

16th June 2022

Learned counsel with appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 02.08.2022 before S.B.



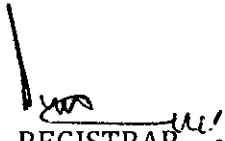


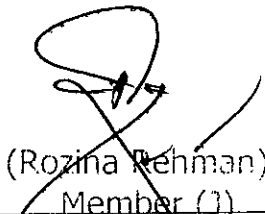
(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7883/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2021	<p>The appeal of Mr. Maqsood Khan resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	10.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>10/02/22</u>.</p> <p> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 27.04.2022 for the same as before.</p> <p> Reader</p>
	27.04.2021	<p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 16.06.2022 before S.B.</p> <p> (Rozina Rehman) Member (3)</p>

Appellant Deposited Security: Micro Fee



The appeal of Mr. Maqsoos Khan Naib Qasid T.B Control Program Health Department received today i.e. on 15.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Appeal has not been flagged/ marked with annexures marks.
3. Annexures of the appeal may be attested.
4. Affidavit may be got attested by the Oath Commissioner.
5. Notification dated 6.2.2014 is illegible which may be replaced by legible/better one.
6. Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2268 /S.T,

Dt. 16/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.

*Sir All objection removed and file
Re-submitted*

*N
Shah*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 7883 /2021

Maqsood Khan

VS

Govt: OF KPK


INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-06
2.	Copy of condonation		07-08
3.	Copy of order	- A -	9 - 10
4.	Copy of regularization order	- B -	11
5.	Copy of salary slip	- C -	12 -
6.	Copy of new salary slip	- D -	13
7.	Copy of departmental appeal	- E -	14
8.	Copy of Rejection order	- F -	15
9.	Copy of apex court judgments	- G -	16 - 30
10.	Copy of finance notification	- H -	31 - 32
11.	Vakalat Nama	-----	33


APPELLANT
Maqsood Khan

THROUGH


(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.


&
SHAHKAR KHAN YOUSAFZAI
Advocate Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 7883/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7880

Dated 15/11/2021

Mr. Maqsood khan Naib Qasid,
TB Control Program Health deptt .

APPELLANT

VERSUS

1. The Government of KPK through Chief Secretary KPK, Peshawar.
2. The Secretary health Deptt Govt of KPK, Civil Secretariat, Peshawar.
3. The director General Health Services Khyber Pakhtunkhwa Peshawar.
4. The Secretary Finance KPK, Civil Secretariat, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST INACTION AND OMISSION OF THE
RESPONDENTS TO CONSIDER THE APPELLANT'S
CONTRACT PERIOD FOR THE BENEFITS OF PAY
PROTECTION AND PENSION W.E.F 2007 TILL 2018
AND AGAINST REJECTION ORDER DATED 13.08.2020
RECEIVED ON 12/10/2021 WHEREIN THE APPEAL OF
THE APPELLANT WAS REJECTED WITHOUT
SHOWING ANY REASON.

Filed to-day

Registrar
15/11/2021



PRAYER

ON THE ACCEPTANCE OF THIS APPEAL DECLARE THE INACTION AND OMISSION OF THE RESPONDENT REGARDS NOT GRANTING PAY PROTECTION TO THE APPELLANT AS ILLEGAL AGAINST THE LAW, RULES AND FACTS AND RESPONDENT MAY PLEASE BE DIRECTED TO CONSIDER THE CONTRACT PERIOD W.E.FROM 2007 TILL REGULARIZATION 2018 OF THE APPELLANT FOR THE BENEFITS OF PAY PROTECTION AND PENSION TILL DATE AND ONWARD. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.

R. SHEWETH

FACTS

1. That the appellant was appointed by the health deptt as Naib Qasid in the year 2007 for Tb Control Program. The appellant working with full zeal and zest since appointment. (copy of order is attached as Annexure-A)
2. That the service of the appellant was regularized w.e.from 2018 vide regularization Act 2018 but the salary of the appellant was started from initial pay stage and ignores all the previous service of the appellant. (Copy of regularization order and both salary slips is attached as annexure-B, C & D).
3. That the appellant made several request but in vain therefore he filed departmental appeal for his claim which was rejected vide order dated 13.08.2020 received to the appellant on 12/10/2021

without showing any reason. (Copy of departmental appeal and rejection order is attached as annexure-E & F).

4. That the appellant constraint to file this service in August Tribunal on the following grounds amongst others

GROUNDS

- A. That depriving the appellant from the legal right of benefits of pay protection and pensionary benefits as against the law rules norms of justice.
- B. That the depriving the appellant from the benefits of pay protection is the violation of the superior Court judgments and Pension Rules.
- C. That the similarly nature service appeal decided by the Federal Service Tribunal in favour of appellant and the Supreme Court Judgment maintained the same. On the principal of consistency appellant also entitle to the same relief. **Copy of the judgment is attached as Annexure-G.**
- D. That the appellant was serving as Naib Qasid on contract basis and latter on confirmed on the same post after rendering 11 year of service. therefore the appellant was eligible to the pay protection.
- E. That the appellant is entitled for pensionary benefits of the period which was rendered by the appellant on contract basis under the shelter of west Pakistan Pension rules 2.3 and under fincance notification dated 06/02/2014. **Copy of notification is attached as annexure-H**
- F. That the appellant was entitled for the pensionary benefits under 361CSR for the service which he rendered on contract basis against the permanent post.

