


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 reply/comment 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

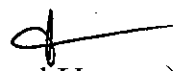
03.07.2019

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


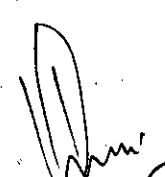
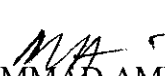
Learned counsel for the appellant present. Written reply not submitted. Rehmat Khan Superintendent representative of respondent No.1 and Zaki Ullah Senior Auditor representative of the respondent No.5 present and seek time to furnish written reply/comments. No one present on behalf of remaining respondents. 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. 1558 /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. Misal Khan presented today by Mr. Muhammad Asif Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/12/18.</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
28.01.2019		<p>Mr. Muhammad Saddique, junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 27.02.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1558 /2018

Misgal Khan..... Appellant

VERSUS

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

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-4
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8-15
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)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 1558 /2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1818

Dated 27-12-2018

Misal Khan s/o Rosham Khan
R/o Kandi Bala, Qasim, P.O. Taru Jabba
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. 18.03.2016 WHILE APPEAL FILED ON 10.12.2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Filed to-day
27/12/18
Registrar

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. 18.03.2016 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 07.11.1995 in Govt. Girls Primary School Qasim Killi, 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 18.03.2016 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 21 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.

- 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 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 *Muhammad 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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____/2018

Misal Khan..... *Appellant*

VERSUS

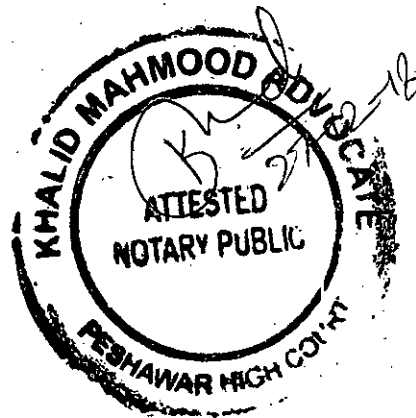
Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

AFFIDAVIT

I, Misal Khan s/o Rosham Khan R/o Kandi Bala, Qasim, P.O. Taru Jabba 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

Misal Khan..... Appellant

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Misal Khan s/o Rosham Khan
R/o Kandi Bala, Qasim, P.O. Taru Jabba
Tehsil and District Nowshera

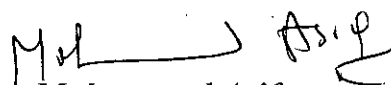
RESPONDENTS:

- 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

APPOINTMENT OF CLASS=IV.

Annex A (7)

Mr. Misal Khan - S/C Rasham Khan
resident of Village Gosimkilla candidate is hereby appointed
as Class=IV Chowkidar on Rs:1200/-PM Fixed under the rules with
effect from the date of his taking over charge at Govt:Girls
Primary School Gosimkilla of Chowkidar post according the
AGREEMENT BOND under the following terms conditions.

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: he should have to submit one month prior notice.
- 6- He should produced his health & age Certificate for the concerned civil surgeon within 07 days of reporting arrival a duty as required under the rules FR 10 Sr.4.
- 7- In case the candidate fails to take over charge within 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 age is not between 18-45 Years.
- 9- He will produce photo copies of the relevant documents i.e. time of taking over charge.
- 10- He will be death with under the E'D rules if he violate Govt:rules and regulations.

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

Endst: No. 963-67 / F.No. / Estab: / Asstt: / SDEO(F)NSr: 6-11-95

Copy of the above is submitted to the:-

- 1- District Education Officer, (F) PRY: Nowshera.
- 2- ASDEO(F) Local Office.
- 3- Mr. 296 C. Hussain MPA P- / NWFP.
- 4- Head Teacher Govt: Girls Primary School.
- 5- Personal file.

M. AYAZ.
SAFAR

6/11/95
SUB DIVISIONAL EDUCATION OFFICER,
(FEMALE) NOWSHERA.

ATTESTED

(7)

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

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

Mr. Misal Khan S/o Resham Khan resident of village Qasim Killi 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 Qasim Killi of Chowkidar According the Agreement Bond under the following terms and conditions

1. Charge reports should be submitted to all concerned.
2. NO TA/DA is allowed.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely on temporary basis & subject to the termination at any time and without any notice.
5. In case he wishes to leave the Deptt: the should have submit on month prior notice.
6. He/ Should produced his health & age certificate for the concerned civil Surgeon with in 7 days of reporting arrival a duty as required under the rules FR 10 Sr.4
7. In case the condition fails to take over charge with in 7 days from the date of issue of this order his apptt: will stand automatically cancelled.
8. The candidate should not be handover charge if his are is set between 18-45 years.
9. He will produce photo copies of the relevant documents i.e. time of taking over charge.
10. He will be dealt with under the E&D s if he violated Govt: Rules and regulation.

