


FORM OF ORDER SHEET

Court of _____

Review Petition No. 1383/2024

No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/11/2024	<p>The Review Petition in appeal no. 9599/2020 resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on 21.11.2024. Original file be requisitioned. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

The review petition of Mr. Muhammad Aftab, submitted today on 31.10.2024 by Mr. Noor Muhammad Khattak, Advocate, is incomplete for the following reasons and is being returned to the counsel for the petitioner for completion and resubmission within 15 days:

1. The review petition is filed under Section 7-A of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; however the Act does not contain for 7-A. If such a provision exists, attach the authentic copy of the same with the petition.

No. 1013 /Inst./2024/KPST,

Dt. 31/10 /2024.

Noor Muhammad Khattak Adv.,
High Court Peshawar.

Amatillobs
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

R. Sir,

That the Government of K.P. through
New Amendment Bill 2024 in the Khyber
Pakhtunkhwa Service Tribunal Act, which is
notified vide Notification dated 5/9/2024,
and New Section 7-A inserted under
which the Honorable K.P. Service Tribunal
has the power to entertain Review
petition.

Re-Submitted

12/11/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

REVIEW PETITION No: - 1383 /2024

IN

SERVICE APPEAL No 9599/2020

MUHAMMAD AFTAB V/S GOVT OF KPK & OTHERS

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THROUGH:

PETITIONER

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

REVIEW PETITION NO:- 1383 /2024
IN
SERVICE APPEAL No 9599/2020

Mr. Muhammad Aftab, Deputy Director IT
CTD HQrs, Pesahwar

..... PETITIONER

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

REVIEW PETITION UNDER SECTION 114 READ WITH
ORDER XLVII RULE 1 OF CPC OF THE CODE OF CIVIL
PROCEDURE, 1908 AND 7-A OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT NO 1 OF 1974
AGAINST THE JUDGMENT & ORDER DATED 13/09/2024
PASSED BY THE LEARNED DIVISION BENCH OF THIS
HONOURABLE TRIBUNAL IN SERVICE APPEAL NO
9599/2020.

Respectfully Sheweth:

Brief facts giving rise to the present petition are as
under:

- 1) That the petitioner/appellant filed the above titled Service Appeal No 9599/2020 in this Honourable Tribunal for counting of project service towards regular service w.e.f. 22/07/2006 till 09/01/2011 for the purpose of pay protection. Copy of Service appeal alongwith all relevant documents are attached as annexure....."A"

- 2) That ibid Service Appeal was dismissed vide order dated 13/09/2024. Copy of order, judgment dated 13/09/2024 is attached as annexure....."B"
- 3) That the subject order/judgment dated 13/09/2024 of this Honourable Tribunal needs second look, and merits to be reviewed on the following grounds inter alia:-

Grounds:-

- A) That the order/judgment dated 13/09/2024 is against the law and facts, hence the judgment/order of this Honourable Court needs to be reviewed.
- B) That this Honourable Tribunal has earlier decided a similar nature case in Service Appeal bearing No 1006/2019 in favour of the appellant vide order & judgment dated 19/01/2022. Copy of judgment dated 19/01/2022 is attached as annexure....."C"
- C) That the impugned order dated 13/09/2024 is also violative of various notifications/memorandums. Copies of memorandums are attached as annexure....."D"
- D) That the impugned order and judgment dated 13/09/2024 is the result of mis-appreciation and mis-interpretation of available evidence on record, which amounts to be an error, and is liable to be reviewed, may kindly be reviewed.
- E) That it is a settled principal of law that the authority issuing an order shall be competent to review the same and to avoid miscarriage of justice.
- F) That the said order and judgment dated 13/09/2024 is not passed by proper reflection of available record.
- G) That it will be in the best interest of justice that if the impugned order & judgment is set aside and the case is decided on merits.
- H) That there is a technical error in the impugned judgment that this Honourable Court while passing the impugned judgment in case in hand, ignored the facts and grounds taken by the petitioner in the petition, so on this score also the impugned judgment is liable to be reviewed.


- I) That unless and until the order/judgment dated 13/09/2024 is reviewed the purpose of law would be defeated and serious miscarriage of justice would be caused to the petitioner.
- J) That valuable rights of the petitioner are attached to the petition in question.
- K) That it is settled principle of natural justice that no one should be condemned unheard but the impugned order is totally against the principle of natural justice.
- L) That it will be in the interest of justice, if the impugned order is reviewed and the WP is decided on merits in accordance with law.
- M) That the rights of petitioner guaranteed under the constitution, that every citizen shall be treated in accordance with law and their rights shall not be circumvented without any lawful justification.
- N) That any other grounds will be raised at the time of arguments with kind permission of this Honourable Court.

It is, therefore, most humbly prayed that on acceptance of this Review Petition, the order dated 13/09/2024 of this Honourable Tribunal may kindly be reviewed/ recalled in the light of above submissions in the larger interest of justice and the Service Appeal may please be restored and decided as per facts and circumstance taken by the petitioner.


PETITIONER

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT


UMAR FAROOQ MOHMAND



WALEED ADNAN

&

KHANZAD GUL
ADVOCATES HIGH COURT

Certificate:-

It is hereby certified that the instant petition in hand is fit case for review.


Advocate

AFFIDAVIT

I, Mr. Muhammad Aftab, Deputy Director IT CTD HQrs, Pesahwar, do hereby solemnly affirm on oath that the contents of the above petition are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.


DEPONENT

"A" -5-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 9599 /2020

Mr. Muhammad Aftab, Deputy Director-I.T,
CTD HQrs, Peshawar.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE INACTION OF THE RESPONDENTS BY
NOT COUNTING THE PROJECT SERVICE OF THE
APPELLANT TOWARDS REGULAR SERVICE I.E.
w.e.f. 22-07-2006 TILL 09-01-2011 FOR THE
PURPOSE OF PAY PROTECTION AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL
OF THE APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS.**

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to count the project service of the appellant towards regular service i.e. w.e.f. 22-07-2006 till 09-01-2011 with all back benefits in light of Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963 and Article 371(A)(i) of the Civil Services Regulations. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

1. That appellant was initially appointed as MIS Manager on fixed pay equivalent to (BPS-17) in the project named "Computerization of Driving License and Ticketing System" in the Department of Science and Technology & Information Technology Department of Khyber Pakhtunkhwa vide office order dated 20-07-2006. Copy of the appointment order dated 20.07.2006 is attached **as annexure** **A.**
2. That the appellant joined his assigned duty in Science & Technology and Information Technology Department Khyber Pakhtunkhwa and performing his duty was further extended from time to time vide order dated 15-02-2008. Copy of the extension order dated 15.02.2008 is attached **as annexure** **B.**
3. That in the meanwhile the Police Department advertised a post of Database Administrator at Serial No. 36 through Public Service Commission vide advertisement No. 08/2009 dated 24-10-2009 in which last date for submission of application was placed as 21-11-2009. Copy of the advertisement is attached **as Annexure** **C.**
4. That in response to the above mentioned advertisement the appellant applied for the post of Database Administrator on the prescribed form through proper channel, which was properly forwarded vide letter dated 18-11-2009 along with relevant documents. Copy of forwarding letter is attached **as Annexure** **D.**
5. That appellant after successfully gone through the recruitment process was finally recommended for the post of Database Administrator (BS-17) and accordingly was issued appointment notification vide dated 10-12-2010. Copy of Notification dated 10.12.2010 is attached **as Annexure** **E.**
6. That in response to the appointment notification dated 10.12.2010 applied requested Information Department for relieving to join his new assignment which was accepted vide notification dated 15-12-2010 and as such the appellant assumed the charge of the post of Database administrator in Police Department vide dated 10-01-2011. Copies of the relieving order and Charge Assumption are attached **as Annexure** **F & G.**
7. That as appellant had served in the project of Directorate of Information Technology Government of Khyber Pakhtunkhwa namely "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" for more than six years, therefore, in light of Rule 2.3 of the West Pakistan Civil services Pension Rules, 1963 and in light of Article 371 A (i) of

the Civil service Regulations the appellant is fully entitled for counting of his previous service rendered in the project and pay protection with all back benefits.

8. That for the said benefit the appellant submitted Departmental appeal before the appellate authority i.e. respondent No.2 in light of various notification issued from Finance Division Islamabad as well as Finance Department of Khyber Pakhtunkhwa but the respondent No.2 succumbed on the Departmental appeal of the appellant. Hence, the appellant filed writ petition no. 2491-P/2020 which was disposed with direction to the respondents to decide the Departmental Appeal of the appellant within One month positively vide judgment dated 06-05-2020. Copy of the Departmental Appeal, notifications & judgment dated 06.05.2020 is attached as Annexure H, I & J

9. That feeling aggrieved and having no other remedy the appellant filed the instant appeal on following grounds inter alia:

GROUND:

- A- That the inaction of respondents by not counting the previous service of the appellant rendered in the "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" project i.e. project period towards regular service of the Police Department in light of Rule 2.3 of the West Pakistan Civil services Pension Rules, 1963 and in light of Article 371 A (i) of the Civil service Regulations is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not counting the previous service of the appellant rendered in the "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" i.e. project period towards regular service of Police Department in light of Rule 2.3 of the West Pakistan Civil services Pension Rules, 1963 and in light of Article 371 A (i) of the Civil service Regulations.
- D- That the inaction of the respondents by not counting the previous service of the appellant rendered in the "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" i.e. project period towards regular service of Police Department in light of Rule 2.3 of the West Pakistan Civil services Pension Rules, 1963 and in light of

Article 371 A (i) of the Civil service Regulations is discriminatory and against the norms of Natural Justice, therefore the same is not tenable in the eye of law.

