

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.20/2014

Date of Institution ... 06.01.2014

Date of Decision ... 19.11.2020

Zabta Khan S/O Mir Adam Khan R/O Taziri, Bizan Khel, Bannu Ex-
Chowkidar, GHS Bizan Khel, FR Bannu.

... (Appellant)

VERSUS

1. District Accounts Officer, Bannu and four others.

... (Respondents)

Arbab Saiful Kamal,
Advocate

... For appellant.

Kabirullah Khattak,
Additional Advocate General


... For respondents.

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

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

JUDGMENT

ROZINA REHMAN, MEMBER : Appellant Zabta Khan Son of Mir Adam
Khan has filed the instant appeal U/S 4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974 whereby pensionary benefits were refused to him.


19/11/20

2. Brief facts of the case are that the appellant was retired from service of F.R.P D.I.Khan after rendering Fifteen years service and invalid pension was allowed to him for the said period. He was reappointed as Chowkidar in GHS Bizan Khel F.R Bannu on 03.05.1990 after examination by Medical Superintendent DHQ Hospital Bannu. On attaining the age of superannuation, appellant was retired from service by E.D.O Elementary & Secondary Education Bannu on 07.05.2010, where-after he submitted application before the Headmaster of the School for grant of pension which was accordingly forwarded to E.D.O. Sanction was accordingly granted by E.D.O but some observations were made by the District Accounts Officer Bannu. He requested time and again to all concerned for grant of pension but to no avail, hence the present service appeal.

3. Learned counsel for appellant contends that after declaring fit for light duty by Medical Superintendent DHQ Hospital Bannu, the appellant was reappointed as Chowkidar on 30.05.1990 in GHS Bizan Khel and his date of birth was recorded in Service Book as 08.05.1950 instead of 28.11.1943. He submitted that being illiterate, he was not in the knowledge of an incorrect entry in respect of his date of birth and it was inadvertently recorded by the concerned authority as 08.05.1950 in his Service Book. He submitted that the department is legally bound to pay pension and to rectify record in respect of his date of birth in view of Rule-9.3 of the Pension Rules.

4. Conversely learned A.A.G submitted that the present appellant prior to joining the Education Department had already served in Police Department from where he was in receipt of invalid pension. He submitted that the appellant taking another appointment in Education Department was under an obligation to record his correct/actual date of birth but

19/11/20

neither actual date of birth was shown nor information regarding his retirement from Police Department i.e. S.P F.R.P, D.I.Khan regarding invalid pension was conveyed. He submitted that the date of birth in Education Department was shown as 08.05.1950 whereas the service rendered in previous department where-from he was invalidated out from service and obtained pensionary benefits, shows his date of birth as 28.11.1943. He contended that the appellant was paid even after attaining the age of Sixty years w.e.f 29.11.2003 to 07.05.2010 due to concealment of facts. Lastly, he submitted that appellant is not eligible for taking second pension and he is required to deposit pay & allowances drawn by him after superannuation.

5. We have heard learned counsel for the parties at length and perused the record with their valuable assistance.

6. Record reveals that case of the appellant was processed with due diligence at the level of the Accounts Office Bannu, Accountant General Office Khyber Pakhtunkhwa and Finance Department Khyber Pakhtunkhwa which transpires that the appellant concealed the facts from the second employer that he was already in receipt of invalid pension, thus, violated Rule-9.1 of the Pension Rules. By concealing his pension, he also concealed his actual date of birth i.e. 28.11.1943 recorded with his first employer and recorded another date of birth i.e. 08.05.1950 with the second employer.

Thus the actual date of retirement comes to 28.11.2003 with Thirteen years service as such, which does not qualify him for pension even. As per Rule-116 of General Financial Rules (G.F.R) it was the responsibility of the appellant to declare his date of birth but he deceived the employer and thus violated the rules. Correspondence held between Accountant General Khyber Pakhtunkhwa and Provincial Finance Department reveals that

Handwritten signature and date:
19/11/20


double civil pensions are not admissible except in case of one from military and second from civil or in case of family pension.


7. Learned counsel for appellant having no justification when confronted with the above mentioned proposition rather he interpreted Rule-9.3 of the Pension Rules in his favor which however, goes against the appellant.

8. In view of the situation, this appeal being devoid of merits, is dismissed. With no order as to costs. File be consigned to record room.

ANNOUNCED.

19.11.2020


(Attiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

17.11.2020

Appellant alongwith counsel present.

Kabirullah Khattak learned Additional Advocate General for respondents present.

Arguments heard. To come up for order on 19.11.2020 before D.B.

(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

19.11.2020

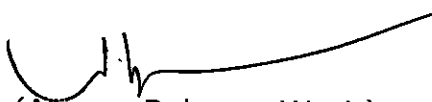
Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

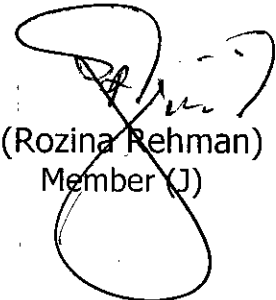
Vide detailed judgment of today of this Tribunal placed on file, the instant appeal is dismissed. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

19.11.2020




(Atiq-ur-Rehman Wazir)
Member (E)




(Rozina Rehman)
Member (J)

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

11.06.2020 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.07.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member


17.07.2020 Due to COVID-19, the case is adjourned to 14.09.2020 for the same.



Reader

14.09.2020 Nemo for parties.

Mr. Muhammad Jan learned Deputy District Attorney present.


Notice be issued to both the parties for 17.11.2020 for arguments, before D.B.


(Atiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

15.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 12.12.2019 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

12.12.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present.


Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 23.01.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 02.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

02.03.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.04.2020 before D.B.

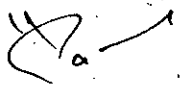

Member


Member

19.09.2019


Appellant absent. Learned counsel for the appellant absent. Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment. Being an old case of the year 2014, adjourned on the payment of cost of Rs.3000/- to be paid on behalf of appellant. To come up for arguments on 25.10.2019 before D.B.



Member


Member

25.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.11.2019

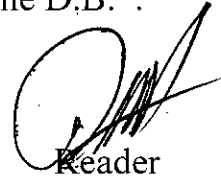
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 15.11.2019 for arguments before D.B.

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

26.06.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, AAG for the respondents present. Due to incomplete Bench case is adjourned to 26.08.2019 for arguments before the D.B.



Reader

26.08.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 17.09.2019 before D.B.



Member



Member

17.09.2019

Junior to counsel for the appellant and Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Being an old case of the year 2014, adjourned by way of last chance. To come up for arguments on 19.09.2019 before D.B.

Member



Member

20/2014

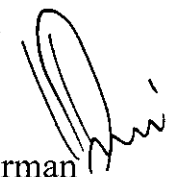
11.03.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

Learned counsel for the appellant as well as learned DDA are of the view that in reaching just conclusion in the matter availability of service record of appellant shall be necessary. The respondents are, therefore, directed to produce the personal file of appellant in addition to other necessary record on the next date of hearing.

Adjourned to 09.04.2019 before the D.B.


Member


Chairman

09.04.2019

Appellant with counsel present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Adjournment requested. Adjourn. To come up for arguments on 26.06.2019 before D.B


Member


Member

26.09.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 05.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.12.2018.

27.12.2018

Nemo for appellant. Addl: AG for the respondents present.

On the last date the matter was adjourned through a Reader Note, therefore, notice to appellant/counsel shall be issued for 12.02.2019.

To come up for arguments before the D.B on the next date.


Member


Chairman

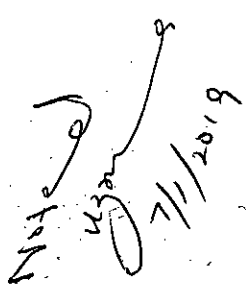
12.02.2019

Mr. Saadullah Khan Marwat, Advocate for appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment due to his over occupation before the Honourable High Court today. Adjourned to 11.03.2019 before the D.B.


Member


Chairman


7/1/2019

06.04.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.06.2018 before D.B.

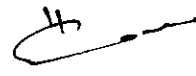

(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

08.06.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

02.08.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 26.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

27.07.2017


Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.11.2017 before D.B.


(Ahmad/Hassan)
Member


(M. Hamid Mughal)
Member

01.11.2017

Clerk to counsel for the appellant and Addl:AG alongwith Mr. Barkat Ali, Litigation Officer for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 30.11.2017 before D.B.


Member
Executive


Member
Judicial

30.11.2017

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment Adjourned. To come up for arguments on 12.02.2018 before D.B.



Member


Chairman

12.02.2018

Agent to counsel for the appellant and Mr. Kabir Ullah Khattak, Learned Additional Advocate General for respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 06.04.2018 before D.B


(Ahmad Hassan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

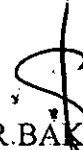
20/2014

03.11.2016

Counsel for the appellant and Mr. Imtiaz-ul-Haq, DEO (M) alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Request accepted. To come up for arguments on 6.3.17 before D.B.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

06.03.2017

Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to General Strike of the Bar. To come up for arguments on 15.05.2017 before D.B.



(MUHAMMAD AAMIR NAZIR)
MEMBER



(ASHFAQUE TAJ)
MEMBER

15.05.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 27.07.2017 before D.B.



(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


13.06.2016

Counsel for the appellant and Mr. Hameedur Rahman, AD alongwith Addl. AG for the respondents present. ~~Written reply not submitted.~~ Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 22.08.2016 before S.B.


Chairman

22.08.2016

Ms. Uzma Syed, Advocate for appellant, M/S Mahabbat Khan, Assistant Account Officer and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for the respondents present. Written reply on behalf of respondents No. 3 to 5 submitted. Learned Additional AG relies on the written reply submitted by respondents No. 3 to 5 on behalf of respondent No. 2. Respondent No. 1 has already submitted his written reply. Cost of Rs. 500/- also paid and receipt thereof obtained from Ms. Uzma Syed. To come up for rejoinder and arguments on 03.11.2016 before D.B.


Member

26.11.2015

Counsel for the appellant and Mr. Abdul Shakoor, AAO for respondent No. 1 alongwith Addl: A.G for respondents present. Reply submitted, learned senior counsel of appellant is not in attendance. To come up for arguments on application for deletion the name of respondent No. 3 on 23.2.2016 before S.B.


Chairman

23.02.2016

Counsel for the appellant, M/S Abdul Shakoor, AAO, Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Addl: A.G for respondents present. Arguments heard and record perused.

Learned counsel for the appellant argued that the matter pertains to the domain of DEO Bannu as the appellant was serving under his subordination and as such the respondent No. 3 is the proper and necessary party.

In view of the afore-stated position, learned Addl: AG informed the Tribunal that written reply would be submitted on behalf of present respondent No. 3. The appeal is, therefore, adjourned to 25.4.2016 before S.B for submission of written reply on behalf of remaining respondents No. 2 to 5.


Chairman

25.4.2016

Counsel for the appellant M/S Abdul Shakoor, AAO and Hameedur Rahman, AD (Litigation) alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for further time. Last opportunity granted. To come up for written reply/comments on behalf of remaining respondents No. 2 to 5 on 13.6.2016 before S.B.


Chairman

4.3.2015

Counsel for the appellant and Addl. AG with Amjad Khan, Senior Auditor for respondent No. 1 present and reply filed. Fresh notices be issued to other respondents. To come up for written reply of respondents No. 2 to 5 on 10.6.2015.


MEMBER

10.06.2015

Appellant with counsel, M/S Abdul Shakoor, A.A.O, Barkat Ali, Litigation Officer, Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Application for deletion the name of respondent No. 3 from the panel of respondents submitted. To come up for reply to application and written statement on 21.9.2015 before S.B.


Chairman

21.09.2015

Appellant with counsel, M/S Abdul Shakoor, AO, Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Assistant AG for respondents present. Learned counsel for the appellant requested for adjournment as reply to the application for deletion the name of respondent No. 3 has not been prepared. Last opportunity granted. To come up for reply and arguments on the said application on 26.11.2015 before S.B.


Chairman

Appeal No. 20/2014
Mr. Zubta Khan.

10. 16.10.2014

Appellant alongwith his counsel and Mr. Barkat Ali, Litigation Officer for respondent No.3 with Mr. Kabirullah Khattak, Asst: Advocate General for the respondents preset. Preliminary arguments heard and case file perused.

Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant has prayed for his pensionary benefit which was not paid after his retirement till date. He filed departmental appeal on 01.10.2013 which was not responded within the statutory period of 90 days, hence the instant appeal on 06.01.2014

The learned AAG stated that respondent No.1 was contacted vide letters No. (Sr.GP) E&AD/1-5/Lit/Appeal/2013-101-104 dated 23.09.2014 No. (Sr.GP) E&AD/1-5/Lit/Appeal/2013-18-85 dated 27.05.2014 for production of the requisite record but even today he failed to produce the same.

Points raised at the Bar need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 16.12.2014.

Appellant deposited
Process fee & Security
Rs. 300/- Bk. Recd.
attached with file

Member

This case be put before the Final Bench II for further proceedings.

