

20.04.2022

Learned counsel for the appellant present and submits that the order on the departmental appeal bearing date 14.01.2022 which was not communicated to the appellant. The present appeal has been filed within two months of the said order. The appeal is thus admitted to full hearing. 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/comment on 10.06.2022 before S.B.



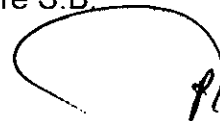
Chairman.

10.06.2022

Appellant present through representative.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Habib Ullah Superintendent for respondents present.

Reply on behalf of respondents was not submitted. Representative of respondents requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 27.07.2022 before S.B.



(Rozina Rehman)  
Member (J)



Rs-500/-  
Appellant's Fee  
Security & Process Fee  
20/4/22

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 446/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2022	<p>The appeal of Mr. Waqar Ahmad presented today by Mr. Nazir Ahmad 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-	Noted etc 19/4/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>20.04.2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Waqar Ahmad S/O Muhammad Fareed Khan, Ex-Sub Engineer, Mansehra (C&W), Presently House No-29, Street No 100 Sector D-13/1 Islamabad received today i.e. on 24.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


1. The authority to whom departmental appeal is made/preferred has not arrayed as a necessary party.

No. 757 /S.T,

Dt. 24-3- /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Nazir Ahmad Adv. Pesh.

Sd/  
There is no need of arraying the Secretary C&W, as the appeal is decided by the Chief Engineer (Central) & his order is reported.  
Re-submitted  
  
29/3/2022

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## CHECK LIST

Case Title: \_\_\_\_\_

*Case No. 1019312/2169*

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Nazim Ahmad Adani</i>		
2	Whether Counsel/Appellant/Respondent/Deponent 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?	✓	
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?	✓	
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: *Nazim Ahmad*  
 Signature: *Nazim*  
 Dated: *24/3/22*

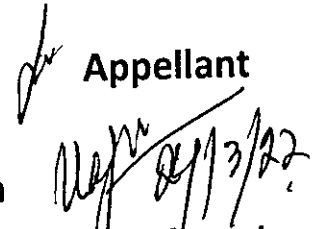
IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No 446 /2022

Waqar Ahmad S/O Muhammad Fareed Khan Ex Sub \_Engineer  
Mansehra ( C& W) Versus Government of Khyber Pakhtunkhwa

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2.	Service Appeal No 814/2018	A	6-17
3.	Order dated 2i.5.2020 and judgment dated 2.7.2020	B	18-22
4.	Letter of District Account officer, Finance Department and Pension Roll.	C	23-25
5.	Departmental Appeal and rejection order.	D	26-28
6.	Wakalat nama	-	29

Appellant  
Through  20/11/22  
Nazir Ahmad  
Advocate, Peshawar  
High Court Peshawar.  
Cell: 0301-8571879  
0332-8540783.

①

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

**Service Appeal No \_\_\_\_\_/2022**

Waqar Ahmad S/O Muhammad Fareed Khan Ex Sub \_Engineer  
Mansehra ( C& W) Presently House No-29 Street No 100 Sector D-13/1  
Islamabad . .....**Appellant**

**Versus**

1. Government of KhberPakhtunkhwa through Chief Engineer  
(Centre) C& W) Department, Peshawar .
2. Superintendent Engineer C& W Circle Abbot abad.
3. District Account Officer Mansehra. ....**Respondents**

***Service Appeal under Section 4 of the K.P Service Tribunal Act, 1973,  
against the impugned Pension Roll date Sheet and proposed Pension  
Slip dated 11.3.2021 and impugned order dated 14.01.2022 whereby  
the Appeal of the Appellant for modification of the order is not  
conceded***

**Prayer:-**

**On acceptance of this Appeal  
May this Honorable Tribunal be gracious to modify the *impugned  
Pension Roll date Sheet and proposed Pension Slip dated 11.3.2021  
and order the Respondents to issue order of retirement of the  
Appellant from the date of order No 74-E/1209/CEC/C&W) dated  
21.5.2020 with all back benefits and pay him all the arrears of  
pension as per annual increase.***

**Respectfully Sheweth: -**

**Facts:**

1. That the Appellant was sub \_engineer but was granted leave for  
some time due to health problem by a competent authority and  
after the expiry of the leave so granted when submitted his arrival

report was told that no vacancy is available and with no other option he waited for many years but was not posted and then submitted another arrival report but no response was given to him by the Respondents so he filed a service Appeal No-814/2018 with a prayer to accept his arrival report as per law and post him with all back benefits.

**(Copy of the Service Appeal No 814/2018 is attached as Annexure A)**

2. That it is pertinent to mention that when the Appeal was pending before the Tribunal the Respondents submitted an Office Order **No 74-E/1209/CEC/C&W) dated 21.5.2020 and awarded major penalty of compulsory retirement to the Appellant and his absence w.e.f. 23.1.2011 till 20.5.2020 was declared unauthorized** . In consequence thereof the Tribunal disposed the Appeal been infructuous with a new cause of action to the Appellant to seek legal remedy.

**(Copy of the Respondent order and Order of the Service Tribunal is attached as Annexure B)**

3. That due to health and domestic problems the Appellant did not filed any other appeal before the Tribunal and opted for pensionary benefits but the Respondent No-3 was creating hurdle in awarding this, in the end the Finance Department, Government of Khyber Pakhtunkhwa condoned the deficiency in time and the Respondent No-3 issued the impugned Pension Roll with date of retirement been with retrospective date.

