

07.01.2020

Appellant alongwith counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Ilyas, SDO for the respondents present. Arguments heard and record perused.

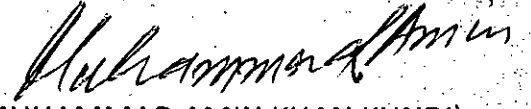
Vide our detailed judgment of today consisting of seven pages placed in connected Service Appeal No. 1325/2018 titled "Yaqoob Versus Executive Engineer Public Health Engineering, Division Buner and two others", we are constrained to accept the appeal and direct the respondent-department to finalize the pension case of the appellant and grant pensionary benefits to him. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

07.01.2020




(HUSSAIN SHAH)
MEMBER
CAMP COURT SWAT



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT SWAT


07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Ilyas, SDO on behalf of respondents No. 1 & 2 and Mr. Amir Zaman, Assistant Accountant for respondent No. 3 present. Written reply on behalf of respondent No. 3 already submitted. Written reply on behalf of respondents No. 1 & 2 not submitted. Representative of respondents No. 1 to 2 seeks further adjournment. Last chance is granted. Case to come up for written reply/comments on behalf of respondents No. 1 & 2 on 05.11.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.11.2019

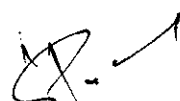
Appellant in person and Mr. Ilyas, SDO on behalf of respondents No. 1 & 2 alongwith Mr. Riaz Ahmad Paindakheil, Assistant AG present. Representative of respondents No. 1 & 2 submitted joint written reply on behalf of respondents No. 1 & 2 which is placed on record. Written reply on behalf of respondent No. 3 already submitted. Case to come up for rejoinder and arguments on 04.12.2019 before D.B at Camp Court Swat.


(Muhammad Amir Khan Kundi)
Member
Camp Court Swat

04.12.2019

Lawyers are on strike on the call of Bar Association. Adjourn. To come up for further proceedings/arguments on 07.01.2020 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat


11.06.2019

Appellant in person present. Written reply on behalf of respondents No.1 & 2 is still awaited. Amir Zaman Assistant Accountant representative of respondents No.1 & 2 absent. Respondents No.1 & 2 as well as absent representative be put to notice for submission of written reply. Adjourn. To come up for written reply/comments on 02.09.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

02.09.2019

Appellant with counsel present. Written reply on behalf of respondents No.1 & 2 still awaited. Amir Zaman Assistant Accountant representative of the respondents No.1 & 2 absent. Respondents No.1 & 2 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on behalf of respondents No.1 & 2 on 07.10.2019 before S.B at Camp Court, Swat.


Memb
Camp Court

08.02.2019 Appellant with counsel present. Preliminary arguments heard.

The appellant (Retired Chowkidar) has filed the present service appeal u/s 4 for the grant of pensionary and graduaty benefits.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 05.03.2019 before S.B at Camp Court Swat.

Appellant Deposited
Security & Process Fee

8105-51-5

Member

Camp Court, Swat

05.03.2019

Clerk to counsel for the appellant present. Mian Amir Qadir, District Attorney alongwith Mr. Sher Alam Khan, Work Supervisor and Mr. Ghous Ullah Jan, Senior Auditor for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 04.04.2019 before S.B at camp court, Swat.

Member
Camp Court, Swat

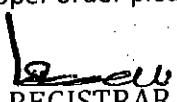


04.04.2019

Clerk to counsel for the appellant present. Sher Alam Work Supervisor representative of respondent No.3 present and submitted written reply/comments. Written reply/comments on behalf of respondents No.1 & 2 not submitted. Amir Zaman Assistant Accountant, representative of respondents No.1 & 2 seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 11.06.2019 before S.B at Camp Court, Swat.

