

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 928/2018

Date of institution 23.07.2018

Gul Riaz Khan S/O Gul Nawaz Khan, R/O Barakzai Bannu.

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar and seven others.

ORDER
13.12.2021

Mr. Zafar Ali Khan, Advocate for the appellant present. Mr. Irfan Anjum, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

2. Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal seeking prayer copied as below:-


"On acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the respondents to issue pension, gratuity and other benefits immediately."

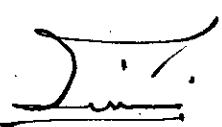
3. Learned counsel for the appellant stated that as similar nature Service Appeals have been allowed by this Tribunal vide single judgment dated 11.03.2019 passed in Service Appeal bearing No. 1212/2017 titled "Bacha Gul Versus Government of Khyber Pakhtunkhwa through Secretary Finance Civil Secretariat Peshawar and seven others", therefore, in view of judgment of August Supreme Court of Pakistan reported as 1996 SCMR 1185, appellant is also entitled to the same benefits as were granted to the appellants vide the above mentioned judgment dated 11.03.2019 passed by this Tribunal.

4. Learned Additional Advocate General stated at the bar that pension case of the appellant is already under process and he will be granted due pensionary benefits as allowable to him under the relevant law/rules. In this respect, he submitted copy of letter No. DAO/Admn-I/Pension/2019-20/3195 dated 30.07.2019, addressed by District Accounts Officer Bannu, which is placed on file. Learned counsel for the appellant stated at the bar that the appeal in hand may be disposed of in view of commitment so made by the learned Additional Advocate General.

5. In view of the above, the appeal in hand stands disposed of in light of commitment so made by learned Additional Advocate General before the Tribunal. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
13.12.2021

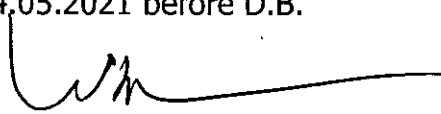

(Atiq-ur-Rehman Wazir)
Member (Executive)

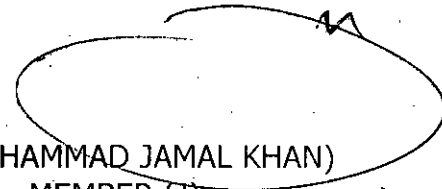

(Salah-ud-Din)
Member (Judicial)

04.02.2021

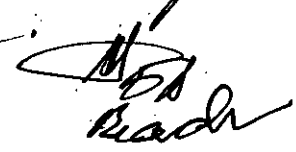
Counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Learned counsel representing appellant submitted that the pension case of the appellant is under process and is going to be prepared in near future and sought time for completion of the process. The case is adjourned, however, respondent No.1 is directed to depute a representative well conversant with the facts of case and rendering assistance to the Tribunal on the next date. To come up for arguments on 04.05.2021 before D.B.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


(MUHAMMAD JAMAL KHAN)
MEMBER (J)


4-5-2021


Due to COVID-19, the case is adjourned to 2.9.2021 for the same.


02.09.2021

Mr. Zafar Ali Khan, Advocate, ~~for~~ for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before D.B on 13.12.2021.

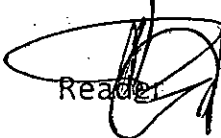

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.5.2020


Due to COVID19, the case is adjourned to

5/8/2020 for the same as before.


Reader

05.08.2020

Due to summer vacation case to come up for the same on
07.10.2020 before D.B.

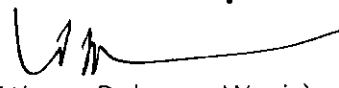

Reader

07.10.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Fida Hussain ASO for respondents present.