**(The order of pension case and the impugned order is attached as Annexure C).**

4. That the Appellant filed a departmental Appeal but it is not conceded .....( Copy attached as Annexure D).

**Being aggrieved and no other forum available under the law hence an Appeal is preferred before this Tribunal on the following grounds:**

Grounds:-

- A. That the order of the Respondents about retrospective date of retirement and non- payment of arrears of pension is against the law and rule in force and so is discriminatory and arbitrary.
- B. That the Appellant is entitled to the pay at the time of order and so of arrears of Pension and the correct date of retirement with all back benefits as he was in service till that date and his retrospective retirement is against law.
- C. When enquiry is made in 2020 then how he can be retired in 2011 is a mockery to justice and highly unreasonable and not sustainable in the eyes of law.
- D. That the payment of pay and pension is a recurring cause of action therefore time is not an adverse factor and the limitation cannot be run against the period of appeal. The apex court has many judgments over this point of law.
- E. That it is held in numerous judgments of the Supreme Court of Pakistan that no one shall suffer due to pathetic and negligent attitude of the government officials.
- F. That the Appellant has a legitimate expectancy to receive all the benefits till his order of compulsory retirement specially pays at that time of his post.
- G. That the Appellant did suffer for uncommitted sin been a low grade employee and his children now shall not suffered.
- H. That it is the mandate of Constitution of Islamic Republic of Pakistan that every person shall be treated in accordance with law and no act shall be done which is detrimental to his health, body and property.
- I. When law permits an act to be done in a particular manner then that act must be done as such and not otherwise.



4

J. That Section 24-A of the General causes Act provides that the state functionaries must act fairly, justly and in transparent manner.

Therefore this Appeal may be accepted as prayed above.

*[Signature]*  
Appellant

Through

*[Signature]*  
Nazir Ahmad Advocate.  
High Court at Peshawar  
Cell: 0301-8571879

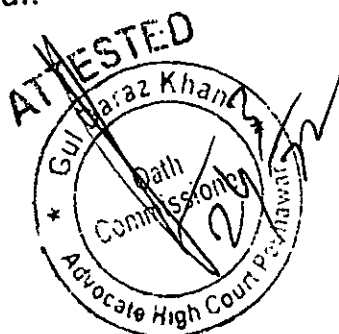
Certificate

Certified that the appellant has not filed any appeal in respect of the same subject matter before this Tribunal, However, another appeal in respect of another matter mentioned in this appeal was filed.

*[Signature]*  
Appellant

Affidavit

I Nazir Ahmad Advocate on the instruction of my client Waqar Ahmad S/O Muhammad Fareed Khan Ex Sub \_Engineer Mansehra ( C& W) do hereby affirm and declare on oath that contents of this Appeal and accompanying application is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Tribunal.



*[Signature]*  
Deponent

Service Appeal No \_\_\_\_\_/2022

Waqar Ahmad S/O Muhammad Fareed Khan Ex Sub \_Engineer  
Mansehra ( C& W) Versus  
Government of KhberPakhtunkhwa through Chief Engineer and others .

**Application for condonation of delay if any**

**Respectfully Sheweth :**

1. That the appellant filed the appeal with the prayer mentioned therein which is in respect of pay and pension.
  2. That the pay and pension is a recurring cause of action so the law of limitation does not attracted to the instant case .
  3. That the delay if any is , is not intentional and the appellant in time prayed for it but due to domestic problem and financial constraint was unable to come in time.
  4. That the appellant has a lot of respect for law and court and tender apology for delay if any.
- Therefore the delay if any shall be condoned and the appeal may be decided on merit.

*for*  
**Appellant**

**Through**

*Nazir*  
**Nazir Ahmad Advocate.**  
**High Court at Peshawar**  
**Cell: 0301-8571879**

Before the KPK Service Tribunal Peshawar

Annexure A

Service Appeal No ...814...../2018

Waqar Ahmad .....Vs Chief Engineer (Centre)  
Communication & Works Department Peshawar and  
others

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4.	Order of leave/extension	B	7-32
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Appellant

Appellant Deposited  
Court Access Fee

6/7/18

Through

Nazir Ahmad

Advocate, Peshawar

Cell 03018571879/03328540783

Diary No 1366/-  
dated 29/1/20.

Before the KPK Service Tribunal Peshawar

Service Appeal No 614...../2018

Waqar Ahmad S/O Muhammad Farid Khan, Sub -Engineer  
Mansehra( C& W Department)Presently House no 29 Street no  
100 G13/1/ Islamabad..... **Appellant**

**Vs**

1. Chief Engineer (Centre) Communication & Works  
Department Peshawar.
2. Superintendent Engineer C& W Circle Abbotabad.
3. Executive Engineer Building Division Mansehra. /  
Deputy Director Mansehra..... (Respondents)

**Appeal under Section 4 of the KPK Service Tribunal  
Act,1974 against the oral refusal of the XEN( Deputy  
Director) Mansehra by not accepting the Arrival Report of  
the Appellant when the Appellant after expiry of his extra  
ordinary leave submitted an arrival report.**

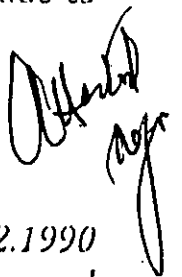
**Prayer:**

- A. *That on the acceptance of this Appeal, the Respondents be directed to accept the arrival Report of the Appellant submitted by him before the competent authority and post him at proper place with all back benefits with immediate effect.*
- B. *If there is any adverse order against the Appellant and is not in the knowledge of the appellant or is not communicated to him and is prejudice to the rights of the Appellant that may be set aside and declare null and void and the appellant be allowed to continue his service with all back benefits.*
- C. *Any Other relief which this Honourable Tribunal deem just in the circumstances may be granted*

**Respectfully Sheweth:** *The need for the instant Appeal arises due to the following facts:*

**Facts:**

1. *That the Appellant joined the Respondent Department on 6.12.1990 and worked under her kind control with zeal, dedication and punctuality.....( Copy Of the Order Dated 6.12.1990 is attached as Annexure A).*
2. *That the Appellant was granted Extra Ordinary Leave on 21.3 2006 which was extended from time to time with the*



permission/recommendation and approval of the Respondents on the request and Application of the Appellant.....( The order is attached as Annexure B).

