

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1160/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2022	<p>The appeal of Mr. Miftah Ud Din presented today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>02/08/2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p><i>A mi</i> REGISTRAR</p> <p><i>2.8.22</i> Senior Member (E) on leave therefore case is adjourned to 4-10-2022</p> <p><i>yz</i> Reader</p> <p>(E)</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title:

مفتی ح الدین بنام حکومت پاکستان

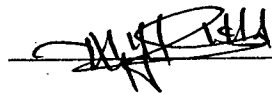
#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Muhammad Ishaq

Signature:



Dated:

28/6/22

03132886012

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1190 /2022

Mr. Miftah Ud Din

.....Appellant

V E R S U S


Government of KPK through Chief Secretary & Others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-9
5.	Copy of regular appointment order	B	10-12
6.	Copy of Application/ Appeal	C	13
7.	Copy of Pension rules for qualifying Service	D	14
8.	Supreme Court Judgments	E	15-17
9.	Wakalat Nama		18

مفتاح الدين
Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court,
Peshawar

Date: 7/6/2022

①

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

Mr. Miftah Ud Din S/o Muhammad Khaliq, Belt No 2109,
R/o post office Kalkot, Barikot, Tehsil Sherengal, District Upper Dir.

.....**Appellant**

V E R S U S

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

.....**Respondents**

Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 3, whereby Appellant service has been Regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.e.f, 01-08-2009 instead of 1-03-2020.

Prayer in Appeal

On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of

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pension and he may be allowed pension and other back benefits.

Respectfully Sheweth:

The appellant submits as under:

1. That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 219 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure B)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure C).**

GROUND S:

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- A) That the Petitioner has not been treated in accordance with law and their rights secured and guaranteed under the law have been badly violated.
- B) That the same is against the natural justice also.
- C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.
- D) That as per Judgment of Supreme Court of Pakistan PLD 2016 supreme court 534. The August Supreme Court of Pakistan has specifically held that the Temporary Service followed by the conformation of regular service counted for the purpose of pension thus the Appellant is entitled for the grant of monthly pension by counting his service w.e.f the date of his initial appointment. **(Copy of Judgment is attached as Annexure D).**
- E) That there are a number of Judgments in identical cases. Therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan reported in 1996 SCMR 1185.
- F) That the Temporary service followed by confirmation/ regular appointment gave the Appellant a right that his service be considered as regular service. **(Copy of rules 2.1 is attach as annexure E.)**

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G) That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/ calendar and the constitution of Islamic Republic of Pakistan 1973.


H) That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 21/07/2009 instead of 01-03-2020 with all back benefits.

Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 17/6/2022

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Miftah Ud Din

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Mr. Miftah Ud Din S/o Muhammad Khaliq, Belt No 2109, R/o post office Kalkot, Barikot, Tehsil Sherengal, District Upper Dir. do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

مفتاح الدين

DEPONENT

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Miftah Ud Din

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Miftah Ud Din S/o Muhammad Khaliq, Belt No 2109,
R/o post office Kalkot, Barikot, Tehsil Sherengal, District Upper Dir.

RESPONDENTS

1. Govt of Khyber Pakhtun Khwa, Through Chief Secretary Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

و مiftah
Appellant

Through



Muhammad Anwar Khan
(Pashton Ghari)

Advocate High Court

Date: 17/6/2022

OFFICE ORDER.

Consequent upon their selection by Joint team consisting of Officers, Civil Administration, Special Branch, Police and Army Authority have been pleased to approve the following candidates as Special Police force in Dir Upper District on the following term and condition with effect from 01.08.2009.