Chairman


11. 16.10.2014

16.12.2014
Clerk to counsel for the appellant, Mr. Ziaullah, GP with Arifullah, AAO and Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 4.3.2015.

READER

8.
26.08.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned GP requested for time to contact the respondents for production of complete record of the appellant. Request accepted. To come up for preliminary hearing on 19.09.2014.


Member

9.
19.09.2014

Counsel for the appellant and Mr. Farzand Ali, Assistant Litigation Officer for respondent No.2 with Mr. Ziaullah, GP for the respondents present. Notice be issued to District Accounts Officer, Bannu (respondent No.1) for production of complete record of the appellant. To come up for preliminary hearing on 16.10.2014.


Member



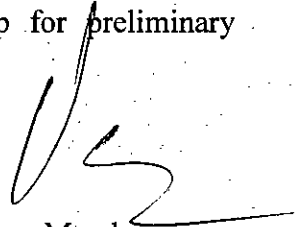
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05.05.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 26.05.2014.


Member

6
26.05.2014

Counsel for the appellant and Mr. Muhabbat Khan, Assistant Account Officer with Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 30.06.2014.


Member

7
30.06.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments to some extent heard. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 26.08.2014.


Member

3
Appeal No. 20/2014
Zabta Khan vs Govt


11.03.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. During the course of arguments counsel for the appellant submitted an application for impleading Director and Secretary, Elementary and Secondary Education as respondents. Application considered being necessary parties, allowed to be impleaded at Serial NO. 4 and 5 respectively and necessary amendments made in the original appeal. The appellant to file two extra sets of appeal. Since the issue involves payment of pension after superannuation of the appellant and more than 4 years have since been lapsed and he has not been paid provisional pension as required under the law, therefore, notice be issued to the respondent NO. 1 & 3 to explain reason for non payment of pension on 23.04.2014. Meanwhile pre-admission notice also be issued to the AAG/GP to assist the Tribunal on the date fixed for further preliminary hearing.


Member

4
23.04.2014

Appellant in person, Mr. Riaz Khan, ADO for respondent No.3 and Mr. Mohabat Khan, AAO for respondent No.1 with Mr. Ziaullah, GP for the respondents present. Appellant requested for adjournment due to general strikes of the Bar. To come up for preliminary hearing on 05.05.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 20/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/01/2014	<p>The appeal of Mr. Zabta Khan presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>Laq</i> REGISTRAR</p>
2	16-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-3-2014</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Zabta Khan

Versus

S.A No. 20 /2014
D.A.O & Others

I N D E X

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Appellant

Through



(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

Dated: 01.01.2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 20 /2014

Zabta Khan S/o Mir Adam Khan,
R/o Taziri, Bizan Khel, Bannu
Ex-Chowkidar, GHS, Bizan Khel, FR Bannu.

Versus

1. District AccountS Officer, Bannu.
2. Head Master, GHS, Bizan Khel, FR, Bannu.
3. District Education Officer, Bannu.

AWP Peshawar
19
06-01-2014

- Implicated respondents No. 4 & 5 order sheet No. 3, dt: 11-3-2014*
4. Director, (E&SE) KPK, Peshawar
 5. Secretary, (E&SE) KPK, Peshawar
- APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974, WHEREBY APPELLANT WAS NOT PAID PENSIONARY BENEFITS AFTER HIS RETIREMENT FROM SERVICE TILL DATE.**

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

Respectfully Sheweth:

1. That appellatant was retired from service of FRP, D.I.Khan after rendering 15 years service and invalid pension was allowed to him for the said period.
2. That after declaring fit for light duty by M.S DHO Bannu, appellatant was reappointed as Chowkidar on 03.05.1990 in GHS, Buzen Khel, FR Bannu. His date of birth was recorded 08.05.1950 in Service Book as such after examination by Medical Superintendent of DHQ Hospital, Bannu. (Copies as annex "A" & "B")
3. That on attaining of the age of superannuation, appellatant was retired from service by E.D.O E&SE, Bannu, R. No. 3 on 07.05.2010, so he submitted application before the Head Master of the school for grant of pension on 13.05.2010 which was forwarded to E.D.O for an action followed by subsequent application on 15.05.2010. (Copies as annex "C" & "D")
4. That on 15.06.2010, E.D.O granted sanction of pension and encashment of LPR equal to 180 days. (Copy as annex "E")
5. That some observation were made by the District Accounts Office, Bannu which was replied on 30.06.2010, by the Head Master of the School. (Copy as annex "F")
6. That on 12.08.2010, Accounts Officer, Bannu wrote letter to Head Master of the school by not accepting the observations. (Copy as annex "G")

[Handwritten signature and date]
9/1/14

7. That on 14.10.2010, District Accounts Officer, Bannu remitted the pension cash to A.G, KPK, Peshawar for clarification and same observations. (Copy as annex "H")
8. That on 11.11.2010 Accounts Officer (HAD) KPK, Peshawar wrote letter to AG, KPK, Peshawar that 2nd pension is not admissible for the services rendered such view if correct, for considered please. (Copy as annex "I")
9. That on 13.12.2010, Finance Department, confirmed the views of the Accounts Officer (HAD) KPK, Peshawar. (Copy as annex "J")
10. That on 15.01.2011, appellant requested A.G, KPK, Peshawar to withdraw letter dated 11.11.2010 and to allowed him pension, etc. by quoting the legal position therein. (Copy as annex "K")
11. That on 22.01.2011, District Accounts Officer, Bannu wrote letter to the Head Master of the school that payment w.e.f. 19.11.2003 to 07.05.2010 is recoverable being over payment on the period beyond superannuation be regularized as contract employee. This was subsequent issue raised by District Accounts Officer, Bannu. (Copy as annex "L")
12. That on 01.03.2011, appellant submitted application to AG KPK, Peshawar for payment of pensionery benefits as all the objections were replied. (Copy as annex "M")
13. That on 04.03.2011, AG, KPK, Peshawar wrote letter to Finance Department, KPK, Peshawar that appellant claims entitlement under Pension Rules 9.3 read with Notification No. SOSR-III(FD)4-59/88, dated 07.05.1988, so his claim requires re consideration regarding 2nd pensionery benefits. (Copy as annex "N")
14. That on 26.04.2011, Finance Department, informed AG, KPK, Peshawar that Rules 9.3 of Civil Servants Pension Rules, and Order and Finance Department, letter No. SOSR-III(FD)4-59/88, dated 07.05:1988 be followed in letter and spirit, meaning thereby that the claim of appellant was justified. (Copy as annex "O")
15. That on 13.06.2011, the Head Master resubmitted the pension case of appellant to District Accounts Officer, Bannu for finalization / payment of pension. (Copy as annex "P")
16. That on 16.07.2011, A.D AO, Bannu informed Head Master of the school that appellant is not entitled to secondary pension and is also required to deposit the pay and allowances draw by

him after superannuation, yet without quoting any relevant rules. (Copy as annex "Q")

17. That on 11.08.2011, Account Officer (HAD) KPK, Peshawar conveyed the clarification made in letter dated 26.04.2011 to District Account Officer, Bannu. (Copy as annex "R")
18. That on 14.08.2011, Head Master of the school wrote letter to District Account Officer, Bannu to finalize the case in light of the Finance Department, letter dated 26.04.2011. (Copy as annex "S")
19. That on 17.9.2011, appellant submitted application to District Account Officer, Bannu for correction of Date of Birth. (Copy as annex "T")
20. That EDO, E&SE, Bannu granted post facts sanction of service beyond superannuation as contract service regarding recovery of pay and allowances drawn beyond superannuation will be effected from his pension / commutation etc. (Copy as annex "U")
21. That on 01.10.2013, appellant submitted representation before respondent No. 1 but invain. (Copy as annex "V")

GROUND S:-

- a. That pension is awaisted right and no one can be depraved from the same on any angel.
- b. That appellant was a layman and his date of birth was recorded by the authorities in the Service Book as. 8.5.1950
- c. That the department is legally bound to pay pension etc. to appellant as correct entry in the date of birth was the responsibility of the department.

It is therefore, most humbly, prayed that on the acceptance of the appeal, respondents be directed to hence forthwith pay, pensionery and other allowances of service, with such other relief as may be deemed proper and just circumstances of the case.

شاہ بیگزوان

Appellant

Through

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

&

Miss Rubina Naz
Advocates,

Dated: 6 .01.2014

A

1

4

Name _____ (نام)

Zalata Khan

Nationality and Religion _____ (قومیت اور مذہب)

Pakistani, Islam

Residence _____ (مستقل رہائش)

vill: Taziri Bizen Khel Bannu

Father's name and residence _____ (والد کا نام اور پتہ)

Mir Adam Khan

Date of birth by Christian era as nearly as can be ascertained 8.5.1950 (تاریخ پیدائش مطابق من عیسوی)

(Eight N.Y: N.H.P.Fily) as per Mat. Certificate

Exact height by measurement _____ (قد و قامت)

5-7

Personal mark for identification _____ (لشان شناخت)

A mole beside the right side of mouth

Left hand/right hand thumb and finger-impressions of (None-gazetted) officer. (مردی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگیا)

Ring Finger (چھنگیا کے ساتھ کی انگلی)

Middle Finger (انگشت میاں)



Fore Finger (انگشت شہادت)

Thum (انگوٹھا)



Signature of Government servant _____ (سرکاری ملازم کے دستخط)



ضابطہ خان تازیری

Signature and designation of the Head of the Office, or other Attesting Officer _____

Attested
ضابطہ خان

(تصدیق کنندہ سر کے دستخط اور سر)

Head Master
Govt. High School
Bizen Khel Bannu

Realized
GHS Bizen Khel
Ba

Signature of Head Master



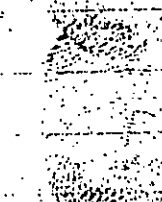

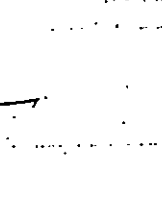

Note :- The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور تیس ۱۰-۹ میں دستخطوں کے لیج تاریخ ہولی چاہئے۔ انگلیوں کے نشانات کیانے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

B

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant
درجہ ملازمت	عارضی مستقل یا تائم مقام	اگر عارضی ہے تو کیا دوروں کے مطابق پیش کا مستحق ہے BPS No.	تعمرواہ بطور عارضی ملازمت	زالد تعمرواہ زالد تعمرواہ بطور تائم مقام	ماسوائے تعمرواہ دیگر الاؤٹس	تاریخ تقریری	دستخط سرکاری ملازم
Chowkidar	Temp/Per		RS. P. 600/-	RS. P.		3.5.90 F.N.	
			613/-			11/12/90	
Revised Entries in B.P.S No I 24/1-6-91							
			Rs 920/26/1310				
G.H.S Bannu	Temp		Rs 1024/-	P.M.		1/6/91	
Do	Do		1050/-	P.M.		1/12/91	
Do	Do		1076/-	P.M.		1/12/92	
Office of the Accountant General N.W.F.P. Peshawar							
Pay fixed in the revised Pay Scales 1991 of Rs. 920-26-1310 (B-1)							
Rs. 1024/- P.M.W.E.F. 1-6-1991 with next increment on 1-12-1991							
							
						1/12/93	

Sign design the office of the Officer in Charge of the

Signature of Government servant

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13-5-10

کہ جسے جناب ہدیہ خان صاحبہ کو پیشگی ہائی اسکول بینظیر میں
موصول۔ درخواست برائے Retirement
ضابطہ خان چوہدری

جناب عالی :-
مختار صاحبہ نے لکھا کہ پیشگی ہائی اسکول بینظیر میں
بھرتی ہوئی ہیں (کے ریکارڈ) اور لکھا کہ 8/5/1950
اور لکھا کہ 8/5/2010 سے (پرو) 8/5/10
تک 50

کہ جناب صاحبہ کو پیشگی ہائی اسکول بینظیر میں
موصول۔ درخواست برائے Retirement

13/5/2010

الحق

ضابطہ خان صاحبہ میرا نام خان
چوہدری بینظیر میں 8/5/10

Recommended & Forwarded to the
EDD (E 25) EDD Ben for n/a

الحق
U. N. Lia

Signature
8/5/10
EDD Ben
Ben

7

1-5-10

A.G. No. 125

FORM 3 (PEN)

PENSION PAPERS

OF

Mr./Mrs./Miss. Lalita Kishan Choudhary

G.H.S, Bikaner, Bikaner

N. B. Please read carefully the relevant rules, instructions and orders.

In the case of family pension for death while in service, page 2 will not be filled in and page 3 will be applicable.

FORM 3 (PEN)

PART - I

(To be filled in and signed by the applicant himself/herself)

APPLICATION FOR PENSION AND/OR GRATUITY.

To

The Executive District

Accounts Office, Banule.

Sir,

I have the honour to say that I have retired
 have been permitted to retire from service on
(date) 7.5.2010 (A.M.) am due to retire

I, therefore, request that the pension/gratuity admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any pension or gratuity for any portion of this service, nor shall I submit any application hereafter without quoting a reference to the application and to the orders which may be passed on.

