

SENATE OF PAKISTAN

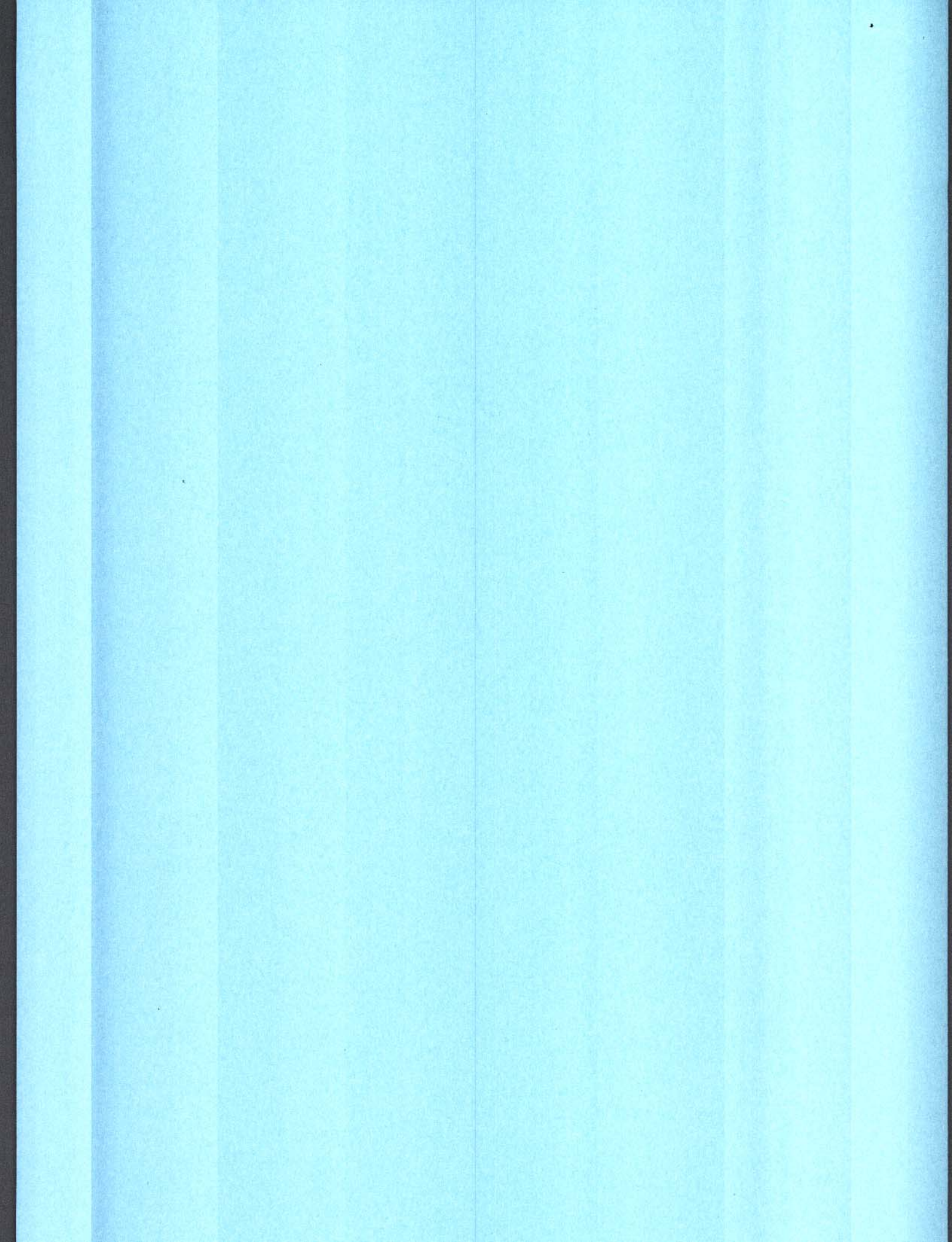


**SPECIAL REPORT OF THE STANDING COMMITTEE
ON CABINET SECRETARIAT REGARDING "PUBLIC
PETITION NO.1040 SUBMITTED BY DAILY WAGES,
LECTURERS AND JUNIOR LADY TEACHERS SERVING
UNDER FEDERAL DIRECTORATE OF EDUCATION,
ISLAMABAD"**

