

To

1. The Secretary Establishment,  
Government of Khyber Pakhtunkhwa.
2. The Additional Secretary (HR),  
Focal Person Right to Information ACT,  
Establishment Department.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 460

Dated 23/04/2018

SUBJECT: DECISION ON APPEAL NO.8/2014 OF KPK SERVICE  
TRIBUNAL (DECISION DATED 28<sup>TH</sup> OCTOBER 2016.

Sir,

It is to submit that decision of my appeal was announced on 28<sup>th</sup> October 2016 by KPK Services Tribunal. No action was taken on this decision by the Establishment or Finance Department, I therefore requested the department in writing (copy of which is attached on 14<sup>th</sup> March 2017). Now it has been more than one year and inspite of many visits and request to the office I have not been able to get any reply to my application.

It is therefore requested, that as per Right To Information ACT KPK I may be provided complete copies of the note sheet/file/ correspondence vide which my appeal has been processed and compared with that of Mr.Abdul Latif as per decision of the KPK Service Tribunal.

(Syed Manzoor Ali Shah)

Ex-Secretary P&D/ Member Services Tribunal

Add:H.No.156-B Road No.7 Phase-II,

Pakistan Naval Farms Islamabad

Contact No. 03005976329

Placed on relevant file

16/4/2018

Copy forwarded for information to :

1. Chief Secretary Khyber Pakhtunkhwa.
2. Chairman Right to Information KPK.
3. Chairman Services Tribunal KPK.

23/4/18

Secy Establishment  
Govt of KPK

Subject: - Decision in Appeal  
No 8/2014 of KPK Service  
Tribunal (decision on Oct 2016)  
20/10/2016.

Sir,  
It is to submit that  
the Service Tribunal has  
decided the case and  
the dept has not taken  
any action on the decision  
although the decision was  
announced in October 2016.

It is requested to kindly  
expedite and arrange  
payments etc as in accordance  
with decision of the Service Tribunal.

Yours Sincerely

Syed Manzoor Ali Shah  
Ex Member Service Tribunal

M/20/2017.  
(0300 5976327).

(Copy of decision  
is attached)

11.7.2013 WITH ALL ARREARS AND CONSEQUENTIAL

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 80 /2014



Mr. Syed Manzoor Ali Shah, (Ex BPS-20 P&D Officer)  
Presently Member Khyber Pakhtunkhwa Public Service Commission,  
Peshawar.

**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through the Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR GRANTING 30% SPECIAL ALLOWANCE WITH ALL CONSEQUENTIAL BENEFITS, WITH EFFECT FROM 27.4.2011 TO 11.07.2013 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO GRANT 30% SPECIAL ALLOWANCE WITH EFFECT FROM 27.4.2011 TILL 11.7.2013 WITH ALL ARREARS AND CONSEQUENTIAL RELIEF. ANY OTHER REMEDY, WHICH THIS AUGUST

ATTESTED  
MEMBER  
Khyber Pakhtunkhwa  
Tribunal,  
Peshawar

80/2014

*Syed Manzoor Ali Shah vs Govt of KPT*

28.10.2016



Counsel for the appellant (Mr. Muhammad Asif Yousafzai, Advocate) and Mr. Zakiullah, Senior Auditor alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. The learned counsel for the appellant at the very outset of his arguments produced a copy of the terms and conditions of appointment of Mr. Abdul Latif, Learned Member (Executive) of Khyber Pakhtunkhwa Service Tribunal dated 04.10.2016 and prayed that since the instant case is identical with that of the sitting Member Executive, therefore, the relief prayed for in the instant appeal may be allowed to appellant Syed Manzoor Ali Shah on the analogy of the case of sitting Member Service Tribunal. The Learned Additional Advocate General did not raise any objection on remitting the case to the respondent-department for deciding the case on its merits in accordance with law, rules and the government policy. In the circumstances, we deem it appropriate to remand the case to the respondent-department with the directions to examine and decide the same in accordance with law and rules in the light of the precedental case of the sitting Member Executive as cited above. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Announced

28.10.2016

*Self*  
*(Abdul Latif)*  
 Member

*Self*  
*(Pir Bakhtu Shah)*  
 Member

Certified to be true copy

*[Signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar.

*[Signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar.

