

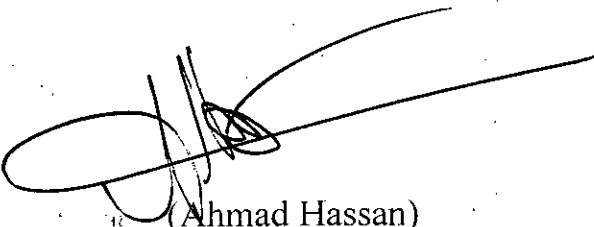
26.09.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Roheen Naz, ADO, Mr. Sajid, Supdt and Mr. Zakiullah, Senior Auditor for respondents present.

Learned counsel for the appellant submitted an application that the appeal in question may be disposed of in the light of decision of this Tribunal dated 07.08.2019 passed in service appeal no. 113/2019 and the same is placed on file. The grievance agitated through the instant appeal has already been redressed through notification dated 22.05.2019, whereby services of fixed pay employees were regularized w.e.f 01.07.2008.

As the grievances of the appellant have been redressed, therefore, the appeal in hand is disposed of. File be consigned to the record room.

Announced:
26.9.2019



(Ahmad Hassan)
Member

23.05.2019

Junior to counsel for the appellant present. Roheen Naz ADO present and submitted written reply/comments on behalf of respondents No.1 to 4. Zaki Ullah Senior Auditor representative of respondent No.5 absent. Respondents No. 5 & 6 as well as absent representative be put to notice for submission of written reply. Adjourn. To come up for written reply/comments on 03.07.2019 before S.B


Member

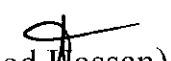
03.07.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Roheen Naz ADO for the respondents present. Written reply on behalf of the respondent No. 1 to 4 already submitted. Mr. Zaki Ullah Senior Auditor on behalf of respondent No. 5 & 6 present and seek time to furnish written reply/comments. Adjourned. To come up for written reply/comments on behalf of the respondents No.5 & 6 on 29.08.2019 before S.B.


Member

29.08.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Zakaullah, Senior Auditor and Mr. Sajid, Supdt for respondents present. Written reply on behalf of respondents 5 and 6 not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on behalf of respondents no. 5 and 6 on 26.09.2019 before S.B.


(Ahmad Hassan)
Member

27.02.2019

Counsel for the appellant present.

Learned counsel for the appellant contended that under the law regarding regularization of service of contract employees the continuous officiation of appellant was required to be considered for the purpose of pension benefits. The respondents are neither extending the said benefit nor declining it in writing.


In view of the above instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 15.04.2019 before S.B.

Appellant/Dept.
Security & Process Fee


Chairman

15.04.2019




Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.1 and Zaki Ullah Senior Auditor representative of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. Notice be issued to remaining respondents i.e. respondents No.2, 3, 4 and 6 with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 23.05.2019 before S.B


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1563 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/12/2018	<p>The appeal of Mr. Muhammad Ibrahim presented today by Mr. Muhammad Asif 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 27/12/18</p>
2-	28.01.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mr. Muhammad Saddique, junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 27.02.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1563 /2018

Muhammad Ibrahim..... *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1 - 4
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3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8 - 15
6	Copy of appeal	C	16
7	Copy of Charge report	D	17
8.	Wakalatnama		18

Through

Rajwan
Appellant
Wakalat

Muhammad Asif
Muhammad Asif

Advocate Supreme Court
Off: 214 Syed Ahmad Ali Building
Near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.
Office No.091-5279292
Cell: 0302-8885187
0311-1934339

Dated: 22.12.2018

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1563 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1812

Dated 27-12-2018

Muhammad Ibrahim s/o Ali Akbar (late
R/o Khoeshgi Bala, Mera Baba Ji Killi,
P.O Khoeshgi Payan, Tehsil and District Nowshera..... *Appellant*

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
- 4) District Education Officer (Male), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer, District Account Officer, Nowshera.

