

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

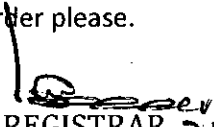


15.04.2019

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. 1556 /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. Azam 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 <u>27/12/18</u></p>
2-	28.01.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mr. Muhammad Saddique, junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 27.02.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1556 /2018

Azam Khan..... Appellant

VERSUS

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

INDEX

S.No.	Description of documents.	Annexure	Pages.
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4	Copy of appointment letter	A	7
5	Copy of service book	B	8-14
5	Copy of appeal	C	15
6.	Copy of retirement order	D	16
7	Copy of Charge report	E	17
8.	Wakalatnama		18

JG

Appellant

Through

Md Asif
Muhammad Asif

Advocate Supreme Court

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

Office No.091-5279292

Cell: 0302-8885187

0311-1934339

Dated: 22.12.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 1556 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1819

Dated 27/12/18

Azam Khan s/o Mir Azam Khan
R/o Nasu Khel, Malkanan, Inzari,
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*

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. 18.03.2014 WHILE APPEAL FILED ON 11-9-2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Filed to-day

[Signature]
Registrar

27/12/18

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. 18.03.2014 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 04.10.1995 in Govt. Girls Primary School Siavi, 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 18.03.2014 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 19 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~~ 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.


- 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

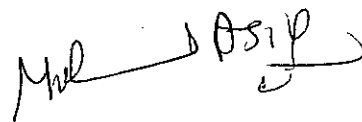
Through


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.



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____/2018

Azam Khan..... *Appellant*

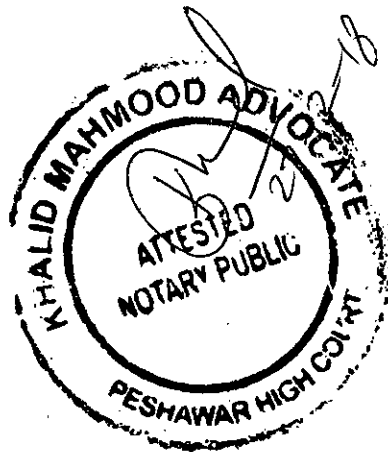
VERSUS

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

.....*Respondents*

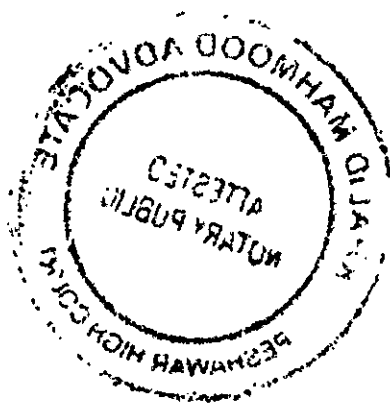
AFFIDAVIT

I, Azam Khan s/o Mir Azam Khan R/o Nasu Khel, Malkanan, Inzari, 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.



(Handwritten signature)

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Azam Khan..... *Appellant*

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Azam Khan s/o Mir Azam Khan
R/o Nasu Khel, Malkanan, Inzari,
Tehsil and District Nowshera

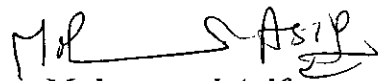
RESPONDENTS:

- 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.



Appellant

Through



Muhammad Asif
Advocate Supreme Court

Annex A
(F)

APPOINTMENT OF CLASS IV
OF CONTRACT BASTI.

Mr. Azem Khan

270 Mr. Azem Khan, a resident of
Candidate for Primary appointed

Village, Izzati
as Class IV Chowkidar/W/used on BASTI. The following rules will effect from the date of his taking over charge at Govt: Girls Primary School BASTI of Government and according to the following BOND under the following terms and conditions:-

CONDITIONS:-

- 1- Charge reports should be submitted to all concerned.
- 2- No D.A./D.A 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: he should have submit one month prior notice.
- 6- He should produce his health & age certificate from the concerned civil surgeon within 7 days of appointment arrival a duty as required under the rules provided.
- 7- In case the candidate fails to take over charge within 7 days from the date of issue of this order, he will stand automatically QAWQ/Dismissed.
- 8- The candidate should not be permitted to change in his age for not between 15-45 Years.
- 9/10 He will produce photo copies of the relevant documents in a time of taking over charge.
- 10- No will be death with under the BCD rules if he violates GOVERNMENT and regulations.