80/2014

*Syed Manzoor Ali Shah vs Govt of KPK*

28.10.2016

Counsel for the appellant (Mr. Muhammad Asif Yousafzai, Advocate) and Mr. Zakiullah, Senior Auditor alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. The learned counsel for the appellant at the very outset of his arguments produced a copy of the terms and conditions of appointment of Mr. Abdul Latif, Learned Member (Executive) of Khyber Pakhtunkhwa Service Tribunal dated 04.10.2016 and prayed that since the instant case is identical with that of the sitting Member Executive, therefore, the relief prayed for in the instant appeal may be allowed to appellant Syed Manzoor Ali Shah on the analogy of the case of sitting Member Service Tribunal. The Learned Additional Advocate General did not raise any objection on remitting the case to the respondent-department for deciding the case on its merits in accordance with law, rules and the government policy. In the circumstances, we deem it appropriate to remand the case to the respondent-department with the directions to examine and decide the same in accordance with law and rules in the light of the precedental case of the sitting Member Executive as cited above. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED  
28.10.2016

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

01.04.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant is not in attendance today therefore, case is adjourned to 25.5.16 before D.B.



Member



Member

25.05.2016

Counsel for the appellant, M/S Ansar Ahmad, AAO and Sultan Shah, Assistant alongwith Addl. AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned for arguments on 9.8.2016.



Member



Member

09.08.2016

Agent to counsel for the appellant 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 28.10.16.



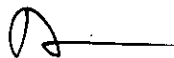
Member



Member

12.06.2015

Junior to counsel for the appellant, Mr. Muhammad Jan, GP with Sultan Shah, Assistant and Ansar Ahmad, AAO for the respondents present. Junior to counsel for the appellant requested for adjournment as his senior is not available to-day due to medical check-up of his father. Therefore, case is adjourned to 30.10.2015 for arguments.



MEMBER



MEMBER

30.10.2015

Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 28-1-16.



Member



Member

28.01.2016

Counsel for the appellant and Mr. Ansar Ahmad, AAO alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 1-4-2016.




MEMBER



MEMBER

12.11.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Sultan Shah, Assistant and Farhad Durrani, AAO for the respondents present. The Tribunal is incomplete. To come up for the same on 16.12.2014.



READER

16.12.2014

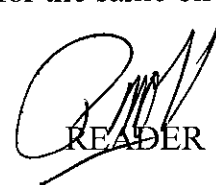
Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Sultan Shah, Assistant and Farhad Durrani, AAO for the respondents present. The Tribunal is incomplete. To come up for the same on 20.1.2015.



READER

21.1.2015

Since 20<sup>th</sup> January, 2014 has been declared as public holiday, therefore, case to come up for the same on 9.4.2015.



READER

19.3.2015

Counsel for the appellant and Mr. Ziaullah, GP with Sultan Shah, Assistant and Ansar Ahmad, AAO for the respondents present. Counsel for the appellant requested for adjournment. Therefore, case is adjourned to 12.06.2015 for arguments.



MEMBER



MEMBER



6.6.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Sultan Shah, Assistant for respondents No. 1 & 2, Muhammad Irshad, Supdt. for respondent No. 3 and Farhad Durrani, AAO for respondent No. 4 present and requested for time. To come up for written reply positively on 03.7.2014.

MEMBER

MEMBER

03.07.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sultan Shah, Assistant, Muhammad Irshad, Supdt. and Farhad Durrani, AAO for the respondents present and requested for further time. To come up for written reply by way of last chance on 15.08.2014.

MEMBER

MEMBER

15.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sultan Shah, Assistant, Muhammad Irshad Supdt. and Farhad Durrani, AAO for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 4.09.2014.

MEMBER

04.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Sultan Shah, Assistant and Muhammad Irshad, Supdt. for the respondents present. Rejoinder received and copy handed over to the learned AAG. To come up for arguments on 12.11.2014.

MEMBER

Appeal No. 80/2014  
Eyed Manzoor Ali Shah

Counsel for the appellant present. Preliminary arguments

heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned notification dated 27.04.2011, he filed departmental appeal on 14.09.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 10.01.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 26.05.2014.

Member

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

12.03.2014

25.4.2014

Counsel for the appellant, Mr. Muhammad Jan, Chairman, GP with Sultan Shah, Assistant for respondents No. 1 to 3 present and requested for further time. None is available on behalf of respondent No.4. Fresh notice be issued to him positively. To come up for written reply on 14.5.2014.

MEMBER

MEMBER

14.5.2014.

Counsel for the appellant and AAG with Sultan Shah, Assistant for respondents No. 1 and 2, Muhammad Irshad, Supdt. for respondent No. 3 and Tariq, Senior Auditor for respondent No.4 present and requested for further time. To come up for written reply on 06.06.2014.

MEMBER

MEMBER

Before The KPk Service Tribunal, Peshawar

Appeal No. 80/2014.

Syed Manzoor Ali Shah - vs - Govt. of KPk etc.

Application for accelerating the date of hearing instead of 26.5.14.