3. That the appellant has some chronic physical problem hence went for treatment abroad and unfortunately this problem was continued for long and the Appellant has to stay till it is improved. ....( Medical prescription is attached as annexure C).
4. That the Appellant returned after treatment and submitted an Arrival Report to the Respondent no 3 on 14.10.2010' for proper posting which was forwarded to Chief Engineer ( North) C& W Department KPK Peshawar but the appellant is still waiting for posting at proper place, being disappointed and penniless went abroad to complete his treatment.. ( The relevant documents are attached as Annexure D)
5. That the Appellant was fit and is now fit and that his Extra Ordinary Leave is expired , therefore, came back to Pakistan on 9.3.2018 to join his service and hence submitted again his arrival report but again was sent hither and thither by the concerned with no clue at all how to deal my case. (Second Arrival Report is attached as Annexure E).
6. That the Appellant submitted his arrival report before the XEN/ Deputy Director Mansehra but under one pretext or another he is not accepting it and are delaying the matter.
7. That the Appellant prayed the XEN concerned to accept his arrival report and make his posting at suitable place but are not willing to do it, hence filed a departmental Appeal on 27.03.2018.( Copy of the Departmental Appeal is attached as Annexure F)
8. That the Appellant personally visited the office concerned time and again but of no use at all as the Respondent are not acting in accordance with law.
9. That the statutory period of 90 days expired but even then no action is taken on the Appeal of the Appellant and the oral refusal became the final order.

Being aggrieved and no remedy left to the Appellant hence this Service Appeal is preferred inter alia on the following Grounds:

**Grounds:**

- A. That by not accepting the arrival report of the Appellant and posting him at proper place with all back benefits is against law and rules and hence requires the interference of this tribunal for the redress of the rights of the Appellant.
- B. That the Appellant's Leave was legal and was sanctioned by a competent Authority as per rule and no where any notice or any show cause is issued to the Appellant in respect of absence from his duty.
- C. That no adverse order is passed against the Appellant nor is any disciplinary proceeding in progress against the Appellant and if any is not in the knowledge of the Appellant as it is not communicated till filing of the departmental Appeal.

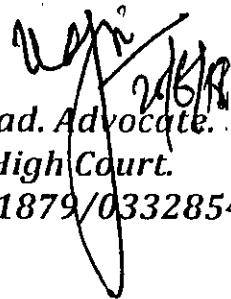
*Abdul Majid*

9

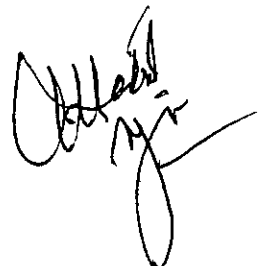
- D. That being in service the posting at proper place after the expiry of Extra Ordinary Leave is the right of the Appellant and denying it is unjust and against the service rules.
- E. That under section 24-A of the General Clauses Act, the state functionaries must act fairly, honestly and in a transparent manner and the Appellant expects the same from the Competent Authority.
- F. That the Appellant is self-made with no political or influential backing must be dealt with in accordance with the law.

*It is therefore humbly prayed that on acceptance of this Appeal the relief as prayed above may be granted to the appellant.*

Appellant  
Through



Nazir.Ahmad. Advocate.  
Peshawar. High Court.  
Cell#03018571879/03328540783



Before the KPK Service Tribunal Peshawar

Service Appeal No ...../2018

Waqar Ahmad S/O Muhammad Farid Khan, Sub -Engineer  
Mansehra( C& W Department)Presently House no 29 Street no  
100 G13/1/ Islamabad..... **Appellant**

**Vs**

**Chief Engineer (Centre) Communication & Works  
Department Peshawar and others . .... (Respondents)**

**Affidavit**

*I Nazir.Ahmad Advocate Peshawar High Court Peshawar on the  
instruction of My Client Mr Waqar Ahmad S/O Fareed Khan  
sub engineer in the C& W Department Mansehra hereby affirm  
and declare on oath that the contents of this Appeal is correct.*

*Nazir Ahmad*  
**Deponent**  
*24/1/18*

*Nazir Ahmad*

OFFICE OF THE CHIEF ENGINEER  
C&W DEPARTMENT NWFP PESHAWAR

NO.848/3-B/2702 /B-I(2)

Dated Peshawar the 6/12/1990

To

Mr. Waqar Ahmad S/O Muhammad  
Fareed Khan, Vill: & PO Boghar Mang,  
Tehsil & Distt: Mansehra.

Subject: APPOINTMENT AS SUB ENGINEER.

