

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 573/2024

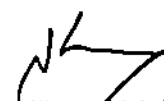
Mr. Shakeel Ahmad.....(Appellant)

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa,
2. Secretary, Establishment & Administration Department
3. Secretary, Finance Department.....(Respondents)

INDEX

| Sr. No. | Description of Documents | Annex | Pages |
|----------------|---|--------------|--------------|
| 1. | Para-wise Comments | | 2-5 |
| 2. | Affidavit | | 6 |
| 3. | Authority letter | | 7 |
| 4. | Judgment | I | 8-11 |
| 5. | FATA Development Authority Regulation 2006 | II | 12-14 |
| 6. | Decision of Cabinet | III | 15 |
| 7. | FATA Development Authority Ordinance 2020 | IV | 16-18 |


Section Officer (Litigation)
Government of KP
Establishment Department

2

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 573/2024

Mr. Shakeel Ahmad, Assistant (BS-16), Directorate of Population and Welfare, Khyber Pakhtunkhwa.....(Appellant)

Versus

1. Chief Secretary, Khyber Pakhtunkhwa,
2. Secretary, Establishment & Administration Department.
3. Secretary, Finance Department
4. Additional Chief Secretary, Merged areas.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Khyber Pakhtunkhwa
Service Tribunal

RESPECTFULLY SHEWETH:

Diary No. 16728

PRELIMINARY OBJECTIONS:

Dated 15-10-24

1. The appellant has got no locus standi.
2. That the honorable Peshawar High Court has already assumed jurisdiction in this matter as another colleague of the appellant. similarly adjusted. had previously filed a Writ Petition No. 5170-P/2020 in the honorable Peshawar High Court. Peshawar, wherein the honorable Court had dismissed the petition (Annex-I) being bereft of any merits and had explicitly mentioned in para-6 of the judgment that the petitioners, after opting for adjustment against the corresponding posts, have no right whatsoever to question the same and the Government has exercised no deviation from the Surplus Pool Policy, 2001.
3. The appellant has not come to this honorable Court with clean hands.
4. The appellant has concealed material facts and has tried to mislead this honorable Court.

FACTS:

1-4. Facts of the case are that the appellant was an employee of defunct Federally Administered Tribal Areas Development Authority (FATA-DA). The FATA-DA was established under Federally Administered Tribal Areas Development Authority Regulation, 2006 and continues to function under the Khyber Pakhtunkhwa Continuation of Laws in Erstwhile Federally Administered Tribal Areas Act, 2019 (Khyber Pakhtunkhwa Act No. XXIV of 2019) (Annex-II), after the merger of erstwhile Federally Administered Tribal Areas with the Khyber Pakhtunkhwa Province through the Constitution (twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018).

On 23.08.2019, the Provincial Cabinet while discussing agenda item No. 33 (Annex-III) presented to the Cabinet by Planning and Development Department, inter-alia approved/decided that FATA-DA should be dissolved, regular staff may be placed at the disposal of Establishment Department for further adjustment and concerned Administrative Department to take over assets of ongoing projects of FATA-DA in the field as well as its project employees.

Consequently, upon promulgation of Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020, (Annex-IV) the FATA-DA Regulation, 2006 was repealed and corollary thereof the Federally Administered Tribal Areas Development Authority stands dissolved. In the light of Section-4 of the ibid Ordinance, 94 regular employees of various categories and scales including the appellant were declared surplus and placed in the surplus pool of Establishment Department for further adjustment as per policy. Under the proviso of ibid Section. project employees were supposed to continue

their services till completion of the projects of the authority and thereafter their services shall be deemed terminated.

As far as the issue of terms and conditions of service of the appellant prior to the dissolution of FATA-DA are concerned, the authorities of defunct FATA-DA would be in a better position to explain while the appellant has not impleaded anyone as respondent in this regard. Moreover, no post of ACS FATA is presently exists after 25th Constitutional Amendment, therefore, respondent No. 4 as mentioned in the appeal seems to be redundant.