G. That the appellant was treated according to the law and rules and was depriving from his legal right in arbitrary manner.

H. That the appellant seeks permission to advance other ground proof at the time of hearing.

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

md
APPELLANT
Maqsood Khan

THROUGH:

M Ali Bukhari
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

S. Khan
&
SHAHKAR KHAN YOUSAFZAI
Advocate Peshawar

(5)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ /2021

Maqsood Khan

VS

Govt: OF KPK

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

M. A. Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ /2021

Maqsood Khan

VS

Govt: OF KPK

AFFIDAVIT

I, MAQSOOD KHAN, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.


DEPONENT

①

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____ /2021

Maqsood Khan

VS

Govt: OF KPK

.....

**APPLICATION FOR CONDONATION OF
DELAY IN THE INSTANT APPEAL IF ANY.**

RESPECTFULLY SHEWETH,

1. That the applicant/ appellant filed a service appeal along with this application in which no date has been fixed so far.
2. That the applicant/ appellant received the rejection order dated 13/08/2020 on 12 /10/2021, due to which the applicant/ appellant could not approach the Tribunal or seek a legal counsel to make an appeal in time but the appeal of the appellant was in time after receiving order.
3. That the appellant has a good prima facie case and that the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking out the litigants on technicalities including limitation. Therefore, the appeal needs to be decided on merit **(2003 PLD (SC) 724.)**
4. That the appeal of the appellant involves monetary benefits and according to superior court judgment the limitation not runs in case of monetary benefits due to reason it is recurring cause of action.
5. That under the Epidemic Relief Act, Section 30 which is still in field limitation has been condoned by the government.
6. That the delay of days may be condoned in the interest of justice and that it may be decided on merit.

It is, therefore, most humbly prayed that the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

Md
APPELLANT
Maqsood Khan

THROUGH

Ali Bukhar
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

S. Khan &
SHAHKAR KHAN YOUSAFZAI
Advocate Peshawar

(A)
(A)

TB CONTROL PROGRAMME NWFP, PESHAWAR.

No. 809-11 / TB,

Dated Peshawar the, 18 / 8 / 2007.

OFFICE ORDER.

On the recommendation of Departmental Selection Committee, Mr. Maqsood Khan S/O Jehan Gul resident of Surizai Bala Tehsil and District Peshawar is hereby offered appointment against the vacant post of Naib Qasid BPS-1 plus usual allowances as admissible under the Government rules on contract basis till 30th June 2008 (till the project life) w.e. from 20th August 2007 in TB Control Programme NWFP, on the following terms and conditions, in addition to other prevalent rules and regulations applicable:

- 1- He is declared medical fit for Govt. service by authorized Medical Superintendent Police and Services Hospital Peshawar.
- 2- He will be governed by the same rules and regulations as may be issued by the Government from time to time.
- 3- If he wishes to resign, he will have to submit the resignation in writing on one month notice or in lieu thereof one month salary will be forfeited.
- 4- His appointment is purely on contract basis and can be terminated without any notice or reason being assigned.
- 5- He will not be entitled for any pension / gratuity for the services rendered.
- 6- He has to join duty at his own expenses.
- 7- If he accepts this offer on the above mentioned terms and conditions, he should report for duty to the office of the undersigned within one week of the issue of this office order, failing which the offer will be considered as withdrawn.

~~///~~
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.

C.c.

For information and necessary action.

- 1- PA to DG Health Services, NWFP, Peshawar.
- 2- Mr. Maqsood Khan S/O Jehan Gul resident of Surizai Bala Tehsil and District Peshawar.
- 3- Accountant TB Control Programme NWFP, Peshawar.

(10)

TB CONTROL PROGRAMME NWFP, PESHAWAR.

No.

/ TB,

Dated Peshawar the,

2 19 / 2008.

OFFICE ORDER.

On the recommendation of Departmental Selection Committee, Mr. Maqsood Khan S/O Jehan Gul resident of Surizai, Tehsil & District Peshawar has been appointed against the vacant post of Naib Qasid BPS-1 plus usual allowances as admissible under the Government rules on contract basis till 30th June 2008 with effect from 20th August 2007 in TB Control Programme NWFP vide office order No: 509-11/TB dated 18.8.2007. (Annexed at "B"). His services have been extended till the end of project life, on the following terms and conditions, in addition to other prevalent rules and regulations applicable:

1. He is declared medical fit for Govt. service by authorized Medical Superintendent Police and Services Hospital Peshawar.
2. He will be governed by the same rules and regulations as may be issued by the Government from time to time.
3. If he wishes to resign, he will have to submit the resignation in writing on one month notice or in lieu thereof one month salary will be forfeited.
4. His appointment is purely on contract basis and can be terminated without any notice or reason being assigned.
5. He will not be entitled for any pension / gratuity for the services rendered.
6. He has to join duty at his own expenses.
7. If he accepts this offer on the above mentioned terms and conditions, he should report for duty to the office of the undersigned within one week of the issue of this office order, failing which the offer will be considered as withdrawn.

DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.

C.c.

1178-78

For information and necessary action.