- E- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for the counting of his previous service rendered in the "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" i.e. project period towards regular service in Police Department.
- F- That there is no break in service of appellant from the date of initial appointment i.e. 22-07-2006 till his regular appointment upon recommendation by KP Public Service Commission and appointment order dated 10-12-2010.
- G- That in light of Rule-2.3 of the West Pakistan Pension Rules, 1963 the appellant is fully entitle for the counting of his previous service served the Directorate of Information Technology Government of Khyber Pakhtunkhwa.
- H- That the act of the respondents by not counting the previous service of the appellant served in the project namely "Computerization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" of the Directorate of Information Technology Government of Khyber Pakhtunkhwa for a period of more than six years is also against the notification issued by Finance Division Islamabad and also of the notification issued by Finance Department.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

M.A.T.B.
MUHAMMAD AFTAB

Through:

M.
NOOR MOHAMMAD KHATTAK,

&

M.
MIR ZAMAN SAFI
ADVOCATES

GOVERNMENT OF NWFP
SCIENCE, TECHNOLOGY AND
INFORMATION TECHNOLOGY DEPARTMENT
Government Office Complex,
Govt Building, Quetta Road, Peshawar
Date: Peshawar, 20.7.2006

NOTIFICATION

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to appoint the following in the project of computerization of the Staff Officers and Ticketing System of the Department of Science and Technology & Information Technology on a fixed pay arrangement against each on the following terms and conditions:

S.No.	Name & Father's name	Post	Salary per month
1.	Mr. Muhammad Ali son of Gausar Ali	MIS Manager	RS 30,000/-
2.	Mr. Nauman Rafi son of Mohammad Rafi	Network Administrator	RS 25,000/-
3.	Mr. Javed Iqbal son of Safiq Mand Khan	Database Administrator	RS 25,000/-

1. Either party can terminate the contract on two months notice or two months salary in lieu thereof.
2. They will produce a medical fitness certificate from the Medical Superintendent concerned.
3. Their appointments will be initially for a period from 20-7-2006 to 22-3-2008 or till the completion of the project whichever is earlier.
4. On expiry/completion of the contract/project, whichever is earlier, the services of these appointees shall stand terminated automatically and shall not confer on the individual any right of absorption elsewhere or regularization of their services.

Sd/-
SECRETARY TO GOVT OF NWFP
Science & Technology and
Information Technology Department

Enclst: No. SOCE/ST&IT/NWFP/2-S/2006/1/01 Dated 20.7.2006.

Copy forwarded for information to:

1. The Accountant General NWFP, Peshawar.
2. The Director, Information Technology Directorate, NWFP, Peshawar.
3. The Project Director, Directorate of Information Technology, NWFP.
4. P.S to Chief Secretary, NWFP.
5. P.S to Secretary, ST&IT Department, Government of NWFP.
6. P.A to DS (Admin), ST&IT Department, Government of NWFP.
7. Officers concerned for information, and with the direction to report to the Secretary to Government of NWFP, ST&IT within seven days positively.

[Signature]
SECTION OFFICER (ESTABLISHMENT)

[Signature]

ATTESTED

[Signature]

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**GOVERNMENT OF NWFP
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT
District offices Complex
SDU Building, Khyber Road, Peshawar
Dated Peshawar, the 2006**

NOTIFICATION:

No.SO€ST&IT/NWFP/2-5/Dirtes/2006. On the recommendations of the Departmental Selection Committee, the competent authority is pleased to appoint the following in the project "computerization of Driving License and ticketing system" of the department of science and technology & information technology on a fixed pay as mentioned against each on the following terms and conditions:

S.NO	name & father's name	post	salary per month
1.	Mr. Muhammad Aftab son of Gauhar ali	<u>MIS manager</u>	Rs.30,000/-
2.	Mr. Nauman Rafi son Mohammad Rafi	Network Administrator	Rs.25,000/-
3.	Mr. Javed Iqbal son of Salih Mand Khan	Database administrator	Rs.25,000/-

- 1- Either party can terminate the contract on two months' notice or two months' salary in lieu thereof.
- 2- They will produce a medical fitness certificate from the medical superintendent concerned.
- 3- Their appointments will be initially for a period from 20.7.2006 to 22.03.2008 or till the completion of the project whichever is earlier.
- 4- On expiry/completion of the contract/project, whichever is earlier, the services of the appointees shall stand terminated automatically and shall not confer on the individually any right of absorption elsewhere or regularization of their services.

Sd/-
SECRETARY TO GOVT OF NWFP
Science & technology and
Information Technology Department

Endst No.SO(E)/ST&IT/NWFPT/2-5/DIRECTORATE/APPOINT/04 DATED 20.7.2006

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Order

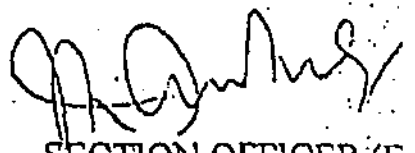
No. SOE/ST&IT/NWFP/2-29/Proj: D/License/08 dated 15-02-2008. In compliance of the 1997-2001
 National Information Technology Policy (NITP) dated 20/07/2000 and 2007-08
 Computerized National Information System (CNIS) project, the status of the call for
 tender for the project titled "COMPUTERIZATION OF DRIVING LICENSES" on the
 terms and conditions as laid down in appointment order (attached herewith) by the
 approval of competent Forum (I.T.N.P.).

S.No.	Names	Designation	Salary P.M (RS)	Period of Contract
1.	Mr. Muhammad Aftab Khan S/O Gohar Ali	MIS Manager	Rs. 30000/-	22-03-08 to 30-06-2009
2.	Mr. Nauman Rafi S/O Muhammad Rafi	Network Administrator	Rs. 25000/-	23-03-08 to 30-06-2009
3.	Mr. Khawar Abbas S/O Bashir Ahmed	Data Base Administrator	Rs. 25000/-	23-01-08 to 30-06-2009

SECRETARY

Encost: No: SOE/ST&IT/NWFP/2-29/Proj: D/License/08 dated 15-02-2008; 1207

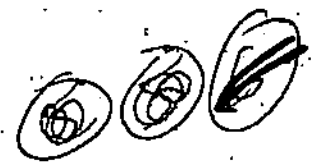
1. The Accountant General NWFP, Peshawar.
2. The Director, Information Technology Directorate, NWFP, Peshawar.
3. P.S to Chief Secretary, NWFP.
4. P.S to Secretary, ST&IT Department, Government of NWFP.
5. P.A to DS (Admin) ST&IT Department, Government of NWFP.
6. Officers concerned for information.



ATTESTED

SECTION OFFICER (E)

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B. copy P. 10

GOVERNMENT OF NWFP
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT
SDU Building, Khyber Road, Peshawar
Dated 15.02.2008

Order:

No. SOE/ST&ITNWFP/2-29/Prof:D,License/08: In Continuation of this department notifications Nos. SOE/ST&NWFP/2-5/Dir/06 dated 20.07.2006 and 24.01.07 the competent authority has been pleased to extend the services tenure of the following officers of directorate of information technology NWFP, for the period noted against their names for the project titled "COMPUTERIZATION OF DRIVING LICENSES" on same terms and conditions as laid down in appointment offer with immediate effect, by the approval of competent Forum (DDWP).

S.No	Names	Designation	Salary (RS)	P.M	Period	Of Contract
1	Mr. Muhammad Aftab Khan, S/O Gohar Ali	MIS Manager	Rs. 30000/-		22.03.08	To 30.06.2009
2	Mr. Nauman Rafi S/O Muhammad rafi	Network Administrator	Rs. 25000/-		23.03.08	to 30.06.2009
3	Mr. khawar Abbas S/O Bashir Ahmed	Database Administrator	Rs. 25000/-		23.01.08	to 30.06.2009

SECRETARY

Encost: No:SOE/ST&IT/NWFP/2-29/Proj: Dr/license/08 dated: 15-02-2008

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NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

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

Dated: 24.10.2009

ADVERTISEMENT No. 08 / 2009

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of N.W.F.P / F.A.T.A by 21-11-2009 (candidates applying from abroad by 05-12-2009). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected without intimation to the candidates

DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP	
1.	<p>FIVE (05) POSTS OF FEMALE LIBRARIAN IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP.</p> <p><u>QUALIFICATION:</u> B.A/B.Sc with Diploma in Library Science from a recognized University. <u>NOTE:</u> Bachelor Degree holder in Library Science from A.I.O.U is not eligible. <u>AGE LIMIT:</u> 21 to 35 years. <u>PAY SCALE:</u> BPS-16. <u>ELIGIBILITY:</u> Female. <u>ALLOCATION:</u> Two in Zone-1 & Three in Zone-3</p>
2.	<p>FOUR (04) POSTS OF FEMALE DPE IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP.</p> <p><u>QUALIFICATION:</u> B.A/B.Sc with Senior Diploma in Physical Education from a recognized University/ Institute. <u>AGE LIMIT:</u> 21 to 35 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Female. <u>ALLOCATION:</u> Zone-1</p>
3.	<p>ONE (01) POSTS OF SYSTEM SUPERVISOR IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP.</p> <p><u>QUALIFICATION:</u> 1. M.Sc Computer Science or M.C.S in 2nd Division from a recognized University; And 2. Two years experience in Government/Semi Government /Reputed Private Organization in the relevant field. <u>AGE LIMIT:</u> 25 to 30 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Zone-1</p>
	<p>ONE (01) POST OF ASSISTANT RESEARCH OFFICER IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP</p> <p><u>QUALIFICATION:</u> Second Class Master degree in History, Pakistan Studies or in Sociology from a recognized University. <u>AGE LIMIT:</u> 21 to 30 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Zone-1</p>
	<p>TWO (02) POSTS OF COMPUTER OPERATOR IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP</p> <p><u>QUALIFICATION:</u> 1. Intermediate Second Class or equivalent from a recognized Board. 2. One year Diploma in Computer Science or Information Technology from a recognized Board. <u>AGE LIMIT:</u> 18 to 28 years. <u>PAY SCALE:</u> BPS-12 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> One each to Zone-1 & Zone-2</p>