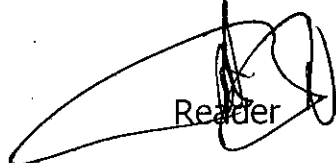
Preceding two dates were adjourned on a Reader's note,
therefore, appellant be put on notice for 01.12.2020, for
arguments before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

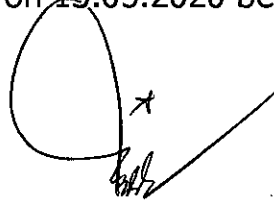
01.12.2020

Due to COVID-19, the case is adjourned to 04.02.2021 for
the same as before.


Reader

13.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Sajid, Supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.

A handwritten signature consisting of a large, loopy 'O' shape followed by a checkmark-like stroke.

Member

A handwritten signature consisting of the letters 'MA' in a stylized, cursive font.

Member

29.10.2019

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Shafique, Senior Clerk and Mr. Akhtar Hussain, Assistant for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 04.12.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

04.12.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.02.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sajid, Superintendent for the respondents present. Adjourned to 13.03.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.05.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondent No.1 not received. Sajjad Superintendent representative of respondent No.1 absent.

The present service appeal pertaining to the pensionary benefits is lingering on at the stage of reply since 26.10.2018. The present case be therefore assigned to D.B for further proceedings. Respondent No.1 as well as the absent representative be put to notice for submission of reply on the next date before D.B. Adjourn. To come up for further proceedings on 22.07.2019 before D.B.


Member

22.07.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for further proceedings on 17.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.09.2019

Learned counsel for the appellant and Mr. Zia Ullah learned DDA alongwith Irfan Anjum Assistant present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.10.2019 before D.B.


Member


Member

11.03.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Muhammad Irfan, Assistant on behalf of respondents No. 2 to 7 and Zakiullah, Senior Auditor for respondent No. 8 present. Written replies on behalf of respondents No. 2 to 8 have already been submitted. Representative of respondent No. 1 is not present nor written reply submitted therefore, notice be issued to respondent No. 1 with the direction to direct the representative to attend the court and submit written reply on the next date by way of last chance. Adjourned. To come up for written reply/comments on behalf of respondent No. 1 on 15.04.2019 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondent No.1 is still awaited. Rehmat Khan Superintendent representative of the respondent department present and requested for time to furnish written reply/comments. Another last opportunity is granted. Adjourn. To come up for written reply/comments on 22.05.2019 before S.B.



Member

12.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments for 22.01.2019 before S.B.

MA
Muhammad Amin Khan Kundi
Member

22.01.2019 No one present on behalf of appellant, Mr. Zaki Ullah representative of respondent No.1 & 8 and Hamza Superintendent for respondents No.5 to 7 present. Zaki Ullah submitted written reply on behalf of respondents No. 1 & 8, and Hamza Superintendent submitted written reply on behalf of respondents No.5 to 7. No one present on behalf of respondents No.2 to 4. Notice be issued to respondents No.2 to 4 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on behalf of respondents No.2 to 4 on 11.03.2019 before S.B.


Member

29.08.2018

Counsel for the appellant Gul Riaz Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Chowkidar in Public Health Department vide order dated 01.09.1993 on contract/fixed pay, however, his services were regularized on 30.08.2008. It was further contended that the appellant was retired from service on 01.07.2012 but the respondent-department are not paying the pension to the appellant on the ground that his service was less than 10 years. It was further contended that according to the judgment of this Tribunal as well as superior court the services rendered by the civil servant on contract basis for more than five years will be counted towards regular service for pensionary benefits therefore, the appellant was entitled for pensionary benefits.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 26.10.2018 before S.B.

Appellant Deposited
Security & Process Fee

MA
(Muhammad Amin Khan Kundi)
Member

26-10-18

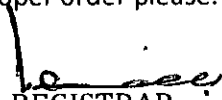

Due to retirement of Honorable Chairman the Tribunal is nonfunctional therefore the case is adjourned to come up for the same on 12-12-2018

Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 928/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/07/2018	The appeal of Mr. Gul Riaz Khan presented today by Mr. Zaffar Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	24-7-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29-8-2018</u> .  CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 928 /2018

Gul Riaz Khan..... Appellant

Versus

Govt of K.P through Secretary Finance and othersRespondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-3
2	Affidavit.		4
3	Addresses of the parties.		5
4	Copy of the appointment order	A	6
5	Copy of service book	B	7-19
5	Copy of retirement order	C	20
6	Copy of departmental appeal.	D	21
7.	Wakalatnama		22

Appellant

Through



ZAFAR ALI KHAN

Advocates High Court Peshawar

Off: 214 Syed Ahmad Ali Building

Near Taj Autos, Sunehri Masjid

Road, Peshawar Cantt.

