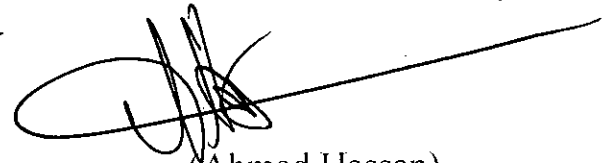


26.09.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Roheen Naz, ADO, Mr. Sajid, Supdt and Mr. Zakiullah, Senior Auditor for respondents present.

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

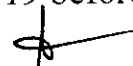
03.07.2019

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

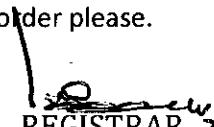
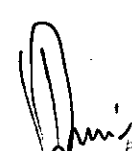

Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.1 and Zaki Ullah Senior Auditor representative of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. 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. 1554 /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. Bismillah Jan 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 22/12/18</p> <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>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1554 /2018

Bismillah Jan..... *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
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8-15
5	Copy of appeal	C	16
6.	Copy of retirement order	D	17
7	Copy of Charge report	E	18
8.	Wakalatnama		19


Appellant

Through

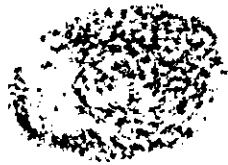

Muhammad Asif

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
2
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11
12

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 1554 /2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1821

Dated 27-12-2018

Bismillah Jan s/o Wawa Gul
R/o Haji Abad, Manki Sharif
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. 30.06.2016 WHILE APPEAL FILED ON 10.12.2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

(2)

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. 30.06.2016 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 22.04.1993 in Govt. Primary School No.3 Haji Abad, Manki Sharif, 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 30.06.2016 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 23 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 ~~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.

3

- 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. 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.

- 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.



Appellant

Through

M. 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.

Moh → *ASIF*



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. _____/2018

Bismillah Jan..... *Appellant*

VERSUS

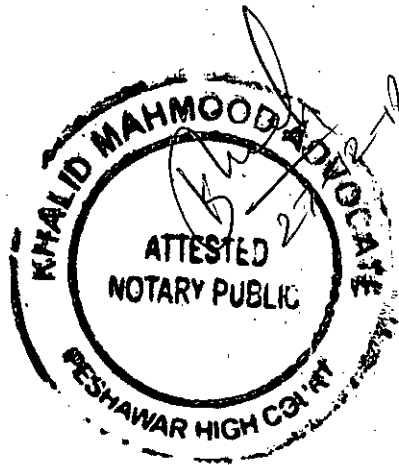
Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

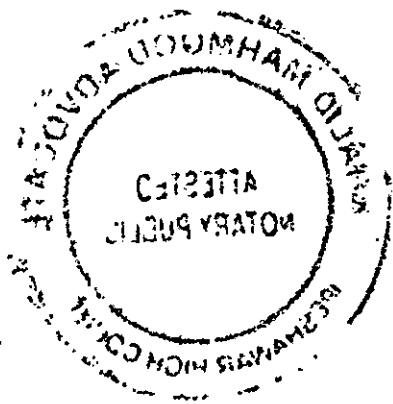
AFFIDAVIT

I, Bismillah Jan s/o Wawa Gul R/o Haji Abad, Manki Sharif 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.



Deponent





6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Bismillah Jan..... *Appellant*

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Bismillah Jan s/o Wawa Gul
R/o Haji Abad, Manki Sharif
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.



