

08.06.2022

Appellant present through representative.

Lawyers are on general strike, therefore case is adjourned. To come up for preliminary hearing on 26.07.2022 before S.B.



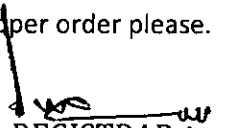



(Rozina Rehman)  
Member (J)

Form- A

FORM OF ORDER SHEET

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

Case No.- 7766/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/11/2021	<p>The appeal of Mr. Noor Rehman presented today by Mr. Muhammad Anwar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	10.01.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>10/01/22</u>.</p> <p> CHAIRMAN</p>
	08.03.2022	<p>Nemo for the appellant. Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary arguments on 08.03.2022 before the S.B.</p> <p> (Salah-Ud-Din) Member (J)</p>
		<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.</p> <p> Reader.</p>

**BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No. 7766/2021

Mr. Noor Rahman

.....Appellant

**V E R S U S**

Government of KPK through Chief Secretary & Others

.....Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-9
5.	Copy of regular appointment order	B	10-12
6.	Copy of Application/ Appeal	C	13
7.	Copy of Pension rules for qualifying Service / <i>Supreme Court-judgement-</i>	D	14-22
8.	Wakalat Nama		23

*(Signature)*  
Appellant

Through

*(Signature)*  
**Muhammad Anwar Khan**  
(Pashton Ghari)  
Advocate High Court,  
Peshawar

Date: 27/11/2021

①

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

Service Appeal No. \_\_\_\_\_/2021

Mr. Noor Rahman S/o Abdul Qayom, Belt No 2134,  
R/o post office Kalkot Laman, Tehsil Sherengal, District Upper Dir.

.....**Appellant**

**V E R S U S**

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

.....**Respondents**

**Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 3, whereby Appellant service has been Regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.e.f, 01-08-2009 instead of 1-03-2020.**

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**Prayer in Appeal**

*On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of*

①

*pension and he may be allowed pension and other back benefits.*

**Respectfully Sheweth:**

**The appellant submits as under:**

1. That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 19 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure C)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure D).**

**G R O U N D S:**

3

- A) *That the Petitioner has not been treated in accordance with law and their rights secured and guaranteed under the law have been badly violated.*
- B) *That the same is against the natural justice also.*
- C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.
- D) That as per Judgment of Supreme Court of Pakistan PLD 2016 supreme court 534. The August Supreme Court of Pakistan has specifically held that the Temporary Service followed by the conformation of regular service counted for the purpose of pension thus the Appellant is entitled for the grant of monthly pension by counting his service w.e.f the date of his initial appointment. **(Copy of Judgment is attached as Annexure E).**
- E) That there are a number of Judgments in identical cases. therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan reported in 1996 SCMR 1185.
- F) That the Temporary service followed by confirmation/ regular appointment gave the Appellant a right that his service be considered as regular service. Copy of rules 2.1 is attach as annexure F.
- G) *That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/*

(4)

calendar and the constitution of Islamic Republic of Pakistan 1973.


H) That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 01/08/2009 instead of 01-03-2020 with all back benefits.


Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.

نور محمد  
Appellant

Through

  
**Muhammad Anwar Khan**  
(Pashton Ghari)  
Advocate High Court

Date: 29/7/2021

  
Muhammad Ishaq

Advocate

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**BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Mr. Noor Rahman

.....Appellant

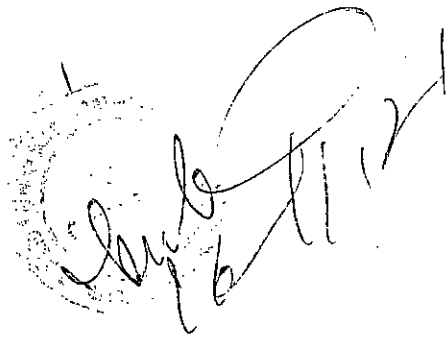
**V E R S U S**

Government of KPK through Chief Secretary & Others

.....Respondents

**AFFIDAVIT**

I, Mr. Noor Rahman Son of Abdul Qayom Belt NO2134, R/o post Kalkot Laman, Tehsil Sherengal, District Uper Dir, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



نور رحمان  
DEPONENT



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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2021

Mr. Noor Rahman

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Noor Rahman S/o Abdul Qayom, Belt No 2134,  
R/o post office Kalkot Laman, Tehsil Sherengal, District Upper Dir.

RESPONDENTS

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

نور رحمان  
Appellant  
Through

Muhammad Anwar Khan  
(Pashton Ghari)

Date: 24/7/2021

Advocate High Court

Annexure 7

**OFFICE ORDER.**

Consequent upon their selection by Joint team consisting of Officers, Civil Administration, Special Branch, Police and Army Authority have been pleased to approve the following candidates as Special Police force in Dir Upper District on the following term and condition with effect from 01.08.2009.

