

**THE KHYBER PAKHTUNKHWA PROVINCIAL HOUSING AUTHORITY
EMPLOYEES (APPEAL) REGULATIONS, 2022.**

1. **Short title and commencement.** - (1) These Regulations may be called the Khyber Pakhtunkhwa Provincial Housing Authority Employees (Appeal) Regulations, 2022.

(2) They shall come into force at once.

2. **Departmental Appeal/representation in respect of terms & conditions of services.**- (1) Where no provision for appeal or review exists for the employees of the Khyber Pakhtunkhwa Provincial Housing Authority under any other law, in respect of any order or class of orders, the employee aggrieved by any such order may, within thirty days of the communication to him/her of such order, make a representation against it to the authority next above the authority of whose orders the employee has been aggrieved;

Provided that where the order is made by the Authority, the appeal shall be made to the Government (Secretary to Govt. of Khyber Pakhtunkhwa Housing Department).

Provided further that the appellate or the reviewing authority, as the case may be, may condone the delay in preferring the appeal /representation or, as the case may be, the review petition, if it is satisfied that the delay was for the reasons beyond the control of the appellant or that the earlier appeal or review petition was not addressed to the correct authority.

Explanation:-For the purposes of the first proviso, the expression "appeal", where the context so requires, shall mean the "review petition/representation" as well.

(2) i. No representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

ii. Where the order of the competent authority affects more than one employee, every affected employee shall prefer the appeal separately.

(3) Where the aggrieved employee has died, the appeal may be filed, or if already filed by such employee before his/her death, may be pursued, by his/her legal heir or heirs;

Provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any law / statutes etc for the time being applicable to the employee concerned.

3. **Form of memorandum:-** (1) Every memorandum of appeal shall:-
- (a) contain full name and address, official designation and place of posting of the appellant;
 - (b) state in brief the facts leading to the appeal;
 - (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

Explanation:- Where an aggrieved employee has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased employee.

(2) The appeal shall be submitted through the head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased employee, where he was last posted before his death. The head of the office shall forward the appeal to the appellate authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

4. **Action by the appellate authority.-** (1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine-

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action.

(2) The competent authority against whose order an appeal /representation is preferred under these regulations shall give effect to any order made by the appellate authority and shall cause the order so passed to be communicated to the appellant without undue delay.

5. **Withholding of appeal in certain cases.-** An appeal be withheld by the competent authority if:-

- (a) it is an appeal in the matters in which no appeal lies under these regulations; or
- (b) it does not comply with the requirements of regulation 2 (3) or
- (c) it is not preferred within the time limit specified in regulation 1 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these regulations;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of regulation 3 read with regulation 4, may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these regulations, shall be deemed to be an appeal under regulation above and shall be dealt with in accordance with the provisions of these regulations.

(2) No appeal shall lie against the withholding of an appeal under these regulations.

6. **Disposal of appeal.**- (1) Every appeal which is not withheld under these regulations shall be forwarded to the appellate authority along with the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under regulation-4, with reasons for withholding thereof, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these regulations which has been withheld by the competent authority and may pass such orders thereon as it considers fit.

7. **Savings.**- Nothing in these regulations shall operate to deprive any person of any right of appeal which he would have if these regulations had not been made, in respect of any orders passed before coming into force of these regulations.

8. **Pending appeals.**- All appeals pending immediately before the coming into force of these regulations shall be deemed to be appeals under these regulations.