


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

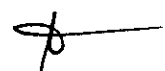
03.07.2019

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. Zakauallah, 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 Deposited
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. 1567/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/12/2018	<p>The appeal of Mr. Israr Hussain Khattak 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;"><i>[Signature]</i> REGISTRAR 31/12/18</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;"><i>[Signature]</i> 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;"><i>[Signature]</i> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1567 /2018

Israr Hussain Khattak Appellant

VERSUS


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

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S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-4
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8-12
5	Copy of appeal	C	13
6.	Copy of Retirement <u>Retirement order</u>	D	14
7	Copy of Charge report	E	15
8.	Wakalatnama		16

اسرار حسین
Appellant

Through


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

Khyber Pakhtunkhwa
Service Tribunal

S.A.No. 1567 /2018

Diary No. 1828

Dated 31-12-2018

Israr Hussain Khattak son of Hussain Khan

R/o Village and P.O. Daag Ismail Khel, 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*

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. 30.06.2017 WHILE APPEAL FILED ON 11.09.2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Filed to-day
Registrar
31/12/18.

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. 30.06.2017 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 03.03.2007 in Govt. Primary School No.3 Dak Ismail Khel, 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 30.06.2017 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 in the month of December 2017 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 uptil now the pension and pension benefits have not been granted to the appellant. Moreoer 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. 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 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 appellatant and thus has acted illegally.
- h. That the oral decision of respondents of not granting pension and pensionary benefits to the appellatant 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 appellatant 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.

اسرار احمد

Appellant

Through

Mohammad 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.

Mohammad Asif

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____/2018

Israr Hussain Khattak *Appellant*

VERSUS

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

AFFIDAVIT

I, Israr Hussain Khattak son of Hussain Khan R/o Village and P.O. Daag Ismail Khel, 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.

Israr Hussain

Deponent





BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

6

S.A.No. _____/2018

Israr Hussain Khattak *Appellant*

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Israr Hussain Khattak son of Hussain Khan
R/o Village and P.O. Daag Ismail Khel, 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.

اسرار حسرت

Appellant

Through

Md Asif

Muhammad Asif
Advocate Supreme Court

Annex A

7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER EDUCATION AND LITERACY
OFFICE ORDER/APPOINTMENT ORDER.

Consequent upon conversion of regular of Class-IV posts in to Contract by the Govt. of NWFP, Finance Department vide his Order No: ROV/70/1-16/2006-07/Primary dated: 10/2/2007, the undersigned is pleased to appoint the following Class-IV in the schools noted their name on fixed charges @ Rs:4000/- per month retirement Ben/Land Renter S.No: Name and Father Name & Address. (Ported at Remarks).

- 1:- Mr. Sawab Gul S/O: Marif Ullah, (P.O. Mashak (NER) Chowkdar Post.
- 2:- Mr. Iqbal S/O: Muhammad Hussain (P.O. Dsk. Ismail) Chokidar Post.

On the following Terms and Conditions:

- 1:- Their appointment is purely temporary on fixed charges.
- 2:- Their services can be terminated any time subject to rules.
- 3:- They will provide Medical witness Certificate from Medical Superintendent, District Health Officer Hospital Wazirabad.
- 4:- Charge should be submitted to all concerned.

(Signature) District Officer
No: 6535-60 dated: 1/3

- 1:- Copy forwarded for information to the :-
- 2:- District Coordination Officer
- 3:- District Accounts Officer
- 4:- Dy. District Officer (T) Office.
- 5:- P.S. to District Nazim
- 6:- A.D.C. circle concerned.
- 7:- Officially Concerned.

EXECUTIVE DISTRICT OFFICER
EDUCATION AND LITERACY

(Signature)
SDEO (M)
Pabbi Wshera

A s.d
ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS (SIC)**Office charge/ Appointment order.**

Consequent upon conversion of regular of class-iv posts in to contract by the govt: of NWFP, Finance department vide his Endst: No. BOV/FD/1-16/ 2006-07/ Primary dated 10.2.2007, the undersigned is pleased to appoint the following class-IV in the schools noted their name on fixed charged Rs. 4000/- in again retirement Gen/ Land Doner.

