

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 1347/2014

Date of Institution ... 18.11.2014

Date of Decision ... 16.11.2017

Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and Minority  
Affairs Department ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

APPELLANT.

MR. MUAHMAMD JAN,  
Deputy District Attorney

... *Pro se*

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...  
MR. MUHAMMAD AMIN KHAN KUNDI, ...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the  
appellant, and learned Deputy District Attorney for the respondents heard and  
record perused.

FACTS

2. The appellant has challenged order dated 13.1.2014, whereby the  
Incentive Allowance paid to the staff of Auqaf Department was stopped to some

of the employees including the appellant. Against which he filed departmental appeal firstly on 19.06.2014 and then on 11.7.2014 which were not responded to and thereafter, the appellant filed the present service appeal on 18.11.2014.

### ARGUMENTS.

3. The appellant *pro se* argued that the Incentive Allowance was being paid to him alongwith other staff of the department and suddenly it was discontinued vide order dated 13.01.2014 and that he was not paid this Allowance right from July, 2013. He argued that no reason has been shown for discontinuation to the appellant. He further added that nonpayment of this allowance to the appellant is discrimination. He next contended that there is no proof of non cooperation etc. on the part of the appellant which was allegedly made basis for refusal of this Allowance to the appellant. In response to a query of this Tribunal dated 25.07.2017 he argued that the term "pay" as defined in Section 2 (e) read with Section 17 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 does include all allowance including the Incentive Allowance. He also relied upon definition of pay as per F.R 9(21)(a) He next contended that the judgment which was referred to in the order sheet dated 25.07.2017 reported as 1997-SCMR-1026 pertains to C.S.R and not to any Provincial law.

4. On the other hand, the learned Deputy District Attorney argued that this appeal is hopelessly time barred as the order dated 13.1.2014 was challenged vide his first departmental appeal on 19.06.2014 and then again on 11.07.2014. That the departmental appeal was time barred and the present appeal is also time barred. He further argued that the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 does not allow joint appeal and make it mandatory that each

aggrieved civil servant should prefer separate appeal. He relied upon the said very reported judgment referred to above in support of his contention that even the Secretariat Allowance which was withdrawn by the government has been held legal by the august Supreme Court of Pakistan and no civil servant can claim the same on the basis of discrimination or on the basis of plea of vested or accrued right. He further argued that the Incentive Allowance being not part of term and condition of service does not fall within the jurisdiction of this Tribunal.

### CONCLUSION.

5. Firstly this Tribunal is to decide its jurisdiction. The definition of pay in Section 2 (e) means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid. Section 17 of the Act say that a civil servant appointed to a post shall be entitled, in accordance with the rules, to the pay sanctioned for such post. If we read both these Sections together there is no difficulty in reaching the conclusion that this pay is only that pay which is sanctioned by any rule and by prescribed authority. The Incentive Allowance is not sanctioned by any Rule and secondly this Incentive Allowance is not shown to be sanctioned by the prescribed authority. The word "prescribed" is defined in Section 2 (g) which means prescribed by rules. The consequence is that the pay under Section 17 is the one which is prescribed by rules and no other pay. The Incentive Allowance has not been sanctioned by any rules.

6. Coming to the legality of this Incentive Allowance, the authority has not mentioned that under which rule or law that Incentive Allowance has been sanctioned nor it has been mentioned that how the Chief Administrator Auqaf or any other authority was empowered to sanction any Incentive Allowance. There

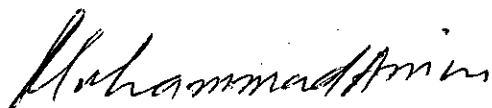
is also no criteria or rationale for this Incentive Allowance. For the purpose of determining the terms and conditions of a civil servant, the Khyber Pakhtunkhwa Civil Servants Act, 1973 framed under Article 240 of the Constitution of Islamic Republic of Pakistan is the final authority. Any definition of pay other than the one mentioned in the Khyber Pakhtunkhwa Civil Servants Act, 1973 shall not have any overriding effect for the purpose of determination of definition of pay as to bring it within terms and conditions. Section 3 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 says that the terms and conditions of a civil servant shall be as provided in this Act and the rules.

7. Now we are to see whether F.R are the ~~rules~~ rules framed under this Act and if so then in case of any inconsistency between any rules and the Act qua the definition of Pay <sup>which</sup> one shall prevail. If we read this Section with Section 26(2) <sup>new</sup> which says that any rules, orders or instructions in respect of any terms and conditions of service of civil servant duly made or issued by an authority competent to make them and in force immediately before the commencement of this act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this act. The nutshell is that F.R are rules framed under the Civil Servants Act, 1973 to the extent of consistency with Act only. The term "pay" has been defined by Rule 9 (21)(a) of the F.R and also by Section 17 of the Civil Servants Act, 1973. Regardless of discussions on inconsistency between these two the definition given by the Section 17 shall prevail over all rules including F.R for the present purpose.


8. In the light of this definition of Section 17 this Tribunal shall treat only those allowance, emoluments etc. as terms and conditions of civil servants which have been sanctioned by the prescribed authority under the rules. As held above,

the Incentive Allowance has not been shown to be issued by any prescribed authority and it has also not been shown that under which rules this Incentive Allowance has been issued much less the criteria for the same.

9. As a result of the above, this Tribunal is of the view that the Incentive Allowance is not part of the terms and conditions of a civil servant and this Tribunal lacks the jurisdiction. The appeal is therefore, dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
16.11.2017

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

Service Appeal No 41/2016

Date of Institution... 19.02.2016

Date of decision... 17.08.2017

Zubair Ahmad son of Nisar Ahmad R/O Khat Killi Tangi,  
Tehsil Tangi District Charsadda, Ex-Reader/Senior Clerk of  
the Establishment of the respondents. ... (Appellant)

Versus

1. The Appellate Judge through Registrar, Peshawar High  
Court, Peshawar. . ... (Respondents)

----

MR. MUHAMMAD ASIF YOUSAFZAI,  
Advocate ... For appellant.

MR. KABEERULLAH KHATTAK,  
Asstt. Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. M. AMIN KUNDI, ... MEMBER (J)  
MR. M. AHMAD MUGHAL, ... MEMBER (J)  
MR. AHMAD HASSAN, ... MEMBER (E)

JUDGMENT

**NIAZ MUHAMMAD KHAN, CHAIRMAN:** - Arguments  
of the learned counsel for the parties heard and record  
perused.

the Incentive Allowance has not been shown to be issued by any prescribed authority and it has also not been shown that <sup>under rules</sup> ~~in~~ which ~~law~~ this Incentive Allowance has been issued much less the criteria for the same.

9. As a result of the above, this Tribunal is of the view that the Incentive Allowance is not part of the terms and conditions of a civil servant and this Tribunal lacks the jurisdiction. The appeal is therefore, dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(NIAZ MUIHAMMAD KHAN)  
CHAIRMAN

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

ANNOUNCED  
16.11.2017

**16.08.2017**

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard. To come up for order tomorrow on 17.08.2017 before the Larger Bench.

Chairman

(M. Amin Kundi)  
Member

(M. Hamid Mughal)  
Member

(Ahmad Hassan)  
Member

**17.08.2017**

Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard and record perused.

Vide our detailed judgment of today, in connected service appeal No. 41/2016, entitled "Zubair Ahmad Vs. the Appellate Judge through Registrar, Peshawar High Court, Peshawar etc." this Tribunal has the jurisdiction to entertain the appeal. To come up for preliminary hearing before S.B on 12.09.2017.

Chairman

(M. Amin Kundi)  
Member

(M. Hamid Mughal)  
Member

(Ahmad Hassan)  
Member



*Sanctioned*

~~mentioned~~ nor it has been mentioned that how the Chief Administrator Auqaf or any other authority was empowered to sanction any Incentive Allowance. There is also no criteria or rationale for this Incentive Allowance. For the purpose of determining the terms and conditions of a civil servant, the Khyber Pakhtunkhwa Civil Servants Act, 1973 framed under Article 240 of the Constitution of Islamic Republic of Pakistan is the final authority. Any definition of pay other than the one mentioned in the <sup>Khyber Pakhtunkhwa</sup> Civil Servant Act, 1973 shall not have any overriding effect for the purpose of determination of definition of pay. <sup>as to bring it within terms & conditions</sup> Section 3 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 says that the terms and conditions of a civil servant shall be as provided in this ~~Act~~ and the rules.

*Case of*

7. Now we are to see whether ~~F.R.~~ <sup>are the</sup> (rules framed under this Act) and if so ~~then~~ <sup>then in</sup> any inconsistency between any rules and the Act ~~then it shall prevail.~~ <sup>give the definition of pay</sup> Section 26 ~~(1) of the Act says that any rule made or deemed to have been made under this Act.~~ <sup>protects all private rights.</sup> ~~which one~~ If we read this Section with Section 26(2) which says that any rules, orders or instructions in respect of any terms and conditions of service of civil servant duly made or issued by an authority competent to make them and in force immediately before the commencement of this act shall, in so far as such rules, orders or instructions <sup>are</sup> or not inconsistent with the provisions of this Act, be deemed to be rules made under this act. The ~~not~~ <sup>nutshell</sup> is that ~~F.R.~~ <sup>F are</sup> rule framed under the Civil Servants Act, 1973 to the extent of consistency with Act only. The term "pay" has been defined by ~~Rule 21-a~~ <sup>9(21)(a)</sup> of the F.R and also by Section 17 of the Civil Servants Act, 1973. ~~In such situation,~~ <sup>Regardless of discussion on inconsistency between these two</sup> the definition given by the Section 17 shall prevail over all rules including FR <sup>for the purpose present purpose.</sup> ~~to further~~

~~There is also no inconsistency before~~  
8. In the light of this definition of Section 17 this Tribunal shall treat only those allowance, emoluments etc. as terms and conditions of civil servants which have been sanctioned by the prescribed authority under the rules. As held above,

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

Service Appeal No. /2015

Abdul Malik



...APPELLANT

**VERSUS**

District Education Officer, Battagram and others

...RESPONDENTS

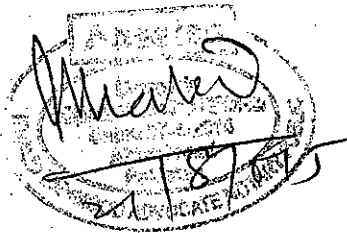
**APPEAL**

**AFFIDAVIT**

I, Abdul Malik S/o Abdul Khaliq, resident of Lach Kupri District Battagram, PST Government Primary School Qaboola **Appellant** do hereby solemnly affirm and declare on Oath that the contents of instant **Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

**DEPONENT**

Dated:- 21/8 /2015




...APPELLANT

very reported judgment referred to above in support of his contention that even the Secretariat Allowance which was withdrawn by the government has been held legal by the august Supreme Court of Pakistan and no civil servant can claim the same on the basis of discrimination or on the basis of plea of vested or accrued right. He further argued that the Incentive Allowance being not part of term and condition of service does not fall within the jurisdiction of this Tribunal.

### CONCLUSION.

5. Firstly this Tribunal is to decide its jurisdiction. The definition of pay in Section 2 (e) ~~includes "pay"~~ means <sup>the</sup> amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid. Section 17 of the Act say that a civil servant appointed to a post shall be entitled, in accordance with the rules, to the pay sanctioned for such post. If we read both these Sections together there is no difficulty in reaching the conclusion that this pay is only that pay which is sanctioned by any rule and by prescribed authority. The Incentive Allowance is not sanctioned by any Rule and secondly this Incentive Allowance is not shown to be sanctioned by the prescribed authority. The word "prescribed" is defined in Section 2 (g) which means prescribed by rules. The consequence is that the pay under Section 17 is the one which is prescribed by rules and no other pay. The Incentive Allowance has not been sanctioned by any rules. ~~The judgment pressed into service by the learned Deputy District Attorney clearly says that if a Secretariat Allowance is withdrawn by any rule then no vested or accrued right can be pleaded for the protection of the same.~~

6. Coming to the legality of this Incentive Allowance, the authority has not mentioned that under which rule or law that Incentive Allowance has been

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

**Service Appeal No. /2015**

Abdul Malik



**...APPELLANT**

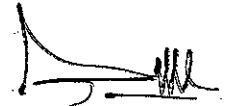
**VERSUS**

District Education Officer, Battagram and others

**...RESPONDENTS**

**APPEAL**  
**CERTIFICATE**


***Certified that no such Service Appeal has earlier been  
filed before this Hon'ble Court.***



**...APPELLANT**

**Through:**

Dated:- 21/8/2015

  
**(MUHAMMAD AYUB AWAN)**  
Advocate Supreme Court of Pakistan,  
Abbottabad.

of the employees including the appellant. Against which he filed departmental appeal firstly on 19.06.2014 and then on 11.7.2014 which were not responded to and thereafter, the appellant filed the present service appeal on 18.11.2014.

### ARGUMENTS.

3. The appellant *pro se* argued that the Incentive Allowance was being paid to him alongwith other staff of the department and suddenly it was discontinued vide order dated 13.01.2014 and that he was not paid this Allowance right from July, 2013. He argued that no reason has been shown for discontinuation to the appellant. He further added that nonpayment of this allowance to the appellant is discrimination. He next contended that there is no <sup>proof</sup> ~~provision~~ <sup>made</sup> of non cooperation etc. on the part of the appellant which was allegedly <sup>bases</sup> for refusal of this Allowance to the appellant. In response to a query of this Tribunal dated 25.07.2017 he argued that the term "pay" as defined in Section 2 (e) read with Section 17 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 does include all allowance including the Incentive Allowance. He next contended that the judgment which was referred to <sup>in</sup> the order sheet dated 25.07.2017 reported as 1997-SCMR-1026 pertains to C.S.R and not to any Provincial law.

4. On the other hand, the learned Deputy District Attorney argued that this appeal is hopelessly time barred as the order dated 13.1.2014 was challenged vide his first departmental appeal on 19.06.2014 and then again on 11.07.2014. That the departmental appeal was time barred and the present appeal is also time barred. He further argued that the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, does not allow joint appeal and make it mandatory that each aggrieved civil servant should prefer separate appeal. He relied upon the said

*He also relied upon definition of pay as per*

~~PR 2187~~  
PR 9(2)(g)

- 11- The SDEO will not activate the pay of the appointees till the verification of all the relevant documents.
- 12- The Competent Authority reserves the right to rectify the errors and omissions if any noted at any stage in the instant order issued erroneously.
- 13- No TA/DA will be allowed to the appointees for joining their duty.
- 14- Charge report should be submitted to all concerned.

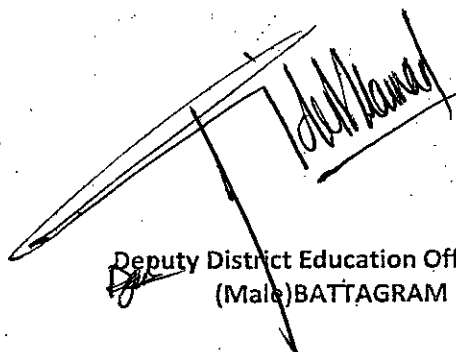
Muhammad Saeed  
District Education Officer  
(Male) BATTAGRAM.

Endst: No. 8467-72

Dated: 19/3 /2013

Copy to the:-

- 1- Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 2- The Deputy Commissioner Battagram.
- 3- District Officer (F&P) Battagram.
- 4- District Accounts Officer Battagram.
- 5- SDEO (Male) Battagram.
- 6- Candidates concerned.
- 7- Office File.

  
Deputy District Education Officer  
(Male) BATTAGRAM

  
Attested to be  
true copy

DFA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 1347/2014

Date of Institution ... 18.11.2014

Date of Decision ... 16.11.2017

Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and Minority  
Affairs Department ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

APPELLANT.

MR. MUAHMAMD JAN,  
Deputy District Attorney

... *Pro se*  
... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...  
MR. MUHAMMAD AMIN KHAN KUNDI, ...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the  
appellant, and learned Deputy District Attorney for the respondents heard and  
record perused.


FACTS

2. The appellant has challenged order dated 13.1.2014, whereby the  
Incentive Allowance paid to the staff of Auqaf Department was stopped to some

10.11.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Requested for adjournment. Adjourned. To come up for arguments on 16.11.2017 before D.B.

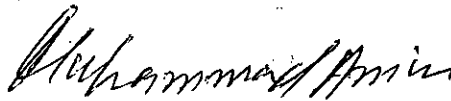
  
(Gul Zeb Khan)  
Member


  
(Muhammad Amin Khan Kundi)  
Member

16.11.2017

Appellant *pro se* and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
MEMBER


  
CHAIRMAN

ANNOUNCED  
16.11.2017



27.02.2017

Appellant in person and Mr. Sultan Shah, Assistant along with Addl. AG for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on 29.03.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

29.03.2017

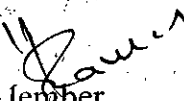
Appellant present in person and Mr. Ziaullah, G.P for the respondents present. Appellant submitted an application for adjournment. Adjourned for final hearing to 25.07.2017 before the D.B.