Appellant

Through

Md Asif
Muhammad Asif
Advocate Supreme Court

(2) 1
Annex A
(7)

OFFICE OF THE SUP. DEVEL. EDUCATION OFFICER (GENERAL)

OFFICE ORDER

Mr. Bismillah Jan Hand Gul

resident of Mandi Suf candidate is hereby appointed
as a class IV Govt. servant at Hand Gul 500/700/-
pm plus usual allowances as admissible under the rule with
the date of taking over charge at g.p. No. 3 Mandi Suf, against
the vacant post under the following conditions:-

CONDITIONS

1. Change reports shall be sent to this office.
2. No. RA/DA is allowed being first appointment.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely temporary and subject to the termination at any time/notice. In case he wishes to leave the department he should have to submit one month's notice.
5. He should be produced his Health and age certificate from the concerned Civil Surgeon/M.O. within 10 days after the issue of this order as required under rule (7.12) (a).
6. In case the candidate fails to take over charge within 10 days from the date of issue of this order his appointment will stand cancelled automatically.
7. The candidate should not be a man over charge of his age is not between 18/45 years.
8. 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.
9. He will produced photo copies of his relevant documents, i.e. Office order, Medical certificate, Identity card, etc. at the time of taking over charge.
10. He will be dealt with under the E.P. rules if he violate Govt. Rules and regulations.
11. *the candidate apply in control bars & apply for...*

Mohamed Usman Khan
S.D.O. Mandi Suf

Instt. No. 10096-7810 IV. Date: 19/4

1. ASYC concerned.
2. Head teacher concerned.
3. Pay clerk concerned.
4. DAO Nowshera
5. Public Council

C/S *[Signature]* **ATTESTED** *[Signature]*

(7)

OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) NOWSHERA

Office Order

Mr. Bismillah Jan S/o Wawa Gul resident of Manki Sharif 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 GPS 3 Manki Sharif against vacant post 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. 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 dealt with under the E & D if he violated Govt: Rules and regulation.

District Education Officer (M)
Primary Nowshera

Endst No. 10096-98. No. B/Class-IV dated 19.04._____

Copy of the above is forwarded to the:

1. ASDEO Concerned
2. Head Teacher concerned
3. Pay Clerk Concerned.
4. DAO Nowshera

District Education Officer (M)
Primary Nowshera

Asad
ATTESTED

Annet B 8

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.

Reference
rec'd
part
cc

1. Name: Bilawal
2. Race: Afghan
3. Residence: Kill: Manchi Sharif

4. Father's name and residence: Mansal Gul (Manchi Sharif)

5. Date of birth by Christian era as nearly as can be ascertained: 1956

Date 6. Exact height by measurement: 5-6

7. Personal marks for identification: A cut mark on the nose.

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

Little Finger:

Ring Finger:

Middle Finger:

Fore Finger:

Thumb:

ATTESTED

9. Signature of Government Servant:

10. Signature and designation of the Head of the office, or other Attesting Officer.

DDO (M)
EISE NSR

Sub Divisional Education Officer (White) Non...

1 Name of Post	2 Substantive Whether substan- tive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Signature of Government servant
Chawal: GHS No-3 Manki shorij			RS: 1200/-	Fixed		22/4/93	
			RS: 1500/-	P.M.		1/12/98	
			RS: 1800/-	P.M.		1/7/99	
			RS: 2000/-	P.M.		1/2/2000	
			RS: 2580/-	P.M.		1/2/2002	
			RS: 2800/-	P.M.		1/7/2003	
			RS: 3100/-	P.M.		1/12/04	
			RS: 3500/-	P.M.		1/7/05	
			RS: 4000/-	P.M.		1/12/06	
ATTESTED					D. J. ... GENERAL		

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 debitab 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 debitab	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

Appointed against Choudh.
Post on the BPS No-I R, 1200/Per
Filed Pdf Under Exhibit
10096-98 dt 19-4-1993
D.E.O. (M) NSR.

SK
DDO (M) NSR
E/SE NSR

verified 1st-c of
service verified
22-4-1993-30-6-2001
from the Aeg Rollo other
office record.