Member
Camp Court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1326/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2018	<p>The appeal of Mr. Jamal Khan presented today by Mr. Shamsul Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 22/10/18</p>
2-	17-11-2018	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>7-12-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	07.12.2018	<p>Appellant absent. Learned counsel for the appellant absent. Notice of appearance be issued to the appellant for 08.02.2019. Adjourn. To come up for personal attendance of appellant and preliminary hearing on the date fixed before S.B at camp court Swat.</p> <p style="text-align: right;"> Member Camp Court</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1326/2018.

Jmal KhanAppellant

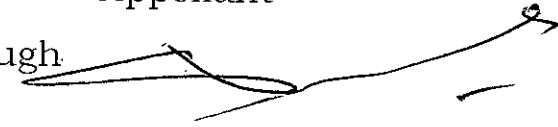
V E R S U S

Executive Engineer P.H E. Division Bunir and others Respondents

INDEX

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		1--- 3
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4.	Copies of relevant service record .	A	60
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6.	Copy of impugned office order dated 3-8-2015 3-8-2015	C	10
7.	Copies of departmental appeal.	D	11
7.	Wakalat Nama		12

Appellant

Through 

Shams ul Hadi

Advocate, Peshawar.

Office: Near Al-Falah Mosque, Hayat

Abad, Mingora.

Cell No. 0347-4773440.

Dated: 19/10/2018.

18

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1326 /2018.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1547

Dated 22/10/2018

Jamal Khan

(V/Man Public Health Engineering, Bunir)

R/o Dandar, Bunir.....Appellant.

VS

1. Executive Engineer Public Health Engg, Division Buner.
2. Chief Engineer/Secretary Public Health Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
3. District Account Officer, Buner(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT 1974
AGAINST THE IMPUGNED OFFICE ORDER
DATED:03.08.2015.**

PRAYER IN APPEAL:

On acceptance of this appeal the impugned order :03.08.2015 regarding non sanctioning after retirement benefits i-e pension and gratuity of appellant may kindly be set aside and the appellant may kindly be awarded pension and gratuity etc of appellant of his service with all back benefits of after retirement of service.

Respectfully Sheweth:

- Filed to-day**
Registrar
- 22/10/18
1. That the appellant served as Class-IV Employee in the Respondent's Department Buner and as such got his retirement on the said post.(Copies of relevant record is annexure-A)

2. That keeping in view the agonies and the financial constrains of the family of the low grade retiring employees, the provincial government was pleased to regularized the services/Posts of the appellants in the year 2008 and as such they were declared civil servants and further the said order was confirmed according to "Regularization Act,2010" and as such the appellant performed his duties as permanent employees of Education Department in Bunir, till date of their retirement.(Copy of notification is annexure-B)
3. That the appellant keeping in view of the above circulation was hopeful to get pension benefits etc after his retirement and as such waited for the same when they were taken by surprise when the Respondents No.1 informed the appellant, that they are not qualifying for pension benefits and others benefits after retirement through impugned office order dated:03.08.2015.(Copy of impugned office order dated:03.08.2015 is annexure-C)
4. That the appellant was assured that soon his pension will be released hence he waited for the same but when the appellant loss his hope then he filed departmental appeal but the same was not decided within the statutory period.(Copy of Departmental appeal annexure-D)

That being aggrieved the appellants prefer this appeal on the following grounds amongst others inter-alia.

GROUND:

- A. That actions and inactions of the respondents are violative of the constitution and the relevant laws laid down for the purpose, hence needs interference of this august Court.

- B. That the appellant has a poor financial background and served the department for long considerable period with the hopes of further benefits after retirement but the respondents did not observe the prescribed rules, regulations and denied the benefits in shape of pension to the appellant.
- C. That the issue in hand has now already been decided by august Peshawar High court through a similar nature cases hence the appellant deserve for the same treatment.