S.No	Name	F/Name	Residence	Union Council	No
1	Ajmal	Shujamat Khan	Duryal	Akhagram	SPO-1
2	Toti Rehman	Gul Sherawan	Akhagram	Akhagram	SPO-2
3	Ikram	Asfandyar	Akhagram	Akhagram	SPO-3
4	Bakht Rehman	Gujar	Karkabanj	Akhagram	SPO-4
5	Usman Ali Shah	Gul Bacha	Akhagram	Akhagram	SPO-5
6	Hamid Gul	Sarzamin	Akhagram	Akhagram	SPO-6
7	Bacha Rehman	Shad Muhammad	Bagh Manzai	Akhagram	SPO-7
8	Amjad Khan	Abdur Rehman	Akhagram	Akhagram	SPO-8
9	Akbar Ali Shah	Haji Qadar	Kumira	Akhagram	SPO-9
10	Imran	Muzafar	Kumira	Akhagram	SPO-10
11	Jan Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12	Rab Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-12
13	Zahid Nawaz	Shah Tamaz	Akhagram	Akhagram	SPC-13
14	Amjad Ali	Muhammd Gran	Akhagram	Akhagram	SPO-14
15	Farooq	Qadir Khan	Akhagram	Akhagram	SPO-15
16	Sher Bacha	Asfandyar	Akhagram	Akhagram	SPO-16
17	Fazal Islam	Khair Muhammad	Durayal	Akhagram	SPO-17
18	Tahir Zeb	Umar Zeb	Shinkarai	Akhagram	SPO-18
19	Muhammad Jamil	Salarzay	Akhagram	Akhagram	SPO-19
20	Muhammad Farooq	Muhabarak Said	Duryal	Akhagram	SPO-20
21	Muhammad Alam	Muhammad Khan	Kumira	Akhagram	SPO-21
22	Ijaz Ullah	Gul Bar Zaman	Kumira	Akhagram	SPO-22
23	Saeed Ullah	Mir Aslam	Khunanu tangay	Akhagram	SPO-23
24	Muhammad Nazir	Akbar Zada	Khunanu Tangay	Akhagram	SPO-24
25	Nasib Ullah	Rahim Ullah	Khunanu Tangay	Akhagram	SPO-25
26	Islam Amin	Mokamin	Zaku	Akhagram	SPO-26
27	Khan Badshah	Muhammad Yousaf	Kumira	Akhagram	SPO-27
28	Zakir Ullah	Muhammad Amin	Shinkarai	Akhagram	SPO-28
29	Noor Zaman	Muhd Said Khan	Bagh Pashta	Pashta	SPO-29
30	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31	Mushtaq Ahmad	Muhd: Younas	Gal	Pashta	SPO-31
32	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34	Hayat Muhammad	Rozi Muhammad	Gal	Pashta	SPO-34
35	Hazrat Ullah	Davaish	Pashta	Pashta	SPO-35
36	Hussain Ahriad	Ali Rehman	Mitrorra	Pashta	SPO-36
37	Muhammad Ayaz	Ghulam Muhammad	Gal	Pashta	SPO-37
38	Salar	Pas Muhammad	Maluk Banda	Wari	SPO-38
39	Farman Ali	Kabir	Dskor	Wari	SPO-39
40	Gul Wahab	Muhammad Zarin	Wari Payeen	Wari	SPO-40
41	Wiqar Ahmad	Muhammad Alam	Wari Payeen	Wari	SPO-41
42	Gul Rehman	Fida Rehman	Tangai	Wari	SPO-42
43	Hani: ur Rehman	Aziz ur Rehman	Maluk Banda	Wari	SPO-43
44	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45	Murad	Ghulam Muhd:	Daskur	Wari	SPQ-45
46	Hayat Khan	Pas Muhammad	Tangai	Wari	SPO-46
47	Imran	Wilayat Khan	Wari	Wari	SPO-47
48	Imtyaz Ahmad	Niaz Muhammad	Kakad	Wari	SPO-48
49	Shah Zaman	Muhammad Rasul	Shahibagh	Wari	SPO-49