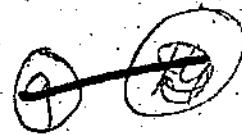
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ELEMENTARY AND SECONDARY EDUCATION DEPTT:	
6.	<p>SIXTEEN (16) POSTS OF FEMALE PRINCIPAL/VICE PRINCIPAL</p> <p><u>QUALIFICATION:</u> Master Degree with M.Ed./M.A (Education) from Recognize University with Nine Years Teaching / Administrative Experience in recognized Secondary Schools/Higher School. <u>Note:</u> - Experience shall be counted after MA/ MSc or Méd. <u>AGE LIMIT:</u> 25 to 40 years. <u>PAY SCALE:</u> BPS-18 <u>ELIGIBILITY:</u> Female. <u>ALLOCATION:</u> Merit.</p>
7.	<p>TWO (02) POSTS OF PLANNING OFFICER</p> <p><u>QUALIFICATION:</u> Master Degree in Economics or Business Administration, Public Administration or Commerce from a recognized University. <u>AGE LIMIT:</u> 22 to 35 years. <u>PAY SCALE:</u> BPS-17 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> One each to Zone-1 & Zone-2.</p>
FINANCE DEPARTMENT	
8.	<p>ONE (01) POST OF AUDIT OFFICER (FEMALE) IN DIRECTORATE OF LOCAL AUDIT FUND</p> <p><u>QUALIFICATION:</u> 2nd Class Master's Degree in Statistics, Economics, Business Administration or Commerce from a recognized University. <u>AGE LIMIT:</u> 22 to 35 years. <u>PAY SCALE:</u> BPS-16 <u>ELIGIBILITY:</u> Female. <u>ALLOCATION:</u> Merit.</p>
HEALTH DEPARTMENT	
9.	<p>NINE (09) POSTS OF PROFESSOR ONE EACH FOR RADIOLOGY, ORTHOPEDICS, EYE, ENT, SURGERY, PAEDRIATRICS, ANESTHESIA, PSYCHIATRIC AND DERMATOLOGY FOR BANNU MEDICAL COLLEGE</p> <p><u>QUALIFICATION:</u> a) MBBS, or equivalent medical qualification recognized by the council and b) FCPS/MS/MD in the respective subjects of equivalent qualifications in the specialty recognized by the council with at least two papers on research work in the relevant specialties published in standard Medical journal as principal author in the capacity of Associate Professor; <u>EXPERIENCE:</u> a) Three years teaching experience as an Associate Professor in the respective subject and a total teaching experience of eight years as Assistant Professor and Associate Professor; OR b) Nine years teaching experience as Assistant Professor and Associate Professor in the respective subject.</p> <p><u>AGE LIMIT:</u> 40 to 55 years. <u>PAY SCALE:</u> BPS-20 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Merit.</p>
10.	<p>THIRTEEN (13) POSTS OF ASSOCIATE PROFESSOR TWO EACH FOR RADIOLOGY, AND GENERAL MEDICINE AND ONE EACH FOR GYANE, ORTHOPEDICS, EYE, ENT, SURGERY, PAEDRIATRICS, ANESTHESIA, PSYCHIATRIC AND DERMATOLOGY FOR BANNU MEDICAL COLLEGE BANNU</p> <p><u>QUALIFICATION:</u> a) MBBS or equivalent medical qualification recognized by the council and b) FCPS/MS/MD in the respective subjects or equivalent qualifications in the specialty recognized by the council with three papers on research work of which at least two shall be as principal author in the capacity of Assistant Professor in the relevant specialty published in standard Medical journal. <u>EXPERIENCE:</u> Five years teaching experience as Assistant Professor in the relevant subject. <u>AGE LIMIT:</u> 35 to 45 years. <u>PAY SCALE:</u> BPS-19 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Merit.</p>

ATTESTED
[Signature]



11.	<p>ONE (01) POST OF PROJECTIONIST IN BANNU MEDICAL COLLEGE</p> <p><u>QUALIFICATION:</u> (i) Secondary School Certificate from a recognized Board and (ii) Two years experience in the field in any recognized Government Institute OR Five years experience in a private firm. <u>AGE LIMIT:</u> 18 to 25 years. <u>PAY SCALE:</u> BPS-11 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Zone-1</p>
12.	<p>ONE (01) POST OF ARTIST IN BANNU MEDICAL COLLEGE</p> <p><u>QUALIFICATION:</u> (i) Secondary School Certificate from a recognized Board and (ii) Diploma in Fine Arts from a recognized Government Institute. <u>AGE LIMIT:</u> 18 to 25 years. <u>PAY SCALE:</u> BPS-11 <u>ELIGIBILITY:</u> Both Sexes. <u>ALLOCATION:</u> Zone-1</p>
HIGHER EDUCATION DEPARTMENT	
13.	<p>SEVENTY FOUR (74) POSTS OF MALE ASSISTANT PROFESSOR IN HIGHER EDUCATION DEPARTMENT</p> <p>Eight (08) each in English, Urdu, Physics, Chemistry & Maths; Six (06) in Islamiat; Five(05) each in History-cum-Civics & Political Science; Four(04) each in Economics, Botany, Zoology & Statistics; Two(02) in Arabic.</p> <p><u>QUALIFICATION:</u></p> <ol style="list-style-type: none"> 1. Ph.D in the relevant subject from a recognized University with two years teaching/research experience in a recognized College/University; OR 2. M.Phil in the relevant subject from a recognized University with five years teaching/research experience in a College/University; OR 3. Second Class Master Degree in the relevant subject from a recognized University with seven (07) years teaching experience in a College /University or in Education Administration Management. <p><u>AGE LIMIT:</u> 25 to 40 years. <u>PAY SCALE:</u> BPS-18 <u>ELIGIBILITY:</u> Male. <u>ALLOCATION:</u> Merit.....</p>
14.	<p>SIX (06) POSTS OF FEMALE ASSISTANT PROFESSOR IN HIGHER EDUCATION DEPARTMENT</p> <p>Two in Pak Studies; One each in Computer Science, Maths, Islamiat & Home-Economics;</p> <p><u>QUALIFICATION:</u></p> <ol style="list-style-type: none"> 1. Ph.D in the relevant subject from a recognized University with two years teaching/research experience in a recognized College/University; OR 2. M.Phil in the relevant subject from a recognized University with five years teaching/research experience in a College/University; OR 3. Second Class Master Degree in the relevant subject from a recognized University with seven (07) years teaching experience in College /University or in Education Administration Management. <p><u>AGE LIMIT:</u> 25 to 40 years. <u>PAY SCALE:</u> BPS-18 <u>ELIGIBILITY:</u> Female. <u>ALLOCATION:</u> Merit.....</p>
15.	<p>TWO (02) POSTS OF MALE LECTURER IN ZOOLOGY.</p> <p><u>QUALIFICATION:</u> 2nd Class Master Degree in relevant subject or equivalent qualification from a recognized University. <u>AGE LIMIT:</u> 21 to 30 years. <u>PAY SCALE:</u> BPS-17 <u>ELIGIBILITY:</u> Male. <u>ALLOCATION:</u> Zone-5.....</p>

ATTESTED

INDUSTRIES, COMMERCE, MINERAL DEVE., LABOUR & TECHNICAL EDUCATION DEPARTMENT.

16. TEN (10) POSTS OF ASSISTANT PROFESSOR IN COMMERCE IN TECHNICAL EDU: DEPTT:

QUALIFICATION: a) Ph. D in the relevant subject from a recognized University with three years teaching experience in recognized College/ Government Commercial Institute/ Government Commerce College as Instructor/ Lecturer or ; b) Master Degree from a recognized University in the relevant subject with five years experience of teachnign as Lecturer / Junior Instructor in a recognized College/ Government Commercial Institute/ Government Commerce College.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18. ELIGIBILITY: Male. ALLOCATION: Merit.....

17. FOUR (04) POSTS OF FEMALE INSTRUCTOR / LECTURER IN COMMERCE FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17. ELIGIBILITY: Female. ALLOCATION: Merit.

18. ONE (01) POST OF MALE INSTRUCTOR / LECTURER IN COMMERCE (DISABLE QUOTA) FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17. ELIGIBILITY: Male. ALLOCATION: Merit.

19. ONE (01) POST OF MALE INSTRUCTOR / LECTURER IN COMMERCE (MINORITY QUOTA) FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17. ELIGIBILITY: Male. ALLOCATION: Merit.

20. NINE (09) POSTS MALE INSTRUCTOR/ LECTURER IN COMMERCE FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17. ELIGIBILITY: Male. ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
03	01	01	01	01	02

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21. FIVE (05) POSTS MALE INSTRUCTOR/LECTURER IN COMPUTER SCIENCE FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES.

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
02	--	--	01	01	01

22. Five (05) Posts Male Instructor/ Lecturer in English for Govt: College of Commerce/ Govt: Commercial Training Institutes..

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
01	01	--	01	01	01

23. FOUR (04) POSTS MALE INSTRUCTOR/LECTURER IN ECONOMICS FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
01	01	01	--	--	01

24. FOUR (04) POSTS MALE INSTRUCTOR/ LECTURER IN URDU FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
01	01	01	01	--	--

25. TWO (02) POSTS MALE INSTRUCTOR/ LECTURER IN ISLAMIAT FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES.

QUALIFICATION: 2nd Class Master's Degree in the relevant Subject or equivalent qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone5
01	--	--	--	--	01

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26. ONE (01) POST MALE INSTRUCTOR/ LECTURER IN STATISTICS/ BUSINESS MATHS FOR GOVT: COLLEGE OF COMMERCE/ GOVT: COMMERCIAL TRAINING INSTITUTES

QUALIFICATION: (i) 2nd Class Master's Degree in Maths from a recognized University.
(ii) 2nd Class MBA with Maths/ Statistics in B.A/B.Sc from a recognized University.
(iii) 2nd Class Master's Degree in Statistics with Maths in B.A/B.Sc from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.
ALLOCATION: Merit.