R. Shewari:

1. That the above noted appeal is pending before this august Tribunal and fixed for 26.5.2014.

2. That as per calendar, the public holiday is announced/scheduled on 26.5.2014 on account of "Shab-e-Baraat".

Therefore, it is prayed that the date fixed may be changed to some other working day.

Counsel for Appellant

M. Asif Yousaf  
Asst.  
A

Case file be  
Exposition

03.04.14.

Case file be  
fixed for 25-04-14.

Notice be  
issued


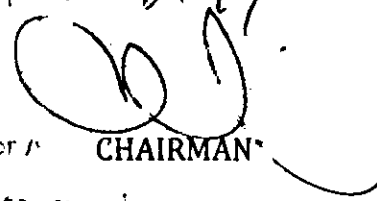
to opposite party  
for date fixed

03.04.14.

Form- A  
FORM OF ORDER SHEET

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

Case No. 80/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/01/2014	<p>The appeal of Syed Manzoor Ali Shah resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Syed Manzoor Ali Shah Member Public Service Commission received today i.e. on 10.01.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Appeal may be page marked according to the index.
- 3- Six more copies/sets of the appeal along with annexures i. e. complete in all respect may be submitted with the appeal.

No. 60 /S.T,

Dt. 13/01 /2014.

60  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

*Re submitted after compliance*  
*Asif*

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

Appeal No. 80 /2013

Mr. Syed Manzoor Ali Shah V/S Govt. of Khyber Pakhtunkhwa.

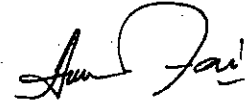
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S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Order dt. 7.10.2008	A	5
3.	Charge report.	B	6
4.	Order dt. 20.1.2010	C	7
5.	Notification dt. 27.4.2011	D	8
6.	Appeal.	E	8 - 10
7.	Vakalat nama	---	11.

APPELLANT

SYED MANZOOR ALI SHAH

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

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

Appeal No. 80 /2014

43  
10-1-2014

Mr. Syed Manzoor Ali Shah, (Ex BPS-20 P&D Officer)  
Presently Member Khyber Pakhtunkhwa Public Service Commission,  
Peshawar.

**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through the Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR GRANTING 30% SPECIAL ALLOWANCE WITH ALL CONSEQUENTIAL BENEFITS, WITH EFFECT FROM 27.4.2011 TO 11.07.2013 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO GRANT 30% SPECIAL ALLOWANCE WITH EFFECT FROM 27.4.2011 TILL 11.7.2013 WITH ALL ARREARS AND CONSEQUENTIAL RELIEF. ANY OTHER REMEDY, WHICH THIS AUGUST

TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO  
BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

1. That the appellant joined the P&D Department in 1981 as Assistant Chief BPS-18. He also performed his duty as Secretary, P&D Department from 2003 to 2008. He was made an OSD on 7.10.2008 and he was directed to perform his duties as Member Khyber Pakhtunkhwa Service Tribunal, Peshawar. Then he was posted as Member KPK Service Tribunal on 20.01.2010. He remained as Member of the Service Tribunal, Peshawar till 11.07.2013. Copies of orders are attached as Annexure – A, B, C,.
2. That the appellant has performed duty on various posts inside and out side secretariat in BBS-20 with good record throughout.
3. That the Government of KPK had allowed 20% of the Basic Pay as Special Allowance which he had been receiving till the date of discontinuation. Later on, the said special Allowance was enhanced upto 30% by the Government and also discontinued to the employees posted outside the Civil Secretariat, Chief Minister's Secretariat and Governor House Secretariat. Therefore, on the basis of discontinuation order of the Government, the said Special Allowance was discontinued from his salaries being posted in the Service Tribunal as Member. As he was performing his duties as Member of the Service Tribunal and at the same time he was a civil servant too, therefore, it was not proper to file an appeal before the Service Tribunal being a civil servant. Copy of notification is attached as Annexure – D.
4. That as the appellant was working as Member KPK Service Tribunal and at the same time a civil servant also at the time of discontinuation of special allowance. Therefore, to avoid vested interests as Member KPK Service Tribunal, the appellant did not challenge the said discontinuation of 30% allowance. However, after reposting in P&D, the appellant filed departmental appeal for his claim and waited for ninety days but no reply has been received till date. Hence the present appeal on the following grounds amongst the others. Copy of Appeal is attached as Annexure-. E.