  
Member

  
Chairman

25.07.2017

Appellant in person and Addl. AG for the respondents present. After arguing the case at some length by both the parties this Tribunal has raised the question as to whether incentive allowance falls within the definition of terms & conditions of the civil servant for the purpose of determining the jurisdiction of this Tribunal. In this regard the learned Addl AG relied upon a judgment reported as 1997-SCMR-1026 wherein it has been laid down that allowances are not the part of pay and hence do not fall within the terms and condition of civil servants. On this the learned counsel for the appellant requested for adjournment to prepare the case. To come up for further arguments on 10.11.2017 before this D.B.


  
Member

  
Chairman

30.5.2016

Counsel for the appellant and Ziaullah, GP for respondents present. Appellant submitted before the court that learned Executive (Member) remained Secretary of the department against which he has filed the instant appeal, therefore, case in hand may be transferred to some other bench. The learned Executive Member has got no objection, hence case be placed before the learned Chairman for entrustment to other bench. To come up for arguments on 24.10.2016.

  
Member

  
Member

24.10.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Requested for adjournment. To come up for arguments on 19.12.2016 before D.B.

  
Member

  
Chairman

19.12.2016

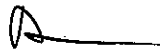
Appellant in person and Additional AG for the respondents present. Learned Additional AG requested for adjournment. Request accepted. To come up for arguments on 27.02.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

12.10.2015

Appellant in person and Addl: AG for respondents present. Appellant submitted rejoinder as well as application for notice to respondents under Rule-2 of order XII of CPC, 1908(ACT No.V of 1908) to admit as correct copies of certain record. Copy of rejoinder as well as application is handed over the respondent-department. To come up for arguments on main appeal as well as reply/arguments on application on 17.02.2016.



Member



Member

17.02.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. The learned Member (Executive) is on official tour to Abbottabad, therefore, Bench is incomplete. To come up for arguments on main appeal as well as reply/arguments on application on 30.5.2016



Member

Appellant in person and Addl: AG for respondents present. Appellant submitted rejoinder as well as application for notice to respondents under Rule-2 of order XII of CPC, 1908(ACT No.V of 1908) to admit as correct copies of certain record. Copy of rejoinder as well as application is handed over the respondent-department. To come up for arguments on main appeal as well as reply/arguments on application on 17.02.2016.

Member

Member

4 19.02.2015

Appellant in person present and heard. Submitted that in violation of principal of norms of justice, appellant and his colleagues were refused incentive allowance which decision of the competent authority is based on discrimination.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal exceptions. The appellant is directed to deposited security and process fee within 10 days. Therefore, notices be issued to the respondents. Case to come up for written reply/comments on 30.04.2015.

  
Member

5 30.04.2015

Appellant in person present. Wakalat Nama on behalf of respondents No. 1 to 3 submitted. Requested for adjournment. To come up for written reply/comments on 28.7.2015 before S.B.

  
Chairman

6 28.07.2015

Appellant in person and Mr. Mustafa Kamal, SO alongwith Addl. A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.10.2015.

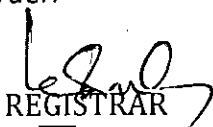


  
Chairman

Appellant in person present and heard. Submitted that in violation of principal of norms of justice, appellant and his colleagues were refused incentive allowance which decision of the competent authority is based on discrimination.

Form- A  
FORM OF ORDER SHEET

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

Case No. 1347/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20.11.2014	<p>The appeal of Mr. Muhammad Arshad resubmitted today by him may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-01-2015	<p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up there on <u>16-01-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.1.2015	<p>Notice of general strike received from the Khyber Pakhtunkhwa Bar Council. Notice be issued to appellant and his counsel. To come up for preliminary hearing on 19.2.2015.</p> <p style="text-align: right;"> MEMBER</p>

1  
The appeal of Mr. Muhammad Arshad Additional Secretary Auqaf, Hajj, Religious and Minority Affairs department received today i.e. on 18.11.2014 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

2  
Copy of impugned order is not attached with the appeal which may be placed on it.

No. 1639 /S.T.

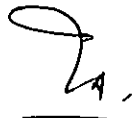
Dt. \_\_\_\_\_ /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Appellant.

3  
Needful done. Resubmitted pl.

Registrar

  
Muhammad Arshad  
Additional Secretary Auqaf,  
Hajj, Religious & Minority  
Affairs Dept. / Appellant.  
19/11/2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR.**

*Appeal no. 1347/2014*

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and Minority Affairs Department--- Appellant

**Versus**

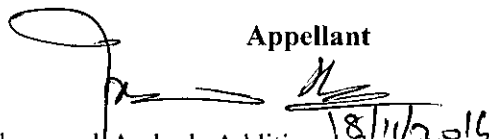
1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar--- Respondents

**Appeal under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974) that the order dated 13.01.2014 at Annex-IA of Respondent No. 2 for stoppage of Incentive Allowance may be set-aside and the Respondents No. 2 and 3 may be directed to make payment to the Appellant of the Allowance @ Rs. nine thousand (9000/-) per month w.e.f. July 2013 and onwards or as proved from record.**

**INDEX**

S. No.	Name of Document	Annex No.	Page No.
1	Text of the Appeal		1-4
2	Actual payee receipt for the month of June 2013	Annex-I	5
3	Order dated 13.01.2014 for stoppage of Incentive Allowance	Annex-IA	5A
3	Joint application dated 29.01.2014	Annex-II	6
4	Joint application dated 12.02.2014	Annex-III	7
5	Joint application dated 09.06.2014	Annex-IV	8
6	Joint representation dated 19.06.2014	Annex-V	9-12
7	Joint representation letter dated 11.07.2014	Annex-VI	13
8	Letter dated 01.10.2014 for request to furnish actual payee receipts	Annex-VII	14
9	Receipts provided by the respondent No. 3 vide letter dated 14.10.2014	Annex-VIII	15
10	Appellant letter dated 16.10.2014 for provision of missing documents	Annex-IX	16
11	Appellant letter dated 23.10.2014 for provision of budget estimates	Annex-X	17
12	Letter dated 12.11.2014 of respondent No. 3 who provided budget estimates	Annex-XI	18-20
13	Statement of the employees	Annex-XII	21

**Appellant**

  
Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious & Minority Affairs Department through Himself.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR.**

*Appeal No. 1347/2014*

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and Minority Affairs Department--- Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar---Respondents

**Appeal under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974) that the order dated 13.01.2014 at Annex-IA of Respondent No. 2 for stoppage of Incentive Allowance may be set-aside and the Respondents No. 2 and 3 may be directed to make payment to the Appellant of the Allowance @ Rs. nine thousand (9000/-) per month w.e.f. July 2013 and onwards or as proved from record.**

**Facts:-**

Respectfully submitted that:-

1. The Appellant along with other staff of the Auqaf, Hajj, Religious and Minority Affairs Department were receiving Incentive Allowance @ Rs. nine thousand (9000/-) per month from the budget of Administrator Auqaf. Copy of the actual payee receipt for the month of June, 2013 is attached herewith (**Annex-I**).
2. All of a sudden, the allowance was stopped to the Appellant along with other staff members, probably from the month of November 2013 till date without any reason/notice vide order dated 13.01.2014. The allowance was allowed by the Respondent No. 2 to himself, his Personal Staff, SO(Auqaf) and her staff but denied to the Appellant, his personal staff amongst other employees namely, Deputy Secretary, SO(Admn) and their subordinate staff etc. (**Annex-IA**).
3. The Appellant, along with other aggrieved employees, submitted joint applications dated 29.01.2014, 12.02.2014 and last on 09.06.2014 to the Respondent No. 2 but no decision was made on our repeated applications/requests (**Annex-II, III and IV**).

4. Feeling aggrieved, the Appellant along with other staff members submitted a joint representation vide letter No SO(Admn) AHR&MAD/3-43/Misc:/9502 dated 19.06.2014 (**Annex-V**) to the Respondent No. 1 through proper channel i.e. through Respondent No. 2. The Respondent No.2 did not forward the representation to the competent authority/Respondent No.1 and resultantly, the appellant along with other staff members submitted the representation directly to the Respondent No.1 vide letter No. SO(Admn)AHR&MAD/3-43/Misc:/9873

cc-submitted to ~~govt.~~  
and filed.



- dated 11.07.2014 (**Annex-VI**). Till date, the Appellant has not received any reply/order/decision on our representation from the Respondent No. 1.
5. Respondent No.3 was requested vide letter No. SO(Admn)AHR&MAD/1-96/2011/3603-05 dated 01.10.2014 to furnish to the appellant the actual payee receipts of the Incentive Allowance for the period from July 2012 till date as per provisions of the Khyber Pakhtunkhwa, Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXII of 2013) (**Annex-VII**). The Respondent No. 3 provided the receipts vide letter No. 746/Accts/Auqaf dated 14.10.2014 (**Annex-VIII**).
  6. The Appellant vide letter No. SO(Admn)AHR&MAD/1-96/2011/3738-40 dated 16.10.2014 replied that the documents provided doesn't include the actual payee receipts for the month of July, August, September and October 2013. It was explained that in our joint applications and representation to the Respondent No. 2 and 1 respectively, the Appellant along with others have mentioned randomly that we have not received allowance for the month of November 2013 and onwards. As the appellant remember with some doubt that actually appellant has received the Incentive Allowance for a month or two out of four months of July, August, September and October, 2013. The record provided does not include the receipts for these four months. It was, therefore, requested to provide the receipts for these months otherwise the appellant will be entitled to claim the amount from July 2013 till its reported discontinuation in the month of August 2014. The Respondent No. 3 was further requested to provide attested copies duly stamped with official seal as per provisions of Khyber Pakhtunkhwa, Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXII of 2013) (**Annex-IX**).
  7. In continuation of letter dated 16.10.2014 at **Annex-IX**, the Appellant further requested the Respondent No.3 vide letter No. SO(Admn)AHR&MAD/1-96/2011/3876-78 dated 23.10.2014 to provide a copy of the proposed and approved budget estimates for the Financial Year 2012-13 and 2013-14 of his office duly attested and stamped with official seal as per provisions of Khyber Pakhtunkhwa, Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXII of 2013) (**Annex-X**).
  8. The Respondent No. 3 did not provide the actual payee receipts for the month of July, August, September and October 2013 and only provided the budget estimates for the Financial Year 2012-13 and 2013-14 of his office vide letter 765/Accts/Auqaf dated 12.11.2014. Perusal of the estimates indicates that the Appellant along with others are entitled to the payment of Incentive Allowance @ Rs. nine thousand per month from budget of office of Administrator Auqaf, Khyber Pakhtunkhwa, Peshawar (**Annex-XI**).
  9. It is pointed out that the Appellant along with other employees has submitted departmental representation vide letter No. SO(Admn)AHR&MAD/3-43/Misc:/9873 dated 11.07.2014 at **Annex-VI** to the competent authority and hence, the limitation period of mandatory ninety days (90) expires on 10<sup>th</sup> November 2014 and the instant appeal is being filed few days late due to the reason that the Respondent No. 3 didn't provide the requisite record in time. Therefore, the delay of few days in submission of the instant appeal may please be condoned.

**Grounds:-**

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10. Since no response/decision has been received/made on our representation, hence, the instant appeal is submitted for consideration on the following grounds amongst others:-

- i. It is injustice that the allowance may be allowed by the Respondent No. 2 to himself, personal staff, SO(Auqaf) and her staff and deny the same to the Appellant, D.S., S.O.(Admn.) and their staff. Further injustice is that all the employees working in Auqaf Section are receiving the allowance except Mr. Qaiser Mehmood, J/C. It is submitted that the Appellant performs the same function which the Respondent No. 2 does as head of the department. There is only one post of additional Secretary and hence, the work of all the sections is routed through Appellant and goes to the Respondent No. 2 upward. The Appellant doesn't bear less burden of the work as compared to the Respondent No. 2 and his personal staff. The officers/officials in the department are of the view that the Appellant works more than the whole hierarchy of the department. Then, they are astonished why the allowance has been stopped to the Appellant. In this connection statement of the employees is at (Annex-XII).
- ii. It is a general principle of law that no one should be condemned unheard. The stoppage of financial benefit is a punishment under the disciplinary law and the Respondent No. 2 was required to have first made a disciplinary case against the Appellant and only then ordered the stoppage with cogent reasons there for, which has not been done. Hence, the decision is arbitrary and illegal in the eyes of law.
- iii. Article 25 of the Constitution of Islamic Republic of Pakistan provides that "All citizens are equal before law and are entitled to equal protection of law." There is no law which permits the incentive allowance to the Respondent No. 2 and disallows it to the Appellant and others. What is the benchmark for allowing/disallowing and under which provisions of law?
- iv. Article 4 of the Constitution provides that, "(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. (2) In particular no action detrimental to the life, liberty, body, reputation or **property** of any person shall be taken except in accordance with law" Similarly, Article 10(A) provides, "For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and **due process**." The above constitutional provisions/fundamental rights of the Appellant have been violated.
- v. The Islamic Law doesn't allow such discrimination which is the state religion under the constitution and no law can be made by the legislature against the teachings of Holy Quran and Sunnah which is the supreme law of the land under the constitution. The commands of Shariah of equality and non-discrimination have been violated.
- vi. The further irony of fate is that the allowance is being provided to all the drivers working with the Respondent No. 2 but denied to the drivers with Appellant and D.S. It is inequality and discrimination that drivers with Appellant and D.S. are not allowed this remuneration which is

illegal/un-Islamic. Why this discrimination amongst the children of same father/head of the organization? How the drivers with Appellant and D.S. will work efficiently if they see this discrimination amongst the residents of one home. Even the officials working with the Respondent No. 2 are not designated drivers but rather chowkidars/NQs etc.

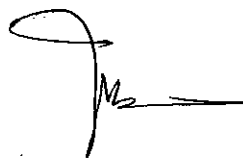

- vii. The principle of good management demands that the employees of an organization may be provided congenial atmosphere for working and they should remain contented. Not that the management spreads and creates discontent amongst its employees. The aim and purpose of the organization can only be achieved if its employees are contented and work with peace of mind and not vice versa.
- viii. It is a fact that Appellant shoulders all the work-load of the department and the Respondent No. 2 more often than not records the word "Okay" on the file. All the cases are thoroughly examined by the Appellant and similarly, all the summaries, notes for Ministers, CS and all other draft letters are finalized at the level of the Appellant and the Respondent No. 2 only records "Okay" on the file. This fact has been admitted by the Respondent No. 2 in the presence of Mr. Javed Akhtar, S.O. of the department in verbal interaction in last days of his transfer from the department. The posts of Section Officers either remain vacant or they are manned by employees from the office of Administrator Auqaf and the then Deputy Secretary hailed from the Information Department who has no expertise/experience in the Secretarial work. Resultantly, the entire burden lied on the shoulders of the Appellant.

11. Keeping in view the above mentioned facts, it is, therefore, prayed that on acceptance of the appeal, the order dated 13.01.2014 at **Annex-IA** may be set-aside and the Respondents No. 2 and 3 may be directed to make payment to the Appellant at the rate of Rs. nine thousand (9000/-) per month from July, 2013 till date with profit or as proved from actual payee receipts/record along with costs and award of exemplary general damages for mental torture and malicious civil prosecution to the tune of Rs. one million so that it may become an example that why the departmental authorities unnecessarily let the employees to indulge in litigation for their due rights.

12. It is certified on oath that all the narrations in the appeal are true to the best of my knowledge and belief. No other appeal has been filed on the subject-matter in the tribunal or any other forum. Book references are the Constitution of the Islamic Republic of Pakistan, 1973 and other laws/rules which may be produced on need basis.

Dated: 18.11.2014

**Appellant**

Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious & Minority Affairs Department through Himself.





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Annex-IA.  
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P.K

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF, HAJJ, RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT

Auqaf@kp.gov.pk  
Phone: 9210203 Fax: 9212620

No. PS/Secy:/AHR&MAD/2013/11-1/4969  
Dated the 13/01/2014

The Administrator Auqaf,  
Auqaf Department,  
Khyber Pakhtunkhwa, Peshawar

INCENTIVE ALLOWANCE

I am directed to refer to the subject noted above and to state that the "Incentive Allowance" for staff of Chief Administrator Auqaf, Khyber Pakhtunkhwa may be fixed for the following officers and officials only and as per amount mentioned below;

S.No	Designation/Section	Amount
1	Chief Administrator Auqaf	Rs.10,000/-
2	PS to Chief Administrator Auqaf	Rs.2000/-
3	Section Officer (Auqaf)	Rs.3000/-
4	Assistant (Auqaf Section)	Rs.2000/-
5	Steno (Auqaf Section)	Rs.2000/-
6	Naib Qasid (of Chief Administrator Auqaf)	Rs.1000/-
7	Naib Qasid (of PS to Chief Administrator Auqaf)	Rs.1000/-
8	Driver	Rs.1000/-
9	Driver	Rs.1000/-
10	Naib Qasid (Auqaf Section)	Rs.1000/-
11	Chowkidar (Day Shift)	Rs.1000/-
12	Chowkidar (Night Shift)	Rs.1000/-
13	Sweeper	Rs.1000/-
TOTAL AMOUNT		Rs.27000/-

In addition to the above mentioned officers/officials Mr. Waqar Ahmad, Superintendent may be allowed "Incentive Allowance" @Rs.2000/- per month until his appointment as Manager Auqaf remains effective.

