

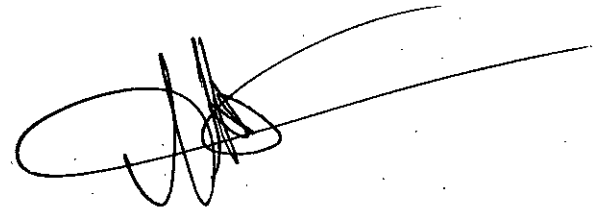
26.09.2019

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.

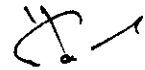
Announced:
26.9.2019



(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 Deposited
Security & Process Fee


Chairman

15.04.2019

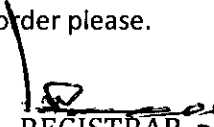


Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.1 and Zaki Ullah Senior Auditor representative of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. 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. 1553 /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. Fanoos Khan 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-		<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>
28.01.2019		<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>

*P-13
deleg/cont/actg*

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 1553 /2018

Fanoos Khan..... Appellant

VERSUS

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

I N D E X

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	8-11
5	Copy of appeal	C	12
6.	Copy of retirement order	D	13
7	Copy of Charge report	E	14
8.	Wakalatnama		15

فانوس خان

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

S.A.No. 1553 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1822

Dated 27-12-2018

Fanoos Khan s/o Hameed Khan
R/o Quaid Abad, illaqa Cherat, Jabba Khattak, P.O. Jaloza
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 (Female), 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. 12.05.2012 WHILE APPEAL FILED ON 10-9-2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

(8)

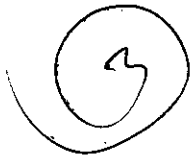
Prayer:

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. 12.05.2012 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 20.11.1995 in Govt. Girls Primary School Hamid Abad, (J/Tar), 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 12.05.2012 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 17 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 ~~October~~ July 2018 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. 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.

4

- 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.

فانوس خان

Appellant

Through

Md Asif

Muhammad Asif

Advocate;

Supreme Court of Pakistan

Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.

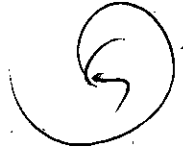
Cell: 0302-8885187

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



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____/2018

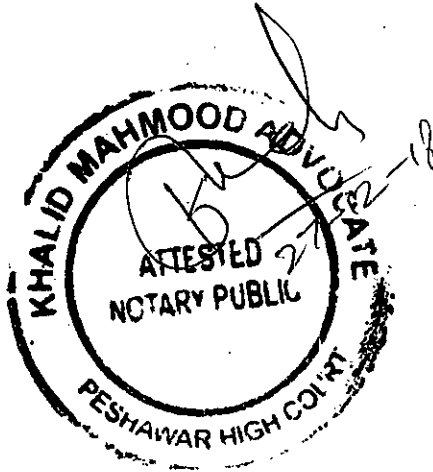
Fanoos Khan..... *Appellant*

VERSUS

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

AFFIDAVIT

I, Fanoos Khan s/o Hameed Khan R/o Quaid Abad, illaqa Cherat, Jabba Khattak, P.O. Jalozei 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.



فانوس خان
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

6

S.A.No. _____/2018

Fanoos Khan..... *Appellant*

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Fanoos Khan s/o Hameed Khan
R/o Quaid Abad, illaqa Cherat, Jabba Khattak, P.O. Jalozai
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 (Female), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer, District Account Officer, Nowshera.

فانوس خان

Appellant

Through

Muhammad Asif
Advocate Supreme Court

APPOINTMENT ORDER

Annex A (4) 7

resident of Villara Mr. Francis Khan candidate is hereby appointed as Class-IV Chowkidar on Rs. 1200/- PM fixed under the rules with effect from the date of his taking over charge at Govt. Girls Primary School Harwal (S/TA) Chowkidar post according to AGREEMENT POST under the following terms and conditions.