It is, therefore, humbly prayed that *On acceptance of this appeal the impugned Orders dated:03.08.2015 regarding non sanctioning after retirement benefits i-e pension and gratuity of appellant may kindly be set aside and the appellant may kindly be awarded pension and gratuity etc of appellant of his service with all back benefits of after retirement of service.*

Or

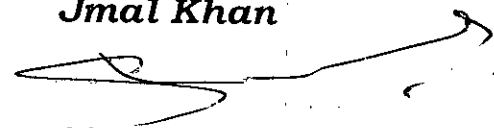
Any other relief which this august Court deems appropriate may kindly be awarded to meet the ends of justice.

Appellant



Jmal Khan

Through



Shams ul Hadi

Dated: 19/10/2018

Advocate, Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018.

Jmal KhanAppellant

V E R S U S

Executive Engineer P.H E. Division Bunir & others.Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


ADVOCATE

(5)

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2018.

Jmal KhanAppellant

V E R S U S

Executive Engineer P.H E. Division Bunir and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Jmal Khan

(Ex-V/Man Public Health Engineering, Bunir)

R/o Dandaar, Bunir.

RESPONDENTS:

1. Executive Engineer Public Health Engg, Division Buner.
2. Chief Engineer/Secretary Public Health Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
3. District Account Officer, Buner.

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Dated: 19/10/2018

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG:DIVISION SAIDU SHARIF SWAT.

No.
To,

Dated Saidu Sharif the 11 / 7 1994.

MR. Faraz Khan S/O

MR. Nawab Khan

Will. Dandar

District Bunir

Annex

"A"

6

Subject:- OFFER FOR APPOINTMENT

Reference: Interview dated 20/3/94

You are hereby offer an appointment on purely temporary and contract basis for a period of one year as Value Man at Rs: 1200/- fixed per month on Water Supply Scheme Dandar District Bunir on the following terms and conditions.

- 1) Your appointment will be on purely temporary basis as a stop gap arrangement on contract basis for period of one year extendable till your services are required by the Department. For which then you will have to furnish a fresh agreement for the same.
- 2) Your appointment as V/Man (Contract Basis) is liable to termination at any time, without assigning any reasons during the period of contract appointment. If your work during the period is not found satisfactory.
- 3) You will be liable to serve any where in Public Health Engg:Division Saidu Sharif Swat during the contract period.
- 4) You will have no claim to the right of seniority.
- 5) The pay will be started from the actual operation of the scheme.

If you are willing to accept the above mentioned terms and conditions you should sign the attached agreement in duplicate and submit the same to Sub Divisional Officer Public Health Engg:S/Division Bunir upto 9/6/94 alongwith your arrival report for duty failing which the offer stand cancelled automatically.

Executive Engineer
Public Health Engg:Division
Saidu Sharif Swat.

Copy forwarded to:-

- 1) The Superintending Engineer Public Health Engg:Circle Mingora for information please.
- 2) The District Accounts Officer Swat for information please.
- 3) The Sub Divisional Officer Public Health Engg:Sub Division Bunir for information with reference to his letter No. ML dated ML Contract may be obtained from the above named official prior to accept his arrival report.
- 4) Divisional Accountant(Local) for information.
- 5) Office order file.

Executive Engineer
Public Health Engg:Division
Saidu Sharif Swat.

etc

Better copy 6

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION SAIDU SHARIF SWAT.

No. / 03 dated saidu sharif the 1/1/1994.

To,

Mr. Jamal Khan S/o
Mr. Nawab Khan
Vill: Bandar
Dsitt: Bunir

Subject:- OFFER FOR APPOINTMENT

Reference: interview dated 20/3/94

You are hereby offer an appointment on purely reporary and contract basis for a period of one year as Value Hars at Rs: 1200/- fixed per month on water supply scheme Dandar district Bunir on the following terms and conditions.