## **GROUND:**

- A) That the impugned order is against the law, rules, principle of equality, material and discriminatory, therefore, not tenable.
- B) That since the appellant is in receipt of the aforesaid allowances since 1.2.2008, therefore, rights has been accrued which can be unilaterally withdrawn. Furthermore, there is proper procedure for withdrawal/discontinuation of certain benefits which has been violated.
- C) That the attitude of the respondents is against the principles of equality and in violation of Article-4 and 25 of the Constitution, therefore, not sustainable.
- D) That the unilateral discontinuation and non payment of special allowance for the period mentioned in appeal is illegal especially when the appellant is already receipts of the aforesaid allowances, which also created vested rights in favour of appellant.
- E) That the appellant is legally entitled to the said allowances as the appellant belong to Secretariat Group (an employee of the Civil Secretariat) and Under Section 10 of the Civil Servants Act, 1973, liable to serve anywhere on any post under the Government local authority or a corporation or a body set by any such government provided if a civil servant is served in a post outside his service or cadre his pay and allowances shall not be less than those to which he would have been entitled if he had not been so rigid to serve. So posting as the appellant as Member of the Service Tribunal, does not effect the terms and condition of pay etc of the appellant and is fully entitled to the aforesaid allowance and also to its enhanced rates as admissible to other members of his service / cadre.
- F) That the said allowances have been allowed for the Secretaries/ Special Secretaries only, which to amounts to creation of classes/Groups within service/cadre on irrational basis is against the principle set by the Honourable Supreme Court in its various judgments.
- G) That the previously, such like notifications were also issued for the Secretariat Employees only, but the superior courts held the creation of such grouping after promulgation of unified pay/scale/grade as discriminatory, resultantly the said benefits of

allowances were allowed to all employees of Government of Khyber Pakhtunkhwa, because the same was against the spirit of Section-17 of Civil Servant Act 1973.

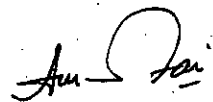
- H) That discontinuation and non payment of the claimed allowances are against the principle of Locus Poenitentiae because ones the appellant was in receipt of allowance which resultantly created valuable rights has been affected in an arbitrary manner without showing any reasons which is permissible in the eyes of law.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT

  
SYED MANZOOR ALI SHAH

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



A (5)

GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT.

1097  
11-10-08  
Dated Peshawar the 7<sup>th</sup> October 2008

**NOTIFICATION**

**NO. SO(E-I)E&AD/1-263/89.** The Competent Authority is pleased to post the following officers presently awaiting posting in E&A Department to work as Members NWFP Services Tribunal, Peshawar in the public interest, with immediate effect:-

1. Mr. Shahid Nasim Chamkani  
(DSJ BS-21)

2. Syed Manzoor Ali Shah  
(BS-20 P&D Officer)

2. The officers will continue to receive their salaries against the posts of OSD, E&AD.

**CHIEF SECRETARY,  
GOVERNMENT OF N.W.F.P.**

**Endst. NO. & date even**

Copy forwarded to the:-

1. Secretary to Governor, NWFP.
2. Principal Secretary to Chief Minister, NWFP.
3. Secretary to Govt of NWFP, Law, Parliamentary Affairs & Human Rights Department.
4. Secretary, Planning & Development Department.
5. Chairman, NWFP Services Tribunals, Peshawar.
6. Registrar, Peshawar High Court, Peshawar.
7. Accountant General, NWFP.
8. PS to Chief Secretary, NWFP.
9. P.S. to Secretary Establishment.
10. Officers concerned.
11. Manager, Govt. Printing Press Peshawar.

*Subject to note f n/a*

**ATTESTED**

*M. A. A.*  
*13/10/08*  
M. Yousuf Jalol /

7.10.08

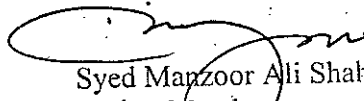
(ABDUL JALIL)

DEPUTY SECRETARY (ESTAB)  
PHONE & FAX # 091-9210529

10/10/08

ASSUMPTION OF CHARGE CERTIFICATE

In pursuance of the Government of NWFP, Establishment and Administration Department, Peshawar Notification No. SO(E-1)E&AD/1-263/89, dated 7<sup>th</sup> October 2008, I Syed Manzoor Ali Shah, assumed the charge as Member, NWFP Service Tribunal, Peshawar to day the 13<sup>th</sup> October 2008. (A.N)

  
Syed Manzoor Ali Shah  
Member  
NWFP Service Tribunal  
Peshawar

No. 2048-52/ST,

Dated Peshawar, the 13/10/2008

Copy forwarded to.

- 1 The P.S to Chief Secretary, Government of NWFP, Peshawar.
- 2 The Secretary, Government of NWFP, E&AD, Peshawar.
- 3 The Accountant General, NWFP Peshawar.
- 4 The Manager, Government Printing Press for publication in the next gazette.
- 5 Personal file.

/

Syed Manzoor Ali Shah  
Member  
NWFP Service Tribunal  
Peshawar

**ATTESTED**  




GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT.

