


**Service Appeal No. 7611/2021**

16.05.2022 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 29.04.2021 when he submitted arrival report in pursuance of judgement of the Service Tribunal dated 11.02.2021 delivered in his earlier service appeal No. 1176/2017. In the second Para of the impugned order the period w.e.f. 09.08.2015 to 10.03.2021 has been treated as extra ordinary leave without pay of which the appellant is aggrieved. Departmental appeal of the appellant dated 05.06.2021 against the impugned order, was not responded/decided by the appellate authority within the statutory period whereafter he preferred the instant service appeal on 04.10.2021.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 21.07.2022.

  
(Mian Muhammad)  
Member(E)

Rs 500/-  
Appellant Deposited  
Security and Process Fee  
25-5-22

02.02.2022

Junior of learned counsel for the appellant present. Preliminary arguments could not be heard due to learned Member (Executive) Mian Muhammad is on leave. To come up for preliminary hearing on 06.04.2022 before S.B.

  
Reader

05.04.2022

None present for the appellant.

Notices be issued to appellant as well as his counsel for the date fixed. To come up for preliminary hearing on 16.05.2022 before the S.B.

  
Chairman

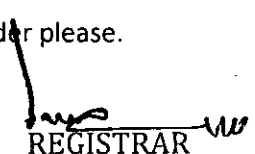

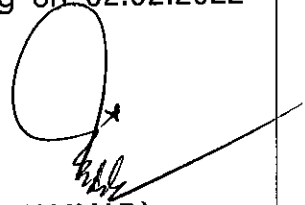
*Noted by 8/9/22  
Nooz  
Moud  
Khattak*

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7611 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/10/2021	<p>The appeal of Mr. Sher Bahadur resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>08/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	08.12.2021	<p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned counsel is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 02.02.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Sher Bahadur, Junior Clerk, District Population Welfare Office, District Charsada received today i.e. on 04.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal is not attached with the appeal.
- 2- Memorandum of appeal is unsigned.
- 3- Check list is not attached with the appeal.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures of the appeal are not attached with the appeal.
- 6- Affidavit is not attached with the appeal.
- 7- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 8- Wakalat nama is not attached with the appeal.
- 9- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1968 /S.T,

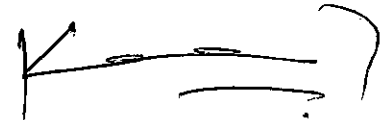
Dt. 05/10 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.Pesh.

R/s

Resubmitted after the completion  
all objection has been removed.

  
18/10/21

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: SHER BAHADAR

V/S

POPULATION DEPTT:

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <b>NOOR MOHAMMAD KHATTAK</b>	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **NOOR MOHAMMAD KHATTAK**

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

SERVICE APPEAL NO. 7611 /2021

SHER BAHADAR                      V/S                      POPULATION DEPTT:

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Dated: \_\_\_\_\_ 10.2021

**APPELLANT**

Through:   
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2021**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7682

Dated 04/10/2021

Mr. Sher Bahadar, Junior Clerk (BPS-11),  
District Population Welfare Office, District Charsadda.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Population Welfare Office, District Charsadda.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29-04-2021 WHEREBY THE INTERVENING PERIOD W.E.F. 09-08-2015 TO 10-03-2021 IS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 05-06-2021 OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 29-04-2021 may very kindly be modified/rectified to the extent that the intervening period w-e-f 09-08-2015 to 10-03-2021 may be treated on full pay along with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R.SHEWETH:**

**ON FACTS:**

- 1- That appellant while serving in the Population Welfare Department Khyber Pakhtunkhwa as junior clerk BPS-07 the respondent No.4 advertised the posts of junior clerk (BPS-07) for District Charsadda on 06-04-2011 published in daily "AAJ" Peshawar. That appellant having the requisite qualification and experience applied for the said post through proper channel and after participated in the test, interview and Typing test the appellant was declared

Filed to-day

Registrar

04/10/21

successful. Copies of the advertisement and application are attached as annexure ..... **A and B.**

2- That vide order dated 27-12-2012 the appellant was appointed as Junior clerk (BPS-07) on the proper recommendation of Departmental selection committee. That in response the appellant was properly relieved by the competent authority from Population Welfare Department and submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, relieving order and arrival report are attached as annexure ..... **C, D & E.**

3- That after appointment the appellant served the respondent Department with all zeal and zest at District Charsadda and as such no complaint whatsoever has been received against the appellant. That the appellant in due course was promoted to BPS-11. That it is very pertinent to mention that after proper verification of the documents of the appellant the salary of the appellant was released. Copies of the transfer order, up gradation order and pay slip are attached as annexure ..... **F, G & H.**

4- That appellant has successfully completed his probationary period and was regularized on the post of junior Clerk. That all of a sudden the salary of the appellant was stopped by respondent No.4. That appellant feeling aggrieved filed writ petition No.2225/2014 in the Peshawar High Court Peshawar which was dismissed vide judgment dated 23-06-2015. That subsequently the appellant filed CPLA No.2251/2015 in Supreme Court of Pakistan. Copy of the judgment of PHC is attached as annexure ..... **I.**

5- That during the pendency of CPLA in the august Supreme Court Of Pakistan the respondent No.4 issued an order dated 08-08-2015 against the appellant whereby major penalty of "termination" from service was imposed on the appellant without conducting regular inquiry in the matter. That it is very pertinent to mention that the appellant having 22 years of service at this stage. Copy of the impugned order is attached as annexure ..... **J.**

6- That appellant feeling aggrieved from the impugned order dated 8.8.2015 filed Departmental appeal followed by service appeal No.1393/2015 but the same was dismissed by this august Tribunal vide judgment dated 4.7.2017. Copies of the Departmental appeal and judgment are attached as annexure ..... **K & L**

7- That where after the appellant filed Departmental appeal before his parent Department i.e. respondent No.2 for



rejoining of his previous service in light of FR 14(A) but the same was rejected on no good grounds vide appellate order dated 29.4.2021. That where after the appellant preferred service appeal No.1176/2017 before this august Tribunal and as such the ibid appeal was decided in favour of the appellant vide Judgment dated 11.2.2021. Copies of the Departmental appeal, rejection order and judgment are attached as annexure .....M, N & O.

8- That vide impugned order dated 29.4.2021 the respondents adjusted/accepted arrival report of the appellant in light of the ibid decision of this august Court but without back benefits rather the respondents treated the intervening period w.e.f. 9.8.2015 to 10.3.2021 as leave without pay. Copy of the impugned order is attached as annexure .....P.

9- That feeling aggrieved the appellant preferred Departmental appeal but no response has been received so far. Copies of the Departmental appeal and forwarding letter are attached as annexure .....Q & R.

10- That having no other remedy the appellant preferred the instant appeal inter alia on the following grounds.

**GROUND:**

A- That the impugned order dated 29.4.2021 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.

B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That in light of FR 14(A) the appellant is fully entitle for rejoining of his parent Department i.e. respondent Department with all back benefits.

D- That the respondents acted in arbitrary and malafide manner while not regularizing the intervening period of the appellant i.e. w.e.f. 9.8.2015 to 10.3.2021.

E- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the norms of natural justice.