526	Muhd: Ikram	Noor Wali	Mina Doag	Doag	SPO-526
527	Gul Zada	Mahabat Khan	Mina Doag	Doag	SPO-527
528	Islam ul Haq	Gul Mul Haq	Mina Doag	Doag	SPO-528
529	Jami'ur Rehman	Shah Jehan	Mina Doag	Doag	SPO-529
530	Inamud Din	Abdul Wakil	Mina Doag	Doag	SPO-530
531	Muhammad Raziq	Adam Khan	Mina Doag	Doag	SPO-531
532	Lal Zada	Sherin Zada	Mina Doag	Doag	SPO-532
533	Amin Ullah	Mula Jan	Mina Doag	Doag	SPO-533
534	Bahadar Zeb	Gul Rehman	Daramdala	Doag	SPO-534
535	Zahurul Haq	Abdul Haq	Patrak	<b>Patrak</b>	SPO-535
536	Sherin Nabi	Muhammad Said	Patrak	Patrak	SPO-536
537	Muhammad Khan	Amin Khan	Patrak	Patrak	SPO-537
538	Shafi	Zamin Khan	Patrak	Patrak	SPO-538
539	Riaz	Said Ghulam	Patrak	Patrak	SPO-539
540	Muhammad Zeb	Muhammad Issa	Patrak	Patrak	SPO-540
541	Abdul Salam	Shamsur Rehman	Patrak	Patrak	SPO-541
542	Bakht Biland	Rasul Shah	Patrak	Patrak	SPO-542
543	Shafa ud Din	Sultan Shah	Patrak	Patrak	SPO-543
544	Ihsan Ullah	Dilaram	Patrak	Patrak	SPO-544
545	Kifayat Ullah	Dilaram	Patrak	Patrak	SPO-545
546	Mukhtyar Ahmad	Sultan Yousaf	Patrak	Patrak	SPO-546
547	Muhammad Ali	Ajdar Khan	Beyar	<b>Barikot</b>	SPO-547
548	Aziz Ullah	Shmsi Khan	Beyar	Barikot	SPO-548
549	Fazal Yousaf	Khan Jan	Beyar	Barikot	SPO-549
550	Sami Ullah	Gul Akbar	Beyar	Barikot	SPO-550
551	Naik Muhammad	Abdul Satar	Beyar	Barikot	SPO-551
552	Muhd: Ziaul Haq	Amir Badshah	Beyar	Barikot	SPO-552
553	Mian Dam	Jamal ud Din	Beyar	Barikot	SPO-553
554	Bashir Ahmad	Gul Azim	Beyar	Barikot	SPO-554
555	Nasir ud Din	Said Muhammad	Beyar	Barikot	SPO-555
556	Muhammad Sartaj	Fazal Hadi	Barikot	Barikot	SPO-556
557	Shah Nasim	Noor Muhammad	Barikot	Barikot	SPO-557
558	Riaz	Gulab Khan	Barikot	Barikot	SPO-558
559	Juma Khan	Dilbar Shah	Barikot	Barikot	SPO-559
560	Saiful Islam	Bahadar Khan	Barikot	Barikot	SPO-560
561	Gul Didar	Roshan Khan	Barikot	Barikot	SPO-561
562	Sher Habib	Sultan Zarin	Barikot	Barikot	SPO-562
563	Muhammad Bashir	Muhd: Mukhtar	Barikot	Barikot	SPO-563
564	Shakil Ahmad	Muhabat Khan	Barikot	Barikot	SPO-564
565	Miftah ud Din	Muhammad Khalig	Barikot	Barikot	SPO-565
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-566
567	Muhd: Haroon	Akbar Said	Kalkot	Barikot	SPO-567
568	Islam ud Din	Urnar Jan	Kalkot	Barikot	SPO-568
569	Hazrat Bilal	Juma Khan	Kalkot	Barikot	SPO-569
570	Umar Zada	Shamsu Din	Kalkot	Barikot	SPO-570
571	Gul, Sher	Muhammad Noor	Kalkot	Barikot	SPO-571
572	Arbab	Pasham Khan	Kalkot	Barikot	SPO-572
573	Shaukat Hayat	Fazal Bari	Barikot	Barikot	SPO-573
574	Hayat Khan	Kashmir Khan	Kalkot	<b>Kalkot</b>	SPO-574
575	Ali Haidar	Said Faqir	Kalkot	Kalkot	SPO-575
576	Inamul Haq	Abdul Wahid	Kalkot	Kalkot	SPO-576
577	Afzal Khan	Palass Khan	Kalkot	Kalkot	SPO-577
578	Palass Khan	Sadat Khan	Kalkot	Kalkot	SPO-578
579	Fathullah	Ghulam Jilani	Kalkot	Kalkot	SPO-579
580	Sher Bahdar	Misri Khan	Thall	Kalkot	SPO-580
581	Muhammad Zamin	Umar Faqir	Thall	Kalkot	SPO-581
582	Muhammad Faqir	Noor Alam	Thall	Kalkot	SPO-582
583	Muhammad Riaz	Ghulam Muhammad	Thall	Kalkot	SPO-583
584	Awrang Zeb	Ghulam Haidar	Thall	Kalkot	SPO-584
585	Umar Zada	Ghulam Zamin	Thall	Kalkot	SPO-585