ATTESTED

SD/PO (F)
Jhangira (NSR)

(Mr. Ghazal Begum, Nazim)
DISTRICT EDUCATION OFFICER
JHANGIRA, DISTRICT BASTI

Transmit to Mr. Azem Khan the 27/9/2015
Copy of the same is submitted to the

- 1- District Education Officer, (Female) Primary, Jhangira.
- 2- Head Teacher G.G. School (F) BASTI.
- 3- ASSEO/AM/Post office
- 4- Mr. Azem Khan
- 5- Mr. Azem Khan

DISTRICT EDUCATION OFFICER
(FEMALE) BASTI

ATTESTED

7

**OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER, (F)
NOWSHERA**

Appointment Order of Class IV
Contract Basis

Office Order

Mr. Azam Khan S/o Mir Alam resident of village Izrari 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 Savia 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 be dealt with under the E&D s if he violated Govt: Rules and regulation.

Miss Sajida Begum
Sub Divisional Education Officer
(F) Nowshera

Endst No. 26-30/Dated Nowshera the 21.9.1995.

Copy of the above is forwarded to the:

1. District Education Officer (Female) Primary Nowshera
2. Head teacher G.G.P School Sivia
3. Local File
4. Mr _____ MPA No. ___ NWFP
5. personal File

Sub Divisional Education Officer
(F) Nowshera

[Signature]
ATTESTED

SERVICE BOOK

Unit # B

(8)

P. NO. 380861

OF

Mr. AZAM KHAN

S/o Mix AZAM KHAN

Designation Chowkidar

Department G.G.P.S. SAIVI

[Signature]

Price: Rs. 30/-

(For use in Police Department only).

99

Heirs,

- 1.
- 2.
- 3.

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
---------------	------	---------------	------

English		First Arts	
---------	--	------------	--

Pushto		B.L. or B.A	
--------	--	-------------	--

Urdu		Pleadership examination	
------	--	-------------------------	--

Plan-drawing		Training School Final examination	
--------------	--	-----------------------------------	--

Finger Print		Other qualifications	
--------------	--	----------------------	--

Drill Instructing			
-------------------	--	--	--

Court Duties			
--------------	--	--	--

Reserve Duties			
----------------	--	--	--

ATTESTED

N.B - Line to be drawn under the qualification possessed.

18

Copies 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: AZAM KHAN ✓ U 6/21

Religion: Azghan ✓

Residence: Moh: Nason Khol Inzasi
Teh: & Dieth's Nowshera

Father's name and residence: Mis Azam Khan ✓

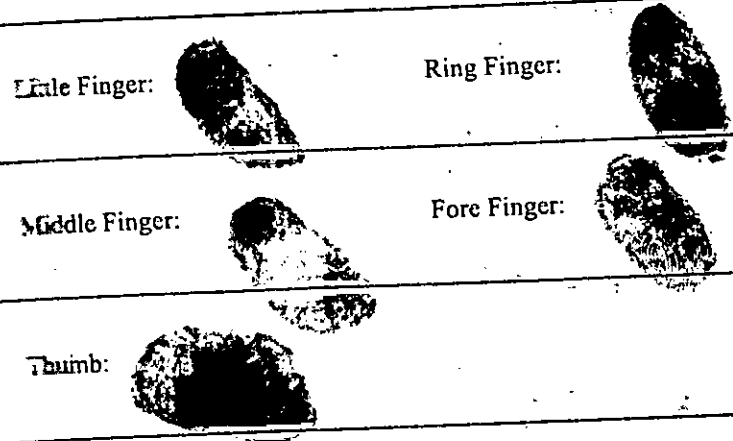
Date of birth by Christian era as nearly as can be ascertained: 19-03-1954 ✓
Nineteenth March A.H & Fifty Four

Exact height by measurement: 5-8 ✓

Date

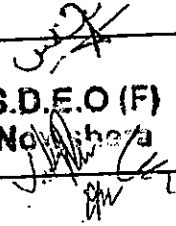
Personal marks for identification: Scars Mole Fore head left side

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



Signature of Government Servant: U 6/21

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

S.D.E.O (F)
Nowshera


ATTESTED

1.	2	3	4	5	6	7	8
Name of Post	Substantive 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
Chowkidar 9385-1011			Rs 1200/-	Ration		4 ¹⁰ / ₉₅	Joshi
			Rs 1200/-	"		1 ¹² / ₉₅	Joshi
			Rs 1200/-	"		1 ¹² / ₉₆	Joshi
			Rs 1200/-	"		1 ¹² / ₉₇	Joshi
			Rs 1500/-	"		1 ¹⁷ / ₉₈	Joshi
			Rs 1800/-	"		1 ⁷ / ₉₉	Joshi
			Rs 2000/-	"		1 ⁷ / ₂₀₀₀	Joshi
			Rs 2000/-	"		1 ¹² / ₂₀₀₁	Joshi
			Rs 2500/-	"		1 ⁷ / ₂₀₀₂	Joshi
			Rs 2800/-	"		1 ⁷ / ₀₃	Joshi
			Rs 3100/-	"		1 ⁷ / ₀₄	Joshi
			Rs 3500/-	"		1 ⁷ / ₀₅	Joshi