Story No. 59  
Date: 23/1/2010

Dated Peshawar the 20<sup>TH</sup> January 2010

**NOTIFICATION**

**NO. SO(E-I)/E&AD/9-126/2010** The Competent Authority is pleased to order the posting of Syed Manzoor Ali Shah (BS-20 P&D Service) OSD E&AD as Member, NWFP Service Tribunal Peshawar, against the vacant post, in the public interest, with immediate effect.

**CHIEF SECRETARY  
GOVERNMENT OF N.W.F.P.**

**Endst. NO. & date even**

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Secretary to Governor, NWFP
3. Principal Secretary to Chief Minister, NWFP
4. All Administrative Secretaries to Government of NWFP
5. Accountant General, NWFP.
6. PS-to Chief Secretary, NWFP
7. P.S. to Secretary Establishment, E&AD/S.O.(Admn)/S.O. Secret/ E&AD
8. Officer concerned
9. Manager, Govt. Printing Press Peshawar

(ZUBAIR AHMAD)  
SECTION OFFICER (ESTT. I)  
PH: & FAX# 091-9210529

ZIAULHAQ/A\*

Submitted for perusal please  
Hon'ble  
Chairman.  
23/1/2010

Seen  
  
25/1/10

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(Regulation Wing)

Dated Peshawar, April 27, 2011

NOTIFICATION

No.FD(SOSR-II)8-7/2011. Governor, Khyber Pakhtunkhwa Province has been pleased to approve, with effect from 07-04-2011 and until further orders, *Increase* in the rate of *Special Allowance*, sanctioned vide this Department letter No.FD(SOSR-II)8-7 2002/Vol.IV dated 06-02-2008, and subsequently amended vide letter of even number dated 03-03-2008, from the existing 20% of the Basic Pay to *30% of the Basic Pay*.

2- Special Allowance shall cease to be admissible to the civil servant with effect from the date when, consequent upon his transfer to a post outside Civil Secretariat, Chief Minister's Secretariat or Governor's House Secretariat, he relinquishes the charge of the post held by him in any of these Secretariats.

3- The admissibility of Special Allowance shall continue to be subject to the conditions prescribed in Finance Department letters referred to in Para-1 above, or conditions which may be prescribed by the Government from time to time.

Secretary to Government of  
Khyber Pakhtunkhwa  
Finance Department

Encl: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. All Administrative Secretaries of Khyber Pakhtunkhwa Province.
2. Accountant General Khyber Pakhtunkhwa, Province.
3. Secretary to Governor, Khyber Pakhtunkhwa Province.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Province.
5. Director FMIU, Finance Department, Khyber Pakhtunkhwa Province.

ATTESTED

ATTESTED (WAZIR MUHAMMAD AFGAR)  
Section Officer (SR.II)

NTA  
⑨

To

The Honourable Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

Subject: RAPPEAL FOR PAYMENT OF 30% SPECIAL ALLOWANCE  
FROM 27.4.2011 TILL 11.7.2013 WITH ALL  
CONSEQUENTIAL ARREARS AND BENEFITS.

Sir,

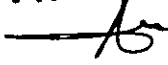
①

It is to submit that I have joined the P&D Department in 1984 as Assistant Chief BPS-18. I also performed my duty as Secretary, Planning & Development Department from 2003 to 2008. I was made an OSD on 7.10.2008 and directed to perform my duties as Member Khyber Pakhtunkhwa Service Tribunal, Peshawar. Then I was posted as Member KPK Service Tribunal, Peshawar on 20.1.2010. I remained as Member of the Service Tribunal, Peshawar till 11.7.2013.

The Government of KPK, had allowed 20% of the basic pay as Special Allowance which I had been receiving till the date of discontinuation. Later on, the said Special Allowance was enhanced upto 30% by the Government and also discontinued to the employees posted outside the Civil Secretariat, Chief Minister's Secretariat and Governor House Secretariat. Therefore, on the basis of discontinuation order of the Government, the said Special Allowance was discontinued from my salaries being posted in the Service Tribunal as Member. As I was performing my duties as Member of the Service Tribunal and at the same time I was a civil servant too, therefore, it was not proper to file an appeal before the Service Tribunal being a civil servant.

As I have been deprived from monetary benefits merely on the ground of being posted outside the Civil Secretariat is not tenable in the eyes of law. Moreover, as I was receiving the said benefit, therefore, under the Principle of Locus Potentiae, the said Special Allowance could not be discontinued. I was fully entitled to the said allowance being a civil servant and discriminated on the ground of having posting out-side the civil

ATTESTED



secretariat, which is the violation of the Article-2-A, 4 and 25 of the Constitution.

It is, therefore, most humbly requested that I may be paid 30% special allowance for the period during which it was discontinued with all arrears and consequential benefits.