Furthermore, it is stated that the unpaid "Incentive Allowance" for the months of November & December, 2103 may be issued with the same criteria as mentioned above.

*Accept*  
*For compliance as desired*

Sl. No. of Even No. & Date:

Copy forwarded to the:

Accounts Officer, Auqaf Department, Peshawar.

Chief Administrator Auqaf,  
Khyber Pakhtunkhwa

PS to Chief Administrator Auqaf,  
SA 921

*13/01/2014*

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Auqaf, Hajj, Religious & Minority Affairs Department.

**SUBJECT: INCENTIVE ALLOWANCE.**

SIR,

We the following officers/officials of this department submit that we were being incentive allowance from the budget of Administrator Auqaf but for the last two months i.e. November and December we have not received the said amount without any reason. For the month of October the amount was reduced from us but it was fully paid to some of the officers/officials.

We have come to know that recently a letter has been issued from this department to the Administrator Auqaf that the incentive allowance may be given to the employees of his personal staff and staff of Auqaf Section but it has been stopped to be paid to other officers/officials.

It is submitted that the stoppage of incentive allowance to some of the officers/officials is not only improper in the eyes of law/rules but is also against the principles of Sharia. Justice demands that it would have been abolished either from all or none.

Keeping in view the above mentioned facts, it is, therefore, requested that incentive allowance may be paid to the undersigned officers/officials. Thanking you in anticipation.

Date: 29/01/2014

Yours faithfully,

Name	Designation	Signature
Mr. Mohammad Arshad	Additional Secretary	<i>[Signature]</i>
Mr. Noor-ul-Hadi	Deputy Secretary	<i>[Signature]</i>
Mr. Mustafa Kmal	SO(Admn)	<i>[Signature]</i>
Mr. Muhammad Fayaz	PA to AS	<i>[Signature]</i>
Mr. Sohrab Ali	PA to DS	<i>[Signature]</i>
Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	<i>[Signature]</i>
Mr. Fazli Akbar	J-Clerk / Care Taker (Admn Section)	He is on earned leave of 40 days
Mr. Faridullah	Qasid (Admn Section)	<i>[Signature]</i>
Mr. Nasrat Khan	Daftari (Admn Section)	<i>[Signature]</i>
Mr. Amir Zada	N/Q (with AS)	<i>[Signature]</i>
Mr. Rahabat Khan	N/Q (with DS)	<i>[Signature]</i>
Mr. Muhammad Shah	N/Q (Accounts Section)	<i>[Signature]</i>
Mr. Saqib-ur-Rahman	N/Q (Admn Section)	<i>[Signature]</i>

P.S. to  
Secy: Auqaf

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Auqaf, Hajj, Religious & Minority Affairs Department.

**SUBJECT: INCENTIVE ALLOWANCE.**

It is submitted that we the following officers/officials of this department have submitted an application dated 29.01.2014 (**Flag-A**) on the subject noted above but despite a lapse of 15 days, no decision has been made regarding our request that all the recipients of the incentive allowance from the budget of Administrator Auqaf may be treated equally. This is the demand of Islamic Sharia as well as law of the land. Our dues are pending for the months of November, December, 2013 and January, 2014.

We hope that we will get justice in the matter from this quarter and may not need to search for it somewhere else. Thanking you in anticipation.

Date: 12.02.2014

Yours faithfully,

Name	Designation	Signature
1. Mr. Mohammad Arshad	Additional Secretary	
2. Mr. Noor-ul-Hadi	Deputy Secretary	
3. Mr. Mustafa Kmal	SO(Admn)	
4. Mr. Muhammad Fayaz	PA to AS	
5. Mr. Sohrab Ali	PA to DS	
6. Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	 12-02-2014
7. Mr. Fazli Akbar	J.Clerk / C.Taker (Admn Section)	 12-2-014
8. Mr. Faridullah	Qasid (Admn Section)	
9. Mr. Nasrat Khan	Daftari (Admn Section)	
10. Mr. Amir Zada	N/Q (with AS )	
11. Mr. Rahabat Khan	N/Q (with DS)	
12. Mr. Muhammad Shah	N/Q (Accounts Section)	
13. Mr. Saqib-ur-Rahman	N/Q (Admn Section)	

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Annex-IV  
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To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Auqaf, Hajj, Religious & Minority Affairs Department.

**SUBJECT: INCENTIVE ALLOWANCE.**

Dear Sir,

It is submitted that we the following officers/officials of this department have submitted applications dated 29.01.2014 & 12.02.2014 (**Flag-A&B**) on the subject noted above but despite a lapse of almost 4 months, no decision has been made regarding our request that all the recipients of the incentive allowance from the budget of Administrator Auqaf may be treated equally. This is the demand of Islamic Sharia as well as law of the land. Our dues are pending for the months of November, December, 2013 and January, February, March, April & May 2014.

2. We hope that we will get justice in the matter from this quarter and may not need to search for it somewhere else. Thanking you in anticipation.

Dated: 09.06.2014

*views pl.*

*AA*

*10/06*

Yours faithfully,

S.No.	Name	Designation	Signature
1	Mr. Mohammad Arshad	Additional Secretary	<i>[Signature]</i>
2		Deputy Secretary	
3	Mr. Mustafa Kmal	SO(Admn)	<i>[Signature]</i>
4	Mr. Muhammad Fayaz	PA to AS	<i>[Signature]</i>
5	Mr. Sohrab Ali	PA to DS	
6	Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	<i>[Signature]</i>
7	Mr. Fazli Akbar	J.Clerk / C.Taker (Admn Section)	<i>[Signature]</i>
8	Mr. Faridullah	Qasid (Admn Section)	<i>[Signature]</i>
9	Mr. Nasrat Khan	Daftari (Admn Section)	<i>[Signature]</i>
10	Mr. Amir Zada	N/Q (Dev. Section )	
11	Mr. Rahabat Khan	N/Q (with DS)	<i>[Signature]</i>
12	Mr. Muhammad Shah	N/Q (Accounts Section)	<i>[Signature]</i>
13	Mr. Saqib-ur-Rahman	N/Q (Admn Section)	<i>[Signature]</i>
14	Mr. Sannullah	N/Q (with AS)	<i>[Signature]</i>
15	Mr. Sadr Nawaz	N/Q (HRMA Section)	<i>[Signature]</i>

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Annex-V  
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**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF HAJJ RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT**

No. SO(Admn)AHR&MAD/3-43/Misc: 9502  
Dated Peshawar the 19<sup>th</sup> June, 2014

To

The Chief Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment and Administration Department,  
Civil Secretariat, Peshawar.

*Through proper channel*

Subject: **REPRESENTATION IN INCENTIVE ALLOWANCE.**

Dear Sir,

It is submitted that we the following officers/officials of this department were receiving incentive allowance from the budget of Administrator Auqaf for the last more than a year (**Annex-I**) but all of a sudden the existing Secretary Auqaf, Hajj, Religious and Minority Affairs Department has stopped the allowance to us from the month of November 2013 till date without any reason/notice to the petitioners. While he himself, his personal staff, SO(Auqaf) and their staff have been allowed to receive the allowance.

2. We have submitted applications dated 29.01.2014, 12.02.2014 and last on 09.06.2014 to the Secretary Auqaf, Hajj, Religious and Minority Affairs Department but no decision has been made on our applications/requests (**Annexes-II, III and IV**).

3. The delay in submission of representation may please be condoned because we the officers/officials are reluctantly approaching to your honour for redressal of our grievances because an individual of the stature not other than the head of the department is involved in the matter. We were expecting for the last 4 months since 29.01.2014 that the head of the department will sympathetically consider our request but in the process it didn't bear any fruit and hence, we are compelled to approach your honour in the shape of instant representation. Is it justice that the allowance may be allowed by the Secretary to himself, personal staff, SO(Auqaf) and her staff and deny the same to A.S. D.S. and their staff. Further injustice is that all the employees working in Auqaf Section are receiving the allowance except Mr. Qaiser Mehmood Junior Clerk. It is submitted that the A.S. performs the same function which the Secretary as head of the department does. The work of all the sections are routed through A.S. and goes to Secretary upward. Is it that the A.S. bears less burden of the work as compared to Secretary and his staff? The officers/officials in the department are of the view that the A.S. works more than the whole hierarchy of the department. Then, they are astonished why the incentive has been stopped to A.S. In this connection certificate of the employees is at (**Annex-V**).

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4. It is a general principle of law that no one should be condemned unheard. The stoppage of financial benefit is a punishment under the disciplinary law and head of the organization was required to have first made a disciplinary case against the employees and then, ordered the stoppage with cogent reasons there for which has not been done. Hence, the decision is arbitrary and illegal.

5. Article 25 of the Constitution of Islamic Republic of Pakistan provides that "All citizens are equal before law and are entitled to equal protection of law." Which law permits the incentive allowance to the head of the organization and disallows it to his second-in-command and others? What is the benchmark for allowing/disallowing and under which provisions of law?

6. Article 4 of the Constitution provides that, "(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. (2) In particular no action detrimental to the life, liberty, body, reputation or **property** of any person shall be taken except in accordance with law" Similarly, Article 10(A) provides, "For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and **due process**." Have not the above constitutional provisions been violated? Under which law the Secy., his personal staff, SO(Auqaf) and their staff are entitled and which law disallows the allowance to A.S. D.S. ,SO(Admn) and their staff. What is the bench-mark and criteria and what is the justification in the eyes of law for this discrimination.

7. The irony of fact is, does the Islamic Law allow such discrimination which is the state religion under the constitution and no law can be made by the legislature against the teachings of Holy Quran and Sunnah. Are not the commands of Shariah of equality and non-discrimination are violated, which is the supreme law of the land under the constitution.

8. The further irony of fate is that the allowance is being provided to all the drivers working with the head of the Department but denied to the drivers with A.S. and D.S. while drivers with Secretary were not included in the list of recipients from the beginning as is evident from (**Annex-I**). Is not it inequality and discrimination that drivers with AS and D.S. are not allowed this remuneration? Is it legal/Islamic? Why this discrimination amongst the children of same father/head of the organization? How the drivers with A.S. and D.S. will work efficiently if they see this discrimination amongst the residents of one home. Even the officials working with the head of the organization are not designated drivers but rather chowkidars/NQs etc.

9. It is pointed out that we were considering from beginning to approach the higher authorities for redressal of our grievances but we are of the view, let us first resolve the

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issue in our own home through amicable means and let not go for its resolution outside and thus allow to wash our dirty linen in public.

10. We have submitted application on 29.01.2014 which was not considered at all. Then we submitted another application/reminder on 12.02.2014. It was only then that the following remarks were recorded on the face of it, "Who was availing this facility in the initial stage and on establishment of Auqaf Department in 2003. Please examine and P.U." But, the case has not progressed further till date. The question is what is the purpose and rationale behind the query. Suppose the A.S., D.S., SO(Admn) and their supporting staff were not getting allowance at that time. Is it justification for stoppage? No. What is the law/rule which allows the allowance to Secretary, SO(Auqaf) and their staff and the law/rule which bars this allowance to AS, DS, SO(Admn) and their supporting staff. Let us clear the point that it is a general principle of law that always the most recent law/rule/policy takes precedence over the older one. So, the query is not tenable in the eyes of law on this point also.

11. The principle of good management demands that the employees of an organization may be provided congenial atmosphere for working and they should be contented. Not that the management spreads and creates discontent amongst its employees. The aim and purpose of the organization can only be achieved if its employees are contented and work with peace of mind and not vice versa.

12. It is a fact that Additional Secretary shoulders all the work-load of the department and Secretary/head of the department more often than not records the word "Okay" on the file. All the summaries, notes for Ministers, CS and all other draft letters are finalized at the level of AS and the Secretary only records "Okay" on the file. The posts of Section Officers either remain vacant or they are manned by employees from the office of Administrator Auqaf and the Deputy Secretary hails from Information Department who have no expertise/experience in the Secretarial work. Resultantly, all the burden lies on the shoulders of Additional Secretary.

13. It is pointed out that all the laws and rules are meant to be followed by subordinates in the department and no law/rules applies to the head of the organization. It is a known fact that Secretary is using two vehicles, one his designated vehicle while the other from the office of Administrator Auqaf for the last one year but he regularly sends monthly certificate to the office of Chief Secretary that he uses one vehicle. Reportedly the said vehicle has now been handed over to the Minister, Auqaf, Hajj and Religious Affairs few days back.

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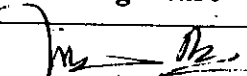

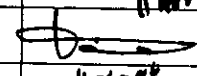
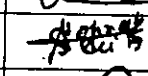
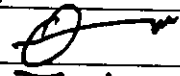
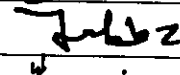
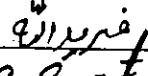
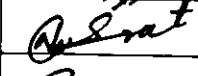


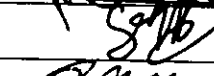
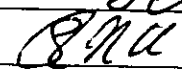

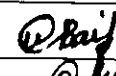
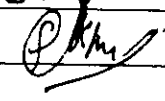
394

Keeping in view the above mentioned facts, it is, therefore, prayed that the withheld incentive allowance may be released to the petitioners alongwith arrears from November, 2013 and oblige.

Encl: As Above.

Yours Faithfully

Petitioners:-

S.No.	Name	Designation	Signature
1	Mr. Mohammad Arshad	Additional Secretary	
2	Mr. Noor-ul-Hadi	Deputy Secretary	DS transferred from the department.
3	Mr. Mustafa Kmal	SO(Admn)	
4	Mr. Muhammad Fayaz	PA to AS	
5	Mr. Sohrab Ali	PA to DS	
6	Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	
7	Mr. Fazli Akbar	J.Clerk / C.Taker (Admn Section)	
8	Mr. Faridullah	Qasid (Admn Section)	
9	Mr. Nasrat Khan	Daftari (Admn Section)	
10	Mr. Rahabat Khan	N/Q (with DS)	
11	Mr. Muhammad Shah	N/Q (Accounts Section)	
12	Mr. Saqib-ur-Rahman	N/Q (Admn Section)	
13	Mr. Sannullah	N/Q (with AS)	
14	Mr. Sadar Nawaz	Chowkidar working as N/Q in (HRMA Section)	
15	Mr. Ubaidullah	Driver (with AS)	
16	Mr. Farhad	Driver (with DS)	

12921

~~429~~

Additional Secretary (Reg)  
Establishment & Admn Deptt  
No. 1547  
Dated 17-7-14

ESTAB. 5568  
Date 15/7

PS/C.S Khyber Pakhtunkhwa  
Diary No. 7287 (we)  
Date 15-7-14

Annex-VI  
13



Special Secretary Estab:  
E&AD Khyber Pakhtunkhwa  
Diary No. 1429  
Dated 16/7/14

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF HAJJ RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT**

No. SO(Admn)AHR&MAD/3-43/Misc: /9873  
Dated Peshawar the 2<sup>nd</sup> July, 2014

To  
The Chief Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment and Administration Department,  
Civil Secretariat, Peshawar.

Secy Est  
14/7/14  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

Subject: REPRESENTATION IN INCENTIVE ALLOWANCE.

Dear Sir,

It is submitted that we the following officers/officials of this department have submitted representation through proper channel vide this department letter No.SO(Admn)AHR&MAD/3-43/Misc: /9502 dated 19<sup>th</sup> June, 2014 (copy enclosed), but the Secretary Auqaf, Hajj, Religious and Minority Affairs Department has so far not sent the representation to your good self for consideration and decision on it.

2. Therefore, the representation is directly submitted for perusal and consideration please.

Encl: As Above.

Diary No. 821  
Dated 17/7/2014  
Reg-II Section E&AD

Yours Faithfully

Petitioners:-

Secy Est  
15-4-14  
SSR

put up  
J/K  
17/7/14

S.No.	Name	Designation	Signature
1	Mr. Mohammad Arshad	Additional Secretary	
2	Mr. Noor-ul-Hadi	Deputy Secretary	DS transferred from the department.
3	Mr. Mustafa Kmal	SO(Admn)	
4	Mr. Muhammad Fayaz	PA to AS	
5	Mr. Sohrab Ali	PA to DS	
6	Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	
7	Mr. Fazli Akbar	J.Clerk / C.Taker (Admn Section)	Transferred from the department.
8	Mr. Faridullah	Qasid (Admn Section)	

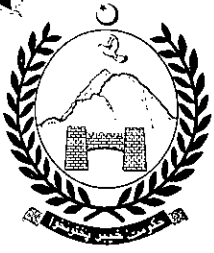
Letters-2013

P.T.O.

incentive has been stopped to A.S. In this connection certificate of the employees is at (Annex-V).

13921  
17/7

Annex - VII  
14 2014



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF HAJJ RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT

No.SO(Admn)AHR&MAD/1-96/2011/3603-05-  
Dated Peshawar the 01 October, 2014

To

The Administrator Auqaf,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: **REQUEST FOR SUPPLY OF DOCUMENTS PERTAINING TO INCENTIVE ALLOWANCE.**

I am to refer to the subject noted above and to state that the undersigned amongst other employees of Auqaf Department has filed a representation to the competent authority in the case of incentive allowance denied to us. The case has reportedly been filed at the departmental level. The undersigned wants to make an appeal to the next higher forum after expiry of limitation period.