ATTESTED

(511)

8	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		

ATTESTED

Appointed as Chowkidar
 (Fixed) at G.P.S. Siavi vada
 S.D.E.O (F) N&R Erdst. No.
 26-3004+ : 21-9-1995.
 S.D.E.O (F) Vashela
 30/11/96.
 26-6-2014 at
 S.No 34
 S.D.E.O (F) Vashela
 1/12/96
 29/4/93
 1/12/99
 29/4/93
 1/12/99

Signature of Government Servant

Signature of the head of the office or other attesting officer

Date of termination or appointment

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

Signature of the head of the office or other attesting officer

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

S.D.E.O (F) Vashela

S.D.E.O (F) Vashela

S.D.E.O (F) Vashela

S.D.E.O (F) Vashela

S.D.E.O (F) Vashela

S.D.E.O (F) Vashela

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 Government
			Rs 4000/- Fixed			11/1/66	Ugale
Revised entries in the light of Advised							Ugale
		BPS-1 Rs 1245-35-					Ugale
	Pay on	1-10-95	in B-1			1245-	Ugale
	N	1-12-95	N			1245-	
	N	1-12-96	N			1280-	Ugale
	N	1-12-97	N			1315-	Ugale
	N	1-12-98	N			1350-	
	N	1-12-99	N			1385-	
	N	1-12-2000	N			1420-	Ugale
	N	1-12-2001	N			1455-	
	N	1-12-2001 87R	N			2200-	Ugale
	N	1-12-02	N			2255-	Ugale
	N	1-12-03	N			2310-	
	N	1-12-04	N			2365-	
	N	1-7-05 41R	N			2420-	2735-
	N	1-12-05	N			2475-	2800-
	N	1-12-06	N			2530-	2865-
	N	1-12-07 51R	N			3300-	
	N	1-12-07	N			3375-	Ugale

ATTESTED

[Handwritten signatures and initials]

8	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		
Signature of Government Servant	Name and Designation of head of the office or other attesting officer. 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
	S.D.E.O (F) Howshe	30/08/08	Allowed BPS-1 wep	S.D.E.O (F) Howshe			S.D.E.O (F) Howshe	Service verified by S.P. 4/2/03 to 30/08/08 on the record of the Office.
			Allowed BPS-1 wep 1-7-08 wide Finance Deptt's No. BPS/1-22/1028-9 dt: 30/07/2009				S.D.E.O (F) Howshe	Allowed or special increment wep 1-9-07 wide Secretary to Govt. of NWFP Finance Deptt's No. FD/CR-1 2-4/2008 dt: 04/04/2009.
			Allowed BPS-2 wep	S.D.E.O (F) Howshe			S.D.E.O (F) Howshe	
			1-7-07 & Asscat wep 1-7-08 wide Govt. of NWFP Finance Deptt's No. FD/50(FR)7-2/2007 dt: 28/7/2007				S.D.E.O (F) Howshe	Service verified by S.P. 4/2/05 to 30/11/07 on the record of the Office.
				S.D.E.O (F) Howshe			S.D.E.O (F) Howshe	Service verified by S.P. 1/12/07 to 30/11/09 on the record of the Office.
							S.D.E.O (F) Howshe	Service verified by S.P. 1/12/09 to 30/11/14 on the record of the Office.

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
<u>Revised entries in the list of B-2</u>							
		Pay order 1-7-07	in B-1			3300-	
		" 1-7-07	B-2			3380-	
		" 1-9-07	S/Inc "			3465-	
		" 1-12-07	A/I "			3550-	
		" 1-7-08	S/R "			4235-	
				<i>Handwritten signature</i>			
		Rs 4337-	PM			12/08	ایکھتیار
		Rs 4437-	"			12/09	ایکھتیار
		Rs 4537-	"			12/10	ایکھتیار
		<u>Scale Revised in B-2 (Rs):</u>					ایکھتیار
		Rs 7450/-	PM			12/11	ایکھتیار
		Rs 7620/-	"			12/11	ایکھتیار
		Rs 7790/-	"			12/12	ایکھتیار
		Rs 7960/-	"			12/13	ایکھتیار