Dated. 14 Sept-2013.

Appellant

*Manzoor Ali Shah*  
Syed Manzoor Ali Shah,

*Ex-*  
BP'S-20, P&D Officer, Peshawar.

ATTESTED  
*tu*



11

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar.

Syed Manzoor Ali Shah (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt. of Kpk etc. (Respondent)  
(Defendant)

I/We, Syed Manzoor Ali Shah (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

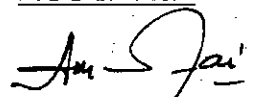
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 16-1-2014



(CLIENT)

ACCEPTED



**M. ASIF YOUSAFZAI**  
Advocate.

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

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

Service Appeal No.80/2014  
Syed Manzoor Ali Shah, (Member P.S.C)

...Appellant

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa.
2. Secretary Establishment Department, Govt: of Khyber Pakhtunkhwa.
3. The Secretary Finance Department Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa.

...Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,2 & 03**

**PRELIMINARY OBJECTIONS**

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appeal in hand having no merits is not maintainable.
- 4) That the appeal is time barred.
- 5) That the appeal is not maintainable due to nonjoinder and misjoinder of necessary parties.

**FACTS**

1. Relates to official record, hence need no comments.
2. Relates to service record of appellant, hence need no comments.
3. Correct to the extent that Special Allowance at the rate of 20% was enhanced to 30% of the Basic Pay vide Notification No.FD/SOSR-II/8-7/2011 dated 27/04/2011. However, Special Allowance ceased to be admissible to the employees posted out-side Civil Secretariat, Chief Minister Secretariat or Governor Secretariat(Annexure-"A").
4. Incorrect. In pursuance of policy of Provincial Government Special Allowance enhanced to 30% w.e.f 07.04.2011 has, however been ceased to be admissible to Civil Servants transferred out-side Civil Secretariat, Chief Minister Secretariat & Governor House Secretariat when he relinquishes the charge of the post held by him in any of these Secretariats, with the approval of the Competent Authority and is neither discriminatory treatment, against principle of equality nor illegal and unlawful.


**GROUNDS**


- A) Incorrect. As mentioned at Para-4 above.
- B) Incorrect. As explained at Para-4 above.
- C) Incorrect. As explained at Para-4 above. There is no violation of the Section 4 and Article 25 of the Constitution, 1973 on the part of respondents.
- D) Incorrect. No illegality has been committed by the respondent. It is also worth mentioning that appellant while posted as Member Khyber Pakhtunkhwa, Service Tribunal was receiving Rs.25,000/- P.M as Special Service Tribunal allowance (Annexure-B).

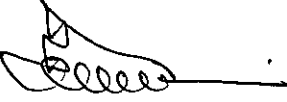
**Cont'd Next Page-(2)**

- E) Incorrect. Article 10 of NWFP Civil Servants Act 1973 states that "where a civil servant is required to serve in a posts outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve " (**Annexure-C**). The appellant demand is regarding allowances and his pay has not been affected/less favorably while posted out from Civil Secretariat as Member, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- F) Incorrect. As per Para mentioned above.
- G) Incorrect. As explained at Para-E above. Appellant has not been subjected to discrimination or grouping.
- H) As explained at Para 3 & 4 of the "FACTS".
- I) No comments.

It is therefore, prayed that the appeal in hand may please be dismissed with cost having no merit.

  
CHIEF SECRETARY  
GOVT:OF KHYBER PAKHTUNKHWA  
(RESPONDENT NO.1)

  
SECRETARY  
GOVT:OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(RESPONDENT NO.2)

  
SECRETARY  
GOVT: OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(RESPONDENT NO.3)

SECRETARY  
Govt: of Khyber Pakhtunkhwa  
Finance Deptt:



(22) Annex: A

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(Regulation Wing)**

Dated Peshawar, April 27, 2011

**NOTIFICATION**

No.FD(SOSR-II)8-7/2011. Governor, Khyber Pakhtunkhwa Province has been pleased to approve, with effect from 07-04-2011 and until further orders, *Increase* in the rate of *Special Allowance*, sanctioned vide this Department letter No.FD(SOSR-II)8-7 2002/Vol.IV dated 06-02-2008, and subsequently amended vide letter of even number dated 03-03-2008, from the existing 20% of the Basic Pay to *30% of the Basic Pay*.

2- Special Allowance shall cease to be admissible to the civil servant with effect from the date when, consequent upon his transfer to a post outside Civil Secretariat, Chief Minister's Secretariat or Governor's House Secretariat, he relinquishes the charge of the post held by him in any of these Secretariats.

3- The admissibility of Special Allowance shall continue to be subject to the conditions prescribed in Finance Department letters referred to in Para-1 above, or conditions which may be prescribed by the Government from time to time.