S.No	Name	F/ Name	Residence	Union Council	No
1.	Ajmal	Shujamat Khan	Duryal	Akhagram	SPO-1
2.	Toti Rehman	Gul Sherawan	Akhagram	Akhagram	SPO-2
3.	Ikram	Asfandyar	Akhagram	Akhagram	SPO-3
4.	Bakht Rehman	Gujar	Karkabanj	Akhagram	SPO-4
5.	Usman Ali Shah	Gul Bacha	Akhagram	Akhagram	SPO-5
6.	Hamid Gul	Sarzamin	Akhagram	Akhagram	SPO-5
7.	Bacha Rehman	Shad Muhammad	Bagh Manzai	Akhagram	SPO-7
8.	Amjad Khan	Abdur Rehman	Akhagram	Akhagram	SPO-8
9.	Akbar Ali Shah	Haji Qadar	Kumira	Akhagram	SPO-9
10.	Imran	Muzafar	Kumira	Akhagram	SPO-10
11.	Jan Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12.	Rab Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-12
13.	Zahid Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-13
14.	Amjad Ali	Muhammd Gran	Akhagram	Akhagram	SPO-14
15.	Farooq	Qadir Khan	Akhagram	Akhagram	SPO-15
16.	Sher Bacha	Asfandyar	Akhagram	Akhagram	SPO-16
17.	Fazal Islam	Khair Muhammad	Durayal	Akhagram	SPO-17
18.	Tahir Zeb	Umar Zeb	Shinkarai	Akhagram	SPC-18
19.	Muhammad Jamil	Salarzay	Akhagram	Akhagram	SPO-19
20.	Muhammad Farooq	Muhbarak Said	Duryal	Akhagram	SPO-20
21.	Muhammad Alam	Muhammad Khan	Kumira	Akhagram	SPO-21
22.	Ijaz Ullah	Gul Bar Zaman	Kumira	Akhagram	SPO-22
23.	Saeed Ullah	Mir Aslam	Khunanu tangay	Akhagram	SPO-23
24.	Muhammad Nazir	Akbar Zada	Khunanu Tangay	Akhagram	SPO-24
25.	Nasib Ullah	Rahim Ullah	Khunanu Tangay	Akhagram	SPO-25
26.	Islam Amin	Mokamin	Zaku	Akhagram	SPO-26
27.	Khan Badshah	Muhammad Yousaf	Kumira	Akhagram	SPO-27
28.	Zakir Ullah	Muhammad Amin	Shinkarai	Akhagram	SPO-28
29.	Noor Zaman	Muhd Said Khan	Bagh Pashta	Pashta	SPO-29
30.	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31.	Mushtaq Ahmad	Muhd: Younas	Gal	Pashta	SPO-31
32.	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33.	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34.	Hayat Muhammad	Rozi Muhammad	Gal	Pashta	SPO-34
35.	Hazrat Ullah	Davaish	Pashta	Pashta	SPO-35
36.	Hussain Ahmad	Ali Rehman	Mitroora	Pashta	SPO-36
37.	Muhammad Ayaz	Ghulam Muhammad	Gal	Pashta	SPO-37
38.	Salar	Pas Muhammad	Maluk Banda	Wari	SPO-38
39.	Farman Ali	Kabir	Dskor	Wari	SPO-39
40.	Gul Wahab	Muhammad Zarin	Wari Payeen	Wari	SPO-40
41.	Wiqar Ahmad	Muhammad Alam	Wari Payeen	Wari	SPO-41
42.	Gul Rehman	Fida Rehman	Tangai	Wari	SPO-42
43.	Hanif ur Rehman	Aziz ur Rehman	Maluk Banda	Wari	SPO-43
44.	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45.	Murad	Ghulam Muhd:	Daskur	Wari	SPO-45
46.	Hayat Khan	Pas Muhammad	Tangai	Wari	SPO-46
47.	Imran	Wilayat Khan	Wari	Wari	SPO-47
48.	Imtyaz Ahmad	Niaz Muhammad	Kakad	Wari	SPO-48
49.	Shah Zaman	Muhammad Rasul	Shahibagh	Wari	SPO-49