3. Should the amount of the pension and/or gratuity granted to me be afterwards found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

4. I wish to draw/do not wish to draw gratuity in lieu of one fourth of my pension.

5. I wish to commute my pension to the extent of Rs. 35%

6. I wish to draw my pension from the District Accounts Office/Treasury/
Sub-treasury/National Bank of Pakistan Branch at BANULE
Banule (Place).

7. The following documents, duly attested, are enclosed:

(a) Three specimen signatures of mine/two sets of my thumb and finger impressions on the prescribed form.

(b) Three photographs of mine.



Your Obedient

Amir
Amir

Signature..... فاطمہ خان جوگندار

S/O..... سید ادم خان

w/p..... گورنمنٹ ہائی سکول

D/O..... سینئر جیل ہاؤس

Post held on the date of retirement..... جوگندار

Date 1-5-10

*Delete in-applicable alternative.

PART - II

(To be completed by the Office/Department receiving the application for pension)

SECTION (I) - PARTICULARS OF APPLICANT

- *1. Name of civil servant. Lalita Khan
- *2. Father's name. Mrs. Adam Khan
- *3. Nationality. Pakistani
- *4. Postal address. village Tasi Bigan Khed Bannu.
- 5. Post held on the date of retirement/death and BPS. 2 Chowkidar.
- 6. Date of birth. 8-5-1950.

- 7. Date of
 - Commencement of service. 3-5-1990
 - Retirement/death. 7-5-2010 (RN)
 - Application for Pension. 1-5-10

8. Length of service

	Y	M	D
From <u>3/5</u> to <u>7/5</u>	20	x	4
From <u>1990</u> to <u>10</u>			
Total:- <u>20-x-4</u>			

9. Date of commencement and ending of each spell of military service, if any:

From	to	Y	M	D
<u>/</u>	<u>/</u>			
Total:- _____				

10. Government under which service has been rendered in chronological order:

Government of <u>3/2</u> to <u>7/5</u>	i.e. <u>20-x-4</u>
Government of <u>K.P.K.</u> from <u>1/90</u> to <u>7/10</u>	i.e. <u>/</u>
Government of _____ from _____ to _____	i.e. _____
Total:- <u>20-x-4</u>	

- 11. Class of pension or gratuity applied for. 541 Commutation Pension.
- 12. Average Emoluments/emoluments last drawn. 5135/-
- 13. Proposed gross pension/gratuity. 2396-3333
- 14. Proposed family pension. x
- 15. Proposed gratuity in lieu of 1/4th pension of. x
- 16. Proposed value of commutation. 14.8/1628 x 838/7765 = 1,24,518/-
- 17. Proposed net pension. 155,716.06

- *18. Place of District Accounts Office BANNU.
Treasury/Sub-Treasury
- 19. Date from which pension is to commence. 8-5-10

[Signature]
[Signature]

Signature of Head of Office/Department
**Executive Distt. Officer
Elementary and Secondary
Education Department Bannu**

* Entries No. 1,2,3,4 and 18 should be made in capital letters.

SECTION (2) CALCULATION OF QUALIFYING SERVICE.

Total length of service as per Col. 10 of Section (1)

Y M D
20 - x - 4

Non-qualifying Service from to

- (i) Extraordinary leave.....
- (ii) Unauthorised absence.....
- (iii) Spell of service not qualifying for Pension

Period
Y M D

Total (i), (ii) & (iii):-

Net qualifying service.....
Add.....from.....

- (i) Periods, if any, Military service or War, Service allowed to count for pension.
- (ii) Benefit of condonation of deficiency in total qualifying service.

Period
Y M D

Total (i) & (ii):-

Total qualifying service.....

20 - x - 4

SECTION (3) (a) CALCULATION OF "AVERAGE EMOLUMENTS"

Statement of emoluments during the last 36/12 months in case the post has not been held on regular basis.

Period		Duration		Monthly Rate of Emoluments		Amount Drawn	
From	To	M	D	Rs.	Ps.	Rs.	Ps.

Last pay on 7/5 = 5135/-

The total emoluments for 36/12 months are

Therefore "Average Emoluments" work out to Rs.

36/12=Rs.

P.M.

SECTION (3) (b) STATEMENT OF PAY/EMOLUMENTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS.

- (a) Pay..... Rs. 5135/-
- (b) Senior Post Allowance..... Rs. 1
- (c)
- (d)
- (e)

Total:-

5135/-

SECTION (4) CALCULATION OF PENSION/GRATUITY.

Length of total qualifying service.....

60 years.

Emoluments/Average Emoluments

Rs.

Amount of gratuity (in case where qualifying service is 5 years or more but less than 10 years.

Rs.

Amount of gratuity on discharges from temporary service where qualifying service is 10 years or more but less than 25 years.

Rs.

Please see relevant rules/orders before filling in this section.

$$\frac{2396 - 3333 = 5135 \times 17 \times 20}{300}$$

Gross Pension.	Rs. 2396-3333
+ Benefit of extra service beyond 30 years.	Rs. X
Less 1/4th (in case of family pension for death while in service) or	Rs. 2396/3333
Less commuted portion of Pension.	Rs. X
Net Pension.	Rs. 838/71665
	Rs. 1557/6166

SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION (IN CASE OF FAMILY PENSION FOR DEATH WHILE IN SERVICE).

Length of total qualifying service.years.
Amount of pension surrendered.	Rs.
Rate of gratuity for every rupee surrendered (on age next birth day basis).	Rs.
Lump-sum gratuity admissible.	Rs.

SECTION (6) COMMUTED VALUE OF PENSION.

(i) Amount of pension to be commuted.	Rs. 838/71665
(ii) Age next birth day.	60.....years.
(iii) Rate of commuted value for every one rupee (on age next birth day basis).	Rs. 142/4628
(iv) Commuted value of pension.	Rs. 1,24,512/-

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY.

1. The undersigned is satisfied that the service of..... has been satisfactory. The grant of full pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned.

OR

The undersigned is satisfied that the service of..... has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:-

Amount or percentage of reduction in pension.....

Amount or percentage of reduction in gratuity.....

Sanction is hereby accorded to the grant of pension and/or gratuity as so reduced.

2. The payment of pension and/or gratuity may commence from 8-5-10. Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate have been received by him. In case the Last Pay Certificate and/or No Demand Certificate has/have not been received with the pension papers, the Audit Officer should issue P.P.O. subject to the production of the last pay certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family (in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

[Handwritten Signature]
Do, do

Signature.....
Designation.....
**Executive Distt. Officer
Elementary and Secondary
Education Department Bannu**

9.:-

Family Member list in respect of
Zabta Khan Chowkidar, GHS, Bizan Khel
Bannu.

S.No.	Name.	Relation.	DT: of Brith	Married/ Un-married.	Remarks.
1.	2.	3.	4.	5.	6.
	Mst: Zariha.	Wife.	1962.	Married.	NIC Attached
	Azam Khan.	Son.	1978	-do-	-do-
	Taza Khan.	Son.	6.12.1987	-do-	-do-

Attested.

Executive Distt: Officer
Elementary and Secondary
Education Department Bannu

Attested
ذات

15-5-16

15-5-16

For more details please refer to the attached documents.

Very truly yours,

دوستداران اہل سنت و اہل بیت علیہم السلام

تاریخ: 180

موضوع: ...

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14

15-6-10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION
BANNU

Sanction Of Pension:

The power vested on me under Government of NWFP Local Government Election & Rural Development notification No. 50 (L-G-153-196/E-M-05), dated 07-10-05, sanctioned is hereby accorded for proceeding of Mr. Zabta Khan S/o Adam Khan Chokkidar at S.H.S. Bezan Khel, w.e.f. 07-5-2010 on account of superannuation pension and grant of encashment of LPR equal to 180 days.

[Signature]
Executive District Officer
Elementary & Secondary Education
Bannu
Education Department Bannu

Dated 15 / 6 / 2010

Endst: No. 9528-29 AE-II

Copy to the

- 1. District Accounts Officer Bannu.
- 2. Headmaster GHS / GMS

[Signature]
Executive District Officer
Elementary & Secondary Education
Bannu
Education Department Bannu

Ali I
07/06/10

[Handwritten mark]

F

15

30-6-2010

OFFICE OF THE HEAD MASTER GHS BIZEN KHEL BANNU.

No: _____

Dated: _____

To.

District Accounts Officer,
Bannu.

Subject: PENSION CLAIM IN R/O ZABTA KHAN CHOWKIDAR:

Memo:

Reference Observations dated, 30-06-2010.

Para-wise reply is as under:

- Para I & II:- As per Govt; decision. No relaxation is required for the purpose of allowing pension to a retired civil servant who at the time of his appointment was under-age/over-age as contained in Finance Deptt; No. S.O.S.R-III (F.D) 4-201/94 dated 02-01-1999, (para-3). (Copy attached).
- Para III:- Medical Fitness Certificate after invalidation was submitted to your office along with 1st-Pay Bill.
- Para IV & V:- Inadmissible increase paid in pension if any may be recovered through easy installments.
- Para VI:- Service rendered beyond superannuation may be treated as contract service, & Pay and Allowances paid beyond superannuation is non recoverable as per Govt; Policy.
- Para VII:- There is no bar on the re-employment after invalidation.

Sd.
Head master
G.H.S Bizen Khel
Bannu

Copy for information to:

- (1):- Executive District Officer (E&S) Education Bannu.
(2):- Mr. Zabta Khan Ex. Chowkidar, GHS Bizen Khel Bannu

Ali
U. G. W. 10

Head master
G.H.S Bizen Khel
Bannu

9

16

12-8-10

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/Pen/2010-11/ 5787-89. dated 12.08.2010.

To,

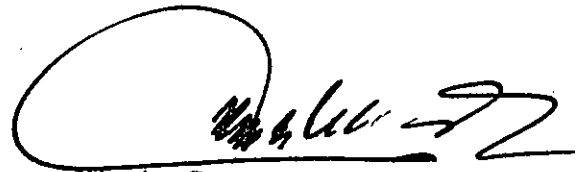
The Head Master
GHS, Bizan Khel
Bannu.

Subject:
Memo:

PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR.

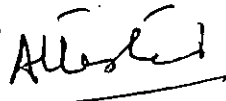
The pension claim in r/o above named official has been received vide No. 248-49 dated 25.07.2010 is returned again herewith the remarks that all para wise reply of your office vide No.248-49 dated 25.07.2010 is not satisfactory and cannot settle the observation of this office.

So all previous observation of this office No.DCA/Bu/Pen/2009-10/ 5296-97 dated 30.06.2010. is still standing may please be followed to solve /settle the case as per rules.


District Comptroller of Accounts
Bannu
12/8/2010

Copy to:-

1. EDO (Ele & Seco) Education Bannu for information.
2. Mr. Zabta Khan S/o Mir Adam Khan village Tazari Bizan Khel p/o Mataki Bizan Khel District Bannu for information.


ذابتا خان


District Comptroller of Accounts
Bannu

H

17

14-10-10

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/PEN/2010-11/

Dated 14.10.2010

To,

The Accounts officer (HAD) section
O/o Accountant General Khyber Pakhtoonkhwa
Peshawar.

Subject: PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR OF
EDUCATION DEPTT.

R/Sir,

It is submitted that one Mr, Zabta Khan ex. Chowkidar of Education department whose claim on accounts of retirement received in this office vide No: 1965 dated 16.06.2010. In response to which this office raised objection/observation conveyed to the Head Master G.H.S Bizan Khel vide No.DCA/BU/Pen/2009-10/5296-98, dated 30.06.2010 (copy enclosed).

The departmental authority replied vide their No.231-33/Pen, dated 22.09.2010 (copy enclosed for ready reference).

Brief of the case is as under:-

The chowkidar prior to joining the education department had already served in police department from where he was in receipt of invalid pension. While taking another appointment in education department, the individual neither shown his actual date of birth nor his retirement from police department i-e S.P. F.R.P D.I.Khan regarding invalid pension issued from DAQ D.I.Khan is enclosed herewith.

It is worth mentioning that the individual shown date of birth in education department as 08.05.1950. Where as the service rendered in previous department from where he was invalided out permanently from service and obtained pension benefits, his date of birth was declared as 28.11.1943.

Resultantly the individual has over paid beyond 60 years ^{over become} ₂₉ vide ^{ref:} 29.11.2003 to 07.05.2010 due to concealing facts by the incumbent as well as department authority.

Moreover, the individual is not eligible for taking another appointment after invalidment with out making fit him self by conducting standing medical board for further ^{service} in Government department,

From the ^{above} ~~conclusion~~ ^{two} of the ~~above~~ ^{to} difference short comings arrived at and required clarifications as to whether the:

- i) Service rendered with out conducting medical board from standing medical Board after invalidment is ^{COUNTABLE} ~~constable~~ towards pensioner or otherwise.
- ii) The overpayment made ^{beyond} ~~behind~~ 60 years due to the malafide intention the Govt. pensioners/servants and negligence of departmental authority be recovered or otherwise.
- iii)

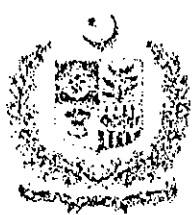
Add: District Accounts Officer
Bannu

Copy to:

- 1. Mr. Zabta khan S/o Mir Adam khan village Tazari Bizan khel p/o Mataki Bizan khel District Bannu for information.
- 2. EDO(Elementary and Secondry)Education Bannu for information.