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586	Muhammad Nabi	Hazrat Umar	Thall	Kalkot	SPO-5
587	Abdul Shakur	Said Faqir	Thall	Kalkot	SPO-5
588	Aziz Ullah	Aman Ullah	Lamotai	Kalkot	SPO-5
589	Jamshid	Sajad Khan	Lamotai	Kalkot	SPO-5
590	Muhd: Nawab	Mirza Khan	Lamotai	Kalkot	SPO-5
591	Noor Rehman	Abdul Qayyum	Lamotai	Kalkot	SPO-5
592	Rahim Ullah	Mahib Ullah	Lamotai	Kalkot	SPO-5
593	Izzat Faqir	Umar Faqir	Lamotai	Kalkot	SPO-5
594	Saif ur Rehman	Muhammad Ayub	Lamotai	Kalkot	SPO-5
595	Wazir Muhd:	Taza Khan	Lamotai	Kalkot	SPO-5
596	Habib Khan	Ajim Khan	Lamotai	Kalkot	SPO-5
597	Muhammad Afzal	Toor Bacha	Lamotai	Kalkot	SPO-5
598	Aman Ullah	Mahabat Khan	Lamotai	Kalkot	SPO-5
599	Sami Ullah	Abdullah	Thall	Kalkot	SPO-5
600	Sultan Zarin	Juma Faqir	Lamotai	Kalkot	SPO-5
			Thall	Kalkot	SPO-600

### TERM AND CONDITION

- The appointees will be on contract for 2 years in service and on adhoc Basis for not more than 2 year in a stretch with no pension, gratuity benefits and that the competent Authority may terminate from service as Special Police Officer with out showing any reason and notice.
- The appointees shall not demand or mark and excuse for only emolument of Rs, 10,000/- rupees per month.
- The appointees shall wear the uniform issued by the department and responsible for maintenance and safety of weapon issued by the department.
- The appointees shall be responsible before any senior Police Officer for any act of cowardice or irregularity, indiscipline or misconduct.
- The appointees shall not leave the job with out a prior notice of 2 month as per rule.
- The appointees shall not invol in any political or criminal activities.
- The appointees shall undergo the basic training fixed by the superior Officer.
- The appointees shall not try to chang or convert the mater of duty.

OB No 483  
Dt: 22-8-2009.

District Police Officer,  
Dir Upper.

/2009.

/EB, Dated Dir Upper, the

Copy of above is submitted for information to the:-

1. Provincial Police Officer N.W.F.P, Peshawar.
2. Deputy Inspector General of Police Region III Saidu Sharif Swat.

District Police Officer,  
Dir Upper



Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
Dated Peshawar the April 8<sup>th</sup>, 2020

Annex B (10)

NOTIFICATION

No. SO (Budget/SP/15-19/2016) Vol-II: In pursuance of the provisions contained in Section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019), and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department it pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Upper under DDO Code DA4016- Law & Order Dir Upper as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Beit No.
1	Mohammad Rahim Khan	Toti Rahman	1
2	Toti Rahman	Gul Sher Rahman	2
3	Saba Gul LSPF	Shamsher	3
4	Habib Ullah	Abdul Latif Khan	4
5	Badshah Rahman	Shad Mohammad Khan	7
6	Akber Ali shah	Haji Bahadar	9
7	Saz Bahadar	Mohammad	10
8	Ibrar Hussain	Gul Nawaz Khan	11
9	Rasool Wali	Said Hazrat	13
10	Ali Akbar	Bazir Khan	14
11	Anwar Zada	Anwar Khan	15
12	Sher Badshah	Asfandiyar Khan	16
13	Badshah Ravan	Sher Zada	18
14	Dervish Khan	Pinda Manu Khan	19
15	Sadam Hussain	Itbar Said	20
16	Muzafar Khan	Mohammad Khalig	21
17	Gulab Gul	Amir Khan Husband	22
18	Khalid Khan	Mohammad Khan	23
19	Mohd Nazir	Akbar Zada	24
20	Nasib Ullah Khan	Rahim Ullah Jan	25
21	Khan Bacha	Mohammad Yousaf	27
22	Zakir Ullah	Mohammad Amin Khan	28
23	Abdur Rahman	Jehen Badshah	29
24	Ali Mundi Khan	Sher Mohammad Khan	30
25	Zarshed Khan	Jansheed Khan	31
26	Asghar Khar	Sultan	32
27	Aziz ur Rahman	Aman Ullah	33
28	Hazrat Ali	Vazir Ullah	34