1. On your selection by the Public Service Commission NWFP, you are hereby offered a post of temporary Sub-Engineer, Civil/Electrical/Mechanical on Rs.910/-PM in the Basic Pay Scale No. 11 (Rs.910-46-1830) plus usual allowance as admissible under the rules.
2. The appointment is purely temporarily and your services can be terminated at 14 (fourteen) days notice at any time without any reason being assigned irrespective of the fact that you may be holding post other than the one to which you were originally recruited or on payment of 14 days pay in lieu of the notice.
3. In case you wish to resign at any time you will have to give 14 days notice otherwise you shall be liable to forfeit 14 days pay.
4. The offer of appointment is subject to your producing the following documents and accepting the following conditions:-
  - i- Original Domicile Certificate showing that you are of NWFP Domicile or Adjoining Tribal Areas.
  - ii- A Medical Certificate from the Medical Supdt: of your Distt: certifying that you are fit for Govt: service and are not suffering from any communicable disease.
  - iii- A certificate duly signed and dated by you to the effect that you are not a dismissed Govt: servant.
  - iv- Original Matric Certificate and Diploma from the Recognised Government Technical Institute.
5. No T.A. will be allowed to you for joining this appointment and your pay will commence from the date you report for duty, if in the forenoon, otherwise from the date following.
6. You shall be governed by such rules and orders relating to conditions of service, Leave, T.A., Medical Attendance Pay and Pension etc; as may be issued by the Govt: from time to time.
7. You will have to serve anywhere in the NWFP, including FATA and in any Deptt: of the Govt: of NWFP/Pakistan when called upon to do so in the interest of public service.
8. If you accept the offer on the above conditions you should report for duty/further posting orders to the Executive Engineer Building Division Mansehra.
9. This offer of appointment will be kept open to you upto 31/12/90. If you failed to join your duty by the above date this offer shall stand cancelled.

Sd/-  
CHIEF ENGINEER

Copy to the:-

- 1- Chief Engineer ( )
- 2- Superintending Engineer, C&W Circle, Abbottabad.
- 3- Executive Engineer, Building Division Mansehra.
- 4- Project Director, Proj: Edu. Proj: II, C&W Deptt: Pesh.
- 5- PR of the official concerned.

SE A/Mahmud  
Administrative Officer  
(SAS)



OFFICE OF THE EXECUTIVE ENGINEER, BUILDING DIVISION MANSHERA.

OFFICE ORDER NO: 5195 /4-8, DATE MANSHERA I.D. 24/12/1990.

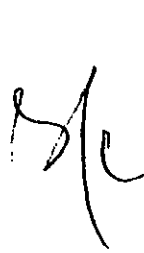

OFFICE ORDER.

On his appointment as Sub Engineer vide Chief Engineer, C&W Department N.W.F.P. reshawar office order No. 848-2/2702/E-I (2) dated 06/12/1990 Mr. Waqar Ahmed sub engineer is hereby posted to Building Project sub Division Manshera.

Executive Engineer,  
Building Division Manshera.

Copy to :-

1. The Superintending Engineer, C&W Circle A'Abad for information with reference to above.
2. The Sub Divisional Officer, Building Project Sub Division Manshera for information.
3. The Divisional Accountant (local) for information.
4. Office Order File.

  
  
Executive Engineer,  
Building Division Manshera.

*Waqar Ahmed*

Office of the Chief Engineer  
Works & Services Deptt: NWFP, Peshawar.

No. 82-B/172 /CE/W&S

Dated Peshawar the 20/03/2006.

OFFICE ORDER

Sanction to the grant of 1275 days Earned Leave is hereby granted to Mr. Waqar Ahmad Sub Engineer attached to the office of Deputy Director, Works & Services District Manshara on half pay with effect from 21.03.2006 to 15.09.2009 (both days inclusive) under the NWFP Civil Servants Revised Leave Rules, 1981.

Certified that the official has officiated as Sub Engineer and had he not proceeded on leave, the official on expiry of leave will return to the post carrying the same rate of pay and allowances.

(Engr. Habib Ali)  
Chief Engineer

Copy to the:-

- 1) Executive District Officer, Works & Services District Manshara alongwith service book of the official is returned herewith.
- 2) Deputy Director, Works & Services District Manshara.
- 3) District Accounts Officer, Manshara.
- 4) *office concerned.*

Chief Engineer

*Waqar Ahmad*

*NSU*  
*APPS*  
*20/3/2006*  
*20/3/2006*

OFFICE OF THE CHIEF ENGINEER  
WORKS & SERVICES DEPARTMENT,  
NWFP PESHAWAR.

No. 82-E / 1210 / CE / W&SD

Dated Peshawar the 24 / 10 / 2009

OFFICE ORDER

In continuation of this office order NO: 82-E / 172 dated 20/03/2006, sanction is hereby accorded to the grant of extension of leave in favour of Mr. Waqar Ahmad Sub Engineer as recommended by Deputy Director Works & Services District Mansehra under the Revised Leave Rules 1981, for the period as under:-

1. 16/09/2009 to 30/03/2010 196 days on half pay
2. 31/03/2010 to 22/01/2011 328 days extra ordinary leave (with out pay)

(Engr: Ahmad Jan)  
CHIEF ENGINEER

Copy to:-

1. The Executive District Officer Works & Services Mansehra.
2. The Deputy Director, Works & Services District Mansehra with reference to his letter No: 14/05/2-E dated 15/10/2009 for information.
3. The District Accounts Officer District Mansehra.
4. Official concerned.

CHIEF ENGINEER

Attested

Design Engineer (B.R.)  
O/O the Chief Engineer (Centre)  
C&W Department Peshawar  
(011-9210395)

*Approved*

To

The Executive Engineer  
C&W Division, Manshra.

(10) (15)

Subject: - ARRIVAL REPORT.

Sir,

I beg to submit my arrival report to day on 14-10-2010 before noon for  
duty please.

Yours obediently

*[Signature]*  
Waqar Ahmed  
Sub Engineer.

*Attested  
Muz*

No. 164?  
To

Dated Manshra the 17/1/2010.

The Chief Engineer (North)  
C&W Department KPK Peshawar.

(35) (16)

Subject: - ARRIVAL REPORT.

4E  
The Arrival Report of Mr. Waqar Ahmed Sub Engineer who have availed his leave from this Division is submitted herewith, it is further added that this office presently have no post of Sub Engineer vacant, according to sanctioned strength.

Matter is reported of further necessary action please.

3  
Executive Engineer  
C&W Division Manshra.

Copy to the Superintending Engineer C&W Circle Battagram for information please.