**Secretary to Government of  
Khyber Pakhtunkhwa  
Finance Department.**

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

1. All Administrative Secretaries of Khyber Pakhtunkhwa Province.
2. Accountant General Khyber Pakhtunkhwa, Province.
3. Secretary to Governor, Khyber Pakhtunkhwa Province.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Province.
5. Director FMIU, Finance Department, Khyber Pakhtunkhwa Province.

**ATTESTED**

  
(WAZIR MUHAMMAD AFGAR)  
Section Officer (SR.II)

# Service Tribunal Allowance

Annex "B"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the 18/5/2011

## NOTIFICATION

**No.FD(SOSR-II)8-43/2011.** In exercise of powers conferred by Sub-section-4 of Section-3 of the NWFP Service Tribunal Act, 1974 (NWFP Act No.I of 1974), the Governor of Khyber Pakhtunkhwa has been pleased to sanction, *with effect from 15/03/2011* and until further orders, **Special Service Tribunal Allowance** for the Chairman and Members of the Service Tribunal of Khyber Pakhtunkhwa Province, at the following rates:-

- |     |           |                       |
|-----|-----------|-----------------------|
| i)  | Chairman. | Rs.35,000/- per month |
| ii) | Members.  | Rs.25,000/- per month |

2. Special Service Tribunal Allowance:-

- will not be admissible to a judge of the High Court, on his appointment as Chairman of the Service Tribunal.
- will be admissible during the period of leave, except extra ordinary leave.
- will not be treated as part of the emolument for the determination of pension or recovery of House Rent.

Secretary to Government of Khyber Pakhtunkhwa  
Finance Department

Endst: No. & date even.

Copy is forwarded for information and necessary action to the:-

- Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department. 509
- Accountant General, Khyber Pakhtunkhwa.
- Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar. 24/5
- Director, FMIU, Finance Department.
- Budget Officer-IV, Finance Department.

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

16/21/05

NWFP CIVIL SERVANTS ACT 1973 (UPDATED UPTO 17<sup>th</sup> JAN 2009)

THE NWFP CIVIL SERVANTS ACTS, 1973  
(N.W.F.P. Act No. XVIII of 1973)

*An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province.*

**Preamble- WHEREAS** it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, application and commencement:-** (1) This Act may be called the North West Frontier Province Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

3) It shall come into force at once.

CHAPTER-I

PRELIMINARY

2. **Definitions:-** (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
  - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
  - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the North-West Frontier Province.
- (d) "Initial appointment" means appointment made otherwise than by promotion or transfer;
- (e) "Pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid;

45  
NWFP CIVIL SERVANTS ACT 1973 (UPDATED UPTO 17<sup>th</sup> JAN 2009)

- (h) "Province" means the North West Frontier Province;
- (i) "rules" means rules made or deemed to have been made under this Act;
- (j) "Selection authority" means the North-West Frontier Province Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) "temporary post" means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER-II

TERMS AND CONDITIONS  
OF SERVICE OF CIVIL SERVANTS

3. **Terms and Conditions:-** The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.
4. **Tenure of office of civil servants:-** Every civil servant shall hold office during the pleasure of the Governor.
5. **Appointment :-** Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.
6. **Probation:-** (1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed.
- (2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.
- (3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise-
- (a) if he was appointed to such service or post by initial recruitment, be discharged; or
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

3

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed probation.

**NWFP CIVIL SERVANTS ACT 1973 (UPDATED UPTO 17<sup>th</sup> JAN 2009)**

(2) A civil servant promoted to a post <sup>1</sup>{ } on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing there-from.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. **Seniority:-** (1) For proper administration of a service, cadre or <sup>2</sup>{post}, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or <sup>3</sup>{post} to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or <sup>4</sup>{post} as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or <sup>5</sup>{cadre} whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>6</sup>{cadre} or post shall be determined as may be prescribed.

<sup>7</sup>(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post."

<sup>8</sup>(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. **Promotion:-** (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a <sup>9</sup>{higher} post for the time being reserved under the rule for departmental promotion in <sup>10</sup>{ } the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit and

(b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. **Posting and Transfer:-** Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any



47  
Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a posts outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service:- (1) The service of a civil servant may be terminated without notice-

(i) During the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service], cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such <sup>1</sup>[service] or cadre, but he shall be reverted to his former <sup>2</sup>[service], cadre or post, as the case may be;

(ii) On the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of post in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub section (2), the service of a civil servant in temporary employment or appointed ad hoc shall be liable to termination on fourteen days notice or pay in lieu thereof.

<sup>3</sup>11-A. Absorption of civil servants rendered surplus. Notwithstanding anything contained in this Act, the rules made there-under, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that, where no equivalent post is available, he may be offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.