Office No.091-5279292

Cell: 0306-5965853

0333-9349442

Dated: 21.07.2018

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. 928 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1190

Date: 23/7/2018

Gul Riaz Khan s/o Gul Nawaz Khan

R/o Barakzai Bannu Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 3) Chief Engineer Public Health Department, Peshawar Fort Road, Peshawar Cantt.
- 4) Superintendent Engineer Public Health Department Bannu ~~Peshawar~~ ~~Peshawar~~
- 5) Executive Engineer Public Health, Bannu.
- 6) Sub-Divisional Engineer Public Health, Bannu.
- 7) District Account Officer, Bannu
- 8) Accountant General, Fort Road, Peshawar Cantt, Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENT WHEREBY THE DEPARTMENTAL REPRESENTATION OF THE APPELLANT HAS NOT BEEN DECIDED AND THE STIPULATED PERIOD HAS BEEN PASSED.

Filed to-day
Registrar
23/7/18

Prayer:

On acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the

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②

respondents to issue pension, gratuity and other benefits immediately.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar on dated 01.09.1993 in Public Health Department. (Copy of the order is Annexed as Annexure "A").
- 2) That later on the services of the appellant was regularized, as BPS-01 on 30.08.2008. (Copy of service book is Annexure "B").
- 3) That the appellant has been retired from service on 01.07.2012. (Copy of the order is Annexure "C").
- 4) That appellant moved departmental appeal to the respondent No.2 for the issuance of pension, gratuity and other benefits on dated 18.04.2018 but still has not been decided by the respondents and the stipulated period has been passed. (Copy of departmental appeal is Annexure "D").
- 5) That aggrieved with, appellant has come before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for a direction to the respondents to issue pension along with other benefits to the appellant.

GROUND:

- a. That the respondent is not issuing pension, gratuity and other benefits to the appellant is against the facts and untenable in law.
- b. That the appellant has served in the education department for a period of almost 19/20 years, therefore, according to law and rules of services the appellant is entitled for the pension, gratuity and other benefits.

- c. That the respondents failed to appreciate the real point involved in the case in its perspective. Hence has arrived at an incorrect conclusion.
- d. That by not awarding/ issuing the pension to the appellant, respondents are violating the terms and conditions of service as well as the service laws and rules.
- e. That by not issuing the pension benefits to the appellant, respondents are violating the fundamental rights of the appellant because there is no source of income of appellant except this pension etc.
- f. That the respondents by not issuing the pension to the appellant are exercising the powers not vested to them under the law.
- g. That the non-disposal of departmental appeal by the respondents is perversant and against the settled principle of law and justice.

It is, therefore, requested that on acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the respondents to issue pension, gratuity and other benefits immediately.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

Through

Appellant

ZAFAR ALI KHAN
Advocate High Court Peshawar

CERTIFICATE:

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

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2018

Gul Riaz Khan..... Appellant

Versus

Govt of K.P through Secretary Finance and others Respondents

AFFIDAVIT

I, Gul Riaz Khan s/o Gul Nawaz Khan R/o Barakzai Bannu do hereby affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.



Deponent



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2017

Gul Riaz Khan..... Appellant

Versus

Govt of K.P through Secretary Finance and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Gul Riaz Khan s/o Gul Nawaz Khan
R/o Barakzai Bannu

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 3) Chief Engineer Public Health Department, Peshawar Ford Road, Peshawar Cantt.
- 4) Superintendent Engineer Public Health Department Circle Peshawar Hayatabad, Phase-I, near PDA office Peshawar.
- 5) Executive Engineer Public Health, Bannu.
- 6) Sub-Divisional Engineer Public Health, Bannu.
- 7) District Account Officer, Bannu
- 8) Accountant General, Fort Road, Peshawar Cantt, Peshawar.