5. The services of the appellant along with 93 others were placed in the surplus pool of Establishment Department under Section-4 of the ibid Ordinance for further adjustment. Subsequently, after through scrutiny of record, availability of vacancies against initial recruitment quota and approval of the competent authority, the services of the appellant along with 12 others were placed at the disposal of Secretary to Government of Khyber Pakhtunkhwa Food Department for adjustment in the Directorate of Food with effect from 20.04.2020. As far as the option is concerned, it is added that the appellant along with his other colleagues had already reported to the Administrative Department and their further adjustment/posting notification/order were issued and they have drawn their salaries with effect from 20.04.2020. Moreover, in an identical case, while discussing same kind of issue, the Hon'ble High Court dismissed the case of the petitioner and held that it is not the choice of civil servant to be posted in the department of his choice rather discretion is available with the Establishment Department to post him where his services are required.
6. The services of the appellant were treated as per provisions of the Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020.
7. **Incorrect**, the appellant has concealed facts and has attempted to mislead the honorable court as the referred case had been filed by the employees of the erstwhile FATA Secretariat, and not the employees of the FATA Development Authority, with different facts and grounds as well as different service rules with regard to their appointment. However, judgment of the Service Tribunal has already been challenged in the Supreme Court of Pakistan through CPLA.
8. **Incorrect**, hence denied. This para is whimsical, specious and baseless. In fact, the appellant has misguided the honorable Court. Mr. Shakeel Ahmad has not been adjusted in the Establishment Department. In fact, all adjustments, including adjustment of the referred employee, have been made in accordance with the Surplus Pool Policy, 2001 subject to availability of corresponding vacant posts under initial quota and approval of the Competent Authority, and there is no such precedent that any of the colleagues of the appellant or any other surplus employee has been adjusted in the Administrative Departments of the Civil Secretariat.
9. **Incorrect**, the appellant submitted an application for re-adjustment in the Civil Secretariat more than 3 years after his adjustment. His application was examined by the Establishment Department thoroughly and it was decided that there is no provision of readjustment in the surplus pool policy, 2001. Moreover, the official has already been adjusted against his own cadre post as per policy.
10. **No Comments.**

ON GROUNDS


- A. **Incorrect**. The adjustment order of the appellant is strictly in accordance with law and policy of the Provincial Government governing the subject.
- B. **Incorrect**, the appellant has concealed facts and has attempted to mislead the honorable court as the referred case had been filed by the employees of the erstwhile FATA Secretariat, and


not by employees of the FATA Development Authority as explained in Para-7 on facts above.

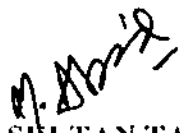
- 4
- C. **Incorrect**, a misplaced argument as stated above as the above judgment is not applicable on the appellants.
 - D. **Incorrect**, the adjustment order of the appellant is strictly in accordance with law and policy of the Provincial Government governing the subject, and the appellant has been treated at par with his other colleagues strictly in accordance with rules and policy governing the subject.
 - E. **Incorrect hence denied**, the adjustment order of the appellant is strictly in accordance with law and policy of the Provincial Government governing the subject, and the appellant has been treated at par with his other colleagues strictly in accordance with rules and policy governing the subject.
 - F. **Incorrect hence denied**, the adjustment order of the appellant is strictly in accordance with law and policy of the Provincial Government governing the subject, and the appellant has been treated at par with his other colleagues strictly in accordance with rules and policy governing the subject.
 - G. **Incorrect hence denied**. No discrimination whatsoever has been made on the basis of class, creed or color.
 - H. **Incorrect**, before placement in the surplus pool, the appellant was working in a separate Institution/Organization established under Federal Law with different terms and conditions of service and the said law has been repealed on the promulgation of Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020.
 - I. **Incorrect hence denied**. The adjustment order has been issued on merit after thorough examination by the committee provided in the Surplus Pool Policy for the purpose and no malafide, whatsoever, is involved as assented by the Honorable Peshawar High Court in its judgment in WP No. 5170-P/2020.
 - J. **Incorrect hence denied**, the adjustment order has been issued on merit as explained in Para-I above.
 - K. **Incorrect**, the mechanism for fixation of seniority of surplus employee has already been explained in Para- 6 of the Surplus Pool Policy.
 - L. **Incorrect hence denied**. No discrimination, whatsoever, has been made and adjustment has been made as per provision of the Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020 and Surplus Pool Policy, 2001.
 - M. **Incorrect hence denied**. As explained at Para-L above.
 - N. **Incorrect**, as explained above.
 - O. **Incorrect**, as explained above.
 - P. **Incorrect**, as explained above, however, the appellant was adjusted under a certain obligation of the governing law i.e. Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020 and Surplus Pool Policy, 2001.
 - Q. **Incorrect**, as explained above.
 - R. **Incorrect**, as explained above.
 - S. **Incorrect**, as explained above.
 - T. **Incorrect**, as explained above.
 - U. **No comments**