1. PA to DG Health Services, NWFP, Peshawar.
2. Mr. Maqsood Khan S/O Jehan Gul resident of Surizai, Tehsil & District Peshawar
3. Accountant TB Control Programme NWFP, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

11

8

NOTIFICATION

Dated Peshawar the 11th July, 2018 ✓

NO. E&A(Health)/2-65/2018 (Regularization): In pursuance of Section 4 of the Khyber Pakhtunkhwa employees (Regularization of Services) Act, 2018, the following employees of "Strengthening of TB Control Program, Khyber Pakhtunkhwa" appointed on contract basis, shall stand regularized against the below mentioned posts with effect from the date of commencement of Act.

S. No	Name of Employee	BPS	Designation against regularized
1	Mr Khair ul Bashar	17	Coordinator
2	Mr Asif Kamal	17	Assistant Director IT
3	Mr. Asad Ur Rehman	17	Electro Medical Engineer
4	Ms Haniya Humayun	16	Accountant
5	Mr Quais Aurangzeb	16	Administrative Officer
6	Mr Amir Farzand	11	Data/Surveillance Assistant
7	Ms. Rafia Attic	11	Data/Surveillance Assistant
8	Mr Saddam Hussain	11	Data/Surveillance Assistant
9	Mr Muhammad Jawad	11	Data/Surveillance Assistant
10	Mr Muhammad Shoab	11	Data/Surveillance Assistant
11	Mr Salman Jalal ud Din	11	Data/Surveillance Assistant
12	Mr Muhammad Ibrahim Khan	11	Data/Surveillance Assistant
13	Mr Umar Sadiq	11	Data/Surveillance Assistant
14	Mr Anwar Zeb	11	Data/Surveillance Assistant
15	Mr Sohail Ahmad	11	Data/Surveillance Assistant
16	Mr Shehbaz Khan	11	Data/Surveillance Assistant
17	Ms Ozzi Nida ur Rehman	11	Data/Surveillance Assistant
18	Ms Lubna Kiran	11	Data/Surveillance Assistant
19	Mr Moeen Abid Syed	11	Office Assistant-cum-Com/Operator
20	Muhammad Amir	11	Office Assistant-cum-Com/Operator
21	Ms Shamim Akhtar	09	Laboratory Supervisor
22	Mr Awal Zaman	09	Laboratory Technician
23	Mr Aboul Ghafoor	09	Store keeper
24	Mr Abid ulah	06	Driver
25	Mr Muhammad Shahid	06	Driver
26	Mr Shehzad Ahmed	06	Driver
27	Mr Naeem Khan	06	Driver
28	Mr. Umara Khan ✓	03	Lab Attendant ✓
29	Mr Naimal ulah	03	Naib Qasid
30	Mr Maqsood Khan ✓	03	Naib Qasid ✓
31	Mr. Sami ulah	03	Loader
32	Mr Qaus Khan	03	Loader
33	Mr Bilal	03	Chowkidar
34	Mr Wali Khan	03	Chowkidar
35	Mr Khan Nazir	03	Chowkidar
36	Mr. Shahid Masih	03	sweeper

2. All the Controlling officers shall verify the credentials of above mentioned staff from concerned boards and universities. In case found fake/ambiguous, the regularization shall be cancelled.

3. The entre-c-seniority shall be determined as per rules.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (December-2017)



Personal Information of Mr MAQSOOD KHAN d/w/s of JEHAN GUL

Personnel Number: 00369600 CNIC: 1730186758225
 Date of Birth: 12.06.1984 Entry into Govt. Service: 20.08.2007

NTN: 12
 Length of Service: 10 Years 04 Months 013 Days

Employment Category: Active Temporary

Designation: NAIB QASID 80346513-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5093-Preventive Programme KP

Payroll Section: 009 GPF Section: 005 Cash Center:

GPF A/C No: 369600 Interest Applied: Yes **GPF Balance: 24,168.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 03 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	12,340.00	1001	House Rent Allowance 45%	1,413.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1833	Integrated Allowance (2005)	450.00	2148	15% Adhoc Relief All-2013	292.00
2199	Adhoc Relief Allow @10%	202.00	2211	Adhoc Relief All 2016 10%	1,031.00
2224	Adhoc Relief All 2017 10%	1,234.00			0.00

Deductions - General

Wage type	Amount	Wage type	Amount
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Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 0.00 Recovered till December-2017: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 20,247.00 Deductions: (Rs.): 0.00 Net Pay: (Rs.): 20,247.00

Payee Name: MAQSOOD KHAN

Account Number: 0610076391000749

Bank Details: MCB BANK LIMITED, 240985 QISSA KHAWANI QISSA KHAWANI,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

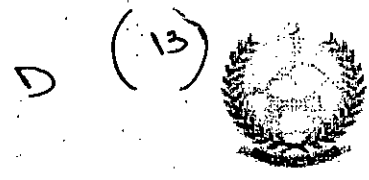
Housing Status: No Official

Temp. Address:

City:

Email: kali61630@gmail.com

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (November-2018)



Personal Information of Mr MAQSOOD KHAN d/w/s of JEHAN GUL

Personnel Number: 00369600 CNIC: 1730186758225 NTN:
 Date of Birth: 12.06.1984 Entry into Govt. Service: 07.03.2018 Length of Service: 00 Years 08 Months 025 Days

Employment Category: Active Temporary

Designation: NAIB QASID 80790239-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5990-TB Control Program Khyber Pakhtunkhwa (Reg Act)

Payroll Section: 009 GPF Section: 005 Cash Center:

GPF A/C No: 369600 Interest Applied: Yes **GPF Balance: 26,714.00**

Vendor Number: - Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 03 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	9,610.00	1001	House Rent Allowance 45%	2,120.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1833	Integrated Allwnc (2005)	450.00	2211	Adhoc Relief All 2016 10%	804.00
2224	Adhoc Relief All 2017 10%	961.00	2247	Adhoc Relief All 2018 10%	961.00

Deductions - General

Wage type		Amount	Wage type		Amount
3003	GPF Subscription - Rs 770	-770.00	3501	Benevolent Fund	-300.00
3534	R. Ben & Death Comp Fresh	-300.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till November-2018: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 18,191.00 Deductions: (Rs.): -1,370.00 Net Pay: (Rs.): 16,821.00

Payee Name: MAQSOOD KHAN
 Account Number: 0610076391000749
 Bank Details: MCB BANK LIMITED, 240985 QISSA KHAWANI QISSA KHAWANI.

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: PESHAWAR Domicile: - Housing Status: No Official
 Temp. Address: City: Email: kali61630@gmail.com

System generated document in accordance with APPM 4.6.12.9 (SERVICES/27.11.2018/16:27:15/v1.1)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted

Date: 22/7/2020

E (14)

To

1. The secretary to Govt. of Khyber Pakhtunkhwa Finance Department Peshawar.
2. The secretary to Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
3. Director General Khyber Pakhtunkhwa Finance Department Peshawar.

SUBJECT: Application for Regularization of contract service towards pension and Previous service.

Respected Sir


It is stated we (the following mentioned employees) were hired for TB Control programme during 2007 by Director General Health services Khyber Pakhtunkhwa purely on contract basis where no rules of project policy were implemented on us.

Under the Govt. of Khyber Pakhtunkhwa Regularization Act 2018, the services were also regularized but our previous services were not regularized and ignored toward pension for which we have faced great financial lose i.e. considered as fresh recruitment.

Now it is humbly requested that our previous services may therefore, be regularized towards pension i.e. from the date of 1st appointment to save our more than 11 years of services and protect our pay.

Your obediently

Mr. Maqsood Khan, Naib Qasid TB Control Programme

w.e.f 18/08/2007 

Copy for information to;-

*Project Director TB Control Programme Khyber Pakhtunkhwa.

DIRECTORATE GENERAL HEALTH SERVICES

KHYBER PAKHTUNKHWA PESHAWAR

E-Mail Address: nwfdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 4 / Personnel

Dated: 22 / 07 / 2020

To,

Mr. Maqsood Khan Naib Qasid & others

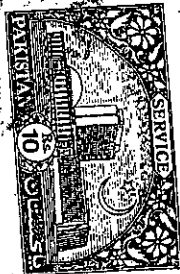
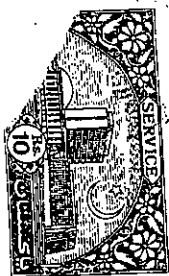
T.B Control Program Khyber Pakhtunkhwa. HMC Phase -4

Subject:

**APPLICATION FOR REGULARIZATION OF CONTRACT SERVICE
TOWARDS PENSION AND PREVIOUS SERVICE.**

Memo:

Reference to your application dated 22.07.2020 on the subject noted above and to state that project service cannot be regularized under Provision Regularization Act 2018.



Directorate
Health Services
Peshawar

[Signature]
30/07
ADDITIONAL DG (ADMN)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P PESHAWAR. *[Signature]*

9 (16)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

AFR

Civil Appeal No.1546 of 2019

AND

Civil Petitions Nos.2503 to 2519 & 2660 of 2019

Against judgments dated 15.02.2018 & 23.04.2019 of Federal Service Tribunal, Islamabad, passed in Appeals No.3622(R)CS of 2017 and 3192(R)CS of 2012, etc.

Secretary, M/o Finance, Islamabad, etc

Appellants (In CA#1546/19)

DG, FDE, Government of Pakistan,
etc

Petitioners (In CP#2503-2519 & 2660/19)

Versus

Tayyaba Halim Subhani	C.A 1546/2019
Irfan Mehmood & Another	C.P 2503/2019
Tahir Ullah & another	C.P 2504/2019
Javed Iqbal & Another	C.P 2505/2019
Syed Sajjad Ali Shah & Another	C.P 2506/2019
Hafiz Atta Ur Rehman & Another	C.P 2507/2019
Mrs. Khalida Nasim & Another	C.P 2508/2019
Rubina Kausar & Another	C.P 2509/2019
Adeela Tabasum & Another	C.P 2510/2019
Mrs. Sobia Imam & Another	C.P 2511/2019
Mrs. Najma & Another	C.P 2512/2019
Mrs. Attia Kaleem Anwar & Another	C.P 2513/2019
Mrs. Farah Saeed & Another	C.P 2514/2019
Mrs. Lubna Chaudhry & Another	C.P 2515/2019
Mrs. Tahira Akbar & Another	C.P 2516/2019
Mrs. Salama Khatoon & Another	C.P 2517/2019
Saeed ur Rehman & Another	C.P 2518/2019
Syed Tajammal Hussain Bokhari Shah & Others	C.P 2519/2019
Tayyaba Halim Subhani & another	C.P 2660/2019

...Respondents

For the Appellant
/Petitioners:

Mr. Sajid Ilyas Bhatti, Addl.AGP
M. Rehan, AD Legal
M. Ahmed, AD Legal

For the Respondent(s): Respondent-in-Person in CA
1546/2019

Hafiz S.A. Rehman, ^{SY. ASC} for
Respondent No. 1 and
Mr. M. Sharif Janjua, AOR in all
CPs

Date of Hearing: 27.01.2021

JUDGMENT

IJAZ UL AHSAN, J.- Through this single judgment, we intend to decide Civil Appeal No. 1546 of 2019 (hereinafter referred to as "CA") and Civil Petitions No. 2503 to 2519 and 2660 of 2019 (hereinafter referred to as "CP") as they involve common questions of law.