.....*Respondents*

Filed to-day
Registrar
27/12/18

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORAL ORDER OF RESPONDENTS OF REFUSAL TO ISSUE PENSION TO THE APPELLANT FROM THE DATE OF RETIREMENT i.e. 12.05.2017 WHILE APPEAL FILED ON 11.09.2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Prayer:

On acceptance of this appeal, the respondents may kindly be directed to issue pension and pensionary benefits to the appellant from the date of retirement i.e. 12.05.2017 by setting aside the oral refusal of the respondents regarding issuing pension to the appellant.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar/ Naib Qasid on 16.05.1995 in Govt. Primary School, Ashraf Khan Koroona, Tehsil and District Nowshera and took charge against a vacant post of Chowkidar on fixed pay after producing medical fitness certificate. (Copy of appointment letter is Annexure "A").
- 2) That later on the services of the appellant was confirmed and the appellant was granted BPS-1 and in the year 2011 was granted BPS-2 and retired on 12.05.2017 in BPS-04. (Copy of service book is Annexure "B").
- 3) That after retirement appellant was confident that as appellant has served the department for more than 22 years therefore, appellant was confident that after due process pension would be granted to the appellant after due process.
- 4) That later on appellant inquired from the respondents regarding pension and pensionary benefits on which appellant was informed that hon'ble Peshawar High Court Peshawar has decided the writ petition regarding the pension and pensionary benefits therefore, after proper approval from competent authority the cases of pension would be decided/ processed.

- 5) That appellant was further informed that decision regarding pension would take some time because a lot of cases has to be considered individually and thus appellant should wait.
- 6) That finally when appellant did not get any response from, appellant again contacted the respondents. However, from the office of respondents, appellant came to know that pension and pensionary benefits have been granted only to those whom have challenged the same.
- 7) That appellant filed appeal to the respondents No.2 and 3 but 3 months have been passed and upto now the pension and pension benefits have not been granted to the appellant. Moreover appeal of the appellant has not been decided. (Copy of appeal is Annexure "C")
- 8) That aggrieved with, appellant has come before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for pension and pensionary benefits.

GROUND:

- a. That the oral order refusal of respondents of not granting pension and pensionary benefits to the appellants is against law and facts hence untenable in the eyes of law.
- b. That by not deciding the appeal of appellant regarding pension and pensionary benefits to the appellant. Moreover not granting pension and pensionary benefits to the appellant, respondents are exercising powers not vested to them under the law.
- c. That respondents failed to appreciate the fact that appellant after joining the service and was retired on superannuation i.e. on 60 years of age and thus has served the department for more than 22 years and is entitled for pension and pensionary benefits.

- d. That respondents failed to appreciate the fact that a person who servers for 10 years is entitled for the pension and pensionary benefits.
- e. That under the law for granting pension and pensionary benefits the period of service i.e. regular and temporary are counted.
- f. That respondents under the law were bound to decide the case of each employee to whom pension and pensionary benefits were refused in the light of decision of Peshawar High Court, Peshawar.
- g. That respondents failed to appreciate the real point involved in the case of appellant and thus has acted illegally.
- h. That the oral decision of respondents of not granting pension and pensionary benefits to the appellant is perversant and against the settled principle of law and justice and as such is liable to be set aside.

It is, therefore, requested that on acceptance of this appeal, respondents may kindly be directed to release pension and pensionary benefits to the appellant from the date of retirement along with any other remedy which deems fit and necessary and not specifically asked for may also be awarded with costs.

Russ
ud Law
Appellant

Through *M. sh* → *Asif*

Muhammad Asif
Advocate,
Supreme Court of Pakistan

Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.
Cell: 0302-8885187
Off: 091-5279292

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.

Md → *Asif*

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2018

Muhammad Ibrahim..... *Appellant*

VERSUS

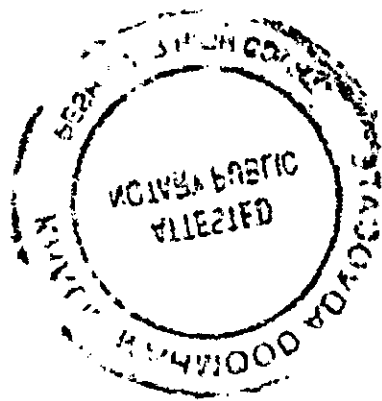
Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

AFFIDAVIT

I, Muhammad Ibrahim s/o Ali Akbar (late) R/o Khoeshgi Bala, Mera Baba Ji Killi, P.O Khoeshgi Payan, Tehsil and District Nowshera do hereby affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

Rafiq
Mud Law
Deponent





6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2018

Muhammad Ibrahim..... *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Ibrahim s/o Ali Akbar (late
R/o Khoeshgi Bala, Mera Baba Ji Killi,
P.O Khoeshgi Payan, Tehsil and District Nowshera

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
- 4) District Education Officer (Male), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer, District Account Officer, Nowshera.