REPORT NO.23

PRESENTED BY

**SENATOR MUHAMMAD TALHA MAHMOOD
CHAIRMAN**



SENATE SECRETARIAT

SPECIAL REPORT OF THE STANDING COMMITTEE ON CABINET SECRETARIAT REGARDING "PUBLIC PETITION NO.1040 SUBMITTED BY DAILY WAGES, LECTURERS AND JUNIOR LADY TEACHERS SERVING UNDER FEDERAL DIRECTORATE OF EDUCATION, ISLAMABAD"

I, Chairman of the Standing Committee on Cabinet Secretariat, have the honour to present report regarding "Public Petition No.1040 submitted by Daily Wages, Lecturers and Junior Lady Teachers serving under Federal Directorate of Education, Islamabad" the public petition was referred to the Standing Committee on Cabinet Secretariat on 8th December, 2015.

2. The composition of the Standing Committee on Cabinet Secretariat is as under:-

1.	Senator Muhammad Talha Mehmood	Chairman
2.	Senator Osman Saifullah Khan	Member
3.	Senator Nawabzada Saifullah Magsi	Member
4.	Senator Kamil Ali Agha	Member
5.	Senator Hidayat Ullah	Member
6.	Senator Shahi Syed	Member
7.	Senator Haji Saifullah Khan Bangash	Member
8.	Senator Khushbakht Shujat	Member
9.	Senator Rahila Magsi	Member
10.	Senator Kalsoom Perveen	Member
11.	Senator Mir Muhammad Yousaf Badini	Member
12.	Senator Ms. Najma Hameed	Member
13.	Minister Incharge for CADD	Ex-officio Member

3. The facts as narrated in public petition are reproduced as under:-

- (a) A number of Lecturers and Junior Lady Teachers (JLTs) are serving on daily wage basis in Islamabad Model Colleges (Boys and Girls) under Federal Directorate of Education (FDE), Ministry of Capital Administration & Development Division (CADD), Islamabad for years. Some of these daily



wages employees are regularized in 2011 and rest were left in the pipeline for regularization.

- (b) These employees serving on daily wages have been paid salary of Rs.12,000/- per month, which does not meet the standards of BPS-16 and BPS-17 services they are already performing. On the other hand, that too has not been paid for last six month despite rendering the continuous services. The representatives of daily wages lecturers and JLTs numerously approached Director General (FDE), Secretary CADD, Minister for CADD and other authorities to cope the issue but no progress has been made for payment of salaries or regularization. Resultantly, these employees have left with no other option to call off their duties and come on roads. Despite being on roads from 16th November no remedial measure has been taken by the authorities.
- (c) It has been requested to your kind honour that:
 - (i) The necessary arrangement for payment of salaries may be made at the earliest and that too till the regularization.
 - (ii) The court has ordered the regularization of remaining daily wages employees. The committee accordingly was formed but they are functioning under the rules of 2008 policy, however, there exist new rules amended in 2011 policy. As per business rules amended rules should be followed but 2008 rules are still being followed.
 - (iii) The current federal government has owned the already regularized lecturers and JLTs but they do not own rest of them. Either remaining daily wage lecturers and JLTs be regularized or the already regularized employees be treated the same way.
 - (iv) The further appointment on daily wage basis may also be banned to stop the raising issues.

4. The Committee considered the public petition in its meetings held on 25th January, 4th February, 15th March, 17th May, 24th May and 31st August, 2016.

