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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



S.A. No. 1488 /2018

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 1671

Dated 23/11/2018

Mashal Khan S/o Sarwar Khan

R/o Mohallah Wanda Lughman P.O Sari Gambela District
Lakki Marwat.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Communication & Works
Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Deptt Civil
Secretariat Peshawar
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT 1974 AGAINST THE OFFICE
ORDER NO. 7119/JICA-5, DATED 01.08.2018
WHEREBY THE APPELLANT HAS BEEN
TERMINATED FROM HIS SERVICE AND
AGAINST WHICH THE DEPARTMENTAL
APPEAL OF THE APPELLANT DATED:
10.09.2018 WAS NOT ADJUDICATED UPON
BY THE RESPONDENTS NO. 1

Filed to-day
Registrar
23/11/18

Re-submitted to-day
and filed.

[Signature]
14/12/18
Registrar

PRAYER

ON ACCEPTANCE OF THIS APPEAL OFFICE
ORDER NO. 7119/JICA-5 DATED 1.08.2018,

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

18.06.2019

Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney present. Arguments heard. To come up for order on 21.06.2019 before D.B.



Member

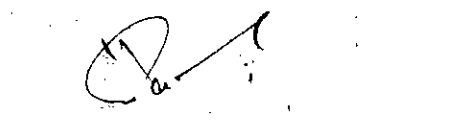

Member

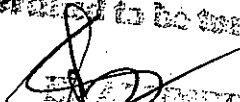


21.06.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Vide separate/common judgment of today of this Tribunal placed on file of service appeal No.1487/2018 filed by Sarfaraz Khan, copy of departmental appeal of the appellant available on file be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

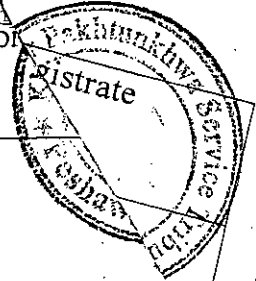

(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED Date of Presentation of Application _____
 21.06.2019 Number of Words _____
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 Date of Delivery of Copy _____

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.06.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 1487/2018</p> <p>Date of Institution 23.11.2018 Date of Decision 21.06.2019</p> <p>Sarfaraz Khan S/o Haji Shahzada R/o Mohallah Tarikhel Village Adizai Tehsil and District Peshawar.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> Government of Khyber Pakhtunkhwa through Secretary Communication & Works Department Peshawar. Deputy Director (Coordination) PMU C&W Department Peshawar. Project Director PMU, C&W Department Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.</p> <ol style="list-style-type: none"> This Single/common judgment/order in the above captioned service appeal shall also dispose of appeal bearing No.1488/2018 filed by Mashal Khan (Ex-Naib Qasid) and appeal bearing No. 1489/2018 filed by Fayaz Muhammad (Ex-Naib Qasid) being identical in nature in that similar questions of law and facts are involved therein. The appellant (Ex-Driver) has filed the present appeal against the



2019

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[Signature]
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order dated 03.08.2018 whereby his services were terminated w.e.f 31.08.2018 on the ground that he was adjusted and having drawn salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, his services were no more required.

4. Arguments of Learned counsel for the appellant and learned Deputy District Attorney heard. File perused.

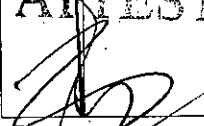
5. Needless to mention that the Hon'ble Peshawar High Court Peshawar vide its judgment dated 07.11.2018 passed in Writ Petition No.5163-P/2018 filed by the appellants, observed that by virtue of Section 4 of Khyber Pakhtunkhwa Act No.10 of 2018, the services of all project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018.

6. Learned counsel for the appellant pleaded that against the original impugned order of termination of services, the appellant filed departmental appeal but the same was not responded. On the other hand in their joint reply the respondents have pleaded that the appellant has not preferred departmental appeal to the higher authority but annexed the copy only to fill up the formalities.

7. In view of the above scenario, copy of departmental appeals of the appellants available on files be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment.

8. The present service appeal and the connected service appeals as

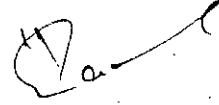
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 CHAIRMAN
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar.

mentioned in para-2 of this judgment are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.




(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
21.06.2019.

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Khyber Pakhtunkhwa
Judicial Tribunal
Peshawar

Date of Presentation of Application _____
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



S.A. No. 1488 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1671

Dated 23/11/2018

Mashal Khan S/o Sarwar Khan

R/o Mohallah Wanda Lughman P.O Sari Gambela District

Lakki Marwat.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Communication & Works
Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
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WHEREBY THE APPELLANT HAS BEEN
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10.09.2018 WAS NOT ADJUDICATED UPON
BY THE RESPONDENTS NO. 1

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Re-submitted to-day
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Registrar
14/12/18

PRAYER

ON ACCEPTANCE OF THIS APPEAL OFFICE
ORDER NO. 7119/JICA-5 DATED 1.08.2018,

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ESCALINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

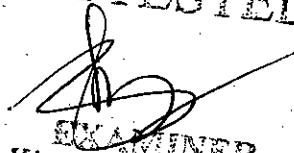
WHEREBY THE APPELLANT WAS TERMINATED FROM HIS SERVICE BY THE RESPONDENTS, HIS DEPARTMENTAL APPEAL WAS NOT BEEN ADJUDICATED UPON BY THE RESPONDENTS, MAY KINDLY BE ADJUDICATED NULL & VOID AND WITHOUT ANY LAWFUL AUTHORITY MAYBE SET ASIDE AND THE APPELLANT MAY VERY KINDLY BE REINSTATED, BE CONSIDERED AS REGULAR EMPLOYEE SINCE HIS APPOINTMENT ON HIS RESPECTIVE POSITION WITH ALL BACK BENEFITS.

Respectfully Sheweth;

Brief facts of the case are as under:-

- 1) That the appellant was appointed as a Naib Qasid on 10.07.1995 vide appointment order NO. 161/1-1/E in the Communication and Works Department, Peshawar. (Copies of appointment order service book and details of allowances are attached as annexure A, A/1 to A/2).
- 2) That since his appointment appellant performed his duty honestly and whole heartedly to the best of his ability and to the entire satisfaction of his high-ups, and during his service, the appellant never ever given a chance of complaint/ blame etc to his high ups. It is worth mentioning here that the appellant has got a stainless service record in the C&W deptt.
- 3) That to the utter surprise of the appellant OFFICE ORDER NO. 7119/JICA-5 DATED 1.08.2018, without adopting codal formalities, their own rules and regulations the respondents terminated the services of the appellant w.e.f 31.8.2018 feeling aggrieved of which the appellant preferred his departmental appeal on the basis of grounds mentioned therein which has

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not been adjudicated upon by the respondents. Resultantly the appellant instituted a writ petition before the Honourable Peshawar High Court Peshawar on the basis of grounds mentioned therein wherein the writ petition of the appellant was dismissed with observation " however the petitioners are at liberty to impugned there termination before the competent forum but within due time", hence, the appellant approaches before this Honourable Tribunal on the following grounds amongst others. (Copies of termination order, departmental appeal and writ petition alongwith order of Peshawar High Court are attached as annexure B, B/1 & CC/1.

GROUNDS

- A. That the impugned terminations order is illegal, unlawful, without any legal authority and is ineffective against the precious rights of the appellant which is subject to be set aside.
- B. That the appellant was appointed on temporary basis in the C&W department and he kept on carrying out his respective duties for more than 24 years and without following the codal formalities, straight away the impugned termination order was illegally passed without serving any prior notice to the appellant.
- C. That every termination letter is supposed to contain the reasons of termination but the impugned termination order is completely silent about any reason for the termination of the appellant.
- D. That the appellant has served the deptt for the last 24 years which is quite evident, that the appellant has spent a huge portion/ spin of his life in the C& W department as a result of which he has reached to such stage of his life, who

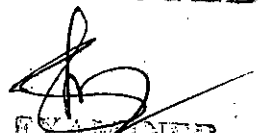
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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

as per law is over aged for any governmental services, therefore the appellant no longer fit for any other employment, the respondents should have to consider the same and let the appellant to serve on his part keeping in view the said huge portion/ spin of his services, the respondents should have to regularize the appellant instead of terminating him but unfortunately this very fact was completely ignored by respondents while passing the impugned order.

- E. That while passing the impugned order the respondents did not bother to give the appellant a right of personal hearing, rather all the rules of natural justice were also violated by them.
- F. That other employees in the same status were regularized by the respondent's department and unfortunately the appellant was not treated at par with those employees who were regularized which clearly shows that the appellant has been dealt with discrimination which is not permissible in the eyes of law. (Copies of documents showing details of employees regularized in the same project also attached as annexure D & D/1).
- G. That as per section 4 of the regularization Act 2018, the appellant was supposed to have been regularized by the respondents but unfortunately the aforementioned law was also not kept in consideration and instead of regularization the poor appellant who is the sole bread earners of his family was handed over the impugned termination letter which shows that the respondents have a made state within a state and they do not have any respect and regard for the laws enacted. (Copy of Regularization Act 2018 is attached as annexure E).

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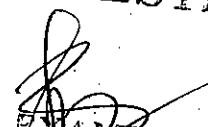

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Peshawar

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- H. That the appellant was not project employee at all, rather he was regular employee of the C& W deptt since his appointment and the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them. It is worth mentioning here that the appellant has been taking all the incentives taken by the regular employees and GP fund, benevolent fund and group insurance grant were also being deducted from his salary, which makes the fact crystal clear that the appellant was a regular employee of the respondent deptt. (Copies of GP Fund benevolent fund and group insurance deduction slips are attached as Annexure F, F/1 to F/2).
- I. That being regular employee the appellant was upgraded by the respondent's deptt and in the circumstances even if the appellant had to be terminated the respondents were supposed to have adopted all the legal procedures for the termination of the appellant.
- J. That the respondents on one hand terminated the services of the present appellant, and on the other hand he has referred the case of all the project employees, including that of the present appellant for the regularization of their services, keeping in view the Regularization Act 2018 passed. (Copies of the letters alongwith list of employees PMU are attached as Annexure G).

It is therefore, most humbly prayed that On acceptance of this Service Appeal Office order No. 7119/JICA-5 dated 01.08.2018, whereby the appellant was terminated from his services w.e.f 31.08.2018 by the respondents, may be adjudicated null & Void, without any lawful authority may be set aside and the appellant may very kindly be reinstated, and be considered as regular

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employees since their appointment on his respective position with all back benefits.

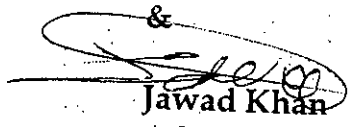
Dated: 20.11.2018

Through


Appellant

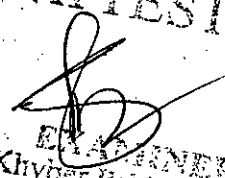
Umar Ali Shah Utmankhel

&



Jawad Khan
Advocate High Court
Peshawar

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Mashal Khan.....Appellant

VERSUS

Govt of KPK etc.....Respondents


APPLICATION FOR INTERIM RELIEF
SUSPENSION OF THE OPERATION OF
IMPUGNED ORDER DATED 01.08.2018
2018 TILL THE FINAL DECISION OF
INSTANT APPEAL.

Respectfully Sheweth;

Appellant state as under:-

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has been fixed so far.
- 2) That the applicant has got a prima facie case.
- 3) That balance of convenience also hereby leans in favour of the appellant and there is every likelihood of the success of the case.
- 4) That the applicant/ appellant will suffer irreparable loss if the operation of impugned order is not suspended.

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 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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It is, therefore, prayed that on acceptance of this application, operation of impugned order dated 01.08.2018 may graciously be suspended till the final decision of instant appeal.

Umar Ali Shah
Applicant

through

Umar Ali Shah Utmankhel

&

Jawad Khan
Advocate High Court
Peshawar

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. _____/2018'

Mashal Khan..... Appellant

VERSUS

Govt of KPK etc..... Respondents

AFFIDAVIT

I, Mashal Khan S/o Sarwar Khan R/o Mohallah Wanda Lughman P.O Sari Gambela District Lakki Marwat do hereby affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Attested

Mashal Khan
DEPONENT

M. Nadeem
M. NADEEM
Advocate High Court
Peshawar

Certified to be true copy
BY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application _____
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR



S.A.No. 1488 /2018

Mashal Khan S/o Sarwar Khan

R/o Mohallah Wanda Lughman P.O Sari Gambela District

Lakki Marwat.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Communication & Works
Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.

.....RESPONDENTS

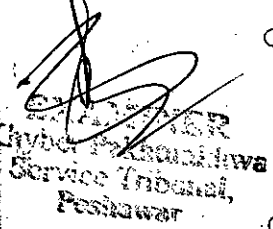
PARAWISE COMMENTS ON BEHALF OF
RESPONDENTS No.1, 2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- a. That the Appellant has got no locus standi file the instant petition.
- b. That the appeal is time barred.
- c. That the appellants is estopped by his own conduct to file the instant petition.
- d. That the appellant had concealed the actual facts from this Hon'ble Tribunal.
- e. That the present petition is liable to be dismissed for

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

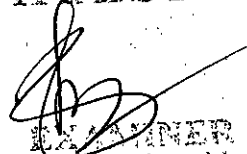
ON FACTS:

1. Para No.1 pertain to record, hence needs no comments.
2. Para No.2 as stated in incorrect, the appellant has attached nothing in this respect.
3. Para No.3 is also incorrect. The respondents had adopted and fulfilled the requisite requirement while terminating the appellant from service. No such appeal has been preferred in this regard to the higher authorities, but annexed a copy only to fill up the formalities, hence the appeal is liable to be dismissed.

GROUND S:


- a) Para-a as stated in incorrect. The service of the appellant were terminated as per law and rules adopting the codal formalities.
- b) Para-b is also incorrect, pertains to record, however detail reply has also been given in the above referred Paras.
- c) Para-c is incorrect, the competent authority has got the powers to terminate the services of the appellant without assigning any reason.


ATTESTED



EXAMINER
Khyber Pakhtunkhwa
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Peshawar

- d) Para-d pertains to record. The appellant has served in the department for the last 24 years; the remaining para needs no reply, hence denied.
- e) Para-e is incorrect. The replying respondents have adopted all codal formalities while passing the impugned order.
- f) Para-f is incorrect. No such employee has been regularized nor any discriminations has been shown in respect of the appellant.
- g) Para-g is legal, hence need no comments.
- h) Para-h is incorrect. This Para also pertains to record.
- I&J Para-I & J is also incorrect. Detailed reply has been given in the preceding Paras.

It is, therefore humbly prayed that on acceptance of this Parawise comments the appeal may kindly be dismissed with cost.


Deputy Director,
Coordination PMU,
C&W Department, Peshawar
Deputy Director (Coordination)
Project Management Unit
C&W Department Peshawar


Secretary/Project Director
C&W Department
Peshawar

Certified to be true copy

K. D. M. S. S. S. S.
Service Tribunal,
Peshawar

18.06.2019

Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney present. Arguments heard. To come up for order on 21.06.2019 before D.B.



Member


Member

21.06.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Vide separate/common judgment of today of this Tribunal placed on file of service appeal No.1487/2018 filed by Sarfaraz Khan, copy of departmental appeal of the appellant available on file be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
21.06.2019

25.02.2019

Appellant with counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Fayyaz Chamkani, Legal Advisor for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 21.03.2019 before S.B.


Member
(Ahmad Hassan)

21.03.2019

Appellant in person present. Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Fayyaz Chamkani, legal Advisor for the respondents present. Written reply not submitted. Requests for adjournment. Adjourned. To come up for written reply/comments on 19.04.2019 before S.B.


Member

19.04.2019


Junior to counsel for the appellant present. Fayyaz Chamkani Legal Advisor present. Written reply/comments submitted. To come up for rejoinder/arguments on 16.05.2019 before D.B.


Member

16.05.2019

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for rejoinder and arguments on 18.06.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

02.01.2019

Counsel for the appellant Mashal Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in C&W Department. It was further contended that the appellant was terminated from service by the competent authority i.e Project Director PMU vide order dated 01.08.2018 with effect from 31.08.2018 on the allegation that he was adjusted and have been drawing salary in the project JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62 and most of the road projects have been completed therefore, the services of the appellant were no more required. It was further contended that the impugned order was communicated on 31.08.2018, the appellant filed departmental appeal on 10.09.2018 but the same was not responded. It was further contended that the appellant filed Writ Petition before the worthy High Court which was decided vide order dated 07.11.2018 and it was observed that by virtue of Section-4 of the Khyber Pakhtunkhwa Act 10 of 2018, the service of all project employee stand regularized with effect from the date of communication of the said Act i.e 07.03.2018 and thereafter, termination from service, in the month of August, 2018 of a regular employee of the Government, is to be challenged before the Service Tribunal and the writ petition was disposed of. Learned counsel for the appellant contended that since after the enforcement of the Project Employees Act the appellant became civil servant and the respondent-department could not terminate the appellant without regular inquiry or show-cause notice therefore, it was contended that the appellant was condemned unheard and the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 25.02.2019 before S.B.



Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1488/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/12/2018	<p style="text-align: center;">The appeal of Mr. Mashal Khan resubmitted today by Mr. Umar Ali Shah 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</p>
2-	24/12/2018.	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/01/2019.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Mashal Khan today on 23/11/2018 against the order dated 01.08.2018 against which he preferred/made departmental appeal/ representation on 10.09.2018 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

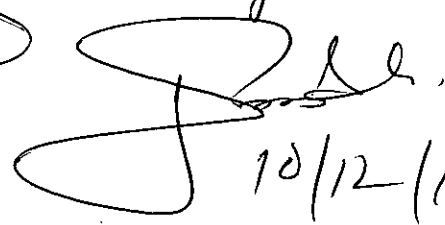
As such the instant appeal is returned in original to the appellant. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 2275/ST,

Dt. 23/11/2018


REGISTRAR 23/11/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Umar Ali Shah Adv. Pesh.

Resubmitted after completion

10/12/18.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A.No. 1488 /2018

Mashal Khan..... Appellant

Versus

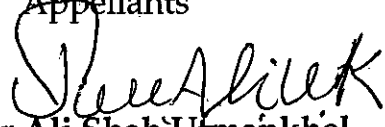
Govt of KPK etc..... Respondents

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3.	Addresses of the parties.		10
4.	Copies of appointment order service book details of allowances	A,A/1,A/2	11-41
5.	Copies of Termination orders and departmental appeals and writ petition alongwith order	B, B/1 C C/1	42-47
6.	Copies of documents showing details of employees regularized, employed in the same project	D, D/1	48-49
7.	Regularization Act 2018	E	50-51
8.	Copies of GP Fund benevolent fund and group insurance deduction slips	F, F/1, F/2	58-60
9.	Copies of the letters alongwith list of employees PMU	G	61-64
10.	Wakalatnama		65

Through


Appellants


Umar Ali Shah Utmankhel


&
Jawad Khan

Advocates High Court Peshawar

Mob: 0332-9808066

Add: T-29, Bilour Plaza Saddar
Road Peshawar Cantt.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A.No. 1488 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1671

Dated 23/11/2018

Mashal Khan S/o Sarwar Khan

R/o Mohallah Wanda Lughman P.O Sari Gambela District

Lakki Marwat.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Communication & Works Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Deptt Civil Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT 1974 AGAINST THE OFFICE
ORDER NO. 7119/JICA-5, DATED 01.08.2018
WHEREBY THE APPELLANT HAS BEEN
TERMINATED FROM HIS SERVICE AND
AGAINST WHICH THE DEPARTMENTAL
APPEAL OF THE APPELLANT DATED:
10.09.2018 WAS NOT ADJUDICATED UPON
BY THE RESPONDENTS NO. 1

Filed to-day

Registrar

23/11/18

Re-submitted to-day
and filed.

Registrar

PRAYER

ON ACCEPTANCE OF THIS APPEAL OFFICE
ORDER NO. 7119/JICA-5. DATED 1.08.2018,

WHEREBY THE APPELLANT WAS TERMINATED FROM HIS SERVICE BY THE RESPONDENTS, HIS DEPARTMENTAL APPEAL WAS NOT BEEN ADJUDICATED UPON BY THE RESPONDENTS, MAY KINDLY BE ADJUDICATED NULL & VOID AND WITHOUT ANY LAWFUL AUTHORITY MAYBE SET ASIDE AND THE APPELLANT MAY VERY KINDLY BE REINSTATED, BE CONSIDERED AS REGULAR EMPLOYEE SINCE HIS APPOINTMENT ON HIS RESPECTIVE POSITION WITH ALL BACK BENEFITS.

Respectfully Sheweth;

Brief facts of the case are as under:-

- 1) That the appellant was appointed as a Naib Qasid on 10.07.1995 vide appointment order NO. 161/1-1/E in the Communication and Works Department, Peshawar. (Copies of appointment order service book and details of allowances are attached as annexure A, A/1 to A/2).
- 2) That since his appointment appellant performed his duty honestly and whole heartedly to the best of his ability and to the entire satisfaction of his high-ups, and during his service, the appellant never ever given a chance of complaint/ blame etc to his high ups. It is worth mentioning here that the appellant has got a stainless service record in the C&W deptt.
- 3) That to the utter surprise of the appellant OFFICE ORDER NO. 7119/JICA-5 DATED 1.08.2018, without adopting codal formalities, their own rules and regulations the respondents terminated the services of the appellant w.e.f 31.8.2018 feeling aggrieved of which the appellant preferred his departmental appeal on the basis of grounds mentioned therein which has

not been adjudicated upon by the respondents. Resultantly the appellant instituted a writ petition before the Honourable Peshawar High Court Peshawar on the basis of grounds mentioned therein wherein the writ petition of the appellant was dismissed with observation " however the petitioners are at liberty to impugned there termination before the competent forum but within due time", hence, the appellant approaches before this Honourable Tribunal on the following grounds amongst others. (Copies of termination order, departmental appeal and writ petition alongwith order of Peshawar High Court are attached as annexure B, B/1 & C C/1.

GROUNDS

- A. That the impugned terminations order is illegal, unlawful, without any legal authority and is ineffective against the precious rights of the appellant which is subject to be set aside.
- B. That the appellant was appointed on temporary basis in the C&W department and he kept on carrying out his respective duties for more than 24 years and without following the codal formalities, straight away the impugned termination order was illegally passed without serving any prior notice to the appellant.
- C. That every termination letter is supposed to contain the reasons of termination but the impugned termination order is completely silent about any reason for the termination of the appellant.
- D. That the appellant has served the deptt for the last 24 years which is quite evident, that the appellant has spent a huge portion/ spin of his life in the C& W department as a result of which he has reached to such stage of his life, who

as per law is over aged for any governmental services, therefore the appellant no longer fit for any other employment, the respondents should have to consider the same and let the appellant to serve on his part keeping in view the said huge portion/ spin of his services, the respondents should have to regularize the appellant instead of terminating him but unfortunately this very fact was completely ignored by respondents while passing the impugned order.

- E. That while passing the impugned order the respondents did not bother to give the appellant a right of personal hearing, rather all the rules of natural justice were also violated by them.
- F. That other employees in the same status were regularized by the respondent's department and unfortunately the appellant was not treated at par with those employees who were regularized which clearly shows that the appellant has been dealt with discrimination which is not permissible in the eyes of law. (Copies of documents showing details of employees regularized in the same project also attached as annexure D & D/1).
- G. That as per section 4 of the regularization Act 2018, the appellant was supposed to have been regularized by the respondents but unfortunately the aforementioned law was also not kept in consideration and instead of regularization the poor appellant who is the sole bread earners of his family was handed over the impugned termination letter which shows that the respondents have a made state within a state and they do not have any respect and regard for the laws enacted. (Copy of Regularization Act 2018 is attached as annexure E).

5

H. That the appellant was not project employee at all, rather he was regular employee of the C& W deptt since his appointment and the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them. It is worth mentioning here that the appellant has been taking all the incentives taken by the regular employees and GP fund, benevolent fund and group insurance grant were also being deducted from his salary, which makes the fact crystal clear that the appellant was a regular employee of the respondent deptt. (Copies of GP Fund benevolent fund and group insurance deduction slips are attached as Annexure F, F/1 to F/2).

I. That being regular employee the appellant was upgraded by the respondent's deptt and in the circumstances even if the appellant had to be terminated the respondents were supposed to have adopted all the legal procedures for the termination of the appellant.


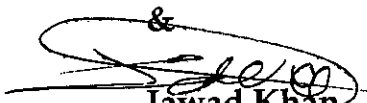
J. That the respondents on one hand terminated the services of the present appellant, and on the other hand he has referred the case of all the project employees, including that of the present appellant for the regularization of their services, keeping in view the Regularization Act 2018 passed. (Copies of the letters alongwith list of employees PMU are attached as Annexure G).

It is therefore, most humbly prayed that On acceptance of this Service Appeal Office order No. 7119/JICA-5 dated 01.08.2018, whereby the appellant was terminated from his services w.e.f 31.08.2018 by the respondents, may be adjudicated null & Void, without any lawful authority may be set aside and the appellant may very kindly be reinstated, and be considered as regular

(6)

employees since their appointment on his respective position with all back benefits.

Dated:20.11.2018

Through 
Appellant
Umar Ali Shah Utmankhel
&

Jawad Khan
Advocate High Court
Peshawar

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Mashal Khan.....Appellant

VERSUS

Govt of KPK etc.....Respondents

APPLICATION FOR INTERIM RELIEF
SUSPENSION OF THE OPERATION OF
IMPUGNED ORDER DATED 01.08.2018
2018 TILL THE FINAL DECISION OF
INSTANT APPEAL.

Respectfully Sheweth;

Appellant state as under:-

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has been fixed so far.
- 2) That the applicant has got a prima facie case.
- 3) That balance of convenience also hereby leans in favour of the appellant and there is every likelihood of the success of the case.
- 4) That the applicant/ appellant will suffer irreparable loss if the operation of impugned order is not suspended.

8

It is, therefore, prayed that on acceptance of this application, operation of impugned order dated 01.08.2018 may graciously be suspended till the final decision of instant appeal.

Umar Ali Shah
Applicant

through

Umar Ali Shah
Umar Ali Shah Utmankhel

&

Jawad Khan
Advocate High Court
Peshawar

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Mashal Khan..... Appellant

VERSUS

Govt of KPK etc..... Respondents

AFFIDAVIT

I, Mashal Khan S/o Sarwar Khan R/o Mohallah Wanda Lughman P.O Sari Gambela District Lakki Marwat do hereby affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Mashal Khan

مَشَالِ خَان
DEPONENT

M. Masud Raza
M. MASUD RAZA
Oath Commissioner
Advocate High Court
Peshawar

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. _____/2018

Mashal Khan..... Appellant

Versus

Govt of KPK etc..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

1. Mashal Khan S/o Sarwar Khan
R/o Mohallah Wanda Lughman P.O Sari Gambela District
Lakki Marwat.

RESPONDENTS:

1. Govt of KPK through Secretary Communication & Works
Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C &W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.

مَشال خان
Appellant
Through
Umar Ali Shah Utmankhel
&
Jawad Khan
Advocate High Court
Peshawar

Annex A

(11)

OFFICE OF THE DEPUTY DIRECTOR-II "FARM TO MARKET ROADS" (PROJECT CELL) COMMUNICATION AND WORKS DEPARTMENT N.W.F.P PESHAWAR:

No. 161 111-E

Dated Peshawar the 10/7/95

OFFICE ORDER

Mr. Mashal Khan S/O Sarwar Khan Mohallah Haider Shah Town City Railway Station Peshawar is here-by appointed as Naib Qasid in BPS-1 (Rs:1245-35-1770) against the newly created post in the interest of public service with immediate effect on the following terms and conditions:-

- 1- His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- 2- His service will be governed by such Rules and orders as may be issued by Government from time to time.
- 3- He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
- 4- He will join duty at his own expenses.

He is directed to report for duty to the Office of the Deputy Director-II (Project Cell) "Farm to Market Roads" Communication and Works Department N.W.F.P Peshawar.

DEPUTY DIRECTOR-II (PROJECT CELL)
"FARM TO MARKET ROADS" NWFP
C&W DEPARTMENT PESHAWAR:

CC:

- 1- The Project Director Foreign Aided Projects Peshawar.
- 2- The Accountant General NWFP Peshawar.
- 3- The Divisional Accountant FMR-II Peshawar.
- 4- Mr. Mashal Khan S/O Sarwar Khan Mohallah Haider Shah Town City Railway Station Peshawar.

DEPUTY DIRECTOR-II (PROJECT CELL)
"FARM TO MARKET ROADS" NWFP
C&W DEPARTMENT PESHAWAR:

True copy

ATTESTED

MEDICAL CERTIFICATE.

Amox - A/1

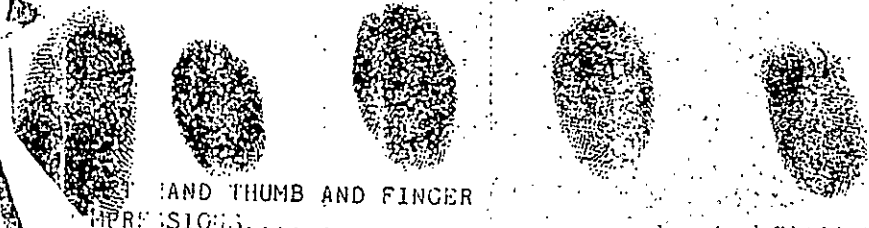
(12)

Name of Official *Mashal Khan*
 Caste or race *Muslim*
 Father's Name *S/O* *Sarwar Khan*
 Residence *P.O. Wandaughman P.O. Chamsila*
Tok - Distt Lalaha Nawarat
 Date of birth *1974*
 Exact height by measurement *5'7"*
 Personal mark of identification *Scar left side forehead*
 Signature of the Official *[Signature]*
 Signature of head of office

Seal of Office.....

I do hereby certify that I have examined Mr *Mashal Khan* a candidate
 for employment in the office of the *C & W - Deptt*
 and can not discover that he had any disease communicable or other constitu-
 tional affection or bodily infirmity except *me*

I do not consider this as disqualification for employment in the office
 of the His age according to his own statement *21*
 years and by appearance about *24* years.



THUMB AND FINGER
IMPRESSIONS.....

[Signature]
Medical Superintendent
Civil Hospital Rawwar
 Civil Hospital,

True copy

ATTESTED



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

1. Name Mashal Khan Marwat
2. Race Muslim
3. Residence P/Addr Wanda Lagman P/o Grambila & Marwat
Haider Shahr Town City Railway Station Peshawar

4. Father's name and residence Saawan Khan Haider Shahr town
City Railway Station Peshawar

5. Date of birth by Christian era as nearly as can be ascertained 1974

6. Exact height by measurement 5' - 7"

7. Personal marks for identification Scar left side forehead

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 [Signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer. Dy. Director-II P.W. Dept. G.W. Dept. N.W.F.P. Peshawar

Deputy Director-II
Form to Market Roads (Project Cell)
G.W. Dept. N.W.F.P. Peshawar

True copy
ATTESTED

Date

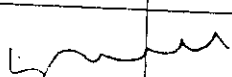
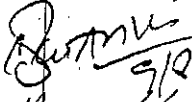
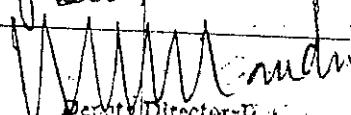
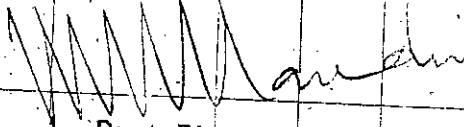
Time

14

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 office or other officer in relation of posts 1 to 8
Naib Qaid (BPS-01) 1245-35-1770	1770		1245/- PM			10-7-95		Appo
								Dy: D
								De
								10
245-35-1770			1280/-			1-12-1996		30/96

True copy

15

Signature and designation of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination 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 reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
<p>Appointed as Naib Qaid BPS-01 (1245-35-1770) vide Dy. Director-II FMR Cell Pesh. No. 16/1/1-E, dt 10-7-95 and reported arrival for duty on the Fore noon of 10-7-1995.</p>							
<p style="text-align: right;">  Deputy Director-II Form to Market Roads (Project Cell) C&W Deptt. N.W.F.P. Peshawar </p>							
<p style="text-align: right;"> P.R. II - DC - 1 - 32 2/8/95 </p>							
<p style="text-align: right;"> Drawn Rs 421/2 as arrears of pay and Medical Allowance on acc of Difference of pay 1-7-1995 to 31-7-1995  Asst. Secy Genl NWFP 28/8/95 </p>							
<p style="text-align: right;"> Service verified from the period from 1.12.95 to 30.11.95 from the Office copies of Pay Bill  Deputy Director-II Form to Market Roads (Project Cell) C&W Deptt. N.W.F.P. Peshawar </p>							
<p> 20/95 Granted annual increment True copy  Deputy Director-II Form to Market Roads (Project Cell) C&W Deptt. N.W.F.P. Peshawar </p>							

1574 (16)

1 Name of Post	2 Whether substantive 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 the head of office or other officiating officer in station of rank to which appointed	9 Date of termination of appointment
Naib Qasid (B.P. S. I) 1245-35-1770			1280/- P.M.			12/1997		
			1315/- P.M.			12/97		
			1315/- P.M.			31/5/98		
DC71 No. 268 dt. 8-7-98 Pay to rank of 1315/- + AEL - 6/98								

[Handwritten signature]
13/5

for one copy

ATTESTED

Signature and designation of the head of the office or other attesting officer in Government Service (columns 1 to 8)	10 Date of termination 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 reward or praise of the Government Service
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable.	
						Service verified from 12 to 30-11-90 from office. Copies of Pay bill submitted over Roll.	
		Annual Increment granted				<i>M. M. Mander</i> Deputy Director-II Farm to Market Roads (Project Cell) C&W Deptt. N.W.F.P. Peshawur	
	12-97		<i>M. M. Mander</i> Deputy Director-II Farm to Market Roads (Project Cell) C&W Deptt. N.W.F.P. Peshawur			Service verified for the period from 12/97 to 30/11/97	
						Transferred to D.I.Khan Vide Secy. C&W Deptt. office letter No SO(E) C&W/D/17-11/78 dated 15.11.90	
						<i>M. M. Mander</i> Deputy Director-II Project Cell, Farm to Market Roads, N.W.F.P. G/W Deptt: D.I.Khan	
						Re-Transfer to Peshawur vide Secy. C&W Deptt. Notification No SO(E) C&W/ 30/1/78 dated 23.5.98	
						<i>M. M. Mander</i> Deputy Director-II Project Cell Farm to Market Roads, N.W.F.P. Deptt: D.I.Khan	

True copy
S

ATTESTED

(3) (18) (12)

1 Name of Post	2 Whether substantive 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 the Officer or other person holding the post	9 Date of appointment
Naib Qasid BPS-1 1245-35-1770			1350			12 1/98	[Signature]	
Naib Qasid BPS-1 1245-35-1770			1385			12 1/98	[Signature]	
~ ~ ~			142-1/10/07			12 2000	[Signature]	

True copy

ATTESTED

Signature of Government Servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination 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 reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
								Service verified for the period from 17/12/98 to 11/12/00
								The Pay Bill
								Deputy Director-II (Project Cell) Farm To Market Roads G&W Deptt: N.W.F.P.
								26-4-2000
								Service verified for the period from 12/12/98 to 30/11/99
								The Pay Bill
								Deputy Director-II (Project Cell) Farm To Market Roads G&W Deptt: N.W.F.P.
								26-9-2000
								Annual Increment Granted (11/2/2000)
								Service verified 11/2/99 to 24/2/00
								Deputy Director-II (PC) MR W&S Deptt: Peshawar
								Deputy Director-II (PC) MR W&S Deptt: Peshawar

ATTACHED

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 the head of the office or other attesting officer in attestation columns 1 to 8
Mashal Khan							
N. Qasid				2200/-	✓ 14	12/2001	Revised in the w/f
1870-55-3520	Officiating				2005		
BPS No. 1					OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PAY SCALES		
2005		OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PAY SCALES		OF RS. 2150/-	654/2001		
1870-55-3520 (B-01)		OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PAY SCALES		AT RS. 2735/-	2005		
With Next Increment of				With Next Increment of	Pay Fixation Pay		
				22557/-		12/2002	An

2200/-
2735/-
22557/-

True copy
S

Signature of Government Servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination 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 reward or praise of the Government Servant.	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable

Revised pay fixed as Rs. 2200/- PM
in the table scale of Rs. 1870-45-3520
w.e.f. 11/12/2001.

Service Verified
w.e.f. 11/12/2001 to 30/11/2002

(Signature)
Deputy Director-II (P-1)
MR W&S Deptt. Peshawar

(Signature)
Deputy Director-II (P-1)
MR W&S Deptt. Peshawar
Service Verified
w.e.f. 11/12/2001 to
30/11/2002

Annual Increment
granted 11/12/2002

(Signature)
Deputy Director-II (P-1)
MR W&S Deptt. Peshawar

(Signature)
Deputy Director-II (P-1)
MR W&S Deptt. Peshawar

Arrival Project Account
1⁷/₉₅ 5 31 ¹²/₂₀₀₂ Rs. 13077/85
TWO 2088 4-16

(Signature)
Accounts Officer
o/o
MR. N.P.P. Peshawar.
21/1/03

Sproule copy

ATTESTED

92

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 and position of the head office or other signing officer in pursuance of clauses 1 to 8
1870-55-3520					2310/2	PM	12 2-03
BPS 01							A g
do					Rs 2310/2	PM	30-6 2-04
do					Rs 2310/2	PM	30-7-04 1 4

True copy

ATTESTED

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
Signature and designation of the head of office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitale	Signature of the head of the office or other attesting officer	Reference to a recorded punish or censure, or re or praise of U Government Ser
				12 2003	Allowed annual increment		
			<i>[Signature]</i> Deputy Director-II (PC) FMR W&S Deptt: Peshawar			<i>[Signature]</i> Deputy Director-II (PO) FMR W&S Deptt: Peshawar	
6 2004					Transferred from this office to EDO W&S Deptt. Laska Mawat via: Secretary W&S Deptt. letter/office order dt. SO(E-II) W&S/11-268/2003, dt 17-07-2004 and reported departure on 30-6-2004 (FN), being effective from 1-7-2004.	Service verified for the period from 1-12-2003 to 30-06-2004 from Copy of Pay Bills	
			<i>[Signature]</i> Deputy Director-II (PO) FMR W&S Deptt: Peshawar			<i>[Signature]</i> Deputy Director-II (PO) FMR W&S Deptt: Peshawar	
30-7-04					Reported Arrived for duty on 30/7/04 (FN)		
			<i>[Signature]</i> Director Works & Services Laska Mawat			<i>[Signature]</i> True copy	

ATTESTED



24

1 Name of Post	2 Whether substantive 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	9 Signature and Designation of the head of office or other officer in charge of the office	10 Date
B.P.S. (01) 1870-55-3520			2305/- PM	2305/- PM		30-9-2014	12/2004	7 months	
Naib Qasid				2310/- PM					
			2365/- PM ✓				12/2004 (F-1)		
			2735/- PM ✓		?		1-07-2005		
NIQ BPS 2150-65-4100									

cutting attested

Stamp: Office of the Secretary, Government of Punjab, Lahore. Includes handwritten initials and a signature.

True copy

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8	9	10	11	12	13		14	15	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to, another Government			
Signature of Government Servant	Signature and designation of the head of office or other attesting officer in columns 1 to 8	Date of termination of 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
						Leave:			
						Granted Annual leave			
						Service verified from the period 7 June 1-7-2004 to 30-09-2004 (F.W)			
						Superannuation post of NW (BOS-2) in which he has been created with effect No. 80/1-10/2006-07 / FD dt: 4-12-2007			
						Section Officer (Genl), Govt. of N.W.F.P. Works and Services Deptt.			
						Section Officer (Genl), Govt. of N.W.F.P. Works and Services Deptt.			
						Section Officer (Genl), Govt. of N.W.F.P. Works and Services Deptt.			
						Section Officer (Genl), Govt. of N.W.F.P. Works and Services Deptt.			

12
1-2-04
30-9-04
2004

12
2004 (F.W)

07
2005

True copy
S

2005



1 Name of Post	2 Whether substantive 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 and designation of the Officer in-charge of the Office or Government
<u>NIR BPS-I</u> 2150-65-4100			2800/2 PM			12/15/2005 (FN)	
D.S.			2800/2 PM			13 ¹⁰ /2006 (FN)	
D.S.							
D.S.							
<u>NIR BPS-I</u> 2150-65-4100			2815 PM			11/2/2006 (FN)	

True copy

ATTESTED

D.S.
W.S.
A

ATTACHED

Handwritten notes and signatures at the top right.

Handwritten notes and signatures at the top left.

15	Reference to any recorded punishment or censure, or reward of praise of the Government Servant.	Signature of the Head of the office or other arresting officer.	Period for which Government leave is granted.	Signature of the Head of the office or other arresting officer.	Reason of termination (such as promotion, transfer, etc.).	Date of termination of appointment.	Signature and designation of the Head of the office or other arresting officer (columns 1 to 8).	Government
14								
13								
12								
11								
10								
9								

Handwritten notes: 'FRESHAR', 'Account Officer', 'District Officer', 'District Officer', 'District Officer'.

Handwritten notes: 'M-4 f 1-10-04 to 17-10-06', 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

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Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten notes: 'District M-122746 on A/c of Pay & allowances', '28/1/08', 'T. No 18406'.

Handwritten number '27' in a circle.



1 Name of post	2 Whether substantive 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 and designation of the head of the office or other attesting officer in attestation of columns 1 to 8
<p>N/O B.P.S. 2 Rev B.P. 2 2530-85-5080 2007 OFFICE OF THE ACCOUNTANT GENERAL MUMBAI PAY FIXED BY GOVT. ORDER 2530-85-5080 (2) 3380/- Project Director (FAP) W&S Department, Peshwa</p>	<p>2007 OFFICE OF THE ACCOUNTANT GENERAL MUMBAI PAY FIXED BY GOVT. ORDER 2530-85-5080 (2) 3380/-</p>	<p>(2)</p>	<p>3300 PM</p>	<p>3380/- cutting attached</p>	<p>1-7-2007 B.</p>	<p>(Reverse)</p>	
<p>11</p>	<p>3465/- 3385 PM</p>	<p>gatter</p>	<p>3465/- 3385 PM</p>	<p>12-2007 (FN)</p>	<p>12-2007 (FN)</p>	<p>Project Director (FAP) W&S Department, Peshwa</p>	
<p>4035-406035 BPS 02</p>	<p>4035-406035 (2) 4235/-</p>	<p>(2)</p>	<p>4135 PM</p>	<p>4135 PM</p>	<p>17-2008</p>	<p>Pay Pay</p>	
<p>True copy</p>	<p>4235 PM</p>	<p>4235 PM</p>	<p>4235 PM</p>	<p>4235 PM</p>	<p>12-2008</p>	<p>Case In</p>	

9	10	11	12	13	14	15	
Signature of Government Servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of 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 or average pay upto 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 reward or praise of the Government Servant.
2007/FEN 7-2007	(Revision)		Pay fixed at Rs. P.M in Rev. B.P.S No 2 introduced by Govt. N.W.F.P. F.D Deptt. Notification NO F.P.(P.R.) 1-1/2007 dated 20/1/2007 w.e.f. 1.7.2007 + Scale up graded 1 to 2 vide F.P. Notification NO F.P.(S.O. (P.R.) 7-2/2007 dated 28/7/2007 w.e.f. 1.7.2007.			109 cmly Project Director (FAP) W&S Department Peshawar	
(FEN)		30 th 2007	AN	Granted Annual Increment		109 cmly Project Director (FAP) W&S Department Peshawar	
(FAP)			109 cmly	Project Director (FAP) W&S Department Peshawar	Service verified for the period 1-2-2006 to 30-11-2007 from office copy of pay bills.	109 cmly Project Director (FAP) W&S Department Peshawar	
2008	Pay fixed	Rs: 4157	in the year	Pay scale was 17	2008	109 cmly Project Director (FAP) W&S Department Peshawar	
2008	Granted annual increment			Project Director (FAP) W&S Department Peshawar	Service verified for the period 1-12-2007 to 30-11-2008 from pay bills.	109 cmly Project Director (FAP) W&S Department Peshawar	

ATTESTED



1 Name of post	2 Whether substantive 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	9 Signature and signation of the head of the office or other attesting officer in attestation of columns 1 to 8
235-100-6035 BPS-02				43.50/P.M		12/2009		
235-100-6035				44.35/P.M		12/2010		
BPS-02 N/A 4900-170-10000				73.80/P.M		01-07/2011		
BPS-02 N/A 4900-170-10000				76.50/P.M		01-12/2011		
BPS-02-N/A 4900-170-10000				75.620/P.M		01-12/2012		

ATTESTED

Signature of Government Servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination 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 reward or praise of the Government Servant
					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		
		Granted Annual Increment						
		Annual Increment Granted.						
						Service verified for this period from 01-12-2009 to 31-11-2010. For office copy of Pay Role.		
		30/11/2011	Granted Annual Increment					
						Service verified from Pay Role for the period 01-12-10 to 30-11-2011.		
		30/11/2012	Granted Annual Increment					
						Service verified for the period from 01-12-11 to 30-11-12.		

Travel copy

ATTESTED

1 Name of Post	2 Whether substantive 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	Signature of Government Secretary and signature of the head of office or other officer in charge of the establishment of the Government
BPS-2-N/A 4800-170-10000			Rs. 7700/p.m.			01/12/13 AN	
BPS-2-N/A 4900-170-10000			Rs. 7960/p.m.			21/2/14 AN	
BPS-2-N/A 4900-170-10000			Rs. 8130/p.m.			01/12/2014	
BPS-2-N/A 4900-170-10000							

Office of the Accountant General
 Khyber Pakhtunkhwa
 Pay Fixed in The R.E. PS 2013
 Of Rs. 4900-170-10000 (2)
 At Rs. 7280/p.m.
 With Non-Substantive Pay
 ACCOUNTANT GENERAL
 Pay Fixed in The R.E. PS 2013
 Basic Pay

Pay
 17/11/13

True copy

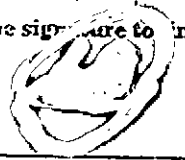
ATTESTED

Signature of Government Servant	Signature and designation of the head of office or other attesting officer in columns 1 to 8	10 Date of termination 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 reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
						Period Government to which debitable		
			Granted Annual Increment				Service identified for the period from 01-12-12 to 30-11-13 from office record.	
					Project Director PMU/FAP C&W Deptt Peshawar		Project Director PMU/FAP C&W Deptt Peshawar	
			Grant of Promotion Agreement on promotion within same Ser. vide Govt. of KPK					
			F.D. Notification No. FD/SOS/2-1/2-123/2014 dated 31/3/14					
					Project Director PMU/FAP C&W Deptt Peshawar			
			Granted Annual Increment				Service identified for the period from 01-12-12 to 30-11-14 from office record.	
					Project Director PMU/FAP C&W Deptt Peshawar		Project Director PMU/FAP C&W Deptt Peshawar	

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The entries in this page should be reviewed or re-attested at least every five years and the signature to lines 8 and 10 should be dated.



Name: *Mashal Khan*

Race: *Muslim*

Residence: *P. Wanda Lashman Gambila Lelles Marwat*

Father's name and residence:

Sambhar Khan Wanda Lashman Gambila Lelles Marwat

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

1974

Exact height by measurement:

5' 7"

Personal marks for identification:

Scar left side forehead.

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

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

Signature of Government Servant:

Mashal Khan

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

[Signature]

ATTESTED



1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	Office, district, state, (a) substantive appointment, or (b) whether service continues for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling upon the temporary	Date of appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
BPS-2- N/A and 6335-195-12060			Rs. 10519/- PM			01/07/2015	R.N. Mughal	
BPS-4- N/A and 6330-300-15730			Rs. 10630/- P.M			01/07/2016	R.N. Mughal	
		Office Of The Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in The R.P.S 2015 R.P.S 6335-270-12982 At Rs. 10519/- With Next Increase M. C. Mughal Accounts Officer Khyber Pakhtunkhwa Peshawar						
BPS-4- N/A 6730-300-15720			Rs. 10930/- PM			01/12/2015	R.N. Mughal	
BPS-4- N/A 8280-370-19380			Rs. 13030/- AM			01/07/2016	R.N. Mughal	

Pay w.e.f 1/12/2015

copy

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9 Signature of Government Servant	10 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	11 Date of termination or appointment	12 Reason of termination such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or other witnessing officer	14 Leave		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 payable to another Government	
						Period	
R.N. Mehta			Pay fixed at Revised Rank Pay Scale 2015 notified by the Govt.				Service verified for the period from 01-12-14 to 30-11-15 from office records.
R.N. Mehta			2-Step upgradation allowed by Govt. of KPK vide Finance Deptt Notification No. FD/SD/CPR)7-20/2015, dated 30/6/15.				
R.N. Mehta			Granted Annual Increment				Service verified for the period from 01-12-15 to 30-11-16 from office records.
R.N. Mehta			Pay Revised at Revised Pay Scale 2015 notified by Govt. of KPK Finance Deptt No. FD/CPR)1-1/2016, dated 19/07/2015				Service verified for the period from 01-12-15 to 30-11-16

COPY

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Approved
Director
C.M. Deptt
Peshawar

Approved
Director
C.M. Deptt
Peshawar

Approved
Director
C.M. Deptt
Peshawar

Approved
Director
C.M. Deptt
Peshawar

Project Director
MUJFAP C.M. Deptt
Peshawar

Project Director
MUJFAP C.M. Deptt
Peshawar

Project Director
MUJFAP C.M. Deptt
Peshawar

37

(Signature)

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 "p"	Date of appointment	Signature of Government Servant
BPS-4 N/A 8280-370-19380				Rs. 13460/p.m		01/12/16	
BPS-4- N/A 9900-440-23100				Rs. 16060/p.m		01/07/2017	
BPS-4- N/A 9900-440-23100				Rs. 16500/p.m		01/12/2017	

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Annex A/2

39

Government of Khyber Pakhtunkhwa Communication & Works Department, Peshawar
 Statement of Salary in Respect of the following Staff of Project Director Project Management Unit, C&W Department Peshawar for the Month of August 2018

SIN o.	Name of Employee	Designation	Basic Pay 001 2016	HRA 1001	CA 1210	PA 1544	MA 1300	Personal Pay / Audit /Qualification/	Washing Allowance	Dress Allowance	Deputation/ Adol. Charge Allowance 20%	Adhoc Relief All. 2017 10%	Adhoc Relief All. 2013 (5%)	Adhoc Relief All. 2015 (2.5%)	Adhoc Relief All. 2016 (10%)	Adhoc Relief All. 2018 (10%)	Pension Contribution	Arrears	Gr	
1	Muhammad Ayaz	Administrative Officer	74,070	6,648	5,000	30,000	3,075	-	-	-	12,000	7,407	1,640	1,100	5,632	7,407	-	-	1	
2	Sahibzada Qasim Noor	Manager Finance	-	-	-	30,000	-	-	-	-	-	-	-	-	-	-	-	240,000	2	
3	Fayaz Khan Chamkani	Legal Advisor	144,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	
4	Muhammad Fayaz Khan	Assistant	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
5	Muhammad Iftak	Assistant	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
6	Sahibzada Hafiz	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
7	Ittikhar Hussain	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
8	Arshad Iqbal	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
9	Muhammad Fahim	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
10	Tanzeem ur Rasool	Junior Clerk BPS-11	23,130	2,777	2,856	8,000	1,500	-	-	-	4,626	2,313	530	362	1,865	2,313	-	-	-	
11	Salman Parbid	Junior Auditor	48,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
12	Gul Rasool Driver	Driver BPS-7	25,850	2,255	1,932	4,000	1,500	300	-	-	5,370	2,685	690	490	2,197	2,685	-	-	-	
13	Mir Ahmad Shah	Driver BPS-7	21,970	2,255	1,932	4,000	1,500	300	-	-	4,384	2,197	543	416	1,789	2,197	-	-	-	
14	Sahibzada Khan	Driver BPS-7	17,090	2,255	1,932	4,000	1,500	300	-	-	3,412	1,706	415	312	1,199	1,706	-	-	-	
15	Gul Nawaz	Driver BPS-7	20,140	2,255	1,932	4,000	1,500	300	-	-	4,026	2,014	491	374	1,536	2,014	-	-	-	
16	Muhammad Fayaz S/o Zamin Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
17	Malang Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
17	Amin Jan S/o Ghulam Jan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
18	Tahir Shah	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
19	Taimur Khan s/o Muhammad Aslam Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3

Annex A/2

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20	Ashfaq Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650			33,003
21	Mashaf Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650			33,003
22	Fayaz Mohammad	Naib Qasid BPS-4	17,380	2,048	1,785	2,000	1,500	300	100	100	3,478	1,738	424	333	1,420	1,738			33,003
23	Zia ur Rehman	Naib Qasid BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430			33,003
24	Saleem Khan	Chowkidar BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650			33,003
25	Munaf Khan	Chowkidar BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430			33,003
26	Mohammad Javed	Chowkidar BPS-4	25,600																29,626
27	Inamullah Khan	Naib Qasid	25,600																25,600
28	Muhammad Arif	Naib Qasid	25,600																25,600
29	Noman Masood	Naib Qasid	25,600																25,600
30	Masood Ali	Naib Qasid	25,600																25,600
31	Fahim Shah	Naib Qasid	25,600																25,600
32	Muhammad Shiraz	Naib Qasid	25,600																25,600
33	Shanzad Khan	Naib Qasid	25,600																25,600
Total			1,407,439	32,775	28,075	32,000	21,075	3,300	700	700	56,232	29,523	7,850	5,191	23,626	29,523	17,790	240,600	2,000,993

[Signature]
 Director
 MU, C&W Department Peshawar

True copy

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41

(Circular stamp)

(A.T.M. 80)

(See para. 252, Audit Manual)

Office of the Ag. Secy. P.S.

Year of Account 2011-12

Account No. 10/122-185287/11

Name of Subscriber Mahesh Kheray

Opening Balance	Deposits during the year	Particulars of missing credits of previous years adjusted during the year		Interest for the year		withdrawals during the year	Balance (1)+(2)+(4)+(6)+(7)	Months of the current year for which credits have not been included in column (2)
		Months and year	Amount adjusted	Rate	Amount			
1	2	3	4	5	6		8	9
Rs.	Rs.		Rs.		Rs.	Rs.	Rs.	
610212	3457	—	—	12.75%	5000	—	49443	

Signature [Signature]
 Designation [Signature]
 Date [Signature]

NOTE: 1.- The subscriber is requested to state whether he desires to make any alteration in any nomination made under the rules of the Fund.
 2.- In case where the subscriber had made no nomination in favour of member of his family owing to his having no family at the time but acquired a family thereafter the fact should be reported to the Accounts Officer forthwith together with a formal nomination.
 3.- The subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer, within three months from the date of its receipt.

True COPY ATTESTED

Annex- "B" 42



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmu@jica.com

No. 7/19 /JICA-5


Dated: Peshawar the 01/8 /2018

To

Mr. Mashal Khan,
Naib Cas d,
PMU, C&W Department,
Peshawar.

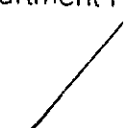
Subject: TERMINATION OF SERVICE

Since you were adjusted and have been drawing salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, your services are no more required in this office. You are informed that your services are hereby terminated w.e.f. 31-08-2018.


Project Director
PMU C&W Department Peshawar

c.c.

- 1- Secretary to Govt of KPK Communication & Works Department Peshawar.
- 2- Deputy Director (Coord) PMU C&W Peshawar.
- 3- Finance Manager PMU C&W Peshawar.


Project Director

True copy
ATTESTED

Amor B/1. (43)

10/08/2018

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department Peshawar.

Subject:- DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE ORDER NO.7119/JICA-5, DATED 01-08-2018 WHERE AS THE APPELLANT HAS BEEN REMOVED/ TERMINATED FROM SERVICE.

Respected Sir,

With due respect it is humbly submitted, that services of few employees including the undersigned have been terminated by Project Director Project Management Unit C&W Department Peshawar vide order No.7119/JICA-5, dated 01-08-2018.

2. In this regard it is submitted that the undersigned was appointed as Naib Qasid in BPS-I Rs.1245-35-1770 plus usual allowances against existing vacancy sanctioned vide Secretary to Govt. of NWFP C&W Department letter No.21-Bud/94-95/SNE ©/1485, dated 03-08-1994, vide office order No.161/1/1-E, dated 10-07-1995, (Annex-I).

3. In response to appointment order, I, obtained medical fitness certificate from Civil Hospital Peshawar (Annex-II).

4. In response to my appointment order and medical fitness certificate. I submitted my arrival report in office of Deputy Director-II (Project Cell) Farm to Market Roads, C&W Department Peshawar and since then I am performing my duties as a regular employee. (Copy of service book enclosed Annex-III).

5. It is worth mentioned here that the Department granted me Annual Increment and up gradation from time to time as recorded in Service book and presently I am drawing my salary in BPS-4. (Copy enclosed Annex-IV).

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6. Furthermore I am a regular subscriber of G.P.Fund and Accountant General Office issue me G.P.Fund balance sheet from time to time vide G.P.Fund Account No.IV-IRR-18538. Similarly Benovlent Fund, Group Insurance is being deducted regularly from my pay as per prescribed Govt. Rates. (Annex-V).

7. That the order of Termination from service is being illegal, unlawful, without jurisdiction, based on malafide intention of the concerned authorities is liable to be set aside on the following grounds.

- a. That the undersigned was served with no-show cause notice, charged sheet, and illegally removed from service without assigning any reason.
- b. That the appellant was just handed over the impugned order of termination without adopting the legal and lawful procedure laid down by the code.
- c. That the appellant has neither being heard in person nor provided proper chance to defance and was condemned un-heard.
- d. That the impugned order is not only against the essence of Justice but such practice is highly discourage by the apex Courts of Law.

8. It is therefore requested that by accepting my instant appeal, my services may please be restored w.e.f. the date of termination i.e. (31-08-2018).

Dated 10-09-2018

Yours sincerely

Mashal Khan

Mashal Khan
Naib Qasid
JICA C&W Department
Peshawar

Arshad
11-9-18

ofc

Diary No: 8107
Date: 11-9-18
Secretary C&W Deptt.

ATTESTED *one copy*

Handwritten signature or initials at the top center.

Ammed C

45



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. _____/2018

1. Fayaz Muhammad S/o Taj Muhammad,
R/o Mohallah Sadrikhel, Village Pirpai District Nowshera.
2. Mashal Khan S/o Sarwar Khan
R/o Mohallah Wanqa Lughman P.O Sari Gambela District
Lakki Marwat.
3. Sarfaraz Khan S/o Haji Shahzada
R/o Mohallah Tarikhel Village Adizai Tehsil And District
Peshawar

..... Petitioner

VERSUS

1. Govt of Pakistan through Secretary Communication &
Works Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C & W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat
Peshawar.

..... Respondents

*WRIT-PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.*

PRAYER

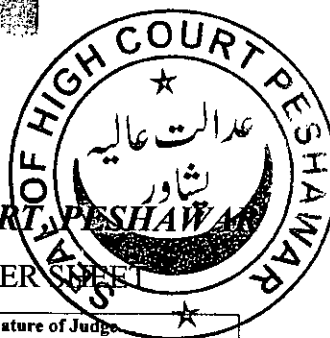
*ON ACCEPTANCE OF THIS WRIT PETITION
OFFICE ORDER NO. 7120/JICA-5 OFFICE
ORDER NO. 7119/JICA-5, DATED 1.08.2018*

wp5163 2018 fayaz Mohammad vs govt USB 109 pags

ATTESTED
EXAMINER
Peshawar High Court

16 NOV 2018

46



PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER

Date of Order or Proceedings	Order/Proceedings with Signature of Judge
07.11.2018	<p>W.P No.5163-P/2018</p> <p>Present:</p> <p>Mr. Umar Ali Shah Utmankhel, Advocate, for the petitioners.</p> <p>****</p> <p>WAOAR AHMAD SETH, CJ. Through the petition in hand, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have prayed as under:-</p> <p><i>"On acceptance of this writ petition, office order No. 7120/JICA-5, office order No. 7119/JICA-5, dated 01.08.2018 and office order No. 7124/JICA-5 dated 03.08.2018, whereby the petitioners were terminated from their services by the respondents, may be adjudicated null & void and without any lawful authority and the petitioners may very kindly be reinstated, be considered as regular employees since their appointment on their respective positions with all back benefits".</i></p> <p>2. By virtue of Section 4 of Khyber Pakhunkhwa Act No.10 of 2018, the services of all</p>

~~ATTESTED~~

EXAMINER
Peshawar High Court

16 NOV 2018

48

project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018 and thereafter termination from service, in the month of August, 2018 of a regular employee of the government, is to be challenged before the Services Tribunal. Under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the instant petition is not maintainable.

3. Resultantly, instant petition stands dismissed, however, the petitioners are at liberty to impugn their termination before the competent forum, but within due time.

[Signature]
CHIEF JUSTICE

[Signature]
JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER
 High Court, Peshawar
 Under Article 8.7 of
 The Saluti-e-Shahadat Order 1984

16 NOV 2018

[Signature]
 Hon'ble Mr. Justice Waqar Ahmad Seth, CJ & Hon'ble Mr. Justice Muhammad Ayub Khoso

No..... 12272

Date of Presentation of Application..... 2-11-18

No of Pages..... 27

Copying Fee

Urgent Fee

Total

Date of Preparation of Copy..... 16-11-18

Date of Delivery of Copy..... 16-11-18

Received By..... *[Signature]*

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Annex D

48

OFFICE OF THE PROJECT DIRECTOR
FOREIGN AIDED PROJECT W&SD PESHAWAR

No. 1602 /1-E

Dated Peshawar the 16 /19/2005

To

The Section Officer (Etab: II),
Works & Service Department,
Peshawar.

Subject:- MUTUAL TRANSFER.

Reference Your letter No. SO(E)/W&SD/205/2005
dated 14.9.2005.

In this context it is stated that Mir Ahmad Shah
S/o Subhan Shah working as a Driver in this Directorate is a
regular employee of the Govt. and this office has no
objection for mutual transfer amongst the Drivers please.

M. Mahmud
Project Director
Foreign Aided Project,
Works & Service Deptt:
Peshawar.

17/9

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Amex-
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OFFICE OF THE DEPUTY DIRECTOR-II FARM TO MARKET ROADS (PROJECT CELL), COMMUNICATION & WORKS DEPARTMENT N.W.F.P., PESHAWAR.

No. FMR-II/11/E/60

Dated Peshawar the 6/1/1995.

OFFICE ORDER.

Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eidgah, Village Badrashi, Teh: & Distr: Nowshera, is hereby appointed as Naib Qasid in EPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt: of NWFP., Communication & Works Department No.21-Bud/94-95/SNE(C)/1485-90, dated 3-2-1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

[Signature]
DEPUTY DIRECTOR-II PROJECT
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR.

C.C.

1. The Project Director Foreign Aided Project C&W Deptt: Peshawar.
2. The Accountant General NWFP., Peshawar.
3. The Divisional Accountant FMR-II Peshawar.
4. Mr. Munsif Ali Khan S/O Sadullah Khan, X Mohallah Eid Gah Village Badrashi, Teh: & Distt: Nowshera.

copy

DEPUTY DIRECTOR-II PROJECT CI
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR

Ammer D/1

(49)

OFFICE OF THE DEPUTY DIRECTOR II FARM TO MARKET
ROADS" (PROJECT. CELL), COMMUNICATION & WORKS
DEPARTMENT NWFP, PESHAWAR.

No. FMR-II. 11-1/E/18

Dated Peshawar the 6/1995.

OFFICE ORDER

Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eidgah Village Badrashi, Tehsil and District Nowshera is hereby appointed as Naib Qasid in BPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt. of NWFP, Communication & Works Department letter No. 21-Bud/94-95/SNE (C) /1485-90, dated 3.8.1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP.
C&W Department Peshawar.

CC:

5. The project to Director Foreign Aided projects Peshawar.
6. The Accountant General NWFP Peshawar.
7. The Divisional Accountant FMR-II Peshawar.
8. Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eidgah Village Badrashi Tehsil and District Nowshera

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP
C&W Department Peshawar.

ATTESTED

OFFICE OF THE DEPUTY DIRECTOR-II FARM TO MARKET ROADS (PROJECT CELL), COMMUNICATION & WORKS DEPARTMENT N.W.F.P., PESHAWAR.

No. FMR-II/1111E/60

Dated Peshawar the 6/1/1995.

OFFICE ORDER.

Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eidgah, Village Badrashi, Teh: & Distt: Nowshera, is hereby appointed as Naib Qasid in EPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt: of NWFP., Communication & Works Department No.21-Bud/94-95/SNE(C)/1485-90, dated 3-2-1994 with immediate effect in the public interest, subject to the following conditions:-

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3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
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He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

[Signature]
DEPUTY DIRECTOR-II PROJECT
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR.

C.C.

1. The Project Director Foreign Aided Project C&W Deptt: Peshawar.
2. The Accountant General NWFP., Peshawar.
3. The Divisional Accountant FMR-II Peshawar.
4. Mr. Munsif Ali Khan S/O Sadullah Khan, Y ~~Mohallah~~ Mohallah Eid Gah Village Badrashi, Teh: & Distt: Nowshera.

DEPUTY DIRECTOR-II PROJECT CI
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR

ATTESTED
[Signature]

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

50

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 7TH MARCH, 2018.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 7th March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills/2018/5031.—The Khyber Pakhtunkhwa Employees (Regularization of Services) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 2nd March, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 7th March, 2018).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

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It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified,-

(i) ~~one hundred and fifty eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and~~

(ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;

(f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;

(g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;

(h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;

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- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "ad hoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of ad hoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder, and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and

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(iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.--(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same; the employee older in age shall rank senior to the younger one.

7. Removal of difficulties.--If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. Overriding effect.--Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

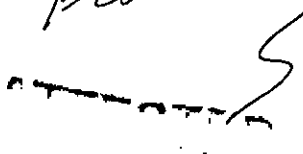
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SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.

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200 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

- 20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
- 21. Computerization of Arms License.
- 22. Prison Management Information System.
- 23. Development of Common Application for Government Departments.
- 24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
- 25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
- 26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
- 27. Strengthening of Planning Cell at Industries Department.
- 28. Establishment of Special Media Cell in the Directorate of Information.
- 29. Strengthening of Information Department.
- 30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
- 31. Establishment of Planning Cell at Local Government and Rural Development Department.
- 32. Retirement Benefit and Death Compensation Cell.
- 33. Automation of Pension Payment System (APPS).
- 34. Energy Monitoring Unit.
- 35. Establishment of Planning Cell in Food Department.
- 36. Automation of Food Department.
- 37. Operationalization of Redesigned Energy and Power Department.

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- 38. Establishment of Planning Cell in Energy and Power Department.
 - 39. Computerization of Land Record.
 - 40. Creation of MRS Cell in C&W Department.
 - 41. Enhancement of existing facilities in MIS/GIS for C&W Department.
 - 42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
 - 43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
 - 44. Afghan Management and Repatriation Cell at Home Department.
 - 45. Traffic Control Management System and FM Radio 693-120173.
 - 46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.
 - 47. Establishment of 100 Family Welfare Centers.
 - 48. Establishment of Population and Research Training Institute and Social Mobilization.
 - 49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
-
- 50. Establishment of Model Coal Mine at Shahkot District Nowshera.
 - 51. Establishment of Zoo for Peshawar Division.
 - 52. Development and Management of National Park in Khyber Pakhtunkhwa.
 - 53. Conservation and Management of Wildlife in Central and Northern Division.
 - 54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
 - 55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
 - 56. Carbon Stock Assessment in Khyber Pakhtunkhwa.

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57



202 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

- 57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
- 58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

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[Signature]
ATTESTED

58

Amoy.
F

Head of Account
Jan, Feb & March
PROVINCIAL

G.P. Fund
2015

G06103
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered			Name of designation and address of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	GP ACCT NO	Name	Designation	BPS	Deduction	Total Deduction Amount	
1	13794	IVIRRO15110	Said Rasool	Driver	7	465	1395	
2	41841	IVIRRO18295	Mir Ahmad Shah	Driver	5	465	1395	
3	13797	IVIRRO15783	Pervez Khan	Naib Qasid	2	373	1119	
4	41842	IVIRRO18296	Ashfaq Khan	Naib Qasid	2	373	1119	
5	42097	IVIRRO18475	Fayaz Mohammad	Naib Qasid	2	373	1119	
6	13798	IRRO18370	Mohammad Iqbal	Naib Qasid	2	373	1119	
Total							7266	

Finance Manager
Project Management Unit
C&W Department Peshawar

Head of A/C Verifies

Treasury Officer

28

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar CANTT (03066)
16 SEP 2015
CALL CENTER

True copy
ATTACHED

Fayaz Mohammad
MIA

Amor
F/11

59

Head of Account Benevolent Fund
Jan, Feb & March 2015

G06214
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and adress of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	Name	Designation	BPS	Deduction		Total Deduction Amount
1	13794	Said Rasool	Driver	7	180	3	540
2	41841	Mir Ahmad Shah	Driver	5	180	3	540
3	96027	Sarfraz Khan	Driver	5	180	3	540
4	13797	Pervez Khan	Naib Qasid	2	120	3	360
5	41842	Ashfaq Khan	Naib Qasid	2	120	3	360
6	42097	Fayaz Mohammad	Naib Qasid	2	120	3	360
7	96432	Zia Ur Rehman	Naib Qasid	2	120	3	360
8	13798	Mohammad Iqbal	Naib Qasid	2	120	3	360
Total							3420

Finance Manager
Project Management Unit
C&W Department Peshawar

Head of A/C Verification
Assistant Treasury Officer
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar CANTT (0366)
16 SEP 2015
PESHAWAR

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RECEIVED

Annex

F/2

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Head of Account Group Insurance
Jan, Feb & March 2015

G06408
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and adress of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	Name	Designation	BPS	Deduction		Total Deduction Amount
1	13794	Said Rasool	Driver	7	44	3	132
2	41841	Mir Ahmad Shah	Driver	5	44	3	132
3	96027	Sarfraz Khan	Driver	5	44	3	132
4	13797	Pervez Khan	Naib Qasid	2	38	3	114
5	41842	Ashfaq Khan	Naib Qasid	2	38	3	114
6	42097	Fayaz Mohammad	Naib Qasid	2	38	3	114
7	96432	Zia Ur Rehman	Naib Qasid	2	38	3	114
8	13798	Mohammad Iqbal	Naib Qasid	2	38	3	114
Total							966

Finance Manager
Project Management Unit
C&W Department Peshawar

Assistant Treasury Officer
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar, CANTT (P3309)
16 SEP 2015
RABH PESHAWAR

True copy



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmujica@gmail.com

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Annex 4
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No. 7166 /JICA-5

Dated Peshawar 08/10/2018

To

The Section Officer (G),
C&W Department Peshawar.

10/10/2018

Subject: LIST OF CONTRACT EMPLOYEES WORKING IN "JICA ASSISTED
KHYBER PAKHTUNKHWA EMERGENCY RURAL ROADS
REHABILITATION PROJECT" FOREIGN AIDED PROJECT
DIRECTORATE C&W DEPARTMENT PESHAWAR.

Ref: Your Office Letter No. COMP/C&W/MIS-GIS/Phase-II/2016/Vol-II Dated
Peshawar the 03-10-2018.

Enclosed please find a consolidated report and list of contract employees
presently working in "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads
Rehabilitation Project" for information and further necessary action.