2. Through the instant Appeals/Petitions, the Appellants/Petitioners have challenged the Judgment of the Federal Service Tribunal, Islamabad (hereinafter referred to as "**Tribunal**") dated 15.02.2018 passed in Service Appeal No. 3622(R)CS/2017 and judgment dated 23.04.2019 passed in Service Appeals No 3192(R)CS to 3196(R)CS of 2012, 3230(R)CS to 3238(R)CS of 2012, 90(R)CS/2013, 91(R)CS/2013, 679(R)CS/2016, and 3622(R)CS/2017 (hereinafter referred to as "**Impugned Judgments**"). The Tribunal through the Impugned Judgments accepted the Service Appeals filed by the Respondents and ordered the Appellants/Petitioners to provide pay protection to the Respondents by counting the service they had rendered on daily wage basis for pensionary benefits and pay.

3. The necessary facts giving rise to this *lis* are that the Respondents were appointed as teachers/lecturers

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against their respective posts. The Respondent in the CA retired upon reaching the age of superannuation w.e.f. 02.06.2017. Before her retirement, she had made a departmental representation through which she had requested her department to count the period for which she had worked on daily wage basis towards the calculation of her pensionary benefits. The Respondents in the CPs were recommended to be regularized by the Federal Public Service Commission w.e.f. 17.08.2010. They made representations to the effect that their previous service rendered on daily wage basis be counted towards their pay and pension benefits but to no avail. Aggrieved of the treatment meted out to the Respondents by the Appellants/Petitioners, they approached the Service Tribunal, which allowed their Service Appeals through the impugned judgments. The Appellants/Petitioners challenged the impugned judgments before this Court.

4. Leave to Appeal was granted by this Court in the CA vide order dated 17.09.2019 which is reproduced below for ease of reference:

"Learned Additional Attorney General relies upon a judgment passed by a 5 member bench of this Court in the case of Chairman, Pakistan Railway, Government of Pakistan, Islamabad and others v. Shah Jehan Shah (PLD 2016 SC 534) to contend that the very issue dealt with by the Tribunal in the impugned judgment has been dealt with by this Court in the reported judgment where the payment of pensionary benefits are admissible to contract employees only after their qualifying regularized service and thus unless such qualifying regular service is rendered, the pensionary benefits could not be granted to the employees.

2. Leave to appeal is granted to consider inter alia the above submissions made by the learned Additional Attorney General..."

(19)

5. The learned Additional Attorney General contends that the service rendered on daily wage basis cannot be counted as qualifying service for pension under the relevant rules. As per Article 352 of the CSR, the Respondents cannot claim pay protection or that their daily-wage-service be counted towards pension because the said rule specifically bars the Respondents from making such claim insofar as the Respondents do not fulfil the three conditions mentioned therein i.e. that the service must be under the government, must be substantive and permanent, and, that the service must be paid for by the government. Further, allowing the Respondent's daily wage period to be counted towards pay protection and pensionary benefits would open floodgates of never-ending litigation. Lastly, the Respondents were not working continuously, and, even otherwise, this being a policy matter cannot be interfered with by Courts.

6. The Learned Senior ASC appearing on behalf of the Respondents contends that the act of the Appellants/Petitioners of not giving pay protection to the Respondents and not allowing their service rendered on daily wage to be counted towards their pensionary benefits is discriminatory and exploitative. He adds that an identical order was passed by the Ministry of Education dated 25.01.2006 whereby benefits were allowed to lecturers, therefore, not granting the same to the Respondents who are teachers, represents a policy of discrimination and pick and choose. Further, the Respondents have been performing their duties to the satisfaction of the Government and, by not

allowing them pay protection and by not counting their service rendered on daily wage basis for pensionary benefits is unjust and unfair.

7. We have heard the learned AAG and the learned Senior ASC appearing on behalf of the parties. The issues which fall for consideration of this Court are:-

- i. Could the service rendered by the Respondents on daily wages basis be counted towards their pension?
- ii. Were the Respondents employed as a stop-gap arrangement?
- iii. Could the Respondents be employed on daily wage basis considering the nature of their work?

COULD THE SERVICE RENDERED BY THE RESPONDENTS ON DAILY WAGES BASIS BE COUNTED TOWARDS THEIR PENSION?

8. The learned counsel for the Respondents has relied upon CSR 361 and has argued that, in view of the said Rule, the Respondents were entitled to pension and pay protection. For ease of reference, CSR 361 is reproduced as under:-

"361:- Except as otherwise provided in these Regulations, the service of an officer] does not qualify for pension unless it conforms to the following three conditions: — First.—the service must be under Government. Second.—the employment must be substantive and permanent. Third.—the service must be paid for by Government".