5. During the said meetings of the committee brief facts of the issues pertaining to petition were discussed that the petitioners were hired by the Principals of Schools & Colleges of FDE, on need basis. The daily wages teachers and non-teaching staff have been working in their respective departments for many years. In 2011 a Sub-Committee of the Cabinet was constituted head by Syed Kursheed Ali Shah. The said Sub-Committee of the Cabinet recommended regularization the services of petitioners/daily wages teachers and non-teaching staff of FDE, however, some of them were regularized but petitioners could not be regularized and the

recommendations of the Sub-Committee of Cabinet could not be implemented in its spirit. The petitioners filed a petition before the Islamabad High Court, Islamabad. The Islamabad High Court Islamabad directed the Government to constitute a Committee and the Committee may be mandated to securitize the cases of petitioners and recommend Government for the regularization of petitioners on the basis of scrutiny. The Government in compliance of Islamabad High Court judgment constituted a Committee head Mr. Haseeb Athar, Secretary FPSC, the said Committee after scrutinizing and hearing the petitioners recommended as follows:-

"The committee also deliberated on the question of discrimination on the basis of evidence provided by the petitioners that the services of many daily wagers who were working alongwith them in similar positions, had been regularized on the recommendations of the Cabinet Sub-Committee vide Federal Directorate of Education Notifications No.F.2-1/Coord dated 31 October, 2011 and No.,F.2-28/2012-Coord/MC/FDE, dated 03 December, 2012. Regularization orders of same such petitioners were issued vide Notification No.F.13-2/2012-Coord dated 08 February 2012, subject to availability of posts, and conduct of medical checkup. Consequently the services of some petitioners have not been regularized despite similar recommendation of the Cabinet Sub-Committee. Thus regularization of some daily wage employees and denial of the same to other similar employees is a cause of discrimination which is clearly evident from the Notifications issued by Federal Directorate of Education. Capital Administration Development Division is therefore directed to look into the matter and take steps/necessary measures to remove this huge element of discrimination.

The committee proposes that in case services of petitioners are required, then department may proceed for regularization of their services as their own under the existing rules".

6. The Committee after going through the above narrated facts of the public petition, also came to know that a number of daily wages employees have been regularized in Finance Division, CDA, NCHD and Food Departments. The Committee directed Secretary CADD to release the salaries of the petitioners as soon as possible. In compliance of direction of the Committee the petitioners were released their salaries.

7. The Committee also directed Secretary Cabinet Division, Secretary Establishment Division and Secretary CADD, that in pursuance of Regularization Policy, 2011 the petitioners may be appointed on the basis of one person one post and in this regard Ministry of CADD may put up a summary for the approval of Prime



Minister for the creation of new posts and regularization of the petitioners. In compliance of directions of the Committee the Secretary CADD put up a summary for the approval of Prime Minister. The contents of the said summary are reproduced as under:-

- (i) Federal Directorate of Education (FDE), Islamabad and Principals of its educational institutions have been engaging teachers and other staff on daily wage basis from time to time in order to meet the shortage of human resource. These daily wagers were hired purely as a stop gap arrangement and were paid out of student's fund of the educational institutions.
- (ii) In 2011, the Government constituted a Sub-Committee of the Cabinet under the Chairmanship of Syed Khursheed Ahmad Shah for the regularization of contract/contingent paid employees of the Federal Government. That Committee inter-alia, recommended regularization of daily wagers working in FDE institutions. The first batch of 443 daily wagers was regularized by CA&D Division on the recommendation of the said Committee against the available posts. Later on, the recommendees of Khursheed Shah Committee were given regularization letters subject to availability of posts.
- (iii) In the meantime, different groups of FDE daily wagers approached the Islamabad High Court for their regularization. In 2015, Islamabad High Court directed the Federal Government to set up a Committee to consider the cases of contract/temporary employees of the Federal Government. A Committee was set up under the Chairmanship of Mr. Haseeb Athar, Secretary (FPSC) in April, 2015. After hearing the cases of FDE daily wagers, the Committee decided in March, 2016 that daily wage employees do not fall under its jurisdiction and that the department may proceed for regularization of their services at their own under the existing rules. The Committee also pointed out the discrimination in the regularization process with regard to the recommendations of the Cabinet Sub-Committee.
- (iv) At present a total of 2050 daily wage staff is working in FDE institutions as detailed below:-

Non-teaching employees whose serviced were regularized under Court Order but their salaries are yet to be released	46
--	----

Employees who were given regularization letters subject to availability of posts, but they have not yet joined.	1319
---	------

Employees who were not considered by Khursheed Shah Committee.	685
--	-----

- (v) It is submitted that daily wage staff was engaged by FDE institutions not in line with the rules but purely on the basis of need and

compulsion to meet the shortage of human resources. However, some of these daily wagers (443) have already been regularized on the recommendations of Cabinet sub-Committee. On the other hand, recommendations of the same committee remained un-implemented with respect to 1365 daily wagers thus creating discrimination, as pointed out by Haseeb Athar Committee. It may be added here that presently a total of 689 posts are lying vacant in FDE which include 388 teaching and 301 non-teaching posts.