524	Palas Khan	Sadat Khan	578
525	Tasir Ullah	Abdur Rashid	579
526	Sher Bahadar	Mistri Khan	580
527	Muht; Zamin	Umar Faqir	581
528	Muht Faqir	Muhammad Noor Alam	582
529	Muht; Rizar	Ghulam Mohammad Khan	583
530	Awrang Zaib	Ghulam Haider	584
531	Irfan ud Din	Mohammad Rasool	585
532	Mohammad Nabi	Hazrat Umar	586
533	Abdul Shakur	Shid Faqir	587
534	Aziz Ullah	Aman Ullah	588
535	Jawshed Khan	Sajad Khan	589
536	Muht Nawab	Mirza Khan	590
537	Noor Rahman	Abdul Qayum	591
538	Rahim Ullah	Muhib Ullah	592
539	Anwar Hayat Khan	Mohammad Zewar Khan	593
540	Saif Ur Rahman	Mohammad Ayub	594
541	Bakht Seema) LSPF	Mir Badshah	595
542	Lal Khan	Mohammad Jan	596
543	Muht Afzal Khan	Toor Pacha	597
544	Wahab Jan Khan	Masood	598
545	Sami Ullah	Abdullah	599
546	Gulzar Khan	Juma Faqir	600
547	Armin Khan	Tamra Ali	601
548	Noor Zain	Motib Ullah	602
549	Muht Zamin	Haider Khan	603
550	Bitor Gul LSPF	Abdur Razag (Husband)	606
551	Najeesh Ullah	Hussain Khan	607
552	Liaqat Ali Khan	Shah Liyar	608
553	Ayoub	Saz Bar Khan	609
554	Shagufta Bibi LSPF	Rahim Dad Khan	610
555	Sardar Khan	Shah Khan	611
556	Ijaz Ahmad	Sherin Mohammad	612
557	Naveed Khan	Gul Bar Khan	613
558	Zarhameer	Gul Faraza Khan	614
559	Rahman-ul Haq	Mohammad Zamin ul Haq	616
560	Khaista Bacha	Asfandyar	618
561	Zomira Baji LSPF	Haider	619
562	Mohammad Ghulam	Ghulam Rashid	620
563	Akhtar Ansh	Sultan Mohammad	622
564	Wali Khan	Izar Khan	624
565	Ali Zar	Driver Khan	626

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566	Mati Ullah	Sami Ur Rahman	627
567	Khan Zamin	Gul Zamin	628
568	Badshah Zada	Mohammad Nagin Khan	629
569	Inayat ul Haq	Sher Afzal Khan	630
570	Said Mithal Zeb	Aurang Zeb	631
571	Layaq Zada	Fazal Haleem	632
572	Saeed Ullah	Fazal Rahman	633
573	Khesro	Muhammad Zahir Shah	634
574	Ubaid Ali Khan	Tali Mand Khan	635
575	Farid Khan	Bakht Jehan Khan	636
576	Shafi Ullah	Razi Khan	637
577	Muht; Rahman	Abdur Rahim	638
578	Muht; Umar	Barkat Jan	639
579	Ali Rahman	Mohammad Raza Khan	640
580	Sahib Zada	Akber Zada	641
581	Zia Ullah	Abdul Hamid	642
582	Said Fouzilah	Bahadar Khan	644
583	Isaac ul Haq	Gul Azim Khan	646
584	Khyal Muhammad	Mazz Ullah Khan	647
585	Amjad Khan	Aziz Jan	648
586	Irshad Ahmad	Sherein Zada	649
587	Arshad Iqbal	Bashir	650
588	Kamran Hassan	Zahir Shah	145
589	Fahawar Khan	Fazal Qayum	254
590	Abdul Fatah	Dashu Ahmad	483
591	Imad Athar	Missal Khar	564

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Secretary to Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs, Department

Encl. No. & date over:

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Upper.
6. The District Accounts Officer, Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

*[Signature]*

SECTION OFFICER (BUDGET)

OB No. 1008  
22-05-2020  
M.D.

بھنور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

13

درخواست براد عطا ینگى Back Benefit از 2009ء و

شامل فرمانے Contract Back Service

Period برائے پشون

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل 2009ء میں SPO بھرتی ہوئے تھے اور پشاور ہائی کورٹ نے 2017ء میں

مستقل کرنے کا فیصلہ فرمایا تھا۔

2- یہ کہ محکمہ پولیس نے یکم مارچ 2020ء کو مستقل کرنے کا آرڈر فرمایا ہے۔

لہذا استدعا ہے کہ سائل کو بمطابق قانون بھرتی کی تاریخ سے Regular

کرنے کا حکم صادر فرمایا جاوے۔

29/7/21

نور رحمان

ارض

نور رحمان والہ سید القیوم بیگم نمبر 2137 ٹھکانہ سسرینگل دلیر آباد



Amman F. D. 14

### SERVICE QUALIFYING FOR PENSION

1. **Conditions of Qualifications:-** The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-
- First:- The Service must be under Government.
  - Second: The service must not be Non-pensionable.
  - Third: The service must be paid by Government from the Provincial Consolidated Fund. Rule 2.1.

### SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Begining of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.  
Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

### CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under Rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 ibid temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years counts for pension/gratuity. The provisions of Rules 2.12(1) take effect of only those cases where the Government servant had prior to the interruption rendered periods of qualifying service and it is considered fit to permit him to count certain past qualifying service towards pension/gratuity. The condonation of interruptions in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruption is not permissible. To make it more clear the following illustrations are given:-

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Amman F. D. 14

2014 SC MR 1289

Amended

15

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani, C.J., Nasir-ul-Mulk, Anwar Zaheer Jamali, Asif Saeed Khan Khosa and Ejaz Afzal Khan, JJ

**MUHAMMAD ASLAM AWAN, ADVOCATE SUPREME COURT---Petitioner**

Versus

**FEDERATION OF PAKISTAN and others---Respondents**

Constitutional Petition No.9 of 2014, decided on 6th May, 2014.

(Constitution petition under Article 184 of the Constitution regarding seniority of the Judges of Lahore High Court, Lahore)

Per Tassaduq Hussain Jillani, CJ.

**(a) Constitution of Pakistan---**

---Arts. 175(3), 184(3) & 199 & Preamble---Independence of judiciary---Significance and effect---Public confidence---Enforcement of Fundamental Rights of the people---Judicial independence both of the individual Judge and of the Judiciary as an institution was essential so that those who brought their causes/cases before the Judges and the public in general had confidence that their cases would be decided justly and in accordance with law---Judicial independence was one of the foundational values of the Constitution which was based on trichotomy of powers in which the functions of each organ of the State had been constitutionally delineated---Fundamental Rights guaranteed under the Constitution could not be secured unless Judiciary was independent because the enforcement of said rights had been left to Judiciary in terms of Arts. 184(3) & 199 of the Constitution and the relevant law.

**(b) Constitution of Pakistan---**

---Arts. 193, 194, 197, 255(3) & 260(1)---Seniority of a Judge of the High Court---Computation of---Period of service as Additional Judge to be counted towards seniority---Qualification for a person to be appointed as Additional Judge (of the High Court) was the same (as that of a Permanent Judge of the High Court) provided under Art. 193 of the Constitution---Under Art. 260(1) of the Constitution, a 'Judge' in relation to a High Court included the Chief Justice of the Court and also "a person who is an Additional Judge of the Court"---Similar oath was prescribed for both the offices (Additional and Permanent Judge of the High Court) in terms of Art.194 of the Constitution and both were "deemed to have entered upon the office" on the day on which they made the oath (Article 255(3) of the Constitution)---Thus when an Additional Judge entered upon the office having taken oath in terms of Art. 194 of the Constitution and was later appointed as a Judge (under Article 193), his service in the office continued, there was no break in service and, therefore, the period spent as Additional Judge had to be counted towards his seniority while computing the period of service of a permanent Judge in the High Court.

Ghulam Jillani v. Mr. Justice Muhammad Gul 1978 SCMR 110; Supreme Court Bar Association v. Federation of Pakistan PLD 2002 SC 939; Hira Singh and others v. Jai Singh and others AIR 1937 Allahabad 588; Federation of Pakistan v. Sindh High Court Bar Association PLD 2012 SC 1067 and PLD 2013 SC 829 ref.

**(c) Constitution of Pakistan---**

---Arts. 193, 194, 197, 255(3), 260(1) & 184(3)---Constitutional petition under Art. 184(3) of the Constitution regarding inter se seniority of the Judges of the High Courts---Inter se seniority of Additional and Permanent Judges of the High Court---Computation of---Criterion and principles---Constitutional convention---Scope---Inter se seniority of Judges of a High Court shall reckon from the order and date of their appointment as Additional Judges of that Court---Inter se seniority of Additional Judges of a High Court appointed vide the same order and date shall reckon from their seniority in age---If appointment of two or more (district judiciary) service candidates was simultaneously made with that of the candidates from the Bar, the service Judges shall retain their existing seniority in the department regardless of their age. though that would be the determining factor in respect of their seniority vis-a-vis the candidates from the Bar---Supreme Court observed that such mode and principle of determining inter se seniority of Judges of the High Court had been consistent in all the four Provinces, barring one time deviation when the Administration Committee of Sindh High Court followed a different course; that such mode was normative because it was more in accord with equity and constitutional intent reflected in various provisions of the Constitution, thus it had assumed the character of a constitutional convention--- Constitutional petition was dismissed accordingly.