526	Muhd: Ikram	Noor Wali	Mina Doag	Doag	SPO-
527	Gul Zada	Mahabat Khan	Mina Doag	Doag	SPO-
528	Islam ul Haq	Gul Mul Haq	Mina Doag	Doag	SPO-
529	Jamil'ur Rehman	Shah Jenan	Mina Doag	Doag	SPO-
530	Inamud Din	Abdul Wakil	Mina Doag	Doag	SPO-
531	Muhammad Raziq	Adam Khan	Mina Doag	Doag	SPO-
532	Lal Zada	Sherin Zada	Mina Doag	Doag	SPO-
533	Amin Ullah	Mula Jan	Mina Doag	Doag	SPO-
534	Bahadar Zeb	Gul Rehman	Daramdala	Doag	SPO-
535	Zahurdi Haq	Abdul Haq	Patrak	Patrak	SPO-
536	Sherin Nabi	Muhammad Said	Patrak	Patrak	SPO-
537	Muhammad Khan	Amin Khan	Patrak	Patrak	SPO-
538	Shafi	Zamin Khan	Patrak	Patrak	SPO-
539	Riaz	Said Ghulam	Patrak	Patrak	SPO-
540	Muhammad Zeb	Muhammad Issa	Patrak	Patrak	SPO-
541	Abdul Salam	Shamsu Rehman	Patrak	Patrak	SPO-
542	Bakht Biland	Rasul Shah	Patrak	Patrak	SPO-
543	Shafa ud Din	Sultan Shah	Patrak	Patrak	SPO-
544	Ihsan Ullah	Dilaram	Patrak	Patrak	SPO-
545	Kifayat Ullah	Dilaram	Patrak	Patrak	SPO-
546	Mukhtyar Ahmad	Sultan Yousaf	Patrak	Patrak	SPO-
547	Muhammad Ali	Ajdar Khan	Beyar	Barikot	SPO-
548	Aziz Ullah	Shmsi Khan	Beyar	Barikot	SPO-
549	Fazal Yousaf	Khan Jan	Beyar	Barikot	SPO-
550	Sami Ullah	Gul Akbar	Beyar	Barikot	SPO-
551	Naik Muhammad	Abdul Satar	Beyar	Barikot	SPO-
552	Muhd: Ziaul Haq	Amir Badshah	Beyar	Barikot	SPO-
553	Mian Dam	Jamal ud Din	Beyar	Barikot	SPO-
554	Bashir Ahmad	Gul Azim	Beyar	Barikot	SPO-
555	Nasir ud Din	Said Muhammad	Beyar	Barikot	SPO-
556	Muhammad Sartaj	Fazal Hadi	Barikot	Barikot	SPO-
557	Shah Nasim	Noor Muhammad	Barikot	Barikot	SPO-
558	Riaz	Gulab Khan	Barikot	Barikot	SPO-
559	Juma Khan	Dilbar shah	Barikot	Barikot	SPO-
560	Saiful Islam	Bahadar Khan	Barikot	Barikot	SPO-
561	Gul Didar	Roshan Khan	Barikot	Barikot	SPO-
562	Sher Habib	Sultan Zarin	Barikot	Barikot	SPO-
563	Muhammad Bashir	Muhd: Mukhtar	Barikot	Barikot	SPO-
564	Shakil Ahmad	Muhabat Khan	Barikot	Barikot	SPO-
565	Miftah ud Din	Muhammad Khalig	Barikot	Barikot	SPO-
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-
567	Muhd: Haroon	Akbar Said	Kalkot	Barikot	SPO-
568	Islam ud Din	Umar Jan	Kalkot	Barikot	SPO-
569	Hazrat Bilal	Juma Khan	Kalkot	Barikot	SPO-
570	Umar Zada	Shamsu Din	Kalkot	Barikot	SPO-
571	Gul, Sher	Muhammad Noor	Kalkot	Barikot	SPO-
572	Arbab	Pasham Khan	Kalkot	Barikot	SPO-
573	Shaukat Hayat	Fazal Bari	Barikot	Barikot	SPO-
574	Hayat Khan	Kashmir Khan	Kalkot	Kalkot	SPO-
575	Ali Haidar	Said Faqir	Kalkot	Kalkot	SPO-
576	Inamul Haq	Abdul Wahid	Kalkot	Kalkot	SPO-
577	Afzal Khan	Palass Khan	Kalkot	Kalkot	SPO-
578	Palass Khan	Sada Khan	Kalkot	Kalkot	SPO-
579	Fathullah	Ghulam Jilani	Kalkot	Kalkot	SPO-
580	Sher Bahdar	Misir Khan	Thal	Kalkot	SPO-
581	Muhammad Zamin	Umar Faqir	Thal	Kalkot	SPO-
582	Muhammad Faqir	Noor Alam	Thal	Kalkot	SPO-
583	Muhammad Riaz	Ghulam Muhammad	Thal	Kalkot	SPO-
584	Awrang Zeb	Ghulam Haidar	Thal	Kalkot	SPO-
585	Hazrat Bilal				