Executive Engineer  
C&W Division Manshra

Attested  
By

Received Waqar Ahmad S Engineer  
(Signature)

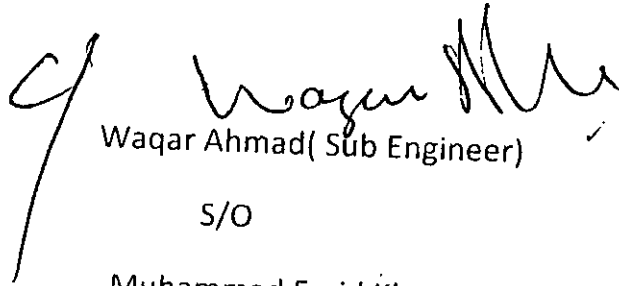
To  
The Deputy Director (Executive Engineer),  
Communication & Works Department,  
Mansehra, District Mansehra.

~~Mansehra~~  
13  
17  
18

Subject: Arrival report

Respected Sir,

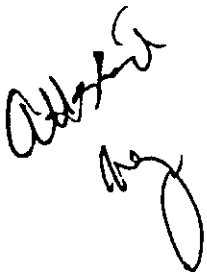
I was granted Extra Ordinary Leave on 21.3. 2006 which was extended from time to time on my application submitted to the competent Authority. Now my EO L expired therefore, i submit my arrival report . My arrival report may be accepted a may be appointed at suitable place.

  
Waqar Ahmad( Sub Engineer)

S/O

Muhammad Farid Khan .

Cell no 03456629912



DARIY No - 3490 Dated 16.03.2018



OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PUKHTUNKHWA PESHAWAR

No. 74-E / 1209 / CEC / C&WD

Dated Peshawar the 21 / 05 / 2020

18

OFFICE ORDER

1. **WHEREAS**, Mr. Waqar Ahmad Sub-Engineer O/O Executive Engineer C&W Division Mansehra was granted Earned Leave of 1275-days (with effect from 21/03/2006 to 15.09.2009) and further granted 524-days leave (196-days on half pay and 328-days extra ordinary leave without pay), with effect from 16/09/2009 to 22/01/2011. As he was due to assume duty on 23/01/2011, but he failed to assume duty on the due date and remained willfully absent with effect from 23/01/2011 till date without any leave or prior permission of the Competent Authority. On requisition of his travel history from FIA he was found proceeded abroad on various occasions without prior permission/ Leave of the Competent Authority and lastly he came back to Pakistan on 09/03/2018 and submitted an application dated 27/03/2018 as report for duty in the office of Executive Engineer C&W Division Mansehra, but again absented and went abroad without any NOC/ prior permission of the authority. For his above misconduct he was proceeded under Rule-9 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011 by issuing an absentia notice and subsequent publications in the Newspapers dated 11/01/2020 & 18/01/2020. In response to the same he came back to Pakistan on 27/01/2020 as per his travel history and then submitted joining report on 29/01/2020 mentioning the pendency of the appeal before the Khyber Pakhtunkhwa Service Tribunal and again absented himself till date. Hence his this act amount to gross misconduct as defined in Rule-2(i) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011.

2. **AND WHEREAS**, for this act of gross misconduct, the Competent Authority proceeded against him by issuing Show Cause Notice vide No.407-E/1002/CEC/C&WD dated 26/02/2020 by dispensing with the regular inquiry due to his established willful absence, under Rule-5(a), Read with Rule-7 of the Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011 whereby he was asked for submission of reply / defence but he badly failed to submit reply nor appeared before the Competent Authority within the stipulated period as mentioned in the Show Cause Notice, which was delivered to him at Islamabad, the address which he intimated, through Registered Post on 04/03/2020 as per the information of the of the Pakistan Post.

3. **AND WHEREAS**, the undersigned being the Competent Authority, after having considered the charges, material on record and his established willful absence from duty, is of the opinion that the charges leveled against him are proved beyond any shadow of doubt and he is found guilty of gross misconduct therefore, in exercise of power under Rule-4(b) (ii) of the Khyber Pukhtunkhwa (Efficiency & Discipline) Rules, 2011, impose Major penalty of "**COMPULSORY RETIREMENT**" upon Mr. Waqar Ahmad Sub Engineer C&W Department Khyber Pakhtunkhwa with immediate effect. His absence period with effect from 23/01/2011 till date is treated as unauthorized absence.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (East) C&W Department Abbottabad.
3. Superintending Engineer C&W Circle Mansehra
4. Executive Engineer C&W Division Mansehra.
5. District Accounts Officer, District Mansehra.
6. Mr. Waqar Ahmad C/O XEN C&W Division Mansehra.

CHIEF ENGINEER (CENTRE)

CHIEF ENGINEER (CENTRE)

Before the KPK Service Tribunal Peshawar

Service Appeal No 814/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1060

Dated 2.6.2018

Waqar Ahmad S/O Muhammad Farid Khan, Sub -Engineer  
Mansehra( C& W Department) Presently House no 29 Street no  
100 G13/1/ Islamabad..... Appellant

Vs

1. Chief Engineer (Centre) Communication & Works  
Department Peshawar.
2. Superintendent Engineer C& W Circle Abbotabad.
3. Executive Engineer Building Division Mansehra. /  
Deputy Director Mansehra (C&W)..... (Respondents)



Appeal under Section 4 of the KPK Service Tribunal  
Act, 1974 against the oral refusal of the XEN( Deputy  
Director) Mansehra by not accepting the Arrival Report of  
the Appellant when the Appellant after expiry of his extra  
ordinary leave submitted an arrival report.