9. We have examined the Education Code 2006 issued by the Federal Directorate of Education. The learned Tribunal has held that the Respondents were being paid out of funds that were approved by the Government. In this

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respect, Paragraph 30 of the said Code is relevant which provides that the following: -

"Heads of educational institutions shall be empowered to incur expenditure out of Students' Fund as per the upper limit of expenditure prescribed through a notification by the Department Head on the following items:

(v) Payment to daily wage employees (teaching & non-teaching)"

Paragraph 17 of the said Code provides that the Federal Directorate of Education would manage the Federal Government Educational Institution (Schools & Colleges), Islamabad Model Institutions, and Hostels. The learned AAG has not disputed the fact that the Respondents were working in institutions that were admittedly being managed by the Federal Directorate of Education. The Federal Directorate of Education has itself issued a Code which such schools are required to follow to regulate their affairs. The services of the Respondents were utilized by the Appellants/Government to their satisfaction until the time the Respondents asked for pay protection and pension. As such, the learned Tribunal has correctly held that the Government cannot disassociate itself from the entire process and hold that the Respondents were not working under its supervision. It is the Federal Directorate of Education that has issued the said Code, and Paragraph 30 *supra* provides that the Federal Directorate of Education has empowered heads of institutions to manage pays and salaries of daily wage staff. It has not been argued before us that the said heads of institutions could not be delegated this task. The Government is fully empowered to

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delegate some of its tasks for administrative convenience and efficient working as has been done in this case.

10. We have gone through the letter dated 26.08.04 issued by the FDE (Model Colleges Wing). The said letter provides an elaborate mechanism *viz* selection of teachers on daily wage basis. They are to appear in a test of 50 marks followed by an interview. Following this, their result is approved by a Committee and sent to the Director Colleges, Federal Directorate of Education who in turn seeks confirmation from the Director-General, Federal Directorate of Education. The said letter establishes that the Respondents were not arbitrarily appointed as a stop-gap arrangement. Their services were utilized by the Appellants/Petitioners for years on end till they reached the age of superannuation, their services were substantive and permanent which were paid for on behalf of and with the consent or approval of the Government.

11. We find that although the employment of the Respondents was not permanent within the meaning of CSR 361, the establishment under which they were working was permanent and the fact that they rendered services for years shows that they were not employed on temporary basis as a stop-gap arrangement for short periods of time. Further, that the Federal Public Service Commission by recommending the Respondents for retention into service has confirmed their ability and qualification to hold these posts. It is an admitted fact that the Respondents have been working continuously for more than 5 years. We have gone through the memorandum

dated 25.01.2006 whereby it was stated by the Federal Directorate of Education that service rendered on an Ad Hoc basis could be counted towards pay and pensionary benefits. If the Appellants/Petitioners have allowed the services of Ad Hoc teachers/lecturers to be counted for pay protection and pension, it is hard to understand why the same was cannot be done in the case of the Respondents. The principle of similarly placed persons dictates that the Respondents also deserve to be treated in the same manner as others who were granted the benefits of pay protection and pension from the date of their initial appointment on daily wages basis. The Respondents have been discriminated against which is in violation of their fundamental rights guaranteed to them by the Constitution of the Islamic Republic of Pakistan, 1973.

12. The learned Senior ASC for the Respondents has placed reliance on the case titled ***Ikram Bari and 524 others vs National Bank of Pakistan (2005 SCMR 100)*** in support of the submission that the service rendered on daily wages basis can be counted for pension and pay. The relevant portion of the judgment *ibid* is reproduced as under for ease of reference: -

"An Islamic Welfare State is under an obligation to establish a society which is free from exploitation wherein social and economic justice is guaranteed to its citizens. The temporary Godown staff and the daily wages employees were continued in service of the Bank on payment of meagre emoluments fixed by the Bank. In most of the cases of these employees, there were artificial breaks in their service so as to circumvent the provisions of the Labour Laws and the Rules of the Bank and to deny them the salaries and other service benefits of regular employees. In some cases, the Bank did not issue formal letters of appointment or termination to the employees so as to preclude them to have access to

justice. There was no equilibrium of bargaining strength between the employer and the employees. The manner in which they had been dealt with by the Bank was a fraud on the Statute. A policy of pick and choose was adopted by the Bank in the matter of absorption/regularization of the employees. By Article 2-A of the Constitution, which has been made its substantive part, it is unequivocally enjoined that in the State of Pakistan principle of equality, social and economic justice as enunciated by Islam shall be fully observed which shall be guaranteed as fundamental right. The principle of policy contained in Article 38 of the Constitution also provide, inter alia, that the State shall secure the well being of the people by raising their standards of living and by ensuring equitable adjustment of rights between employers and employees and provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood and reduce disparity in income and earnings of individuals. Similarly, Article 3 of the Constitution makes it obligatory upon the State to ensure the elimination of all forms of exploitation and the gradual fulfilment of the, fundamental principle, from each according to his ability, to each according to his work. It is difficult to countenance the approach of the Bank that the temporary Godown staff and the daily wages employees should be continued to be governed on disgraceful terms and conditions of service for an indefinite period. In view of section 24-A of the General Clauses Act 1897, the National Bank was required to act reasonably, fairly and justly. An employee being jobless and in fear of being shown the door had no option but to accept and continue with the appointment on whatever conditions it was offered by the Bank".