SK
DDO (M) NSR
E/SE NSR

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
Charwal Lt. Naguib Sharma		B.P.S. No I Rs (920-26-1310)					
		Rs 920/-				22-4-93	
		R = 945/-				1-4-93	
		<u>B.P.S. No I Rs (1245-35-1770)</u>					
		Rs 1280/-				1-6-94	
		Rs 1315/-				1-12-94	
		R = 1350/-				1-12-95	
		Rs = 1385/-				1-12-96	
		Rs = 1420/-				1-12-97	
		Rs = 1455/-				1-12-98	
		Rs = 1490/-				1-12-99	
		Rs = 1525/-				1-12-2000	
		Rs = 1560/-				1-12-2001	
		<u>Released B.P.S. No I Rs (1870-55-183520)</u>					
		Rs 2365/- P.M.				1/12/2001	
		Rs 2420/- P.M.				1/12/2002	
		Rs 2475/- P.M.				1/12/2003	

Attested

Signature of Government servant

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	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or cessure, or reward or praise of the Government Servant
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government		
					Period		

Allowed BPS-I e-P-F
Scheme from 1st
Pay W.K. Date of N.W.F.F.
F.D. No B-04/FD/1-22 of
30-7-2008.

[Signature]
DDO (M)
EISE NSR

Service Verified with ... 7-2007
To ... 1-2002

[Signature]
DDO (M)
EISE NSR

ATTESTED
[Signature]
Service Verified with ... 7-2007
To ... 1-2002
DDO (M)
EISE NSR

[Signature]
DDO
EISE NSR

1	2	3	4	5	6	7	8	9
Name of Post	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. 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 and De- scription of the head of the office attesting in attesta- tic column 1
<i>Chanda</i> <i>UPB...</i>			2535			1/12/2004		
		Revised BPS AT PS 2150-65=4100						
			RS 2930/- PM			1/7/05		
			RS 2995/- PM			1/12/2005		
			RS 3060/- PM			1/12/2006		
		Revised BPS AT PS (2475-75=4725)						
			RS 3525/- PM			1/7/07		
			RS 3600/-			1/12/07		
		Revised BPS AT				1/7/08		
		BI (2970-90-5670)						
			RS 4320/- PM			1/7/08		
			RS 4410/- PM			1/12/08		

ATTESTED

[Signature]
0300
OFFICE NS

(11)

9 Nature 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 debitable to another Government		
							Service Verified wsf (12-2001) To 30-11-2005
							<i>[Signature]</i> DDO (M) EISE NSR
							Service Verified wsf (12-2001) To 30-11-2007
							<i>[Signature]</i> DDO (M) EISE NSR
							Service Verified wsf (12-2001) To 30-11-2008
							<i>[Signature]</i> DDO (M) EISE NSR

[Signature]
ATTESTED

[Signature]
DDO (M)
EISE NSR

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 and Designation of the head of the office attesting in attestation columns 1 to
<i>Chand...</i> <i>Mohi Sh...</i>			<i>Rs. - 4500/- P.M.</i>			<i>12/2009</i>		
			<i>Rs. 4500/- P.M.</i>			<i>12/2010</i>		
		<i>Medical B.P. No. I (4800-150-7300)</i>				<i>12/2011</i>		
			<i>Rs. 7500/- P.M.</i>			<i>12/2011</i>		
							<i>[Signature]</i>	
							<i>[Signature]</i>	
			<i>7650/- P.M.</i>			<i>12/11</i>		<i>E</i>

ATTESTED

(12)

9	10	11	12	13		14	15
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	Leave		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
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
						<p>Service Verified with <u>1-12-2008</u> To <u>30-11-10</u></p>	<p><i>[Signature]</i> DDO (M) E/SE NSR</p>
						<p>Service Verified with <u>1-12-10</u> To <u>30-11-11</u></p>	<p><i>[Signature]</i> DDO (M) E/SE NSR</p>
	<p><i>[Signature]</i> DDO (M) E/SE NSR</p>	<p>30/11 A/2008</p>					
			<p><i>[Signature]</i> DDO (M) E/SE NSR</p>				
						<p>SERVICE VERIFIED from 1/12 to 30/11 from The do/roll and other Records of this office.</p>	
							<p><i>[Signature]</i> DDO (M) E/SE NSR</p>
						<p><i>[Signature]</i> DDO (M) E/SE NSR</p>	
				<p>ATTESTED <i>[Signature]</i></p>			