PRAYER:

In view of the above submissions, it is humbly prayed that in light of judgment dated 22-12-2021 in WP No. 5170-P/2020 passed by Hon'ble Peshawar High Court, the instant Service Appeal is not maintainable and devoid of any merit, may graciously be dismissed in limini with cost or any other remedy as the Honorable Tribunal deems fit may graciously be allowed to the respondents.


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


(MUHAMMAD ZUBAIR KHAN)
SECRETARY,
ESTABLISHMENT DEPARTMENT,
Through
(Kaleem Ullah Baloch)
Special Secretary, Establishment
(Respondent No. 02)


(AMER SULTAN TAREEN)
SECRETARY,
FINANCE DEPARTMENT
(Respondent No. 03)

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 573/2024

Mr Shakeel Ahmad, Assistant (BS-16)(Appellant)

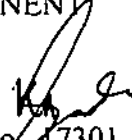
VERSUS

- 1. Chief Secretary, Khyber Pakhtunkhwa,**
- 2. Secretary, Establishment & Administration Department**
- 3. Secretary, Finance Department.....(Respondent)**

AFFIDAVIT

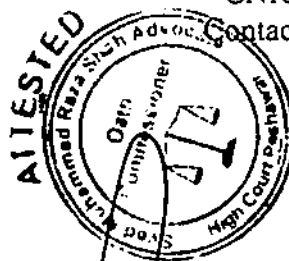
I, Muhammad Zubair Khan, Secretary Establishment Department (PAS BS-20), respondent, do hereby solemnly declare that contents of the Para-wise Comments are correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Tribunal. It is further stated on oath that in this Para-wise Comments, the answering Respondent has neither been placed ex-parte nor their defense/struck up.

DEPONENT



CNIC No. 17301-2074212-1

Contact No. 0336 9479799



15 OCT 2024





7

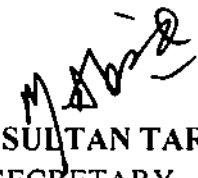
**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

AUTHORITY LETTER

Mr. Khaliq ur Rehman, Superintendent (BPS-17), Litigation-II Section, Judicial Wing, Establishment Department, is hereby authorized to submit Para-wise Comments, in the Hon'able Services Tribunal, in Service Appeal No. 573/2024 Titled " Shakeel Ahmad VS Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa & others" on behalf of the undersigned.


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


(MUHAMMAD ZUBAIR KHAN)
SECRETARY,
ESTABLISHMENT DEPARTMENT,
Through
(Kaleem Ullah Baloch)
Special Secretary, Establishment
(Respondent No. 02)


(AMER SULTAN TAREEN)
SECRETARY,
FINANCE DEPARTMENT
(Respondent No.03)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.5170-P/2020

Fahcem Ullah and others
Vs.

Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar and others



Date of hearing: 22.12.2021
Petitioner(s) by: Mr. Habib Ullah Mohmand, Advocate.
Respondent(s) by: Syed Qaiser Ali Shah, AAG alongwith
Mr. Majid Hassan Lodhi,
Superintendent, Establishment &
Administration Department, Peshawar.

JUDGMENT

IJAZ ANWAR, J. This writ petition has been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer:-

"It is, therefore, most humbly prayed that on acceptance of this writ petition, all the impugned orders/actions dated 09.10.2020 may kindly be declared as illegal, unlawful, against the law and void ab-initio and be set-aside and respondents may graciously/kindly be directed to adjust/absorb/post at respondents Department i.e. Establishment Department or Board of Revenue, being eligible/entitled under the law with all back benefits for the sake of justice. .