Add: District Accounts Officer
Bannu

Handwritten signature and initials



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

11-11-10

No: H-24(80)/Bannu/Vol-III-A/ 2010-11/632

Dated: 11.11.2010

To

The Secretary to
Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

(Handwritten signature)
11-11-2010

★

Subject: PENSION CLAIM FOR THE SERVICES RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALIDMENT.

Please find enclosed herewith a self explanatory letter from DCA, Bannu regarding Pension Claim in r/o Zabta Khan.

1. In light of GFR-116,117, the date of birth once recorded in service book will not altered; hence the recorded date of birth in his service book on his previous service (1st service) is to be considered under prevailing rules.
2. In light of Para-9.1 of pension rules, it is the responsibility of the incumbent to declare to the appointing authority about its previous pension/graduity.
3. In light of prevailing rules double civil pension are not admissible except in case of one pension from Military and second from civil or in case of Family Pension.
4. Services rendered beyond 60 years of superannuation is not countable/considered for pension/ in pension calculation.
5. Salary drawn beyond superannuation required to be recovered if not regularized by the authority against contract.
6. Re-employment after retirement on retiring pension or invalid pension except from Military pension is to be consider as contract employ men and 2nd pension is not admissible for the services rendered.

*The view of this office is correct
may please be confirmed or otherwise*

(Signature)
ACCOUNTS OFFICER (HAD)
KHYBER PAKHTUNKHWA PESHAWAR

DCA & MESS (Bannu) Pension Claim

*The DCA Bannu
Executive Dept of Education Bannu
Headmaster of H.S. Bizen Khel Bannu
Rajesh Kumar Sr. Chowkidar village Tazim Bizen Khel Bannu*

(Signature)
UB/16

J

20

13-12-10

AAO. Pacc
19-1-11

533



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD(SOSR-II)4-36/2010
Dated Peshawar the 13/12/2010

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

*

Subject: - PENSION CLAIM FOR THE SERVICE RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALIDMENT.

Dear Sir,

I am directed to refer to the subject noted above and to confirm your views contained in your letter No.H-24(80)/Bannu/Vol-III/2010-11/652, dated 11/11/2010 referred to above.

Yours faithfully,

(WAZIR MOHAMMAD AFGAR)
SECTION OFFICER (SR.II)

Circular to be approved 11/11/10 2/11

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR
No: HAD/PENSION/Master/ 2010-11/713 DATED: 11-01-2011

Copy to:

- 1) PA to DAG (Pension).
- 2) AO (Pension).
- 3) All DAO,s/DCA,s/AAO,s.

For compliance and comments, if any:

Assistant Accounts Officer (HAD)
KHYBER PAKHTUNKHWA PESHAWAR

Master Pension Bannu Pension/1005

1338
19-1-11

Ob/10

Day No 97
2011

12

21

5-1-11

To

Mr. Ahmad Rasool Bangash
A.G.K.P.K
Peshawar.

Subject:

REQUEST FOR WITHDRAWAL OF LETTER NO: H-24 (80)
BANNU/VOLIII-A/2010-11/652 dt 11-11-2010 REGARDING IN
ADMISIBILITY OF PENSION.

R/sir,

That I have served in F.R.P D.I.Khan as a sepoy for about 15 years. Due to some disease, I was invalided out from the active service of police Deptt. and received invalid pension.

300

ADK

dt

28/11/11

After few years I was declared fit for light duty by Medical supdt:DHQ Hospital Bannu and re-appointed as chowkidar in G.H.S Bizan Khel (FR) Bannu. I am a lay man; and my date of Birthe was recorded as 08-05-1950 in the Service book by the Head Master, where as in my old record it was 28.11.1943.

On attaining the age of 60 years I was retired from service by the E.D.O (Education) Bannu, and the Head Master Submitted my pension case to Dist; Account Office.

That office raised un-necessary observation which was replied vide HM memo No 248-49 dt; 25.07.2010 (copy attached). The D.A.O Bannu finally submitted my case to your office for guidance vide No.DCA/BU/PEN/2010-11/6892-94 dt; 20.10.2010 (copy attached).

In your office some unique type of observations added and forwarded the case to Finance Deptt for guidance as per memo No in the subject. Who blindly agreed to the illegal views of your office.

You are therefore requested to re examine my case in the light of parawise replies duly supported by rules quoted below and issue direction to the quarter concerned for payment of pension without further delay.

Para 1; Not admitted.

No alteration made in the service book but two different date of birth have been recorded in the P.P.O as well as in the service book of Education Deptt.. In this connection attention is invited to HM GHS Bizan Khel memo No 248-49 dated 25-07-2010; which is self explanatory.

Further more finance Deptt; No.SO SR III (FD) 4-201/94 dt 07-1-99 (copy attached) provides that relaxation in age is not required for the purpose of allowing pension to a retired civil servants, who at the time of his appointment was underage/overage.

Para 2 admitted rule (9.1) of NWFP pension rules.

Para 3: Rule;9.3 of aforesaid pension rules allow the admissibility of two civil pension in case where the pensioners in receipt of "Invalid pension" on re employment in service qualifying for pension retain his gratuity/ pension and do not opt for counting of previous service.

The concession of re-employment of civil pensioners as well drawal of double civil pension ^{exist in} Rules order in chapter XXI rule 509A to 524-c.

Para 4 Not Admitted According to Govt policy if the Govt servant remained in the service beyond 60 years the period will be treated as on contract and no recovery of pay drawn beyond 60 years will be made.

Para 5 Salary drawn beyond superannuation is not required to be recovered and the service rendered beyond 60 years be treated as contract.

Para. 6 Not admitted Para 3 above is explanatory.

As regard the observation raised in D.A.O Bannu letter No: 6892-94 dt 20.10.10 the reply of which is given below:

- (i) Medical board means the Medical Suptt: of the D.H.Q Hospital in case of Govt servants drawing pay in BPS 1 to 1.5 vide Finance Deptt: Notification No. SO (SR-III) (FD) 4-59/88 dated 07.05.1988 (copy attached).
- (ii) The Govt, of NWFP have issued policy probably in 2004-05 a copy of which might have been available in accounts offices where in it clearly mentioned that the pay drawn on account of service rendered beyond superannuation is not recoverable and the period to be treated as on contract. My pension case is hanging in DAO Bannu since 05-2010 by raising illegal observations i.e for want of fitness certificate from Medical Board after invalidation from police deptt & (ii) Age ^{relaxation} etc; after my retirement and your office have deprived me from the admissibility of pension on account of services rendered as chowkidar in Education Deptt.

According to the supreme court judgment regarding delay in Finalization of pension circulated amongst DAOs/AOs vide No:L.Cell/supreme court order/493 dt; 29/07/06 violation of which order shall amount to criminal negligence and dereliction of the duty. It is therefore requested to withdraw your office letter dt 11.11.2010 (referred as above).

Dated 05-01-2011

U b h k

Zabta Khan
EX: Chowkidar
GHS Bizan Khel
Bannu

Attested
U b h k

Copy also forwarded to
Finance Secretary (By Name)
BPK
Zabta Khan
Ex Chowkidar

L

OFFICE OF THE DISTRICT COMP

NO.DCA/BU/PEN/2010-11/8098-81

To,

The Head Master GHS Biz
Bannu.

Subject:

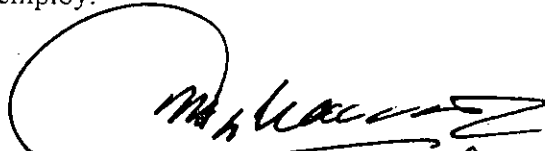
PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWK

Memo:-

Enclosed find herewith pension papers, service book and decision of finance department received through Accountant General K.P.K Peshawar vide No.HAD/PENSION/MASTER/2010-11/713 dated 11.01.2011 in r/o above named ex. Official are sent herewith, with the remarks that as per decision of the Finance department which states that as per pension rules that double civil pensions are not allowed except one from Military and second from Civil, where as the official concerned has already been in the receipt of one civil pension i.e Police pension from SP FRP D. I. Khan so he is not entitled for second civil pension from Education department.


After that, Salary drawn beyond superannuation by the ex. official concerned w.e.f 29.11.2003 to 07.05.2010 is recoverable and it is the responsibility of the DDO concerned to intimate and recover the overpayment or the period beyond superannuation be regularized as contract employ.

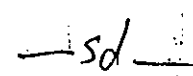
Enclose
(Original S/BOOK)


District Comptroller of Accounts
Bannu
21/11/11

Copy forwarded for information to:-

- 1 The Accountant General K.P.K Peshawar in continuation to his No. HAD/PENSION/MASTER/2010-11/713 dated 11.01.2011.
- 2 The DCO Bannu.
- ✓ 3 The Executive District Officer (Elementary and Secondary) Bannu. ✓
- 4 Zabta Khan S/o Mir Adam Khan village Taziri Bizan khei district Bannu.


District Comptroller of Accounts
Bannu


District Comptroller of Accounts
Bannu

بحرمت خدای اوارڈسٹ جنرل مشاعر

مضمون - در عوامت برے مسلمانوں کی پیش

جناب عالی گزارش ہے کہ سال 65 سال کی عمر کے بعد بحسب جو کچھ
تعمیر تعلیم سے مئی 2010ء میں پیش کیا گیا ہے۔ لیکن اب تک مسائل
نا معلوم وجوہ سے بنا بر پیش سے محروم ہے۔

میرا پیش کس DA0 بنوں کے غیر ضروری اعتراضات کے
سنا کر اب کے دفتر بھجوا دیا گیا لیکن اب کے دفتر والوں نے
مجھے پیش سے بھی پتھر محروم کر دیا۔ اس اعتراض کسنا کر تم دوسرے
پیش کی مثالوں میں گنتیا لکھی ہیں ہے۔ کیونکہ میں اس سے پہلے
پولیس سے Invalid پیش لے چکا ہوں۔

اس سلسلے میں عوامی پیش ادلو 3-9-11 واقع ہیں
اور دوسرے پیش کی ادائیاں پر کوئی پابندی نہیں ہے جیسے کچھ
سروس کو موجودہ سروس میں شمار نہ کیا گیا ہو
ایک دفعہ پھر گزارش ہے کہ مسائل کو مورقہ قوانین کے مطابق
دوسرے پیش کی ادائیاں کی جانے۔ میرے کچھ درخواست ہیں
مورقہ 5/1/2011 ڈی ایچ او بنوں اور اب کے دفتر کے تمام
اعتراضات کا جواب دیا گیا ہے۔

فداریہ

منازلہ خان سالقہ جو کچھ معرفت سید ناصر گرامنٹ پانی سٹور
بینوں خیال بنوں مورقہ 1-3-11

بسم اللہ
ضالہ خان

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4-3-11

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Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

No.H-24(80)/Bannu/Vol-III/2010-11/ 812-13

Dated: 04.03.2011

To

The Secretary to,
Govt. Of Khyber Pakhtunkhwa,
Finance Department Peshawar.

62
13 MAR 2011

Subject: PENSION CLAIM FOR SERVICE RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALID PENSION

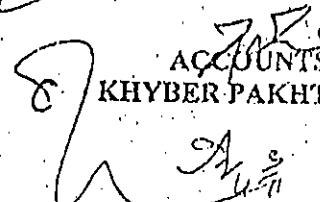
Kindly refer to your office letter No. FD (SOSR-II)4-36/2010 dated: 13-12-2010 and find enclosed herewith an application from Mr. Zabta Khan which is self explanatory on the above subject.

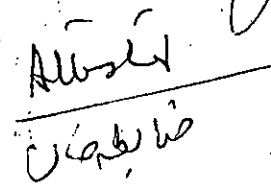
The applicant is stressing that he is entitled for 2nd pension in light of pension rules -9.3 read with Notification No. SOSR-III (FD) 4-59/88 dated: 07-05-1988.

In view of above, the matter regarding 2nd pension to the applicant be re-considered on ground given in the application and to guide this office in the instant case that whether the applicant is entitled for the 2nd pensionary benefits on a/c service rendered after retirement on invalid pension.


ACCOUNTS OFFICER
KHYBER PAKHTUNKHWA PESHAWAR

Copy to:
Mr. Zabta Khan Ex: Chowkidar GHS Bizan Khel Bannu for information.

O/K

ACCOUNTS OFFICER
KHYBER PAKHTUNKHWA PESHAWAR


Mr. Zabta Khan

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26-4-11

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD(SOSR-II)4-36/2010
Dated Peshawar the 26/4/2011

To
The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: - PENSION CLAIM FOR SERVICE RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALID PENSION.

Dear Sir,

I am directed to refer to your letter No.H-24(80)/Bannu/Vol-III/2010-11/812-13 dated 04/3/2011 on the subject noted above and to state that Rule 9.3 of Civil Servants Pension Rules and Orders and Finance Department letter No.SOSR-III(FD)4-59/88 dated 7/5/1988 may please be followed keeping in view the relevant rules regarding date of birth and fitness certificate for re-employment in Education Department.