- F- That the impugned order dated 29.4.2021 is violative of clause 24(A) of the General clauses Act 1897.
- G- That during the intervening period i.e. w.e.f. 9.8.2015 to 10.3.2021 the appellant remain jobless therefore under the Principle of natural justice the appellant is fully entitled for back benefits.
- H- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 29.4.2021 i.e. by treating the intervening period as leave without pay.
- I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

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

Dated: 4.10.2021

**APPELLANT**

*Sher Bahadar*  
**SHER BAHADAR**

**THROUGH:**

*Noor Mohammad Khattak*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

51

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2021

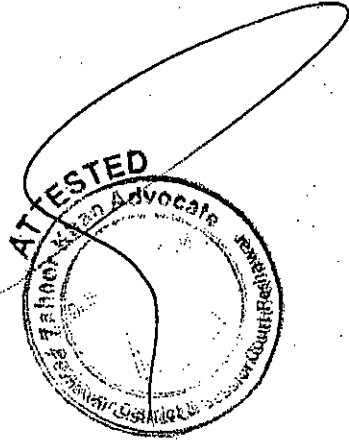
**SHER BAHADAR**

**VS**

**POPULATION DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



*Bhadar*  
**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

*Bhadar*  
**CERTIFICATION**



**ANNEXURE B**

**7**

To

The District Population Welfare Officer,  
Charsadda.

Subject: **REQUEST FOR RELIEVING AND LIEN**

R/Sir,

I have the honor to say I have been applied to Education Department Charsadda for the post of Junior Clerk. As I have been selected as Junior Clerk vide Order No. 3856-60 dated 27-12-2012(Copy enclosed).

It is therefore requested that I may kindly be relieved as well as grant lien as per rules to join my new assignment in time please.

*the request may be sent to D. G office in original for their approval*

*Sher Bahadar*  
(Sher Bahadar)

*12/2/2013*

Junior Clerk

*[Signature]*  
*12/2/13*

ATTESTED

*[Signature]*

*PAT*

ATTESTED

*[Signature]*

ATTESTED

# ANNEXURE C

8

## OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) CHARSADDA.

### ORDER.

Consequent upon the acceptance of his appeal and recommendations of Departmental Selection Committee, Mr. Sher Bahadar Junior Clerk S/O Ge Muhammad who is serving in the Population Welfare Department Charsadda is hereby appointed /adjusted against the vacant post of J/Clerk BPS-7 at GHS Katozai against in the interest of public service with effect from the date of his taking over charge.

### Terms and conditions

1. The appointment is made purely on temporary basis and is liable to termination at any time without assigning any reason or notice.
2. If he wish to resign from service, he will have to submit one month prior Notice or forfeit one month pay to Government.
3. His service will be on regular basis and pensionable.
4. No TA/DA etc is allowed being first appointment.

(Attaullah Khan)  
Executive District Officer  
E&SE Charsadda.

Endst. No. 3856-60 Dated 27/12 2012.

Copy for information and necessary action to the :-

1. District Accounts Officer Charsadda.
2. Principal/Headmaster concerned.
3. Officials concerned.
4. Office file.
5. Distl: Population welfare Dep to CHA

Executive District Officer  
E&SE Charsadda.

ATTESTED

ANNEXURE D

9

Government of Khyber Pakhtunkhwa  
Directorate General Population Welfare  
Post Box No. 235  
1<sup>st</sup> & 2<sup>nd</sup> Floor FC Trust Building Sunehri Masjid Road,  
Peshawar Cantt.  
\*\*\*\*\*

Dated Peshawar the 04/3/2013.

OFFICE ORDER

F.No.1(6)/2012/Admn:- Consequent upon appointment as Junior Clerk (BPS-7) in Office of the Executive District Officer (E&SE), Charsadda vide Executive District Officer (E&SE) Charsadda order No. 3856-60 dated 27.12.2012, Mr. Sher Bahadar, Junior Clerk (BPS-7) District Population Welfare Office, Charsadda is hereby relieved of his duties w.e.f. 14.02.2013 enabling him to join his new assignment.

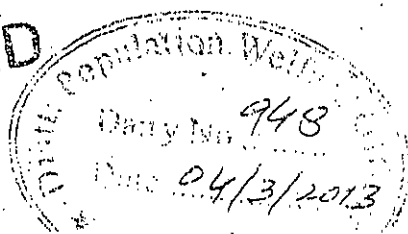
(Director General)  
Population Welfare Department

Copy forwarded to the:-

1. District Population Welfare Officer, Charsadda w/r to his letter No. 1(1)/2011-12/Admn dated 12.02.2013 with the request to forward his service book, Personal File and Annual Confidential Reports to the EDO (E&SE) Charsadda in original.
2. Executive District Officer (E&SE) Charsadda w/r to his order quoted above.
3. District Accounts officer, Charsadda.
4. Principal/Headmaster, Govt. High School, Katozai, Tehsil Shabqadar District Charsadda.
5. PS to Director General, PWD, Peshawar.
6. Official concerned.
7. Master File.

(Kashif Fida)  
Assistant Director (Admn)

ATTESTED



ATTESTED

ANNEXURE E

10

To

The Head Master,  
Govt. High School  
Katozai.

**SUBJECT: ARRIVAL REPORT.**

Respected Sir,

Consequent upon my appointment (through proper channel) vide EDO E&SE Charsadda order No. 3856-60 dated 27<sup>th</sup> Dec. 2012, I hereby submit my arrival report for duty today on 15<sup>th</sup> Feb. 2013. Copy of the order is enclosed, please.

*[Signature]*  
*[Signature]*  
**HEAD MASTER**  
G.H.S. Katozai  
Charsadda

Yours Obediently

*[Signature]*  
(Sher Bahadar)  
Junior Clerk 15/2/2013

ATTESTED

ATTESTED

ATTESTED





### CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the Govt. High School Katolai  
Shri Prasad

Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Station G.H.S. Katolai

Signature of relieved [Signature]  
Government servant.....

Designation.....

Signature of relieving [Signature]  
Government servant.....

Designation Junior Clerk

Dated 15-2-2013

[Signature]  
**HEAD MASTER**  
G.H.S. Katolai  
Charaada

**ATTESTED**  
[Signature]

[Handwritten notes]  
L 1:5 PM  
L 180  
R.H.A.  
Encl. 1

**ATTESTED**  
[Signature]

**ATTESTED**  
[Signature]

REC-500  
P  
PAGE

SYDULUDB  
Date  
BA

L.P. Card - 520

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) CHARSAKDAMUTUAL TRANSFER

Mutual transfer of the following J/Clerks is hereby ordered on their own pay & BPS in the interest of public service from the date of taking over charge.

S.No	Name/Designation/School	Transfer to	Remarks
01	Musawir J/Clerk GHSS Dargai Manga	GHS Katozai	Vice S.No-02
02	Sher Bahadar J/Clerk GHS Katozai	GHSS Dargai Manga	Vice S.No-01

Note: No TA/DA etc is allowed,  
Charge reports should be submitted to all concerned.

(MOEEN-UD-DIN)  
DISTRICT EDUCATION OFFICER (M)  
CHARSAKDA

Endst:No 4179-82 Dated 29-5 /13

Copy for information to the:-  
1 District Accounts Officer Charsakda.  
2 Principals concerned.  
3 Officials concerned.  
4 Office file.

DISTRICT EDUCATION OFFICER (M)  
CHARSAKDA

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(ER)10-22/2014: The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

1. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst. No. & Date even.