Mst: Sajida Parveen
Sub Divisional Education Officer
(Female) Nowshera

Endst No. 963-67F.No/Estab/ Asstt:/SDEO(F) NSR 6.11.95
Copy of the above is submitted to the:-

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

Sub Divisional Education Officer
(Female) Nowshera

A. J.
ATTESTED

Annex B

GS&PD.NWFP.64-P.B.-10,265 Nos.-8.8.2000(1)1*

(Draw)

8

PRICE BOOK

OF

Handwritten scribbles

26 2/2 *38938*

Ad

Price : Rs. 15.00

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

1. Name: MISAL KHAN

2. Race: AFGHAN

3. Residence: VILLAGE E TEHSEL TARU JABBA

4. Father's name and residence: ROHAM KHAN

5. Date of birth by Christian era as nearly as can be ascertained: 19-3-1956

6. Exact height by measurement: 5'-8"

Date

7. Personal marks for identification: Scar on left middle finger

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

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. [Signature] [Signature]

MISAL KHAN
 Chaudhary
 95 P.S. KAFIM
 Killy
 No 2

2	3	4	5	6	7	8
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
		RS 1200/-			7/11/95	
		RS 1200/-			12/1/96	
		RS 1200/-			12/1/97	
		RS 1500/-			12/1/98	
		RS 1500/-			12/1/98	
		RS 1800/-			7/1/99	
		RS 1800/-			12/1/99	
		RS 2000/-			7/1/2000	
		RS 2000/-			12/1/2000	
		RS 2000/-			12/1/2001	
		RS 2500/-			7/1/2002	
		RS 2500/-			12/1/2002	
		RS 2800/-			7/1/2003	

9	10	11	12	13		14	15
				Period	Government to which deputed		
Mr. Aitch	30/11/96	Fixed	Mr. Aitch				
Mr. Aitch	30/11/97	Fixed	Mr. Aitch				
Mr. Aitch	30/11/98	Pay increase	Mr. Aitch				
Mr. Aitch	30/11/98	Fixed	Mr. Aitch				
Mr. Aitch	30/11/99	Pay increase	Mr. Aitch				
Mr. Aitch	30/11/99	Fixed	Mr. Aitch				
Mr. Aitch	30/11/2000	Pay increase	Mr. Aitch				
Mr. Aitch	30/11/2000	Fixed	Mr. Aitch				
Mr. Aitch	30/11/2001	Fixed	Mr. Aitch				
Mr. Aitch	30/11/2002	Pay increase	Mr. Aitch				
Mr. Aitch	30/11/2002	Fixed	Mr. Aitch				
Mr. Aitch	30/11/2003	Pay increase	Mr. Aitch				

Appointed as clerk on fixed base grade of post at Rs. 200-2000 with scale Rs. 200-600-95.

7-11-95 30-11-95

Not in Aitch

1-12-95 30-11-96

Not in Aitch

1-12-96 30-11-97

Not in Aitch

1-12-97 30-11-98

Not in Aitch

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
			Rs 2800/-			12/2003	
			Rs 3100/-			12/2004	
			Rs 3100/-			12/2005	
			Rs 3500/-			7/2005	
			Rs 3500/-			12/2005	
			Rs 4000/-			12/2006	
			Rs 4000/-			12/2006	
			Rs 4000/-			12/2007	

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debitable to another Government		
Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or award or discharge of Government Servant				
				Signature of the head of the office or other attesting officer			
N. Aick 6	30-11-2003	Pay Fixation	N. Aick 6		W. 1-12-98	30-11-99	
N. Aick f	30-11-2004	Pay increase	N. Aick f				
N. Aick 6	30-11-2005	Pay Fixation	N. Aick 6				
N. Aick f	30-11-2005	Pay Retrospect	N. Aick f		W. 1-12-99	30-11-2000	
N. Aick f	30-11-2005	Pay Fixation	N. Aick f				
N. Aick f	30-10-2006	Pay increase	N. Aick f				
N. Aick 6	30-11-2006	Pay Retrospect	N. Aick 6		W. 1-12-2000	30-11-2000	
N. Aick 6	30-11-2007	Pay Fixation	N. Aick 6				
					W. 1-12-2009	30-11-2002	
					W. 1-12-2002	30-11-2003	

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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 37, U.S.P.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant
	pay on 7-11-1995				Rs. 1245/-		
	pay on 1-12-1995				Rs. 1245/-		
	pay on 1-12-1996				Rs. 1280/-		
	pay on 1-12-1997				Rs. 1315/-		
	pay on 1-12-1998				Rs. 1350/-		
	pay on 1-12-1999				Rs. 1385/-		
	pay on 1-12-2000				Rs. 1420/-		
	pay on 1-12-2001				Rs. 1455/-		
	pay on 1-12-2002				Rs. 1500/-		
	pay on 1-12-2003				Rs. 1550/-		
	pay on 1-12-2004				Rs. 1600/-		
	pay on 1-12-2005				Rs. 1650/-		
	pay on 1-12-2006				Rs. 1700/-		
	pay on 1-7-2007				Rs. 1750/-		
	pay on 1-12-2007				Rs. 1800/-		
	pay on 1-7-2008				Rs. 1850/-		
	pay on 1-12-08				Rs. 1900/-		

Handwritten signature/initials in the bottom left corner.

Handwritten signature "Nas" and initials "C.D.O." near the bottom of the table.

8 Name and Designation of the officer No. and date of appointment No. and date of termination	9 Name and Designation of the officer No. and date of appointment No. and date of termination	10 Date of 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 praise of the Government servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government.			
						Period			Government to which debit to
<p>Obtained BPS Ref. 1-7-2008</p> <p>Vice Genl. of Muz. Fin. Dept. Pk. Holyculla 000-60/11-2007</p> <p>2009-29</p>						<p>From 1-12-2003</p> <p>To 30-11-2004</p> <p>Govt. Pk. Holyculla</p>			
<p>No's. Acct. D.D.</p> <p>Festale Nowshera</p>						<p>No's. Acct.</p>			
<p>TR NO 330 dated 15/01/2009</p> <p>Verified for Rs. 9156/- debt of pay plus allowances from 7/12/08 to 31/12/08 on regularization from BPS I</p>						<p>From 1-12-2009</p> <p>To 30-11-2005</p> <p>No's. Acct.</p>			
<p>District Accounts Office</p> <p>No's. Acct.</p> <p>17/1/09</p>						<p>From 1-12-2006</p> <p>To 30-11-2007</p> <p>No's. Acct.</p>			
						<p>From 1-12-2007</p> <p>To 30-11-2008</p> <p>No's. Acct.</p>			
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.D.	Pay in substantive post	Additional Pay for officiating.	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant
Chow: 4485		Revised entry due to B-02				11/7/07	✓
			Pay on 1 ¹² / ₀₆ in B-01			2865/-	
			Rev. 11/7/07			3300/-	
			B-02 11/7/07			3380/-	
			3 ¹² / ₀₇ spl. rev: 11/7/07			3465/-	
			12/07			3550/-	
			Rev. on 11/7/08			4235/-	
			12/08			4335/-	
			12/09			4435/-	
			12/2010			4535/-	
			Rev: 11/7/2011			7450/-	
			12/2011			7620/-	
				[Signature]			
				D.D. (F) [Signature]			

12/13
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 2019
 2020
 2021
 2022
 2023
 2024

Designation of the office holding officer (Section 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.	13 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 debit to another Government			
					Period			Government to which debit to

From 1/12/2007 to 30/6/08

Not in Acc

SERVICE VERIFIED
w.e.f. 1/7/08 to 30/11/08
Acc. Dept and other
Record of this Office

M. J.
D.D.O (F)
C.N.S.R

Service Verified w.e.f. 1/7/08 to 30/11/08

M. J.
D.D.O (F)

M. J.
D.D.O (F)

30/11/08

S.D.E.O (F)
Nowshera

1119

TR No 805 dt 15-5-13

Area of difference of pay allowances as per govt order dt 23/5/11
Use of B-2 doc
7/08/2003

S.D.E.O (F)
Nowshera

30/11/08

S.D.E.O (F)
Nowshera

S.D.E.O (F)
Nowshera

15/5/08

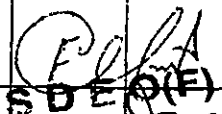
S.D.E.O (F)
Nowshera

M. J.
D.D.O (F)

1	2	3	4	5	6	7	
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 substantive post.	Additional Pay for officiating	Other omolument tating under the term "Pay"	Date of Appointment	Signature Government
<i>Scale revised in B-2 (Rs. 6335-220-1293)</i>							
			<i>Rs. 10587 PM</i>			<i>7/15</i>	
			<i>Rs. 10735/-</i>			<i>12/15</i>	
<i>BPS-04 (Rs. 6730-300-15950)</i>							
<i>Pay fixed in BPS-04 on 2-12-15 Rs. 10950/-</i>							
<i>Case Reconsidered Rs. 11230/-</i>							
<i>Pay fixed in BPS-03 on 2/12/15 10950/- on Perm: Rs. 11245/-</i>							
<i>Not eligible</i>							

8	9	10	11	12	13		14	15
					Leave			
Signature of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
S.D.E.O (F) Nowshera	30/11/15						Service Verified W.E.F. 12/11/12 from the roll and other record of this Office.	
	12/15							
	4/9						UP grade (2) Step 1 pay	
	8-3						Sunk in the light of Finance Deptt Notification No KC/FDI 50(FR) 7420 / Dated 30-6-2015	
S.D.E.O (F) Nowshera								
							<u>OPTION</u>	
							Mr. Misal Khan Choudhary is hereby given an option for continuation of pay in BS-104 w.e.f. 2-12-2015 until 1-7-2015 under the rules 1978.	
NOWSHERA								
							Service verified w.e.f. 12/11/14	
							CC 18-13-2016 from Roll and other record of this Office	
							365 day	

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 allowment falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Revised Entry due to one special increment with 1/2 2014							
B-2	N	N			Rs. 7960/-	30-6-2014	
					Rs. 8130/-	1/7/2014	
one spl increment	N	N			Rs. 8300/-	1/12/2014	
	N	N			Rs. 10735/-	1/7/2015	
	N	N			Rs. 10950/-	1/12/2015	
B-4	N	N			Rs. 11230/-	2/12/2015	
					Rs. 11530/-	one premium	
						1/1/2016	
						1/1/2016	
Asst.							


 SDE (F)
 Pabbi

16
Auntie
Female
اصلی لائسنس

اصلی لائسنس جاری نہیں وغیرہ

ضیاء عالی! مسئلہ حل کرنے کا ہے۔

کہ لائسنس کی تجدید ہو گیا تو 17-11-1995 کو عمر ہی ہوا ہے۔

اور مورخہ 18-3-2016 کو 6 سال کی عمر میں حلازمت سے

ریٹائر ہو گیا۔

ضیاء عالی۔ سائل 21 سال کی حلازمت سے ہے اور لائسنس وغیرہ

کافی مقدار میں۔ لیکن اس سال سائل کو لائسنس وغیرہ جاری نہیں کیا گیا

اسد علی۔ کہ سائل کو لائسنس وغیرہ حلازمت سے

جاری کرنے کا حکم صادر فرمایا جائے۔

ATTESTED

میل خان ولد دوست محمد خان
گورنمنٹ گزٹنگ لائسنس سکول
جامشیر





Annex D
17

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA**

OFFICE ORDER

Sanction is hereby accorded to the grant of retirement of the following officials with effect from the noted against their names.

More over in pursuance of section 20 of civil servant revised leave rules 1981, sanction is hereby accorded to the date grant of Encasement in lieu of LPR as due and admissible to their under revised leave rules 1981.

S. No	Name & Designation with address	Date of Birth	Date of 1 st Appointment	Date Retirement	Encashment in lieu of LPR	Remarks
1.	Mr. Misal Khan Chowkidar GGPS Qasim Killi (NSR)	19/03/1956	07/11/1995 on fixed pay	18/03/2016	365 days	60 Years
2.	Mr. Gulzar Khan S/O Meher Dil Khan Chowkidar GGPS Pastoon Garhi (NSR)	21/02/1956	18/04/1988	20/04/2016	365 days	60 Years

(ATTIA SULTANA)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Endst: No. 1428-321 Dated 23/5/2016.

Copy of the above is forwarded for information to the:-

1. Senior District Accounts Officer Nowshera.
2. Sub Divisional Education Officer (Female) Nowshera.
3. Superintendent Establishment (Local Office).
4. ADEO (F) Establishment Primary Local Office.
5. Officials Concerned

A I E S I L U

23-05-2016
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Aug 18 E

محمد رفیق جنا - ہیڈ ماسٹریں مہاراجہ پورہ سٹیٹ کالج پیرانی

سکول نمبر 2، قاسم آباد -

عنوان - چارج ریپورٹ

جنا - عالیہ ا

گزارش ہے کہ ہوا کی نمبر 67-63

مرد $\frac{11}{95}$ لاکھ میں نے اپنی ٹریوٹ کا

چارج لے لیا۔

الہ آباد

مٹل خان ولز رو شہر خان

چارج دھندہ

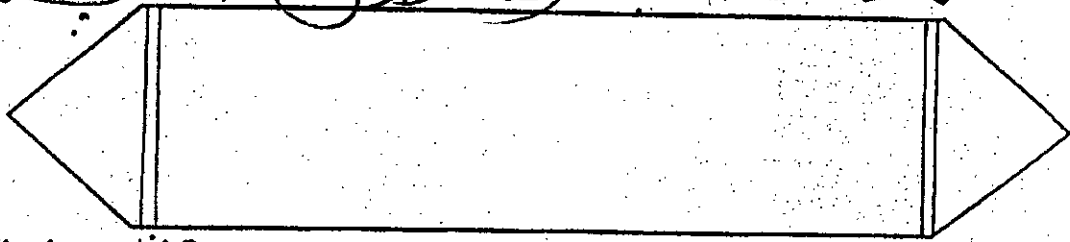
چارج گریڈ

مٹل خان

مٹل خان بیگم

Ad

بعد الت جناب سروس ٹریبونل KPK لہنڈا



2 جناب اسپانڈ

مستل خان بنام گورنمنٹ ونڈہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لہنڈا کیلئے محمد اسفند اللہ وکل سہم 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 ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہ ار عرضی 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
پرداختہ 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 وکالت نامہ لکھدیا کہ سند ہے۔

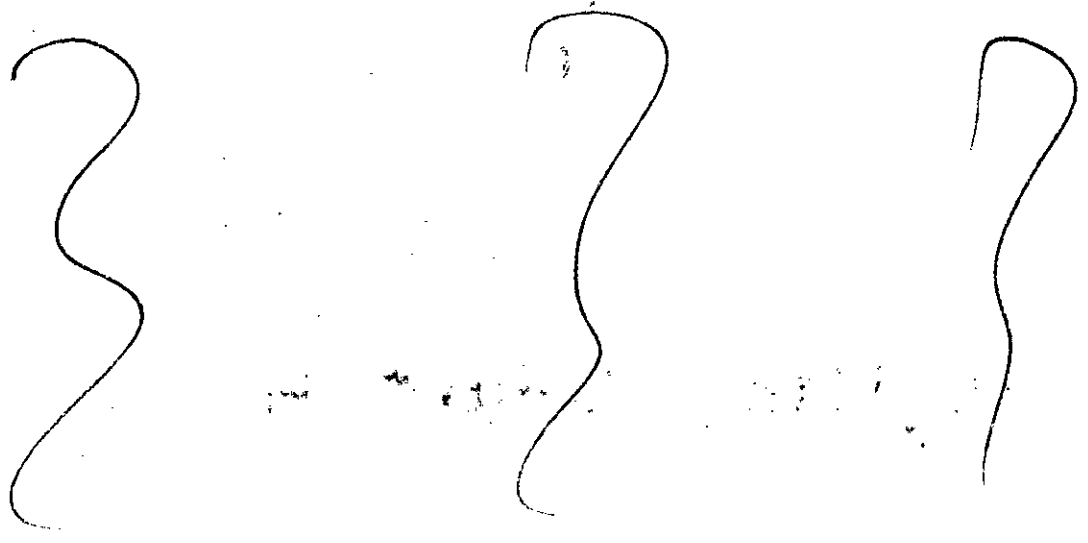
Mul Arshad

المرقوم _____ ماہ _____ 20

_____ گاہ العبد _____

بمقام _____ کے لئے منظور ہے۔





محمد آصف ایلو کیسٹ
سہیل کورٹ آف پاکستان

آفس : 214 سید احمد علی ملٹنگ نزد تاج آؤز
منیری سکی روڈ بسٹاوسہ

Ph: 091-5279292

Mob: 0302-8885187

" " 0332-8885187.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1558/2018

Misal 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			

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1558/2018

Misal 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.

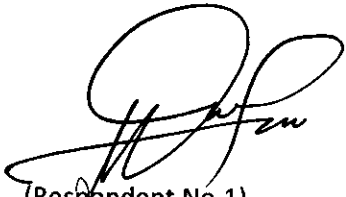
Reply to facts

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. 1558/2018

Misal 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.