27. ONE POST OF FEMALE INSTRUCTOR (RELATED STUDIES) IN FOOD IN TECHNICAL EDU: DEPTT.

QUALIFICATION: Master Degree in the relevant field from a recognized University.
AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.
ALLOCATION: Merit.

28. FOUR (04) POSTS OF MALE DIRECTOR PHYSICAL EDUCATION IN TECHNICAL EDUCATION AND MANPOWER TRAINING DEPTT:

QUALIFICATION: 2nd Class Bachelor Degree from recognized University and Senior Diploma in Physical Education from a recognized Institute.
AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Male.
ALLOCATION:

Merit	Zone-2	Zone-3	Zone-4
01	01	01	01

Note: The Candidates, who have already applied in response to our advertisement No. 03/2008 at Serial No.29, need not apply again.

29. THREE (03) POSTS OF MALE JUNIOR INSTRUCTORS ARITHMETICS IN TECHNICAL EDUCATION DEPARTMENT

QUALIFICATION: 2nd Division B.Sc Maths or B.A with Maths as one of the subject from a recognized University.
AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-14 ELIGIBILITY: Male.
ALLOCATION: One each to Zone-2, Zone-3 and Zone-4.

30. TWENTY (20) POSTS OF MALE JUNIOR INSTRUCTOR IN COMMERCE IN TECHNICAL EDUCATION DEPTT:

QUALIFICATION: 2nd Class Bachelor Degree in Commerce from a recognized University.
AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-14 ELIGIBILITY: Male.
ALLOCATION: Four each to Zone-1, 2 & 5, Five to Zone-3 and Three to Zone-4.....

31. ONE (01) POST OF FEMALE JUNIOR INSTRUCTOR IN COMMERCE

QUALIFICATION: 2nd Division Bachelor Degree in Commerce from a recognized University.
AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-14 ELIGIBILITY: Female.
ALLOCATION: Merit.....

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NWFP PUBLIC SERVICE COMMISSION

32. ONE (01) POST OF ASSISTANT.
QUALIFICATION: Bachelor Degree from a recognized University.
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14 ELIGIBILITY: Both Sexes.
ALLOCATION: Zone -5.

33. TWO (02) POSTS OF SENIOR SCALE STENOGRAPHER.
QUALIFICATION: i) Bachelor Degree or equivalent qualification from a recognized University. (ii) A speed of 100 words per minute in Shorthand in English and 35 words per minute in English typing.
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-15 ELIGIBILITY: Both sexes.
ALLOCATION: One each to Zone 2 & 3

34. TWO (02) POSTS OF JUNIOR SCALE STENOGRAPHER.
QUALIFICATION: i) Intermediate or equivalent qualification from a recognized Board. (ii) A speed of 60 words per minute in Shorthand in English and 35 words per minute in typing in English and Knowledge of Computer in using MS Word and MS Excel
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes.
ALLOCATION: One each to Zone 4 & 5

NWFP SERVICE TRIBUNAL PESHAWAR.

35. ONE (01) POST OF READER
QUALIFICATION: Bachelor Degree from Recognized University.
AGE LIMIT: 18 to 25 years. PAY SCALE: BPS-11 ELIGIBILITY: Male.
ALLOCATION: Zone-2.

POLICE DEPARTMENT.

36. ONE (01) POST OF DATABASE ADMINISTRATOR
QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University.
(b) Three year (03) post qualification experience of Database Administration.
AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
ALLOCATION: Merit.

37. ONE (01) POST OF NETWORK ADMINISTRATOR.
QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University.
(b) Three year (03) post qualification experience of Network and System Administration.
AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
ALLOCATION: Merit.

38. ONE (01) POST OF DATA PROCESSING OFFICER
QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University.
(b) Three year (03) post qualification experience of Data Processing and Validation.
AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.
ALLOCATION: Merit.

39. TWO (02) POSTS OF ASSISTANT NET WORK ADMINISTRATOR
QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University.
(b) Two year (02) post qualification experience of Network and System Administration.
AGE LIMIT: 23 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes.

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40. NINE (09) POSTS OF COMPUTER OPERATOR

QUALIFICATION: (a) 2nd Class F.A/F.Sc from recognized Board with one year Diploma of Computer Science or Information Technology.
(b) One year (01) Relevant experience.
AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11. ELIGIBILITY: Both Sexes.
ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
02	02	02	02	01

ZAKAT, USHR SOCIAL WELFARE & WOMEN DEVELOPMENT DEPARTMEN.

41. ONE (01) POST OF COMPUTER PROGRAMMER.

QUALIFICATION: a) 1st Class Master's Degree in Computer Science, Maths, Statistics, Physics, Economics or Engineering and
b) Diploma in Computer Science of at least one year duration from a recognized Institute for persons not possessing Master's Degree in Computer Science.
AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes.
ALLOCATION: Zone-1

CORRIGENDUM

The conditions for the posts of Sub-Accountant appearing at S.No.9 and 10 of this Commission's Advertisement No.7/2009 may be read as follow: -

Male Sub Accountant

Allocation: - 10 each to Zone-1,2 & 3 and 08 each to Zone-4 & Zone-5. Age Limit: - 18 - 30 years.

Female Sub Accountant

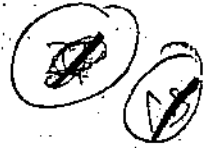
Allocation: - Merit. Age Limit: - 18 - 30 years.

GENERAL CONDITIONS

- (i) Age shall be reckoned on 21/11/2009. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service and upto 3 years for candidates belonging to backward areas specified in the appendix attached to the NWFP Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt. Servants, general or disabled candidates, whichever is relevant and applicable to them.
- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- (iii) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to

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required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.

- (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (vi) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and/or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN

Main Branches of:

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Manséhra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

Note: - The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(ATTA-UR-REHMAN)

Secretary

NWFP Public Service Commission
Peshawar

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GOVERNMENT OF NWFP
DIRECTORATE OF INFORMATION TECHNOLOGY

1-B/C/D Chinari Road, University Town, Peshawar.
Tel: 0092-91-9216889;
sysadmin@nwfp.gov.pk; www.nwfp.gov.pk

No. Directorate-IT/NWFP/DLMS/PSC/05/1150
Dated: 10th November, 2009

To
The Secretary,
NWFP Public Service Commission,
Peshawar.

Subject: APPLICATION FOR THE POST OF DATABASE ADMINISTRATOR IN POLICE DEPARTMENT

I am directed to refer to your department advertisement No. 08/2009 dated 24-10-2009 on the subject noted above and to enclose herewith application form along with the relevant documents of Mr. Muhammad Aftab, MIS Manager working under the project titled as "Computerization of Driving Licenses in NWFP" for your consideration please.

The enclosed documents may kindly be considered for the subject post. Furthermore, this Directorate has no objection in his recruitment through Public Service Commission in concern Department.

NOC

Faithfully Yours,

Handwritten signature of Coordinator Projects-I

Coordinator Projects-I

Copy for information to:-

- 1. P.A. to Director-IT NWFP
- 2. PS to Secretary, ST&IT Department

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Coordinator Projects-I

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**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

Dated: 10/11/2010

No. 27455 /E-III, **APPOINTMENT AS DATA BASE**

ADMINISTRATION BS-17: On the recommendation of Secretary KPK Public Service Commission Peshawar vide letter No. KPK/PSC/SR-V/54816 dated: 25.11.2010, Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulat para post office Ambadher Tehsil & District Charnadda is hereby appointed as Data Base Administration BS-17 purely on temporary basis in the KPK Police with effect from the date he actually report for duty at his place of posting subject to medical fitness and verification of character and antecedents.

The term and condition of his service will be as under:-

1. His services are liable to be terminated on 14 days notice without assigning any reason.
2. On appointment the above name candidate is posted to Malakand Region Swat.

(Signature)
(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 27456-60 /E-III

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Malakand Region Swat in continuation of this office Memo No. 24138/E-III dated: 20.10.2010 (his academic certificates may please be verified from his respective Board /University. His application alongwith other documents are also attached.
2. District Police Officer, Swat
3. Secretary, KPK Public Service Commission, Peshawar w/r to his letter quoted above.
4. Office Supdt. Secret CPO
5. Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulat para post office Ambadher Tehsil & District Charsadda

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incalination with documents



(Signature)
(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF INFORMATION TECHNOLOGY

Unit TF-203-210, Deans Trade Center, Isfanda Road, Peshawar Cantt.
Tel: 0092-91-9211789

NOTIFICATION

Directorate-IT/DLMS/KPK/Resignation/10/1649 Subsequent upon the Notification No: 27455/E-III dated 10/12/2010 of Provincial Police Officer, Khyber Pakhtunkhwa regarding appointment of Mr. Muhammad Aftab as Database Administrator BS-17, the competent authority is pleased to accept one-month advance notice as resignation and relieve Mr. Muhammad Aftab from duties as MIS Manager under the project titled as "Computenization of Driving License and Ticketing Management System in Khyber Pakhtunkhwa" on 09-01-2011.

Director-IT
Directorate of IT

Encl: Directorate-IT/DLMS/KPK/Resignation/10/1649

Dated: 15/12/2010

Copy for information:

- 1) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar in response to his office Notification No: 27455/E-III, dated 10-12-2010.
- 2) P. S. to Secretary, ST&IT, Department, Government of Khyber Pakhtunkhwa.
- 3) PA to Director-IT, Government of Khyber Pakhtunkhwa.
- 4) Accounts Section for perusal please.
- 5) Concerned Officer.


Coordinator Projects


ATTESTED


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CHARGE ASSUMPTION REPORT

~~(Signature)~~ (19)

In pursuance of the Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar Notification No. 27455/E-III dated 10/12/2010, Muhammad Aftab assume the charge of Data Base Administrator (BPS-17) today on 10th January, 2011 (forenoon).

(Signature)
(MUHAMMAD AFTAB)
Data Base Administrator,
(BPS-17)

OFFICE OF THE DEPUTY INSPECTOR GENERAL OF POLICE
MALAKAND REGION, SAIDU SHARIF, SWAT.