W

48

19

584

586	Muhammad Nabi	Hazrat Umar	Thall	Kalkot	SPO
587	Abdul Shakur	Said Faqir	Thall	Kalkot	SPO
588	Aziz Ullah	Aman Ullah	Lamotai	Kalkot	SPO
589	Jamshid	Sajad Khan	Lamotai	Kalkot	SPO
590	Muhd: Nawab	Mirza Khan	Lamotai	Kalkot	SPO
591	Noor Rehman	Abdul Qayum	Lamotai	Kalkot	SPO
592	Rahim Ullah	Mahib Ullah	Lamotai	Kalkot	SPO
593	Izzat Faqir	Umar Faqir	Lamotai	Kalkot	SPO
594	Saif ur Rehman	Muhamraad Arub	Lamotai	Kalkot	SPO
595	Wazir Muhd:	Taza Khan	Lamotai	Kalkot	SPO
596	Habib Khan	Ajim Khan	Lamotai	Kalkot	SPO
597	Muhammad Afzal	Toor Bacha	Lamotai	Kalkot	SPO
598	Aman Ullah	Mahabat Khan	Thall	Kalkot	SPO
599	Sami Ullah	Abdullah	Lamotai	Kalkot	SPO
600	Sultan Zarin	Juma Faqir	Thall	Kalkot	SPO

TERM AND CONDITION

- The appointees will be on contract for 2 years in service and on adhoc Basis for not more than 2 year in a stretch with no pension, gratuity benefits and that the competent Authority may terminate from service as Special Police Officer with out showing any reason and notice.
- The appointees shall not demand or mark any excuse for only emolument of Rs, 10,000 rupees-per month.
- The appointees shall wear the uniform issued by the department and responsible for maintenance and safty of weapon issued by the department.
- The appointees shall be responsible before any senior Police Officer for any act of cowardice or irregularity, indiscipline or misconduct.
- The appointees shall not leave the job with out a prior notice of 2 month as per rule.
- The appointees shall not invole in any political or criminal activities.
- The appointees shall undergo the basic training fixed by the superior Officer.
- The appointees shall not try to chang or convert the mater of duty.

OB No 483
Dt: 23-8 /2009.

District Police Officer.
Dir Upper.

/2009.

No

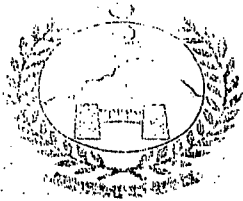
/EB, Dated Dir Upper, the

Copy of above is submitted for information to the:-

1. Provincial Police Officer N.W.F.P, Peshawar.
2. Deputy Inspector General of Police Region III Saidu Sharif Swat.

District Police Officer.
Dir Upper

Attested
[Signature]



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated Peshawar the April 8th, 2020

13/1/20

Annex B 116

NOTIFICATION

No.SO(Budget)/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in Section 3 read with Section 4 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Lower under D.O. Code DA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from (01-03-2020):

S.No	Name	Father Name	Belt No.
1	Zubair Shah	Fazal Rahman	1
2	Ayaz Khan	Dawood Khan	2
3	Muhammad kamal	Muhammad Ismaeel	3
4	Alam Zeb	Aziz ur Rahman	4
5	Zakirullah	Dawood Khan	5
6	Muhammad Amin	Muhammad Arif Khan	6
7	Taj Muhammad	Syed Rahman	7
8	Aurang Zaib	Gulsharam Khan	8
9	Fazal Hussain	Muzaffar Khan	9
10	Tajammul Khan	Sher Muhammad Khan	10
11	Bakht Sardar	Sher Muhammad Khan	11
12	Ihsanullah	Fazal Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	Ikramullah	Gulshan	14
15	Muhammad Sadiq Khan	Muhammad Bostan Khan	15
16	Ikramullah	Nadir Khan	16
17	Daulat Khan	Akbar Khan	17
18	Aminullah Khan	Syed Akbar Khan	18
19	Anwar Zaib	Muhammad Wazir	19
20	Azizullah	Inayat Khan	20
21	Zahir Khan	Mirza Gul	21
22	Laiq Muhammad	Fazal Hadi	22
23	Muhammad Janil	Meharood Khan	23
24	Yousaf Khan	Sarwar Khan	24
25	Muhammad Wahid	Shahar Khan	25
26	Deedar Gul	Starat Gul	26
27	Ali Muhammad	Gul Muhammad	27
28	Muhammad Saim	Fazal Malik	28
29	Naeem Ullah	Gulrahim	29
30	Sher Zaman Khan	Ahmad Khan	30
31	Amjad Khan	Rahman Gul	31
32	Muhammad Hasham	Bakht Zamin	32
33	Abdul Farooq Khan	Abdul Wakeel Khan	33
34	Jawad Ali	Nazir Malik	34
35	Muhammad Ayaz	Noc Hakim	35
36	Rohullah	Harjullah	36
37	Bahadar Zaib	Syed Khan	37
38	Rahim Badshah	Muhammad Rokhan	38
39	Shaukat Ali Khan	Muhammad Habib	39
40	Naik Zada	Muhammad Zada	40
41	Shah Karim	Bachcha Muhammad	41
42	Aziz Khan	Saim Muhammad Khan	42