[1981] 2 SCR 753 (Supreme Court of Canada) and Professor W. Hogg (Constitutional Law of Canada, 1977) ref.

**(d) Civil service---**

---Civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization.

**(e) Precedent---**

---Administrative decision---Judicial decision---Administrative decision would not assume the character of a precedent to be followed but a judicial decision may assume such a character.

Jaswant Sugar Mills v. Kakshmi Chand AIR 1963 SC 677 ref.

Per Asif Saeed Khan Khosa, J.; agreeing with Tassaduq Hussain Jilani, CJ.

**(f) Constitution---**

---Constitution of a country was a living organism.

**(g) Constitution---**

---Words and concepts within a Constitution---Change in meaning through passage of time and changed circumstances---Original words of a Constitution did assume different meanings, the initial concepts envisaged therein did undergo metamorphosis and the earlier schemes contained in the same evolved and transformed into different mechanisms with passage of time, changed circumstances and sprouting requirements.

**(h) Constitution of Pakistan---**

---Art. 197---Additional Judge of the High Court---History of the concept and utility of the office of an Additional Judge of a High Court in the Indo-Pak subcontinent stated.

Al-Jehad Trust through Raeesul Mujahideen Habib-ul-Wahab-ul-Khairi and others v. Federation of Pakistan and others PLD 1996 SC 324 ref.

**(i) Constitution of Pakistan---**

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4. It has been argued by the learned counsel for the petitioner that at the time of his appointment to the office of an Additional Judge of a High Court a person enters upon that office upon making of an oath and then upon his appointment as a Judge such Additional Judge makes another oath before entering upon that office and, thus, the two offices are different and by virtue of the provisions of Article 194 read with clause (3) of Article 255 of the Constitution of the Islamic Republic of Pakistan, 1973 a term of office of a Judge starts from the day he makes oath of the office of a Judge and, therefore, his seniority in that office cannot be reckoned with reference to the earlier date of his appointment as an Additional Judge. Such an argument may appear to be quite appealing at its surface but the same cannot withstand deeper judicial scrutiny, particularly in the backdrop of the transformed concept and utility of an Additional Judge as observed above. Such an argument conveniently overlooks the fact that the qualifications now prescribed by the Constitution for an Additional Judge of a High Court are the same as those stipulated for a Judge of such Court. the process of appointment of an Additional Judge is the same as that of appointment of a Judge, the Constitution does not provide for a separate and different oath of office for an Additional Judge and before entering upon the said office an Additional Judge has to make the same oath which is prescribed by the Constitution for a Judge of a High Court. Apart from that the said oath of office is prescribed by the Constitution itself and by virtue of the provisions of clause (1) of Article 260 of the Constitution a "Judge" in relation to a High Court includes an "Additional Judge" of that Court. In this view of the matter on the basis of the changed and altered concept and utility of an Additional Judge of a High Court and also on account of an evolved understanding of the constitutional scheme in this regard besides the practice vis-a-vis such appointments developed over the last many decades I feel no hesitation in holding that now a Judge of a High Court is appointed in many stages and that his appointment as an Additional Judge marks the first and initial stage and his final and formal appointment as a Judge is the culminating stage of such appointment. Under the present dispensation and understanding an Additional Judge's subsequent appointment as a Judge is not an appointment to a new office but through such appointment his initial appointment as an Additional Judge matures and merges into the office of a Judge. Looked at from this angle and perspective the subsequent oath made by such Judge is nothing but in continuation of his earlier oath, particularly when the subsequent oath is the selfsame oath which he had already made before entering upon the office of an Additional Judge. By making the said oath as an Additional Judge he had already entered the office of a Judge and his subsequent oath as a Judge only reinforces and confirms his position in that office. It is, thus, with reference to making of the first oath as an Additional Judge that seniority of a Judge is to be reckoned and such is the spirit of the transformed scheme of the Constitution as we understand it today.

5. Apart from what has been observed above I consider such mode of determination of seniority of a Judge of a High Court to be a safer mode for the purpose as it obviates the chances of tinkering or fiddling with the seniority of a Judge by the Judicial Commission of Pakistan or the Parliamentary Committee by delaying the matter of his nomination and confirmation as such or by the Government of Pakistan by delaying issuance of the notification of appointment of an Additional Judge as a Judge for reasons which may be manufactured or contrived. Considered from this angle the mode of determination of seniority of a Judge of a High Court being declared through the judgment in the present case is likely to foster and advance the constitutional mandate regarding "fully" securing the independence of the judiciary.