CONDITIONS

- 1- ~~Overseas~~ deposits should be submitted by 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- In case he wishes to leave the dept. he should have to submit one month prior notice.
- 6- He should produce his health certificate for the concerned civil surgeon with in 07 days of reporting arrival at duty as required under the rules FR 10. Sr. 4.
- 7- In case the candidate fails to take over charge with in 7 days from the date of issue of this order his apptt. will stand automatically CANCELLED.
- 8- The Candidate should not be takeover charge if his age is not between 18-45 Years.
- 9- He will produce photo copies of the relevant documents, i.e. name of taking over charge.
- 10- He will be death with under the EPD rules if he violate Govt. rules and regulations.

(MST:SAJIDA PARVEEN)
SUB-DIVISIONAL EDUCATION OFFICER,
(FEMALE) NOWSHERA.

1030-1035
Edst: No. / F.No. / Estab: (Asstt: / SDEO (F) NSR: 19-)

- 1- Copy of the above is submitted to the:-
- 2- District Education Officer, (F) FRY: Nowshera.
- 3- ASDEO (F) Local Office.
- 4- Mr. _____ PTA PM- _____ BMIT.
- 5- Head teacher Govt: Girls Primary School.
- 6- Personal file.

(Signature)
SDEO (F)
Nowshera

M. AYAZ
SDEO (F)

RESTRICTED
SUB-DIVISIONAL EDUCATION OFFICER,
(FEMALE) NOWSHERA.

(7)

OFFICE OF THE SB DIVISIONAL EDUCATION OFFICER, (F) NOWSHERA

**Appointment Order of Class IV Contract Basis
Office Order**

Mr. Fanoos Khan S/o Hussain resident of village (sic) 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 Govt Girls Primary School (sic) of Chowkidar According 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. In case he wishes to leave the Deptt: the should have submit on month prior notice.
6. He/ Should produced his health & age certificate for 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 condition fails to take over charge with in 7 days from the date of issue of this order his apptt: will stand automatically cancelled.
8. The candidate should not be handover charge if his are is set between 18-45 years.
9. He will produce photo copies of the relevant documents i.e. time of taking over charge.
10. He will be dealt with under the E&D s if he violated Govt: Rules and regulation.

Mst Sajida Parveen
Sub Divisional Education Officer
(Female) Nowshera

Endst No. 1030-1035/Appointment of Class iV dated 19-
Copy of the above is submitted to the:-

1. District Education Officer Female Pry. Nowshera
2. ASDEO (F) Local office.
3. Mr. _____ MPA PF _____ NWFP
4. Head Teacher Govt Girls Primary School
5. P/File

Sub Divisional Education Officer
(Female) Nowshera

Sajida
ATTESTED

- A nujer 13
1. Name (۲۰) Mr. Fanoos Khan
2. Nationality and Religion Afghan - Islam
3. Residence (مستقر باش) vill Jabbar Tar, Jehand Oustt N.S.R.
(قومیت اور مذہب)
4. Father's name and residence Mr. Humaed Khan
(والد کا نام اور پتہ)
5. Date of birth by Christian era as 13-5-1952 (Christenth May, N.H. 4
nearly as can be ascertained (تاریخ پیدائش مطابق شی جبری) F1 (4 Two)
6. Exact height by measurment 5 feet 7
(قد و قامت)
7. Personal mark of identification Scar Mark on head
(نشان شناخت)

Right hand thumb and finger-Impressions of (Non-gazetted officer)
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Ring Finger (پھٹیٹیا کے ساتھ کی انگلی) Middle Finger (انگشت میاں)

Thumb (انگوٹھا)

Signature of Govt. Servant (سرکاری ملازم کے دستخط)

(Handwritten signature)

Re-attested

Signature and designation of the Head of the Office or other Attesting officer
(تصدیق کنندہ افسر کے دستخط اور پتہ)

(Handwritten signature)