No. 238-40 /E, dated Saidu Sharif the 10/1 /2011.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. District Accounts Officer, Swat.

(Signature)

(Signature)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
"SAIF"

ATTESTED
(Signature)

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The Worthy Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

Through Proper Channel

Subject: - PAY PROTECTION

Sir,

With due respect it is submitted that I was appointed as Data base Administrator (BS-17) in Police Department through Public Service Commission vide Police Department Notification No 27455/E-III dated 10/12/2010 (Annexure-I). I join police Department on 10-01-2011.

Before appointment in police department I was serving as MIS Manager in the developmental Project titled "Computerization of Driving License and Ticketing System" reflected in the ADP of ST&IT department from 22 July 2006 to 09-01-2011. On joining the Police Department my salary was fixed in the first stage of BPS-17 without any pay protection which was my due right.

Finance division regulation wing Government of Pakistan issued notification/office memorandum time to time for gazetted and non-gazetted employees that the pay of contract employee on their regularization /appointment on regular basis should be protected which was adopted by government of Khyber Pakhtunkhwa (Annexure-II). On regularization of various projects in different departments of Pakhtunkhwa pay protection was granted to all contract employees from date of appointment (Annexure-III).

It is therefore requested that pay protection may kindly be granted of the project period i.e. from 22-07-2006 to 09-01-2011.

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EC Thanks

Yours faithfully

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SP-HBN

02-07-19

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(Muhammd Aftab)
Deputy Director-IT
CTD HQrs Peshawar

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OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA.

No. 9248 /EC/CTD dated Peshawar the 8/7 /2019

To: The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: APPLICATION

MEMO:

Enclosed please find herewith an application, alongwith other relevant documents submitted by Muhammad Aftab Deputy Director IT of this Unit requesting therein for the grant of pay protection is send herewith for consideration, please.

SP/QHrs:

For Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar. o/c

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Government of Pakistan
Finance Division
(Regulations Wing)

1/22

F. No. 7(9)R-1/2012-

Islamabad, the 31st May, 2013


OFFICE MEMORANDUM

Subject: - PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The undersigned is directed to say that the proposals for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of contract employees on their regularization. The Courts have held from time to time that the pay of contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of a non-Gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization/regular appointment has been made with the approval of competent authority.
- iv) That there is no break/interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi) That in case of regular appointment in lower grade pay shall not be protected.

2. Ministries/Divisions/Departments are authorized to protect/fix pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of Finance Division is required.


(Muhammad Bashir Zahid)
Accounts Officer(R-1)
Tele: 9245843

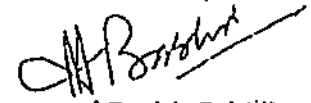
All Ministries/Divisions/Departments

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Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O. Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.



(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843

- 28 -

Government of Pakistan
Finance Division
(Regulations Wing)

F.No. 7(9) R-I/2012-1388

Islamabad, the 6th March, 2014

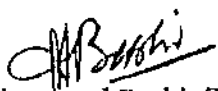
OFFICE MEMORANDUM

Subject: - CLARIFICATION REGARDING PROTECTION OF PAY OF CONTRACT EMPLOYEES ON REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The undersigned is directed to refer to this Division's O.M. of even number dated 31st May, 2013 and state that AGPR, Islamabad and certain Ministries/Divisions/Departments have raised certain queries for clarification which have been examined and clarified as under:-

S. No	Queries raised	Clarification
i.	Finance Division's O.M. dated 31 st May, 2013 does not contain effective date of implementation. From which date will it take effect.	The said O.M. will take effect from the date of its issue i.e. 31-05-2013.
ii.	Whether the pay of employees working on daily wages, short-term vacancies and on contract basis, regularized by the Cabinet Sub-Committee is protectable.	The pay of only those contract employees (Non-gazetted), whose appointments have been made on standard terms and conditions in BPS by the competent authority, is protectable.
iii.	Whether employees whose services were transferred from development to non-development side are entitled to pay protection.	Pay is protectable of those employees only whose contract appointment in development side was made in BPS- 1 to 16 on standard terms and conditions.
iv.	Whether the pay of contract employees on their regularization in lower grade is protectable or otherwise.	Finance Division's O.M. clearly states that in case of regular appointment in lower grade pay shall not be protected.
v.	Whether the contract employees of BPS-1 to 4 who were moved one scale up w.e.f. 01-07-2007 are entitled to protection of pay on regularization.	Yes.
vi.	In case the pay protection is allowed w.e.f. 31-05-2013 to all back date cases, please clarify about the date of pay fixation regarding date of regularization or implementation of this policy and whether payment of arrear after 31-05-2013 payable or not.	As stated against (i) above.
vii.	Whether an employee working in a Development Project on his appointment on regular basis in the Ministry, Division and Department is protectable.	As stated against (iii) above.
viii.	Whether the pay of an employee working on contract basis in the Provincial Government who later on joins a regular post in a Federal Government is also protectable.	Yes, subject to conditions, as stated against (ii) above.

All Ministries/Divisions/Departments


(Muhammad Bashir Zahid)
Accounts Officer(R-I)


ATTESTED

4

29-

Copy also forwarded for information to:-

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2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
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20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No. 1984, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.



(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843



-30-

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 12-7/2014
Dated Peshawar the 6th February, 2014

To:

1. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

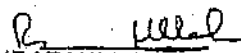
Subject: PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-I/2012 dated 31st May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,


(RAZAULLAH KHAN)
Addl: Secretary (Regulation)

ATTESTED

P.T.O

F. No. 4 (2) R-2/2014-237

Islamabad, the 7th April, 2015


OFFICE MEMORANDUM

Subject:- **PROTECTION OF PAY OF GAZETTED CONTACT EMPLOYEES ON REGULARIZATION/APPOINTMENT ON REGULAR BASIS.**

The proposal for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance Division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of gazetted contract employees on their regularization. The Courts have held from time to time that the pay of gazetted contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i. That the contract appointment has been made in a BPS on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii. That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii. That regularization/regular appointment has been made with the approval of competent authority.
- iv. That there is no break/interruption between contract service and regular service.
- v. That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi. That in case of regular appointment from higher grade to lower grade, pay shall not be protected.

2. Accountant General of Pakistan Revenues (AGPR) will make fixation of pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of this Division is required.


(Nadeem Ijaz Ahmad)
Section Officer (R-2)
Ph. 9245846

All Ministries/Divisions/Departments

ATTESTED


Copy also forwarded for information to:-

26

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
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33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.
35. Web Master

(Nadeem Ijaz Ahmad)
Section Officer(R-2)
Tele: 9245846

ATTESTED

Government of Pakistan
Finance Division
(Regulations Wing)

- 33 -

F. No.4(2)R-2/2014-241

Islamabad, the 20th Sep., 2016

OFFICE MEMORANDUM

Subject: CLARIFICATION ON PROTECTION OF PAY OF GAZETTED CONTRACT EMPLOYEES ON REGULARIZATION/ APPOINTMENT ON REGULAR BASIS

The undersigned is directed to refer to this Division's OM of even number dated 07.04.2015 on the subject noted above

2. The clarifications to the queries raised by Ministries/Divisions/ Departments and AGPR, Islamabad are conveyed as under:

S.No	QUERIES RAISED	CLARIFICATION
1	Finance Division's OM dated 07.04.2015 does not contain effective date of implementation from which date will it take effect.	The said O.M will take effect from the date of its issuance i.e 07.04.2015
2	Whether the officer regularized from contract service prior to issuance of the said OM i.e: 07.04.2015 will also be entitled for protection of pay or otherwise.	Yes. However, no arrears are admissible prior to 07.04.2015.
3	Whether the officer whose services were regularized from development side to non development side on regular basis (development post to regular post) are entitled to pay protection.	Pay is protectable for those employees only whose contract appointment on development side, was made in BPS on standard terms and conditions issued by Establishment Division.
4	Whether arrears/back benefits to those employees are admissible whose service were regularized prior to the issuance of the said OM on 07.04.2015	No arrears/back benefits are admissible prior to the issuance of the said OM on 07.04.2015
5	Whether the concurrence of FPSC is required for all the cases of contract appointment/re-appointment beyond 02 years against civil post in BS-16 to BS-22 made or continue after 25.03.2010.	Being an administrative nature of issue, relates to Establishment Division/ FPSC.

(Nadeem Ijaz Ahmad)
Section Officer (R-2)
Ph. 9245846

ATTESTED

All Ministries/Divisions/Departments

-34-

2A

Copy also forwarded to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Office (Internal), Islamabad.
4. Prime Minister's Office (Public), Islamabad.
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34. Cost Accounts Organization, Islamabad.
35. Web Master, Finance Division, Islamabad.