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

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshera and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant, Clerks Association with reference to his application No. PR/KPS/SACA/2-1/2013 dated 8-01-2014

ATTESTED

(SHAUKAT ULLAH)  
SECTION OFFICER (FR)

ATTESTED

Government of Khyber Pakhtunkhwa  
District Accounts Office Charsadda  
Monthly Salary Statement (July-2015)

ANNEXURE "H" 14

Personal Information of Mr SHER BAHADAR d/w/s of GUL MUHAMMAD

Personnel Number: 00287834 CNIC: 1710103897201

NTN:

Date of Birth: 16.02.1972 Entry into Govt. Service: 31.05.1993

Length of Service: 22 Years 02 Months 002 Days

Employment Category: Active Temporary ✓

Designation: JUNIOR CLERK

80001076-SCHOOLS AND LITERACY DEPA

DDO Code: CA7073-Principial Govt Higher Secondary School Manga Darga Charsadda

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: JMMR 001854

Interest Applied: Yes

GPF Balance: 69,009.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2015

Pay Scale Type: Civil BPS: 11

Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	18,060.00	1000	House Rent Allowance	1,234.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1048	Adhoc Allowance 2010@ 50%	3,570.00	2148	15% Adhoc Relief All-2013	2,094.00
2174	Adhoc Relief Allow-2014	1,396.00	2199	Adhoc Relief Allow @10%	1,806.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription - Rs 675	-675.00	3501	Benevolent Fund	-180.00
3511	Addl Group Insurance	-13.00	3604	Group Insurance	-115.00
3990	Emp.Edu. Fund KPK	-100.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till July-2015: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 32,516.00

Deductions: (Rs.): -1,083.00

Net Pay: (Rs.): 31,433.00

Payee Name: SHER BAHADAR

Account Number: C/A 2544-2

Bank Details: NATIONAL BANK OF PAKISTAN, 230316 CHARSA DDA SUGAR CHARSA DDA SUGAR, CHARSA DDA SUGAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHARSA DDA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sherbahadar1972@gmail.com

ATTESTED

ATTESTED

# ANNEXURE "I"

15

Judgment Sheet

## PESHAWAR HIGH COURT, PESHAWAR (Judicial Department)

WP No. 2225-P/2014.

### JUDGMENT

Date of hearing. 4.6.2015

Petitioners (Sher Bahader etc) By M/S Muhammad Ijaz Khan Sabi and Fazle Wahid, Advocates.

Respondent (s) By Mian Arshad Jan, AAG alongwith Mr. Muhammad Rafiq Khatlak, Director Education KPK Peshawar.  
\*\*\*\*\*

OAISER RASHID KHAN, J. Through the instant petition, the petitioners have prayed for declaring the orders No. 6431-47 dated 3.7.2014 and No. 6502-6 dated 7.7.2014 issued by respondent No.4 whereby the petitioners were directed/ required to appear in the typing test on 15.7.2014 and if they failed, it would be considered that they had lost their legal right to maintain their service, to be illegal, against the law, improper, against the terms and conditions of appointment orders as well as advertisement, unjust, discriminatory without lawful authority and of no legal effect with further prayer to issue directions to the respondents restraining them from such illegal act and harassing the petitioners in future.

2. Relevant facts forming the background of the instant petition are that pursuant to an advertisement dated 6.4.2011 published in daily 'Aaj' Peshawar whereby applications were sought from candidates for different vacancies including Junior Clerks at District Charsadda, the petitioners being eligible and

Against the Mt, dt, 7.7.2014 -  
Re-appearing in the typing test.

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7/7/2014

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Peshawar High Court

25 JUN 2015

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qualified applied for the same. They were subjected to written test, typing test, interview and after fulfilling all the codal formalities, they were appointed as Junior Clerks vide Office Orders dated 11.2.2012 and 25.12.2012. During the course of performance of their duties, they were promoted from BS-7 to BS-11 vide order dated 20.5.2014 with no complaint made against them. However, vide impugned orders dated 3.7.2014 and 7.7.2014, the petitioners were directed to appear in the typing test or else they would lose their right to maintain their service hence, the petition in hand:

3. On 15.7.2014, when the petition came up for hearing before the court, directions were given to the learned AAG to submit comments on behalf of the respondents and by way of interim relief, operation of the impugned orders dated 3.7.2014 and 7.7.2014 was suspended. Accordingly, the desired comments were filed by the respondents.

4. The petition was adjourned on three occasions due to absence of the learned counsel for the petitioners and lastly it was argued on 28.10.2014 at a considerable length by the learned counsel for the petitioners as well as the learned AAG and in order to seek further assistance, this court directed the learned AAG to come alongwith the Director Education on 30.10.2014. Accordingly, the Director Education Khyber Pakhtunkhwa appeared before the court.

5. Keeping in view the allegations of the respondents that the petitioners were appointed without being subjected to typing test

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and simultaneously to allay the fear of the petitioners regarding victimization at the hands of the respondents, we with the consent of the learned counsel for the petitioners, the learned AAG and the Director Education Khyber Pakhtunkhwa Peshawar directed the learned District & Sessions Judge Charsadda to hold the typing test for the petitioners of 30 words per minute.

6. Today, we have before us the report of the learned District & Sessions Judge Charsadda wherein out of 15 petitioners only seven opted to appear in the test and the rest preferred to stay away. Even out of the seven candidates who appeared in the typing test, petitioner No.2 namely, Usman Qamar, qualified the typing test with the speed of 34 words per minute and rest of the six candidates failed with two scoring 'nil'. At this stage our attention was again drawn to the advertisement dated 6.4.2011 published in daily 'Aaj' Peshawar whereby applications were sought for the posts of Junior Clerks by Attaullah Khan Minakhel EDO Elementary and Secondary Education District Charsadda. In the comments furnished by the respondents, it has also been mentioned that an enquiry was held against the said Attaullah Khan EDO, Charsadda for his malpractices in the Education Department and ultimately he has been penalized with stoppage of three increments.

7. The case of the petitioners has surfaced eminently in that enquiry report whereby certain candidates were accommodated without undergoing the rigors of the typing test of 30 words per

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minute and that is how the petitioners were directed through the impugned orders to justify their presence in the department. We are rather surprised that barring petitioner No.1 namely, Usman Qamar, who managed to qualify the typing test with 34 words per minute, the performance of the others is abysmal, to say the least.

8. Where it was the sine qua non for the post in question as per advertisement in daily 'Aaj' dated 6.4.2011 that the candidates must have Matric 2<sup>nd</sup> Division and know the English typing with the speed of 30 words per minute for which the petitioners offered their candidature way back in April, 2011 and were in due course promoted to BS-11, certainly they should have performed better in the typing test conducted under the watchful eyes of the learned District & Sessions Judge Charsadda but except the petitioner, Usman Qamar, all the others failed in the test. As such, it does not behove the petitioners to invoke the constitutional jurisdiction of this court seeking equitable relief when they have held themselves disentitled to the said relief by not coming upto the mark.

In view of the foregoing discussion, barring petitioner No.2 namely, Usman Qamar, who shall be deemed to have qualified the typing test, this petition to the extent of the other petitioners stands dismissed.

Announced:  
23.06.2015.