A. H. Aster
13/1/20

526	Muhd: Ikram	Noor Wali	Mina Doag	Doag	SPO-5
527	Gul Zada	Mahabat Khan	Mina Doag	Doag	SPO-5
528	Islam ul Haq	Gul Mul Haq	Mina Doag	Doag	SPO-5
529	Jamifur Rehman	Shah Jehan	Mina Doag	Doag	SPO-5
530	Inamud Din	Abdul Wakil	Mina Doag	Doag	SPO-5
531	Muhammad Raziq	Acam Khan	Mina Doag	Doag	SPO-5
532	Lal Zada	Sherin Zada	Mina Doag	Doag	SPO-5
533	Armin Ullah	Mula Jan	Mina Doag	Doag	SPO-5
534	Bahadar Zeb	Gul Rehman	Daramdala	Doag	SPO-5
535	Zahur ul Haq	Abdul Haq	Patrak	Patrak	SPO-5
536	Sherin Nabi	Muhammad Said	Patrak	Patrak	SPO-5
537	Muhammad Khan	Amin Khan	Patrak	Patrak	SPO-5
538	Shafi	Zamin Khan	Patrak	Patrak	SPO-5
539	Riaz	Said Ghulam	Patrak	Patrak	SPO-5
540	Muhammad Zeb	Muhammad Issa	Patrak	Patrak	SPO-5
541	Abdul Salam	Shamsur Rehman	Patrak	Patrak	SPO-5
542	Bakht Biland	Rasul Shah	Patrak	Patrak	SPO-5
543	Shafa ud Din	Sultan Shah	Patrak	Patrak	SPO-5
544	Ihsan Ullah	Dilaram	Patrak	Patrak	SPO-5
545	Kifayat Ullah	Dilaram	Patrak	Patrak	SPO-5
546	Mukhtyar Ahmad	Sultan Yousaf	Patrak	Patrak	SPO-5
547	Muhammad Ali	Ajdar Khan	Beyar	Barikot	SPO-5
548	Aziz Ullah	Shmsi Khan	Beyar	Barikot	SPO-5
549	Fazal Yousaf	Khan Jan	Beyar	Barikot	SPO-5
550	Sami Ullah	Gul Akbar	Beyar	Barikot	SPO-5
551	Naik Muhammad	Abdul Satar	Beyar	Barikot	SPO-5
552	Muhd: Ziaul Haq	Amir Badshah	Beyar	Barikot	SPO-5
553	Mian Dam	Jamal ud Din	Beyar	Barikot	SPO-5
554	Bashir Ahmad	Gul Azim	Beyar	Barikot	SPO-5
555	Nasir ud Din	Said Muhammad	Beyar	Barikot	SPO-5
556	Muhammad Sartaj	Fazal Hadi	Barikot	Barikot	SPO-5
557	Shah Nasim	Noor Muhammad	Barikot	Barikot	SPO-5
558	Riaz	Gulab Khan	Barikot	Barikot	SPO-5
559	Juma Khan	Dilbar Shah	Barikot	Barikot	SPO-5
560	Saiful Islam	Bahadar Khan	Barikot	Barikot	SPO-5
561	Gul Didar	Roshan Khan	Barikot	Barikot	SPO-5
562	Sher Habib	Sultan Zarin	Barikot	Barikot	SPO-5
563	Muhammad Bashir	Muhd: Mukhtar	Barikot	Barikot	SPO-5
564	Shakil Ahmad	Mahabat Khan	Barikot	Barikot	SPO-5
565	Miftah ud Din	Muhammad Khaliq	Barikot	Barikot	SPO-5
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-5
567	Muhd: Haroon	Akbar Said	Kalkot	Barikot	SPO-5
568	Islam ud Din	Umar Jan	Kalkot	Barikot	SPO-5
569	Hazrat Bilal	Juma Khan	Kalkot	Barikot	SPO-5
570	Umar Zada	Shamsu Din	Kalkot	Barikot	SPO-5
571	Gul, Sher	Muhammad Noor	Kalkot	Barikot	SPO-5
572	Arbab	Pasham Khan	Kalkot	Barikot	SPO-5
573	Shaukat Hayat	Fazal Bari	Barikot	Barikot	SPO-5
574	Hayat Khan	Kashmir Khan	Kalkot	Barikot	SPO-5
575	Ali Haidar	Said Faqir	Kalkot	Kalkot	SPO-5
576	Inamul Haq	Abdul Wahid	Kalkot	Kalkot	SPO-5
577	Afzal Khan	Palass Khan	Kalkot	Kalkot	SPO-5
578	Palass Khan	Sada Khan	Kalkot	Kalkot	SPO-5
579	Fathullah	Ghulam Jilani	Kalkot	Kalkot	SPO-5
580	Sher Bahdar	Misir Khan	Thull	Kalkot	SPO-5
581	Muhammad Zamin	Umar Faqir	Thull	Kalkot	SPO-5
582	Muhammad Faqir	Noor Alam	Thull	Kalkot	SPO-5
583	Muhammad Riaz	Ghulam Muhammad	Thull	Kalkot	SPO-5
584	Awrang Zeb	Ghulam Haidar	Thull	Kalkot	SPO-5
585	Hazrat Bilal			Kalkot	SPO-5