(Nadeem Ijaz Ahmad)
Section Officer (R-2)

ATTESTED Tele: 9245846

4/7

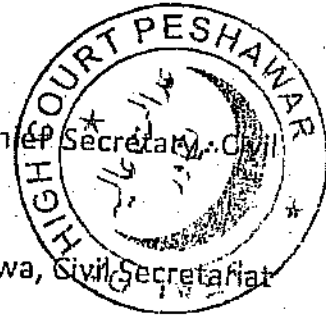
BEFORE THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

W.P No. _____/2020

Muhammad Aftab (Data Base Administrator) (BPS-18) S/O Gauhar Ali,
Police Department, Government of Khyber Pakhtunkhwa

.....Petitioner

VS



1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
2. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar
3. Provincial Police Officer (PPO), Khyber Pakhtunkhwa Peshawar
4. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat Peshawar
5. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat Peshawar
6. Secretary to Government of Khyber Pakhtunkhwa, Home Department, Civil Secretariat Peshawar

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973 FOR THE ISSUANCE OF
DIRECTIONS TO THE RESPONDENTS TO EXTEND THE BENEFITS OF
PAY PROTECTION TO THE PETITIONER TOWARDS HIS PREVIOUS
SERVICE KEEPING IN VIEW THE PROBITY THAT THE PETITIONER HAS
SERVED IN A PROJECT NAMEDLY "COMPUTERIZATION OF DRIVING
LICENSE & TICKETING SYSTEM" FROM 20/07/2006 TILL HIS
APPOINTMENT AS "DATA BASE ADMINISTRATOR" IN THE KHYBER
PAKHTUNKHWA POLICE DEPARTMENT THROUGH KHYBER

ATTESTED

EXAMINER

Peshawar High Court

(Handwritten mark)

PAKHTUNKHWA PUBLIC SERVICE COMMISSION VIDE NOTIFICATION NO. 27455/E-III DATED: 10/12/2010

(Handwritten mark)

The petitioner is pleased to beseech before this Honorable Court as under;

1. That the petitioner was appointed as "MIS Manager" on the recommendation of Departmental Selection Committee (DSC) in the "Science & Information Technology Department Khyber Pakhtunkhwa" on contract basis in a project namely "Computerization of Driving License and Ticketing System" vide Notification No. SO(E)/ST&IT/NWFP/2-5/Directorate:/2006 Dated: 20/07/2006 which was rightly reflected in the ADP of the ST&IT Department. (Copy of Appointment Notification Dated: 20/07/2006 & Pay Slip is attached as F/A)
2. That after serving for more than one year in the said project, the petitioner was granted further extension from 22/03/2008 to 30/06/2009 through Notification No. SOE/ST&IT/NWFP/2-29/PROJ:D/LICENSE/08 Dated: 15/02/2008. (Copy of Notification Dated: 15/02/2008 is attached as F/B)
3. That the Khyber Pakhtunkhwa Public Service Commission advertised different posts including the post of "Database Administrator" at Serial No. 36 of the advertisement in Police Department Khyber Pakhtunkhwa vide advertisement No. 08/2009. (Copy of Advertisement No. 08/2009 is attached as F/C)
4. That the petitioner being equipped with the required qualification, applied for the said post and was recommended by the K-P-PSC. It is also added that the petitioner applied to the said post through proper channel and he was issued N.O.C NO. Directorate-IT/NWFP/DLMS/PSC/09/1150 Dated: 18th November, 2009 by the Government of NWFP (Khyber Pakhtunkhwa), Directorate of Information Technology. (Copy of NOC Dated: 18th November, 2009 is attached as F/D)
5. That it is important to bring into the notice of this Honorable Court that the K-P PSC recommended the petitioner through Notification No. 27455/E-III, Dated: 10/12/2010 and the petitioner was appointed as "Database Administrator". It is further stated that before joining the post of "Database Administrator", the petitioner was relieved from the post of "MIS Manager" of the above mentioned project on 10/12/2010. (Copy of Appointment Notification, Relieving Certificate & Pay Slip is attached as F/E)
6. That the petitioner after his relieving, submitted his charge assumption Report as "Database Administrator" (BPS-17) on 10th January, 2011. (Copy of Charge Assumption Report is attached as F/F)

ATTESTED
EXAMINER
Peshawar High Court

(3)

(2)

7. That it is indispensable to submit that the Government of Pakistan, Finance Division (Regulation Wing) was pleased to issue different notifications time after time for non-gazetted & gazetted employees qua pay protection on their regularization which was also adopted by the Government of Khyber Pakhtunkhwa. (Copy of the Notifications is attached as F/G)
8. That it is also indispensable to submit that initially, only non-gazetted officials were allowed to get the benefit of pay protection but later on, the federal government of Pakistan issued office memorandum and the gazetted employees were incorporated in the beneficial sphere pertaining to pay protection. (Copy of the Notification Dated: 07/04/2015 is attached as F/H)
9. That it is pertinent to mention here that after joining the police department the salary of the petitioner was fixed in the first stage of BPS-17 without any pay protection which was his due right. So feeling aggrieved from that very act of the respondents the petitioner moved a departmental appeal/application to the competent authority for granting pay protection but no heed was paid. (Copy of Departmental appeal dated 01/07/2019 is attached as F/I)
10. That feeling aggrieved from such unlawful act of the respondents the petitioner approached this Honorable Court on the following grounds inter alia;

GROUNDS:

- A. That the act of the Respondents not to grant the benefit of pay protection of the project period from 22/07/2006 to 09/01/2011 to the petitioner is unlawful, illegal, void ab-initio and against the fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan 1973.
- B. That the Government of Pakistan Finance Division (Regulation wing) issued notification/office memorandum for gazetted and non-gazetted employees that the pay of the contract employees on their regularization should be protected which was adopted by Government of K-P and on regularization of various projects in different departments of K-P, the pay protection was granted to all the contract employees from date of their appointment but the respondents are reluctant to grant the benefits of pay protection to the petitioner which is tantamount to crippling the fundamental rights of the petitioner and unwarranted by law.

ATTESTED

EXAMINER
Peshawar High Court



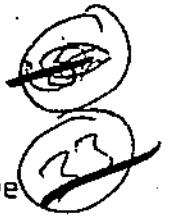
- C. That the act of the respondents is brazen violation of the fundamental rights of the petitioner because other departments of K-P have granted pay protection to their employees who were appointed on adhoc/contract basis during the period from 2014, 2015, & 2017-18 but the Respondents are adamant to consider the case of the petitioner for pay protection which is no doubt sheer violation of Article 4, 11, 14 and 25 of the Constitution of Islamic Republic of Pakistan. (Copy of the Notification Dated: 25/1/2019 of Directorate of E&S Education is attached as F/1)
- D. That through the notification issued by the Government of Pakistan Finance Division (Regulation wing), the pay of gazetted contract employees on their regularization was protected but the respondents are reluctant to grant pay protection to the petitioner which is unwarranted by law.
- E. That the Respondents have adopted the pay protection notification issued by the Government of Pakistan, Finance Division for the non-gazetted employees but adamant to extend such benefits to the gazetted employees which is also equivalent to sabotaging the fundamental rights bestowed upon by the constitution of Pakistan 1973.
- F. That the petitioner has served in the mentioned above project duly reflected in the ADP and has been appointed on the post of "Database Administrator" in the Police Department K-P through K-P PSC in conjunction with the fact that the petitioner applied for the post of "Database Administrator" through proper channel and was also properly relieved by the competent authority. Apart from it, there is no break/intervention between his previous service and regular appointment but still the Respondents are reluctant to extend the pay protection to the petitioner for his previous service which is sheer violation of the fundamental right of the petitioner.
- G. That any other ground may be raised at the time of arguments

PRAYER:

In light of the foregoing submissions, it is therefore most convivially and humbly prayed that on acceptance of the instant writ petition, this Honorable Court may graciously be pleased to;

ATTESTED

EXAMINER
Peshawar High Court



1. Declare the act of Respondents not to grant pay protection to the petitioner as illegal, unlawful, void ab-initio and against the fundamental rights guaranteed by the constitution of Islamic Republic of Pakistan 1973 keeping in view the fact that the non-gazetted employees have been granted the benefit of pay protection on their regularization/appointment on regular basis by the Khyber Pakhtunkhwa Finance Department vide No. FD (SOSR-1) 12-7/2014 Dated: Peshawar the 6th February, 2014 in pursuance to the Finance Division's Office Memorandum No. 7(9)R-I/2012 Dated: 31st May, 2013

2. Declare the indifference of the Respondents regarding extending the benefits of the pay protection to the gazetted contract employees on their regularization/regular appointment as un-lawful, void ab-initio, and against Article 04, 25, 27 and 38(e) of the Constitution of Islamic Republic of Pakistan 1973 keeping in view the fact that the Government of Pakistan Finance Division (Regulation Wing) has already extended same benefits to the gazetted contract employees on their regularization/appointment on regular basis vide Office Memorandum F.NO.4(2)R-2/2014-241 Dated: 20th September, 2016

3. Direct the Respondents to grant pay protection to the Petitioner for his previous service in the project namely "Computerization of Driving License and Ticketing System" in the Science and Information Technology Department Khyber Pakhtunkhwa from 22/07/2006 to 10/12/2010 keeping in view the probity that the petitioner got his appointment as "Data Base Administrator" (BPS-17) in the Police Department Khyber Pakhtunkhwa through Khyber Pakhtunkhwa Public Service Commission on 10/12/2010

ATTESTED

EXAMINER
Peshawar High Court

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4. Any other relief may also be awarded in favor of the petitioner

INTERIM RELIEF:

By the way of interim relief, the Respondents may be directed not to take any adverse action against the petitioner till the final disposal of the instant writ petition

Petitioner

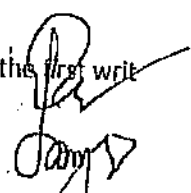
Through



(Mian Muhammad Imran)
Advocate High Court
BC-13-4213

Certificate:

As per instruction of my client (petitioner), this is the first writ petition having the same subject-matter.