MWA/M-27/SC

Order accordingly.

2019 F.L.C (C.S.) 103

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos. 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July, 2018.

Punjab Service Tribunal Act (IX of 1974)---

---S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as same was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

Muhammad Arshad Naseer District Attorney.

**ORDER**

**JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.**----Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment:-

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

- VIII) Salma Sajjad v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2737/ 2016).
- IX) Shahzadi Bano v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2738/ 2016).
- X) Husn e Sehar Zaidi v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2739/ 2016).
- XI) Sarwat Jameel v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2740/ 2016).
- XII) Nasreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2741/ 2016).
- XIII) Saima Andleeb v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2742/ 2016).
- XIV) Irum Batool v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2946/ 2016).
- XV) Samina Kousar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2947/ 2016).
- XVI) Nazia v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2948/ 2016).
- XVII) Sarwat v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2949/ 2016).
- XVIII) Maqbool v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2950/ 2016).
- XIX) Uzma Zaidi v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2951/ 2016).
- XX) Uzma Nasir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2952/ 2016).
- XXI) Rashida v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2953/ 2016).
- XXII) Zoufishan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2954/2016).
- XXIII) Parveen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2955/ 2016).
- XXIV) Ansar un Nisa v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2956/ 2016).
- XXV) Tasneem v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2957/ 2016).
- XXVI) Benish v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2958/ 2016).
- XXVII) Zubia Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2959/ 2016).
- XXVIII) Farzana Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2960/ 2016).

- XXIX) Naveeda v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2961/ 2016).
- XXX) Saba v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2962/ 2016).
- XXXI) Fatima v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2963/ 2016).
- XXXII) Razia Nadeem v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2964/ 2016).
- XXXIII) Wajeehâ v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2965/ 2016).
- XXXIV) Saima v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2966/ 2016).
- XXXV) Sadia Iftikhar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2967/ 2016).
- XXXVI) Saiqa v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2968/ 2016).
- XXXVII) Razia Sultana v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2969/ 2016).
- XXXVIII) Aneela Hafeez v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2970/ 2016).
- XXXIX) Mobeen Afshan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2971/2016).
- XL) Roohi Azhar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2972/ 2016)
- XLI) Nargis v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2973/ 2016).
- XLII) Shazia Wahid v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2974/ 2016).
- XLIII) Farah v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2975/ 2016).
- XLIV) Irum Raheela v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2976/ 2016).
- XLV) Shabana v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2977/ 2016).
- XLVI) Aneela Gul v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2978/ 2016).
- XLVII) Qurat ur Ain v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4058/ 2016).
- XLVIII) Safia Amjad Malik v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4059/ 2016).
- XLIX) Munazza Mufti v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4060/ 2016).

- L) Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016).
- LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).
- LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).
- LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).
- LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturers filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:--

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

- 4. I have considered the arguments of both parties and perused the record.
- 5. It is established from the record that the appellants were appointed as female lecturers through



- Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years.
- The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders/notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.

In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers, hence these appeals are allowed by setting the impugned orders.

MH/2/PST

Appeal allowed.

**WAKALAT NAMA**

IN THE COURT OF KP Service Tribunal Peshawar

Mr. Noor Rahman  
S/O. Abdul Qayom

VERSUS

Govt. of KPK  
through Chief  
Secretary &  
Others

~~Accused/~~  
~~Petitioner/~~  
~~Appellant/~~  
~~Plaintiff.~~

~~Respondent/~~  
~~Defendant/~~  
~~Complainant~~

FIR No..... Dated..... Police Station:.....  
Charge U/s.....

KNOW ALL to whom these presents shall come that I the undersigned appoint:

**Muhammad Anwar Khan**, (Pushton Ghari),  
Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for

the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 8 day of 9 2021

Attested & Accepted

*[Signature]*

Accepted

*[Signature]*

**Muhammad Anwar Khan**, (Pushton Ghari),  
Advocate High Court, Peshawar  
Cell No:- 0333-9262374

Signature/ thumb impression  
of party / parties.

*[Signature]*

Office Address:- Law Chamber, No 127, New Bar Room, Judicial Complex, Peshawar

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD, 8B  
PESHAWAR.

No.

APPEAL No. 7766 of 20 21

Noor Rahman

Appellant/Petitioner

Rgd

Versus

Govt. of KP through Chief Secy. Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

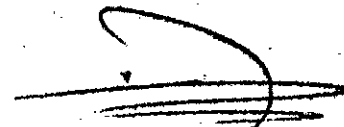
Noor Rahman So Abdul Jayom

Belt No. 2134 R/o Post Office Kalkot Loman

Tehsil Sherongal Distt: Upper Dir.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/3/22 at 9: am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.