- 1) Your appointment will be purely temporary basis as a stop gap arrangements on contract basis for period of one year extendable till your services are required by the department. For which then you will have to furnish a fresh agrèement for the same.
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Executive Engineer
Public Health Engg: Division
Saidu sharif Swat

Copy of forwarded to:-

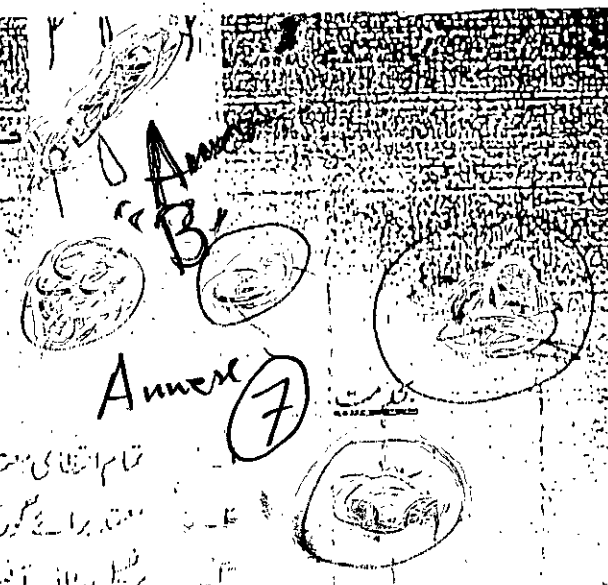
1. The superintending Engineer public health engg: circle Mingora for information.
2. The district accounts officer swat for information please.
3. The sub divisional officer public health Engg: sub division Bunir for information with reference to his letter No. Nil dated Nil contact may be obtained from the above named official prior to accept his arrival report.
4. Divisional accountant (Local) for information.
5. Office order file.

Executive Engineer
Public Health Engg: Division
Saidu sharif Swat

Handwritten signature

حکومت پاکستان، اسلام آباد

برائے سہیلی ڈاؤن ٹاؤن ۲۲/۸۲۲-۲۰۰۷-۲۰۰۷ ایف ڈی
مورخہ ۲۹ جنوری، ۲۰۰۸ء



- ۱۔ تمام انتظامی دستاویزی حکومت صوبہ سرحد۔
- ۲۔ دفتر برائے گورنر صوبہ سرحد، پشاور۔
- ۳۔ پرنسپل، مائٹ آفیسر برائے ڈیڑھ اعلیٰ صوبہ سرحد۔
- ۴۔ تمام سربراہان ماتحت نگر، جات، دیوبند، سرحد۔
- ۵۔ تمام سٹی رابطہ انسران صوبہ سرحد۔
- ۶۔ رجسٹرار پشاور، برابانی کورٹ، پشاور۔
- ۷۔ رجسٹرار، سرحد ٹریبیونل، دیوبند، پشاور۔
- ۸۔ سیکرٹری صوبائی پبلک سروس کمیشن، صوبہ سرحد، پشاور۔
- ۹۔ سیکرٹری بورڈ آف ریویژن، صوبہ سرحد۔

ATTESTED

[Signature]

Head Master
Govt. High School
Durb Malakand

بجٹ تقریر ۰۸-۲۰۰۷-۱۰۰۷ میں درجہ چہارم کے مقررہ تنخواہ ہانے والے (Fixed pay) ملازمین کے لیے۔ کسی۔ فی۔ فنڈ کا اعلان۔

جناب عالی!

جیسے حد انتہائی کی گئی ہے اس دوران ہانا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ Fixed pay) ہانے والے ملازمین کو یکم جولائی ۲۰۰۸ء سے این ڈی ایف پی سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیگر بنیادی سکیل۔ ۱ (BPS-1) دینے کی منظوری دی ہے۔

۲۔ مذکورہ ملازمین کی تنخواہوں کا تعین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تنخواہوں اور الاؤنسز وغیرہ کی مد میں کسی قسم کی بقایا جات (arrears) کے مقدار نہیں ہو گئے۔

۳۔ اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی ہدایات یکم جولائی ۲۰۰۸ء سے منسوخ تصور ہو گئے۔

[Signature]
آپ کا مخلص
شاہد خان بھٹائی

c.t.c
[Signature]
c.t.c
[Signature]
c.t.c
[Signature]

نمبر و تاریخ الصفا:

8

نقل برائے اطلاع

- (۱) اکاؤنٹ جنرل، صوبہ سرحد، منہ گزارش، کہ مندرجہ بالا اقدامات کی نافذ العمل کو یقینی بنانا خاصے
- (۲) جملہ ایگزیکٹو سپرنٹنڈنٹ آفیسرز، فنانس اینڈ پلاننگ، صوبہ سرحد۔
- (۳) جملہ ضلعی آفیسران حساب داری، صوبہ سرحد۔

فہرست

میزانشیہ افسر (۱) محکمہ خزانہ

تظہیر نمبر و تاریخ الصفا:

نقل برائے اطلاع

- (۱) سنی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
- (۲) جملہ اضاہی معتمدین و نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
- (۳) جملہ بجٹ آفیسرز ریکیشن آفیسرز محکمہ خزانہ، صوبہ سرحد۔
- (۴) ڈائریکٹر، FMIU، محکمہ خزانہ، صوبہ سرحد۔
- (۵) سنی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

فہرست
میزانشیہ افسر (۱) محکمہ خزانہ

OFFICE OF THE ACCOUNTANT GENERAL, NWFP PESHAWAR.

No.H-24(113)/RBPs-2006-07/Prov. Central Correspondence File 736

Dated: 21/02/2008

Copy of the above is forwarded for information and necessary action to all concerned.

- 1. All DAOs/ AAOs in NWFP.
- 2. All Payrolls Section (L)
- 3. PAs to DAGs.

Assets Accounts officer (HAE),
NWFP Peshawar

A.L

A.L

A.L

A.L



Office of the
Accountant General
 Khyber Pakhtunkhwa Peshawar
 Phone: 091- 9211915

Dated: 24-01-2012

No-HAD/Fixed Employees / Corp:/2011-12/ 2723

To,

The Secretary,
 Govt. of Khyber Pakhtunkhwa,
 Finance Department (Regulation Wing).

(Handwritten initials)

01 FEB 2012

Subject: AWARD OF REGULAR PES-1 TO CLASS -11

Kindly refer to your office letter in Urdu vide No. B.O-1/1-22/80-2008/FD dated: 29/01/2008 and letter containing clarification vide No. FD/SE-DMiss/2008 dated: 13/07/2009 on the above subject.

Policy for appointment of class -IV on fixed salary was introduced w.e.f. 04/11/1992, hence several class-IV were working against the contract post on fixed salary, till in the refer letter they first were regularized from the date of their first appointment without any arrears.

In light of policy 2008, their pay was fixed just like a regular employes from the date of initial appointment without any arrears of pay prior to 01/07/2008, notwithstanding while fixing their salary the following points need clarification, that whether,

- 1) The employees appointed prior to 31/12/2001, bearing qualification over and above the prescribed qualification are entitled for advance increments in light of para-5 pay Revision 1991.
- 2) The Employees regularized in the refer letter from the date of initial appointment and appointed prior to 01/07/2007 are entitled for up-gradation in light of General up-gradation order vide your office letter No. FD/SO(FR)7-2/2007 dated: 01/07/2007.

This office is of the view that as the employees have been regularized from the date of their initial appointment hence they are entitled for the benefit of increments, revisions and up-gradation allowed from time to time as general on notional basis but no arrears is admissible prior to 01/07/2008.

The views of this office if correct may kindly be confirmed.

(Handwritten initials)

ACCOUNTS OFFICER (DAD)
(Handwritten signature)

(Handwritten signature)

(Handwritten signature)
(Handwritten signature)

(Handwritten signature)

Better copy of page No. ~~19~~

19

Office of the
Accountant General
Khyber pakhtunkhwa Peshawar
Phone :091-9211915

Dated: 24-01-2012.