In addition to the aforementioned excerpt, a direction was passed in the judgment of **Ikrām Bari** *ibid* to the effect that the previous service rendered by the Petitioners in the said case shall be counted towards retirement/pensionary benefits. It was held as follows:-

"The Civil Petitions...filed by employees seeking financial back-benefits and waiver of conditions of regularization/reinstatement are disposed of with the direction to the National Bank to regularize/absorb them in service with effect from 15-9-2003, subject to the conditions as laid down in para. 10 of the impugned judgment. The National Bank is directed to issue them appointment letters within one month. Moreover, the previous service rendered by them with the Bank shall be counted towards retirement/pensionary benefits".(Underlining is ours)

In view of the above position, the argument of the learned AAG that the service period of the Respondents rendered on daily wages could not be counted towards their pension is misconceived. The said period could and should be counted towards pension especially when the Respondents had been working continuously for different periods for the last many years.

WERE THE RESPONDENTS EMPLOYED ON A STOP-GAP ARRANGEMENT?

13. The learned DAG has argued that the contracts of the Respondents were not renewed/extended, but they were offered new contracts from time to time after their previous contracts had expired. The record reveals that such breaks were artificial. The said breaks cannot render the employment of the Respondents to be purely temporary. The Respondents have been performing their duties in their respective schools since long and such artificial breaks in their employment do not negate the fact that the Respondents had been continuously serving the Appellants/Petitioners for a long time. Reliance in this regard is placed on the case titled **Board of Intermediate and Secondary Education, Multan vs Muhammad Sajid (2019 SCMR 233 Supreme Court)** wherein it was held as follows:-

“ It is an admitted position that the respondents before us have been working with the petitioner-Board since long, however, in their clumsy attempt to break the continuity of their service, the petitioner has been employing them for 89 days only, and has been re-hiring them for the next 89 days, and thus continued to avail their service for a long period by creating artificial breaks in their service period. The fact that they have, in fact, continuously served the petitioner for a long period of time, albeit the breaks created by the petitioner, as noted above, clearly show that they have been performing the job of a

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permanent nature and have not been serving on casual posts."

It is not the case of the Appellants before us that the Respondents were temporarily working against temporary posts and that such posts no longer exist. The fact that FPSC was approached to test the qualifications and antecedents of Respondents and make its recommendations by itself shows that these posts were permanent in nature.

13. As noted above, the said Principals of the respective Schools where the Respondents were performing services were acting in the aide of the Appellants/Petitioners under an elaborate mechanism/*modus operandi* provided by the Appellants/Petitioners. The powers of the said principals were being exercised on the instructions and under supervision of the Appellants/Petitioners and with their express consent and approval.

14. The learned DAG has stated that there were breaks in the services rendered by the Respondents, however, he has been unable to show from the record where and when there were such breaks in the daily wage services rendered by the Respondents. The only argument advanced by him in this regard is that the Respondents were working on a stop-gap arrangement. We are unable to agree with the learned DAG in this regard. By no stretch of imagination can it be conceived that when the Respondents were working against their respective posts for long periods (in some cases for more than 10 years), the same can by any definition of the word be

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termed as a stop-gap arrangement. A stop-gap arrangement is one where a temporary arrangement is made for a limited time for a few months at the most until something better or more suitable can be found. Such an arrangement is typically made until someone can be hired permanently through the process provided in the law, rules or regulations. The Respondents were admittedly employed for long periods of time running into years and cannot be termed as stop-gap. The definition of "stopgap" provided in Collins Dictionary and as understood by Courts in our country clearly means:-

"A stopgap is something that serves a purpose for a short time, but is replaced as soon as possible"

15. The meaning of a stopgap arrangement was interpreted by this Court in the case titled as **Chairman Evacuee Trust Property Board and others vs Khawaja Shahid Nazir (2006 PLC(CS) 1261 Supreme Court)** in the following terms:-

"The Tribunal had failed to interpret the notification dated 29-6-2000 in its true perspective by ignoring the clear stipulation contained therein that respondent was appointed as Secretary BPS-19 and such appointment was till further orders. From such stipulation it can be inferred without any doubt that it was not a regular appointment in accordance with section 11(1) of the Act and was by way of stopgap arrangement. This Court in the case of Abdul Majid Sheikh v. Mushafee Ahmed and another PLD 1965 SC 208 while examining the effect of the phrase "a person holds an appointment till further orders" pronounced that it only means that he holds it till orders are passed terminating his services."(Underlining is ours)

The learned DAG has been unable to show us any document on the record which suggests that the Respondents were employed for a specific period of time subject to the arrival of permanent employees. The only term in this regard

as found from the appointment orders of the Respondents is that there would be no commitment in this regard from either the Respondents or the Appellants/Petitioners. The mere insertion of this vague term in the contracts of the Respondents does not mean that they were employed as a stop-gap arrangement. The Appellants/Petitioners never terminated services of the Respondents. The Respondents retired from their services after they were regularized, that too in most, after more than 10 years of service. Adding artificial breaks to the employment of the Respondents does not convert the employment of the Respondents into a stop-gap arrangement. They were not employed for a short period till the arrival of someone permanent, but, were employed against their respective posts for almost the whole of their professional lives. As such, the argument of the learned DAG in this regard does not hold much water and the employment of the Respondents was to be treated as permanent in nature as correctly held by the Tribunal.