S No	Name and father name & address	Posted at	Remarks
1	Mr. Sawab Gul S/o Marif Ullah	GGPS Meshak NSR	Chowkidar post
2	Mr. Israr S/o Muhammad Hussain	GPS B Dak Tehsil Thal	Chowkdiar post

On the following terms and conditions

1. Their appointment is purely temporary on fixed charges.
2. Their service can be terminated any time subject to rules.
3. They will provide Medical Fitness Certificate from Clinical Supervenient, District Head quarter Hospital Nowshera.
4. Charge should be submitted to all concerned.

(sic)

Executive District Officer
School and Elementary Nowshera

Copy forwarded for information to the:-

1. District Co ordination officer .
2. District Account officer Nowshera
3. Dy: District Officer (F) Local Office.
4. P.S to District Nazim Nowshera
5. A.D.G Circle concerned.
6. Officials concerned.

Sd/-

Executive District Officer
School and Elementary Nowshera

Asst
ATTESTED

Note:- The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: HUSSAIN
ISRAR KHAN *All cuttings Attested* **B**

Race: Afghan *20/9/82*

Residence: Walled P/O Daj Ismail wabal **(8)**

Father's name and residence: HUSSAIN KHAN
Birth date attested according to the court decision.



Date of birth by Christian era as nearly as can be ascertained: (09-01-1982) 9th Jan: N/H SIXTY TWO
(1957) N.H FIFTY SEVEN



Exact height by measurement: 5-10
1957 FIFTY SEVEN

Date

Personal marks for identification: Scar of scab

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

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: ISRAR KHAN

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

Pabbi

Attested
ATTESTED

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
Chowkura C/S No 3 Ditchel			Rs. 4000/-	P.M. Fixed	Rs. 300 ⁰³	2007	السردار 13
D.D.O. (S/D) November							
Revised Entry in the ROPK of Regularization Order Govt. of Finance Dept. No. B.O/P/11-22/2008-09 Dtd 20/2/2008							
Revised pay scale 1/7/007							
B.P.S. I (2475-75-4725)							
Pay on 7/7/07 2475/- P.M.							
Pay on 12/007 2550/- P.M. P/P scale 1/7/008							
B-I (2970-90-5670)							
Pay on 1/7/008 3060/- P.M.							
D.D.O. (S/D) November							
Attested							
Rs. 3150/- P.M.							
السردار 12							
Rs. 3240/- P.M.							
السردار 12							

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitble 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 debitble	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant

(9)

[Handwritten signature]
 DDO (M) PWS
 Nowshera
 48

Appointed against the Post of
 Chartered at G/S No 3 Pichel
 with EDO/K Nowshera. 6535-40
 dated 01/03/2007.

[Handwritten signature]
 DDO (M) S/K
 NSR
 P.O (M) PWS
 Nowshera
 48

Service Regularized in B/S-01
 from the 1/10/07 in the light of
 of Govt of NWFP Financial Deptt No. 301/PD/1-22/08 of dated 30/07/2008.
 10/07/08
 11/7/08 to 31/10/08

[Handwritten signature]
 DDO (M) PWS
 Nowshera

[Handwritten signature]
 DDO (M) PWS
 Nowshera

[Handwritten signature]
 D.D.O. (M) PWS
 Nowshera

[Handwritten signature]
 D.D.O. (M) PWS
 Nowshera

Service Verified on 07-3-07
 to 30-7-07
 and other details of service.

[Handwritten signature]
 D.D.O. (M) PWS
 Nowshera
 30/7/08

[Handwritten signature]
 DDO (M)
 E/SE NSR.
 2

[Handwritten signature]
 D.D.O. (M)
 Nowshera
 2

ATTESTE

1	2	3	4	5	6	7	
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
S.P.S NO 3							
D.K Chowdhury			RS	3370/- PM		12/2010	
	Revised	B.P.S NO I	RS (4800 - 150 - 9300)				
			RS	5400/- PM		7/2011	
(Revised Entry due to B-2)			RS	5550/- PM		12/2011	
	Pay on	3/3/07 in B-01			2150/-		
	Revised	B-01 on	11/7/07		2475/-		
	Fixed in	B-02	11/7/07		2530/-		
	Spl. increment		11/9/07		2615/-		
			12/07		2700/-		
	Revised on		11/7/08		3235/-		
			12/08		3335/-		
			12/09		3435/-		
			12/2010		3535/-		
	Revised on		11/7/2011		5750/-		
			12/2011		5920/-		
			12/2012		6090/-		