No-Had/Fixed Employee/Corrp/2011-12/___

To,

The Secretary,
To. Govt of Khyber pakhtunkhwa,
Finance Department (Regulation Wing)

Subject: AWARD OF REGULAR BPS-I TO CLASS

Kindly refer to your office letter in urdu vide No. B.O-I/1-22/80-2008/FD dated. 29/01/2008.
And letter containing clarification vide FD/SR-I) Miss/2008 dated 13/07/2009 on the above subject.

Policy for appointment of class-IV on fixed salary was introduced w.e.f 01/11/1992, hence several class-IV were working against the contract post on fixed salary. All in the refer letter they first were regularized from the date of their first appointment without any arrear.

In the light of policy, 2003, their pay was just like a regular employee from the date of initial appointment without any arrear of pay prior to 01/07/2008, however while fixing their salary the following points need clarification that whether.

- 1) The employee appointed prior to 31/12/2001 having qualification over and above the prescribed qualification are entitled for advance increments in light of para-5 pay Revision-1991.
- 2) The Employee regularized in the refer letter from the date of initial appointment and appointed prior to 01/07/2007 are entitled for up-gradation in light of General up-gradation order vide your office letter No. FD/SO (FR)7-2, 2007 dated: 01/07/2007.

This office is of the view that as the employee have been regularized from the date of their initial appointment hence they are entitled for the benefits of increments, revisions and up-gradation allowed from time to time as general on national basis but no arrear is admissible prior to 01/07/2008.

The views of this office if correct may be confirmed.

ACCOUNTS OFFICER (HAD)

C.A.C.

C.A.C.



Amir
C

(10)

OFFICE OF THE WEXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION BUNER

No. 92-25 /E-4/PHE (B)

Dated Daggar the 3/8 /2015

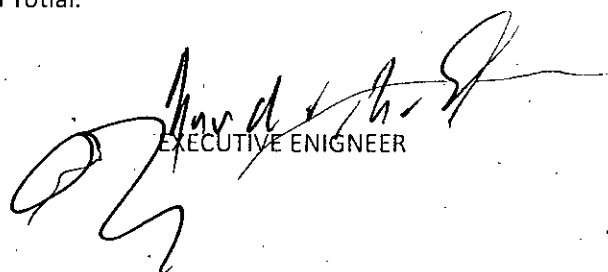
OFFICE ORDER.

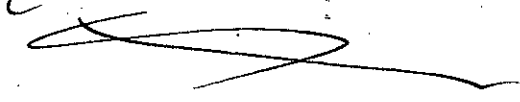
On attaining the age of superannuation (i.e. 60 years) Mr, jamal Khan W/Man (BPS-02) on PHE Division, Buner attached to the office of Sub-Divisional Officer Public Health Engg: Sub Division Totalai is hereby retired from services with effect from 30-06-2015.

EXECUTIVE ENIGNEER

Copy to:-

- 1) Distinct Account officer Buner for information pleases.
- 2) The Sub divisional Officer PHE Sub-Division Totlai.
- 3) The Official concerned.


EXECUTIVE ENIGNEER

c-f-c


خیریت صبا صلیبہ انجمن / ڈاکٹر سید بلالہ علیہ السلام کو توجہ

(11) " عنوان محتمانہ ایمل
Annex D

صبا عالی

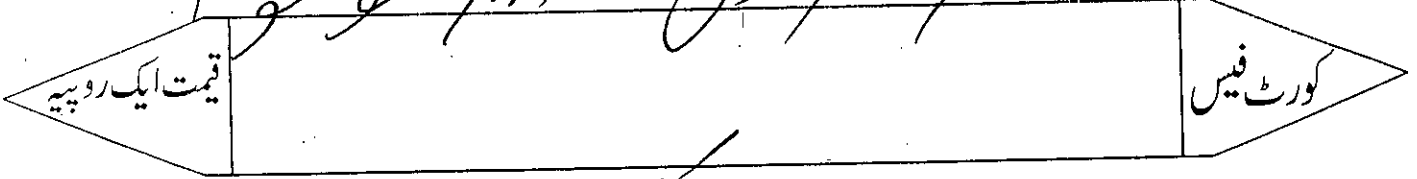
یہ کہ بہرہ 20³ کو بحیثیت چوکیدار کیوں لیا گیا ہے اور 8³ کو ریٹائر کیا گیا ہے۔
1994