2. It is, therefore, requested to furnish to the undersigned the actual payee receipts of the Incentive Allowance for the period from July, 2012 till date as per provisions of the Khyber Pakhtunkhwa, Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXII of 2013).

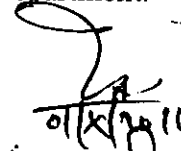
Applicant

  
01/10/2014  
(MOHAMMAD ARSHAD)

Additional Secretary

Copy to:-

1. The Chief Information Commissioner, Right to Information Commission, 7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building, 6<sup>th</sup> Saddar Road, Peshawar.
2. The PS to Secretary Auqaf, Hajj, Religious & Minority Affairs Department.

  
01/10/2014  
Additional Secretary.

Issued  
01/10/2014

14 of 21



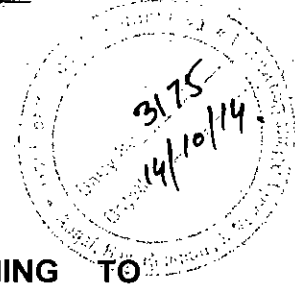
Annex-VIII  
15 28  
**OFFICE OF THE  
ADMINISTRATOR AUQAF  
Khyber Pakhtunkhwa, Peshawar**  
Eidgah Charsadda Road Peshawar  
Phone: 2043428 Fax: 2043427

No. 762 Acc Hs 1 Auqaf,

Dated Peshawar the 14/10/2014

To

✓ The Additional Secretary Auqaf, Hajj, Religious &  
Minority Affairs Khyber Pakhtunkhwa, Peshawar.



**SUBJECT: REQUEST FOR SUPPLY OF DOCUMENTS PERTAINING TO  
INCENTIVE ALLOWANCE**

Kindly refer to your application dated 01.10.2014 on the above subject.

The actual payee receipts of the incentive allowance for the period from  
July 2012 till its discontinuation are enclosed as desired please.

**Administrator Auqaf,  
Khyber Pakhtunkhwa,  
Peshawar**

**Encl: - As above**

Copy forwarded to the:-

1. P.S to Secretary Auqaf, Hajj, Religious and Minority Affairs, Khyber Pakhtunkhwa,  
Peshawar for information.

**Administrator Auqaf,  
Khyber Pakhtunkhwa,  
Peshawar**

15921



Annex-IX  
16 2\*

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF HAJJ RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT**

No.SO(Admn)AHR&MAD/1-96/2011/3738-40  
Dated Peshawar the 16<sup>th</sup> October, 2014

To

The Administrator Auqaf,  
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: REQUEST FOR SUPPLY OF DOCUMENTS PERTAINING TO INCENTIVE ALLOWANCE.**

I am to refer to your letter No.746/Accts/Auqaf dated 14-10-2014 on the subject noted above and to state that the actual payee receipts, of the Incentive Allowance for the period from July 2012 till its discontinuation, does not include the actual payee receipts for the month of July, August, September and October, 2013. In our joint application to the Secretary Auqaf and representation to the Chief Secretary, I, amongst others applicants, have mentioned randomly that we have not received allowance for the month of November, 2013 and onwards. As I remember with some doubt that actually I have received the incentive allowance for a month or two out of four months of July, August, September and October, 2013. I intend to claim actual amount of incentive allowance before the competent forum.

It is, therefore, requested to provide a copy of the actual payee receipts for the months of July, August, September and October 2013 otherwise, I shall be entitled to claim amount from July 2013 till its discontinuation in the month of August, 2014. It is further requested to provide attested copies duly stamped with official seal as per provisions of Khyber Pakhtunkhwa, Right to Information Act,2013 (Khyber Pakhtunkhwa Act No. XXII of 2013).

Applicant

16/10/2014  
(MOHAMMAD ARSHAD)  
Additional Secretary

Copy to:-

1. The Chief Information Commissioner, Right to Information Commission, 7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building, 6<sup>th</sup> Saddar Road, Peshawar.
2. The PS to Secretary Auqaf, Hajj, Religious & Minority Affairs Department.

16/10/2014  
Additional Secretary

Issued  
16/10/14

16921





Most Immediate  
Time Limit Case  
Act today.

Annex-X  
17 299

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AUQAF HAJJ RELIGIOUS AND  
MINORITY AFFAIRS DEPARTMENT

No.SO(Admn)AHR&MAD/1-96/2011/3876-78.  
Dated Peshawar the 23<sup>rd</sup> October, 2014

To

The Administrator Auqaf,  
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: **REQUEST FOR SUPPLY OF DOCUMENTS PERTAINING TO INCENTIVE ALLOWANCE.**

In continuation of my earlier letter No. SO(Admn)AHR&MAD/1-96/2011/3738-40 dated 16-10-2014 on the subject noted above, it is requested to provide a copy of the proposed and approved budget estimates for the Financial Year 2012-13 and 2013-14 of your office duly attested and stamped with official seal as per provisions of Khyber Pakhtunkhwa, Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXII of 2013).

Applicant

*gc*  
*gc*  
23/10/2014  
(MOHAMMAD ARSHAD)  
Additional Secretary

Copy to:-

1. The Chief Information Commissioner, Right to Information Commission, 7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building, 6<sup>th</sup> Saddar Road, Peshawar.
2. The PS to Secretary Auqaf, Hajj, Religious & Minority Affairs Department.

*gc*  
*gc*  
23/10/2014  
Additional Secretary

*gc*  
Issued  
23/10/2014

17921



Annex-XI  
18-20 304  
**OFFICE OF THE  
ADMINISTRATOR AUQAF**  
**Khyber Pakhtunkhwa, Peshawar**  
Eidgah Charsadda Road Peshawar  
Phone: 2043428 Fax: 2043427

No. 765 / Accts / Auqaf, Dated Peshawar the 12/11 2014

To

The Additional Secretary Auqaf, Hajj, Religious &  
Minority Affairs Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: REQUEST FOR SUPPLY OF DOCUMENTS PERTAINING TO  
INCENTIVE ALLOWANCE**

Kindly refer to your letter No.SO(Admn)AHR&MAD/I-96/2011/3876-78  
dated 23.10.2014 on the above subject.

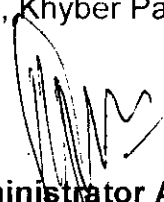
The requisite documents as desired by your goodself are enclosed for  
perusal please.

  
Administrator Auqaf,  
Khyber Pakhtunkhwa,  
Peshawar

Encl: - As above

Copy forwarded to the:-

1. P.S to Secretary Auqaf, Hajj, Religious and Minority Affairs, Khyber Pakhtunkhwa,  
Peshawar for information.

  
Administrator Auqaf,  
Khyber Pakhtunkhwa,  
Peshawar

*Received on 12/11/2014*

*20*  
*12/11/2014*

180721

**BUDGET ESTIMATE OF EXPENDITURE OF THE AUQAF  
DEPARTMENT, KHYBER PAKHTUNKHWA  
FOR THE YEAR 2012-2013**

S.No	Name & Designation	Special Allowance	Total
1	Secretary Auqaf	10000	20000.00
2	Additional Secretary Auqaf	9000	18000.00
3	Deputy Secretary Auqaf	8000	16000.00
4	P.S to Secretary	2000	24000.00
5	P.S to Deputy Secretary	2000	24000.00
6	Section Officer, Auqaf	3000	36000.00
7	Section Officer, Admin	3000	36000.00
8	KPO	1500	18000.00
9	Junior Clerk-I	1000	12000.00
10	Junior Clerk-II	1000	12000.00
11	Khan Sher, Naib Qasid	500	6000.00
12	Saieem Khan, Naib Qasid	500	6000.00
13	Rahbat Khan, Chowkidar	500	6000.00
14	Amir Zada, Naib Qasid	500	6000.00
15	Farid Ullah, Naib Qasid	500	6000.00
16	Muhammad Shah, Naib Qasid	500	6000.00
17	Zafarullah, Naib Qasid	500	6000.00
18	Sardar Nawaz, Chowkidar	500	6000.00
19	Sanaullah, Chowkidar	500	6000.00
20	Nasrat, Naib Qasid	500	6000.00
21	Basheer, Sweeper	500	6000.00
<b>Total</b>		<b>46,000</b>	<b>552,000</b>

190221

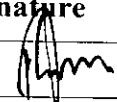
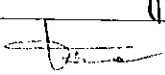
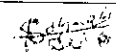
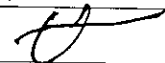
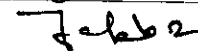
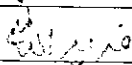

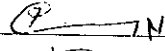
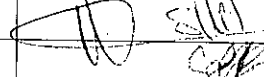
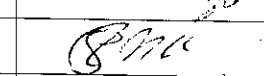
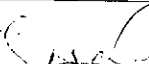
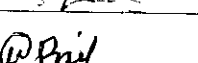
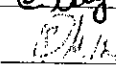
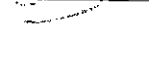
N/A Accounts Officer Auqaf,  
Khyber Pakhtunkhwa,  
Peshawar.

**BUDGET ESTIMATE OF EXPENDITURE OF THE AUQAF  
DEPARTMENT, KHYBER PAKHTUNKHWA  
FOR THE YEAR 2013-2014**

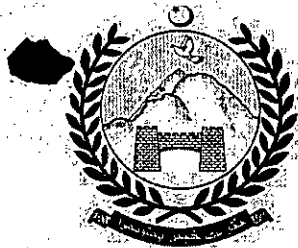
S.No	Name & Designation	Special Allowance	Total
1	Secretary Auqaf	10000	120000.00
2	Additional Secretary Auqaf	9000	108000.00
3	Deputy Secretary Auqaf	8000	96000.00
4	P.S to Secretary	2,000	24000.00
5	P.S to Deputy Secretary	2,000	24000.00
6	P.A to Additional Secretary Auqaf	2,000	24000.00
7	Section Officer, Auqaf	3,000	36000.00
8	Section Officer, Admin	3,000	36000.00
9	Assistant to S.O Auqaf	2,000	24000.00
10	KPO / Junior Scale Stnographar	2,000	24000.00
11	Junior Clerk-I	1,000	12000.00
12	Junior Clerk-II	1,000	12000.00
13	Khan Sher, Naib Qasid	500	6000.00
14	Saleem Khan, Naib Qasid	500	6000.00
15	Rahbat Khan, Naib Qasid	500	6000.00
16	Amir Zada, Naib Qasid	500	6000.00
17	Farid Ullah, Naib Qasid	500	6000.00
18	Muhammad Shah, Naib Qasid	500	6000.00
19	Zafarullah, Naib Qasid	500	6000.00
20	Sardar Nawaz, Naib Qasid	500	6000.00
21	Sanallah, Naib Qasid	500	6000.00
22	Chowkidar	500	6000.00
23	Chowkidar	500	6000.00
24	Basheer, Sweeper	500	6000.00
<b>Total</b>		<b>51,000</b>	<b>612,000</b>

CERTIFICATE

We the following officers/officials of this department solemnly affirms that the Additional Secretary of this department works more hardly and efficiently than the other members of the Auqaf, Hajj, Religious & Minority Affairs Department.

S.No.	Name	Designation	Signature
1	Mr. Mustafa Kmal	SO(Admn)	
2	Mr. Muhammad Fayaz	PA to AS	
3	Mr. Sohrab Ali	PA to DS	
4	Mr. Qaiser Mahmood	Junior Clerk (Auqaf Section)	
5	Mr. Fazli Akbar	J.Clerk / C.Taker (Admn Section)	
6	Mr. Faridullah	Qasid (Admn Section)	
7	Mr. Nasrat Khan	Daftari (Admn Section)	
8	Mr. Rahabat Khan	N/Q (with DS)	
9	Mr. Muhammad Shah	N/Q (Accounts Section)	
10	Mr. Saqib-ur-Rahman	N/Q (Admn Section)	
11	Mr. Sannullah	N/Q (with AS)	
12	Mr. Sadar Nawaz	Chowkidar working as N/Q in (HRMA Section)	
13	Mr. Ubaidullah	Driver (with AS)	
14	Mr. Farhad	Driver (with DS)	

19/2/15



**GOVT. OF KHYBER PAKHTUNKHWA  
HOUSING DEPARTMENT**

Ministers' B-Block, Civil Secretariat, Peshawar.

No. AS/HD/2015

Dated Peshawar, the 11<sup>th</sup> February, 2015

To

The Registrar,  
Khyber Pakhtunkhwa Services Tribunal,  
Judicial Complex (Old), Khyber Road, Peshawar.

Subject:- **Appeal No. 1347 of 2014, titled, "Mohammad Arshad, Appellant-  
Versus- Govt. of Khyber Pakhtunkhwa through Chief Secretary etc.**

I am to refer to the subject noted above and to state that the undersigned has been transferred from Auqaf, Hajj, Religious and Minority Affairs Department to Government of Khyber Pakhtunkhwa, Housing Department.

It is, therefore, requested that in future I may please be contacted on new address as follows :-

"Mohammad Arshad, Addl. Secretary, Housing Department, Ministers' B-Block, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar".

*Place on relevant file and put up to the Court.*

*Reader concerned,*

*11/2/15*

*[Signature]*  
11/02/2015

(MOHAMMAD ARSHAD)  
ADDITIONAL SECRETARY

Ph# 091-9223443  
Fax# 091-9212432

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1347/2014

Mohammad Arshad, Additional Secretary Auqaf, Hajj Religious & Minority Affairs Department.....Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious & Minority Affairs Department/Chief Administrator, Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Peshawar.  
.....Respondents.

JOINT PARAWISE COMMENTS FOR /ON BEHALF OF  
RESPONDENTS

**PRELIMINARY OBJECTIONS.**

1. The Appellant has got no cause of action/locus standi to file the present appeal.
2. The Appeal is badly time barred.
3. The Appellant has not come to this Hon'ble Tribunal with clean hands.
4. The Appeal is bad for non-joinder of necessary parties.
5. The Appellant has concealed material facts from this Hon'ble Tribunal.
6. The Appellant has not come to the proper forum for re-dressal of his grievances.
7. That the appeal is not maintainable in its present form.
8. That the Appellant is estopped by his own conduct, by law and by deed to file the present appeal.

9. That the Appeal is bad in its present form.
10. That the Incentive Allowance is honoraria allowed by the Competent Authority and not permitted by law and nobody can claim it as of right.

### FACTS

1. Pertains to record, hence no comments.
  2. Incorrect as laid. The competent authority was constrained to deny Incentive Allowance to the Appellant due to his non-cooperation in official work for reasons explained/recorded by the Respondent No. 2 on several files & verbal counseling from time to time(Annex-I).
  3. As per instructions contained in Khyber Pakhtunkhwa Appeal Rules, 1986, appellant was required to file individual appeals. Therefore, Joint Appeal was not responded to and was filed. (Annex-II).
  4. That Appeal made to the Chief Secretary (through Respondent No.1) was in fact Joint Appeal which was not made in the manner laid down in Khyber Pakhtunkhwa Service Appeal Rules, 1986(Annex-II).Representation made to the Chief Secretary, Khyber Pakhtunkhwa was also not responded by respondent No.1 for the reason explained above.
- 5-8 Pertains to record and subject to proof; hence no comments.
9. Incorrect. The Appellant himself admits that Service Appeal has not been filed within its period of limitation as required under Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Hence the instant Appeal needs to be dismissed on this count alone.

### GROUNDS

- 10.Incorrect. The Appellant has got no cause of action and instant appeal is liable to be dismissed on the following grounds:
- i. Incorrect as laid. Incentive Allowance was denied to the appellant because of his non-cooperation as observed by the Competent Authority more than once. So he was constrained to withdraw duties pertaining to Auqaf, from



the responsibilities assigned to the appellant (**Annex-III**). Furthermore, the functions assigned to Secretary Auqaf and Additional Secretary Auqaf are not of the same nature as narrated by the appellant; rather the former is the Principal Accounting Officer and his position as a Chief Administrator also has the authority as well as responsibility to exercise prudence in utilization/ expenditure of the public money in so far as grant of Incentive Allowance is concerned. Statements made by the officer/officials was recorded for the reason that all of them were subordinate to him, therefore, they were made to confess what has been recorded in the Statement.

ii. Incorrect. Incentive Allowance allowed to the appellant was not part and parcel of his monthly pay which he has been receiving like other officers of the Civil Secretariat. Incentive Allowance was allowed to the appellant but later denied due to reasons recorded in the preceding paras. Thus the competent authority in exercise of his powers conferred on him as Chief Administrator Auqaf, denied Incentive Allowance to the appellant.

iii. Incorrect as laid, no discrimination has been made with the appellant and he has been treated equally. So far as Incentive Allowance is concerned the same was denied to the appellant on the basis of valid justification.

iv. Incorrect as laid. The Appellant has never been treated unfairly but since his appeal to the competent authority was bad in its present form in the eyes of law as provided under Khyber Pakhtunkhwa Appeal Rules, 1986, therefore, the same was not responded to and filed.

v. Incorrect as laid. While denying the appellant the Incentive Allowance, no law has been violated. However, the appellant was creating hurdles in smooth running of official business.

vi. Incorrect. Grant of Incentive Allowance to Class-IV employees working with Secretary Auqaf is justified on the ground that they have to sit late in the office with Respondent No. 2 while other, Class-IV employees working with Deputy Secretary, Auqaf do not perform late sitting duty. Thus no discrimination has been made either

against the Appellant himself or with his subordinate Class-IV employees.

vii. Incorrect as laid. Congenial atmosphere prevails in the Auqaf, Hajj, Religious & Minority Affairs Department and there is no discontent among employees of the Department. However, benefits are extended to those who contribute more and efficiently in disposal of official responsibilities.

viii. Incorrect as laid. Office work load is shared by all employees right from the Junior Clerk till Secretary Auqaf, Department and every one contributes towards disposal of office work as per his level of efficiency and his understanding of law/rules on the subject. The Appellant in fact quote rare example where he might have received appreciation otherwise the appellant has always remained dissatisfied with the way the Appellant deals with the office work by delaying the case rather than quick and smooth disposal of office work. Employees from the Administrator Auqaf are assigned responsibilities in the Auqaf Department in the best interest of the Auqaf Department.