*Edl Qaiser Raza ul Haq*

JUDGE

*Assad ul Haq Chaudhary*

JUDGE



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IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

19

PRESENT:  
MR. JUSTICE EJAZ AFZAL KHAN,  
MR. JUSTICE QAZI FAEZ ISA.

C. P. No. 2251 of 2015.

(On appeal against the judgment dt. 23.06.2015 passed by the Peshawar High Court, Peshawar in W. P. No. 2225-P of 2014).

Sabir Jan and others. ...Petitioners.

Versus

Govt. of KPK thr. Chief Secretary, Peshawar, etc. ...Respondents

For the petitioners: Mr. M. Ijaz Khan, ASC.

For the respondents: N.R.

Date of hearing: 09.10.2015.

ORDER

EJAZ AFZAL KHAN, J.- This petition for leave to appeal has arisen out of the judgment dated 23.6.2015 of a Division Bench of Peshawar High Court, Peshawar whereby it dismissed the petition filed by the petitioners.

2. Brief facts of the case as narrated in para-2 of the impugned judgment read as under:-

"Relevant facts forming the background of the instant petition are that pursuant to an advertisement dated 6.4.2011 published in daily 'Aaj' Peshawar whereby applications were sought from candidates for different vacancies including Junior Clerks at District Charsadda, the petitioners being eligible and qualified applied for the same. They were subjected to written test, typing test, interview and after fulfilling all the codal formalities, they were appointed as Junior Clerks vide Office Orders dated 11.2.2012 and 25.12.2012. During the course of performance of their duties, they were promoted from BS-7 to BS-11 vide order dated 20.5.2014 with no complaint made against them. However, vide impugned orders dated 3.7.2014 and 7.7.2014, the petitioners were directed to appear in the typing test or else they would lose their right to maintain their service hence, the petition in hand."

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When the writ petition came up for hearing before the High Court, the stance of the respondents was that they were appointed after having qualified typing test, therefore, they could not given another test. Just to see whether the stance of the respondents was justifiable, the High Court itself stepped in and directed the learned District and Sessions Judge Charsadda to hold the typing test for the petitioners. On the date fixed for the test, only seven out of fifteen participated in the test. Except Usman Qamar who is respondent No. 5 before us, all others failed. The High Court in this view of the matter held as under :-

"Where it was the sine qua non for the post in question as per advertisement in daily 'Aaj' dated 6.4.2011 that the candidates must have Matric 2<sup>nd</sup> Division and know the English typing with the speed of 30 words per minute for which the petitioners offered their candidature way back in April, 2011 and were in due course promoted to BS-11, certainly they should have performed better in the typing test conducted under the watchful eyes of the learned District and Sessions Judge Charsadda but except the petitioner, Usman Qamar, all the other failed in the test. As such, it does not behove the petitioners to invoke the constitutional jurisdiction of this court seeking equitable relief when they have held themselves disentitled to the said relief by not coming upto the mark."

4. The view taken by the High Court in the matrix of the case does not smack of any error, absence or excess of jurisdiction. It rather helped bringing to light who was appointed with justification and who was appointed otherwise. The view taken by the High Court being just, fair and equitable merits no interference. The learned ASC appearing for the petitioners at this stage contended that the case of Sher Bahadur respondent No. 6 is distinguishable as he lost his 21 years service rendered in the Population Welfare Department on account of his appointment against the post in question, therefore, he has to be treated differently. We appreciate the distinction highlighted by the learned ASC for the

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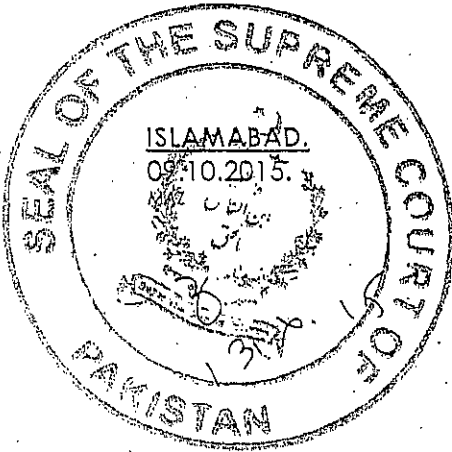
petitioners but in the peculiar circumstances of the case we are afraid we cannot help him. He, however, could approach the D. G. Population Welfare Department and seek his redress therefrom. We have been told that he has already approached the said D. G., if so let him pass an appropriate order in this behalf.

5. For the reasons discussed above, this petition is disposed of in the terms mentioned above.

Sd/- Ejaz Afzal Khan, J  
Sd/- Qazi Faez Isa, J

Certified to be True Copy

*[Handwritten Signature]*  
13/10/15  
Superintendent  
Supreme Court of Pakistan  
Islamabad



*[Handwritten Signature]*

14263/15

GR No:		Case Criminal
Date of Presentation:	13.10.15	
No. of Words:	900	
No. of Follies:	9	
Requisition Fee Rs:	500	
Copy Fee in:	500	
Court Fee stamps:	10.00	
Date of Completion of Copy:	15/10/15	
Date of delivery of Copy:	15/10/15	
Compared & Verified:	15/10/15	

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OFFICE OF  
THE DISTRICT EDUCATION OFFICER  
(MALE) CHARSAZZA

NOTIFICATION.

01. WHEREAS, Mr Sher Bahadar, J/Clerk GHSS; Dargai Charsadda was proceeded under the Khyber Pakhtunkhwa, Government servants (Efficiency & Discipline) Rules, 2011 on the charges pointed out by Muhammad Humayun Khan, Chairman BS-21, Provincial Inspection Team Peshawar (now secretary transport department) as inquiry officer, who conducted formal inquiry against Mr Atta Ullah Khan Ex-DEO (M) BS-19, Charsadda in irregular appointments in his tenure (now removed from service) for the charges leveled against him in accordance with Rules, which was communicated to this office vide letter No SO (S/M) E&SED/4-17/2013/Attaullah Khan Ex-EDO/Chd dated Peshawar the May 12, 2014, approved by the Honorable Chief Minister Khyber Pakhtunkhwa. Recommendation (iii) of the inquiry report contains the following words;

"Junior Clerks appointed by initial recruitment who do not know the typing may be terminated after serving show cause Notice"

02. AND WHEREAS, the undersigned after having examined the charges, evidence against the accused as mentioned in the above inquiry report and report of typing test conducted by session judge Charsadda received through Honorable High Court Peshawar in writ petition No 2225-P/2014 in which the following remarks have been recorded in the judgment attested on 25<sup>th</sup> June, 2015;

"this petition to the extent of the other petitioners stands dismissed".

03. AND WHEREAS, a show cause notice was served upon Mr Sher Bahadar GHSS Dargai Charsadda dated 15/07/2015.

04. AND WHERE AS, I the competent authority after having considered the charges and evidence on record inquiry report, explanation of the accused officials in response to the show cause notice and personal hearing granted to you by the personal hearing committee on behalf of the undersigned on 05/08/2015, is of the view that the charges i.e not qualifying the required criteria of typing against you have been proved.