یہ کہ متعلقہ آفسران نے بہرہ کو ریٹائر کر کے صرف بہرہ کو ریٹائر کیا ہے اور ڈاکٹر سید بلالہ علیہ السلام کو بحیثیت چوکیدار لیا گیا ہے۔
2005
یہ کہ بہرہ کو ریٹائر کیا گیا ہے اور ڈاکٹر سید بلالہ علیہ السلام کو بحیثیت چوکیدار لیا گیا ہے۔
2005
یہ کہ بہرہ کو ریٹائر کیا گیا ہے اور ڈاکٹر سید بلالہ علیہ السلام کو بحیثیت چوکیدار لیا گیا ہے۔
2005

یہ کہ بہرہ کو ریٹائر کیا گیا ہے اور ڈاکٹر سید بلالہ علیہ السلام کو بحیثیت چوکیدار لیا گیا ہے۔
2005

لہذا محتمانہ ایمل کی رپورٹ درج ذیل کے مطابق ہے۔
2008
13
7

بعدالت سروس ٹریبونل ریٹائرمنٹ فیصلہ تحت وکٹوری



مورخہ
مقدمہ
دعویٰ
جرم

۱۹ اکتوبر ۱۹۵۲ء منجانب
جمال خان بنام گورنمنٹ و سروس

باعث تحریر آنکہ

جمال خان ولد

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام سروس ٹریبونل کے گسی ایڈی ایٹر کے اقرار کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جو اب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المرقوم ۱۹ ماہ اکتوبر ۱۹۵۲

العبد گواہ شدہ العبد
سروس ٹریبونل کے لئے منظور ہے

Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNEL PESHAWAR

APPEAL NO.1326/2018

Jamal Khan(Ex- V/Man Public Health Engineering) R/O Dandar Bunir

VERSUS

1. **Executive Engineer, Public Health Engineering Division, Buner.**
2. **Chief Engineer/Secretary, Public Health Engg: Deptt: KPK.**
3. **District Account Officer, Buner.**

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICES TRIBUNEL
ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED 30.06.2016.**

Para wise comments on behalf of respondent No. 1,2

Respectfully Sheweth:

1. *It is correct that appellant was appointed as a Chowkidar on fixed pay on 16/01/1994*
2. *That as per Notification No.BO1/1-22/2007-08/FD, dated 29.01.2008 the government regularized the all fix pay employees across the province.*
3. *The Para No.3 as stated is correct as per notification No.BO1/1-22/2007-08/FD, dated 29.01.2008 the employee complete 10 years service from the date of notification are entitle for benefits.*
4. *The aggravation of appellant is not based on law and needs rejection.*

GROUNDS

- A. *The order is based on the rules of pension and service as the service of appellant was not qualified for pension.*
- B. *That as per regularization notification the same is from the date of notification as clarified by Finance department.*
- C. *It is stated with the leave of this August Court further position will be clarified during by time of oral submission by Government Pleader.*

It is therefore humbly prayed that on the basis of above justification / clarification the appeal may please be dismissed and as Finance Department Notification No. FD(SOSR-II)4-36/2017, dated 22.05.2019, the appellant is now entitle for pension and for preparation of pension paper/case this office approached to DAO, Buner for submission of original service books vide No. 1-04/E-4/PHE(B), dated 26.07.2019 & No. 09/E-4/PHE(B), dated 26.08.2019 (Photo copies attached).

**GOVERNMENT PLEADER
DISTRICT SWAT**

**EXECUTIVE ENGINEER
PHE DIVISION BUNER**

CHIEF ENGINEER (N)

**PUBLIC HEALTH ENGINEERING DEPARTEMENT
KHYBER PAKHTUNKHWA PESHAWAR**