- (vi) It is proposed that in the first phase 689 daily wagers may be adjusted against the available vacant posts. The daily wagers with longest experience in FDE shall be given priority for consideration in the first phase. To fill the said 689 posts, following proposals are submitted:-
 - (a) The vacant posts in BS-16 (total 194) may be referred to FPSC along with the names of qualifying daily wagers for selection on the basis of one person one post basis.
 - (b) The daily wagers in BPS 1-15 may be considered for regularization against the relevant vacant posts (total 495) after thorough scrutiny including test and interview.
- (vii) In the second phase, Finance Division shall be requested to create the requisite posts for the remaining daily wagers. The exact number of those daily wagers along with the financial impact shall be communicated to Finance Division after the completion of the first phase.
- (viii) The issue was also discussed in the Standing Committees of the National Assembly and the Senate and the above proposals are reflective of the deliberations of these Committees.

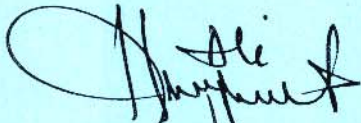
8. The above mentioned summary moved by CADD for the approval of the Prime Minister, however, the Prime Minister Office sought opinion from Finance Division. The Finance Division proposed that all recruitments against vacant posts in FDE may be made through a competitive selection process. The daily wagers may also be encouraged to appear in the competitive selection process giving them five extra marks in the interview as an incentive for their relevant experience.

9. In the Committee meeting held on 31st August, 2016 the Petitioners apprised the Committee that Government has advertised non teaching staff vacant posts for appointment in the newspapers.

10. After detailed discussion and deliberation during the aforementioned meetings of the Committee observed that many times under Article 25A of the Constitution of the Islamic Republic of Pakistan, it is the responsibility of State to provide free and compulsory education to all children of the age of five to sixteen years. The Petitioners on need basis were appointed in the educational institutions and

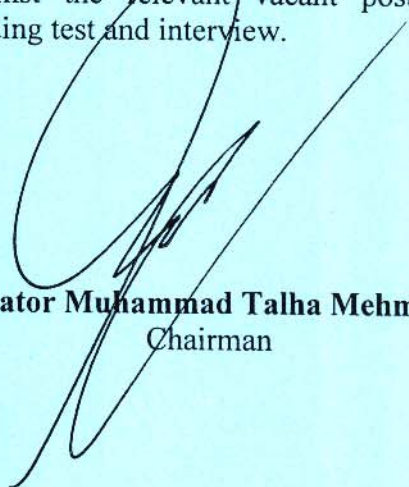
they provided their services for many years and their performance remained up to the mark as informed by the FDE. The Committee also observed that the Committee headed by Mr. Haseeb Akhtar, Secretary FPSC was constituted in compliance of Islamabad High Court order, the said Committee has pointed out the discrimination in the regularization process with regard to recommendations of the sub-Committee of the Cabinet headed by Syed Khursheed Shah, as per 2011 regularization policy, which is clear violation of Article 25 of the Constitution. In view of above observations the Committee recommends as follows:-

- i. The vacant posts in BS-16 & 17 may be referred to FPSC along with the names of qualifying daily wagers/petitioners for selection on the basis of one person - one post basis.
- ii. The daily wagers/petitioners in BPS 1-15 may be considered for regularization against the relevant vacant posts after thorough scrutiny including test and interview.



(Hyder Ali Sundrani)
DS/Secretary Committee

5/



(Senator Muhammad Talha Mehmood)
Chairman