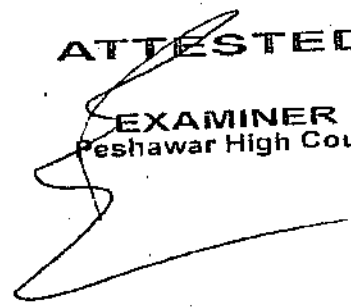
Advocate

List of Books:

1. Constitution of Islamic Republic of Pakistan 1973
2. Any other book as per need

ATTESTED

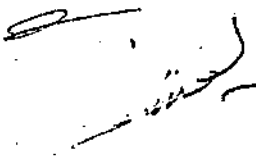
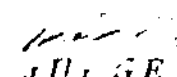
EXAMINER
Peshawar High Court



41- (3)

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
06.05.2020	<p><u>W.P No.2491-P/2020.</u></p> <p>Present: Mian Muhammad Imran, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J:</u> Learned counsel for the petitioner has come up with the request that if the respondents are directed to dispose of the appeal pending before such office, he will withdraw this petition. As such on accord of request of learned counsel for the petitioner, this petition is dismissed as withdrawn and the respondents may decide the appeal pending before them within one month positively.</p> <p style="text-align: center;"><u>Announced</u> Dt. 06.05.2020</p> <div style="text-align: right; margin-top: 20px;">  JUDGE </div> <div style="text-align: right; margin-top: 20px;">  JUDGE </div>
<p>Date of Presentation of Application <u>30/6/2020</u></p> <p>No of Pages <u>77</u></p> <p>Copying fee <u>25</u></p> <p>Date of Preparation of Copy <u>30/6/2020</u></p> <p>Date of Disposal of copy <u>30/6/2020</u></p>	

(M. Fiaz)

D.B

Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice S.M Attique Shah, J

- ENCLOSED TO BE TRUE COPY -

Peshawar High Court, Peshawar
Authorized Under Article 67 of
the Constitution of Pakistan Order 1980

30 JUN 2020

42-

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.9599/2020

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)



Mr. Muhammad Aftab, Deputy Director-IT, CTD HQrs, Peshawar.
 (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar. ... (Respondents)

Noor Muhammad Khattak
 Advocate

... For appellant

Naseer Uddin Shah
 Assistant Advocate General

... For respondents

Date of Institution.....20.08.2020
 Date of Hearing.....13.09.2024
 Date of Decision.....13.09.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant appeal instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, the respondents may kindly be directed to count the project service of the appellant towards regular service i.e. w.e.f 22.07.2006 till 09.01.2011 for the

ATTESTED

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 01-10-24

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 PESHAWAR

(Handwritten signature)

purpose of pay protection and against not taking action on the departmental appeal of the appellant within the statutory period of ninety dates.”

2. Brief facts of the case as alleged by the appellant are that he was initially appointed as MIS Manager on fixed pay equivalent to BPS-17 in the "Computerization of Driving License and Ticketing System" project under the Department of Science and Technology & Information Technology of Khyber Pakhtunkhwa, began his duties on 20.07.2006, with his position extended through an order dated 15.02.2008. Subsequently, the Police Department advertised a post for Database Administrator (BS-17) through the Khyber Pakhtunkhwa Public Service Commission. The appellant applied through proper channel, and after successfully competing in the recruitment process, was recommended for the post of Database Administrator, receiving an appointment notification on 10.12.2010. He requested to be relieved from his previous post, which was granted on 15.10.2010, allowing him to resume his new post on 10.01.2011. Given his over six years of service in the previous project, the appellant alleged his entitlement to have his prior service counted for pay and pension. The appellant submitted departmental appeal but the respondent succumbed on the departmental appeal of the appellant. Then he filed writ petition No. 2491-P/2020 which was disposed with direction to the respondents to decide the departmental appeal of the appellant within one month vide judgment dated 06.05.2020, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and submitted reply.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned orders.

6. Perusal of record reveals appellant was initially appointed as MIS Manager BPS-17 on fixed pay in the "Computerization of Driving License and Ticketing System" project under the Department of Science and Technology & Information Technology. He began his duties on 20.06.2006, with his position extended through an order dated 15.02.2008. Subsequently, the Police Department advertised a post for Database Administrator (BS-17) through Khyber Pakhtunkhwa Public Service Commission and he applied directly/without proper channel to the post of Database Administrator and was appointed vide order dated 10.12.2010.

7. Appellant through instant appeal seeks counting of his project service towards his regular service. The appellant's claim to have his project service counted towards regular service for pay protection is not supported by the relevant legal framework. The principles established in Nafees Ahmad vs. Government of Pakistan (2000 SCMR 1864) indicate that service rendered in a project-based capacity does not automatically confer rights to benefits in a subsequent position unless explicitly stated in the terms of appointment or governed by relevant service rules. The Supreme Court in Anwar Farooq Sadozai vs. Chairman National Education and Training Commission (2002

RG

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

SCMR 1282) emphasized that effective service rendered in an autonomous body is treated as effective service rendered in a post of government service only if the appointment is made as per law and the salary is fixed by the government. The appellant's previous service was under a fixed-term project, and upon his appointment as Database Administrator, he entered into a new employment contract, which does not provide for the counting of prior service for pay protection.

8. It is settled by Supreme Court of Pakistan that regularization will always has to be with immediate effect and that regularization means fresh appointment to the post in question, reliance is placed on Vice Chancellor Agriculture University Peshawar and others versus Muhammad Shafiq and others (2024 SCMR 527), Deputy Director Food Faisal Abad Division, Faisalabad and others Vs. Muhammad Tauqir Shah and others (2021 SCMR 760) and Province of Punjaba through Secretary Livestock and Dairy Development Department, Government of Punjab, Lahore and others Vs. Dr. Javed Iqbal and others (2021 SCMR 767).

9. There are four conditions for pay protection which are given as under:
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;



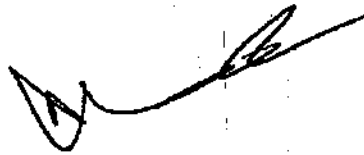
ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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- 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.

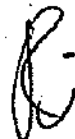
As the appellant does not qualify the above mention conditions, therefore, the appellant is ^{not} entitled for pay protection, therefore, appeal in hand is dismissed having no force in it. Costs shall follow the event. Cosign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of September, 2024.



(KALIM ARSHID KHAN)
Chairman

Kaleemullah



(RASHIDA BANO)
Member (J)

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
21-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 223 Date 29-09-2024

Name of Applicant Hidayat

Number of Words/Paragraphs 5/1

Copying Fee 25/-

Legal Fees Ordinary 25/-

Total 25/-

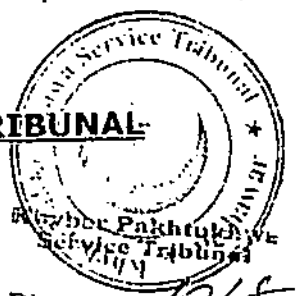
Name & Sign of Applicant 2008 am

Date of Completion of Work 17-10-2024

Date of Delivery of Work 21-10-24

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1006 /2019

Diary No. 1018

Dated 19/7/19

Mr. Syed Qamar Abbas, Environmentalist (BPS-18),
Irrigation Department, Khyber PakhtunkhwaAppellant

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Finance, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director, Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 6- The Accountant General, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY w.e.f
31-01-2003 FROM THE DATE ON WHICH THE APPELLANT
WAS APPOINTED TO THE POST OF ENVIRONMENTALIST
AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS**

Filed to day
Registrar
19/7/19

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 31-01-2003 i.e. from the date on which the appellant was appointed as Environmentalist by counting the previous contractual service towards regular service. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:
ON FACTS:**

Brief facts giving rise to the present appeal are as under:

That the appellant was initially appointed vide order dated 31.01.2003 as Environmentalist on contract basis under the scheme of "Strengthening of Monitoring and Evaluation Capabilities of Planning Cell in Irrigation and Power Department. (Copy of the appointment order is attached as annexure.....A).

Re-submitted to day
and filed.
Registrar
19/7/19

AFFIXED 1-

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

-48-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1006/2019

Date of Institution ... 19.07.2019

Date of Decision ... 19.01.2022



Mr. Syed Qamar Abbas, Environmentalist (BPS-18) Irrigation Department, Khyber Pakhtunkhwa. (Appellant)

VERSUS

The Chief Secretary Khyber Pakhtunkhwa, Peshawar and others. (Respondents)

Noor Muhammad Khattak
Advocate ... For appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant was initially appointed as Environmentalist on contract basis in Irrigation Department vide order dated 31-01-2003. Services of the appellant were regularized through an Act on 25-04-2017 from the date of commencement of the Act, i.e. 13-03-2017. As per Finance Division Notification dated 07-04-2015, pay of the contract employees on their regularization will be protected and in light of the finance division notification, the appellant filed departmental appeal for counting his previous service and pay fixation before the respondents, which was not responded, hence the instant service appeal with prayers that the appellant may be allowed/granted pay fixation with effect from 31-01-2003 i.e. the date on

ATTESTED

SECRETARY
Khyber Pakhtunkhwa Service Tribunal
Peshawar

which the appellant was appointed as Environmentalist by counting his previous contractual service towards regular service.

02. Learned counsel for the appellant has contended that by not fixing the pay of the appellant with effect from 31-01-2003 by the respondents is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the respondents acted in arbitrary and mala fide manner by not granting/allowing pay fixation to the appellant with effect from 31-01-2003; that similar nature cases has already been decided by the this august tribunal in service appeal No 318/2019 decided on 02-07-2010, whereby fixation of pay was granted from the date of initial appointment; that under the principle of consistency reported in judgment of Supreme Court of Pakistan in 2009 SCMR 1 and 1996 SCMR 1185, the appellant is fully entitled for the relief meted out to other employees of various departments; that by not counting the previous service of the appellant, the respondents violated Rule-2.3 of the West Pakistan Pension Rules, 1963.

03. Learned Deputy District Attorney for the respondents has contended that services of the appellant were regularized through regularization Act, 2017 from the date of its commencement i.e. 13-03-2017 and not from initial appointment; that the policy of federal government is not applicable in the province, hence he was not regularized from the date of his first appointment; that departmental appeal of the appellant is not traceable in the department, hence no action was taken to this effect.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was initially appointed as Environmentalist on contract basis under the scheme of Strengthening of

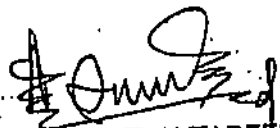
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Monitoring and Evaluation Capabilities of Planning Cell in Irrigation & Power Department vide order dated 31-01-2003. Employees of the above mentioned scheme including the appellant were regularized through the Khyber Pakhtunkhwa Planning & Monitoring Cell, Irrigation Employees (Regularization of Services) Act, 2017 dated 13-03-2017. In light of provision of the Act, a notification dated 24-04-2017 was issued through which services of the appellant alongwith other employees were regularized from the date of commencement of the Act. The appellant invoked the jurisdiction of Finance Division Notification dated 25-04-2017, which has clearly allowed pay protection of contract employees whose service has been regularized through an Act. The provincial government vide notification dated 18-03-2021 have also issued a notification in pursuance of the Federal Government notification and allowed pay protection to such employees.