973	Abd ur Rahman	Asim Khan	998
974	Sana Ullah	Abdullah	999
975	Muhammad Hamza Nazeer	Nazeer Gul	126
976	Zarak Khan	Gul Umar	194
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980	Muhammad Waqas	Amir Gul	962

12

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Encl No & date given

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Lower.
6. The District Accounts Officer, Dir Lower.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

[Handwritten Signature]

SECTION OFFICER (BUDGET)

Attended

[Handwritten Signature]

(13) محضو حساب الیٰ-جمالی فیبرہ نکتوں فوہ پتار

دو سٹیمبراد عطا سٹیج Back Benefit - 2009

Contract Back Service Period شامل فرمائے

برائے پینشن

جناب عالی اس سٹیج حسب ذیل عرض ارسال ہے۔

۱۔ کہ سٹیج 2009 میں SPo کوں ہوئے

۱۔ لکھے اودیک اور لکھے ٹا کورٹس 2017 میں

مسئلہ کرنے فیصلہ فرمایا تھا۔

۲۔ کہ کہ جملہ لوہس نے سیم تاریخ 2020 و 2021

مسئلہ کرنے کا آکر فرمایا ہے۔

لینڈ اسٹیمبراد سٹیج کو مطابق ٹاؤن لکھی گئی

تاریخ سے Regular کہ نہ کا حکم صادر

فرمایا جائے۔

مفتیٰ الدین

17-03-2022

مفتیٰ الدین ولد محمد خالد بیٹے سید سید محمد علی اللہ

Annexure 13
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2019 F L C (C.S.) 103

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos. 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July, 2018.

Punjab Service Tribunal Act (IX of 1974)---

----S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as same was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

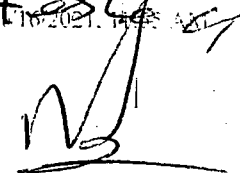
Muhammad Arshad Naseer District Attorney.

ORDER

JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.----Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment:-

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

Attesty
16/07/2018



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- L) Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016).
- LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).
- LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).
- LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).
- LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturers filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:--

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

- 4) I have considered the arguments of both parties and perused the record.
5. It is established from the record that the appellants were appointed as female lecturers through

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Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years. The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.

In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of confirmation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters. while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers. hence these appeals are allowed by setting the impugned orders.

MH/2/PST

Appeal allowed.

A. A. A. A.



18

WAKALAT NAMA

IN THE COURT OF

Mr. Meftakh ud Din

VERSUS

Chief Secretary Government

Accused/
Petitioner/
Appellant/
Plaintiff.

Respondent/
Defendant/
Complainant

FIR No. Dated: Police Station:

Charge U/s
KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Anwar Khan, (Pusbton Ghari),
Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for
the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or
any of them, that is to say:

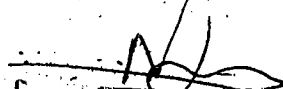
- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

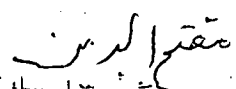
AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.
AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court, when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 16 day of 6 2022

Accepted: |


Muhammad Anwar Khan, (Pusbton Ghari),
Advocate High Court, Peshawar:
Cell No:- 0333-9262374


Signature/ thumb impression
of party / parties.


- 0333-9262374

BK 18-1581

Office Address:- Law Chamber No 127, New Bar Room, Judicial Complex, Peshawar