05. In the light of above enquiry report & judgment of the Honourable Peshawar High Court Peshawar, you are hereby terminated from the post of J/Clerk with immediate effect.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER,  
(M) CHARSAZZA

Endstt No: 8378-82 / Dated: 8/8 2015

Copy forwarded for information to the:

01. Director (E&SE) KPK Peshawar
02. District Account Officer Charsadda
03. Official concerned
04. Principal/Head Master concerned
05. Office file

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سخدمت جناب ڈائریکٹر صاحب محکمہ ایڈمنسٹری ایدڈ سائنسز ایجوکیشن ڈیپارٹمنٹ لاہور  
معاونانہ۔ ایپیل برائے بحالی سرورس

جناب عالی

سودباد گورنرشپ کے مسائل نمونہ آئی۔ آئی۔ اے چارنڈہ کے ایڈمیشن نمبر 82-8778-82، 08-8-2015 کو کٹ گئے ہیں۔ مذکورہ ذیل  
گورنرشپ عرض کرتا ہے۔

یہ کہ مسائل 1993-5-31 کو نکلے۔ بیرونی آبادی غیر ملکیوں کو ایڈمیشن دینے سے روک کر کٹ کر رہی ہے۔

2011-4-6 کو نکلے۔ تعلیم چارنڈہ میں کٹ کر رہے۔ ان کے بحالی کے لیے ایڈمیشن کے مسائل کے Trough Proper Channel سے بحالی کی۔

گورنری اور ٹیچنگ سٹ پاس کرنے پر مسائل کو سیرٹیفکیٹ کے Trough Proper Channel سے بحالی کی۔

2012-12-27 کو GMS Katozai میں ایڈمیشن کے مسائل کے لیے بحالی کی۔

2014-4-14 کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
جس میں مسائل کو بحالی حاصل کیا گیا۔

اس حکایت پر ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔

مذکورہ ایک ایڈمیشن کے مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
ہوئی ہے۔ اس میں کوئی Irregularity نہیں ہوئی ہے۔

مذکورہ ایک ایڈمیشن کے مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
Marks سکور کیے ہیں۔

مذکورہ ایک ایڈمیشن کے مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
Clear ہونے کے بارے میں۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
کٹ اور ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
درج کیا اور مسائل کو miss guide کرنے کے لیے ساتھ کس میں شامل کیا۔

مسائل کے عدالت کے حکم پر ایڈمیشن کورٹ چارنڈہ ہدیہ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
نے 30 جنوری 2015 کو اسٹور کیے۔

مذکورہ ایک ایڈمیشن کے مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔

جناب عالی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
DMMS اور D.Com. B.A, C.T, M.A اور ایڈمیشن کے مسائل کے لیے بحالی کی۔

ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
Warning (Explanation) میں ملتی ہے۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
پر فیڈ بک نہیں ہے۔

مسائل اپنی فراہمی نہیں (جس میں ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
بہترین مفاد میں طلباء کے ساتھ computer classes بھی لیتے ہیں۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
ساحب کی Best performance report منسلک ہے۔

جناب عالی۔ مذکورہ بالا احقائق مسائل کی تکلیف تعلیم کے شعبہ ورورڈ کی تخت۔ بہترین کا کردہ گی اور 23 سالہ ریگولر سرورس اور سیریز ایجوکیشن کی ڈیپارٹمنٹ لاہور

2013-1-28 (جس میں ٹیچنگ سٹ پاس کرنے پر مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
ہے کہ مسائل کو ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔  
سرورس کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔

مسائل تادم حیات دانا گورنرشپ

Dated: 21/8/2015

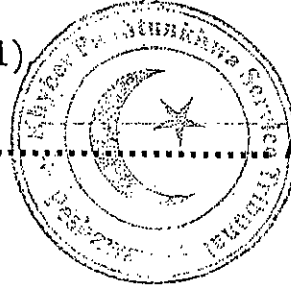
ڈائریکٹر جنرل ایڈمیشن ڈیپارٹمنٹ لاہور

ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔ ایڈمیشن کے مسائل کے لیے بحالی کی۔

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWARAPPEAL NO. 1393 /2015K.W.P. Provincial  
Service TribunalDiary No. 1468Dated 17-12-2015Mr. Sher Bahadar, Ex Junior clerk (BPS-11)  
R/O Village Dargai, District Charsadda.

Appellant

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (Male), District Charsadda.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 08-08-2015 WHEREBY MAJOR PENALTY OF "TERMINATION" FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

**PRAYER:** That on acceptance of this appeal the impugned order dated 08-08-2015 may very kindly be set aside and the appellant may kindly be re-instated with all back benefits OR the appellant may kindly be relived to his parent Department i.e. Population Welfare Department. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R.SHEWETH:****ON FACTS:**

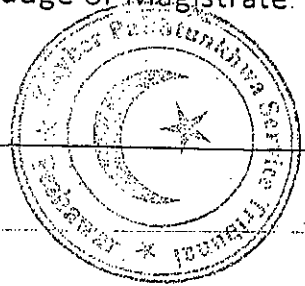
That appellant while serving in the Population Welfare Department Khyber Pakhtunkhwa as junior clerk BPS-07 the respondent No.4 advertised the posts of junior clerk (BPS-07) for District Charsadda on 06-04-2011 published in daily "AAJ" Peshawar. That appellant having the requisite qualification and experience applied for the said post through proper channel and after participated in the test, interview and Typing test the appellant was declared-

Filed to the  
Registrar  
17/12/15

*[Signature]*

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate.
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1393/2015

Date of Institution ... 17.12.2015  
Date of Decision ... 04.07.2017

Sher Bahadar , Ex Junior Clerk (BPS-11),  
R/O Village Dargai, District Charsadda.  
Versus

1. The Government of Khyber Pakhtunkhwa, through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and others.

04.07.2017

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant,

learned counsel for the appellant and Mr. Usman Ghani, District Attorney on behalf of the official respondents present.

2. In this service appeal bearing No. 1393/2015 the appellant Sher Bahadar, while in the connecting appeals other affectees have made impugned order dated 8.8.2015 regarding termination of their service from the post of Junior Clerk in the Education Department Charsadda and prayed for reinstatement with all back benefits.

3. Argument heard. File perused.

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4. Learned counsel for appellant vehemently challenged the validity of the impugned order. On the other hand learned District Attorney contended that the present appeal is not maintainable under rule-23 of Khyber Pakhtunkhwa Service Tribunal Rules 1974.

5. Appellant was appointed as Junior Clerk (BPS-07) in the Education Department vide order dated 27.12.2012 of Executive District Officer E&SE Charsadda. During the course of his employment the pay scale of his post was also upgraded to BPS-11. However in the enquire report it was surfaced that certain candidates were accommodated without undergoing the rigors of typing test of thirty words per minute and consequently vide orders dated 3.07.2014 and 07.07.2014 the appellant and other affectees were directed to appear in the typing test or else they would lose their right to maintain their service. Appellant and other affectees challenged the said orders before Honourable Peshawar High Court, Peshawar through writ petition bearing No. 2225-P of 2014. The Honourable High Court itself stepped in and directed the learned District & Sessions Judge Charsadda to hold typing test for the petitioners. That only seven out of fifteen petitioners participated in the test and except one petitioner Usman Qamar all others failed. The Honourable Peshawar High Court, Peshawar observed that it was sin qua non for the post in question that the candidates must have Matric Second Division and Know English typing with the speed of

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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thirty words per minute, but except the petitioner Usman Qamar, all the others failed. The Honorable Peshawar High Court, Peshawar while holding that the petitioners are not entitled to the relief and barring petitioner namely Usman Qamar dismissed the writ petition vide judgment dated 23.06.2015. Resultantly impugned order of the termination of service of appellant was issued on 08.08.2015. The last two lines of the said order reads as under:-

“In the light of above enquiry report & judgment of the Honorable Peshawar High Court Peshawar, you are hereby terminated from the post of J/Clerk with immediate effect”.

6. Feeling aggrieved against the judgment of Honorable Peshawar High Court Peshawar the appellant and other affectees also approached the august Supreme Court of Pakistan and filed CP No. 2251 of 2015. However the august Supreme Court of Pakistan vide order dated 09.10.2015 also upheld the judgment of Honorable Peshawar High Court Peshawar. Perusal of para-4 of the order of august Supreme Court of Pakistan would show that while rejecting the case/CP of appellant and other affectees the august Supreme Court of Pakistan was well aware of the fact that the petitioners i.e appellant and other affectees have lost their service and the august Supreme Court of Pakistan also remarked that the appellant, who earlier rendered service in Population Welfare Department, could approach the D.G. Population Welfare Department and seek his redress therefrom.

ATTESTED

MANAGER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

7. In view of the above scenario of the case, this Tribunal is of the humble view that the issue of termination of service of appellant i.e. the matter directly and substantially in issue in this appeal has already been finally decided by the Honorable Superior Courts of the competent jurisdiction. Thus this Tribunal has got no powers to entertain the present appeal as well as the connecting appeals, under the principle of Res-Judicata and under rule-23 of Khyber Pakhtunkhwa Service Tribunal Rules 1974.

8. As a sequel to above, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

*SD/- M. Hamid Muzaffar,  
Member*

*SD/- Gulzeeb Khan,  
Member*

**Certified**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Date of Presentation of Application 21-9-17  
 Number of Words 2000  
 Copying Fee 12-  
 Urgent 2-  
 Total 14-  
 Name of Copyist [Signature]  
 Date of Completion of Copy 21-9-17  
 Date of Delivery of Copy 21-9-17

**ATTESTED**

ANNEXURE M

29

To  
The Director General,  
Population Welfare Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REQUEST/APPEAL FOR RIGHT OF REVERSION/LIEN

R/Sir,

Most respectfully it is stated that I was appointed as Junior Clerk vide order dated 30-05-1993. I started performing my duties and work hard for the accomplishment of my given task from the high ups and had never given any one the chance of any complaint.

While performing my duties at District Population Welfare Department Charsadda, some posts of Junior Clerk were advertised by the Education Department of District Charsadda. I, applied for the same through proper channel. The same was properly entertained by District Population Welfare Officer Charsadda vide its letter dated 14-04-2011.

In light of that I was appointed/ adjusted against the vacant post of Junior Clerk vided order dated 27-12-2012. I, applied for relieving from Population Welfare Department and accordingly I, was properly relieved vide letter dated 1-03-2013 and as such permission of lien was also allowed.

While serving in education department Charsadda for more than 3 years my services was terminated along with other appointed colleagues vide order dated 08-08-2015. I approached Khyber Pakhtunkhwa Service Tribunal for reinstatement of my services which is dismissed vide order/judgment dated 04-07-2017.

Now, it is, therefore, most kindly requested that my preserved right of reversion to Population Welfare Department may kindly be allowed to me and I may be given lien as per Rules in District Population Welfare Department Charsadda under FR-14 (A).

Thanks in anticipation

7/7/2017 ✓

**ATTESTED**

*[Signature]*

Yours Obediently,

*[Signature]*  
**SHER BAHADAR,**

Ex-Junior Clerk,  
Population Welfare Department,  
Charsadda.

# ANNEXURE N

30



Government of Khyber Pakhtunkhwa  
Directorate General Population Welfare  
Plot No.18 Sector F-8, Phase 7, Hayatabad, Peshawar

F.No.1(6)/201/Admn/Vol-II  
Dated Peshawar the 25/11 2017.

15437-39

To

Mr. Sher Bahadar Ex-Junior Clerk,  
C/O Population Welfare Department,  
Charsadda.

Subject:- **DEPARTMENTAL APPEAL FOR REJOINING / LIEN**

I am directed to refer to your application dated 07.07.2017 on the subject cited above and to state that reply in this respect has already been intimated to you vide Admn Department letter No. SOE (PWD) 4-9/G/2015/CC/748-51n dated 24.01.2017 (copy attached).

(Hidayat Khan)  
Deputy Director (Admn)

Copy forwarded to the:-

1. PA to Advisor to CM for PWD, KP, Peshawar.
2. PS to Director General, PWD, KP, Peshawar.

Deputy Director (Admn)

ATTESTED

*[Signature]*



**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT**  
02<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

31

87

No. SOE (PWD) 4-9/G/2015/CC/ 748-SI-  
Dated Peshawar the 24<sup>th</sup> January, 2017

To

The Director General,  
Population Welfare Department,  
KPK, Peshawar.

Diary No. Peshawar, D/o 289  
2017, Dated 26-01-2017  
27/1/17

Subject: - APPEAL FOR RE-INSTATEMENT / REVERSION TO PARENT DEPARTMENT

Dear Sir,

Ref Pz 85 & 86/C

I am directed to refer to your letter No. 1(6)2012/Admn/Vol-II/5333-35 dated 23-11-2016 on the subject noted above and to state that as per advice of Establishment Department (copy enclosed), there is no provision in rules / policies of Provincial Government for ex-post facto sanction to right of reversion / retention of lien.

Yours faithfully,

*[Signature]*

SECTION OFFICER (ESTT)

Encls: As above.

Copy to the: -

1. PS to Advisor the CM for PWD, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Sher Bahadur, Ex-Junior Clerk C/o DPW Office, Charsadda for information.

*[Signature]*  
26.1.17

SECTION OFFICER (ESTT)

*[Signature]*  
27.1.17

**ATTESTED**

*[Signature]*

*[Signatures]*  
30/1/17  
31/1/17

**ATTESTED**

4-9

11/18/17

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

No:SOR-V(E&AD)/4-31/2016

Dated 10<sup>th</sup> January, 2017

32

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Population Welfare Department.

Subject: APPEAL FOR REINSTATEMENT/REVERSION TO PARENT  
DEPARTMENT.

Dear Sir,

I am directed to refer to your letter No.SOE(PWD)4-9/2016/ST/3653-55 dated 08-12-2016 on the subject and to state that there is no provision in Rules/Policy of Provincial Government for ex-post facto sanction to right of reversion/retention of lien.

Yours faithfully,

(SHAFI-UL-AHMAD)  
SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded to the PA to Deputy Secretary (K-III) Establishment Department.

SECTION OFFICER (REG-V)

Secretary PWD

No 114  
Date 11-1-17

*[Handwritten signatures and initials]*  
12/1/17

*[Handwritten signature]*  
2/13/17

ATTESTED

*[Handwritten signatures and initials]*  
16/1

ATTESTED

**ANNEXURE - O**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1176/2017

Date of Institution: 12.10.2017

Date of Decision: 11.02.2021

33



Sher Bahadar, Ex-Junior Clerk Office of District Population Welfare Office, Charsadda.  
... (Appellant).

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary Population Welfare Khyber  
Pakhtunkhwa and three others ... (Respondents)

Mr. Noor Muhammad Khattak  
Advocate

... For Appellant

Muhammad Riaz Khan Paindakhel  
Assistant Advocate General

... For Respondents

HAMID FAROOQ DURRANI  
ROZINA REHMAN  
ATIQU-UR-REHMAN WAZIR

... CHAIRMAN  
... MEMBER (J)  
... MEMBER (E)

**JUDGMENT**

**ATIQU UR REHMAN WAZIR**: - The instant service appeal was heard by a Division Bench of this Tribunal on 21-02-2019 and judgment was pronounced. The two learned Members, however, differed in their respective opinions, essentially on the point as to whether services of the appellant were regularized in the borrowing department or not, hence a larger Bench was, therefore, constituted which heard the matter on 11-02-2021.

02. The facts as laid in the memorandum of appeal in hand, suggest that the appellant was serving as Junior Clerk (BPS-7) in population welfare Department. During the course, he applied through proper channel for a post of Junior Clerk (BPS-7)

**ATTESTED**

**ATTESTED**

(34)

advertised by respondent No. 4, who subsequently was selected against the said post vide order dated 27-12-2012 and his post upgraded to BPS-11 vide order dated 20-05-2014. In July 2014, respondent No. 4 directed the appellant along with others to appear for a typing test; otherwise, they would lose their right to maintain their service, which order was challenged by the appellant along with others through Writ Petition before the High Court. During the course of Court Proceedings, such typing test was conducted by the order of High Court, under the supervision of District & Session Judge, Charsadda, where only one candidate qualified the test, whereas the others including the appellant failed the said test, hence the High Court accepted the writ petition to the extent of a qualified candidate only and dismissed the writ petitions of others including the appellant vide judgment dated 23-06-2015, as a result of which the appellant along with others were terminated from service vide order dated 08-08-2015, against which the appellant filed departmental appeal dated 21-08-2015, which was not responded to within the statutory period, thus the appellant filed service appeal before this Tribunal, which was also dismissed vide judgment dated 04-07-2017. On the other hand, the appellant along with others, also challenged the judgment dated 23-06-2015 of High Court in the Supreme Court of Pakistan, which was also dismissed by the Supreme Court of Pakistan vide judgment dated 09-10-2015, but with a distinguishable treatment in case of the appellant, on account of his 21 years service rendered in population welfare department, which was lost on account of his appointment against the post in question. The Supreme Court taking a sympathetic view, asked the appellant to approach DG Population Welfare Department for redressal of his grievance therefrom. Since the appellant had already preferred such appeal before DG population welfare department, which was responded to vide letter dated 25-09-2017 thereby declining the appeal, which created a fresh cause of action for the appellant and on the basis of which the appellant filed the instant service appeal instituted on 12-10-2017 with prayers that the impugned appellate order dated 25-09-2017 may be set aside and

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ATTESTED



the respondents may be directed to allow the appellant to re-join his parent department with all back benefits.

35

03. Learned counsel for the appellant referred to FR 14 A, according to which, lien of the appellant on a post in his parent department i.e. population welfare department was valid until his permanent absorption in education department. Learned counsel for the appellant contended that the appellant was not confirmed in the education department nor absorbed permanently as he served there only for one year and seven months and was still on probation and no confirmation order to this effect was issued by respondent No. 4 as per provision contained in Khyber Pakhtunkhwa Civil Servant Act, 1973 and Khyber Pakhtunkhwa Government Servants (Appointment Promotion & Transfer) Rules 1989. The learned counsel referred to Rule 6 & 7 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 15 of (Appointment, Promotion & Transfer) Rules, 1989, where probation period prescribed is for a period of one year and on successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the official concerned within two months after expiry of probation period prescribed in sub rule (1) of Rule 6 of Civil Servant Act, 1973. The learned counsel contended that no such order regarding termination of probation period in respect of appellant was issued after expiry of one year, hence his probation was supposed to be completed on completion of second year of his service with respondent No 4 as provided in sub rule (2) of the Rules ibid. Learned counsel for the appellant added that in view of the above situation, it is an admitted fact that the appellant was still on probation and was not confirmed against the post in education department, as he served only for one year and seven months with respondent No 4. The learned counsel added that the apex court in its judgments have held that lien of a permanent civil servant could not be terminated even with his consent, unless he had been confirmed against some other permanent post. Reliance was placed on 1996 SCMR 284, PLD 1987 SC 447 and 2005 SCMR 1212. Learned counsel for the appellant

~~ATTESTED~~

ATTESTED  
+

further added that since the appellant was not confirmed against the post in education department, hence he has every right to be reverted to his parent department in light of the above-referred judgments as well as on the strength of Rule 14 A of Fundamental Rules.

04. Learned Assistant Advocate General appeared on behalf of official respondents referred to Para 3 of the terms and conditions of his appointment order dated 27-12-2012, where his services were declared to be on regular basis and pensionable. The learned Assistant Advocate General also referred to order of Finance Department dated 20-05-2014 where basic pay scale of the appellant was upgraded from BPS-7 to BPS-11, which shows that his services was regularized in BPS-11. The learned Assistant Advocate General argued that in view of the situation, the instant appeal is not maintainable as the appellant has already availed all available options and his appeal is hit by principal of resjudicata.

5. We have heard learned counsel for the parties and perused the record. It was noted that the appellant after serving for 21 years in population welfare department, joined education department through proper channel and was properly relieved by his parent department. As per rules, he had lien in his parent department until he was confirmed in borrowing department. There is nothing on record to show that the appellant was either absorbed against the post of junior clerk in education department or confirmed. It is also not clear as to whether his probation period was terminated after completion of one year and in that situation; his probation period was automatically extended to another year, thus it is construed that the appellant was still in probation period and was not confirmed in education department. Stance of the appellant can be further substantiated with the fact that services of the appellant were dispensed with, without conducting any inquiry or serving any show cause upon the appellant was a clear indication that the appellant was not yet confirmed and still on

**ATTESTED**

probation, hence was removed summarily. Contention of the learned Assistant Advocate General to the effect that case of the appellant was already decided by this Tribunal does not hold force, as his earlier prayers were different from the instant appeal, hence the principal of resjudicata does not apply in his case. The present service appeal cannot be turned down merely on technicalities, even the Supreme Court of Pakistan was fully cognizant of this fact while hearing the CPLA filed by appellant, which had rendered case of the appellant distinguishable from rest of the appellants as he lost 21 years of his service rendered in Population Welfare Department and advised the appellant to approach DG Population Welfare and seek his grievance therefrom. In view of the case laws referred to above, his long service rendered in Population Welfare Department and on the strength of FR-14-A, there is a strong, valid and well reasoned justification for consideration of his case for permission to join his parent department.

6. In view of the situation, the instant appeal is accepted. Respondents are directed to allow the appellant to re-join his parent department and to post him against the post of junior clerk, which he had left as a consequence of his posting vide order dated 27-12-2012 in education department. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
11.02.2021

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

**Certified to be true copy**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(ROZINA REHMAN)  
MEMBER (J)

**ATTESTED**

ANNEXURE "9"  
E

38



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE  
Plot No.18, Sector E-8, Phase-VII, Hayatabad, Peshawar  
\*\*\*\*\*

Dated Peshawar the 29/4/2021.

**OFFICE ORDER**

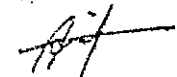
**F.No.4(13)2021/Admn:** In compliance to the judgment dated 11.02.2021 passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar Bench in Service appeal No.1176/2017 & consequently upon submission of arrival report for duty, the Competent Authority is pleased to conditionally accept the arrival report of Mr. Sher Bahadar, Junior Clerk (BPS-11) w.e.f 11.03.2021 subject to the outcome of the final decision of the Scrutiny Committee of Law Department regarding suitability of the case for filing CPLA in the Supreme Court of Pakistan against the decision of Khyber Pakhtunkhwa, Service Tribunal Peshawar Bench.

The intervening period w.e.f 09.08.2015 to 10.03.2021 will be treated as extra ordinary leave without pay.

Sd/-  
Director General  
Population Welfare, KP

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar, Bench w/r to judgment dated 11.03.2021
3. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
4. Official Concerned w/r to his arrival report dated 11.03.2021.
5. P.F of the Official Concerned.
6. F.No.1(6)/2012/Admn.
7. Master File Admn Section.

  
(Arif Abbas)  
Assistant Director (Admn)

RECEIVED

Scanned with CamScanner

# ANNEXURE Q

39 (2)

To

The Director General  
Directorate General, Population Welfare,  
Khyber Pukhtunkhwa, Peshawar.

Through: PROPER CHANNEL

Subject: REQUEST FOR CONVERTING LEAVE WITHOUT PAY PERIOD IN WITH PAY PERIOD  
AND GRANT/ INTACT INTER SE SENIORITY OF 2013 AS JUNIOR CLERK

R/Sir,

With due respect I beg to state that according to the judgment passed by the Khyber Pukhtunkhwa Services Tribunal Peshawar larger bench in service appeal No.1176/2017 dated 11-02-2021 issued on 10-3-2021,(Annex-A), I submitted my arrival report in Directorate General Population Welfare Peshawar on 11-3-2021,(Annex-B) and was accepted vide Assistant Director PW Peshawar Office Order F.No.4(13)/2021/Admn dated 29-4-2021,(Annex-C) where in the intervening period from 09-08-2015 to 10-03-2021 was treated as extra ordinary leave without pay.

Sir, I am a poor person and have no other sources of income having financial difficulties to treat my 21 years old son who is Spinal Cord injured and under treatment since July -2016 please.

It is therefore requested your honor to kindly issue order for converting the above mentioned period in to full pay and also include/intact my position in the seniority list of junior clerks issued in 2013. ,(Annex-D) please.

I shall be very thankful to you for your this act of kindness

Dated 05/08/2021

Yours faithfully,

*Sher Bahadar*

(Sher Bahadar)  
Junior Clerk BPS-11  
DPWO Office Charsadda.

Forward to  
Director General  
Office for the  
-cc-

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE

Plot No.18, Sector E-8, Phase-VII, Hayatabad, Peshawar  
\*\*\*\*\*

F.No.4 (27)/2021/Admn

2021-23

Dated Peshawar the, 7/7/2021.

To

The District Population Welfare Officer  
Charsadda.

Subject:-

REQUEST FOR CONVERTING LEAVE WITHOUT PAY PERIOD IN TO WITH PAY PERIOD AND GRANT/INTACT INTER-SE SENIORITY OF 2013 AS JUNIOR CLERK

I am directed to refer to your letter No.2(2)/2020-21/Account/1359-63 dated 05/06/2021 on the subject cited above and to state that the following documents may be furnished to this Directorate to proceed further in the matter:-

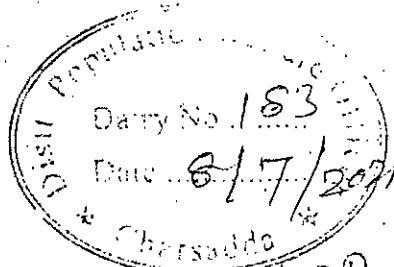
1. Leave Account balance (duly verified) in respect of Mr. Sher Bahadar, Junior Clerk of your office after de-federalization of the department till his relieving on 13/02/2012.
2. Certificate to the effect from official concerned that during the invernearing period i.e. 22/10/2015 to 29/04/2021 he had no other source of income and he alongwith his family members were totally depended on his salary.
3. Attested copies of bank statement pertaining to his salary account with regard the period of 22/10/2015 to 29/04/2021.
4. Utility Bills on his name paid during the period under reference.

*Arif*

(Arif Abbas)  
Assistant Director (Admn)

Copy to:-

1. PS to Director General, PWD, Khyber Pakhtunkhwa, Peshawar.



Assistant Director (Admn)

ATTESTED

J.C  
for reply  
15/8/21

Office work

*Wahid*



GOVT. OF KHYBER PAKHTUNKHWA  
DISTRICT POPULATION WELFARE OFFICE CHARSADDA  
NOWSHERA ROAD OPP EXCISE OFFICE UMARABAD  
Email # Dpwo\_chd@yahoo.com  
PH. 091-9220096

41



F.No. 2(2)/2020-21/Accounts / 1978

Dated 04/8/2021

To

The Director General,  
Directorate of Population Welfare,  
Govt: of Khyber Pakhtunkhwa,  
Peshawar.

Subject:

REQUEST FOR CONVERTING LEAVE WITHOUT PAY PERIOD IN TO  
WITH PAY PERIOD AND GRANT/INTACT INTER-SE SENIORITY OF  
2013 AS JUNIOR CLERK.

Dear Sir,

Kindly refer to Assistant Director (Admn), Directorate General, Population Welfare, Peshawar letter F.No.4(27)/2021/Admn/2042-43 dated 07/7/2021 on the subject cited above in respect of Mr. Sher Bahadar Junior Clerk of this office and to enclose herewith the requisite informations/documents as desired please.

Detail of documents:

1. Leave accounts balance (Annex:A)
2. Certificate from the official concern (Annex:B)
3. Bank statement of Salary Accounts (Annex:C)
4. Utility bills record (Annex:D)

*[Signature]*  
District Population Welfare Officer  
Charsadda

**ATTESTED**

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

APPEAL NO: \_\_\_\_\_ OF 2021

Shev Bahadar

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Population Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Shev Bahadar

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** 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. \_\_\_\_/\_\_\_\_/2021

Bhadar  
CLIENTS

ACCEPTED

NOOR MUHAMMAD KH

KAMRAN KHAN

UMER FAROOQ M

SAID KHAN

&  
HAIDER LI  
ADVOCATES



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B  
PESHAWAR.

No.

Appeal No. 7611 of 20 21  
Sher Bahadar Appellant/Petitioner

Regd the Secy: Populat welfare UPK Respondent

Respondent No. 2

Notice to: —

the Director General Population welfare  
Deptt: UPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 21/7/22 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 3<sup>rd</sup>

Day of June 20 22

for Reply

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.** S.B

No.

Appeal No: 7611 of 20 22

Shah Bahadar Appellant/Petitioner

Versus:

the Sup. Population kpu Respondent

Respondent No. 3

*Regd*

Notice to: — the Distt. Population welfare Office  
Distt Charsadda

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 21/7/22 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 3.11

Day of June 20 22

*for Reply*

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B**  
**PESHAWAR.**

No.

Appeal No. 76/11 of 20 21

Sheer Bahadar

Appellant/Petitioner

28/6/22 vs The Secy. Population UPK

Versus

Respondent

Respondent No. 1

Notice to: —

The Secretary Population Welfare Deptt.  
UPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 21/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 3/6

Day of June 20 22

for Reply

Registrar,  
 > Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.