2. I am further directed to say that this Department may be approached for advice on a particular issue if not clear in the Rules.

Yours faithfully,

(Signature)
(WAZIR MUHAMMAD ARGAR)
SECTION OFFICER (SR.II)

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR
No: HAD/Pension/Master/ 913
DATED: 09-05-2011

In continuation of Finance Deptt: letter No.17(SOSR-II) 4-36/2010 dated: 13-12-2010:

- Copy to:
- 1) AO Pension (Main).
 - 2) All DAO, S/DCA, S/AAO.

(Signature)
ASSISTANT ACCOUNTS OFFICER (HAD)
KHYBER PAKHTUNKHWA PESHAWAR

(Signature)
(Signature)

G

27

26-4-11

48/c

(1)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD(SOSR-II)4-36/2010
Dated Peshawar the 26/4/2011

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject:- PENSION CLAIM FOR SERVICE RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALID PENSION.

Dear Sir,

P-43/c

I am directed to refer to your letter No.H-24(80)/Bannu/Vol-III/2010-11/812-13 dated 04/3/2011 on the subject noted above and to state that Rule 9.3 of Civil Servants Pension Rules and Orders and Finance Department letter No.SOSR-III(FD)4-59/88 dated 7/5/1988 may please be followed keeping in view the relevant rules regarding date of birth and fitness certificate for re-employment in Education Department.

I am further directed to say that this Department may be approached for advice on a particular issue if not clear in the Rules.

Yours faithfully,

(Signature)
(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)

OFFICE OF THE ACCOUNTANT GENERAL KHYBER-PAKHTUNKHWA PESHAWAR
No: HAD/Pension/Master/913
DATED: 09-05-2011

In continuation of Finance Deptt. letter No.FD(SOSR-II) 4-36/2010 dated: 13-12-2010.

- Copy to:
- 1) AO Pension (Main).
 - 2) All DAO,s/DCA,s/AAO,s.

31

(Signature)
ASSISTANT ACCOUNTS OFFICER (HAD)
KHYBER PAKHTUNKHWA PESHAWAR

(Signature)
56/113

To, Distt A/c Officer Bannu
Resubmitted

The case may be finalized in the light of Finance Deptt. letter No: FD(SOSR-II)4-36/2010 dated 26.4.11. Circulated vide AG K PIC NO. HAD/Pension/Master/913dt. Reply of observations if any made available in Application dated 05.1.11.

P

28

No. 46

Dated 13-06-2011

13-6-11

From:-

The Head Master,
G. H. S,
Bizen Khel Bannu.

To,

The DISTT Account officer,
Bannu.

Subject:- Re-submitted the case:-

The case may be finalized in the light of
Finance Deptt letter no: FDCSÖR-II/4-36/2010
dated 26-4-2011 circulated vide AG/KPK No:
H/PD/pension/master/913 dated 9-5-2011.

(ii) Reply of observations are made
available in applications dated 05-01-2011.

Attest
Uzair

HeadMaster
GHS Bizen Khel
Bannu

Q 29 16-7-11

OFFICE OF THE DISTRICT CONTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/PEN/2010-11/107-10, DATED 16/7/11

To,

The Head Master
Govt. High School Bizan Khel
Bannu.

Subject: PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR.
Memo:-

Please reference to your memo: No. 246, dated 13.06.2011.

In this connection, the contents of rule 9.3 of the Govt. of K.P.K Civil Servants Pension Rules and order is clear and self explanatory, wherein on re-employment in service, a Govt. pensioner may either retain his gratuity / pension in which case his former service will not count for future pension or refund the gratuity and ceased to draw any part of pension and count his previous service in pension.

1. In the present case, however, since the pensioner has got re-employment as a fresh in a department other than his parent department, therefore, it was incumbent on him to declare to his appointing authority the amount of gratuity or full pension in accordance with para 9.1 of the Govt. of K.P.K Civil Servants Pension Rules and order updated up to 15.07.2006. (The views has been confirmed by Finance Department vide No. FD (SOSR-II) 4-36/2010, dated 13.12.2010.).
2. The spirit of para 9.1 of the Govt. K.P.K Civil Servants Pension Rules and order discourage admissibility of second civil pension, therefore, discuss for employment only.
3. The plea of incumbent with regard to his date of birth is in contrary to F.R 117(3) wherein even if a person entered in military employment, if subsequently employed in a civil department, the date of birth recorded on enrollment in military service will be considered.

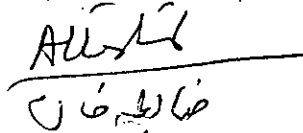
Keeping in view the above rules / order, the applicant is neither entitled to get secondary pension that is also required to deposit the pay and allowances drawn by him are superannuation.

Enclosed: Pension Claim Papers
Along with Original Service Book

Addl: District Accounts Officer
Bannu

Copy Forwarded to:-

1. The Accountant General K.P.K Peshawar with the request to re-examine the case in light of the above explanation and apprised this office with there learn decision to issue PPO to the applicant concern or other wise.
2. The Director Education (Elementary and Secondary Education) K.P.K Peshawar.
3. The E.D.O (Elementary and Secondary Education) Bannu.



Addl: District Accounts Officer
Bannu

R

30

11-8-11

AAO Peshawar
for immediate
action
advised
20.8.11



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

No:H-24(80)/Bannu/Vol-III/2011-12/1036

Dated:11.08.2011

The District Comptroller of Accounts,
Bannu.

Subject: PENSION CLAIM IN RESPECT OF ZABTA KHAN EX-CHOWKIDAR

Memo:

Kindly refer to your letter No.DCA/BU/PEN/2010-11/107-10 dated: 16-07-2011 on the subject above.

2- It is advised that the case may be decided in light of Finance Department clarification dated: 26-04-2011 (copy enclosed).

Mr. Arifullah

[Signature]
ACCOUNTS OFFICER (HAD),
Khyber Pakhtun Khwa Peshawar.

Copy to:

- 1) The Director Education (Elementary and Secondary Education) Peshawar.
- 2) The EDO (Elementary Education) Bannu for information.

Admitted
Checked
of

[Signature]
ACCOUNTS OFFICER (HAD),
Khyber Pakhtun Khwa Peshawar.

[Signature]
ذات

D 793
22-8-11

14-8-11

No. 264.

Date: 14-08-2011.

From: The Headmaster,
G.H.S. Bizen Khel Banna.

To: The Additional Dist. Accts Officer,
Banna.

Subject: Pension claim for services rendered on
Re-employment after retirement on
invalid Pension (Zabir Khan Ex Khorokidar)

Memo. Ref: your memo No. DCA/BU/Pension 2010-11/107-10 dated 16-7-2011 pension case along with S/Book etc resubmitted to your office with the following remarks.

- i. The case remained under observation for more than one year.
- ii. The Finance Deptt. letter No FD (503 of 11) G-3. 2010 dated 26-4-2011 finally decided which needs no further interpretation.
- iii. To simplifying the case it is stated that the pensioner concerned have completed his service two phase. For 1st phase of 10 years service he received Invalid pension and for the 2nd phase of 20 years service or above he is entitled to get 2nd pension on superannuation in term of rule 9-3 of pension rules because he do not opt for counting of previous service at the time of re-appointment.
- iv. The pensioner have rendered about 30 years service in both phases whereas the received pension of 10 years service only. How he can be deprived from the pensionary benefit of remaining 20 years.

It is therefore requested to finalize the case in the light of Finance Deptt letter dated 26-4-2011.

Encl: S/Book & Pension Papers.

Attest
G. G. W. S.

P. 2

Asst. Dir.
G.H.S. Bizen Khel Banna.
Dist. Accts Officer
Banna.

Copy forwarded to .

1. A.G., KPK Peshawar for info
2. EDO (E & S) Edu: Bannu.

Atsidi
جے ایچ

Am
Raj Singh Khattar.
no.

17-9-11
خبردار صاحب ڈسٹرکٹ اگرونی انسپکشن میں

عنوان :- ex-post Faete sanction عطا ہوا ہے۔

موجودہ بائیں ہاتھ کی بیماری ہے۔ کہ اس میں فرسٹ ریٹائرمنٹ کی ڈی آئی خان سے مندرجہ ذیل پر ریٹائرمنٹ

میں شامل ہو گیا اور طبیٹ ہو گیا اور مورخہ 03-05-1990 کو ریٹائرمنٹ حالیہ سببوں میں ہوئی ہے اور

اس کی پوربلیشن میں تاریخ پیدائش 28-11-1943 تھا جبکہ حکم تعلیم میں لکھنوی کے وقت

Health & age میں تاریخ پیدائش 08-05-1950 اور کھارو گیا گیا

مورخہ 07-05-2010 کو سٹوڈنٹ پینشن کے اعزاز ان ایس ایچ کرن کے بعد D.A.O

میں شامل ہو گیا اور مورخہ 07-05-2010 کو سٹوڈنٹ پینشن کے اعزاز ان ایس ایچ کرن کے بعد D.A.O

میں شامل ہو گیا اور مورخہ 07-05-2010 کو سٹوڈنٹ پینشن کے اعزاز ان ایس ایچ کرن کے بعد D.A.O

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میں شامل ہو گیا اور مورخہ 07-05-2010 کو سٹوڈنٹ پینشن کے اعزاز ان ایس ایچ کرن کے بعد D.A.O

The case is forwarded to E.D.O (S&L) Distt Bannu.

HeadMaster
GHS Bizen Khel
Bannu

No 267 dated 17-09-2011

U

34

Office of the Executive District Officer (E&SE) Bannu.

OFFICE ORDER.

Ex-Post factor sanction is hereby according for the treatment of service rendered beyond superannuation as contract service in R/o Zabta Khan Ex-Chowkidar Govt. High School Bizen Khel Bannu. No recovery of pay + allowances drawn beyond superannuation will be effected from his pension / commutation etc.

Sd =

**Executive District Officer (E&SE)
Bannu**

Copy to:

1. D.C.A Bannu.
2. H/M Govt. High School Bizen Khel Bannu.

**Executive District Officer (E&SE)
Bannu**

Handwritten signature
ذیاب

Bannu

خدمتِ جناب اکاؤنٹس افسیر طلبہ بنوں

R. No - 502
1.10.13 لکھ

اپن لمبراد ادائیگی پینشن

جناب عالی۔ ذیل گزارش ہے۔

۱۔ یہ سائیل قبل ازین پوریں میں بھئی پورا تھار اور پندرہ سال خدمات

سرا انجام دینے کے بعد میڈلین پورڈ کے قبل از وقت ریٹائر پور پینشن پورا

۲۔ یہ کہ ایم ایس ڈس ایچ پور پینٹال بنوں نے سائیل کو پکلی ڈیوٹی پکلی

نٹا تھار دیکھ مورف 3.5.1990 کو دوبارہ کورنٹ مانی سکول پرنسپل FR بنوں میں

پور کیدار پکلی کیا۔ اور ڈائری معاہدے کے بعد سرورس بک میں تاریخ پیدائش ۵ ۶
درج کیا گیا، جبکہ سابقہ ریکارڈ میں 28¹¹ درج کیا گیا تھا۔ سائیل ناخواندہ و ان پڑھ
۱943
۳۔ اور ان باتوں کو نہیں جانتا ہے۔

۳۔ یہ کہ مورف 7⁵/₁₀ کو 6 سال مکمل پورے پر حکم مورف 15⁶/₁₀ کے تحت ای ڈی

او قلم تعلیم نے سرورس سے ریٹائر کرنے کا حکم صادر کیا۔

۴۔ یہ کہ قلم نے ڈسٹرکٹ اکاؤنٹس آفس بنوں میں سائیل پینشن کی ادائیگی

پکلی بل کا جمع کیا۔ جس پر آفس مذکورہ نے بلا جواز اعتراضات لگا کر قلم کو انیس

دور کرنے اور پور واپس جمع کرنے کو لکھا۔ اعتراضات پٹانے کے بعد اکاؤنٹس آفس نے

مورف 12⁸/₁₀ کو مانتے = انکاری پورا

۵۔ یہ کہ بعد از ان مورف 14¹⁰/₁₀، 11¹¹/₁₀، 13¹²/₁₀، 15¹/₁₁، 20¹/₁₁،

1-4³/₁₁، 26⁴/₁₁، 13⁶/₁₁، 16⁷/₁₁، 14-11⁸/₁₁، 17⁹/₁₁ دینے قلم تعلیم، اکاؤنٹس آفس

بنوں، اکاؤنٹس جنرل لینے ور اور قلم خزانہ کے مابین تفصیل خط و کتابت پورے۔

کسی نے پینشن دینے اور کسی نے نہ دینے کا ذکر کیا۔ تاہم خط مورف 26⁴/₁₁

میں قحط خانہ نے اکاؤنٹ جنرل آفس لیتے در ہدایت کی کہ رولز 3-9 آف
سول سروس پنشن رولز اور ڈراڈر و پینشن قحط خانہ کے قحط مورف $7 \frac{5}{88}$
پر عمل کر کے سائیل کویشن دینے فرما جائے۔