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	Name and designation of attesting authority
<i>Revised Entry in the light of BPS-23 and DR Spmt issued on 1/19/2007</i>								
		B-① 01-7-07			3525-			
		B-② 01-7-07			3130-			
	Sp: Admnl	01-09-07			3635-			
		12/07			3720-			
		7/08			4435-			
		12/08			4535-			
		12/09			4635-			
		12/2010			4735-			
		7/2011			7790-			
		02/2011			7960-			
		12/2012			8130-00		✓	
	4435/08							
	7790/01							
	No. Arrear Prior							
	To: 2008	1-7-2008						
	OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES I				Basic Pay Scales 2011 Office of The Accountant General Khyber Pakhtunkhwa Peshawar PAY FIXED IN THE REVISED B.S.			
	OF RS 3035	100-6035			4900-120-10030			
	AT RS 4435	1-07-2008			7790	1-07-2011		
	With effect from	1-12-2008				1-12-2011		
	ACCOUNTANT GENERAL Pay Fixation Party NWFP				Accounts Officer Pay Fixation Party NWFP Peshawar			

ATTESTED

(13)

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 debitable to another Government		
Name and Designation of head of the office or 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.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant

J 1034
9/4/14

Amount of pay and Allow in state Govt.

30/11/13 1A7. Date:

S.D.E.O. (M) Nowshera

Allowed BPs No. 2 vide Govt. of Punjab (Punjab Finance Deptt.) (Regulation wing) No FD/50LFR/7-2/2007 Dated. Peshawar the 29-9-2010

J 1034
9/4/14
Amount of pay and Allow
No of BPs - 02 SPL Advt - 197/12/2013
No 20/2014

Sub Divisional Education Officer (Dial) Nowshera

I Mr. Bismillah Khan is hereby given an undertaking to the effect that any overpayment is made on account of this order will be recovered and if I am wrongly promoted will be...

[Signature]

Sub Divisional Education Officer (Dial) Nowshera

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 and name of the head of office or other attest in attested columns
Chaukider BPS Man Ki Sluzif No. 3	BPS No. 2	Revised 2011 (490-170-10000)						S.D.B Now
do-			Rs. 8307/- P. 807.			11/12/013		A
			Rs. 8470/-			7/014	J	
			Rs. 8540/-			12/2014	J	
			Scale Revised Rs. 1125/-			7/015	J	
			Rs. 11395/-			11/2/015	J	
			BPS-04 (Rs. 6730-800-15730)					

[Signature]
S.D.O. (M.A.)
Nowshera

[Signature]
ATTESTED

(14)