It is, therefore, humbly prayed that the instant Appeal may please be dismissed with cost.



SECRETARY AUQAF, HAJJ, RELIGIOUS  
& MINORITY AFFAIRS DEPARTMENT, PESHAWAR  
(RESPONDENT NO. 1 & 2)



ADMINISTRATOR AUQAF  
(RESPONDENT NO. 3)

**Administrator Auqaf  
Khyber Pukhtunkhwa  
Peshawar**

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

Service Appeal No. 1347/2014

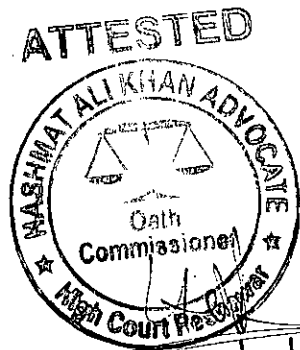
Mohammad Arshad, Additional Secretary Auqaf, Hajj Religious  
& Minority Affairs Department.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Auqaf,  
Hajj, Religious & Minority Affairs Department/Chief  
Administrator, Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Peshawar.  
.....Respondents.

**AFFIDAVIT**

I, Muhammad Irshad, Administrator, Auqaf, Khyber  
Pakhtunkhwa, do hereby solemnly declare and affirm on oath  
that contents of the accompanying Joint Para wise Comments  
are correct and true to the best of my knowledge and nothing  
has been concealed from this Hon'ble Tribunal.



28/7/2015

**DEPONENT**

**Administrator Auqaf  
Khyber Pukhtunkhwa  
THROUGH  
Peshawar**

GOVERNMENT PLEADER, KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

**Auqaf, Hajj Religious & Minority Affairs Deptt.  
N.W.F.P.**

98

PUC AT PAGE: 278/c

No. Legis: 2(8) 74/15487 Dated: 04-10-2011

From: Assistant LEGAL DRAFTER-I

Subject: NOTIFICATION OVER ADMINISTRATION CONTROL AND MANAGEMENT OF THE SHRINE OF PIR KAMAL-UD DIN AND ITS ATTACHED PROPERTY.

99

The PUC at page 278/c is submitted for further information & necessary action please.

S.O: Auqaf

*[Signature]* 10/10/2011

100

**PUC PAGE 278/C**

In response to this Department letter at page 200/c, the Law Department has submitted an objection with regard to notification of the waqf property of Pir Kamal ud Din situated at kabli Bazar, Peshawar that in which capacity they have occupied the said property and requested that information may be furnished at the earliest for further process of the case so as to avoid undue litigation.

101

Mr. Sher Afzal told to the undersigned telephonically on 08.10.2011 that he was gone to the Law Department on the subject case and stated that the Law Department has forwarded a returned letter with regard to the notification of said property for clarification. It is pertinent to mention that why and on whose order Mr. Sher Afzal gone to Law Department because this Department has not mentioned in a letter at page 200/c that anybody has occupied the said waqf property.

102

The action of Mr. Sher Afzal is doubtful and he should be proceeded against E&D rules as well as rules of business 1985, a channel of communication at **Flag-A**. He was asked to see the undersigned on the direction of Secretary/Chief Administrator Auqaf but he has not come till this date. It is also proposed that the court cases deals by Mr. Sher Afzal assigned to some other officer of Administrator Auqaf with immediate effect. For clarification of Law Department we may provide a copy of letter at page 157/c and 199/c.

103

Sub mitted for perusal & further orders please.

104

**Additional Secretary**

*[Signature]*

*[Signature]*

*[Signature]*  
Section officer (Auqaf)  
10-10-11

*[Signature]*  
10/10/2011

Discussed. I agree with the  
proposal at Para. 102/N.

105

~~See~~

JA  
11/11/2011

See my remarks on another  
reference. Process that align with  
this.

106

~~A.S.~~

JA  
11/11

SO(August)

JA  
12/11/2011

D. F. A's are added for  
Perusal and approval please.

107

~~A.S.~~

JA  
SO August  
13-10-11

The DPA's may be amended/corrected  
as discussed with you.

~~108~~

SO(August)

JA  
13/11/2011

A copy of orders passed by  
the Secy./C.A.A. on the face of orders sheet  
may be perused at Stage 'A'. The precedent  
received from Estab Dept may be perused  
at Stage 'B' as well as D. F. A's  
for perusal and further orders pl:

109

~~A.S.~~

JA  
30 August 14/10

Auqaf, Hajj Religious & Minority Affairs Deptt.  
N.W.F.P.

110

Pl. re-type as corrected.

~~SO (cont)~~

Re-submitted phase

La  
19/8/2011

111

~~A.S.~~

Spencer  
17-10-11

112

It is requested that I may please be dropped from being Engineer Officer against the official Assistant in BPS-14. It is just like a case that CS (BPS-22) officer is appointed as E.C against the SO in BPS-17. It is again the normal practice in such like case. I may be appointed as E.C against the cases in D.S. (BPS-18) or AA (BPS-18) or up to minimal grade officers in BPS-17.

113

It is, therefore, suggested either D.S. or one of the SOs may be appointed as E.C. in the case.

~~Secy~~

La  
A.S.  
17/8/2011

114

Both the orders are defective. Charge has not been properly framed.

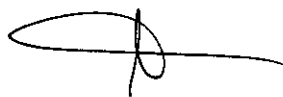
incorporated in the charge sheet  
statement of allegations.

A.S will conduct a fact enquiry  
and submit report within ten days.  
In the light of his findings decision  
or formal enquiry will be  
taken. The main charge against  
Dr. Sher Afzal is that case  
titled Hira Jamil Sheh v/s  
Anwar Shehabet was decided  
on 3-12-2010, but he did not  
inform the A.A due malefide  
intention. This case has been  
decided in favour of the  
dept.

Pl. p.u draft order for  
appointment of enquiry officer.  
In the meanwhile write to A.A  
to remove Sher Afzal from  
his seat immediately. I  
verbally told him today.

A.S

SO (Anwar)



17/11

17/11/2011

1157

116

Auqaf, Hajj Religious & Minority Affairs Dept.

N.W.F.P.

Para 114 - 116/N refers.

117

Revised D.F.A. are added for perusal and approval please.

~~A.S.~~

Saresser  
50 Aug  
18-10-11

118

Pi. re-type as amended/corrected.

SO(Auqaf).

Ca.  
18/12

119

D.F.A's are added for perusal and approval please.

~~A.S.~~

Saresser  
50 Aug  
18-10-11

120

Paras. 114-116/N refers: The remarks at Para. 114/1

The charge sheet → statements of alleged have been prepared strictly according to the observations/orders recorded by Secy. on the face of court paper at P-279/c what a man of prudence will deduce from ~~that~~ the contents of that paper → the remarks of Secy. there-on. The order-sheet dated 03/12/2010 says that the case is dismissed due to non-attendance of parties. I have even discussed the case with SO(Auqaf) that as I see



the case has been filed <sup>by the court in favour of</sup> ~~against~~  
~~the~~ Anayat Dept. by one Mian Jamil  
Shah, the dismissal by court means  
that Anayat Dept. has won. Then  
why we are going to pursue  
against the official of Anayat Dept.  
His <sup>(Secy)</sup> reply was that the Secy.  
might want that the official  
has not attended the court.  
Moreover, we have properly  
drafted the charge sheet / statement  
of allegations accordingly. The  
Secy. has mentioned that the inquiry be conducted  
under the EOP Rule, 1973 → has  
ordered to per. draft charge  
sheet → state of allegations.  
There is no mention of the  
fact-finding inquiry. It  
is a new order, communicated  
as per contents of Para. 115/W.  
Therefore, I am of the view that  
drafts previously submitted are  
all-right and not defective,  
strictly in compliance with  
the remarks of Secy. recorded  
~~at~~ on the face of court paper

Auqaf, Hajj Religious & Minority Affairs Deptt.

N.W.F.P.

at P-279/c which are re-produced here below for the sake of clarity:

Pt. Inspector Sher Afzal be relieved from duty. Mr. Arshad, A.S. is appointed as Enquiry Officer to conduct enquiry under E & D Rules 1973. Pt. P. U. draft <sup>charge</sup> sheet on subject of allegations.

121

Draft orders are submitted for perusal & approval please.

122

Anyhow, as already suggested at P-112-113/W, I may please be dissociated from the enquiry in my case whether formal or fact-finding. It is against practice followed in the Provincial Court. No-where a BPS officer has been appointed as Enquiry Officer against a BPS-17 officer. BPS-22 officer is at the fifth level of hierarchy ~~of~~ vis-vis the scales of the level of BPS-17 officer. Similarly, in the present case, A.S.

officer is conducting an enquiry  
against an official, Assistant in BPS-16.  
These officials/officers exist above  
the level of Assistant (BPS-16) in the  
AA, offices as well as Administrative  
Dept. i.e., ① P.A. in BPS-15,  
② Supt. / Private Secretary in  
BPS-16, ③ Section Officer / Accounts Officer  
Dy. Administrator / Agent in BPS-17,

④ A.A. / Dy. Secretary in BPS-18 → ⑤ AS in BPS-19.

It means the AS is in the hierarchy,  
above at the fifth level, just  
Chief Secretary in BPS-22 or Provincial  
Police Officer in BPS-22 is conducting  
a fact-finding enquiry against  
their officers of the level of

Section Officers / PMS officers / DSPs in BPS-17,  
which is nowhere a practice.

The only requirement under the  
standing instructions in the  
subject-matter is that the  
E.O. may invariably be above  
the grade/status of the accused.

It is therefore, advisable that 123  
an officer of appropriate level

AUQAF HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

in the office of Administrator Aqaf or  
Administrative Dept. as detailed above  
may be appointed as E.O. against  
the defaulting official. Even an  
officer of the A.A. office will be  
most suitable to be appointed.  
Submitted for perusal and  
orders please.

124

Secy,  
~~(Parent 120-124/10/2011)~~

J.A.  
A.S.  
18/X/2011

125

A.S will conduct the fact finding  
enquiry. What was your contribution  
in those drafts? If you want to  
contest case for I will indicate  
the deficiencies. You can see judge  
your performance especially on summary  
submitted to me by the S.O's are  
just signed forwarded without  
any input for your side.

126

If you are feeling uncomfortable  
here, you are at liberty to go  
anywhere. However, as regards you

Personality, way of working and  
General behaviour, I will  
record my observations  
in your A & R.

A.S

[Signature]

Pk. do the needful <sup>18/11</sup>  
as directed  $\rightarrow$  re-submit  
the file.  
SD (Augsat)

127

[Signature]  
18/11/2011

please issue as signed

128

Three Mels - D.F.A's. Copies  
also placed on file of Estab of A.A office.  
T/C  
29/10/2011  
S. A. [Signature]

The letter issued vide at page :: 280/c

129

The letter issued vide at page :: 280/c

130

The letter issued vide at page :: 281/c

131

[Signature]  
29/10/2011

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
SERVICES AND GENERAL ADMINISTRATION  
DEPARTMENT

\*NOTIFICATION

23rd April, 1986.

No. SORII(S&GAD)3(4)/78.(Vol:II).—In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (NWFP Act XVIII of 1973), read with section 22 thereof, the Governor of the North-West Frontier Province is pleased to make the following rules, namely:—

THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS  
(APPEAL) RULES, 1986.

1. *Short title, commencement and application.*—(1) These rules may be called the North-West Frontier Province Civil Servants (Appeal) Rules, 1986.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with the affairs of the Province.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:

(a) "Appellate Authority" means the officer or authority next above the competent authority;

(b) "Competent Authority" means the authority or authorised officer, as the case may be, as defined in the North-West Frontier Province Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and

(c) "Penalty" means any of the penalties specified in rule 4 of the North-West Frontier Province Government Servants (Efficiency and Discipline) Rules, 1973.

3. *Right of Appeal.*—(1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within

\*Published in the NWFP Govt. Gazette Extraordinary, dated 2.6.1986 at Pages 1290-1293.

thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

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

**Explanation.**—For the purposes of the first proviso, the expression "appeal", where the context so requires, shall mean the "review petition" as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

4. **Form of Memorandum.**—(1) Every memorandum of appeal shall—

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

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

(2) The appeal shall be submitted through the head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority

\*The Second Proviso of sub-rule (1) of rule 3 substituted by Notification No. SOR-II(S&GAD)3(4)/78-Vol.II, dated 30.12.1989.

shall after adding his own comments if any, transmit the appeal to the appellate authority for necessary orders.

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

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

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is excessive, adequate or inadequate.

and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

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

6. *Withholding of appeal in certain cases.*—(1) An appeal may be withheld by the competent authority if—

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the requirements of rule 4; or
- (c) it is not preferred within the time limit specified in sub-rule (1) of rule 3 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

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

Provided further that an appeal withheld for failure to comply with the requirements of rule 4 or clause (d) of

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this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall be against the withholding of an appeal under this rule.

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

(2) A list of appeals withheld under rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

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

8. *Savings.*—Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any orders passed before they came into force.

9. *Pending appeals.*—All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. *Repeal.*—The North-West Frontier Province Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.



**Government of Khyber Pakhtunkhwa**  
**Auqaf, Hajj, Religious & Minority Affairs Department**  
 SDU Building, Attached Department's Complex, Khyber Road, Peshawar

Auqaf@kp.gov.pk  
 Phone: 921 0203

Dated: 3<sup>rd</sup> February, 2014

**OFFICE ORDER:**

No. SO(ADMN) AHR&MAD/2-2/2013 . Henceforth the following officers would look after the work of the sections mentioned against each;

S.No.	Name of Official	Designation	Assigned Section /Duties
1.	Mr. Muhammad Arshad	Additional Secretary	Admin: (Assembly Business), Development, Hajj and Religious Affairs
2.	Mr. Noor-ul-Hadi	Deputy Secretary	Minorities Affairs, Development, Administration, Hajj and Religious Affairs

2. Administrator Auqaf would be submitting his cases to Secretary Auqaf/Chief Administrator Auqaf through Section Officer (Auqaf) or bring it up at personal level for discussion with Secretary/Chief Administrator Auqaf on case to case basis.

3. Additional Secretary and Deputy Secretary shall be assigned any other duty as per Rules of Business by the Secretary, Auqaf, Hajj, Religious and Minorities Affairs Department, Khyber Pakhtunkhwa.

*Sd.*

(Muhammad Younis Javed)

**SECRETARY**  
**AUQAF, HAJJ, RELIGIOUS &**  
**MINORITIES AFFAIRS DEPARTMENT**

Endst: of Even No. & Date

Copy forwarded to the:-

- Additional Secretary, Auqaf, Hajj, Religious & Minorities Affairs, Khyber Pakhtunkhwa.
- Deputy Secretary, Auqaf, Hajj, Religious & Minorities Affairs, Khyber Pakhtunkhwa.
- Administrator Auqaf, Khyber Pakhtunkhwa.
- All Section Officers, Auqaf, Hajj, Religious & Minorities Affairs, Khyber Pakhtunkhwa.
- ES to Secretary, Auqaf, Hajj, Religious & Minorities Affairs, Khyber Pakhtunkhwa.

*[Signature]*  
 SECTION OFFICER (ADMN)

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

Services Appeal No. 1347 of 2014-filed on 18.11.2014.