4۔ یہ م رند باوجود سائیل کے میلے کو فٹ بان بنا کر ایک سے دو
اور دو سے تیس سے سا پاس پینٹنگ کرو نیز قحط خانہ کے میلے سے ہر ایک نے
بٹ کر تیا سلم لکھوا کر دیا گیا۔ جسکی وجہ سے سائیل تا حال اپنے حق
سے محروم ہے۔ جو کہ نہ صرف قحط خانہ میں ہے۔ بلکہ مہنی بر ہرنی بھی ہے۔
۵۔ یہ سائیل نے پنشن کو ایٹائی کیا ہے۔

استعمال ہے کہ سائیل کویشن وغیرہ از مورف $5 \frac{3}{90}$ تا $7 \frac{5}{10}$ تک
دینے کا حکم صادر فرماویں۔ شکر ریورٹ کا۔ مورف $2.8 \frac{9}{13}$
الوا عنہ

ضابطہ خان و لاہ میر آدم خان سائن تازیری ہرن ضیل بنوں
سابقہ چوکیدار ٹورنٹ نامی سکول ہرن ضیل FR بنوں کے۔

کامی برائے اطلاع دفروری کاروائی:۔

۱۔ ڈسٹرکٹ ایجوکیشن اینڈ قحط خانہ بنوں۔

۲۔ اکاؤنٹ جنرل کے پاس لیتے در

ضابطہ خان

بعد التّ جناب سرسوی ٹریبونل صوبہ سرحد پشاور

مبنیاب اسلالت

صاحب خان بنام دستر کاشی نفسی ڈیرہ

دعوی اصل

باعث تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکیل کاروائی متعلقہ آن مقام پشاور کیلئے سعید اللہ خان دستر کاشی ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور تسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کس یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقدیر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا عدت باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 12/30

العبد

العبد

العبد

ارباب سید اسماعیل ایڈووکیٹ

سعید اللہ خان مروت ایڈووکیٹ

صاحب خان

من روایت ناز ایڈووکیٹ

Before the KPK, Service Tribunal, Peshawar.

AN10 20/2014.

Zabta Khan vs DA-O & others.

Application for Impleading Director Education & Secretary Education as Respondents.

Respectfully Sheweth,

1- That the subject appeal is pending adjudication in this honorable tribunal in which today is fixed for hearing.

That the Director Education & Secretary Education is necessary parties for determining the issue involved in the appeal.

It is therefore most humbly prayed

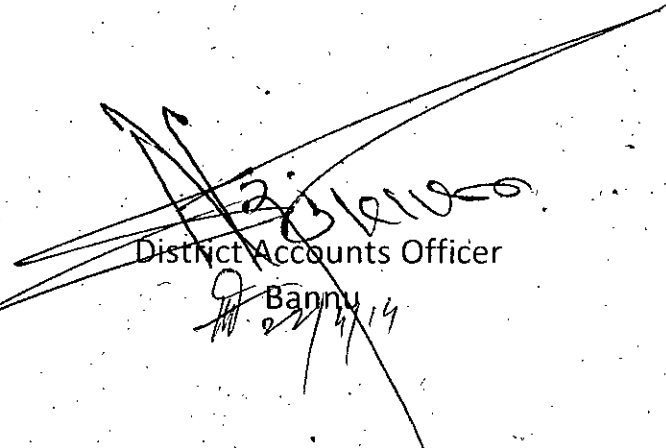
that in acceptance of this application the Director Education and Secretary Education may kindly be impleaded as parties in the instant appeal.

Applicant/Appellant
through
Abdul Saifullah
Advocate, Peshawar

Address:- (i) Secretary E&SE, Civil Section 1, Peshawar.
(ii) Director E&SE, Dabgosi Garden, Peshawar.

AUTHORITY

Mr. Mohabat Khan Assistant Accounts Officer B-17 of this office is hereby authorized to attend the Honorable Court of Service Tribunal Peshawar on 23.04.2014 on behalf of the undersigned in the Case of Zabta Khan Vs District Accounts Officer Bannu and others.


District Accounts Officer

Bannu
23/4/14

OFFICE OF THE DISTRICT ACCOUNTS OFFICER BANNU

NO.DA/BU/PEN/COURT CASE/2014-15/ 8412

DATED 03.03.2015

BEFORE THE K.P.K SERVICE TRIBUNAL , PESHAWAR

Zabta Khan S/o Mir Adam Khan
R/o Taziri, Bizan Khel, Bannu.
Ex.Chowkidar of GHS Bizan Khel FR Bannu.

Versus

District Accounts Officer Bannu (Respondent No.01)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974,

WHEREBY APPELLANT WAS NOT PAID PENSIONARY BENEFITS

AFTER HIS RETIRMENT FROM SERVICE TILL DATE.

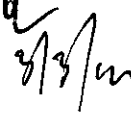
Respectfully Sheweth:

Parawise reply is under:-

01. Yes, the appellant was retired from service of FRP D.I.Khan on invalid pension after rendering of 15 year qualifying services. According to his sheet roll and pension authority issued by District Accounts office D.I.Khan his date of birth was recorded as 28.11.1943.(Anexure-A)
02. On 03.05.1990 MS DHQ Bannu declared him fit for light duties and accordingly he was re- appointed as Chowkidar in GHS Bizan khel Bannu and incorrectly date of Birth of the official was recorded as 08.05.1950, instead of 28.11.1943 and badly violated General Financial Rules-116.
03. Yes, EDO(Ele & Sec)Edu Bannu submitted pension claim of the petitioner to this office, but was returned to recover excess payment of pay and allowances w.e.f 28.11.2003 to 7.05.2010.Because according to his previous date of birth he was required to be proceeded on supernuation pension wef 27.11.2003.
- 04 to 06. No Comments.
- 07,08,09 Yes, on 14.10.2010 this office has submitted pension case of the petitioner to the Accountant General K.P.K for clarification who further submitted the case to Finance Deptt, for guidance that two pensions are not admissible from the same Govt. and resultantly views of the Accountant General K.P.K was confirmed vide Finance Deptt,Letter No.FD.(S)SR-II)4-36/2010 dated 13.12.2010.(Copy attached Annexur-B).

- 11 Yes, District Accounts Officer wrote a letter to Head Master GHS Bizan Khel to recover pay and allowances wef 27.11.2003 to 07.05.2010.(copy attached Annexur-C).
- 12 No Comments.
- 13 On 04.03.2011 Accountant General K.P.K Peshawar wrote a letter to Finance Deptt, Peshawar that the appellant can claims entitlements under pension rules 9.3 read with vide notification No. SOSR-III(FD)4-59/88 dated 07.05.1988, where in it has been mentioned that a Govt. pensioner in receipt of compensation or invalid pension or compassionate allowance on re-employment in service qualifying for pension may either retain his gratuity/pension in which case his former service will not count for future pension, or refund the gratuity and cease to draw any part of his pension, and count his previous service.(Copy attached Annexur-D)
- 14 Under rule 9.3 above the appellant was required to exercise his option either to retain pension /Gratuity to which case his former service will not count for future pension or refund the pension and cease to draw any part of his previous service , but in the existing case the appellant has exercise no option and receiving pension along with periodical increased till date.
- 15 No Comments.
- 16 Yes, on 16.07.2011 District Accounts Officer Bannu informed concerned Head Master of the School that the appellant is not entitled to second pension and ^{he is} you are required to deposit pay and allowances drawn by him after superannuation. As civil pension rules 9.1 clearly defines that when a person who was formerly in Govt. employee obtains re-employment whether temporarily or permanently in Govt. service it shall be incumbent on him to declare to the appointing authority the amount of pension/ gratuity or bonus or full pension originally granted to him in respect of the previous employment, but in contrary the appellant remained sileant about his previous service and deceived his appointing authority .(Copy attached Annexu -E)
- 17-18 No Comments.
- 19 Yes, on 17.09.2011 appellant submitted application to District Accounts Officer Bannu for correction of date of birth but District Accounts Officer has no authority to correct his date of birth without sanction of Finance deptt, under para 116 of GFR vol-I. (Copy attached Annexur-D).
- 20 Yes. Un signed Ex facto sanction of E.D.O(E&SEC) Education Bannu having no number and date attached with case.


District Accounts Officer
Bannu



Pay Rs. 769/-
Length of qualifying: 20 Yrs.
Service.
Date of Invalid ~~retirement~~: 13.1.89

Dated. 15-5-89
G. Pension Rs. 513-14
1/4th surrendered- NIL
Commuted Portion Rs. 256-87
Net Pension @ Rs. 256-87 PM

The Distt: Accounts Officer,
BANNU.

Subject:-

PENSION PAYMENT AUTHORITY IN RESPECT OF
ZABTA KHAN S/O MIR ADAM EX-CONSTABLE.

DI
sir,

I have the honour to forward herewith application for pension/Commutation signed by the Pension sanctioning authority sanctioning Invalid pension a card bearing left hand of ~~Mrx~~ thumb finger impression and last pay certificate in respect of Mr. Zabta Khan Ex-Constable to request you will be so good as to arrange for payment of pension Rs. 256/87 PM WEF 5.4.89 Commutation of Rs. 81121/08 (Rupees Eighty one thousand one hundred and twenty one/08) on account of his 50% commutation of Rs. 256/87 out of gross pension of Rs. 513/14.

Treasury.

The pension/Commutation value is payable at BANNU
The Pension is debitable to NWFP Govt:
Arrear of Pension @ Rs. 513/14 PM WEF 14-1-89 to 4-4-89 is payable to him.

NOTE:-

- 2- A sum of Rs. 310/71 may be recovered and credited in aid of supernn: 1212489-Recovery of Pension/Gratuity Provincial."

The pension is debitable to NWFP U/H"66100
The Commutation value is debitable to NWFP U/H"66200
In the event of death within 10 years of his retirement his family will be entitled to pension equal to 50% of the reduced pension.

3
Copy forwarded to :-

- 1- The Superintendent of ~~Dist~~ Police, Frontier Armed Reserve, Dikhan Range for information w/r to his NO: 157/FAR dated 22.1.89. The S/Roll in r/o the above named pensioner is sent herewith as desired please.
- 2- Mr. Zabta Khan S/O Mir Adam Khan Ex-Constable Village Bizen Khel P.3. Domel Tehsil and Distt: Bannu for information. He is directed to attend the Distt: Accounts Office, Bannu on any working day during the office hour to receive pension and commutation.

(MUHAMMAD ASLAM KHAN)
DISTT: ACCOUNTS OFFICER,
DERA ISMAIL KHAN.

(MUHAMMAD ASLAM KHAN)
DISTT: ACCOUNTS OFFICER,
DERA ISMAIL KHAN.

2- Father's name
3- Home address
4- Race Nationality.
5- Date of Birth.
6- Date of Invalid.
7- Last Pay.
8- Monthly Pension.
9- Commutation.
10- Date of Commencement of Pension.
11- Place of Payment Treasury.
12- Height .
13- Marks of identification.

Mir Adam Khan.
Village Bizen Khel P.S. Domel
Tehsil and Distt: BANNU.

PAKISTANI.

28-11-1943.

13-1-89. ✓

769/- ✓

256/87

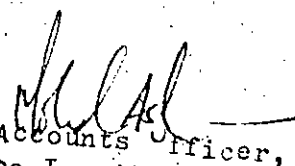
Rs. 81121/08


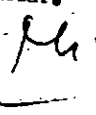
5-4-89. ✓

BANNU.

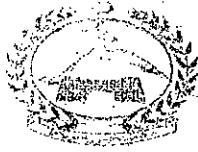
5- 7½"

Wheat complexion.


Distt: Accounts Officer,
Dera Ismail Khan.

AAO. Peshawar
19-1-11



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD(SO&R-II)-36/2010
Dated Peshawar the 13/12/2010

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: - PENSION CLAIM FOR THE SERVICE RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALIDMENT.

Dear Sir,

I am directed to refer to the subject noted above and to confirm your views contained in your letter No.11-24(80)/Bannu/Vol-III/2010-11/652 dated 11/11/2010 referred to above.

Yours faithfully,

(Signature)
(WAZIR MUHAMMAD AFGAN)
SECTION OFFICER (SR.II)

Checked by...
Approved: 2/11/11

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR

No: HAD/PENSION/Master/ 2010-11/713

DATED: 11-01-2011

Copy to:

- 1) PA to DAG (Pension).
- 2) AO (Pension);
- 3) All DAO,s/DCA,s/AAO,s.

For compliance and comments, if any.

(Signature)
ASSISTANT ACCOUNTS OFFICER (HAD)
KHYBER PAKHTUNKHWA PESHAWAR

11/11/11
Recd. Bannu Pension/Corr.

D 338
19-1-11

Page No 97
2011



Office of the
Accountant General
 Khyber Pakhtunkhwa Peshawar
 Phone: 091 9211250-54

No: H-24(80)/Bannu/Vol-III-A/ 2010-11/ (5) L
 To

Dated: 11.11.2010

The Secretary to
 Govt. of Khyber Pakhtunkhwa,
 Finance Department,
 Peshawar.

