

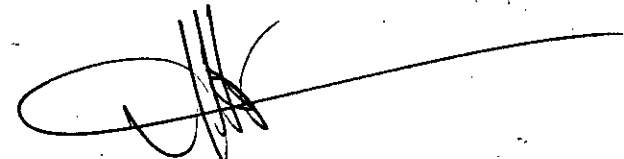
26.09.2019

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


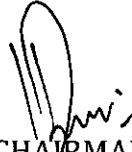

Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.1 and Zaki Ullah Senior Auditor representative of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. 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. 1557 /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. Naiz Ali 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-		<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. 1557 /2018

Niaz Ali Khan..... Appellant

VERSUS

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

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S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-4
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8-14
5	Copy of appeal	C	15
6.	Copy of the <i>retirement order</i>	D	16
7	Copy of Charge report	E	17
8.	Wakalatnama		18


Appellant

Through


Muhammad Asif

Advocate Supreme Court

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

Dated: 22.12.2018

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

S.A.No. 1557 /2018

Diary No. 1817

Dated 27-12-2018

Niaz Ali Khan s/o Mir Ghawas

R/o Ningiani, Khoeshgi Payan, P.O. Khaas

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. 30.09.2016 WHILE APPEAL FILED ON 11.09.2016 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. 30.09.2016 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 23.05.1993 in Govt. Primary School No.1 Hamza, Rashakai, 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 30.09.2016 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 later on appellant inquired from the respondents regarding pension and pensionary benefits on which appellant was informed that hon'ble Peshawar High Court Peshawar has decided the writ petition regarding the pension and pensionary benefits therefore, after proper approval from competent authority the cases of pension would be decided/ processed.

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

GROUNDS:

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

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

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



Appellant

Through

Mohammad Asif

Muhammad Asif

Advocate,

Supreme Court of Pakistan

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

Cell: 0302-8885187

Off: 091-5279292

CERTIFICATE:

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

Mohammad Asif

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____/2018

Niaz Ali Khan..... *Appellant*

VERSUS

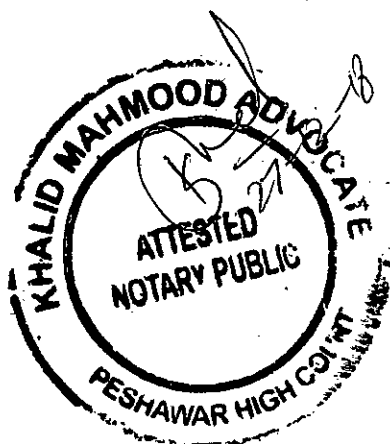
Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

AFFIDAVIT

I, Niaz Ali Khan s/o Mir Ghawas R/o Ningiani, Khoeshgi Payan,
P.O. Khaas 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

Niaz Ali Khan..... *Appellant*

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:


Niaz Ali Khan s/o Mir Ghawas
R/o Ningiani, Khoeshgi Payan, P.O. Khaas
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.



Through


Muhammad Asif
Advocate Supreme Court

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER, NOWSHERA.

Amrit 17

OFFICE ORDER.

Mr. Niaz Ali Khan S/O Mr. Khawar Khan

resident of Khusrki candidate is hereby appointed as a class. IV. Govt. servant on the scale of Rs. 500/- 1700/- pm plus usual allowances as admissible under the rules with e.f. the date of taking over charge at G.P. Hanger, Roshan I against the vacant NO Post under the following terms and conditions:-

CONDITIONS.

1. Charge reports should be sent to this office.
2. ST/TA/DA is allowed being first appointment.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely temp; basis and subject to the termination at any time/notice. In case he wishes to leave the department he should have to submit one months prior notice.
5. He should be produced his Health and age certificate from the concerned Civil Surgeon/A.O. within 10 days after the issue of this order as required under rule (FR.10) SR.4.
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 handed over charge if 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, domicile etc; at the time of taking over charge.
10. He will be dealt with under the D&D; rules if he violate Govt; Rules and regulations.

11. The official will work on Contract basis for 12 months as Chamberlain

(Mohammad Zahid Khan) Sub Divisional Education Officer (M) Nowshera.