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and  
Minority Affairs Department--- Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar---Respondents

**REPLY / REJOINDER BY APPELLANT TO THE PARAWISE  
COMMENTS OF RESPONDENTS.**

**Reply to the Preliminary Objections:-**

Respectfully submitted that:-

1. It has not been specified by the respondents that how the appellant has got no cause of action/locus standi, hence, denied. Anyhow, the appellant has got a good cause of action/locus standi as explained in the appeal.
2. Not admitted. It is exaggeration to say that the appeal is badly time-barred. The deadline for filing the appeal was 10.11.2014 while the appeal has been filed on 18.11.2014; hence, there is delay of seven days only. The delay was beyond the control of the appellant as the respondent No. 3 was requested vide letter dated 01.10.2014 to provide copies of certain record which he inordinately delayed and provided incomplete record only on 12.11.2014 and thereafter within five days the appellant drafted and filed the appeal on 18.11.2014 in the tribunal. While the respondents have filed parawise comments on 28.07.2015 i.e. within more than eight months after the institution of the appeal in the tribunal. Moreover, the delay is condonable under the provisions of Section 9 of the Tribunals Act.
3. The respondents have not explained how the appellant has not come to the honourable tribunal with clean hands hence, denied. Anyhow, the appellant has come to this honourable tribunal with clean hands as explained in the appeal.
4. The respondents have not specified how the appeal is bad for non-joinder of necessary parties hence, no validity of the objection. Anyhow, the appellant has arraigned as respondents all the necessary parties to the appeal.
5. The respondents have not explained how the appellant has concealed the material facts from this honourable tribunal hence, denied. The appellant has placed all the material facts with detail before the honourable tribunal as explained in the body of the appeal. However, the respondents have actually concealed the material facts which will be brought to light in reply to the relevant subsequent paragraphs on facts of the case.
6. The respondents have not specified how the appellant has not come to the proper forum for redressal of his grievances hence, denied. However, the appellant has come to the proper and relevant forum as explained in the appeal.
7. The respondents have not specified how the appeal is not maintainable in its present form hence, denied.

8. The respondents have not explained that how the appellant is stopped by his own conduct, by law and by deed to file the present appeal hence, denied.
9. The respondents have not explained that how the appeal is bad in its present form hence, denied.
10. The respondents have not explained that under which provisions of law the incentive allowance is not allowed to the appellant hence, denied. Anyhow, no authority on the surface of the earth ruled by constitution and law, has unbridled powers and authority to decide matters according to his whims and fancies rather, all executive powers and functions are to be exercised within the four corners of law and according to the principles of natural justice, equity and good conscience which is not the factual situation in the existing lis before this honourable tribunal.

### **REPLY ON FACTS**

1. That, the requisite record has been received by the appellant from respondent No. 3 vide his letter dated 14.10.2014 as filed at Annex-VIII with the appeal. The respondents are notified under the provisions of Rule 2 of Order XII of the CPC, 1908 (Act No. V of 1908) to admit as correct and in case of refusal or neglect to admit, the document shall be proved at their cost and a criminal case may be initiated against them for the offence of false evidence.
2. Incorrect as laid and hence, denied. The respondents have concealed the material facts from this honourable tribunal and have filed incomplete copy of the relevant note sheet of the case. The complete copy of the note sheet is placed at **Annex-I**. The respondents have not explained how they are deducing from the note sheet that the appellant was not cooperating in official work, therefore, the allowance was denied to him. It is clarified here that the note sheet is of 10.10.2011 when the incentive allowance was not in existence. The allowance has started from financial year 2012-13. It is astonishing how could then the note sheet be the reason for denial, it is illogical and therefore, absolutely wrong and misguided fact. If the appellant was not cooperating why disciplinary proceedings were not initiated against him in misconduct. Moreover, the order of denial of incentive allowance doesn't mention any such reason and why before stoppage, the appellant was not served with show cause notice. It is against the general principle of law that no one should be condemned unheard. The action was also in violation of articles 4, 5, 8, 10A, 19A and 25 of the Constitution.
3. That, the joint applications were only a reminder and benign request to the respondent No. 2 to reconsider the decision of stoppage of the allowance. It was not a formal appeal under Appeal Rules, 1986. The appeal is never filed to the authority which takes adverse action against the civil servants but to the next higher authority.
4. That, it is wrong to say that the appellant has made an appeal to the Chief Secretary (Respondent No. 1) rather, the appellant has made representation to the respondent No. 1. No where it has been provided in the appeal rules that the appellate authority may not dispose of the representation and remain silent on it on technical grounds and particularly that if it is a joint appeal. The appellant can't be deprived of his substantive right on the basis of technical formality only. The respondent No. 2 has made a more serious violation than the appellant by not following the general principle of law that no one should be condemned unheard because the appellant was never served with a show cause notice before the stoppage of the allowance. The action was also in violation of so many constitutional provisions as mentioned before. The procedural lapse was not as serious a mistake as the violation of fundamental rights of the appellant by the respondents. Even this honorable tribunal, the high court and supreme court have never remained silent on the cases filed before it but rather had directed the parties to fulfill the procedural

requirements in the registrar's office before proceeding with formal hearing of the cases brought before them for adjudication.

- 5-8. That, the respondents are notified under the provisions of Rule 2 of Order XII of the CPC, 1908 (Act No. V of 1908) to admit as correct copy of the record filed at Paras. 5 to 8 of the appeal and in case of refusal or neglect to admit, the documents shall be proved at their cost and a criminal case may be initiated against them for the offence of false evidence.
9. That, the deadline for filing the appeal was 10.11.2014 while the appeal has been filed on 18.11.2014; hence, there is delay of seven days only. The delay was beyond the control of the appellant as the respondent No. 3 was requested vide letter dated 01.10.2014 to provide copies of certain record which he inordinately delayed and provided incomplete record only on 12.11.2014 and thereafter, within five days the appellant drafted and filed the appeal on 18.11.2014 in the tribunal. While, the respondents have filed parawise comments on 28.07.2015 i.e. within more than eight months of the filing of the appeal by the appellant. Moreover, the delay is condonable under the provisions of Section 9 of the Tribunals Act.

#### **REPLY ON GROUNDS**

10. It has not been specified by the respondents that how the appellant has got no cause of action, hence, denied. Anyhow, the appellant has got a good cause of action as explained in the appeal and is acceptable on the following further grounds:-
- i. Incorrect as laid hence, denied. If the appellant was not cooperating why disciplinary proceedings were not initiated against him in misconduct. Moreover, the order of denial of incentive allowance doesn't mention any such reason and why before stoppage, the appellant was not served with show cause notice. It is against the general principle of law that no one should be condemned unheard. The action is also in violation of articles 4, 5, 8, 10A, 19A and 25 of the Constitution. Without prejudice to the appellant's stand as narrated before, even the order dated 03.02.2014 was subsequently withdrawn when the appellant has explained the repercussions of such order (Copy of note sheet is placed at **Annex-II**). Moreover, the respondent No. 2 has referred the case regarding investment proposals received from CM Secretariat to the appellant for views on 20.02.2014 and has appreciated the appellant's contribution vide Para. 53 of the note (Copy of case/note sheet is placed at **Annex-III**). It is more than proved example that the office order was not implemented by the authority who had issued it because the work of the department can't be efficiently carried on without the appellant's contribution. The respondents are notified under the provisions of Rule 2 of Order XII of the CPC, 1908 (Act No. V of 1908) to admit as correct copy at Annexes-II and III and in case of refusal or neglect to admit, the documents shall be proved at their cost and a criminal case may be initiated against them for the offence of false evidence. No where it has been stated either in the approval or withdrawal order of the incentive allowance that the allowance is being provided to the respondent No. 2 because of his being Principal Accounting Officer. The employees are also the subordinates of respondent No. 2. Hence, it is no argument.
  - ii. Incorrect as laid hence, denied. The incentive allowance is also not the part and parcel of the monthly pay of the

respondent No. 2 and other officers/officials then, how they were receiving it. This is faulty argument. The appellant is equally entitled to the allowance at par with respondent No. 2 and others who were receiving it. The allowance was approved as one of the object charged on the budget of Auqaf organization, approved by a budget committee. Hence, only the budget committee was authorized to cancel the allowance to the appellant and other employees and only after giving a show cause notice and hearing the appellant which course of action had not been followed, hence, the stoppage is illegal and malafide in the eyes of law as explained in previous paragraphs and judgments of superior courts.

- iii. Incorrect as laid hence, denied. The appellant had not been treated equally as per provisions of Article 25 of the Constitution. The respondents have not specified what was the valid justification for denial of the allowance to the appellant as the order of stoppage doesn't mention any reason nor any show cause notice was served upon the appellant before the order of stoppage.
- iv. Incorrect as laid hence, denied. The appellant has been treated unfairly because it is a general principle of law that no one should be condemned unheard. The stoppage of financial benefit is a punishment under the disciplinary law and the Respondent No. 2 was required to have first made a disciplinary case against the appellant and only then ordered the stoppage with cogent reasons there for, which has not been done. Hence, the decision is arbitrary and illegal in the eyes of law and constitutional provisions to enjoy the protection of law and fair trial and due process as enshrined in Articles 4 and 10 and hence, malafide.
- v. Incorrect as laid hence, denied. The Islamic Law doesn't allow discrimination which is the state religion under the constitution and no law can be made by the legislature against the teachings of Holy Quran and Sunnah which is the supreme law of the land under the constitution. The commands of Shariah of equality and non-discrimination have been violated by denying the allowance to the appellant while respondent No. 2 and other officers/officials were receiving it. However, it has not been specified by the respondents how the appellant was creating hurdles in smooth running of official business nor the reason has been mentioned in the order of stoppage of the allowance to the appellant hence, the argument is irrelevant and baseless on this count also.
- vi. Incorrect as laid hence, denied. It has never been mentioned in the order either of approval or stoppage of the incentive allowance that the allowance is being provided to the Class-IV working with respondent No. 2 because of late sitting, is, therefore, absolutely wrong and is a clear example of discrimination against the appellant as well as others to whom the allowance had been discontinued.
- vii. Incorrect as laid hence, denied. By denying the allowance to the appellant along with others and allowing to himself by the respondent No. 2 and some selected employees, the sense of deprivation and discontentment is naturally created in the minds of deprived ones. It has not been clarified that how those receiving the allowance are contributing more and efficiently in the performance of official responsibilities and

those not receiving are not doing the same job. However, this fact has never been mentioned in the order of stoppage of the incentive allowance. Then, how the respondents put forward it as their argument for denial of the allowance to the appellant and others.

- viii. Incorrect as laid hence, denied. The official work is shared but the appellant doesn't work less but rather more and also more efficiently than the respondent No. 2 and others. The appellant has received appreciation of the respondent No. 2 on many occasions. In this regard the copy of official note sheet dated 20.02.2014 at Annex-III can be perused and the appellant's views dated 07.04.2014 (regarding assistance application received from federal government, appreciation is at Para. 9/N), dated 15.04.2014 (regarding creation of planning cell, appreciation is at Para. 13/N), dated 07.08.2014 (regarding Mashaikh case, appreciation is at Para. 6/N) and dated 28.05.2014 (regarding signing of notice, appreciation is at the margin of Para. 23/N) which are placed serial-wise at **Annex-IV**. The respondents are notified under the provisions of Rule 2 of Order XII of the CPC, 1908 (Act No. V of 1908) to admit as correct and in case of refusal or neglect to admit, the documents shall be proved at their cost and a criminal case may be initiated against them for the offence of false evidence. Hence, it is concluded that the respondents have misstated and concealed the material facts from this honourable tribunal.
11. Keeping in view the above mentioned facts, it is, therefore, prayed that on acceptance of the appeal and the instant reply to the parawise comments of the respondents, the order dated 13.01.2014 at **Annex-IA** of the appeal may be set-aside and the Respondents No. 2 and 3 may be directed to make payment to the Appellant at the rate of Rs. nine thousand (9000/-) per month from July, 2013 till date with profit or as proved from actual payee receipts/record along with costs and award of exemplary general damages for mental torture and malicious civil prosecution to the tune of Rs. one million so that it may become an example that why the departmental authorities unnecessarily let the employees to indulge in litigation for their due rights. The case may be decided ex-parte against respondent No. 1 as the latter has not signed the parawise comments nor it has been mentioned in the comments that the respondent No. 1 has authorized the respondent No. 2 to sign the comments on his behalf or any letter of authority has been attached with the comments and resultantly, may also be decided against respondent No. 2 that why he is not following the provisions of law in this regard.
12. It is certified on oath that all the narrations in the instant reply to the parawise comments of the respondents are true to the best of my knowledge and belief.

Dated: 12.10.2015

**Appellant**



Mohammad Arshad, the then Additional  
Secretary, Auqaf, Hajj, Religious & Minority  
Affairs Department, now Housing Department  
in Person.

N.W.F.P.

Annex - I  
Pages 6 to 28

PUC AT PAGE 278/c

No. 2(3)74/15487

Dated 04-10-2011

From Assistant LEGAL DRAFTER-I

Subject NOTIFICATION OVER ADMINISTRATION CONTROL AND MANAGEMENT OF THE SHRINE OF PIR KAMAL-UD-DIN AND ITS ATTACHED PROPERTY.

The PUC at page 278/c is submitted for further information & necessary action please.

10/10/2011

S.O. - Auqaf

PUC PAGE 278/C

In response to this Department letter at page 200/c, the Law Department has submitted an objection with regard to notification of the waqf property of Pir Kamal ud Din situated at kabli Bazar, Peshawar that in which capacity they have occupied the said property and requested that information may be furnished at the earliest for further process of the case so as to avoid undue litigation.

Mr. Sher Afzal told to the undersigned telephonically on 08.10.2011 that he was gone to the Law Department on the subject case and stated that the Law Department has forwarded a returned letter with regard to the notification of said property for clarification. It is pertinent to mention that why and on whose order Mr. Sher Afzal gone to Law Department because this Department has not mentioned in a letter at page 200/c that anybody has occupied the said waqf property.

The action of Mr. Sher Afzal is doubtful and he should be proceeded against E&D rules as well as rules of business 1985, a channel of communication at **Flag-A**. He was asked to see the undersigned on the direction of Secretary/Chief Administrator Auqaf but he has not come till this date. It is also proposed that the court cases deals by Mr. Sher Afzal assigned to some other officer of Administrator Auqaf with immediate effect. For clarification of Law Department we may provide a copy of letter at page 157/c and 199/c.

Submitted for perusal & further orders please.

Additional Secretary

S.O. (Auqaf)

Sh. Shiekh

Section officer (Auqaf)

10-10-11

10/10/2011

32772

6245



466

I agree with the proposal at Para. 102/N. 105

~~Secy~~

J.A.  
11/X/2011

See my remarks on another reference. Process that align with with this.

106

~~A.S.~~

J  
11/11

SO(August)

J.A.  
14/X/2011

D. P. A's are added for Perusal and approval please.

107

~~A.S.~~

Sa...  
SO Aug 11  
13-10-11

The DPA's may be amended/corrected as discussed with you. 108

SO(August)

J.A.  
13/X/2011

A copy of orders passed by the Secy/C.A.A. on the face of orders that may be perused at Flage 'A'. The Precedent received from Estab Dept may be perused at Flage 'B' as well as D. F. A's for perusal and further orders pl.

109

~~A.S.~~

7945

33972

Sa...  
2 Aug 11

N.W.F.P.

110

Pl. re-type as corrected.

SO (A/S)

La.  
14/12/11

111

Re-submitted please.

~~A.S.~~

Spencer  
17-10-11

112

It is requested that I may please be dropped from being Enquiry officer against the official Assistant in BPS-14. It is just like a case that CS (BPS-22) officer is appointed as E.O. against the SO in BPS-17. It is against the normal practice in such like cases. I may be appointed as E.O. against the cases in D.S. (BPS-18) or AA (BPS-18) or upto minimal against officers in BPS-17.

It is, therefore, suggested either D.S. or one of the SOs may be appointed as E.O. in the case.

~~Secy.~~

La.  
A.S.  
17/12/11

114

Both the orders are defective. Charge has not been properly framed

34472 8945

100 incorporated in the charge sheet  
statement of allegations.

A.S will conduct a fact enquiry  
and submit report within Ten days.  
In the light of his findings decision  
or formal enquiry will be  
taken. The main charge against  
Dr. Sher Afzal is Act case  
titled Jia Jant Sher v/s  
Muzaf department was decided  
on 3-12-2010, but he did not  
inform the A.A due malafide  
intention. This case has been  
decided in favour of the  
dept.

115

Pl. p.u draft order for  
appointment of enquiry officer.  
In the meanwhile write to A.A  
to remove Sher Afzal from  
his seat immediately. I  
verbally told him today.

116

A.S

17/11

7

17/11/2011

S.C. (In-charge)

35472 9245

Auqaf, Hajj Religious & Minority Affairs Deptt.  
N.W.F.P.

Para 114 - 116/N Refers.

117

Revised D.F.A. are added for  
perusal and approval please.

~~A.S.~~

Sg 2 Secy  
SO Auqaf  
18-10-11

118

Pi. re-type as ~~mentioned~~ corrected.

SO (Auqaf).

Sg 2  
18/10/2011

119

D.F.A's are added for perusal  
and approval please.