Asst
ATTESTED

[Signature]
 BDO (IN)
 BUREAU

9	10	11	12	13		14	15	
				Leave				
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	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 of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to Which debitable		
DDO (M) E/SE NSR.	30/6/2011							
DDO (M) E/SE NSR.	30/11/2011							
DDO (M) E/SE NSR.								
DDO (M) E/SE NSR.								
DDO (M) E/SE NSR.								

10

DDO (M)
E/SE NSR.

DDO (M)
E/SE NSR.

DDO (M)
E/SE NSR.

DDO (M)
E/SE NSR.

DDO (M)
E/SE NSR.

TR 30/3/12
Absence of diff of pay & allow.
wef 7/2008 to 2/2012 on a/c
of BPS-24 equivalent amount
to Rs 16443/-
sd/-

Sr. District Account Officer
Nowshera

OFFICE OF THE ACCOUNTANT GENERAL

Basic Pay Scales 2011
of The Accountant General
Nowshera

3035-100-6035
3035/-

4800-170-16000
5750/-

ATTESTED

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
			BPS-02 (R 4900-170-1000)				
			R 6260/- 12/13				
			Revised Entries due to one Premature Inc				
			Pay in BPS-02 on 07/07/14 R 6434/-				
			one Premature Inc 01/07/14 R 6601/-				
			L...				
			SP...				
			Pay on 11/12/14	inc		6770	
			Pay on 1/7/15	S/Rover		8755	
			Pay on 1/12/15			8975	
			Pay fixed BPS-04 on 2/12/15			9130	
			Premature inc			9430	

1994
ATTACHED

11

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
					Period			Government to which debitable
<i>D. J. Khan</i>	<i>20-11-2014</i>	<i>Retiree</i>	<i>D. J. Khan</i>	<i>Approved one month leave on average pay upto four months for which leave salary is debit to another Government</i>	<i>Government to which debitable</i>	<i>Signature of the head of the office or other attesting officer.</i>	<i>Reference to any recorded punishment or censure, or reward or praise of the Government Servant</i>	
<i>TR# 318 dt 21/1/16</i>	<i>04/11/18</i>	<i>Retiree</i>	<i>Signature</i>	<i>Service worked up to 30/11/15</i>			<i>14-07-014</i>	
	<i>21/2/16</i>			<i>TR No. 1352 Dated 10/11/16</i>			<i>Signature</i>	
				<i>Arrear & one premature increment on a/c of appreciation w.e.f. 30/5/14 to 10/11/16 Rs. 90/-</i>			<i>Signature</i>	
	<i>11/7/15</i>	<i>Retiree</i>	<i>Signature</i>	<i>Signature</i>			<i>Signature</i>	

ATTESTED

1	2	3	4	5	6	7	8	9
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	Signature of the other party in attestation columns
Chowkdar 9PS No 3 D.I.K	11610 370 11380							
Pay scales Revised in BPS-04	1-7-2016		Rs (8280-370-19388)	11240	Rs 11610/00			
	1-12-2016			Rs 11980/00	11610/			
2	awards for the discharge of offensive			Rs 11280/	11280/			
8539/15								
4					to 6/16 = 15%			
11240/16					370/- 2/16 to 4/17 = 370/			
Asst ATTEND								

Office of the Assistant General
 Khyber Pakhtunkhwa Peshawar
 Pay Band in the Revised Basic Pay Scales
 Rs 8500/- to 12500/-
 Effective from 01-07-2015
 BPS-04 (8280-370-19388)
 Pay Fixed @ Rs. 11280/-
 Effective from 01-07-2016
 Date of next increment is on 01-12-2016