Appellant

Through



ZAFAR ALI KHAN
Advocate High Court Peshawar

Annex A -
6

PUBLIC HEALTH ENGINEERING DIVISION BANNU

NO. 68-730 /E-16 Dated Bannu the 17/1993.

To,
Mr. Gul Niaz, S/O Gul
Mach Khan Village
Noor, P.O. Nurur Jahan
Bannu

Subject:- OFFER OF APPOINTMENT

Ref:- Your Interview for the post of Chief Engineer

You are hereby offered an appointment on purely temporary basis for an year and subject to release of continuous of post from Finance Deptt/Chief Engineer, PHED NWFP Peshawar as Chief Engineer on WSS Nurur Jahan at fixed salary of Rs. 1200/- per month on the following terms and conditions:-

- 1) Your appointment will be on purely temporary basis for an year extendable till your service are required by the Department.
- 2) Your appointment as Chief Engineer (on fixed pay) is liable to termination at any time without assigning any reason or notice, if your work during this period is not found satisfactory.
- 3) You will be liable to serve any where in this Divn.
- 4) You will have no claim to the right of seniority.
- 5) You will be governed by rules of PHED as regards service conditions.
- 6) You will governed by such rules & order relating to conduct, efficiency, discipline, leave, attendance & pay etc; as may be issued by the Government for that category to which you belong.
- 7) You will have to furnish a declaration in writing that:-
1) You have not been resigned from service under Government or any body;
2) You have not been dismissed by any other Agency.
- 8) You will have to produce a Medical fitness certificate from the Medical Superintendent District Headquarter Hospital Bannu/Las-I.

If you are willing to accept the above mentioned terms & conditions you should submit Arrival Report to S.D.O. PHE Sub-Division within 14 (fourteen) days of the issue of this order, failing which the offer shall stand cancelled automatically.

EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG. DIVISION
BANNU

Copy is forwarded for favour of information to:-

1. The Chief Engineer, PHED NWFP Peshawar pl;
2. The Superintending Engineer, PHE Circle, D.I. Khan pl;
3. The personal secty; to Minister for PHED NWFP w/c his recommendation on application.
4. The Chairman DDAC w/c to his recommendation on application pl;
5. Mr. MPA of the Area
6. The SDO, PHE S/Divn Bannu
7. The D.A.O. Bannu/DI(LOC)

(AZZ)

EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG. DIVISION
BANNU

ATTESTED

to be the copy
Advocate

Amir B



Name (نام) طارق ریاض خان

Nationality and Religion (قومیت اور مذہب) پاکستانی

Residence (مستقل رہائش) [Handwritten address]

Father's name and residence (والد کا نام اور پتہ) [Handwritten name and address]

Date of birth by Christian era as far as can be ascertained (تاریخ پیدائش مطابق سن مسوی) [Handwritten date]

Exact height by measurement (قد و قامت) [Handwritten height]

Personal mark for identification (شخصی نشانات) [Handwritten marks]

Left hand/right hand thumb and finger impressions of (Not-gazetted) officer (دستی کی صورت کی صورت میں دائیں ہاتھ کی انگلیوں کے)



(بشملاً)

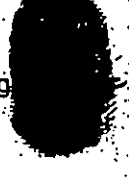
Ring Finger ()



Middle Finger ()



Fore Finger ()



Thumb ()



Signature of Government servant (سرکاری ملازم کے دستخط) [Handwritten signature]

Signature and designation of the Head of the Office, or other Attesting Officer (تصدیق کنندہ افسر کے دستخط اور منہ)

[Handwritten signature and designation]

Sub Divisional Officer
Public Health Engineering

The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

[Handwritten note in Urdu regarding the renewal of entries and signatures]