ATTESTED

8	9	10	11	12	13		14	15	
					Leave				
Signature of government servant	Designation of the office of attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	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		
									Service verified with 1-11-2013 to 18/3/2014 From Mr. Aeg. Mohl Other record of this officer.
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
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		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]
		30/08/11		[Signature]					[Signature]

To - 46 dt 11/6/15

Drawn & signed by 95529

On acc of Cashier

365/days - No 1015-1100

12/8/15

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

AS
ATTESTED

کھت جنڈ کسٹریٹ انکوشن اینڈ فیمیلہ *Female* سوشل سروس
Annex C (15)

12th اپریل 2014 کو پیش و غیرہ

ہندوستان کے لیے سوشل سروس کے لیے

کے آر پی کی کھت ہو گیا، 10-10-1995 کو شروع ہوا ہے

اور فورم 2014-03-18 کو 60 سال کی عمر میں شروع ہوا ہے

سے ریٹائر ہوا

ہندوستان کے لیے سوشل سروس 19 سال کی ملازمت کے لیے اور سوشل سروس

کا ہندوستان کے لیے سوشل سروس کو سوشل سروس کے لیے

سوشل سروس کے لیے سوشل سروس کے لیے

19 سال کی عمر میں سوشل سروس کے لیے

2018 - 09 - 11

ATTESTED

عظیم خان جوگیا
سوشل سروس کے لیے

11-09-2018



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Annex D
16

OFFICE ORDER

The competent authority is pleased to grant of sanction to the retirement of the following official as mentioned against his name.

More over in pursuance of section 20 of civil servant revised leave rules 1981. Sanction is hereby accorded to the grant of Encashment on full pay in lieu of LPR as admissible to him under the rules.

S#	Name of Official	Date of Birth	Date of 1 st Appointment	Date Retirement	LPR for Leave Encashment.	Remarks.
1.	Mr. Azam Khan S/O Mir Azam Khan Chowkidar, GGPS Siavi (NSR)	19-03-1954	04-10-1995	18-03-2014 (A.N)	365-days	On Superannuation (60 years)

1. Necessary entry to this effect should be made in his service book accordingly.

Noted
2/6/2015

(MUHAMMAD INAM TORU)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Endst No. 1095/100 Class-IV Retirement, Dated Nowshera the 27/5/2015.

Copy forwarded for information & necessary action to the:-

1. Senior District Accounts Officer, Nowshera.
2. Sub Divisional Education Officer (Female) Nowshera w/r her letter No.1350/F.No., dated 22-05-2015
3. Superintendent Establishment (Local Office).
4. ASDEO Circle Khair Abad (NSR).
5. Head Teacher GGPS, Siavi (NSR)
6. Official Concerned.

ATTESTED

DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

H. DASTGIR

DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

چارچ رپورٹ

مستی اعظم خان ولد پیر اعظم خان ساکن انڈری کوہیلائی
ارڈر نمبر 30-26 آمدہ از دفتر سب ڈویژنل ایجوکیشن
آفیسریاں (نوشیہ) آج وارنٹ $4/10/95$ کو گورنمنٹ
گرنڈ پرائمری سکول سیاوی میں بحیثیت جو کیدار چارج
دیا گیا۔ سکول کے تمام ریکارڈ اور سامان کی حفاظت ونگرانی
رکھے گا۔ اس سکول کی کوریج بھی چیئر گم پر جانے یا کسی بھی چیز
کا نقصان ہونے کی صورت میں ذمہ دار ہوگا۔

دستخط چارج دیندہ

N. Shaheen -
4-10-95
Gen. Secy. District School
Secty. (P. & T.) Dist. Nsr

دستخط چارج گرنیدہ

اعظم خان نسوہ

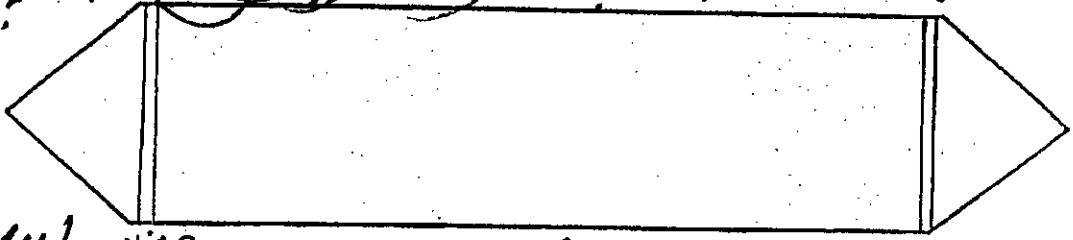
4/10/95

ATTESTED

DEO (F)
Jhangira (NSR)