Rafiq
Appellant

Through

Mohammad Asif
Muhammad Asif
Advocate Supreme Court

Annex (7)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY NOWSHERA.
APPOINTMENT ORDER OF CLASS-IV.
ON CONTRACT BASIS.

Mr. Mohammad Ibrahim S/O Ali Akbar
residente of of village Khadgi Bala NSR. candidate is
hereby appointed as Class-IV (Chowkidar/Naik Qasid) on Rs. 1200/-
fixed under the rules w.e.i. the date of his taking over charge
as GPS Ashraf Khan Koroona. against Chowkidar Post. according
the agreement Bond under the following terms and conditions:-

1. Charges reports should be submitted to all concerned.
2. NO TA/DA is allowed being 1st:appointment.
3. NO joining time is allowed that is absolutely necessary for the tranist.
4. The appointment is purely temporary basis and subject to the termination at any time/notice.
5. The case he wishes to leave the Deptt: he should have to submit one month prior notice.
6. He should be produced his health and ag. Certificate from the concerned Civil Surgen/M.O. within 10 days of reporting arrival duty has required under the rules (FR-10)Sr:4.
7. In case the candidate fails to take over charge within 10 days from the date of issue of this Order his appointment will stand automatically cancelled.
8. The candidate should not be handed over charge if his age is not between 18-45 Years.
9. The pay scale and Service rules would be subject to the revil. in accordance with the orders to be passed by the Govt: from to time.
10. He will photocopies of the relevant documents i.e. National Identity Card domicile etc: to this Office at the time of taking overcharge.
11. He will be deaft with under the E&D rules if he violate Govt rules regulation.

(MAJID QAYYUM SHAH)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY NOWSHERA.

Inst: NO. 1435-39 F.NO. 15 / Class-IV dated NSR the 16/5/93

Copy for information to the:-

1. Director of Primary Education NWFP Peshawan.
2. Sub-Divisional Education Officer (Male) Nowshera with the request that documents etc of the above mentioned candidate may please be checked before taking over charge.
3. Head teacher concerned.
4. ADEO(A/C) Local Office.
5. EPA concerned.
6. P/File.

S. Mohammad.

ASDO(M)
Circle Risalour NSR

Head Master
GPS Ashraf Khan Koroona
Nowshera

DISTRICT EDUCATION OFFICER
PRIMARY NOWSHERA.

Asst.
ATTESTED

**OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE)
NOWSHERA**

Appointment Order of Class IV

Office Order

Contract Basis

Mr. Mohammad Ibrahim S/o Ali Akbar resident of Khashgi Bala NSR. candidate is hereby appointed as class IV Chowkidar/ N/Qasid on Rs: 1200/-PM fixed under the rules with effect from the date of his taking over charge at GGPS Ashraf Khan Koroona against Chowkidar post according to the Agreement Bond under the following terms and conditions

1. Charge reports should be submitted to all concerned.
2. NO TA/DA is allowed.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely on temporary basis & subject to the termination at any time and without any notice.
5. The case he wishes to leave the Deptt: the should have submit on month prior notice.
6. He/ Should be produced his health & age certificate from the concerned civil Surgeon with in 7 days of reporting arrival a duty as required under the rules FR 10 Sr.4.
7. In case the candidate failed to take over charge within 10 days from the date of issue of this order his appointment will stand automatically cancelled.
8. The candidate should not be handover charge if his are is set between 18-45 years.
9. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt from time to time.
10. He will photo copies of the relevant documents in national Identity card Domicile etc to this office at the time of taking over charge.
11. He will be dealth with under the E & D if he violated Govt: Rules and regulation.

Mian Qayyum Shah
District Education Officer (M)
Primary Nowshera

Endst No. 1435-39F. No. 13/Class-IV dated NSR the 16.05.19.

Copy of the above is forwarded to the:

1. Director of Primary Education NWFP Peshawar
2. Sub Divisional Education Officer (Male) Nowshera with the request that documents etc of the above mentioned candidate may please be checked, before taking overcharge.
3. Head Teacher concerned.
4. ADEO (A/C) Local Office.
5. MPA concerned.
6. P File

District Education Officer (M)
Primary Nowshera

Asst
ATTESTED

Name: Muhammed Abraham Ameer B

Race: Alghan

(8)

Residence: Moh: Habibul Akbar korona village theshera
Bala Maira, Tehsil S: District Nowshera


Father's name and residence: Ali Akbar (late)


Date of birth by Christian era as nearly as can be ascertained: 13-05-1957


Exact height by measurement: 5 feet and 8 inches


Personal marks for identification:

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

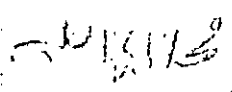
Ring Finger: 

Middle Finger: 

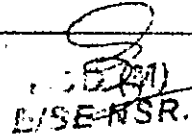
Fore Finger: 

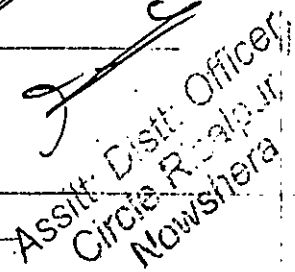
Thumb: 

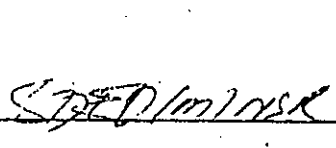
Signature of Government servant




Signature and designation of the Head of the office, or other Attesting Officer: Re-Attested


D/SE-NSR.

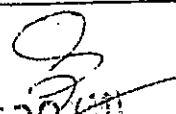
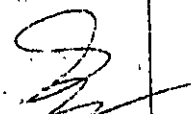
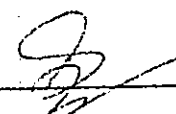
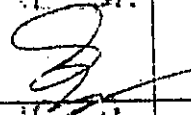
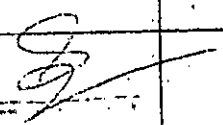
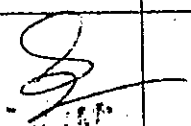
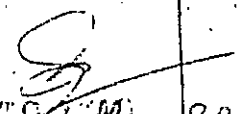
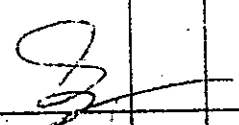
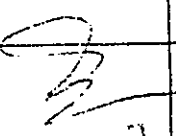

Assist: Dist: Officer
Circle Rawalpindi
Nowshera

 **ATTESTED**

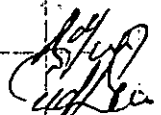

Head Master
GPS Ashraf Khan korona
Nowshera

COUNT UNDER THE RE

1	2	3	4	5	6	7	8
Rank of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 374 C.S.R.	Pay in substantive post:	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
C.P. C.P. 10/12/1955 Korooing		16/5/55			1200/- P.M.	1/12/55	
		17/96			1200/- P.M.	1/12/55	
		17/97			1200/- P.M.	1/12/55	
		17/98			1500/- P.M.	1/12/55	
					1300/- P.M.	1/12/55	
					1800/- P.M.	1/12/55	
					2000/- P.M.	1/12/55	
					2000/- P.M.	1/12/55	
A.S.U.					2000/- P.M.	1/12/55	
					2000/- P.M.	1/12/55	

9	10	11	12	13		14
				Leave		
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer
 EPP (M) EISE NSR.	25/11/02					
 EPP (M)	30/6/03					
						
 EPP (M) EISE NSR.	30/9/08					
						

ATTESTED


Head Master
GPS Ashraf Khan koroon
Nowshera

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Chief emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<i>Commissioner</i>	<i>By S. B. / ...</i>	<i>Retired Entry on the list 258-01</i>					
		16-5-85			1245/-		
		17/95			1280/-		
		17/96			1315/-		
		17/97			1350/-		
		17/98			1385/-		
		17/99			1420/-		
		17/00			1455/-		
		17/01			1490/-		
		1/12/01			2255/-		
		12/02			2310/-		
		17/03			2365/-		
		12/04			2420/-		
		7/05			2810/-		
		12/05			2865/-		
		14/06			2920/-		
		7/07			3375/-		
		17/07			3430/-		
		7/08			4140/-		
		17/08			4230/-		

Prd
ATTES:ED

RECEIVED THE RE

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and Designation of Head of the office or other attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer.	Reference to any record or provision of rule or principle of the Government of Servant
DDG (M) E/SE NSR	30/11/10		[Signature]			[Signature]	SERVICE VOUCHER No. 11768 30/11/10 [Signature]
DDG (M) E/SE NSR	30/6/11		[Signature]			[Signature]	
DDG (M) E/SE NSR	30/11/10		[Signature]			[Signature]	
DDG (M) E/SE NSR	30/11/12		[Signature]			[Signature]	
[Signature]			[Signature]			[Signature]	

Attest: LU

[Signature]
Head Master,
GPS Ashraf Khan Koroonah
Nowshera

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of Appointment	Signature Government
Chaukidar S.P.S. Ashraf Kotwali 9/11/52	15/5/2011	BPS No. 2 Revised 2011	14900-170-10000				
A1 -	-	Psa	7960/- P.M.			1/12/2013	
		A2	8130/- P.M.			1/04	
		A2	8300/- P.M.			1/14	
					D		
					S.D.O. (M) Nowshera		
		S/A	BPS-02	117/2015		10735/-	
			M/unc	11/2/2015		10955/-	
		Pay fixed	BPS-04	2/12/2015		11230/-	
			one	Premature wa		11530/-	
Asst ATTIES							

FOR LEAVE OF ABSENCE

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
Charvada		BPS-04(8280-370-18380)					
L.P.S.							
B.S. / 10th		Rs. 1420/-				1/7/16	
Kaxamga			14570/-			1/17/16	
	A.T.E.S.						

حضرت جناب ڈاکٹر (Male) کے پاس

Annetic

(16)

اپنی لڑکی کی نسیب و غم

جناب کی حسب ذیل نسیب لڑکی

کے آپ کی طبیعت 16-5-1995 کو عرق ہو گیا

اور روز 12-05-2017 کو ماسل کی عرق

ملازمت سے ریٹائر ہو گیا

جناب کے ساتھ 22 سال کی ملازمت کی ہے اور

نسیب و غم کا مقدار ہے لیکن نسیب و غم کے

نسیب و غم کی لڑکی نسیب کی

اسی طرح کے نسیب و غم کے نسیب و غم کے

لڑکی کے نسیب و غم کے نسیب و غم کے

11-09-2018

حضرت جناب ڈاکٹر (Male) کے پاس
نسیب و غم کے نسیب و غم کے نسیب و غم کے
نسیب و غم کے نسیب و غم کے نسیب و غم کے

ATTESTED

ایم محمد الیم جو کیدار آگلی تقرری حکم آرڈری 1435-39
16-5-1995

گورنمنٹ پرائمری سکول اشرف خان کورونہ ہو جلی سے اس

لئے آپ کو آج مورخہ 24.05.1995 بعد از دوپہر 12 بجے

ہذا میں اپنے عہدے کا جارج دیا جاتا ہے

جارج کر بندہ

16/5/95

جارج دھندہ

HEAD MASTER
G. P. S.
Ashraf Khan Koronah
Nowshera

16/5/95

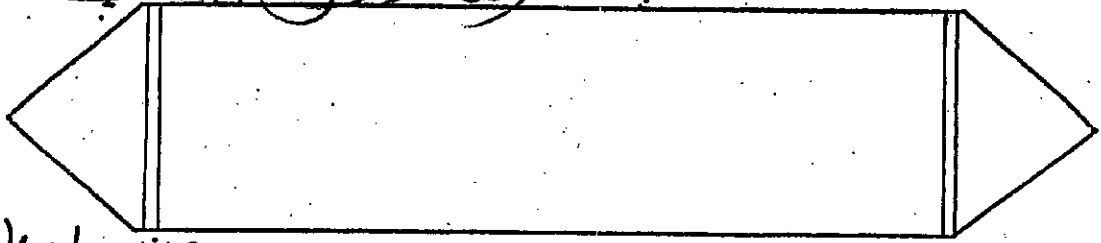
24-5-95

16/5
Assist. Distt. Officer,
Circle Nowshera

Head Master
GRS Ashraf Khan Koronah
Nowshera

ASL
ATTESTED

بعدالت جناب سروس ٹریبونل KPK لیٹاؤ



2 جناب ایڈیٹ

محمد ابراہیم بنام گورنمنٹ و غیرہ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
MOHAMMAD ASIF ADVOCATE کے
Supreme Court of Pakistan
Asif Law Associates,
Advocates & Legal Consultants

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو ملوث کر کے اور اس کے 274 Syed Khalid Ali Building Near Taj Autos
Sunehri Masjid Road, Peshawar, Cantt
ذیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برحسب جوائن دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک درو پیسار عرصی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برابری اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخت
پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوا ہے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Handwritten notes and signatures on the left margin, including a large signature that appears to be 'Asif'.

المرقوم _____ ماہ _____ 20

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

بمقام
Handwritten signature and stamp at the bottom right.

MOHAMMAD ASIF ADVOCATE
Supreme Court of Pakistan
Asif Law Associates,
Advocates & Legal Consultants
214 Syed Ahmed Ali Building Near Taj Autos
Sunehri Masjid Road, Peshawar Cantt.

Handwritten notes or signatures at the bottom of the page.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1563/2018

Muhammad Ibrahim..... Appellant

Versus

Government of Khyber Pakhtunkhwa Through secretary finance

Civil secretariat Peshawar and others..... Respondent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1563/2018

Muhammad Ibrahim..... Appellant

Versus

Government of Khyber Pakhtunkhwa

Through secretary finance

Civil secretariat Peshawar and others..... Respondent

REPLY ON BEHALF OF RESPONDENT NO. 4

Preliminary Objection

1. That the appellant has no cause of action to file the instant appeal.
2. That the appeal is not maintainable.
3. That the necessary parties have not been arrayed as a parties therefore the appeal is liable to be dismissed on the ground of mis-joinder and non-joinder.
4. That the applicant has not come to the court with clean hand.
5. That the appeal is time barred.
6. That the length of the service of the applicant does not qualify him for the pension and pensionary benefits.
7. That the appellant has filed the present appeal without being available the Department remedy such that departmental appeal before the departmental appellate authority.

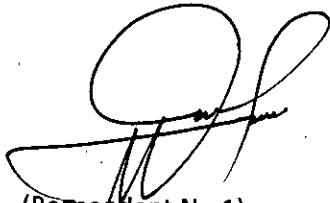
Reply to facts

1. Para No. 1 pertain to record hence no comments.
2. Para No. 2 pertain to record hence no comments.
3. Para No. 3 is incorrect hence denied. The appellant was initially on fixed pay/contractual employee. The service rendered by him during the course of his fixed pay/contractual employment cannot be counted toward his pension. The appellant does not possess the length of service for qualify pension.
4. Para No.4 is incorrect hence denied in toto. As replied above.
5. Para No. 5 is incorrect. As replied above.
6. Para No. 6 is incorrect, hence denied. As replied above.
7. Para No. 7 is incorrect, hence denied. As replied above.
8. Para No. 8 is incorrect, hence denied. The appellant has not filed any departmental appeal before the departmental appellate competent authority therefore the appeal is no maintainable on this score alone.
9. Para No. 9 is incorrect, hence denied. The appellant has not availed any departmental remedy and therefore cannot invoke the jurisdiction of this Hon'ble Tribunal.

Reply to grounds

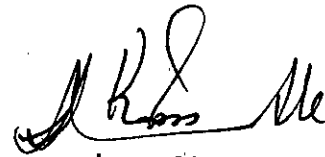
- a. That the ground A is, incorrect hence denied. Since the appellant has not filed any departmental appeal therefore the question of verbal order does not arise.
- b. That ground B, is incorrect hence denied. The appellant has not filed any departmental appeal.
- c. That ground C, is incorrect hence denied, the detailed answer has already been submitted.
- d. That ground D, incorrect hence denied. Appellant does not possess the required length of service for pension.
- e. That ground E, incorrect hence denied. The contractual service cannot be counted towards pension and pensionary benefits.
- f. That ground F, is legal but cases of the appellant is different.
- g. That ground G, is incorrect hence denied. Detailed reply has been given above.
- h. That the ground H, incorrect hence denied. No order has been passed by the respondent. Moreover the appellant has not availed any Departmental remedy as provided by law and mandatory under relevant statutes. i.e. the appeal rule (1986).

In the view of the explained facts and ground, the appeal of the appellant is devoid of merit and also not maintainable therefore may please be dismissed.



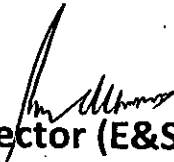
(Respondent No.1)

Secretary to Govt:
Of Khyber Pakhtunkhwa
Finance Department
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt:

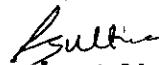


Respondent No
Secretary Education *ERSED*.

Respondent No. 3



Director (E&SE)
Government of Khyber
Pakhtunkhwa



Respondent No. 4
DEO (F) NSR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service appeal No. 1563/2018

Muhammad Ibrahim.....Appellant

Versus

Govt of KPK & others.....Respondents

Affidavit

I Mst. Roheen Assistant District Education (Legal) office of the District Education officer (Female) Nowshera, do hereby affirm and declare on oath that the contents of accompanying comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.