~~A.S.~~

Sg 2 Secy  
SO Auqaf  
18-10-11

Paras. 114-116/00 refers: The remarks at Para. 114/00:

The charge sheet  $\rightarrow$  statements of allegations  
have been prepared strictly according to  
the observations/orders recorded by Secy.  
on the face of court paper at P-279/c.  
What a man of prudence will deduce  
from ~~that~~ the contents of that paper  
 $\rightarrow$  the remarks of Secy. there-on.  
The order-sheet dated 03/12/2010 says  
that the case is dismissed due to non-attendance  
of parties. I have even discussed  
the case with SO (Auqaf). That as I see  
30472 10945

The case has been filed <sup>by the court in favour of</sup> ~~against~~ the Augat Deptt. by one Man Javid Shah, the dismissal by court means that Augat Deptt. has won. Then why we are going to pursue against the official of Augat Deptt. His <sup>(SO)</sup> reply was that the Secy. might want that the official has not attended the court. Moreover, we have properly drafted the charge sheet / statement of allegations accordingly. The Secy. has mentioned that the inquiry be conducted under the EOP Rule, 1973 → has ordered to put draft charge sheet → state of allegations. There is no mention of the fact-binding inquiry. It is a new order, communicated as per contents of Para. 115/13. Therefore, I am of the view that drafts previously submitted are all-right and not defective, strictly in compliance with the remarks of Secy. recorded

→ the face of court paper  
38772 11965

Auqaf, Hajj Religious & Minority Affairs Deptt.

N.W.F.P.

at P-279/c which are re-produced here below for the sake of clarity:-

" Pt. Inspector Sher Afzal be relieved from duty. Mr. Ashraf, A.S. is appointed as Enquiry Officer to conduct enquiry under E. & D Rules 1973. Pt. P. U. draft sheet - Student <sup>charge</sup> of allegations."

Draft orders are submitted for perusal & approval please.

Anyhow, as already suggested at P. Nos. 112-113/00, I may please be dissociated from the enquiry in my case whether formal or fact-finding. It is against practice followed in the Provincial Court. No-where a BPS-22 officer has been appointed as Enquiry Officer against a BPS-17 officer. A BPS-22 officer is at the fifth level of hierarchy ~~of~~ vis-à-vis the accused of the level of BPS-17 officer. Similarly in the present case, A.S., a BPS-22

28/7/72 12945

officer is conducting an enquiry  
against an official, Assistant in BPS-14.

These officials/officers exist above  
the level of Assistant (BPS-14) in the

AA office as well as Administrative

Dept. i.e. <sup>DPA in BPS-15,</sup> <sup>Supt</sup> / Private Secretary in

BPS-16, <sup>Section Officer/Accounts Officer</sup>

Dy. Administrator Asst in BPS-17,

<sup>4</sup> A.A./Dy. Secretary in BPS-18 <sup>5</sup> AS in BPS-19

It means the AS is in the hierarchy,  
above at the fifth level, just

Chief Secretary in BPS-22 or Provincial

Police Officer in BPS-18 is conducting

a fact-finding enquiry against  
their officers of the level of

Section Officers/PMS officers/DSP in BPS-17,

which is nowhere a practice.

The only requirement under the  
standing instructions in the

subject-matter is that the

E.O. may invariably be above

the grade/status of the accused.

It is, therefore, advisable that 123

an officer of appropriate level

~~39~~ 71213945

112

AUQAE HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

in the office of Administrator Aqaf of  
Administrative Dept. as detailed above,  
may be appointed as E.O. against  
the defaulting official. Even in  
office of the A.A. office will be  
most suitable to be appointed.

Submitted for perusal and  
orders please.

Secy.  
~~(Page 120-124/10-20/15)~~

27.  
A.S.  
18/X/2011

125

A.S will conduct the fact finding  
enquiry. What was your contribution  
in those drafts? If you want to  
contest case for I will indicate  
the deficiencies. You can see/judge  
your performance especially on summaries  
submitted to me by the S.O's are  
just signed/forwarded without  
any input from your side.

126

If you are feeling uncomfortable  
here, you are at liberty to go  
anywhere. However, as regards your  
40472 14945



Personality, way of working and  
General behaviour. I will  
record my observations  
in your A & R.

A.S.

*[Signature]*

P. do the needful <sup>18/4</sup>  
as directed <sup>re-submit</sup>  
File.  
S.P. (Asst)

*[Signature]*  
18/12/11

Please issue as signed

128

Three M.C.B. - D.F.A.'s. Copies  
also placed on file of Estab of A.A. office.  
T.E.  
29/12/11  
S.P. (Asst)  
19/110

1. letter issued vide at page: 280/c

129

2. letter issued vide at page: 280/c

130

3. letter issued vide at page: 281/c

131

*[Signature]*  
24/10/2011

4172  
15945

175

**Auqaf, Hajj Religious & Minority Affairs Deptt.  
N.W.F.P.**

The PUC at PAGE - 283/c  
No. 4511/F-49/Auqaf Dated. 13-10-2011  
From: A A

Subject Allotment of vacant Space.

The Puc at page - 283/c is submitted for information & further necessary Action please.

cc (Auqaf)

*[Signature]*  
20/10/2011

**PUC PAGE 283/C**

134  
This case was earlier submitted vide **page 263/c** and process on the note part vide paras 78-94/N. The letter was issued vide **page 264/c** wherein the Administrator Auqaf was asked to provide the formula/method for calculation of premium and rent for allotment of vacant plot adjacent ~~plot~~ to Masjid Karam Shah, Qissa Khwani, Peshawar. The Office of Administrator Auqaf furnished a report as per PUC wherein mention that monthly rent calculated @ Rs.50 per sqr feet. As well as premium @ Rs.5,000/- per sqr. ft. non refundable.

135  
He further added that the vacant space is lying vacant for the last six year and proposed that the premium and rent would be economic benefits out of it, if the lease has been allowed to Mr. Haroom Ahmad working as Khadim in said mosque as mentioned in a letter at **page 263/c**.

136  
If agreed we may allow the lease @ Rs.1000/- per month rent as well as premium of Rs. 100,000/- non refundable for three years as per usual rules/ policy of Auqaf or otherwise.

137  
Submitted for perusal and further orders please.

**Additional Secretary:**

*[Signature]*  
Section officer (Auqaf)

20/10/11

*[Signature]*

Pl. Stark.

*[Signature]*  
20/10/2011

S.O (Auqaf)

*[Signature]*  
2/10

12472 16945

138

Pana 127/N refers.

As directed the undersigned  
vide Pana 127/N above, the file is  
resubmitted for further orders as  
desired please.

S. A. S. A. S.  
S. O. A. S.  
21-10-11

133

Panas. 125-126/N refers. It is submitted

that it is me who has drafted  
the draft charge sheet & statement  
of allegations alongwith suspension  
order as is evident from Panas. 107-113/N.  
But, it is pointed out here that  
according to the Rules of Business  
& Secretariat Manual, all cases  
are prepared, initiated and drafted  
at the level of Section Officer.  
The higher officers in the hierarchy  
see the case/drafts and correct  
the same if there is a need, otherwise  
the file is submitted upward for  
decision of the competent authority.  
It depends upon the individual  
judgment of the supervising officer

134

~~17965~~ 17965

Augaf, Hajj Religious & Minority Affairs Deptt.

N.W.F.P.

whether to change/correct/modify the draft or otherwise. It may be that I may <sup>or may</sup> not agree with the drafting of the senior officer but it is the draft of the senior officer competent authority which will ultimately prevail. It is not a hard and fast rule that every draft coming from the lower level of the hierarchy, may be invariably changed. As supervising officer, my only initial on the note is sufficient that I agree with the proposed draft, submitted by the SO/DC.

Neither I want to contest nor I have any desire to do so. I simply replied to the observation of the competent authority that we have prepared the draft charge sheet statement of allegations → suspension order of the Assistant of officer of AA. as per orders of the Sup./competent authority

~~14972~~

12945

recorded on the face of the court  
order sheet at P-27/C and nothing  
else.

I have equally contributed 136  
in the drafting of summaries also  
where-ever required, otherwise, as  
already mentioned in Para. 126, it  
is the basic responsibility of the  
clerk who prepares all kinds  
of cases including summaries.

It is submitted that I am 137  
performing my duties to the best  
of my knowledge & ability.  
Though, as my supervising officer  
and colleague, I am being treated  
roughly & improperly but still  
I am never uncomfortable in  
any of the department I work.  
I perform my duties efficiently,  
to the best of my knowledge &  
ability. My transfer & posting  
is that in my own hand which  
all knows is in the provision &  
competency of the Establishment Dept.

The last sentence of Para. 126/N 138  
is reproduced here as follows:-

16/7/72

1974/5

"However, as regards your personality, way of working, general behaviour, I will record my observations in your A.C.R."

In this connection it is submitted that no human-being is perfect and devoid of weaknesses. But, as a public servant as I see, I am and also trying to be a professional civil servant. In my whole service career of almost twenty (20) years as Naib Tehsildar → subsequently as PCS officer up till now, I have performed my duties → professionally as required from me by the relevant commands of service laws as Rules of Business etc. However, as competent authority → my reporting officer, if you see any deficiency in my personality, way of working → general behaviour, may be explained and pointed out and I will try my best to rectify the same if any.

Before closing my submission, I however, bring to light some of

100  
examples of my professionalism,  
working in the Department, personally  
way of working → general behaviour

→ follows:-

(i) The way I have efficiently  
performed in the Madras  
Reforms Committee <sup>work</sup> and maintained  
the honour → dignity of the  
Department is witness to all  
→ sundry. ~~It is your~~ Being  
Muslims, all the officers → Ministers  
sitting there, will testify to the same  
fact.

(ii) Again, <sup>over</sup> the Review Meetings with  
Ministers, I have efficiently contributed  
to the thought-provoking process that  
the Minister himself was pleased to  
remark that you may assist in the  
particular case of under-dispute plaza  
with Cantonment Board. The AA has  
submitted the same case & I have  
tried my best to examine the matter  
of it but the same as I remember  
has been filed without any further  
action.

(iii) All the cases which I have dealt  
with in the Department during my stay  
here, if perused → I think being

4772 21945

101

AUQAF HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

my reporting officer, you are the best judge & witness to that, my contribution will be more & weighty as compared to the combined contribution of the other members of hierarchy.

(iv) The draft bills & orders which we had sent to the Law Dept. for vetting, by contribution, suggestions & proposals, have always prevailed & approved. I don't know what else is the requirement of sound personality, way of working & general behaviour. I am working hard & efficiently contributing to the organizational goals, what other requirements are expected from me.

(v) I am also mentioning here a very small glimpse of my personality & general behaviour. Every third or fourth day, Sir, your PS or Naib Qasid comes & tells that ~~your~~ <sup>my</sup> vehicle is required by the secretary as his own car is engaged in his home. I have never refused it because I feel that we all have needs & requirements,

~~10/12~~

22945



make, <sup>parents</sup> → children back at home.  
You, as competent authority, you  
have never offered to draw  
= 4 extra fuel. I am managing  
the vehicle in my own allotted  
and fixed PCL of 130 litres.  
This is the sign of my good  
personality → good behaviour.  
Though I don't suspect but  
there might be chances of  
misutilization of the vehicle  
by other staff members.

vii) To mention another important  
glimpse of my personality →  
general behaviour. Since my  
posting in the department in the  
month of May, I have single-handedly  
attended the two sessions of the  
Financial Assembly, lasting for  
more than a month each, from  
6.30 PM to 10.00/11.00 PM. Even  
in the major departments like Law, Home,  
Estt. → Finance, the Secretaries,  
Add. Secretaries & even Deputy  
Secretaries, have alternatively  
attended these sessions. Why

123

AUQAF HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

I should work for double shift  
without any extra remuneration.

No service law can compel or  
bind me to do this duty  
single-handedly while in other  
departments, it should be shared.

It is my good personality &  
good behaviour & sense of cooperation &  
that I have performed this duty.

As you know - everyone knows,

my family is residing back in  
my village - I am living here  
in hotel - during these days,

you even refused to let station  
have what to talk of casual  
leave. It is to be mentioned

here that how frequently and  
how many officers will ask  
for station leave if they are  
to go outside Peshawar on Sundays

to go outside Peshawar on Sundays  
& holidays. I could rightly have

st 472 95 945

I may see things clearly that in  
 an audience if only as pointed out.  
 I know I would say sorry for that  
 I know that my personality  
 I never wanted you by calling  
 me to face interactions, have  
 will It we are to recall are

some community  
 colleague - member of the  
 to talk of as a subordinate,  
 that as a gentleman what  
 pointed out, I will say sorry for  
 I know that your feeling, if  
 I don't know in what way  
 - good way of working.  
 personality as good behavior  
 this is the sign of my good  
 complaints if it is bearable.  
 we are and to refrain from  
 have always tried to remain  
 but, what maximum extent I  
 approached to the CC in this regard

100

105

INDIAN AND MINORITY AFFAIRS DEPARTMENT  
GOVERNMENT OF INDIA

you take everything personal. People  
in the Secretariat know us well. Let  
us put our heads down & work for  
the betterment of the organisation. Best  
assure that to me you are like a younger  
brother/colleague. It was just a piece of advice  
& nothing else.

A.S

*[Signature]*  
22/10

53 of 72  
47445

بدالت جناب سینئر سول جج / سول جج / جوڈیشل مجسٹریٹ چارسدہ / تہذیبی  
 عنوان **مہا مہل خانا چام کمر انعام** مقدمہ نمبر

نمبر شمارہ حکم تاریخ حکم

Notice for requisition of case file

29.10.2005 0-----9

received from the Hon'ble Peshawar High Court Peshawar. Moharrir is directed to sent the case file forthwith to the Hon'ble Peshawar High Court Peshawar. While, "forth" be prepared for ready reference.

*(Signature)*  
 (S. JUDIC) Civil Judge/Judl: Magistrate, Charsadda.  
 27.10.05

*(Signature)*  
 سید علی حسین  
 سید علی حسین

08-10  
 01-12-10

Case-file received back from the Honourable P.H.P. It be registered. Notice be issued to both the parties for, 03-12-10.

*(Handwritten notes)*  
 P.H.P. issued for Sher Afgan C for registration for duty. The Honourable A.S. is appointed as is assigned as officer to submit enquiry under P.H.P. with charge sheet with consent of all parties.

تہذیبی مقدمہ - بادشاہی داد کیا گیا - 30-10-05  
 اپنی کارڈ کیا گیا - سرورڈیشن اور جانب سے کوئی  
 کارڈ نہ کیا گیا - صحت سے لڑا گیا - عدالت پر  
 باج نامہ مقرر - صحت سے کیا گیا -

03-12-10

*(Signature)*  
 Miss Nadia Gul Wazir  
 Civil Judge 1 Charsadda

*(Signature)*  
 11/11/2011

3331  
 11-10-11

54 272 88945

AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

Annex-II  
Pages 29 to 32

Subject:- OFFICE ORDER /196/C

Discussed. Secretary Auqaf has directed that henceforth, the subject of administration including Assembly Business, Development, Hajj and Religious Affairs dealt with by the concerned sections be looked-after by the Additional Secretary, as already notified vide Notification No.SO(ADMN)AHR&MAD/2-2/2013 dated 03.02.2014.

Submitted for perusal, please.

D/SCA)

DEPUTY SECRETARY (ADMN)

Addl. Secretary.

The following points regarding the office order dated 03/02/2014 creates some ideas/doubts in my mind:-

(i) The subject of Administration has been assigned to D.S. while Admin. (Account) to the undersigned. Does it mean that only cases of Assembly Business of the Admin. Section may be processed through me and the rest of the cases are to be routed through D.S. upward for decision-making or otherwise.

(ii) Hajj Affairs cases have been given to D.S. Is it correct

29965

and prudent that my name  
should ~~be~~ be put on the Working  
Group for minorities? How will  
I contribute if I am unaware  
of the cases of minority community.  
It is, therefore, advisable to include  
the name of D.S. in the W.G.

(iii) The cases of August Section  
are to be routed directly by  
the S.O. and submit for decision  
of Secy. August without involvement  
of D.S. and A.S. The Assembly  
Business has been assigned to  
the undersigned which mostly  
consists of August related  
issues. Shall I be able  
to effectively deal with Assembly  
Business if I don't know  
about the issues of August?  
How I will assist the Minister  
in the Assembly sessions if  
any need arises? Then and  
309745

AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

There, the presence of SO(Auqaf)  
or A.A. will be necessary to  
assist the minister.

(iv) As per rules, I am the  
countersigning officer for the  
performance evaluation of  
SO(Auqaf). I will not be  
able to assess her performance.  
Hence, will not be able to  
write her PFR.

Submitted for perusal of  
orders please.

Secy,  
f

J.A.  
06/02/2014

I would ~~now~~ appreciate your  
input in all cases dealt with in  
all sections including Auqaf Section,  
as per normal practice.

If ~~you~~ <sup>the AS</sup> agrees to the proposal

31/2/14

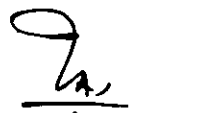


SO (Adm) shall  
be asked to withdraw  
the notification and also join us  
in a meeting with Advisor on  
ministry or Working Groups.

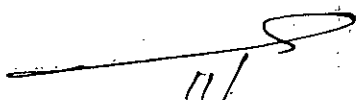
~~AS~~

  
10/2

~~DS~~

  
10/2/2014

52

  
11/2

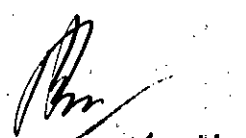
53  
7

Joint

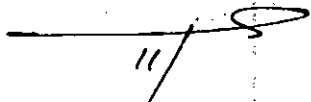
Ref: Para. 5/11

DPA is submitted for perusal/  
approval please.