Executive Engineer
Public Health Engineering Division

ATTESTED
To be true copy
Advocate



A 090264



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عمل ریاض خان
عمل فواز خان
کوئٹہ گلڈنبرگ
ڈاک کی ذمہ داری

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تعمیل و ضمیمہ ہونے
باجس باؤن برنن ریفرم

1952

24 فروری 1977

بھارت

15-02/45

Director BNU

کر عارضی ہے تو کیا وہ
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سحق ہے؟

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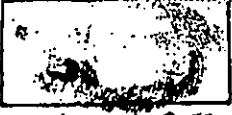
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1	2	3	4		5		6	7	8	9	10
			Rs.	Ps.	Rs.	Ps.					
Name of post	Whether subaltern or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether service covered for pension under rules 3.20 of C.S.R. (Pb.) volume 11	Pay in subalternive post		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signaling Government service	Where and position of head of the or other post in relation columns 1 to 8	Date of termination or appointment
			Armed Forces		Armed Forces						
Assistant District Officer	Armed Forces	Armed Forces	1500/-	Pm			01/03/91	FN		28/02/97	
Armed Forces	Armed Forces	Armed Forces	1800/-	Pm			01/05/99	FN		04/09/99	
Armed Forces	Armed Forces	Armed Forces	2000/-	Pm			01/07/2000	FN		06/02/2000	
Armed Forces	Armed Forces	Armed Forces	2500/-	Pm			01/09/02	FN		08/02/02	
Armed Forces	Armed Forces	Armed Forces	2800/-	Pm			01/07/03	FN		06/03/03	
Armed Forces	Armed Forces	Armed Forces	3100/-	Pm			01/12/04	FN		11/01/04	
Armed Forces	Armed Forces	Armed Forces	3500/-	Pm			01/07/05	FN		06/01/05	
Armed Forces	Armed Forces	Armed Forces	4000/-	Pm			01/11/06	FN		10/01/06	
<p>Advocate</p>											

10



A 090264



24 فروری 1977

02/453

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Director BNU


A large grid table with multiple columns and rows. The columns contain Urdu headers such as 'تاریخ' (Date), 'مقام' (Place), 'مقررہ وقت' (Specified Time), 'مقررہ جگہ' (Specified Place), and 'مقررہ عمل' (Specified Action). The table is mostly filled with handwritten Urdu text, which is largely illegible due to the image quality. Some entries are visible, such as '19-7-77' and 'Duty on 19-7-77'.

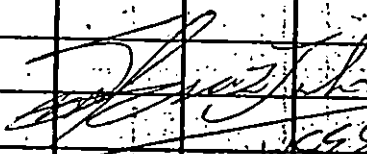
Chief Division Officer
Public Health Engineering
Sub Division Beas

Executive Engineer
Public Health Engg. Division
HANNU

RECEIVED
19 FEB 1977
10:00 AM

7	8	9	10	11	12	13	14	15	
Sl. No.	Signature of Head of Government service	Signature and designation of Head of the office or other posting or institution columns 1 to 6	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of other attesting Officer	Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or part thereof) to which leave salary is debited to another Govt. to which released	Signature of the Head of the office of other attesting officer	Reference to an order recorded punishment or censure or reward or praise of the Government servant
					(11)				
13	FN		28 ⁰² / ₉₇ AN	Consideration of the order by Provincial Govt. Finance Department					
15	FN		30 ⁰⁴ / ₉₉ AN	1 FD PRC-1-3/99					
17	FN		30 ⁰⁶ / ₉₉ AN	2 B-1/1-22/98-99/FD dt. 25 ⁰⁶ / ₉₉					
19	FN		31 ⁰⁸ / ₀₂ AN	3 B-1/1-22/94-95/FD dt. 25 ⁰⁸ / ₀₂					
21	FN		31 ⁰² / ₀₂ AN	4 B-1/1-22/02-03/FD dt. 25 ⁰² / ₀₂					
23	FN		30 ⁰⁶ / ₀₃ AN	5 B-1/1-22/03-04/FD dt. 29 ⁰⁹ / ₀₃					
24	FN		31 ¹¹ / ₀₄ AN	6 B-1/1-22/04-05/FD dt. 21 ¹¹ / ₀₄					
27	FN		30 ⁰⁶ / ₀₅ AN	7 B-1/1-22/05-06/FD dt. 21 ¹¹ / ₀₅					
28	FN		31 ¹⁰ / ₀₆ AN	8 B-1/1-22/06-07/FD dt. 15 ¹¹ / ₀₆					
30	FN		31 ¹⁰ / ₀₆ AN						


 Assistant District Officer
 Works and Services (W & S)
 Bannu


 DDO Bannu

I.No. 1795 Dated: 3-12-08
 Drawn Rs. 1800/- as arrears of pay allowances
 already less drawn for the month of July
 due to unavailability of post from B-1 to B-1
 regularly.

D.A.O. Bannu

ATTACHED
 (give true copy)
 Advocate

Name of Post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment of (ii) whether service count for pension under rules 3.20 of C.S.R. (No.) volum 11	Pay in substantive post		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signature of Government service
			Rs.	Ps.	Rs.	Ps.			
Public Health Officer	Substantive	اک عارضی ہے تو کارہ رول کے مطابق پیش کیا گیا ہے؟	Temp		4320/-	01/12/08		30/11/08	
Sub Divisional Officer	Substantive				4410/-	01/12/09		30/11/09	

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to be true copy
Advocate

8	9	10	11	12	13	14	15	16	17
Signature of Government service	Signature and designation of the Head of the office or other person in charge of the column 10 to 13	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office or other attesting Officer	Nature and duration of leave taken	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 30 days) to which leave salary is debited to another account		Signature of the Head of the office or other attesting officer	Reference to an order of punishment or censure or reward or grant of the Government
30/11/08	[Signature]	[Date]	[Reason]	[Signature]	[Nature]	[Period]	[Period]	[Signature]	[Reference]
30/11/09	[Signature]	[Date]	[Reason]	[Signature]	[Nature]	[Period]	[Period]	[Signature]	[Reference]

3

[Signature]
Officer
Public Health
BARRU

[Signature]
Public Health Engg. Div
BARRU

[Signature]
Officer
Public Health
BARRU

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advocate

Name of Post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether ad vice count for pension under rules 3.20 of C.S. (P.) volume 11	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government service	Signature and designation of the Head of the office or other Messing officer in possession of columns 1 to 8
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
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[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]

30/11/2010

01/12/2010

Rs. 4500/-
Ps. P.M.

Teak

offg

Signature
S.A.N.

01/07/2011

7350/-
P.M.

Teak

offg

TESTED
[Signature]

Name of the person	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether ad vice could for pension under rules 3.20 of G.S.R. (Pb.) vol. 11	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government service
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]

ATTORNEY-AT-LAW
 [Illegible]
 Advocate



01/07/2011

7350/- P.M

01/12/2010

Rs. 4500/- Ps.

30/11/2010

Rs. 7500/-

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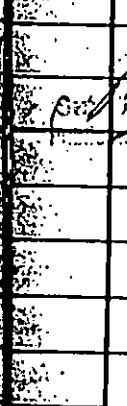
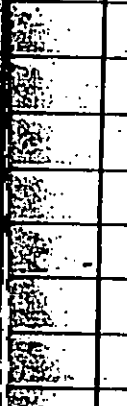
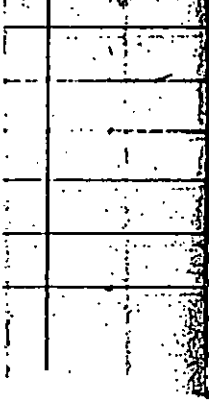
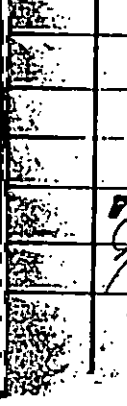
[Illegible text]

[Illegible text]

[Illegible text]

Signature and designation of the officer in charge of columns 1 to 6

[Illegible text]

8 Signature of Government service	9 Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion transfer dismissal etc)	12 Signature of the Head of the office of other attesting Officer	13 Nature and duration of leave taken	14 Allocation of periods of leave on average pay up to four months (or some leave not exceeding 120 days) to which leave salary is debited to another Govt. to which debited	15 Reference to an recorded punishment or censure or award or praise of the Government servant
لا 30 2010			وجہات انتقال لازمت ترقی یا برطرفی	دستخط السربراہ	رخصت کی طبیعت و میعاد	Semi-leave granted for Period from 01-12-2009 to 30-11-2010 to which leave salary is debited to Govt. of Punjab	
				Executive Engineer Public Health Engg. Divn BANN 22/6/12		BANN	
01-07 2011			Pay forced Departmentally on 01-07-2011 in BPS-01 (4800-150-7350) @ P-7350/2 P. Month with merit increment on 01-12-2011 under Govt. of Punjab Peshawar. Financial Department Notification No. FD (P/REG/15/2011 dated 11-07-2011	Executive Engineer Public Health Engg. Divn BANN 22/6/12		BANN	
				Executive Engineer Public Health Engg. Divn BANN 22/6/12		BANN	

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 Advocate

Name of Post نام پوسٹ	Whether substantive or officiating and whether permanent or temporary کیا پوسٹ حقیقی یا عارضی ہے اور کیا مستقل یا موقت ہے	If officiating state (i) substantive appointment or (ii) whether service count for pension under rules 320 of C.S.R. (Pb.) volume 1 اگر عارضی ہے تو کیا یہ حقیقی پوسٹ ہے یا عارضی اور کیا اس کا سروس پینشن کے لیے گنتی ہے	Pay in substantive post تجزوہ بطور عارضی ملازمت		Additional pay for officiating زائدہ تجزوہ بطور قائم مقام		Other emoluments falling under the term "pay" بمعاوضہ تجزوہ دیگر الاؤنس		Date of appointment تاریخ تقرری	Signature of Government service دستخط سرکاری ملازم	Date of termination or appointment تاریخ اختتام ملازمت
			Rs.	Ps.	Rs.	Ps.					
Chowkidar			7500/-						01-12-2011		
<p>Review of Pay Revision on a/c of BS-02</p> <p>R = 3450/- 01-07-2007</p> <p>R = 3465/- 1-7-07</p> <p>R = 3550/- 01-08-07</p> <p>R = 3635/- 01-12-07</p> <p>R = 4535/- 01-07-08</p> <p>R = 4435/- 01-02-08</p> <p>R = 4530/- 01-12-09</p> <p>R = 4235/- 01-12-10</p> <p>R = 7620/- 01-7-11</p> <p>R = 7790/- 01-12-11</p>											

SUB-DIVISIONAL OFFICER
PUBLIC HEALTH (AGG. SUB DIVN.)

[Signature]
Principal Officer,
Public Health Division

ATTESTED
10.12.11 G. COBY
23/12/11

Name of Post	Whether substantive or officiating	If officiating state (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.K. (P.O.) Volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term 'pay'	Date of appointment	Signature Government service
Chaudhary	Substantive	Ar. 7790/- P.M.	Rs. Ps.	Rs. Ps.		18	Signature
1990-175-100	BPS-2	Ar. 7790/- P.M.	Rs. Ps.	Rs. Ps.	Ar. 7790/- P.M.	-	Signature
					Ar. 7790/- P.M.	-	Signature
							Signature
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 Date