S.D.E.O (F)
Pabbi NSR

4/8/18

Signatures in this page should be renewed or re-attested at least every five years
signatures in lines 9 and 10 should be dated. Finger prints need not be
after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم پانچ سال بعد تجدید ہونا ضروری ہیں اور نمبر 9-10 میں دستخطوں کے نیچے تاریخ بول چال ہونے
کے نشانات کے لئے ہر پانچ سال کے بعد کی تصدیق کی ضرورت نہیں۔

ATTESTED

1 Name of Post درجہ ملازمت	2 Whether Substantive or officiating and whether permanent or temporary عارضی مستقل یا قائم مقام	3 If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو کیا وہ رول کے مطابق پینشن کا مستحق ہے	4 Pay in substantive position تختہ بطور عارضی ملازمت		5 Additional pay for officiating زائد تختہ بطور قائم مقام		6 Other emoluments falling under the term pay بمساواتے تختہ درجہ اولڈنس	Date of appointment تاریخ تقرری
			Rs.	Ps.	Rs.	Ps.		
G.G.P.S.								
Hamid Akbar			Rs 1200/-	500			11/11/95	
"			Rs 1200/-	500			12/12/96	
			Rs 1200/-	500			12/12/97	
			Rs 1500/-	500			12/12/98	
			Rs 1500/-	500			12/12/98	
			Rs 1800/-	500			12/12/99	
			Rs 1800/-	500			12/12/99	
			Rs 2000/-	500			12/12/2000	
			R.S.					

ATTESTED

9	10	11	12	13		14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 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 of average pay up to four months (or earned leave not exceeding 120 days) to 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 praised of the Government servants
					Agreed	Government to which debitable	
دست رکارڈ	دستخط انفرمجار	دوبان انتقال ملازمت	دستخط انفرمجار	رفعت کی وقت دوسرا	چار اہٹ کی وقت کے لئے اوسط تھوہ کا تھوہ	دستخط انفرمجار	سزا یا جزا یا فرسب کارڈ کی کارڈ بھراؤ
	30-11-96	Fixed	A. A. A. A.				Appointed as Fixed character against appointment at G.P.S. Head Board Case with G.P.S. (P) rank Order No. 1230-1090 dt. 19-11-95
	30-11-96	Fixed	A. A. A. A.				No. in A. A. A. A.
	30-11-96	Fixed	A. A. A. A.				D.O. O Form No. 10 3/3/04
	30-11-95	Fixed	A. A. A. A.				20-11-95 30-11-97
	30-11-95	Fixed	A. A. A. A.				No. in A. A. A. A.
	30-11-95	Fixed	A. A. A. A.				1-12-98
	30-11-95	Fixed	A. A. A. A.				No. in A. A. A. A.
	30-11-95	Fixed	A. A. A. A.				1-12-99
	30-11-95	Fixed	A. A. A. A.				30-11-97

Vertical text on the left margin, likely containing names and dates of the officers mentioned in the table.

ATTESTED

No. in A. A. A. A.

Signature of Head of Office

Signature of Head of Office

Signature and designation of the Head of the Office or other Attesting Officer in attestation of columns 1 to 8

سربراہ دفتر یا کسی افسر عہدہ کے دستخط کا اہل ذمہ سے برسرہ تنگ کے اندراجات کے سلسلے میں

Date of termination of appointment

تاریخ انقطاع ملازمت

Reason of termination (such as promotion, transfer, dismissal etc.)

وجہ انقطاع ملازمت بوجہ منتقلی یا تسدیل یا برسرہ تنگ

Signature of the Head of the Office or other Attesting Officer

سربراہ دفتر یا کسی افسر عہدہ کے دستخط

Nature and duration of leave taken

میعاد اور نوعیت و مدت

Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) for which leave salary is payable to an other Government.