5  
12. Reversion to a lower <sup>4</sup>(post):- A civil servant appointed to a higher post or <sup>5</sup>[before the commencement of the North-West Frontier Province Civil Servants amendment) Ordinance, 1985 to a higher] grade ad hoc or on temporary or officiating basis shall be liable to reversion to his lower post <sup>6</sup>[ ] without notice.

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

Service Appeal No. 80/2013

Syed Manzoor Ali Shah

VS

Chief Secretary etc.

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Official record of the appellant is in the custody of respondent department.
- 2 Official record of the appellant is in the custody of respondent department.
- 3 Incorrect. The appellant is legally entitled to the said allowances as the appellant belong to Secretariat Group (an employee of the Civil Secretariat) and Under Section 10 of the Civil Servants Act, 1973, liable to serve anywhere on any post under the Government local authority or a corporation or a body set by any such government provided if a civil servant is served in a post outside his service or cadre his pay and allowances shall not be less than those to which he would have been entitled if he had not been so rigid to serve. So posting as the appellant as Member of the Service Tribunal, does not effect the terms and condition of pay etc of the appellant and is fully entitled to the aforesaid allowance and

also to its enhanced rates as admissible to other members of his service/cadre.

- 4 Incorrect. That the appellant is legally entitled to the said allowances as the appellant belong to Secretariat Group (an employee of the Civil Secretariat) and Under Section 10 of the Civil Servants Act, 1973, liable to serve anywhere on any post under the Government local authority or a corporation or a body set by any such government provided if a civil servant is served in a post outside his service or cadre his pay and allowances shall not be less than those to which he would have been entitled if he had not been so rigid to serve. So posting as the appellant as Member of the Service Tribunal, does not effect the terms and condition of pay etc of the appellant and is fully entitled to the aforesaid allowance and also to its enhanced rates as admissible to other members of his service/cadre. Moreover the appellant filed departmental appeal for his claim but did not response after lapse of statutory period.

**GROUND:**

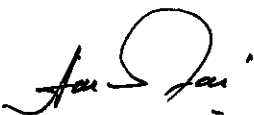
- A) Incorrect. While para A of the appeal is correct.
- B) Incorrect. While para B of the appeal is correct.
- C) Incorrect. There is violation of the Article-4 and 25 on the part of respondents as the appellant is legally entitled to the said allowances as the appellant belong to Secretariat Group (an employee of the Civil Secretariat) but he was deprived from that.
- D) Incorrect. Illegality has been committed by the respondents as the Govt: of KPK had allowed 20% of the Basic Pay as special allowance which was withdraw/discontinue with out following proper procedure.
- E) Incorrect. While para E of the appeal is correct.
- F) Incorrect, as not replied according to para F of the appeal.

- G) Incorrect, as not replied according to para G of the appeal.
- H) Incorrect. That the appellant is legally entitled to the said allowances as the appellant belong to Secretariat Group (an employee of the Civil Secretariat) and Under Section 10 of the Civil Servants Act, 1973, liable to serve anywhere on any post under the Government local authority or a corporation or a body set by any such government provided if a civil servant is served in a post outside his service or cadre his pay and allowances shall not be less than those to which he would have been entitled if he had not been so rigid to serve. So posting as the appellant as Member of the Service Tribunal, does not effect the terms and condition of pay etc of the appellant and is fully entitled to the aforesaid allowance and also to its enhanced rates as admissible to other members of his service/ cadre.
- I) No comments.

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

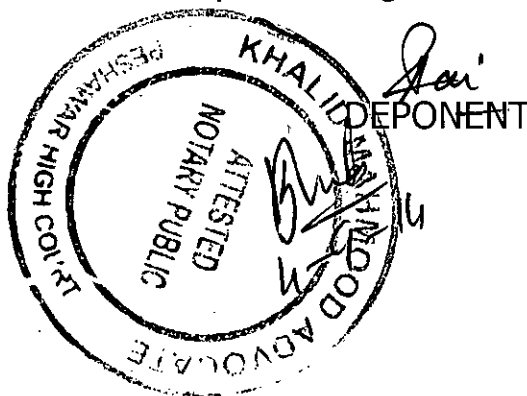
APPELLANT  
Syed Mazoor Ali Shah

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



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

Service Appeal No. 80/2013

Syed Manzoor Ali Shah

VS

Chief Secretary etc.

.....

**REJOINDER ON BEHALF OF APPELLANT**

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**GROUND:**

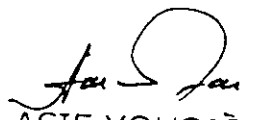
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- I) No comments.

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

APPELLANT  
Syed Mazoor Ali Shah

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT