

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 1,5 and 6 not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on behalf of respondents no. 1,5 and 6 on 26.09.2019 before S.B.

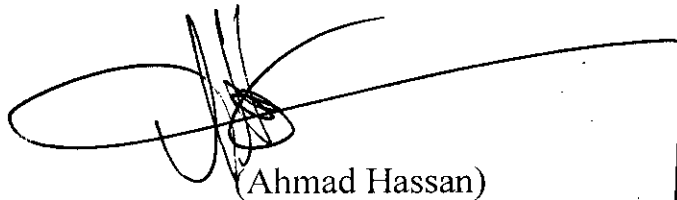
  
(Ahmad Hassan)  
Member

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

15.04.2019

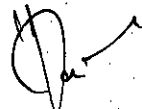
Clerk to counsel for the appellant present. Written reply not submitted. Inayat Ullah ADO, representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 23.05.2019 before S.B



Member

23.05.2019

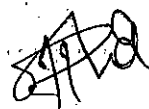
Appellant in person present. Inayat Ullah ADO representative of respondents No.2 to 4 present and submitted written reply. Sajjad Superintendent representative of respondent No.1 seeks time to furnish written reply/comments. Zaki Ullah representative of respondent No.5 absent. Respondents No.5 & 6 as well as absent representative be put to notice for submission for 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 M/S Inayat Ullah on behalf of respondents No. 2 to 4 Sajid Superintendent on behalf of the respondent No. 1 and Zaki Ullah Senior Auditor on behalf of respondent No. 5 & 6 present. Written reply on behalf of respondents No. 2 to 4 already submitted. Representatives of the respondent No. 1, 5 & 6 seek time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 29.08.2019 before S.B.



Member

25.1.2019

Mr. Muhammad Asif Advocate for appellant present.

Pre-admission notice be issued to the respondents to resolve the controversy in terms that whether the appellant would be entitled for consideration of his service from the date of appointment and not from the date of regularization for the pension benefits.

To come up on 27.02.2019 before S.B.

Chairman

27.02.2019

Counsel for the appellant present. Nemo for the respondents.

Pre-admission notice was required to be issued to the respondents on 25.01.2019. The same has been sent on 30.1.2019, however, no one is in attendance to represent the respondents. Instant appeal is, therefore, 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.

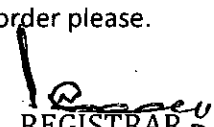
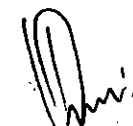
Chairman

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1521 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/12/2018	<p style="text-align: center;">The appeal of Mr. Murad 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 24/12/18</p>
2-	27/12/18	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/01/2019.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 1521 /2018

Murad Khan..... Appellant

VERSUS

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

**INDEX**

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-4
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8 - 15
6	Copy of appeal	C	16
7	Copy of Charge report	D	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

S.A.No. 1521 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1794

Dated 24-12-2018

Murad Khan son of Aminullah Khan

R/o Village Pirsabaq 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**  
24/12/18

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORAL ORDER OF RESPONDENTS OF REFUSAL TO ISSUE PENSION TO THE APPELLANT FROM THE DATE OF RETIREMENT i.e. 30.06.2016 WHILE APPEAL FILED ON 11.09.2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Prayer:

On acceptance of this appeal, the respondents may kindly be directed to issue pension and pensionary benefits to the appellant from the date of retirement i.e. 30.06.2016 by setting aside the oral refusal of the respondents regarding issuing pension to the appellant.

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*Respectfully Sheweth;*

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar/ Naib Qasid on 25.09.1998 in Govt. Primary School Pir Sabaq Mera Kandi, Tehsil and District Nowshera and took charge against a vacant post of Chowkidar on fixed pay after producing medical fitness certificate. (Copy of appointment letter is Annexure "A").
- 2) That later on the services of the appellant was confirmed and the appellant was granted BPS-1 and in the year 2011 was granted BPS-2 and retired on 30.06.2016 in BPS-04. (Copy of service book is Annexure "B").
- 3) That after retirement appellant was confident that as appellant has served the department for more than 18 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.

**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 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 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.

وہاں

Appellant

Through



**Muhammad Asif**

Advocate,

Supreme Court of Pakistan

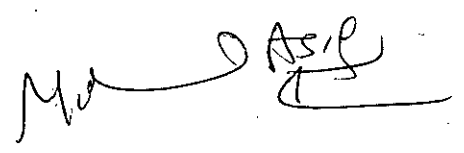
Off: 214 Syed Ahmad Ali Building  
near Taj Autos, Sunehri Masjid  
Road, Peshawar Cantt.

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.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. \_\_\_\_\_/2018

Murad Khan..... *Appellant*

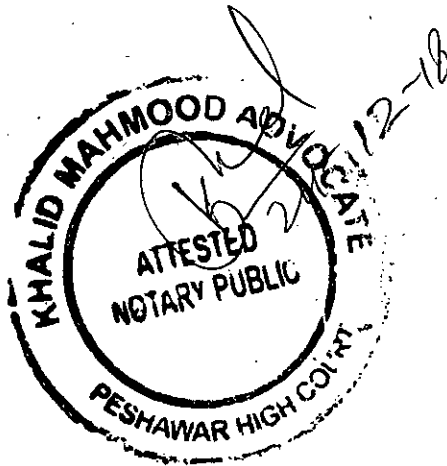
VERSUS

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

AFFIDAVIT

I, Murad Khan son of Aminullah Khan R/o Village Pirsabaq 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.

05/13



Deponent



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

S.A.No. \_\_\_\_\_/2018

Murad Khan..... *Appellant*

**VERSUS**

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

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Murad Khan son of Aminullah Khan  
R/o Village Pirsabaq 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.

UB > 13

Appellant

Through

Mol → Asif  
**Muhammad Asif**  
Advocate Supreme Court

Annex A (7)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) NOUSHERA.  
APPOINTMENT ORDER OF CLASS-IV.  
ON CONTRACT BASIS.

resident of village Pirsohra Mr. Ali Raza Khan 130 Amin Ullah Khan  
Candidate is hereby appointed  
as Class-IV (Teacher) with effect from date 25/9/1988 for the post  
No. 2. the date of his taking over charge is 25/9/1988 CPG PARABAR L MERA KHAN  
against VACANT POST according to the agreement bond under  
the following terms and conditions:

1. Charge report should be submitted to all concerned.
2. NO T./DA is allowed being 1st appointment.
3. No joining time is allowed that is absolutely necessary for the transfer.
4. The appointment is purely temporary basis and subject to the termination at any time/notice.
5. In case he wishes to leave the deptt; he should have to submit one month's notice.
6. He should be produced his health and age certificate from the concerned civil surgeon (N.O. of this) days of reporting arrival duty has required under the rules (PR 10) SR 16.
7. In case the candidate fail to take over charge within 15 days from the date of issue of this order his appointment will be stand automatically cancelled.
8. The Candidate should not be handled over charge if his age is not between 18-45 years.
9. The pay scale and service rules would be ~~same~~ subject to the revision in accordance with the orders to be passed by the Govt; from time to time.
10. He will photocopies of the relevant documents is National Identity Card Domicile etc; to this office at the time of taking over charge.
11. He will be dealth with under the SDO rules if he violate Govt; rules regulation.

(MUSHAMMAD SADIQ)  
SUB-DIVISIONAL EDUCATION OFFICER  
(MALE) NOUSHERA.  
Class-IV dated 25-9-1988.

Order No. 175-79  
Copy for information to the;  
1. Director of Primary Education SDFP Balgari Garden Peshawar  
2. District Education Officer (M) Peshawar  
3. District Accounts Officer Nowshera,  
4. Teacher concerned.

ATTESTED  
SUB-DIVISIONAL EDUCATION OFFICER  
(MALE) NOUSHERA.

Ali Muhammad Asstt;  
Faten Ullah S/O.  
175/79

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

7

Appointment Order of Class IV  
Contract Basis

Office Order

Mr. Murad Khan S/o Amin Ullah Khan resident of Pirsabaq candidate is hereby appointed as class IV Chowkidar/ N/Qasid on Rs: 1500/-PM fixed under the rules with effect from the date of his taking over charge at Govt Girls Primary School Pirsabaq Mela Kand 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.

Sub Divisional Education Officer (M)  
Primary Nowshera

Endst No. 175-79 F. No. \_\_/Class-IV dated NSR the 25.09.1998.

Copy of the above is forwarded to the:

1. Director of Primary Education NWFP Peshawar
2. Sub Divisional Education Officer ( Male) Nowshera with the request that documents etc of the above mentioned candidate may please be checked, before taking overcharge.
3. Teachers concerned.

Sub Divisional District Education Officer (M)  
Primary Nowshera

*Pal*  
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.

p/no 341424 Annex 3

1. Name: MURAD KHAN

2. Race: Muslim

3. Residence: Village Pirsabal (Kandi Mira Pirsabal)  
Distt: Tehsil Mir


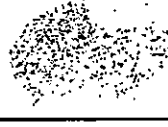
4. Father's name and residence: Amin Ullah



5. Date of birth by Christian era as nearly as can be ascertained: ~~10/07~~ 01/07/1958

6. Exact height by measurement: 5-7"

7. Personal marks for identification: Nil

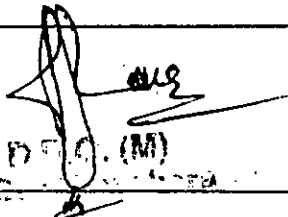
8. Left-hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 


Middle Finger:  Fore Finger: 


Thumb: 

9. Signature of Government Servant: میر محمد خان

10. Signature and designation of the Head of the office, or other Attesting Officer: Attested  
  
D.F.O. (M)

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
choudh			Fixed pay				
D.A. man kandi pursabq		25/9/98	500/- P.M.				
		01/07/98	1800/- P.M.				
		1/7/2000	2000/- P.M.				
		1/7/2002	2572530/- P.M.				
		1/7/2003	2800/- P.M.				
		1/12/004	3100/- P.M.				
		1/7/2005	3530/- P.M.				
		1/12/06	4000/- P.M.				

  
 D.C. 10  
 EISE: 10  
 shora

  
 A. K. SINGH





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  Signature of the head of the office or authority in attes column	
		<i>prelisted entry - the right of letter Order of MNP Finance Deptt, No B-0I/PD/1-22/2008-09 dt 30/7/2008 B.P.S. No I (1945-35-1710)</i>						
	<i>Pay on</i>	<i>25/9/98</i>		<i>1247-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/98</i>		<i>1247-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/99</i>		<i>1280-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/2000</i>		<i>1287-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/2001</i>		<i>1350-PM. Revised pay scale</i>		<i>12/2001</i>	<i>UG&gt;19</i>	
		<i>11/2/2001</i>		<i>Revised pay scale (B-T) (187-55-3520)</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/2001</i>		<i>2035-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/2002</i>		<i>2090-PM.</i>			<i>UG&gt;19</i>	
	<i>Pay on</i>	<i>12/2003</i>		<i>2145-PM.</i>			<i>UG&gt;19</i>	

**ATTESTED**

*[Signature]*  
D.D.O. (M)  
E/SE: Nishera







1	2	3	4	5	6	7	8	9
Name of Person	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and other attestations in attested columns
Chaukidas CPS Muzar Pirosoy	Kandahar	BPS No. Revised 2011 (Rs. 4800-150-9300)					[Signature]	
-do-	-		Rs. 6600 P.M.			11/7/2011	[Signature]	
-do-	-		Rs. 6750 P.M.			11/12/2011	[Signature]	
-do-	-		Rs. 6900 P.M.			11/12/12	[Signature]	
-do-	-		Rs. 7050 P.M.			11/12/2013	[Signature]	B.1
<p style="text-align: center;">BASIC PAY SCHEDULE 2011 OFFICE OF THE KHYBER PAKHTUNKHWA PAY FIXED IN THE N.P.S 2011 4800-150-9300 3400-250-13200</p> <p>OF RS. 6600 P.M. W.E.F. 1-12-2011 AT RS. 6750 P.M. W.E.F. 1-12-2011 WITH NEXT INCREMENT 1/12/2011</p> <p style="text-align: right;">APPOINTING OFFICER Pay Fixing Officer Kandahar</p>								
<p>Reason for not following up of BPS 2011 has been 1/12/2011</p>								
<p style="text-align: right;">A. Aul</p>								

12

8	9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8		Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay, upto four months for which leave salary is debit to another Government		
S>/9		30/11/011	(A) Jmes	D. Jmes E.D.			1/12/011 To 30/11/012	S>/9
S>/9		30/11/012	(A) Jmes	D. Jmes S.D.E.O.				S>/9
S>/9		30/11/013	(A) Jmes	D. Jmes S.D.E.O.				S>/9
S>/9							1/12/012 To 30/11/013	S>/9
								S>/9
								S>/9
								S>/9
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								S>/9
								S>/9
								S>/9
								S>/9
								S>/9
<p>Service Verified with effect from  <u>1/12/13</u> to <u>30/11/14</u>                      from the record of this office.</p>							<p>S.D.E.O. (S)                      Nowshera</p>	
<p>Service Verified with effect from  <u>1/12/14</u> to <u>30/11/15</u>                      from the record of this office.</p>							<p>S.D.E.O. (S)                      Nowshera</p>	

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay".	Date of Appointment	Signature of Government servant	Signature and name of the head of office in attested columns
16/05/11 Miss <i>[illegible]</i>		Allowed BPs-02.						
		Pay drawn on 1-7-07	Rs = 3075/-	Pay		1-7-07	<i>[Signature]</i>	فراخوان
		Pay due on 1-7-07	Rs = 3125/-	Pay		1-7-07	<i>[Signature]</i>	فراخوان
		one sub-alt.	Rs = 3215/-	Pay		1-12-07	<i>[Signature]</i>	فراخوان
		1-12-07	Rs = 3295/-	Pay		1-12-07	<i>[Signature]</i>	فراخوان
		1-7-08.	Rs = 3935/-	Pay		1-7-08.	<i>[Signature]</i>	فراخوان
		1-12-08	Rs = 4035/-	Pay		1-12-08	<i>[Signature]</i>	فراخوان
		1-12-09	Rs = 4135/-	Pay		1-12-09	<i>[Signature]</i>	فراخوان
		1-12-10	Rs = 4235/-	Pay		1-12-10	<i>[Signature]</i>	فراخوان
		1-7-11	Rs = 6940/-	Pay		1-7-11	<i>[Signature]</i>	فراخوان
		1-12-11	Rs = 7160/-	Pay		1-12-11	<i>[Signature]</i>	فراخوان
		1-12-12	Rs = 7280/-	Pay		1-12-12	<i>[Signature]</i>	فراخوان
		1-12-13	Rs = 7450/-	Pay		1-12-13	<i>[Signature]</i>	فراخوان
		1-12-14	Rs = 7620/-	Pay		1-12-14	<i>[Signature]</i>	فراخوان

*[Signature]*  
 Sr. Divisional Officer  
 980/CLD

S/R BPS-02 on 1-7-2015 9855/-

1-12-2015 9855/-

*[Signature]*  
**ATTESTED**

*[Signature]*





1 Name of Post	2 Whether substan- tive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Signature of Government servant	MUR SEL THE IN. CO
B-537 1 1-7-16 13090 Main Branch CPS		BPS-04 (6730-300-15730)						
Do		Pay fixed BPS-04 on 2-12-015				10330		
Do				one promotion inc		10630 ✓		
						13090 ✓ 15790 ✓		
		Revised BPS-04 on 1-7-016						
				SDE (G) Now (G)				
			13350			12 1- 2016		

ATTACHED







محمد رفیق ڈیپارٹمنٹ ایجوکیشن انڈیا (Male) (16) Ans etc

اپیل پر ایک بار ہیشن وغیرہ

ضیاء عالی۔ صیقل عرفان لٹریچر سوسائٹی

کہ آج کی کھینٹ ہو لکھنؤ 9 25 کو طبع ہوئی ہوگی

احمد حورزمی 7 2018 کو 6 سالوں میں ملازمت سے ریٹائر ہوئے۔

ضیاء عالی۔ سائل 20 سال کی ملازمت کی ہے۔ ہیشن وغیرہ کا فقدان ہے۔ لیکن، حال سائل کو ہیشن وغیرہ جاری نہیں ہے۔

اسٹریٹ عالی کہ سائل کو ہیشن وغیرہ ملازمت جاری کرنے کا حکم صادر فرمایا جائے 11/9/18

مدیر خان ولد امین اللہ ڈیپارٹمنٹ ایجوکیشن انڈیا (سربراہ)

(سربراہ)

AT/123

Annex 1

جارج بورڈ

17

من مہر راج خان جو کنڈیاں حکم ڈکی ای او ایس

آرڈر نمبر 175-79 کو مورخہ 9/9/95  
25-9-1998

مہر کنڈیاں مہر سابق میں بحیثیت جو کنڈیاں ای بی خالی  
آسانی کا جارج قبل از دور مہر سنبھال لیں

دستخط جارج گزٹینڈہ

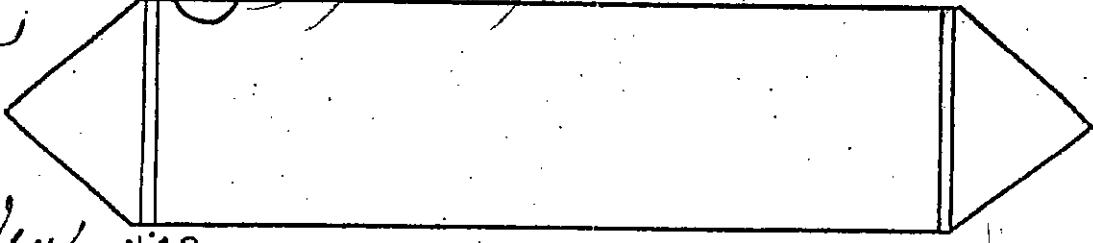
دستخط جارج دھندہ

مہر راج خان

M. [Signature]  
Head Master  
Mandi

Ael  
ATTACHED

بعدالت جناب سپروس بیرون کی طرف سے



سید جناب اسد علی  
بنام

سر اد خان نام گورنمنٹ وینڈر

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیسے مستاور MOHAMMAD ASIF ADVOCATE  
Supreme Court of Pakistan

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کارروائی کا اختیار ہے۔

214 Syed Ahmed Ali Building Near Taj Autos  
Advocates & Legal Consultants

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ پر مختلف دہائیوں اور ایماں و دعوئی اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا ر عمر کی دعویٰ اور درخواست ہر قسم کی تصدیق

ذرائع 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 مذکورہ

کے کل یا جزوی کاروائی 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 داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے دہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ گواہ العبد \_\_\_\_\_

کے لئے منظور ہے۔

بمقام سر اد خان

*(Handwritten signature)*



31

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

**MOHAMMAD ASIF ADVOCATE**  
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 and scribbles.

Handwritten signature.

35

**Murad Khan ..... Appellant**

**VERSUS**

**Govt KPK and others ..... Respondents**

**Respectfully Sheweth**

**Written comments on behalf of respondents are as under.**

**Preliminary Objections**

- 1. That the appellant has no cause of action to file the instant appeal.**
- 2. That this Honorable Tribunal has got no jurisdiction to entertain the present appeal.**
- 3. The present appeal is bad for mis-joinder and non-joinder of necessary parties.**
- 4. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.**
- 5. That the instant appeal is barred by law.**
- 6. That the appeal is time barred.**
- 7. The appellant has no locus standi to file the instant appeal.**

**Factual Objections:-**

- 1. Pertains to record.**
- 2. Pertains to record.**
- 3. Pertains to record. However the appellant was appointed on fixed pay and not on regular basis.**
- 4. No Comments.**
- 5. No Comments.**
- 6. Incorrect. The secretary (E & SE) Govt of KPK Peshawar have issued notification Vide No. S.O (Lit-1)/E&SE/1-1/2012 dated 17-5-2018, which is general in nature and applicable to all class iv employees In the light of that said notification the appellant is entitled for pensionary benefits.**
- 7. Incorrect. The answering respondents are ready to extend pensionary benefits to the appellant in the light of notification dated 17-5-2018 but no appeal was submitted to answering respondents.**
- 8. No Comments.**

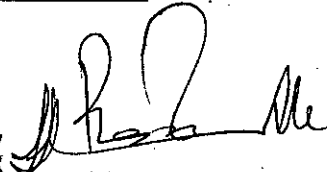
**GROUNDS**

34


- A. Incorrect. The appellant will act in the light of notification dated 17-5-2018.
- B. Incorrect. No appeal was submitted by the appellant.
- C. Incorrect. As explained in the above para's.
- D. Incorrect. As explained in the above para's.
- E. No comments.
- F. Incorrect. As explained in the above para's.
- G. Incorrect. As explained in the above para's.
- H. Incorrect. As explained in the above para's.

It is, therefore, requested that appropriate order may please be passed in the instant Service Appeal.

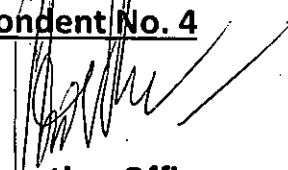
**Respondent No. 2**

Secretary   
E & S Education Khyber Pakhtunkhwa  
Peshawar

**Respondent No. 3**

  
Director  
E & S Education Khyber Pakhtunkhwa  
Peshawar

**Respondent No. 4**

  
District Education Officer  
(Male) Nowshera

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal NO. 1521/ 2018**

**Murad Khan ..... Appellant**

**VERSUS**

**Govt KPK and others ..... Respondents**

**AFFIDAVIT**

**I Attaullah Mena Khel District Education Officer (Male) Nowshera do solemnly affirm and declared on oath that the contents of the para wise comments on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.**

**DEPONENT**

# GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/

Dated Peshawar the 17-5 -2018

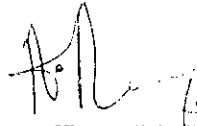
To

1. Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar
2. All District Education officers(M/F)  
Khyber Pakhtunkhwa.

**SUBJECT: IMPLEMENTATION OF PESHAWAR HIGH COURT  
JUDGEMENTS REGARDING GRANT PENSIONARY BENEFITS  
TO CLASS IV EX FIXED PAY EMPLOYEES**

I am directed to refer to the subject noted above and to state that all the subject cases may be disposed off in light of para 13 of the judgement of Peshawar High Court dated 22-6-2017(copy enclosed). It is further stated that all such cases may be examined in light of prevailing pension rules and the employees who have rendered minimum length of service, which is 25 years in normal cases and ten years in special /family pension cases. Service rendered by officials under contract, adhoc etc shall be counted towards pension provide such officials were regularized at later stage and pension was denied to them on the ground of not fulfilling criteria of minimum time as regular employee.

However, this Department may be kept informed of the day to day proceedings.

  
Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

1. Advocate General KPK
2. Addl Registrar Peshawar High Court.
3. P.A to Spl: Secretary (Legal).

  
Section officer (Lit-I)

**Murad Khan ..... Appellant**

**VERSUS**

**Govt KPK and others ..... Respondents**

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**GROUNDS**

34  
✓

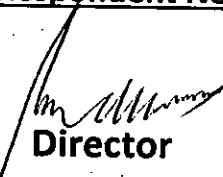
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Peshawar

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**Respondent No. 4**

  
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal NO. 1521/ 2018**

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NO.S.O (LIT-I)/E&SE/1-1/2012/

Dated Peshawar the 17-5 -2018


To

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