کسی دیگر حکومت کے حکماتے میں قابل مجرائی چار ماہ کی یا کسی اور حکومت کے دستخط

Signature of the Head of the Office or the Attesting Officer

سربراہ دفتر یا کسی افسر عہدہ کے دستخط

Reference to any recorded punishment to Censure, or reward or praise of the Government Servant

مذکورہ سزا یا طرارت یا انعام یا تعریف کا حوالہ

Period Government to which debitible

CONSOLIDATION CERTIFICATE

Consolidate service verification of 20/11/95
27/5/12 for consolidation of service verification/ acquaintance Roll and other record of this office

19/2/2016
Leave salary amount due to leave
to Rs 139,977
DAG

Signature of Head of Office

Retirement order issued by SDEO(F) Newshora Ends of no 2797 dt 27/04/2013.

SDEO(F)
Rabhi NBR

ATTESTED

خدمت جناب ڈسٹرکٹ انجینئر افیسر female نوٹس

Annex C

(12)

اپیل برائے جاری فرمائے پنشن وغیرہ

جناب عالی سائل حسب ذیل عرض کرتا ہے۔

آپ کی محنت جو سید 1995-11-20 کو ہوئی ہو۔

اور مورخہ 2012-5-12 کو 60 سال کی عمر میں ملازمت سے

ریٹائر ہو۔

جناب عالی سائل نے 17 سال ملازمت کی ہے۔ اور پنشن میں

خفہ ہے۔ سبب تا حال سائل کو پنشن میں جاری نہیں

کی گئی ہے۔

اسد میں ہے کہ سائل کو پنشن میں جلد از جلد جاری

کرنے کا حکم صادر فرمایا جائے گا 10/9/2018

فالتوس خان

ATTESTED

گورنمنٹ گنز برائرس سکول حمید آباد جیہ خٹک



OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER,
(FEMALE) NOWSHERA

(Office Fax# 0923-9220228)
No. _____ / Establishment/

Dated 27-4-2013

NOTIFICATION

Competent Authority is pleased to accord sanction for retirement from service in favour of Mr. Fanoos Khan, chowkidar Government Girls Primary School Hamid Abad (J/Tar) District Nowshera, detail given below.

More over in pursuance of Rules 20 of the Khyber Pukhtoon Khwa civil servant revised leave Rules 1981, sanction is also accorded to the grant of L.P.R. Encashment on full pay 180-days in lieu of L.P.R. as admissible to him. His particulars are as under.

D/O Birth	D/O Ist Apptt:	D/O Retirement
13/5/1952	20/11/1995	12/5/2012

(Muazima Noreen)
Sub Divisional Education
Officer (Female) Nowshera

Endst: NO. 2797

Copy of the above is forwarded for information & N/A to the:-

1. Senior District Accounts Officer Nowshera.
2. A.S.D.E.O. Circle Concerned.
3. Head Teacher Concerned.
4. Official Concerned.

(Signature)
S D E O (F)
Pabbi Nar

(Signature)
Sub Divisional Education
Officer (Female) Nowshera

ATTESTED

Amara E
محرمات حنا بی بی سندھ ایس صاحبہ گورنمنٹ پرائمری سکول

14

حمید آباد -
عنوان - چارج ریپورٹ

حنا عالیہ - گزارش ہے کہ حوالہ عمر 1030 - 1055 مورخہ 20/11/1955
کو میں ایسی ڈیپوٹی کا چارج لیا۔ کہہذا فالووس خان والد حمید خان
کریمنڈل -