Prayer:

- A. That on the acceptance of this Appeal, the Respondents be directed to accept the arrival Report of the Appellant submitted by him before the competent authority and post him at proper place with all back benefits with immediate effect.
- B. If there is any adverse order against the Appellant and is not in the knowledge of the appellant or is not communicated to him and is prejudice to the rights of the Appellant that may be set aside and declare null and void and the appellant be allowed to continue his service with all back benefits.
- C. Any Other relief which this Honourable Tribunal deem just in the circumstances may be granted

Respectfully Sheweth: The need for the instant Appeal arises due to the following facts:

Facts:

1. That the Appellant joined the Respondent Department on 6.12.1990 and worked under her kind control with zeal, dedication and punctuality.....( Copy Of the Order Dated 6.12.1990 is attached as Annexure A).
2. That the Appellant was granted Extra Ordinary Leave on 21.3.2006 which was extended from time to time with the

Certified to be true copy

SENIOR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Attendant  
Majeed

Filed to-day  
Registrar  
2/6/18

Re-submitted to-day  
and filed.

2/6/18



Before the KPK Service Tribunal Peshawar

Service Appeal No 814 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1060

Dated 26-6-2018

20

Waqar Ahmad S/O Muhammad Farid Khan, Sub -Engineer  
Mansehra( C& W Department) Presently House no 29 Street no.  
100 G13/1/ Islamabad..... Appellant

Vs

1. Chief Engineer (Centre) Communication & Works  
Department Peshawar.
2. Superintendent Engineer C& W Circle Abbotabad
3. Executive Engineer Building Division Mansehra. /  
Deputy Director Mansehra (C&W)..... (Respondents)



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Certified to be true copy

CHIEF ENGINEER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Handwritten Signature]*

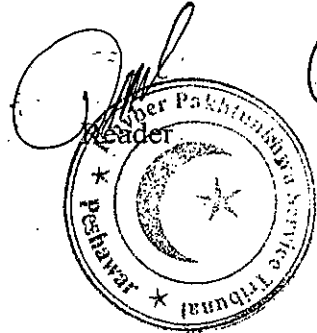
Medto-day  
Registrar  
21/6/18

Re-submitted to-day  
and filed.  
21/6/18

Appeal No. 814/2018  
Wasim Ahmad vs Govt

21.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.07.2020 before D.B.



02.07.2020

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Asst. AG for the respondents present.

Former has produced copy of office order dated 21.05.2020 issued by Chief Engineer (Center)/respondent No.1 whereby major penalty of compulsory retirement has been imposed upon the appellant. He is of the view that due to said development, during the pendency of appeal a fresh cause of action has *arisen* in favor of appellant for which he has to pursue the available legal remedy. Besides, the appeal in hand has become infructuous due to compulsory retirement of the appellant.

Learned Asst. AG confirms the issuance of office order dated 21.05.2020.

The appeal is, therefore, disposed off accordingly. The appellant shall, however, be at liberty to proceed against the said order but in accordance with law. File be consigned to the record room.

SD/c

(Mian Muhammad)  
Member

SD/A

(Hamid Farooq Durrani)  
Chairman

Certified to be true copy  
13/7/2020  
Peshawar

Announced  
02.07.2020

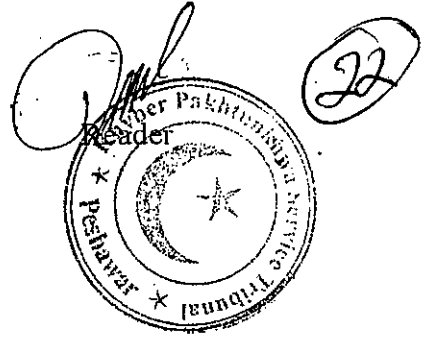
Date of Presentation of Application 13/7/2020  
Number of Words 800  
Copying Fee 10/-  
Urgent \_\_\_\_\_  
Total 10/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 13/7/2020  
Date of Delivery of Copy 13/7/2020

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Appeal No. 814/2018  
Wasay Ahmad vs Govt

21.04.2020

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*SD/c*  
(Mian Muhammad)  
Member

*SD/A*  
(Hamid Farooq Durrani)  
Chairman

Certified true copy  
K. M. Farooq  
Secretary  
Peshawar

Announced  
02.07.2020

Date of Presentation of Application 13/7/2020  
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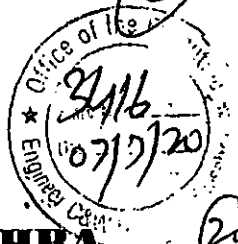
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copy*



2

2

Accountant C



23

**Office of the  
DISTRICT ACCOUNTS OFFICER, MANSEHRA**

NO. DAO/Mansehra/2020-21/

dated 06.10.2020

Subject: PENSION CASE OF MR. WAQAR AHMAD, SUB ENGINEER

Memo;

Reference: Your Office letter No.66-E/1295/CEC/C&WD dated 19/06/2020.

2- The official has been retired from service as measure of disciplinary action due to his prolonged willful absence from duty. The claim to pension by the ex-official, based on his Service record found attached thereto, does not, *prima facie*, qualifies for Pension Payment for the reasons that;

i)- The active service of the official (i.e.07-12-1990 to 30-03-2010) comes to 19 years, 3 months and 24 days which is less than the minim qualifying service of 20 years as fixed/required under Section 13 (a) of the KP Civil Servants Act,1973 (amended).

ii)- The period of willful absence, from 23-01-2011 to 21-05-2020 (9 years,3 months & 28 days), has been declared by the competent authority as "*un-authorized absence*" without regularizing it as EOL. Hence, in terms of Para 420 (b) of CSR, read with Rule 12 of KP Revised leave 1981(amended) and further read with clarification contained in Paragraph (c) of the KP S7GAD letter No. SOR-III/(S&GAD)/6(37)/89 dated Q3/10/1989, the un-authorized absence from duty, in the instant case, has forfeited the past service of the ex-official.