06. In view of the situation, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
19.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Date of Presentation of Application 26/4/22
 No. of Writs 1/200
 Date of Filing 4/5/22
 Date of Copy 26/5/22
 Date of Delivery of Copy 26/5/22

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING) "D" -51-

NO. FD (SOSR-1) 12-7/2014
Dated Peshawar the 6th February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

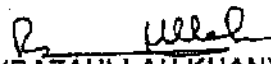
PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-1/2012 dated 31st May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,


(RAZAULLAH KHAN)
Addl: Secretary (Regulation)

P.T.O

Endst: No .FD (SOSR-1) 12-7 /2014

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Dated 6th Feb, 2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.



(MASOOD KHAN)

Deputy Secretary (Reg-II)

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.



(Wazir Muhammad Afsar)
Section Officer (SR-1)

Government of Pakistan
Finance Division
(Regulations Wing)

-53-

F. No. 7(9)R-I/2012-

Islamabad, the 31st May, 2013


OFFICE MEMORANDUM

Subject: - PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The undersigned is directed to say that the proposals for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of contract employees on their regularization. The Courts have held from time to time that the pay of contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of a non-Gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization/regular appointment has been made with the approval of competent authority.
- iv) That there is no break/interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi) That in case of regular appointment in lower grade pay shall not be protected.

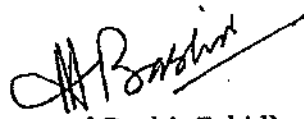
2. Ministries/Divisions/Departments are authorized to protect/fix pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of Finance Division is required.


(Muhammad Bashir Zahid)
Accounts Officer(R-I)
Tele: 9245843

All Ministries/Divisions/Departments

Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.


(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843

Government of Pakistan
Finance Division
(Regulations Wing)

-55-

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F.No. 7(9) R-I/2012-1388


Islamabad, the 6th March, 2014

OFFICE MEMORANDUM

Subject: - CLARIFICATION REGARDING PROTECTION OF PAY OF CONTRACT EMPLOYEES ON REGULARIZATION/ APPOINTMENT ON REGULAR BASIS

The undersigned is directed to refer to this Division's O.M. of even number dated 31st May, 2013 and state that AGPR, Islamabad and certain Ministries/Divisions/ Departments have raised certain queries for clarification which have been examined and clarified as under:-


S. No	Queries raised	Clarification
i.	Finance Division's O.M. dated 31 st May, 2013 does not contain effective date of implementation. From which date will it take effect.	The said O.M. will take effect from the date of its issue i.e. 31-05-2013.
ii.	Whether the pay of employees working on daily wages, short-term vacancies and on contract basis, regularized by the Cabinet Sub-Committee is protectable.	The pay of only those contract employees (Non-gazetted), whose appointments have been made on standard terms and conditions in BPS by the competent authority, is protectable.
iii.	Whether employees whose services were transferred from development to non-development side are entitled to pay protection.	Pay is protectable of those employees only whose contract appointment in development side was made in BPS-1 to 16 on standard terms and conditions.
iv.	Whether the pay of contract employees on their regularization in lower grade is protectable or otherwise.	Finance Division's O.M. clearly states that in case of regular appointment in lower grade pay shall not be protected.
v.	Whether the contract employees of BPS-1 to 4 who were moved one scale up w.e.f. 01-07-2007 are entitled to protection of pay on regularization.	Yes.
vi.	In case the pay protection is allowed w.e.f. 31-05-2013 to all back date cases, please clarify about the date of pay fixation regarding date of regularization or implementation of this policy and whether payment of arrear after 31-05-2013 payable or not.	As stated against (i) above.
vii.	Whether an employee working in a Development Project on his appointment on regular basis in the Ministry, Division and Department is protectable.	As stated against (iii) above.
viii.	Whether the pay of an employee working on contract basis in the Provincial Government who later on joins a regular post in a Federal Government is also protectable.	Yes, subject to conditions, as stated against (ii) above.


(Muhammad Bashir Zahid)
Accounts Officer(R-I)

All Ministries/Divisions/Departments

Copy also forwarded for information to:-

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3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
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29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.


(Muhammad Bashir Zahid)
(Section Officer(R-II))
Tele: 9245843

Government of Pakistan
Finance Division
(Regulations Wing)

-57-

F. No.4(2)R-2/2014-241

Islamabad, the 20th Sep., 2016

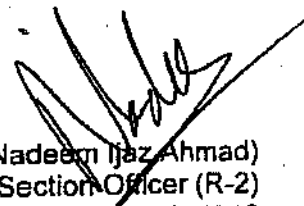
OFFICE MEMORANDUM

Subject: **CLARIFICATION ON PROTECTION OF PAY OF GAZETTED CONTRACT EMPLOYEES ON REGULARIZATION/ APPOINTMENT ON REGULAR BASIS**

The undersigned is directed to refer to this Division's OM of even number dated 07.04.2015 on the subject noted above

2. The clarifications to the queries raised by Ministries/Divisions/ Departments and AGPR, Islamabad are conveyed as under:

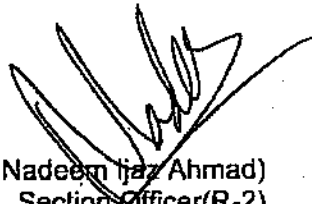
S.No	QUERIES RAISED	CLARIFICATION
1	Finance Division's OM dated 07.04.2015 does not contain effective date of implementation from which date will it take effect.	The said O.M will take effect from the date of its issuance i.e 07.04.2015
2	Whether the officer regularized from contract service prior to issuance of the said OM i.e. 07.04.2015 will also be entitled for protection of pay or otherwise.	Yes. However, no arrears are admissible prior to 07.04.2015.
3	Whether the officer whose services were regularized from development side to non development side on regular basis (development post to regular post) are entitled to pay protection.	Pay is protectable for those employees only whose contract appointment on development side, was made in BPS on standard terms and conditions issued by Establishment Division.
4	Whether arrears/back benefits to those employees are admissible whose service were regularized prior to the issuance of the said OM on 07.04.2015	No arrears/back benefits are admissible prior to the issuance of the said OM on 07.04.2015
5	Whether the concurrence of FPSC is required for all the cases of contract appointment/re-appointment beyond 02 years against civil post in BS-16 to BS-22 made or continue after 25.03.2010.	Being an administrative nature of issue, relates to Establishment Division/ FPSC.


(Nadeem Ijaz Ahmad)
Section Officer (R-2)
Ph. 9245846

All Ministries/Divisions/Departments

Copy also forwarded to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Office (Internal), Islamabad.
4. Prime Minister's Office (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Supreme Court of Pakistan, Islamabad.
8. Election Commission of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan/Azad State of Jammu & Kashmir and Gilgit-Baltistan.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. DG, Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.
35. Web Master, Finance Division, Islamabad.


(Nadeem Ijaz Ahmad)
Section Officer(R-2)
Tele: 9245846



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GokPFD](https://www.facebook.com/GokPFD) [tumblr.com/GokPFD](https://www.tumblr.com/GokPFD)

NO. FD (SOSR-1) 12-2/2020(34323)
Dated Peshawar the: 18th March, 2021

To:

1. The Addl: Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. The Addl: Chief Secretary, Merged Areas Sectⁿ: Khyber Pakhtunkhwa.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
5. The Principle Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. All District & Sessions Judges in Khyber Pakhtunkhwa.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. All Deputy Commissioners, in Khyber Pakhtunkhwa.

Subject: PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR
BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.4(2)R-2/2014-237 dated 7th April, 2015, the Competent Authority (Provincial Cabinet) is pleased to allow the pay protection to gazetted contract employees on their regularization / appointment on regular basis subject to the following conditions:-


- i) That the contract appointment has been made in BPS on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.

P.T.O.

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- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
 - vi) That in case of regular appointment in lower grade, pay shall not be protected.
 - vii) That the pay protection / fixation of pay will be admissible with immediate effect with regard to old / new cases which are fulfilling the pay protection criteria mentioned above.

2. In addition to the above, the Accountant General Khyber Pakhtunkhwa may make fixation of pay in terms of above guidelines and only those cases may please be referred to Finance Department where some clarification or advice is required.

Yours faithfully,


(Muhammad Salim Shah)
Deputy Secretary (Reg-I & II)

Endst: No & Date even.

A Copy for information & necessary action is forwarded to the:-

1. Secretaries to Government of Punjab, Sindh, Balochistan, Finance Departments.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
5. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
6. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
7. The Director, FMU, Finance Deptt: with the request to upload the same on FO's Website.
8. The Manager, Govt. Printing Press, Printing & Press Department, Peshawar.
9. All the District Accounts Officers in Khyber Pakhtunkhwa.
10. The Section Officer (Cabinet) Estt: Deptt: Khyber Pakhtunkhwa with reference to his letter No.SOC(E&A)9-51/2021 dated 08-03-2021.
11. The Section Officer (Estab), C&W Deptt: with reference to his letter No.SOE/C&W/141/2010 dated 28-10-2020 in respect of Eng. Syed Nasir Jehan, Asstt: Engineer / SDO (BS-17) of C&W Deptt: KP.
12. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
13. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa.
14. The Private Secretary to Secretary, Finance Deptt: Khyber Pakhtunkhwa.
15. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
16. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar.


(REHMAT KHAN)
SECTION OFFICER (SR-1)

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Review No 12024

M. Aftab

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt

(RESPONDENT)
(DEFENDANT)

I/we M. Aftab

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/202

[Handwritten Signature]

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

[Handwritten Signature]
WALEED ADNAN

[Handwritten Signature]
UMAR FAROOQ MOHMAND

&

[Handwritten Signature]
KHANZAD GUL
ADVOCATES

OFFICE:
Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)