~~Deputy Director (Coord)
PMU C&W Department Peshawar~~

Copy forwarded to the Project Director PMU C&W Department Peshawar for information.

Deputy Director (Coord)

True copy

ATTACHED



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmujica@gmail.com

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No. 7167 /JICA-5

Dated Peshawar 08/10/2018

To

The Section Officer (G),
C&W Department Peshawar.

Subject: CONSOLIDATIVE CASE FOR REGULARIZATION OF THE PROJECT EMPLOYEES.

The Project Employees of this Directorate (as per attached list) were serving in Foreign Aided Project Directorate C&W Department Peshawar against different posts and from different times as evident from the data provided against each employee. They are drawing pay from the said Directorate chargeable to the projects. Since their deployment in the Foreign Aided Project, they are serving without any break and have earned Annual Increment regularly.

The Provincial Government of Khyber Pakhtunkhwa has regularized the services of about 4743-Project / temporary employees in different Departments having different cadre of posts. Being a project employee, it was much optimistic that, the Government will also be regularized them i.e. other employees under the regularization policy. However, they could not be regularized due to unknown reasons.

It is pertinent to mention that, in the said Foreign Aided Directorate, these employees have performed their duties to the best satisfactions of their higher ups and to the entirety of their zeal and fervor. Moreover, due to extreme scarcity of employment and lack of other opportunity of livelihood, it is feared that, with the closure of the ongoing JICA project, their services will be terminated unless otherwise declared and notified as Regular by the Provincial Government. In case of termination of their services, the only available mean of earning will be snatched-away from their hands and resultantly it will bring a lot of financial miseries and mental worries to all their family members.

Therefore, keeping in view spotless and clean service records, thus it is recommended that these may be regularized in light of KP Government regularization act PA/Khyber Pakhtunkhwa/Bills/2018/5031 dated 07-03-2018 enabling them to continue their services on regular footing take other employees already regarding by Govt: under the same act.

~~Deputy Director (Coord)
Project Management Unit
C&W Department Peshawar~~

Copy forwarded to the Project Director PMU C&W Department Peshawar.

Final copy

Deputy Director (Coord)

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**LIST OF EMPLOYEES OF PROJECT MANAGEMENT UNIT (PMU)
JICA ASSISTED KHYBER PAKHTUNKHWA EMERGENCY RURAL ROADS
REHABILITATION PROJECT/
FOREIGN AIDED PROJECT DIRECTORATE C&W DEPARTMENT PESHAWAR**

Sl. No.	Name of Employee	Father Name	Date of Birth	Domicile	Post Held	Date of Joining Service	BPS	Remarks
1	Fayaz Khan chamkani	Muhammad Yousaf	21-11-1961	Peshawar	Legal Advisor	2011	17	
2	Muhammad Fayaz Khan	Lal Khan	08-09-1971	Lakki Marwat	Office Assistant	2011	16	
3	Muhammad Irfan	Azal Mir	12-12-1980	Karak	Office Assistant	2011	16	
4	Shoukat Hayat	Yousaf Gul	18-02-1971	Mardan	Senor Auditor	2011	16	
5	Iftikhar Hussain	Abdul Jabbar	24-09-1975	Mardan	Senor Auditor	2011	16	
6	Arshad Iqbal	Karim Khan	03-02-1982	Mardan	Computer Operator	2011	16	
7	Muhammad Fahim	Muhammad Aslam	10-04-1986	Bannu	Computer Operator	2012	16	
8	Tanzeem Ur Rasool	Rasool Mohammad	31-07-1974	Peshawar	Junior Clark	01-04-2000	11	
9	Salman Rashid	Abdur Rashid	31-03-1984	Peshawar	Junior Auditor	2011	11	
10	Mir Ahmad Shah	Subhan Shah	04-05-1969	Peshawar	Driver	25-01-1995	5	
11	Gul Nawaz	Khaista Mand	12-04-1978	Shangla	Driver	17-07-1994	5	
12	Sarfaraz Khan	Haji Sahibzada	01-07-1970	Peshawar	Driver	01-02-2004	5	
13	Muhammad Fayaz	Zamin Khan	02-02-1988	Peshawar	Driver	2011	5	
14	Malang Khan	Bacha Khan	25-01-1982	Peshawar	Driver	2011	5	
15	Ibadullah	Ali Haider	22-02-1989	Peshawar	Driver	2012	5	
16	Amin Jan	Ghulam Jan	15-08-1967	Peshawar	Driver	2011	5	
17	Tahir Shah	Shahji Khan	10-10-1986	Peshawar	Driver	2014	5	
18	Taimur Khan	Muhammad Aslam	1987	Haripur	Driver	2014	5	
19	Ashfaq Khan	Abdul Ali Khan	1961	Peshawar	Naib Qasid	25-01-1995	4	
20	Mashal Khan	Sarwar Khan	1974	Lakki Marwat	Naib Qasid	10-07-1995	4	

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LIST OF EMPLOYEES OF PROJECT MANAGEMENT UNIT (PMU)
JICA ASSISTED KHYBER PAKHTUNKHWA EMERGENCY RURAL ROADS
REHABILITATION PROJECT/
FOREIGN AIDED PROJECT DIRECTORATE C&W DEPARTMENT PESHAWAR

Sl. No.	Name of Employee	Father Name	Date of Birth	Domicile	Post Held	Date of Joining Service	BPS	Remarks
21	Muhammad Fayaz	Taj Muhammad	10-03-1976	Noweshra	Naib Qasid	12-03-1995	4	
22	Zia Ur Rehman	Mir Abbass Khan	25-03-1979	Lakki Marwat	Naib Qasid	09-02-2004	4	
23	Inamullah Khan	Asmat Ullah	18-04-1980	Lakki Marwat	Naib Qasid	2011	4	
24	Muhammad Arif	Ashfaq Khan	01-03-1983	Peshawar	Naib Qasid	2011	4	
25	Noman Masood	Masood Perviz	07-07-1988	Peshawar	Naib Qasid	2011	4	
26	Mudassar Ali	Iqbal Ahmed	04-04-1977	Peshawar	Naib Qasid	2011	4	
27	Fahim Shah	Muhammad Shah	01-09-1984	Peshawar	Naib Qasid	2011	4	
28	Muhammad Shiraz	Saleem Khan	01-01-1980	Charsadda	Naib Qasid	2014	4	
29	Shahzad Khan	Abdullah Khan	28-03-1999	Charsadda	Naib Qasid	2017	4	
30	Manaf Khan	Firdaus Khan	1966	Nowoshra	Chowkidar	06-04-1995	4	
31	Saleem Khan	Ghulam Hussain	1971	Peshawar	Chowkidar	06-04-1995	4	
32	Muhammad Javid	Kala Khan	1959	Abbottabad	Chowkidar	01-02-2004	4	

True copy

ATTESTED

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Handwritten signature/initials

ایڈووکیٹ: محمد علی مسعود اللہ خان
بار کونسل ایسوسی ایشن نمبر: B/C 3553
رابطہ نمبر: 0332 9808066

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: جسٹس کنوٹو اسلمہ سے لٹریچر سول سٹاڈ

منجانب: مسال خان	سروس / اپیل
مسال خان	دعویٰ
حکومت خیبر پختونخواہ	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی کاروائی متعلقہ
 آن مقام۔ اس 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 ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظرنانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION
KHYBERPAKHTUNKHWA

مقام: پشاور

نوٹ: اس کا نام کی فونو کالی تا قابل قبول ہوگی۔

Handwritten signatures and stamps

عشالہ خان و ولد سید خیاں
مسال خان

1201-0403600-7

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A.No. 1488 /2018

Mashal Khan S/o Sarwar Khan

R/o Mohallah Wanda Lughman P.O Sari Gambela District
Lakki Marwat.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Communication & Works
Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat Peshawar.
.....RESPONDENTS

PARAWISE COMMENTS ON BEHALF OF
RESPONDENTS No.1, 2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- a. That the Appellant has got no locus standi file the instant petition.
- b. That the appeal is time barred.
- c. That the appellants is estopped by his own conduct to file the instant petition.
- d. That the appellant had concealed the actual facts from this Hon'ble Tribunal.
- e. That the present petition is liable to be dismissed for

ON FACTS:


1. Para No.1 pertain to record; hence needs no comments.
2. Para No.2 as stated in incorrect, the appellant has attached nothing in this respect.
3. Para No.3 is also incorrect. The respondents had adopted and fulfilled the requisite requirement while terminating the appellant from service. No such appeal has been preferred in this regard to the higher authorities, but annexed a copy only to fill up the formalities, hence the appeal is liable to be dismissed.

GROUND S:

- a) Para-a as stated in incorrect. The service of the appellant were terminated as per law and rules adopting the codal formalities.
- b) Para-b is also incorrect, pertains to record, however detail reply has also been given in the above referred Paras.
- c) Para-c is incorrect, the competent authority has got the powers to terminate the services of the appellant without assigning any reason.

- d) Para-d pertains to record. The appellant has served in the department for the last 24 years; the remaining para needs no reply, hence denied.
- e) Para-e is incorrect. The replying respondents have adopted all codal formalities while passing the impugned order.
- f) Para-f is incorrect. No such employee has been regularized nor any discriminations has been shown in respect of the appellant.
- g) Para-g is legal, hence need no comments.
- h) Para-h is incorrect. This Para also pertains to record.
- I&J Para-I & J is also incorrect. Detailed reply has been given in the preceding Paras.

It is, therefore, humbly prayed that on acceptance of this Parawise comments the appeal may kindly be dismissed with cost.


Deputy Director,
Coordination PMU,
C&W Department, Peshawar
Deputy Director (Coordination)
Project Management Unit
C&W Department Peshawar


Secretary/Project Director
C&W Department
Peshawar



AUTHORITY LETTER

- Title:
- i. **FAYAZ MUHAMMAD VS GOVT: OF KP ETC
APPEAL NO. 1489/2018**
 - ii. **MASHAL KHAN VS GOVT: OF KP ETC
APPEAL NO. 1488/2018**
 - iii. **SARFARAZ KHAN VS GOVT: OF KP ETC
APPEAL NO. 1487/2018**

We respondent I, II&III is hereby authorized Mr. Fayyaz Chamkani, Legal Advisor PMU, C&W Department Peshawar to conduct the case in Service Tribunal Khyber Pakhtunkhwa Peshawar in the subject titled above.


Deputy Director (Coord)
Project Management Unit
C&W Department Peshawar


Secretary / Project Director
C&W Department