Red
ATTESTED

بعدالت جناب سروس مریٹونل کپک لپ سٹوڈ



2، منجانب ایڈوانٹ

اعظم خان گوندیش و غیرہ بنام گوندیش و غیرہ

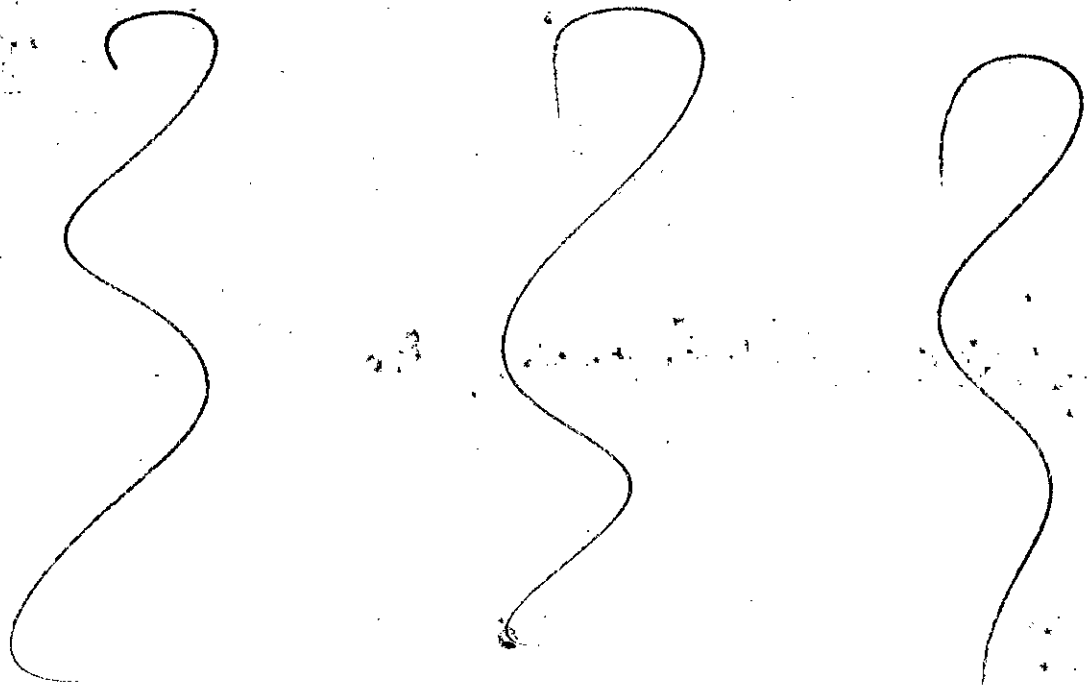
مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لپ سٹوڈ کیلئے محمد اسد منڈ اور دیگر ممبروں کو ریٹ آف پاکستان
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز دوسرے
دکیل 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
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 جانش التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیبے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20 _____
العبد _____ واہ العبد _____

مقام _____ اعظم خان _____ کے لئے منظور ہے۔



مڈ آف ایٹم ایکسپریس
سپریم کورٹ آف پاکستان

آفس: 214 سید احمد علی شاہ نئی دہلی
سنہری فیس روڈ لہنا ورا لہنا

Ph: 091-527 92 92

Mob: 0302-8885187

" : 0332-8885187

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1556/2018

Azam Khan..... 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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1556/2018

Am Khan..... 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			

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

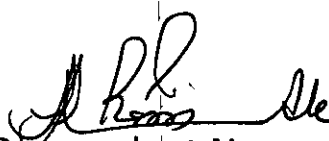
- a. That the ground A is, incorrect hence denied. Since the appellant has not filed any departmental appeal therefore the question of verbal order does not arise.
- b. That ground B, is incorrect hence denied. The appellant has not filed any departmental appeal.
- c. That ground C, is incorrect hence 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. 1556/2018

Azam Khan.....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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1556/2018

Azam Khan..... Appellant

Versus

Government of Khyber Pakhtunkhwa Through secretary finance

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Government of Khyber Pakhtunkhwa

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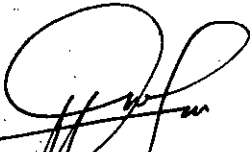
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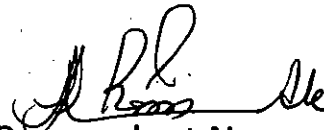
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