(Handwritten initials)
 11/11/2010

Subject: PENSION CLAIM FOR THE SERVICES RENDERED ON RE-EMPLOYMENT AFTER RETIREMENT ON INVALIDMENT.

Please find enclosed herewith a self explanatory letter from DCA, Bannu regarding Pension Claim in r/o Zabta Khan.

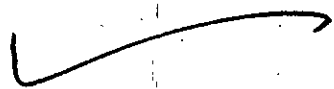
1. In light of GFR-116,117, the date of birth once recorded in service book will not altered; hence the recorded date of birth in his service book on his previous service (1st service) is to be considered under prevailing rules.
2. In light of Para-9.1 of pension rules, it is the responsibility of the incumbent to declare to the appointing authority about its previous pension/gratuity.
3. In light of prevailing rules double civil pension are not admissible except in case of one pension from Military and second from civil or in case of Family Pension.
4. Services rendered beyond 60 years of superannuation is not countable/considered for pension/ in pension calculation.
5. Salary drawn beyond superannuation required to be recovered if not regularized by the authority against contract.
6. Re-employment after retirement on retiring pension or invalid pension except from Military pension is to be consider as contract employ men and 2nd pension is not admissible for the services rendered.

*The view of this office is correct
 may please be confirmed or otherwise*

(Signature)
 ACCOUNTS OFFICER (HAD)
 KHYBER PAKHTUNKHWA PESHAWAR

DAC & M.D.P. (Pension) Bannu, Vol. III-A, 2010-11, PENSION CLAIM.doc

*The DCA Bannu
 Executive Dist Office (ESG) Education Bannu
 Headmaster GHS Bizen Khel Bannu
 Raza Khan ex chowkidar village Tazim Bizen Khel Bannu*



Bannu

28

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/PEN/2010-11/6892 - 94

Dated 20.10.2010

To,

11545

The Accounts officer (HAD) section
O/o Accountant General Khyber Pakhtoonkhwa
Peshawar.

Subject: PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR OF EDUCATION DEPTT.

R/Sir,

It is submitted that one Mr, Zabta Khan ex. Chowkidar of education department whose claim on accounts of retirement received in this office vide No: 1965 dated 16.06.2010. In response to which this office raised objection/observation convey to the Head Master G.H.S Bizan Khel vide No.DCA/BU/Pen/2009-10/5296-98 dated 30.06.2010 (copy enclosed.)

The departmental authority replied vide their No.231-35/Pen dated 22.09.2010 (copy enclosed for ready reference).

Brief of the case is as under:-

The chowkidar prior to joining the education department had already served in police department from where he was in receipt of invalid pension. While taking another appointment in education department the individual neither shown his actual date of birth nor his retirement from police department i-e S.P. F.R.P D.I.Khan regarding invalid pension issued from DAO D.I.Khan is enclosed herewith.

It is worth mentioning that the individual shown date of birth in education department as 08.05.1950. Where as the service rendered in previous department from where he was invalidated out permanently from service and obtained pensionary benefits, his date of birth was declared as 28.11.1943.

Resultantly the individual has become paid beyond 60 years w.c.f 29.11.2003 to 07.05.2010 due to concealing facts by the incumbent as wall as departmental authority.

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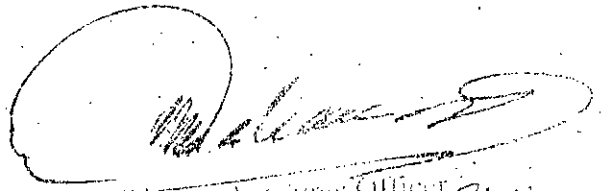
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PTD

Moreover the individual is not eligible for taking another appointment after invalidment with out making fit him self by conducting standing medical board for further service in Government department.

From the above conclusion two different ~~the~~ short comings arrived at and required clarifications as to whether the:

- i) Service rendered with out conducting medical board from standing Medical Board after invalidment is countable towards pension or otherwise.
- ii) The overpayment made beyond 60 years due to the maland intention the Govt. pensioner/servant and negligence of departmental authority be recovered or otherwise.
- iii)



Add: District Accounts Officer
Bannu

110

18/01/10

Copy to:

1. Mr. Zabta khan S/o Mir Adam khan village Tazari Bizan khel p/o Matakhi Bizan khel District Bannu for information.
2. EDO (Elementary and Secondary) Education Bannu for information.

Add: District Accounts Officer
Bannu

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS BANNU

NO.DCA/BU/PEN/2010-11/8098-8102

DATED 29.01.2011

To.

The Head Master GHS BizanKhel
Bannu.

Subject: PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR.
Memo:-

Enclosed find herewith pension papers, service book and decision of finance department received through Accountant General K.P.K Peshawar vide No.HAD/PENSION/MASTER/2010-11/713 dated 11.01.2011 in r/o above named ex. Official are sent herewith. with the remarks that as per decision of the Finance department which states that as per pension rules that double civil pensions are not allowed except one from Military and second from Civil. where as the official concerned has already been in the receipt of one civil pension i-e Police pension from SP FRP D. I. Khan so he is not entitled for second civil pension from Education department.

After that, Salary drawn beyond superannuation by the ex. official concerned w.e.f 29.11.2003 to 07.05.2010 is recoverable and it is the responsibility of the DDO concerned to intimate and recover the overpayment or the period beyond superannuation be regularized as contract employ.

o/c

District Comptroller of Accounts
Bannu

16

21/1/11

Copy forwarded for information to:-

1. The Accountant General K.P.K Peshawar in continuation to his No. HAD/PENSION/MASTER/2010-11/713 dated 11.01.2011.
2. The DCO Bannu.
3. The Executive District Officer (Elementary and Secondary) Bannu.
4. Zabta khan S/o Mir Adam khan village Taziri Bizan khel district Bannu.

In original
is attached.

S/Book

o/c

District Comptroller of Accounts
Bannu

16

21/1/11

26/1/11

CHAPTER - IX

RE-EMPLOYMENT OF GOVERNMENT PENSIONERS.

SECTION-I

RE-EMPLOYMENT OF CIVIL PENSIONERS.

- 9.1. When a person who was formerly in Government employ obtains re-employment, whether temporarily or permanently in Government service or in the service of a local fund it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or full pension, (inclusive of $1/4^{\text{th}}$ of the surrendered portion or commuted portion of the pension) originally granted to him in respect of the previous employment.
- 9.2. The amount of wound or other extraordinary pension sanctioned under these rules and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall not be taken into account when fixing the pay during re-employment.
- 9.3. A government pensioner in receipt of compensation or invalid pension or compassionate allowance on re-employment in service qualifying for pension may either retain his gratuity/pension in which case his former service will not count for future pension, or refund the gratuity and cease to draw any part of his pension, and count his previous service. Reduced pension intermediately drawn need not be refunded. If such pensioner exercise option to retain his gratuity/pension his full pension and initial pay on re-employment shall not exceed his pay at the time of discharge. Once the amount of the initial pay has been fixed in this way, the Government servant shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post. In the case, however, of a pensioner whose pension does not exceed Rs. 15 a month, the amount of full pension should not be reduced from his initial pay even though the sum total of initial pay and full pension exceeds his substantive pay at the time of discharge.
- 9.4. (1) A Government pensioner who is in receipt of a superannuation or retiring pension shall not be re-employed, or continued to be re-employed in any Government Department except on public grounds and with the sanction of the competent authority.
- (2) All authorities administering local fund are empowered to re-employ Government pensioner in receipt of superannuation or retiring pension in service paid from a local fund, provided their pay is fixed in accordance with the principles laid down by Government from time to time for fixation of pay and allowances of Government pensioner re-employed in Government Departments. If in special circumstances any departure is proposed to be made the orders of the Chief Executive of the authority should be obtained and the reasons for which the relaxation is made recorded in writing.
- Note.-(1) A Government servant who has retired from regular establishment on superannuation or retiring pension cannot be re-employed on work charged establishment

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT.

NOTIFICATION.

Dated Peshawar, the 7th May, 1988.

No. SOSR-III(FD)4-59/88 :- In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North West Frontier Province is pleased to direct that in the West Pakistan Civil Services Pension Rules, the following further amendments shall be made, namely :-

A M E N D M E N T S.

I. In Rule 3.3

(i) In Sub-rule (2), for the words 'Medical Officer' the words "Medical Superintendent, District Headquarter Hospital/Services Hospital" shall be substituted.

(ii) Note (2) shall be substituted by the following :-

"Note (2) A medical certificate from a Medical Board or an Invaliding Committee shall be required in the case of government servants in BS-16 and above and from the Medical Superintendent of the District Headquarter/Services Hospital, in the case of government servants in BS-1 to BS-15".

II. Note below Rule 8.4 shall be substituted by the following :-

"Note -- The term 'Medical Authority' means
(i) the Standing Medical Board or Standing Invaliding Committee in the case of government servants in BS-16 and above and
(ii) the Medical Superintendent of the District Headquarter/Services Hospital in the case of government servants in BS-1 to BS-15".

BY ORDER OF THE GOVERNOR OF N.W.F.P.

SAEED ULLAH JAN
FINANCE SECRETARY.

Contd. P/2..

CHAPTER - IX

RE-EMPLOYMENT OF GOVERNMENT PENSIONERS.

SECTION-I

RE-EMPLOYMENT OF CIVIL PENSIONERS.

9.1. When a person who was formerly in Government employ obtains re-employment, whether temporarily or permanently in Government service or in the service of a local fund it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or full pension, (inclusive of 1/4th of the surrendered portion or commuted portion of the pension) originally granted to him in respect of the previous employment.

9.2. The amount of wound or other extraordinary pension sanctioned under these rules and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall not be taken into account when fixing the pay during re-employment.

9.3. A government pensioner in receipt of compensation or invalid pension or compassionate allowance on re-employment in service qualifying for pension may either retain his gratuity/pension in which case his former service will not count for future pension, or refund the gratuity and cease to draw any part of his pension, and count his previous service. Reduced pension intermediately drawn need not be refunded. If such pensioner exercise option to retain his gratuity/pension his full pension and initial pay on re-employment shall not exceed his pay at the time of discharge. Once the amount of the initial pay has been fixed in this way, the Government servant shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post. In the case, however, of a pensioner whose pension does not exceed Rs. 15 a month, the amount of full pension should not be reduced from his initial pay even though the sum total of initial pay and full pension exceeds his substantive pay at the time of discharge.

9.4. (1) A Government pensioner who is in receipt of a superannuation or retiring pension shall not be re-employed, or continued to be re-employed in any Government Department except on public grounds and with the sanction of the competent authority.

(2) All authorities administering local fund are empowered to re-employ Government pensioner in receipt of superannuation or retiring pension in service paid from a local fund, provided their pay is fixed in accordance with the principles laid down by Government from time to time for fixation of pay and allowances of Government pensioner re-employed in Government Departments. If in special circumstances any departure is proposed to be made the orders of the Chief Executive of the authority should be obtained and the reasons for which the relaxation is made recorded in writing.

Note.-(1) A Government servant who has retired from regular establishment on superannuation or retiring pension cannot be re-employed on work charged establishment

articles in order to test the accuracy of the returns. He should also describe the state of the account records.

- (iii) In the case of any sudden casualty occurring or any emergent necessity arising for an officer to quit his charge, the next senior officer of the department present will take charge. When the person who takes charge is not a gazetted officer, he must at once report the circumstances to his nearest departmental superior, and obtain orders as to the cash in hand, if any.

Note 1. - The special procedure to be followed when there is a change in the incumbency of independent charge of a treasury is laid down in Rule 44 of the Treasury Rules.

Note 2. - The additional procedure to be followed by an Accountant General, etc., in making over charge of his function in connection with the Charitable Endowments and other Trust Accounts is laid down in Appendix 16.

DATE OF BIRTH

116. Every person newly appointed to a service or a post under Government should at the time of the appointment declare the date of his birth by the Christian era with as far as possible confirmatory documentary evidence *such as* matriculation certificate, municipal birth certificate and so on. If the exact date is not known, an approximate date may be given. The actual date or the assumed date determined under para. 117 should be recorded in the history of service, service book, or any other record that may be kept in respect of the Government servant's service under Government and once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of the Local Administration.

Note 1. - Ministries/Division of the Federal Government exercise the powers of a Local Administration for the purpose of this rule.

Note 2. - Heads of departments are authorised to exercise this power in the case of non-gazetted Government servants under their control.

117. (1) If a Government servant is unable to state exact date of birth but can state the year, or year and month of birth, the 1st July or the 16th of the month, respectively, may be treated as the date of his birth.

(2) If his birth may be... ing the num... appointment

(3) Wh... quently emp... purpose of t... at the time... only his age... that age acco...

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeals # 20/2014.

Zabita Khan, Ex-Chowkiar GHS, Bazan Khel, FR BannuAppellant
VERSUS

Distt: Accounts Officer Bannu.....Respondents

Parawise comments for & on behalf of Respondents No. 3-5.