3- Therefore, the Pension Claim of the ex-official is returned herewith to the Administrative Office for re-consideration once again in the light of relevant law/rules:

**District Accounts Officer  
Mansehra**

To  
The Executive Engineer,  
C&W Division, Mansehra.

DAO

Signature of District Accounts Officer  
6/7/2020

XEN



3

(3)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

Diary No: 1399  
Date: 04/02/2021  
Secretary, C&W

NO.FD/SOSR-II/4-44/2018/24  
Dated Peshawar the 02.02.2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Communication & Works Department.

Subject:- PENSION CASE OF MR. WAQAR AHMAD (EX-SUB ENGINEER).

Dear Sir,

I am directed to refer to your department's letter No. SOE/C&WD/11-270/2020 dated 29.12.2020 on the subject noted above and to state that Finance Department agrees to the condonation of deficiency for a period of 08 months and 06 days in service in respect of Mr. Waqar Ahmad, Ex-Sub Engineer, C&W Division, Manshra to complete his service for the purpose of pension, subject to observance of all codal formalities.

Yours faithfully,

SOE  
B. 2. 21

(Muhammad Ilyas)  
SECTION OFFICER (SR.II)

put-up in  
file. Tasam  
09.2.21

Supdt

4

25

## PENSION ROLL DATA SHEET NOT A PAYMENT ADVICE

Date of issue : 11.03.2021  
 PPO Type : FRESH  
 PPO Number : 00223876-01  
 Pensioner ID : 00223876  
 Pension Register No:12612-M  
 Pensioner's Name : **WAQAR AHMAD**  
 Father / Husband name : **MUHAMMAD FARID KHAN**  
 Designation: SUB-ENGINEER  
 NIC No.: 1310135754981  
 Grade / Scale : 11  
 Department.Min: Works & Services  
 Pensioner's Type: SELF  
 Pension Type: COMPULSARY RETIREMENT  
 Date of Birth :01.02.1963  
 Date of appointment:07.12.1990  
 Date of retirement: 23.01.2011  
 Date of Death:  
 Date of commence :24.01.2011  
 Date of Restoration :  
 Accounts office ID :MA  
 Accounts office Name :Manshra  
 Federal / Province :Khyber Pakhtunkhwa  
 Length of Qualifying Service :20 years,1 months,16 days  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authourising  
 the Pension/Gratuity/Commutation  
 Permanent Address:

Note : 2011 TO 2020 UNAUTHORIZED ABSENCE  
 Age : 48 years  
 Last Drawn pay/Emoluments(Rs.): 9890.00  
 Gross Pension(Rs.) : 4615.33  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion (Rs.) : 1615.37  
 Net Pension (Rs.) : 2999.96  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 381201.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 35.00  
 Commutation Table value : 19.67  
 Recovery on A/C of :  
 Debitable to Govt :Khyber Pakhtunkhwa

### PROPOSED PENSION SLIP

#### Payment details

Wage Type	Wage Type Text	Amount
0100	Monthly Pension - Self	2999.96
0101	Pension Increases - Self	7000.00
1599	Medical Allow - Pensioner	750.00
1600	Med. All. 2015 Pensioner	187.50
5901	Arrears of Pension	10213.00
	<i>Net</i>	<i>18927/-</i>

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2019	Rs. 7000.00	7000.00	01.03.2021
2	0.	Rs. 0.00	0.00	
3				
4				
5				
6				
7				
8				
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24				
25				
26				
27				

*Des 3/2021*

*[Signature]*

*[Signature]*  
Bank Details

Bank Account Number : 0010070265150015  
 Bank Branch : MIZAL CHOWK ATD  
 MIZAL CHOWK ATD  
 Payment Mode :ALLIED BANK LIMITED

ACCOUNTS OFFICER  
(Pension)

To

The Secretary to Govt of Khyber Pakhtunkhwa  
C&W Department, Peshawar

Subject: Appeal for Modification of the order issued by CE (Centre) C&W Peshawar of bearing No.74-E/1209/E/CEO/C&WD dated 21.05.2021 with regard to the Finance Department sanctioned conveyed through letter No.FD/SOSR-II/4-44/2018/24 dated 02.02.2021

Respect Sir,

It is submitted that:

1. The appellant filed a Service Appeal in the Service Tribunal Peshawar with pray to accept the Arrival Report of the appellant.
2. The Department submitted a commitment before the Service Tribunal that the department intends to grant his pensionary benefit.
3. The stance of the department was so weak that even, there was no record of the appellant exist in the Department nor the knowledge of his last posting.
4. The above order para 1,2 & 3 are just a history of the service, but the appellant was satisfied with grant of pensionary benefits so the department issued the impugned order (copy enclosed).
5. The impugned order last part of Para-3 is now a hurdle in the payment of pensionary benefits and the District Accounts Officer has raised objection on the ground that the required service for compulsory retirement is 20 years which is not completed. However, the Finance Department through order dated 02.02.2021 condoned the insufficient period (copy enclosed).
6. That the word "un-authorized absence" may be omitted, so that the payment of proper pension is made possible with arrears w.e.f. 23.01.2011 (the date of retirement).

In view of above facts, it his humbly requested that order issued by the Chief Engineer (Centre) C&W Peshawar dated 25.05.2021 may kindly be modified in light of the sanction of Finance Department conveyed though letter dated 02.02.2021, enabling the undersigned to get pension benefit and other emoluments allowed under the existing rules and policy, please.