Enlistt; No. 10565-CA/10. IV. Dated 22/1/1993. Copy for information to the;

1. ASDEO Concerned.
2. Head teacher concerned.
3. Pay Clerk concerned.
4. DAE Nowshera

[Handwritten signature]

SUB DIVISIONAL EDUCATION OFFICER (MALE) NOWSHERA.

ATTESTED 22/1/93

22/1/93

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER,
(MALE) NOWSHERA

Appointment Order of Class IV
Contract Basis

Office Order



Mr. Niaz Ali Khan S/o Mir Ghawas Khan resident of Kheshgi 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 Hamzai Rashkai I against the 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.

Mohammad Zaman Khan
Sub Divisional Education Officer (M)
Primary Nowshera

Endst No. 10565-M F. No. ___/Class-IV dated NSR the ___ 1993.

Copy of the above is forwarded to the:

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

Sub Divisional District Education Officer (M)
Primary Nowshera

Asst
ATTESTED

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

Annex B (8)

1. Name: Niaz Ali Khan

2. Race: Afghan

3. Residence: Khes Gaji Payan (Hamza Rashkara)
Teh & Dist: NKR Cantt

4. Father's name and residence: Mir Ghawas



5. Date of birth by Christian era as nearly as can be ascertained: 03-09-1956 (3rd Sep: N.H. fifty six)


6. Exact height by measurement: 5'-6"

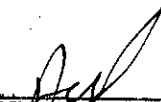
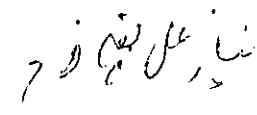
7. Personal marks for identification: A Scar on the fore head.


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

Little Finger:  Ring Finger: 










Middle Finger:  Fore Finger: 

Thumb: 

9. Signature of Government Servant:  

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

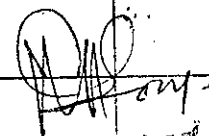
Sub Divisional
Education Officer (M)
Nowshera

1	2	3	4	5	6	7	8	9
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 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 the officer attesting of columns 1 to 8
Chowkildara (Fixed) GPR Hamza Rashid			Rs. 1200/-			23 ⁵ / ₉₃		 Edin
"			Rs. 1500/-			12 198		 Edin
"			Rs. 1800/-			7 199		 Edin
"			Rs. 2000/-			7 200		 Edin
"			Rs. 2500/-			7 2002		 Edin
"			Rs. 2800/-			7 2003		 Edin
"			Rs. 3100/-			12 2004		 Edin
"			Rs. 3500/-			12 2005		 Edin
"			Rs. 4000/-			12 2006		 Edin
<p>Prof ATTESTED</p>								

9 Name and Designation of the head of the office or attesting officer (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 cessure, 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 debtible to another Government		
					Period		
Sub Divisional Education			[Signature]		Appointed as Fixed Chowkidar @ Rs 1200/- P.M. vide SDEO (M) Nowshera order No. 10565- 69 dated 22/05/1993.		
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]		Service verified up to 23/5/93 to 30-11-1998.	[Signature]	
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]		Service verified up to 1-12-98 to 30-11-2003.	[Signature]	
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]		Service verified up to 1-12-03 to 30-11-2006.	[Signature]	
Sub Divisional Education			[Signature]				
Sub Divisional Education			[Signature]		Service verified up to 1-12-06 to 30-11-2007.	[Signature]	

ATTESTED

[Signature]
Sub Divisional
Education Officer (M)
Nowshera

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
	Revised Entries in BPS01 on Regular Basis.						
	Pay on	23-05-1993	B-1			Rs. 920/2	
	"	1-12-1993				Rs. 1024/2	
	Pay on	1-6-1994	B-1 (1245-35-1700)			Rs. 1385/2	
	"	1-12-94		At Pri.		Rs. 1420/2	
	"	1-12-95		"		Rs. 1455/2	
	"	1-12-1996		"		Rs. 1490/2	
	"	1-12-97		"		Rs. 1525/2	
	"	1-12-98		"		Rs. 1560/2	
	"	1-12-99		"		Rs. 1595/2	
	"	1-12-2000		"		Rs. 1630/2	
	"	1-12-2001		"		Rs. 1665/2	
	"	1-12-2001	Scale			Rs. 2530/2	
	"	1-12-2002		Annual Pri.		Rs. 2585/2	
	"	1-12-2003		"		Rs. 2640/2	
	"	1-12-2004		"		Rs. 2695/2	
	"	1-7-2005		S/Priest		Rs. 3125/2	
	"	1-12-2005		At Pri.		Rs. 3190/2	
	"	1-12-2006		"		Rs. 3255/2	
	"	1-7-2007	Scale Priest			Rs. 3750/2	
	"	1-7-2007	"	BPS-2		Rs. 3805/2	
	"	1-7-2007	S/Priest			Rs. 3890/2	
	<p>ATTEST:</p> <p style="text-align: right;">  Sub-Divisional Education Officer </p>						

9. Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10. Date of termination or appointment	11. Reason of termination (such as promotion, transfer, dismissal, etc.)	12. Signature of the head of the office or other attesting officer	13. Leave		14. Signature of the head of the office or other attesting officer.	15. Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave upto four months for which leave salary is debitale to another Government		
					Period		

ATTES:LU

[Signature]
 Sub Divisional
 Education Officer (M)
 [illegible]

Leave ref 1-12-07
 to 30-11-2008

Leave ref 1-12-08
 to 30-11-2009

[Signature]
 Sub Divisional
 Education Officer (M)
 [illegible]

Leave ref 1-12-2010
 to 30-11-2011

[Signature]
 Sub Divisional
 Education Officer (M)
 [illegible]

Leave ref 1-12-11
 to 30-11-2012

[Signature]
 Sub Divisional
 Education Officer (M)
 [illegible]

1	2	3	4	5	6	7	
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government se
	Pay	07 1-12-2007	ALL			Rsi 3975/21	
	"	1-7-2008	S/Revised			Rsi 4735/21	
	"	1-12-2008	ALL			Rsi 4835/21	
	"	1-12-2009	"			Rsi 4935/21	
	"	1-12-2010	"			Rsi 5035/21	
	"	1-7-2011	S/Revised			Rsi 8300/21	
	"	1-12-2011	ALL			Rsi 8470/21	
	"	1-12-2012	"			Rsi 8640/21	
							<i>[Signature]</i> S.D.O. (A) [Signature]
							Sub Divisional [Signature]
	Pay	07 1-12-2013	ALL			Rsi 8810/-	
	"	1-6-2014	Promotion			Rsi 8980/-	
	"	1-12-2014	ALL			Rsi 9150/-	
							<i>[Signature]</i> S.D.O. (A) [Signature]
							<i>[Signature]</i> ATTESTED

10565.
22-

9 Name and Designation of head of the office or attesting officer. 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 debitale to another Government			
					Period			Government to Which debitale

Allowed BPS-01 on Regular Basis ~~under~~ in the Govt of JNWFP Finance Department. Notification No: BOP/FP/1-122/2008-09 Dated 23/08/08.

[Signature]
Sub-Divisional
Commissioner (Ms)
Nowshera

TA - 24/11/13

Decum Refers = 32234/ ameen J Ray + Allowance to awarded BPS 02 on 2/10/8 to 31/10/13.

[Signature]

Allowed one premature Inc, on upgradation in the light of Govt of KP Finance Deptt. No. FD (SOSR-1) 2-123/2014, Dt: 30-05-2014

1187 10/3/14
2/15 1977/

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

[Signature]

ATTESTED

کے لئے اس دستخط کی ایک کاپی مندرجہ ذیل کے نام پر
Annex C (15)

اس کے لئے ہر ایک ہاری ٹیکس وغیرہ

میں سے حساب دینے میں نہیں کیا گیا ہے

کہ آپ کی ٹیکس کی جو کاپی 03-05-1993 کو دی گئی تھی وہ

میں اور جو 2016-09-30 کو 60 سال کی

میں ملازمت سے ریٹائر ہو گیا

میں سے 23 سال کی ملازمت کی ہے

اور ٹیکس وغیرہ کا ہر ایک سال میں اچال سے

کو ٹیکس وغیرہ ہاری ٹیکس کی ہے

اس کے لئے کہ اس کے ٹیکس وغیرہ ملازمت

میں سے ہر ایک سال میں ہر ایک سال

11-09-2018

Pub
ATTES:LU

میں سے ہر ایک سال میں ہر ایک سال
کو ٹیکس وغیرہ ہاری ٹیکس کی ہے



OFFICE OF THE *Annex D*
DISTRICT EDUCATION OFFICER (MALE) *16*
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)
No. _____ /F.No.1-A/Retirement/DEO (M) NSR Dated ____/____/2016

RETIREMENT ORDER

Mr. Niaz Ali Khan Chowkidar GPS No.1 Hamza Rashakai is hereby retired from Government service w.e.f 03/09/2016 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 less than 10 years.

S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Apptt: on fixed	Transfer to Regular Service	Total Length of service on Fixed pay Y-M-D	Total Length service on Regular pay Y-M-D	Remarks
01	Niaz Ali Khan Chowkidar GPS No.1 Hamza Rashakai Nowshera	03-09-2016	03-09-1956	23-05-1993 To 30-06-2008	01-07-2008 To 03-09-2016	Fixed Pay 15-01-07	Regular Pay 08-02-02	Retire from Govt: Service on Superannuation.

District Education Officer (Male)
Nowshera

491-94
Endstt: No. _____ /DEO (M) NSR/E&SE/ Retirement of PST/ Dated Nowshera the *19/10* /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.

Ref
ATTESTED

15/10/2016
District Education Officer (Male)
Nowshera *12*

Annex E

(17)

خارج رپورٹ

ایم سید علی خان ایڈمیٹریٹو ٹیچر، ٹیچنگ سوسائٹی، لاہور 69-10565
22-5-93

آئندہ از دفتر SDFO نوٹس

گورنمنٹ ہائی اسکول، ٹیچنگ سوسائٹی، لاہور

نوٹس ہے۔

پندرہ بجے مورخہ 23/5 کو صدر از دفتر آپ کو

خارج دیا جائے گا۔

اول صدر خارج کریندہ

خارج کریندہ

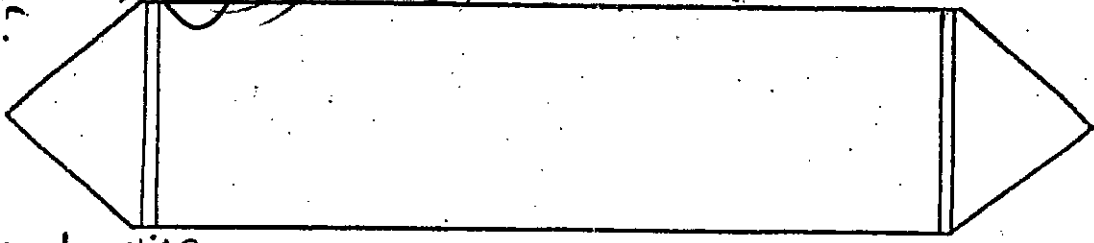
[Handwritten Signature]

Head Master
H. P. S.
Teaching Society
NSR

[Handwritten Signature]

ATTESTED

بعد الت جناب سرور من ٹریبونل پاکستان کے نام



جناب ایدانڈ

بنام گورنمنٹ وٹھو
نیاز علی خان

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی دیکھ کر روائی متعلقہ
MOHAMMAD ASIF ADVOCATE

Supreme Court of Pakistan

Law Associates

Advocates & Legal Consultants

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مندرجہ عنوان کا پتلا کلاں کے قریب جی اوتوس
Said Hameed Ali Building Near Taj Autos
Sahenri Masjid Road, Peshawar Cantt.

دیکھ کر صاحب گوراضی نامہ کرنے و تقرر ثالت فیصلہ پر حلف دینے 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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 ادکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted
MS

ASIF
20

المرقوم _____ ماہ _____

بمقام _____

کے لئے منظور ہے۔



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



[Handwritten signature or scribble]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1557/2018

Niaz Ali Khan..... Appellant

Versus

Government of Khyber Pakhtunkhwa Through secretary finance

Civil secretariat Peshawar and others..... Respondent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1557/2018

Niaz Ali 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.

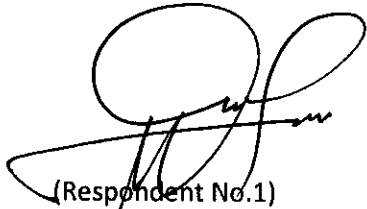
Reply to facts

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. 1557/2018

Niaz Ali 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.