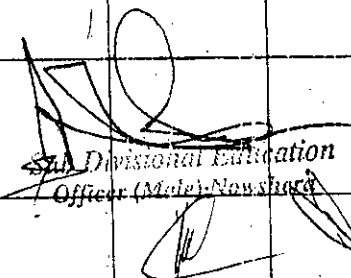
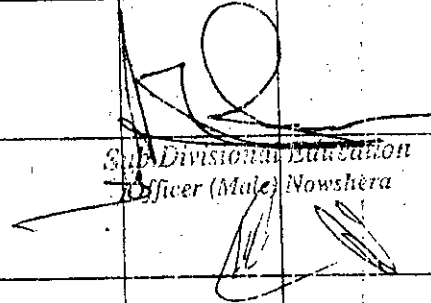
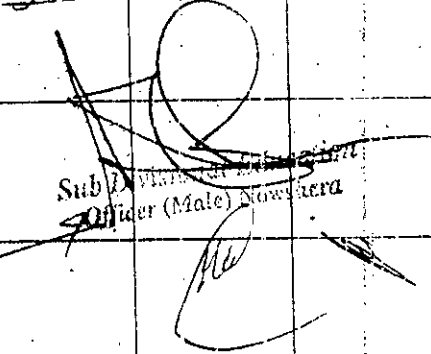
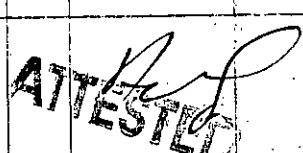
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				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			
								Period
S.D.E.O. (M) Newshik	30/04	Retiree	[Signature]			SERVICE VERIFIED 9.8.1972 To 30.4.73 from The Pay Roll and other Record of this office.		
[Signature]	30/11/2014	Time	[Signature]			[Signature]	S.D.E.O. (M) Newshik	
[Signature]			[Signature]				Allowed on upgrade of KP Financial 2-12-2014.	Signature Inc, on part of Govt of KERALA 14/7/14
[Signature]			[Signature]				TR No. 138 Dated 10/11/14 Arrear of one premature increment on a/c of upgrade w.e.f. 30/5/14 to 1/1/15 Rs. 952/-	[Signature]
[Signature]	30/11/2015	Time	[Signature]				ALLOWED	
[Signature]	2/12/15	Promoted 446 to 515-04	[Signature]				02/12/15 to 5/12/15 prepaid Financial KCH/15 Dated 17-20-2015	Right of Govt No. 17-20-2015
[Signature]			[Signature]				TRA 275 dt 5/11/16 Drawn from of 1973 of B-04 to 12/10 12/10 R/S 511/16	Under the M. Bismillah Jha is hereby the effect of a is made to me order will be wrongly enclosed will be reversed.

ATTESTED

1	2	3	4	5	6	7	8
Name of Post	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. 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

Rank and Designation of the Head of the Department
The attesting officer shall sign in columns 1 to 8.

[Handwritten Signature]
ATTESTED

	10	11	12	13		14	15	
	Name 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	Leave		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
					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		
Period	Government to Which debitable							
						Source verified with effect from 01-12-2013 to 30-11-2015		
						 Sub-Divisional Education Officer (Male) Nowshera		
						Source verified with effect from 01-12-2015 to 30-06-2016.		
						 Sub-Divisional Education Officer (Male) Nowshera		
						(Consolidated) Source verified with effect from 22-04-1992 to 30-06-2016.		
						 Sub-Divisional Education Officer (Male) Nowshera		
						ATTESTED 		

محمد رفیق ڈسٹرکٹ ایجوکیشن آفیسر Amala ضلع رتھورہ
16

اپنی لڑائی جاری رکھیں وغیرہ

ضیا علی کی صحت خراب ہے۔

کتاب کی کاپیوں کو تیار 19.4.93 کو کھری گیا ہے۔

ادھر مورخہ 30.6.2016 کو 6 سالہ عمر میں ملازمت سے

ریٹائر ہو گیا۔

ضیا علی کی سائل 23 سالہ ملازمت کی ہے۔ اور اس میں وغیرہ

فقداری ہے۔ لیکن یہ حال سائل کو منشن وغیرہ جاری نہیں کیا

استدعا ہے کہ سائل کو منشن وغیرہ ملد از قلم

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

Attest
ATTESTED

بسم اللہ تعالیٰ اور گورنمنٹ ہر افریقہ سکول مانڈی ٹیپ
ولہ دواؤہا
10/9/2018



Annex 17

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

OFFICE ORDER.

Under the provision Government of Khyber Pakhtunkhwa Finance Department letter No.FD (SR-IV) Vol.II dated 24/08/1983.

Mr. Bismillah Jan Chowkidar GPS No.3 Haji Abad Manki Sharif NSR is hereby retired from Government service w.e.f 30/06/2016 on superannuation. He is entitled for only lump sum gratuity of one month basic pay per complete year having regular service w.e.f 01/07/2008. His regular service is less than 10 years.