Accounts Officer
 Pay Fixation Party
 Peshawar

BPS-04 (8280-370-19388)

Rs 13860/00

47/11

9

10

11

12

13

14

15

12

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

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 of the head of the office or other attesting officer

Reference to any recorded punishment or censure; or reward or praise of the Government Servant

Period Government to which debitable

[Signature]

30/06/2016

Pay Revised

Period

[Signature]

30/11/2016

Altn

[Signature]

[Signature]

30/11/2017 Retired
Pabhi Wihara A-11

Retired

[Signature]
Pabhi Wihara A-11

Service verified up to 30/11/2017 from original and other records of this office

Retirement order issued vide DEO/HR/MS/HR/119030/DEO/HR/MSR/174 & File No. 62/Retirement of PST/Class-14 dated 10/10/2018.

[Signature]

Continental Service verified up to 30/11/2017 from original and other records of this office

[Signature]
Pabhi Wihara A-11

[Signature]

30/11/2017
30/11/2017

ATTESTED

صاحب
دستخط اور دستخط اہم نوشتہ
Ahsan
(13) اس میں بائیں چاروں کرائے و پیشکش وغیرہ

جب یہ عا کا یہ سائنس کے بارے میں گزارش کرنا ہے
یہ کہ سائنس کے بارے میں جو کچھ ار پھر کرنا ہوا
اور جو کچھ دیکھیں ہیں اس بارے میں سائنس میں پیشکش کا
انتظام کرنا ہے لیکن اس کی عملدرستی کرنا ہونا قابل
پیشکش وغیرہ چاروں میں سے سائنس ایک عزیز شخص
ہے سائنس کی عہدہ بردہ پیشکش وغیرہ چاروں میں سے سائنس کا علم
لگا کر فرما رہا ہے

سائنس کے پیشکش اور سائنس کے بارے میں سائنس کے بارے میں
پیشکش نوشتہ میں جو کچھ ار پھر کرنا ہوا اور سائنس
کا بار ہے

Ash
ATTESTED اسرار حین



Annex D (14)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220328 Fax#0923-9220328)

RETIREMENT ORDER

Under the provision of Government of Khyber Pakhtunkhwa Finance Department letter no. FD (SR-IV) Vol.II dated 24-08-1983 and Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department No. SO(LT-I)E&SE/1-1/2012/ Dated Peshawar the 17-05-2018 ; sanction is hereby accorded for Retirement order detail given below in respect of the following official.

S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Appt:	Total length of service as per court judgment Y-M-D	Remarks
1	Mr. Israr Hussain Chowkidar GPS No 3 Dak Ismail Kher P.No.0035/11	30-06-2017 (A.N)	1957	03-03-2007	10-03-27	Relief from Govt. Service on Superannuation

FAYAZ HUSSAIN
District Education Officer (Male)
Nowshera

11903-07

Case No. _____ (DEO (M) NSR/EA-S/E in. No. of retirement of PST) Dated Nowshera the 02/10/2018.

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

- 1: Senior District Account Officer, Nowshera.
- 2: Sub Divisional Education Officer (Male), Pabbi.
- 3: ADO Circle concerned
- 4: Official concerned.
- 5: EMHS Local Office
- 6: Master File.

DY: District Education Officer (Male)
Nowshera

[Signature] 2/10/18

ASIF
ATTESTED

رقم، ٦١٥
03135970299

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03005950967

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

14

RETIREMENT ORDER

Under the provision of Government of Khyber Pakhtunkhwa Finance Department letter No. FD (SR-IV) Vil.II dated 24.8.1983 and Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department No. SO (LIT-I) E&SE/I-I/2012 Dated Peshawar the 17.05.2018 sanction is hereby accorded for Retirement order detail given below in respect of the following official.

S	Name of official	Date of Retirement	Date of Birth	Date of last appoint	Total length of service as per court judgment Y-M-I	Remarks
1	Mr. Israr Hussain Chowkidar GPS No.3 Dak Ismail Khel P.No. 00354015	30.06 .2017	1957	3-3-2007	10.03.27	Retire from Govt Service on Superannuation

SD/-
(Fayaz Hussain)
District Education Officer
(Male) Nowshera

Endst No. 11903-07/ DEO (M) NSR EA-S/File No 60 Retirement of PST dated Nowshera the 02.10.2018.

Copy forwarded for information & necessary action to the:-

1. Senior District Accounts Officer, Nowshera
2. Sub Divisional Education Officer (Male) Pabbi
3. ADO Circle Concerned
4. EMIS Local Office
5. Master File

SD/-
Dy District Education Officer
(Male) Nowshera

A. G. B.
ATTESTED

Annex E

15

01/03/07

چارچ رپورٹ

بیم سٹریڈ اسرار
class-IV

ایک کی تقرری بحیثیت class-IV

لڑائی آرڈر (SPL) EDO (SPL) کو پیشتر
Endst. No. 6534-40 dated, 01/03/2007

سکول خذا میں ہو چکی ہے۔ آپ کو

آج مورخہ 01/03/2007 کو اسے عہدے کا چارج دیا جائے
اور بدانتظامی جانے لے

ایمانت (ری) اور محنت کے ساتھ اسے فرائض سنبھالی انجام دی جائیں۔

دستخط چارج دہندہ -
بیم سٹریڈ اسرار

Headmaster
GPS No. 3
D-1. Khel (W.R.)

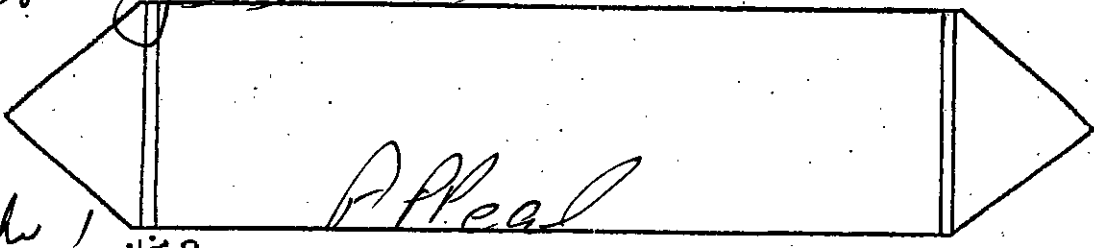
ایسر احسن



A
ATTESTED

Ca
rat
Basic
Date of
B. Soc. Ho
Personnel
Signature of
Signature of
I do hereby certify
employment in the
and can not discover
defection or badly in
I do not consider this
qualification for employment in the office of the
Respectfully about
Statement according to his own statement
50 year and

بعدالت جدید سروس ٹریبونل ۱۹۶۷ء اور



۲، منجانب اپیل انٹ
بنام

مورخہ
مقدمہ
دعویٰ
جرم

اسرار حسین
بنام گورنمنٹ و غیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جو اب دی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے 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 سند ہے۔

المرقوم _____ ماہ _____ 20

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

بمقام اسرار حسین

اسرار حسین



محمد علی
الہیوم لکھنؤ

214
سید محمد علی مدنی
پتہ: روڈ نمبر ۱۰۰

091-5279292

0302-8885787

0332-8885787

۱۷/۱۱/۲۰۱۹

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1567/2018

Usra Hussain

..... **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. 1567/2018

..... **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 came 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.

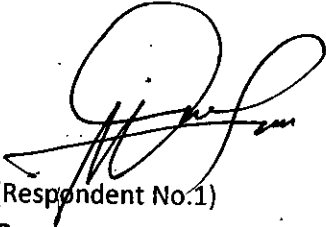
Reply to facts

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

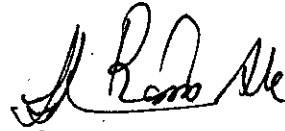
- a. That the ground A is, incorrect hence denied. Since the appellant has not filed any departmental appeal therefore the question of verbal order does not arise.
- b. That ground B, is incorrect hence denied. The appellant has not filed any departmental appeal.
- c. That ground C, is incorrect hence 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 Pakthunkhwa
Finance Department.
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Dept:

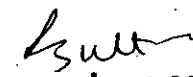


Respondent No
Secretary Education *ESS&ED*.

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. 1567/2018

.....**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.