COULD THE RESPONDENTS BE EMPLOYED ON DAILY WAGES BASIS CONSIDERING THE NATURE OF THEIR WORK?

16. Teachers strengthen the foundation of any state as well as play a pivotal role in nation building by imparting education which is necessary to uplift a society consisting of educated and aware citizens who believe in values and strengthen democracy and democratic values. Employing teachers on daily wages basis is not only detrimental to the education sector of Pakistan but is also a discouraging factor

for future teachers who in turn are demotivated and discouraged a profession which is pivotal in the lives of our future generations. It is pertinent to mention that primary education is a fundamental right guaranteed under Article 25-A of the Constitution of the Islamic Republic of Pakistan, 1973. The Universal Declaration of Human Rights also recognizes education as one of the most important rights of children. Article 3 of the Constitution provides that all forms of exploitation shall be eliminated. One of the reasons for which this becomes relevant to the present controversy is that notwithstanding the importance of the services they render to society, which have consequences for generations, the Respondents were made to work under uncertain conditions on the pattern of unskilled and uneducated or semi-educated labour hired on a daily wage basis for seasonal projects expected to last for a limited period. We are appalled at this irresponsible, casual and utterly unprofessional approach of the policy makers towards a matter as important and as serious as education of our future generations. We have no hesitation whatsoever in strongly deprecating the same. These actions of the Appellants/Petitioners are not only contrary to Constitutional dictates but also contrary to the Principles of Policy enshrined in the Constitution which state that there has to be an equal adjustment of rights between employers and employees.

17. The Impugned Judgment of the learned Tribunal is well reasoned, proceeds on the correct factual and legal premises and has correctly applied the relevant law, rules and

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regulations to the facts and circumstances of the cases before us. No legal, jurisdictional defect, error or flaw in the Impugned Judgment has been pointed out to us that may furnish a valid basis or lawful justification to interfere in the same. The Learned AAG has not been able to persuade us to take a view different from the Tribunal in the facts and circumstances of the instant Appeal/Petitions. We accordingly affirm and uphold the Impugned Judgment of the Learned High Court

18. For the reasons noted above, we find no merit in the Appeal and the same is accordingly dismissed. As for the Petitions, no question of law of public importance in terms of Article 212(3) of the Constitution has been raised. Accordingly, we find no merit in these Petitions and the same are dismissed. Leave to appeal is refused.

~~Chief Justice~~

Judge

Judge

ISLAMABAD, THE27th of January 2021

Haris LC/

NOT APPROVED FOR REPORTING

H

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 12-7/2014
Dated Peshawar the 6th February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Government, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. The Secretary Finance FATA, FATA Secretariat, Peshawar
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

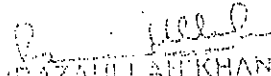
**PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS:**

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No 7(9)R-1/2012 dated 31st May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly received by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,


(RAZAULLAH KHAN)
Addl. Secretary (Regulation)

P.T.O

Dated 6th Feb, 2014

Endst: No .FD (SOSR-1) 12-7 /2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

(Wazir Muhammad Afsar)
Section Officer (SR-1)

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VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

MAQSOOD KHAN-----

Appellant
Petitioner
Plaintiff

VERSUS

Grant of KP

Respondent (s)
Defendants (s)

I/WE Maqsood Khan

do hereby appoint and constitute the *SYED NOMAN ALI BUKHARI Advocate High Court* for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20

md.

(CLIENT)

ACCEPTED

Shah

SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

S. Khan
SHAHKAR KHAN YOUSAFZAI
ADVOCATE PESHAWAR.

"B"

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

S.B

No.

Appeal No..... 7883 to 7886 of 20 21

Magsood Khan & Others Appellant/Petitioner
Versus

Through Chief Secy Govt Pesh. Respondent

Respondent No..... 1

Notice to: - The Govt, of KPK Through Chief Secretary
KPK 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..... 16/6/2022..... 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..... 11/5/22.....

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

(For Reply)

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar
18-5-22

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.

R.B

No.

Appeal No. 7885 to 7886 of 2021

Maryam Khan & 3 others Appellant/Petitioner
Versus

through chief Secy KP Respondent

Respondent No. 2

Notice to: The Secretary Health Dept. Govt. of KPK
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 16/5/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 17/5

Day of May 2021

(For Reply)

17/5/22

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.

66 B 77

S.B

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD) KHYBER ROAD, PESHAWAR.

No.:

Magsood Khan & 3 others

Appeal No. of 20

Through chief Secy KPK

Appellant/Petitioner:

Versus

(4)

The Secretary Finance KPK Peshawar.

Respondent No.:

Notice to: —

NOTICE AS 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.

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.

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

Day of.....20

Secy Finance KPK

Registrar,

Khyber Pakhtunkhwa Service Tribunal, Peshawar

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

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S-13
PESHAWAR.

No.:

7883 to 7886

21

Appeal No. Magsood Khan & 3 Others of 20
Appellant/Petitioner

Through chief Secy KPK *versus* Respondent

Respondent No.:

The Director General Health Services
KPK Peshawar.

Notice to: -

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.

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.....

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

Day of.....20

(For Reply)

[Signature]
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.

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Medical 2009 Know & Control

Medical 2009 Know & Control

The Director (General Health Services)
KBR



10/2/2025

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10/2/2025