S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Appt: on fixed	Transfer to Regular Service	Total Length of service Y-M-D	Remarks
01	Mr. Bismillah Jan Chowkidar GPS No.3 Haji Abad Manki Sharif NSR P.No.00341461	30-06-2016	30-06-1956	22-04-1993 On fixed pay	01/07/2008	07-11-29	Retire from Govt. Service on Superannuation. He was regularized w.e.f 01/07/2008

[Signature]
District Education Officer (Male)
Nowshera
08/08/2016

Endstl: No 5143-46 /DEO (M) NSR/EA-S/ Retirement of PST/ Dated Nowshera the 08/08/2016.

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), Nowshera
- 3: ADO Circle concerned
- 4: Official concerned.

[Signature]
ATTESTED

[Signature]
District Education Officer (Male)
Nowshera

Annex (19)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

نمبر آرڈر 10096-98 / آمدہ از دفتر -

05-01-1947

مدرسہ عالیہ اسلامیہ، لاہور

مدرسہ عالیہ اسلامیہ، لاہور

چارج و پینڈہ

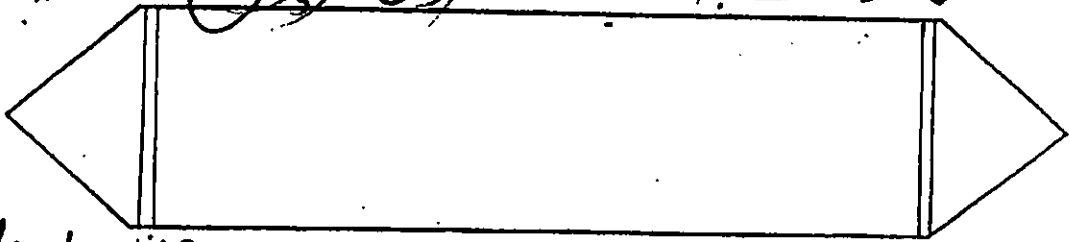


Teacher
Govt. Primary School
Manki Sharif Haji Auli

Handwritten signature

ATTESTED

بعدالت جناب سرویس مینوفیل KPK لیٹا



2 جناب اسپانڈ

بنام گورنمنٹ وٹرو
بسم اللہ جان

موزخہ
مقدمہ
دعوی
جزم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام لیٹا کیلئے محمد آصف ایڈووکیٹ سید محمد کورٹ آف پاکستان
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ 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
 زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت 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 جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیثے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

Handwritten notes and signatures on the left margin.

المرقوم _____ ماہ _____ 20

_____ گواہ العبد

بمقام _____ کے لئے منظور ہے۔



شہزادہ آصف ارشد و کیٹ
سپریم کورٹ آف پاکستان

آفس : 214 سید احمد علی لائٹنگ نزد تاج آؤٹ
سنیئر سیکرٹری سید ریحان بیگم

Ph: 091-5279292

Fax: 0302-8885187

|| : 0332-8885187



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1554/2018

Bismillah Jan..... Appellant

Versus

Government of Khyber Pakhtunkhwa Through secretary finance

Civil secretariat Peshawar and others..... Respondent

Index

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. 1554/2018

Bismillah Jan..... 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.

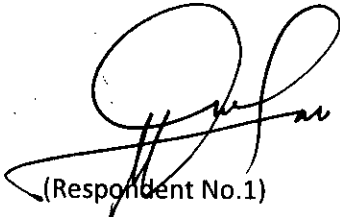
Reply to facts

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

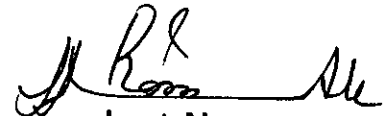
- a. That the ground A is, incorrect hence denied. Since the appellant has not filed any departmental appeal therefore the question of verbal order does not arise.
- b. That ground B, is incorrect hence denied. The appellant has not filed any departmental appeal.
- c. That ground C, is incorrect hence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

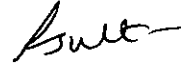


Respondent No
Secretary Education *EISED.*

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. 1554

Bismillah Jan.....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.