54

  
11/2/2014

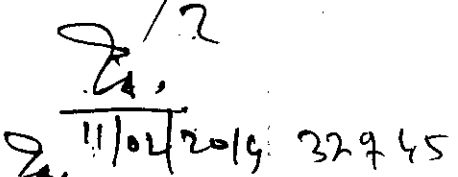
DS(A)

  
11/2

~~AS~~

~~AS~~

  
11/2

  
11/04/2014 32945

Puc at Page 121/c

Annex-II  
Pages 33 to 36

45

No: 103/1-A-46/August

Dated: 04-02-2014

From: A-A

Subject: Investment Proposals/Projects.

The Puc at Page 121/c is Submitted  
for further n/s Please.  
So (August)

46

*[Signature]*  
18/2/2014

Investment Promotion Cell at C.M Secretariate 47  
vide their letter dated 15-09-2014 at page 108/c  
had invited proposals from all departments  
to increase investment in mega projects.

The same was sent to A.A for views and 48  
comments. A.A, vide Puc at page 121/c has  
sent his reply to the same. According to his  
view this Investment Promotion Cell focuses on attracting  
foreign investment especially in the fields of Oil and  
Gas Research and Electricity Production and transport  
has no concern with the same. Hence the reply  
of the Deptt. may be considered as nil and  
same may be communicated to the quarters  
concerned.

Secretary August:

views pl.

*[Signature]*

2.8.14

*[Signature]*  
20/2

Office  
12.02.2014

48

38445

AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

49

Para. 42/Number: The report of AA, is half-way correct & incorrect. It is true that Govt focus will be on oil & gas, electricity but the text of the letter is not confined to any such sectors only. It may include other sectors also.

50

So far as Auqaf Dept. is concerned, prima-facie the Department is landed property, both potentially commercial and agricultural. The AA may identify these sites which could be given to potential investors on BOT basis and a profitable long lease. The investor doesn't necessarily have to be foreign they may be local also because no such meaning would be derived from the text of the CM letter. This is the age of business → trade and land

34945

is <sup>one of</sup> the most important factors of production in economic terms.

Large scale investment in utilization of land for agriculture/farming, dairy development, tourism sites, mining etc is possible.

The only labour by the 51 office is to evaluate the potential value of Anzap properties keenly  $\rightarrow$  with the spirit of considering it as their duty, for investment in some possible/prospective sectors for development/investment.

Submitted for perusal 52

$\rightarrow$  orders please.

Secy.  
7/1

S.  
21/02/2014

I appreciate the input of the A.S. 53

The only thing which is hampering the outsourcing ~~mechanism~~ is the mode like BOT and leasing. BOT is either not understood

~~and~~

35945


AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

in its real sense or not covered by  
the prevailing rules. NAB is one of  
the major critic on BOT mode of  
outsourcing.

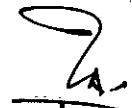
34

Please Rg. draft letter addressed  
to AA in light of paras-49-52/1

~~AS~~

  
21/2

DS

  
21/02/2014

K.C. SO (Imp-1) (PCD-II) 7-4/2014

Annex-IV  
Pages 37 to 45

AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

Pvc-I at Page 1-21/c.

No: SO (Imp-1) / PCD / 3-8/2014 / 1771-uc.

Dated: 27-03-2014

Sub From: SO (Imp-1)

Subject: Request for Financial Assistance

Pvc-II at Page 22-25/c.

No: SO (Imp-1) / PCD / 3-8/2014 / 209 uc

Dated: 2-4-2014

From: SO (Imp-1)

Subject: Request for financial Assistance for  
Construction of Mosque.

The Pvc-I and Pvc-II is submitted

for further n/c please.  
S.O (Imp-1)

Subject Pvc is a letter from IPC Dept: on the  
subject matter, wherein a letter from Parliamentary  
Affairs and Grievance wing, Islamabad dated  
the Application of Mr. Hidayat-ul-Mulki for financial  
assistance, has been forwarded.

Ministry of Parliamentary Affairs may be  
told that request of the applicant may be  
considered for financial year 2014-15, as all  
allocations / grants have been exhausted for  
the current financial year.  
Submitted for Review and approval p/c  
37745

I think why we should give 7  
hope to someone when subsequently  
we can't meet it. Will the  
Provincial Govt be prepared  
to allocate any prospective  
funds to those schemes which  
are pouring in from the  
Federal Govt or they (the CM, State et)  
will see to their own priorities?

It is, therefore, advisable that 8  
the demand be simply regretted  
due to non-availability of  
funds.

~~Se~~  
/

2  
07/4/2014

I appreciate and agree. 9

~~AS~~

2  
07/04

S (Arjun)

2  
07/4/2014



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
INTER PROVINCIAL COORDINATION  
DEPARTMENT.

Mian Rashid Hussain Shaheed  
Memorial Block,  
Civil Secretariat, Peshawar.  
Fax No. 091-9212794  
No. SO(Imp-I)/IPCD/3-8/2014  
Dated Peshawar the 02.04.2014

To

The Secretary to Govt. of Khyber Pakhtunkhwa;  
Auqaf, Hajj & Religious Affairs Department.

2009 *wk*

Subject:-

**REQUEST FOR FINANCIAL ASSISTANCE FOR CONSTRUCTION OF MOSQUE.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Government of Pakistan, Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Islamabad letter No.F.2-1/2013/KPK/PAG/MOPA/3549 dated 13<sup>th</sup> March, 2014 alongwith a copy of petition of Syed Hidayatul Mulk, Village Shah Abad, PO Uch, Tehsil Adinzai, District Lower, Malakand Division on the subject noted above.

2. The request of the petitioner may please be looked into for appropriate action as per rules/policy under intimation to this Department as well as to the petitioner **within 10 days positively** for onward submission to the Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Cabinet Block, Islamabad.

Yours faithfully,

*[Signature]*  
Section Officer(Imp-I)

Encl. As above.

Copy for information to the Deputy Secretary (PA&GW), Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Cabinet Block, Islamabad w/r to his letter No. quoted above.

Section Officer(Imp-I)

*AS*  
*m m/a*

*02/04*

*02/04/2014*

*SO(Imp-I)/SO(Dev.)*

*[Signature]*  
*14/04/14 39245*

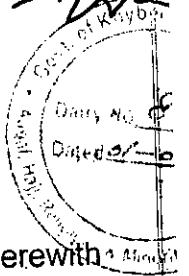




GOVERNMENT OF KHYBER PAKHTUNKHWA,  
INTER PROVINCIAL COORDINATION  
DEPARTMENT.

Mian Rashid Hussain Shaheed  
Memorial Block,  
Civil Secretariat, Peshawar.  
Fax No. 091-9212794  
No. SO(Imp-I)/IPCD/3-2014  
Dated Peshawar the 27.03.2014

1771-140



To The Secretary to Govt: of Khyber Pakhtunkhwa,  
Auqaf, Hajj & Religious Affairs Department.

Subject:- REQUEST FOR FINANCIAL ASSISTANCE.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copies of Government of Pakistan, Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Islamabad letters alongwith copies of petitions mentioned below:-

S.No	Letter No. & Date	Petitioner Name & Address
1	F.2-1/2013/KPK/PAG/MOPA/2478 dated 17 <sup>th</sup> February, 2014	Mr. Saidwi Khan S/o Jan Muhammad, Mohallah Kund Payan, Village Pashton Garhi, PO Pabbi, Tehsil and District Nowshera
2	No.F.2-1/2013/KPK/PAG/MOPA/3238 dated 10 <sup>th</sup> March, 2014.	Qari Laiq Zareen Shah, Jamia Nusrat Al-Huda, Kotka Syedan, Pir Dil Khel, Bannu.
3.	No.F.2-1/2013/KPK/PAG/MOPA/3090 dated 27 <sup>th</sup> February, 2014	Syed Hidayatul Mulk, Village Shah Abad, PO Uch, Tehsil Adinzai, District Lower Dir.
4.	No.F.2-1/2013/KPK/PAG/MOPA/2647 dated 20 <sup>th</sup> February, 2014	Haji Zareen Gul S/o Jumma Gul, Muslim Commercial Bank, GT Road Jahangira, Dobandi, District Nowshera.
5.		
6.	No.F.2-1/2013/KPK/PAG/MOPA/2964 dated 25 <sup>th</sup> February, 2014.	Mr. Bakhtiyar S/o Mohtaj, Village Ali, PO Rustam, Tehsil and District Mardan.
7.	No.F.2-1/2013/KPK/PAG/MOPA/3138 dated 28 <sup>th</sup> February, 2014.	Mr. Bakhtiyar S/o Mohtaj, Village Ali, PO Rustam, Tehsil and District Mardan.
8.	No.F.2-1/2013/KPK/PAG/MOPA/2603 dated 19 <sup>th</sup> February, 2014.	Moulana Syed Inayat Ullah Shah S/o Molvi Syed Akhtar Ali Shah, Ameen Manal Khel, Ghoriwala, PO Jamiatul Markaz Al Islami, Karak Pinda Khel, Bannu.

2. The request of the petitioner may please be looked into for appropriate action as per rules/policy under intimation to this Department as well as to the petitioner within 10 days positively for onward submission to the Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Cabinet Block, Islamabad.

Yours faithfully,

*(Signature)*

Section Officer(Imp-I)

Encl. As above.

Copy for information to the Deputy Secretary (PA&GW), Ministry of Parliamentary Affairs (Public Affairs & Grievances Wing), Cabinet Block, Islamabad w/r to his letter Nos. quoted above.

Section Officer(Imp-I)

*R. Process*  
*AS*  
*2/4*  
*24/2/14*  
*24/2/14*  
*2014*  
*40745*

AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT,  
KHYBER PAKHTUNKHWA

SUBJECT CREATION OF PLANNING CELL IN THE AUQAF, HAJJ,  
RELIGIOUS & MINORITY AFFAIRS DEPARTMENT.

PUC at Page - 1 / C

In response to our letter dated 14-03-2014 (Flag-G) wherein SNE/request for creation of Planning Cell in the Auqaf Department was forwarded to them; has informed vide PUC that Finance Department regrets to accede to the proposal.

The case was discussed with Secretary Auqaf Department who desired to put up a Summary for Chief Secretary on the above subject.

Draft Summary for Chief Secretary, Khyber Pakhtunkhwa on the above subject cited subject is accordingly placed below for approval and signature please. Deputy Secretary transferred, therefore, file marked to Additional Secretary.

*M/14/4/2014*  
SECTION OFFICER (ADMIN)

ADDL. SECRETARY

*5*  
which rules speak of  
submitting summary to the CS?  
I have never known it.

*SC (Admin.)*

*6*  
No. for Chief Secretary Khyber  
Pakhtunkhwa is placed below please  
14/4/2014

*7*  
G. Note Para  
*AS*  
Pl. find as corrected.  
*SC (Admin.)*  
15/4/2014

41945

Ref: Para-7/x

Although Concurrent Legislative List was abolished and subsequently the subject (mentioned in Para-4 (b) of the Note for Chief Secretary namely transfer of property other than agricultural land, registration of deeds and documents) alongwith others; was devolved to the provinces, yet Notifications dated 29<sup>th</sup> July, 2011 issued by the Cabinet Division, Government of Pakistan, Islamabad placed vide **Flag-H & Flag-K**, make no mention of the above mentioned subject. Deputy Secretary transferred, therefore, file marked to Addl. Secretary.

Note for Chief Secretary re-submitted after corrections with the above observations please.

SECTION OFFICER (ADMN)

**ADDL. SECRETARY**

Pl. fair on corrected. If any difficulty is there, stenog may come to me.

SC (Admin.)

16/4/2014

Fair note for C.S. is re-submitted from perusal/approval pl.

16/4/2014

~~A.S.~~

A.S has gone to attend the Assembly Session.

PA

16-4-14

~~Secretary~~

I appreciate the draft Pl. Fair (only two corrections)

16/04

17/4/2014

Rec at Page 13/c

Date: 24/7/14

Dr. Muhammad (Tufail) Director.

Subject: List of MashaiKh-E-Uzzam Registered  
With Provincial Governments.

The Rec at Page 13/c is submitted

for further n/a Please

SO (Auqaf)

07/08/14

3  
DEA, in light of direction by competent authority  
on file of REC, is submitted for approval  
please.

4  
Dy. Secretary (A).

Submitted for  
approval DL

07/08/2014

A.S. (A)

2/8/14

5  
It is pointed out that the nominees  
are not MashaiKh. As I know, the great  
and well-known MashaiKh in the Province are  
Pir of Ranki Shaif, Pir of Zakori Shaif  
etc. These personalities have rendered  
valuable services in the creation of

43745

of Pakistan. I think we should  
think over ~~the~~ and revisit the  
matter.

Se  
H.

Za,  
07/8/2014

I appreciate the input of AS. 6

Please place their names on top of the  
list including names included in  
the draft letter

~~AS~~

Za  
7/8

DS

Za  
08/8/2014

Reference paras 20-21/N.

Note for Minister Angel regarding 22  
legislation in Angel, R & MAD in pursuance  
of the 18th constitutional Amendment  
is submitted for signature of Minister  
Angel of J.

J  
28/05/14

~~AS(A)~~

11. ~~is~~ as corrected. Also  
copy per Law Dept. that Divif  
has no ~~letter~~ but only special  
Assistant whether SA is competent  
to sign the notice or otherwise.

23

valid  
observations  
& approvals

~~DS~~

J  
28/05/2014

24

The undersigned telephonically confirmed  
from Ms Shagifta, ASMA: Legal Drafters regarding  
the above para-23/N. She informed that the  
summary should be routed through CMUP for his  
signature due to non-availability of Minister  
for Minority Affairs.

~~(A)~~

~~28/05/14~~  
~~issued~~  
~~100-2~~

summary is submitted for <sup>approval</sup> ~~signature~~ PL

J 25

~~Secy~~ signed  
~~AS~~ DS

J  
29/05/2014  
26

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

Services Appeal No. 1347 of 2014-filed on 18.11.2014.

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and  
Minority Affairs Department--- Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar---Respondents

**APPLICATION FOR NOTICE TO RESPONDENTS UNDER RULE 2  
OF ORDER XII OF CPC, 1908 (ACT NO. V OF 1908) TO ADMIT AS  
CORRECT COPIES OF CERTAIN RECORD.**

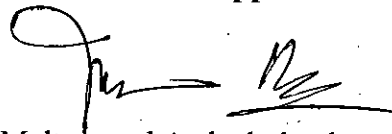
Respectfully submitted that:-

1. That, the instant appeal is fixed for hearing before this honourable tribunal on 12.10.2015.
2. That, the appellant has filed copy of letter dated 14.10.2014 and 12.11.2014, received from respondent No. 3, at Annexes-VIII and XI with the appeal and copies of documents at Annexes I, II, III and IV with the reply/rejoinder to parawise comments of the respondents.
3. That, the respondents are notified through instant application to admit as correct copies of the record as per provisions of Rule 2 of Order XII of CPC, 1908 (Act No. V of 1908), otherwise, in case of refusal or neglect to admit, original record shall be produced at theirs' expense.

It is, therefore, requested that through instant application, the respondents are notified to do the needful; otherwise, in case of refusal or neglect to admit, original record shall be produced at theirs' expense and a criminal case may also be initiated against them for the offence of false evidence. It is verified on oath that the contents of the instant application are true to my knowledge and belief.

Dated: 12.10.2015

**Appellant**



Mohammad Arshad, the then Additional  
Secretary, Auqaf, Hajj, Religious & Minority  
Affairs Department, now Housing Department  
in Person.

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

Services Appeal No. 1347 of 2014-filed on 18.11.2014.

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and  
Minority Affairs Department--- Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar---Respondents

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Dated: 12.10.2015

**Appellant**



Mohammad Arshad, the then Additional  
Secretary, Auqaf, Hajj, Religious & Minority  
Affairs Department, now Housing Department  
in Person.



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

Services Appeal No. 1347 of 2014.

Mr. Mohammad Arshad, Additional Secretary, Auqaf, Hajj, Religious and  
Minority Affairs Department--- Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Auqaf, Hajj, Religious and Minority Affairs Department/ Chief Administrator Auqaf.
3. The Administrator Auqaf, Khyber Pakhtunkhwa, Eidgah, Charsaddah Road, Peshawar---Respondents

**APPLICATION FOR ADJOURNMENT.**

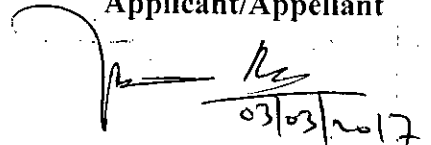
Respectfully submitted:-

1. That, the instant appeal is fixed for hearing before this honourable tribunal on 29.03.2017.
2. That, the appellant is attending Senior Management Course at National Management College, Lahore from 06.03.2017 to 21.07.2017.

It is, therefore, requested that by accepting the instant application, hearing of the case may please be adjourned till 21.07.2017.

Dated: 03.03.2017

**Applicant/Appellant**

  
03/03/2017

Mohammad Arshad, the then Additional  
Secretary, Auqaf, Hajj, Religious & Minority  
Affairs Department, now  
Director(Admn./Finance), PSA

In Person.