 09.05.2019, all planning oriented posts, in BPS-17 and above of newly regularized components/units of P&D Department and Planning Cells of Administration Departments, Civil Secretariat alongwith incumbents as well as left over posts were included in the Schedule-I of the PPS Service Rules vide Notification dated 09.01.2020. Since the regularized employees were included in the Schedule-I of the PPS Service Rules alongwith posts, therefore, they did not affect promotion quota of the appellant rather inclusion of posts widen/enhanced the promotion prospects of the PPS Officers.

6. Perusal of record reveals that appellant applied for the post of Planning Officer ST & IT Department in response of advertisement of Khyber Public Service Commission dated 29.12.2016, to which after recommendation by Public Service Commission was appointed on 03.09.2018, The Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018 provide method of initial recruitment, promotion and training of planning service cadre and entire service structure of Khyber Pakhtunkhwa Province. Beside these two no other mode and method of recruitment to a post is available/mention in these rules. Khyber Pakhtunkhwa Assembly passed Khyber Pakhtunkhwa Employees (Regularization of Service Act) 2018 which was accented by Governor on 7th March 2018. Section 3 and 4 of the Act provides for regularization of the adhoc and project employees which will take effect from the date of commencement of the Act both section are reproduce here for ready reference;

3. Regularization of Service of Adhoc Employees:--

Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (c) of sub-section (1) of section 2 of this Act, appointed on Adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of Service of Project Employees:--

Notwithstanding anything contained in any law or rules, the employees at sub-clause (c) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No.XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No.XV of 2012)."

Protection is given to the service structure and seniority of in service civil

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servant in section 6 which deals with the seniority which read as;

Seniority---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed in the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

8. In accordance with section 6 civil servant whose services are regulated under this act shall rank junior to all civil servants belonging to same service or cadre. The matter of inter-se-seniority of the civil servants whose services were regularized as result of Act, 2018 is also dealt with in section 6 and which will be determined on the basis of their continuous officiation in such service or cadre. The most important factor is general condition for regularization of services of project/contract/adhoc employees which are prerequisite for regularization and are given in section 6 of the Act which are:

"5. General conditions for regularization:---For the purpose of regularization of the employees under this Act, the following general

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conditions shall be observed:

- i) The service promotion quota of all service cadres shall not be affected;
- ii) The employees shall possess the same qualification and experience as required for a regular post;
- iii) The employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- iv) The services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

9. Respondent after promulgation of this Act of 2018 issued notification dated 09.01.2020 whereby newly regularized components/units of Planning & Development Department and Planning Cell of Administrative Department were encadred in planning cadre of BPS-17 and above through addition to schedule I of Provincial Service Rules of 2018. The Government of Khyber Pakhtunkhwa vide letter dated 17.05.2019 issue direction to all Administrative Secretariats to the Government for provision of planning related post/officers in BPS-17 and above for assessment/suitability for its inclusion in schedule data of PPS cadre. Respondent after absorption of all the cadres issued seniority list dated 20.02.2020 wherein appellant was shown at serial No.23 of the seniority list upon which appellant filed his objection but instead of answering objection of the petitioner respondent again issued another seniority list on 23.10.2022 which is totally in negation of settled service rules and judgment of apex court reported in 2013 SCMR 1752 which was duly sent to Administrative Department by government of Khyber Pakhtunkhwa vide letter dated 31.01.2014. Appellant was placed at serial 105 from Serial No.23 in the

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seniority list of BPS-17 issued on 23.10.2020 without any justification. Appellant also filed objection upon this tentative seniority list which was rejected in violation of law and rules which was not responded and final seniority list of BPS-17 was issued on 25.05.2022 upon which appellant filed objection 08.06.2022 which was regretted on 04.07.2022 without giving any reason.

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10. For determination of controversy in issue there are three provisions i.e. section 3, 4 and 5 in the Khyber Pakhtunkhwa Employees (Regularization of Service, Act) 2018. Section 3 and 4 of the Act 2018 deals with considering the appointments of all the adhoc and project employees as validly appointed on regular post from the date of commencement of this Act which means post of project employee who hold it under project will be deem to have been regular post and its incumbent will be consider validly appointed on regular basis after commencement of the Act, 2018.

11. For regularization of a employees there are general conditions which will have to be fulfilled before regularization of service of a project or adhoc employee out of which condition No.4 is:

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

So publication of names of the regularized employees is condition pre-requisite for giving effect of regularization to the service of adhoc/project employees, until and unless names of the regularized employees are not published in official gazette, therefore, they will not be considered regularized in accordance with above mentioned condition. This condition is embodied in the statute which will have to be given preference upon all others decision or policy if any on the subject. Respondent names were published in the official gazette on 29th June, 2022 even after issuance of final seniority list on

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25.05.2022. At the time of issuance of seniority list service of the project and adhoc employees were not considered as regularized, keeping in view condition No.4 mentioned in general condition of section 5 of the Act 2018, therefore in our humble view respondent are not senior to the appellant who came through passing competitive exam in year 2018 who in accordance with judgment of apex court will rank senior to the regularized employees.

12. It is also pertinent to mention here that appellant was appointed upon recommendation of Public Service Commission as a consequence of requisition of the same by the government in year 2016 because posts of the appellant were advertised vide advertisement No.6 of 2016 dated 29.12.2016 which means that government has sent requisition much earlier than promulgation of Khyber Pakhtunkhwa Employees Regularization of Service Act, 2018 which was promulgated on 07.03.2018. So in accordance with Rules 17 of (A.P.) Rules of 1989 appellant is senior from the respondents because process of their recruitment/appointment was initiated on 29.12.2016 and Act on the strength of which services of the respondent were regularized was promulgated on 07.03.2018.

13. For what has been discussed above, it is held that appellant is senior from private respondent No. 4 to 74 and final seniority list dated 25.05.2022 is not in accordance with rules on the subject, hence respondents are directed to place appellant at due and proper place in the seniority. Costs shall follow the event.

Consign.

14. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of November, 2023.

(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)


ORDER

13.11.2023 1. Learned counsel for the appellant present: Mr. Mohammad Jan learned Asad Ali Khan learned Assistant Advocate General along with Mr. Asad Khan, S.O for the respondents present.

2. Vide our detailed judgement of today placed on file, the appeal in hand is allowed as prayed for. Costs shall follow the event. Consign:

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of November, 2023.*


(MUHAMMAD AKBAR KHAN)
Member (I)


(RASHIDA BANO)
Member (J)

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POWER OF ATTORNEY

BEFORE THE

Service Tribunal Peshawar

ST. Appeal No. _____ of 2024

Mr. Azizullah Khan

VERSUS

I/we

Appellant

do hereby appoint &

constitute The Law Firm Of **SHAH | DURRANI | KHATTAK**

(a registered law firm) as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaint/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-

- a) To ratify whatever the said Advocates may do in the proceedings in my interest, Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- b) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _____ day of _____ at _____

Ali Gohar Durrani 15401-08847289
Signature of Executant(s)

Accepted subject to term regarding payment of fee for/on behalf of The Law Firm of Shah | Durrani | Khattak.

Zarak Arif Shah
Advocate High Court
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