چارج دہندہ

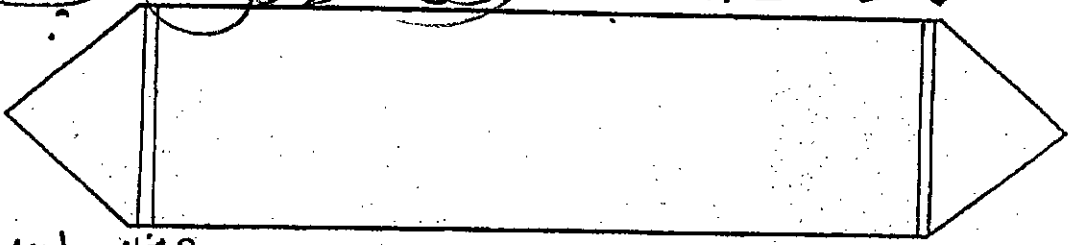
شہزادہ سلیم

ATTESTED

چارج کنندہ

فالووس خان

بعدالت جناب سرورس ٹریبونل PK لہذا



2 جناب ایدانڈ

فانوس خان بنام گورنمنٹ وغیرہ

موزخہ
مقدمہ
دعویٰ
جرم

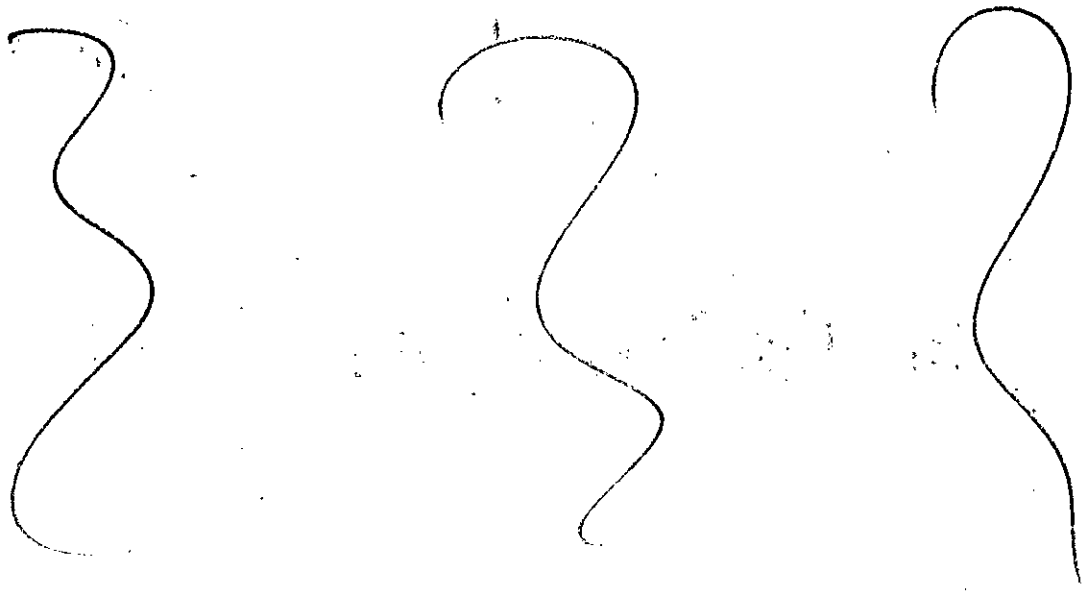
باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لہذا کیلئے محمد رفیق سید عیوب کو وکیل مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ جو
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی 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 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 لکھدیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20

العبد _____ واہ العبد _____

بمقام فانوس خان کے لئے منظور ہے۔



محمد آصف ابرو کیٹ
سیکرٹری کورٹ آف پاکستان

آفس : 214 سید احمد علی بلڈنگ نزد تاج آؤٹ
سیری سجد روڈ بسٹا درہ

Ph: 091-527 9292

Mob: 0302-8885187

" : 0332-8885187

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1553 to 1563 & 1567 of 2018

Fanoos Khan Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through secretary finance Civil
Secretariat, Peshawar & other Respondents

S. No	Description of Documents	Annexure	Pages
1	para-wise comments		1-4
2	Affidavit		5
3			
4			

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1553/2018

Fanoos Khan Appellant

Versus

Government of Khyber Pakhtunkhwa Through secretary finance

Civil secretariat Peshawar and others..... Respondent

Index

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1553/2018

..... **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.

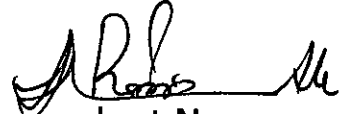
Reply to grounds

- 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.

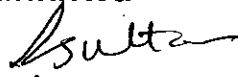

(Respondent No.1)

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


Respondent No
Secretary Education *ESSED*.

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. 1553

Fanoos KhanAppellant

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.