*[Handwritten signature]*



OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PUKHTUNKHWA PESHAWAR

No. 74-E / 1138 / CEC / C&WD

Dated Peshawar The 14 / 01 / 2022

To

Mr. Waqar Ahmad  
S/O Muhammad Farid Khan  
(Ex-Sub-Engineer) R/O  
Village & P.O Boghar mang  
Tehsil & District, Mansehra.

27

Subject: APPEAL FOR MODIFICATION OF THE ORDER ISSUED BY CE (CENTRE) C&W PESHAWAR OF BEARING NO.74-E/1209/CEC/C&WD, DATED 21.05.2021 WITH REGARD TO THE FINANCE DEPARTMENT SANCTIONED CONVEYED THROUGH LETTER NO.FD/SOSR-II/4-44/2018-24, DATED 02.02.2021

Reference: Your appeal addressed to the Secretary C&W Department dated 18-01-2021 (received in this office on 13-12-2021).

1- You are well aware that you were granted Earned Leave for 1275-days w.e.f 21-03-2006 to 15-09-2009 and thereafter 524-days leave, 196-days on half pay and 325-days Extra Ordinary Leave without pay w.e.f 16-09-2009 to 22-01-2011 was further granted to you. As such you were due to join duties by 23-01-2011 but you failed to join duty on the due date and remained wilfully absent till 21-05-2020 without any leave application and prior permission of the Competent Authority. On requisition your travel history from the FIA, it was noted that you went abroad frequently at different times without obtaining No Objection Certificate and by this state of circumstances, you were penalized under the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011. You were issued proper Show Cause Notice to which you did not respond, hence imposed Major Penalty of "COMPULSORY RETIREMENT" vide this office order No.74-E/1209/CEC/C&WD, dated 21-05-2020. And the absence period w.e.f 23-01-2011 to 21-05-2020 of the ibid orders was thus treated as un-authorized absence under Rule-19, absence after the expiry of leave of the Khyber Pakhtunkhwa Civil Servants Revised Leave, Rules, 1981.

2- So far your pension case when objected by the District Accounts Officer Mansehra vide letter No.DAO/Main/Pension/2020-21, dated 06-07-2020, the matter was taken-up with the Finance Department, because your regular services w.e.f your first appointment, 07-12-1990 upto 30-03-2010 (when half pay leave was expired) come to 19-years, 03-months and 05-days. The Finance Department therefore awarded approval to the condonation of deficiencies in service for the period of 08-months & 06-days vide his letter No.FD/SOSR-II/4-44/2018/24, dated 02-02-2021 and formal orders to this effect were issued by this office vide office order



E-B

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3- In view of the above circumstances, your request to omit/remove the word "un-authorized absence" appearing in the concluding para-3 of the penal orders dated 21-05-2020 cannot be acceded to, because after the expiry of leave as granted earlier, you neither applied for any type of leave nor reported for duty by 23-01-2011. This position was also brought into the notice of the Khyber Pakhtunkhwa Service Tribunal during pendency of your Service Appeal No.814 of 2018 by your Counsel, and the said appeal was disposed-off accordingly due to your Compulsory Retirement, which attained the finality under the Efficiency & Discipline Rules, 2011.



**CHIEF ENGINEER (CENTRE)**




Copy to the:

1. Chief Engineer (East) C&W Department at Abbottabad.
2. Superintending Engineer C&W Circle, Mansehra.
3. Section Officer (Estb) C&W Department, Peshawar with reference to his office letter No.SOE/C&WD/11-270/2021, dated 07-12-2021.
4. Executive Engineer Building Division, Mansehra.
5. District Accounts Officer, District, Mansehra. He is requested to inform this office about the clearance of Pension Claim of Mr. Waqar Ahmad, Ex-Sub-Engineer of the C&W Division, Mansehra by return post, please.



**CHIEF ENGINEER (CENTRE)**

29

قیمت 50 روپے	51500			
ایڈوکیٹ: منیر احمد		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 7897-10-64				
رابطہ نمبر: 0332-8540783				

0301-85718791

حضرت منیر احمد صاحب کو ارسال شدہ دستاویزات کی تصدیق و توثیق کے لیے

بعدالت جناب:

مخائب: اسلڈنگ	دعویٰ: سرویس 10/11
وفاکار احمد روم ٹرورٹیشن	علت نمبر: —
بنام	مورخہ: 10.3.2022
صفیہ اکتیس و تیرہ	جرم: —
	تھانہ: —

**باعت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، ہینڈ وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 10-3-2022

العبد \_\_\_\_\_ واہ شہد \_\_\_\_\_ العبد

مقام \_\_\_\_\_ منیر احمد صاحب کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted & attached  
Muz

Waqar Ma...  
10-03-2022  
CNLC: 13981-3575498-1  
Call: 0332-4779885

**“B”**

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

S.B

No.

Recd

Appeal No. 446 of 2022

Nasir Ahmad Appellant/Petitioner

Versus

Through Chief Engineer C&W Circle Respondent

Respondent No. 2

Notice to:

Superintendent Engineer C&W Circle  
Abbottabad.

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 10/6/2022 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 11<sup>th</sup>

Day of May 2022

(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..... 446 ..... of 20 22

Regd

Waqar Ahmad ..... Appellant/Petitioner

Versus

Through Chief Engineer & W. Pesh. .... Respondent

Respondent No..... 3 .....

Notice to:

- Distt. Account Officer Manshera

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..... 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.

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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.....

Day of..... May ..... 20 22

MD (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. 446 of 2022

Wajid Ahmad Appellant/Petitioner

Versus

Through Chief Engineers C&W Pesh. Respondent

Respondent No. 1

Notice to:

Govt. of KPK Through Chief Engineer  
(Centre) C&W Dept. 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 10/6/2022 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.

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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 11<sup>th</sup> .....

Day of May 2022

(For Reply)

S. B. Khan  
27/5/2022

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.