Respectfully Sheweth,

The Respondents submit as under:-

Preliminary Objections:-

1. The appellant has got no cause of action/ locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon 'able Tribunal.
4. The appellant has not come to this Hon 'able Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide intentions.
6. The present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law and rules.
8. The appellant is estopped by his own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form.
10. That the instant Appeal is barred by Law.
11. That the Appellant has been treated as per Law, Rules & Policy.

FACTS.

1. That Para-1 is correct to extent that the Appellant has got retired from service of FRP D.I.Khan on invalid pension after rendering 15 years qualifying services. According to his sheet role and pension authority issued by the District Accounts Office D.I.Khan, his actual Date of Birth was recorded as 28-11-1943.
2. That para-2 is incorrect and denied on the grounds that as per report dated 03-05-1990, the MS DHQ, Bannu has declared him fit for light duties and accordingly he was re-appointed as Chowkidar and was posted at GHS, Bizan Khell District Bannu wherein his date of birth was incorrectly recorded as 08-05-1950 instead of 28-11-1943 as against the GFR-116.
3. That Para-3 is correct to the extent that the Respondent No. 3 has submitted pension clam of the Appellant to the Respondent No. 1 which was return with the observation to cover the excess of payment of pay and allowance w.e.f 28-11-2003 to 07-05-2010 on the basis of his actual and correct Date of Birth as 28-11-1943, the Appellant was required to be proceeded on superannuation pensions w.e.f 27-11-2003 from the Respondent No.3 Department.

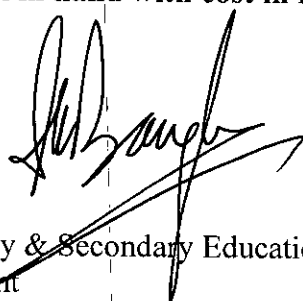
4. Para-4 is correct that vide order dated 15-06-2010 the Respondent No. 3 has been please to grant sanction of pension and encashment of LPR equal to 180 days (copy of the same is Annex-A).
5. Para-5 is also correct that observations have been raised by the Respondent No. 1 regarding his date of birth and excess of payments and allowances w.e.f 28-11-2003 to 07-05-2010 upon the case of the appellant prior to the approval of in valid pension in favour of the Appellant.
6. Para-6 is correct that the concerned District Accounts Officer wrote a letter to the H/M GHS, Bizen Khelll District Bannu to recover pay and allowance w.e.f 27-11-2003 to 07-05-2010 from the Appellant (copy of the same is Annex-B).
7. Para-7 is correct, hence needs no further comments.
8. That Para-8 is also needs no comments being pertains to the office record of the Respondent No.1.
9. That Para-9 needs no comments being pertains to the office record of the Respondent No.1.
10. That Para-10 needs no comments being pertains to the office record of the Respondent No.1.
11. That Para-11 is correct that the DAO District has wrote a letter to H/M of the School concerned that payment w.e.f 19-11-203 to 07-05-2010 is recoverable being an over payment of the period beyond the superannuation be regularized as contract employee of the Respondent No. 3, 4 & 5 Department. (copy of the same is Annex-C).
12. That Para-12 needs no comments being pertains to the office record.
13. That Para-13 is incorrect and misleading. Hence needs no comments.
14. That para-14 is correct to the extent that under the Rule 9.3 of the Finance Department, the Appellant was legally required to exercises his option either to retain pension/graduity to which case his former service will not be counted for future pension or re-fund the pension and cease to draw any part of his previous service. But in the present case, the Appellant has been failed to exercise any option and is receiving pension alongwith periodical increase till date.
15. That Para-15 needs no comments being pertains to the record.
16. That Para-16 is correct that on 16-07-2011, the DAO District Bannu has informed the H/M GHS, Bizen Khel that the Appellant is not entitled for the grant of 2nd pension and he is required to deposit pay and allowance to granted to him after superannuation (Copy of the same is Annex-D).
17. That Para-17 also needs no comments being pertains to the Respondent No. 1.
18. That Para-18 is pertains to the correspondence between the Respondent No. 1 and Headmaster of the said schools hence needs no comments.

- 19. That Para-19 is incorrect and denied. The statement of the Appellant regarding the submission of an application for the correction of his date of birth is baseless and illegal on the grounds that under para-116 of GFR, Vol-I the Finance Department is entitled for the correction/modification of Date of Birth of the Appellant and not the Respondents No. 3, 4 & 5.
- 20. That Para-20 needs no comments being pertains to the record.
- 21. That Para-21 is incorrect and denied. No Representation has been filed by the Appellant before the Respondents No.3,4 &5. Hence in view of the above, the Respondents further submit on the following grounds inter-alia.

GROUND.

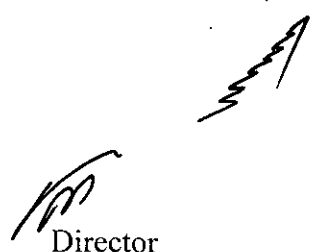
- A. Incorrect and denied: The statement of appellant is against the factual position as stated in the foregoing paras of the instant reply, hence the stand of the Appellant is liable to be stuck down in favor of the Respondents in the interest of justice.
- B. Incorrect and denied. The actual date of birth of the Appellant is 28-11-1943 instead of 08-05-1950 which is wrong and is liable to be corrected.
- C. Incorrect and denied. The Appellant is not entitled for the grant of pension on the basis of his incorrect date of birth written as 08-05-1950 from the Respondent Department under the above mentioned GFR Rules.

In view of the above made submissions, it is, therefore, most humbly requested that this Honourable Tribunal may very graciously be pleased to dismiss the appeal in hand with cost in favour of the Respondents.



Secretary
Elementary & Secondary Education,
Department

(Respondent No.5)



Director
E&SE Department

(Respondents No. 3 & 4)

cc A

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15-6-10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION,
BANNU

Sanction Of Pension:

The power vested on me under Government of NWFP Local Government Election & Rural Development notification No. 50 (L-G-153-196/E-M-05), dated 07-10-05, sanctioned is hereby accorded for proceeding of Mr. Zabta Khan s/o Adam Khan Chokekidar at G.H.S. Bezan Khel, w.e.f. 07-5-2010 on account of superannuation pension and grant of encashment of LPR equal to 180 days.

Binnu
Executive District Officer
Elementary & Secondary Education
Executive Dist. Officer
Elementary & Secondary Education
Bannu
Education Department Bannu

Dated 15 / 6 / 2010

Endst: No. 9528-29 AE-II

Copy to the

1. District Accounts Officer Bannu.
2. Headmaster GHS / GMS

Binnu
Executive District Officer
Elementary & Secondary Education
Elementary & Secondary Education
Bannu
Education Department Bannu

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U.S. Khel

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22-1-11

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/PEN/2010-11/8098-8102 DATED 22.01.2011

To,


The Head Master GHS BizanKhel
Bannu.

Subject: PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR.
Memo:-

Enclosed find herewith pension papers, service book and decision of finance department received through Accountant General K.P.K Peshawar vide No.HIAD/PENSION/MASTER/2010-11/713 dated 11.01.2011 in r/o above named ex. Official are sent herewith, with the remarks that as per decision of the Finance department which states that as per pension rules that double civil pensions are not allowed except one from Military and second from Civil, where as the official concerned has already been in the receipt of one civil pension i.e Police pension from SP FRP D. I. Khan so he is not entitled for second civil pension from Education department.

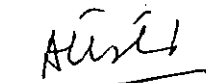
After that, Salary drawn beyond superannuation by the ex. official concerned w.e.f 29.11.2003 to 07.05.2010 is recoverable and it is the responsibility of the DDO concerned to intimate and recover the overpayment or the period beyond superannuation be regularized as contract employ.


Enclose
(Original S/BOOK)


District Comptroller of Accounts
Bannu
16
21/1/11

Copy forwarded for information to:-

- 1 The Accountant General K.P.K Peshawar in continuation to his No. HIAD/PENSION/MASTER/2010-11/713 dated 11.01.2011.
- 2 The DCO Bannu.
- ✓ 3 The Executive District Officer (Elementary and Secondary) Bannu. ✓
- 4 Zabta khan S/o Mir Adam khan village Taziri Bizan khel district Bannu.


C/o Mir Adam


District Comptroller of Accounts
Bannu

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16-7-11

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OFFICE OF THE DISTRICT CONTROLLER OF ACCOUNTS BANNU
NO.DCA/BU/PEN/2010-11/107-10, DATED 16/7/11

To,

The Head Master
Govt. High School Bizan Khel
Bannu.

Subject:
Memo:-

PENSION CLAIM IN R/O ZABTA KHAN EX. CHOWKIDAR.

Please reference to your memo: No. 246, dated 13.06.2011.

In this connection, the contents of rule 9.3 of the Govt. of K.P.K Civil Servants Pension Rules and order is clear and self explanatory, wherein on re-employment in service, a Govt. pensioner may either retain his gratuity / pension in which case his former service will not count for future pension or refund the gratuity and ceased to draw any part of pension and count his previous service in pension.

1. In the present case, however, since the pensioner has got re-employment as a fresh in a department other than his parent department, therefore, it was incumbent on him to declare to his appointing authority the amount of gratuity or full pension in accordance with para 9.1 of the Govt. of K.P.K Civil Servants Pension Rules and order updated up to 15.07.2006. (The views has been confirmed by Finance Department vide No. FD (SOSR-II) 4-36/2010, dated 13.12.2010.).
2. The spirit of para 9.1 of the Govt. K.P.K Civil Servants Pension Rules and order discourage admissibility of second civil pension, therefore, discuss for employment only.
3. The plea of incumbent with regard to his date of birth is in contrary to F.R 117(3) wherein even if a person entered in military employment, if subsequently employed in a civil department, the date of birth recorded on enrollment in military service will be considered.

Keeping in view the above rules / order, the applicant is neither entitled to get secondary pension that is also required to deposit the pay and allowances drawn by him are superannuation.

Enclosed: Pension Claim Papers
Along with Original Service Book

Add: District Accounts Officer:
Bannu

Copy Forwarded to:-

1. The Accountant General K.P.K Peshawar with the request to re-examine the case in light of the above explanation and apprised this office with there learn decision to issue PPO to the applicant concern or other wise.
2. The Director Education (Elementary and Secondary Education) K.P.K Peshawar.
3. The E.D.O (Elementary and Secondary Education) Bannu.

Handwritten signature
U. G. Khan

Add: District Accounts Officer
Bannu

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 2412/2015

Zabta Khan

versus

DAO & Others

REJOINDER

Respectfully Sheweth,

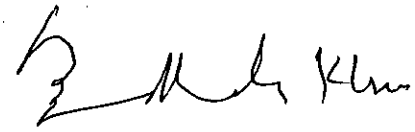
ON FACTS

1. Admitted correct by the respondents, regarding retirement from FRP on invalid pension and not on regular.
2. In response to the Para of the reply, it is submitted that MS was competent to record his date of birth as 08-05-1950 and not the department to record the same as 28-11-1943.
3. Admitted correct by the respondents. Appellant neither made fraud nor any manipulation in service record but it was MS and department to convert date of birth. He is not responsible for the same. No recovery could be effected from him being in good faith.
- 4-6. Not commented upon by the respondents, so these Paras of the appeal are admitted correct by them regarding sanction of pension, observation of DAO and its removal by the departments.
- 7-9. Not correct. Appellant did render service to the department, so is entitled for Pension. As for as FRP Pension is concerned, the same was not on merit but was invalid Pension and not of the superannuation.
10. Not replied by respondent.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Appellant

Through



Saadullah Khan Marwat

Advocate,

Dated: 02.11.2016

AFFIDAVIT

I, Zabta Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


DEPONENT

Before The KPK Service Tribunal
Peshawar

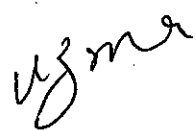
Service Appeal NO 20/2014

Zaibta Khan vs Education

R/s


22.08.16

we received 500/- cost in
the above mention case



UZMA SYED

Advocate

22-8-2016

Before the Khyber Pakhtoon Khwa
Service Tribunal:-

Title: Zabta Khan : Service Appeal No: 20/2014
v/s
Govt of K.P.K

Respectively Shewith;

- 1- That the above Subject Case/Appeal is pending before the Honourable Tribunal, which is fix for today.
2. that matter in issue is closely related to Distt Accounts office Bannu and the replying respondent have no Concerned with the Subject Matter. it is requested that the replying respondent may please be delated from the Pannal of respondents being a un. necessary party :-

Full name
Distt Education officer
(M) Bannu
Respondent No-3

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 503-7 /ST

Dated 25-3- / 2019


To

1. The District Accounts Officer,
Government of Khyber Pakhtunkhwa,
Bannu.
2. Head Master, GHS, Bizan Khel,
Government of Khyber Pakhtunkhwa,
FR, Bannu.
3. The District Education Officer ,
Government of Khyber Pakhtunkhwa,
Bannu.
4. Director, E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.
5. Secretary, E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN APPEAL NO. 20/2014, MR. ZABTA KHAN.

I am directed to forward herewith a certified copy of order dated 11.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.