Any other action/remedy deems fit may kindly be granted to the petitioners".

2. In essence, petitioners were initially appointed against the posts of Assistants (BPS-16) in FATA Development Authority, however, after merging of

ATTESTED
EXAMINER
Peshawar High Court

Section Officer (Litigation)
Government of KP
Establishment Department

erstwhile FATA into the Province of Khyber Pakhtunkhwa, they were placed in Surplus Pool and their adjustment at the disposal of the Establishment Department. Subsequently, they made several requests for their absorption/adjustment either in the Establishment Department or in the Board of Revenue, however, vide the impugned orders dated 09.10.2020 issued by the Establishment & Administration Department, Government of Khyber Pakhtunkhwa, they have been adjusted in different Directorates of Khyber Pakhtunkhwa i.e. Directorate of Industries & Commerce, Khyber Pakhtunkhwa and Directorate of Reclamation and Probation Khyber Pakhtunkhwa. Being aggrieved, they filed the instant writ petition.

3. Comments were called from the respondents who furnished the same, wherein, they opposed the issuance of desired writ asked for by the petitioners.

4. Arguments heard and record perused.

5. Perusal of the record reveals that petitioners are seeking adjustment in the Board of Revenue Department on the ground that the said Department has, through different letters, requisitioned their services; however, vide the impugned Notification dated 09.10.2020, their services were placed for their adjustment in the Offices of the Directorate of Reclamation and Probation Khyber Pakhtunkhwa and Directorate of Industries & Commerce and Technical Education Department. We have duly

2A

MA
TESTED
 EXAMINER
 Khyber Pakhtunkhwa High Court

[Signature]
Section Officer (Litigation)
Government of KP
Establishment Department

considered the case of the petitioners and find that after the 25th Constitutional Amendment, FATA Development Authority was repealed vide "the Federally Administered Tribal Areas Development Authority Regulation (Repeal) Act, 2020" and services of the petitioners alongwith other employees of the defunct FATA Development Authority were declared as "Surplus" and were placed in the "Surplus Pool" of the Establishment Department for their further adjustment/placement as per policy in vogue w.e.f. 20.04.2020.

2A
2.

6. We have gone through the Surplus Policy of the Provincial Government and find that no deviation there from is made. Petitioners were adjusted in accordance with the said Policy, besides, in terms of para-5 of the said policy, there is an option available to the surplus employee that before transferring such employee to the surplus pool, he has to be given an option by the concerned Department to proceed on retirement with normal retiring benefits under the existing rules or to opt for readjustment/absorption against a future vacancy of his status which may not necessarily be in his original cadre/Department. Thus, where petitioners have opted to be adjusted against the corresponding posts, they have got no right whatsoever to question the same. It is not the choice of the civil servant to be posted in the Department of his choice rather this

M
ATTESTED
EXAMINER
COACHWALA/High Court


Section Officer (Litigation)
Government of KP
Establishment Department

discretion is available with the Establishment Department to post him where his services are required.

7. In view of the above, this writ petition, being bereft of any merits, stands dismissed.

Announced
Dt: 22.12.2021

Chief Justice

Judge

21-04-2022

Health, Mr. Justice, Qureshi, Rashid Khan, J.C. and Health, Mr. Justice, Mr. Anwar

[Signature]
11 JAN 2022

1990
05-01-2022
11/12
56/2
11-1-2022
11-01-2022
Anwar Ali

copy
file
sent

[Signature]
Section Officer (Litigation)
Government of KP
Establishment Department

THE KHYBER PAKHTUNKHWA CONTINUATION OF LAWS IN THE
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS ACT, 2019

(KHYBER PAKHTUNKHWA ACT NO. XXIV OF 2019)

CONTENTS

PREAMBLE

SECTIONS

- 1. Short title, extent and commencement.
- 2. Definition.
- 3. Continuation of laws.
- 4. Removal of difficulties.


Section Officer (Litigation)
 Government of KP
 Establishment Department

THE KHYBER PAKHTUNKHWA CONTINUATION OF LAWS IN THE
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS ACT, 2019

(KHYBER PAKHTUNKHWA ACT NO. XXIV OF 2019)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 03rd May, 2019).*

AN
ACT

*to provide for the continuation of laws in the erstwhile Federally Administered Tribal Areas
of the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide for the continuation of laws in the erstwhile Federally Administered Tribal Areas of the Province of the Khyber Pakhtunkhwa, which have been merged in the Province of the Khyber Pakhtunkhwa, in pursuance of Continuation (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018):

It is hereby enacted as follows:

1. **Short title, application and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Continuation of Laws in Erstwhile Federally Administered Tribal Areas Act, 2019.
 - (2) It shall extend to the areas as provided in clause (b) of section 2 of this Act.
 - (3) It shall come into force at once.
2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—
 - (a) “competent authority” in respect of—
 - (i) an Act, the Governor of the Khyber Pakhtunkhwa; and
 - (ii) notifications, rules, orders and bye-laws, the authority in which the powers to make, alter, repeal or amend, vests under the law; and
 - (b) “Federally Administered Tribal Areas” means the Federally Administered Tribal Areas, as provided in Clause (c) of Article 246 of the Constitution of Islamic Republic of Pakistan.
3. **Continuation of laws.**— (1) Notwithstanding anything contained in any other law, for the time being in force, all the laws, Regulations, rules, notifications and bye-laws, including Actions (in Aid of Civil Power) Regulation, 2011, or any other legal instrument, applicable in the erstwhile Federally Administered Tribal Areas and having had the force of law, under or in pursuance of Article 247 of the Constitution of Islamic Republic of Pakistan now omitted vide the Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII

of 2018), shall continue to remain in force until altered, repealed or amended by the competent authority:

Provided that anything done, action taken, rules made and notifications or orders issued by the law enforcement agencies in their discharge of official duties under any regulations, laws, rules, orders shall be deemed to be valid and the same shall not be called in question in any court of law and shall also be deemed to have been done, taken, made or issued under this Act.

(2) The provision of sub-section (1) shall not be applicable to the Federally Administered Tribal Areas Interim Governance Regulation, 2018 and Frontier Crimes Regulation, 1901.

4. **Removal of difficulties.**---If any difficulty arises in giving effect to the provisions of this Act, the matter shall be placed before a Committee, to be constituted by the Chief Secretary, Khyber Pakhtunkhwa, for removing difficulty.


Section Officer (Litigation)
Government of KP
Establishment Department



ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)9-21/2019
Dated Peshawar the 29th August, 2019.

15

To,

The Secretary to Govt. of Khyber Pakhtunkhwa
Planning & Development Department

**SUBJECT: DECISION OF THE MEETING OF PROVINCIAL CABINET
DATED 23.08.2019.**

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 23.08.2019 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

AGENDA ITEM NO. 33

FUTURE STATUS OF FATA DEVELOPMENT AUTHORITY

Decision of the Cabinet:

The Cabinet approved the following:

- i. FATA Development Authority should be dissolved.
- ii. Regular Staff of FATA Development Authority will be placed at the disposal of Establishment Department for adjustment/posting. Establishment Department shall be the successor for resolving issues of Human Resource/Litigations etc.
- iii. Concerned Administrative Departments to take over assets of on-going projects of FATA Development Authority in the field as well as its project employees.
- iv. Administration Department to take over the headquarter building located at Phase-V, Hayatabad and moveable assets of closed projects.
- v. To empower Administrative Secretaries in financial matters, Finance Department would undertake an exercise of re-assigning budget codes to the Administrative Secretaries.

Implementing Department: P&D (Merged Areas)

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

Yours faithfully,

(TAJ MUHAMMAD)

SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy to:-

1. P.S to Secretary Administration Department.
2. PA to Deputy Secretary (Cabinet) Administration Department.

SECTION OFFICER (CABINET)

Section Officer (Litigation)
Government of KP
Establishment Department

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12th AUGUST, 2020.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 12th August, 2020.

No. PA/Khyber Pakhtunkhwa/Bills-108/2020/3260.— The Federally Administered Tribal Areas Development Authority Regulation (Repeal) Bill, 2020 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 28th July, 2020 and assented to by the Governor of the Khyber Pakhtunkhwa on 10th August, 2020 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE FEDERALLY ADMINISTERED TRIBAL AREAS DEVELOPMENT AUTHORITY REGULATION
(REPEAL) ACT, 2020.**

(KHYBER PAKHTUNKHWA ACT NO. XXIX OF 2020)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 12th August, 2020).*

AN
ACT

*to repeal the Federally Administered Tribal Areas Development Authority
Regulation, 2006*

WHEREAS the Federally Administered Tribal Areas Development Authority, established under the Federally Administered Tribal Areas Development Authority Regulation, 2006 and continues to function under the Khyber Pakhtunkhwa Continuation of Laws in Erstwhile Federally Administered Tribal Areas Act, 2019 (Khyber Pakhtunkhwa Act No. XXIV of 2019), after the merger of erstwhile Federally Administered Tribal Areas with the Khyber Pakhtunkhwa Province through the Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018);

AND WHEREAS it is expedient to repeal the Federally Administered Tribal Areas Development Authority Regulation, 2006, in order to dissolve the Federally Administered Tribal Areas Development Authority, in the manner as hereinafter provided:

162

Section Officer (Litigation)
Government of KP
Establishment Department

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the Federally Administered Tribal Areas Development Authority Regulation (Repeal) Act, 2020.

(2) It shall come into force at once.


2. **Definitions.**---In this Act, unless the context otherwise requires,-

- (a) "assets" mean all properties and funds at the disposal of the Authority, and all properties, funds and due exchanged for, derived from, or otherwise attributable to the said properties and funds, cash, investments, accounts, receivables, loans granted, inventory, buildings, vehicles, furniture, plant, machinery, joint ventures and official record, which are under the administrative control of the Authority before the promulgation of this Act;
- (b) "Authority" means the Federally Administered Tribal Areas Development Authority, established under the repealed Regulation;
- (c) "employees" mean duly qualified persons, appointed against regular posts of the Authority, except those employed under Article 14 of the Federally Administered Tribal Areas Development Authority (Appointment against Project Posts) Standing Order, 2011;
- (d) "Government" means the Government of Khyber Pakhtunkhwa;
- (e) "project employees" mean the persons, who were appointed against project posts, and presently working in the ongoing projects under the control of the Authority; and
- (f) "repealed Regulation" means the Federally Administered Tribal Areas Development Authority Regulation, 2006, as repealed under section 5 of this Act.

3. **Repeal.**---The Federally Administered Tribal Areas Development Authority Regulation, 2006, is hereby repealed and as a corollary thereof, the Federally Administered Tribal Areas Development Authority, established thereunder, shall stand dissolved.

4. **Employees of the Authority.**--- On promulgation of this Act, employees of the Authority shall be deemed to have been declared surplus and placed at the disposal of the Establishment Department of Government for adjustment or posting as per policy. The Establishment Department of Government shall be the successor for resolving issues of human resources or litigations etc:

Provided that the project employees shall continue their services till the completion of projects of the Authority and thereafter their services shall be deemed to be terminated


Section Officer (Litigation)
Government of KP
Establishment Department

5. Assets and liabilities of the Authority.-- On the promulgation of this Act, all the assets and liabilities of the Authority, upon its dissolution, shall stand transferred in the following manner:

- (a) ongoing projects of the Authority alongwith project employees shall be handed over to concerned Administrative Departments of Government; and
- (b) headquarter building, located at Phase-V, Hayatabad, Peshawar and moveable assets of closed projects of the Authority shall be handed over to the Administration Department of Government.


6. Removal of difficulties.--The Chief Minister, Khyber Pakhtunkhwa may setup a committee, consisting of such members as deemed appropriate, which shall be responsible to resolve any difficulty arising out of the dissolution of the Authority, not inconsistent with the provisions of this Act and make recommendations for appropriate action.

7. Repeal of the Khyber Pakhtunkhwa Ordinance No. VII of 2020.- The Federally Administered Tribal Areas Development Authority Regulation (Repeal) Ordinance, 2020 (Khyber Pakhtunkhwa Ordinance No. VII of 2020) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Suty & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.


Section Officer (Litigation)
Government of KP
Establishment Department