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 No
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	10	11	12	13	14	15	
Signature of Government service سرکاری ملازم	Date of termination or appointment تاریخ انتقال ملازمت	Reason of termination (such as promotion transfer dismissal etc) ذمہ داری انتقال ملازمت برطرف یا برطرف	Signature of the Head of the office of other attesting Officer دستخط افسر مجاز	Nature and duration of leave taken رضیت کی لوایت و عیاد	LEAVE Allocation of periods of leave on average pay (up to four months or earned leave not exceeding 120 days) to which leave salary is debited to another Govt. to which debited مہینہ بار بار نامہ آج کی رضیت کے لئے اوسط عیاد کے لئے Period دور		Reference to an recorded punishment or censure or reward or praise of the Government servant مقام کی طرف سے ریکارڈ شدہ سزا یا تعزیر یا تحسین یا تمجید کے بارے میں
					Govt. to which debited مقام کی طرف سے ریکارڈ شدہ		
	Retired from service w.e.f. 1-7-2012 (F.N) with E.P.H.E. Circle Banku Office order No: 1315/E-S dated 4-7-2012.				Service rendered w.e.f. 1-7-2011 to 30-6-2012 The office copy of P.S. Bill & A.C.P. Bill		
	Sanction to the grant of 180 Days Encashment in lieu of L.P.R. accorded w.e.f. P.H.E. Circle Banku office order No: 1315/E-S dated 4-7-2012.				Consolidated Service rendered w.e.f. 1-7-1995 to 30-6-2012 The office copy of P.S. Bill & A.C.P. Bill		

19

ATTESTED

to be true copy Advocate

Annex - C - 20

OFFICE OF THE SUPERINTENDING ENGINEER,
PUBLIC HEALTH ENGINEERING CIRCLE BANNU

NO

13/3

Dated Bannu the 04/07/2012

OFFICE ORDER.

On attaining the age of superannuation i.e., 60 years Mr. Gul Raiz Khan S/O Gul Nawaz Khan Chowkidar AM&R WSS: Nurar Barakzai District Bannu attached to the office of Executive Engineer, PHE Division Bannu is hereby retired from service with effect from 01-07-2012 (F.N).

Being fixed pay employees he is not entitled for pension/grant of 180 days encashment in lieu of leave preparatory to retirement under revised leave rule 1981.

SUPERINTENDING ENGINEER,

Copy forwarded to the:-

1. Executive Engineer PHE Division Bannu with reference to his letter No.3201-2/E-16 dated 25-06-2012. Service Book is attached in original.
2. District Accounts Officer Bannu.
3. Mr. Gul Riaz S/O Gul Nawaz Khan Chowkidar WSS: Nurar Barakzai Tehsil & District Bannu.

He
m
x
m

SUPERINTENDING ENGINEER,

ATTESTED

to be true copy
advocate

حکمہ سٹی جینا سسرٹریٹ ہاوس سکیم ۲۲ سیکٹہ پنشن

Annex - D-

دیبا، ٹینس، اہل

21

س ایپلنٹ سکیم ۲۲ سیکٹہ پنشن ہونا چونکہ مورخہ ۱۷/۲۱/۱۹۹۳ کو بطور حوالہ
 سکیم ۲۲ سیکٹہ پنشن تعینات ہوا تھا چونکہ مورخہ ۱۷/۲۱/۲۰۱۲ کو ساٹھ سالہ ہونے پر سکیم
 مزکورہ سے دیبا ٹرنز ہوا ہے۔ اس ایپلنٹ کا سروس تقریباً ۱۹/۲۰ سال
 ہے اور اپنی ڈیوٹی اچھی طریقے سے ہی ہے لہذا ایپلنٹ بحفاظت قانون
 پنشن وغیرہ کا حقدار ہے لہذا اس ایپلنٹ کو پنشن وغیرہ جاری کرنے
 کا حکم صادر فرمایا جائے کیونکہ اس ایپلنٹ اس عمر میں کوئی کام کاج
 نہیں ہوا ہے کیونکہ پنشن وغیرہ اس ایپلنٹ کا قانونی حق ہے
 اور یہ سب ثابت ہے کہ اس ایپلنٹ کو پنشن وغیرہ جاری کرنے
 کا حکم صادر فرمایا جائے

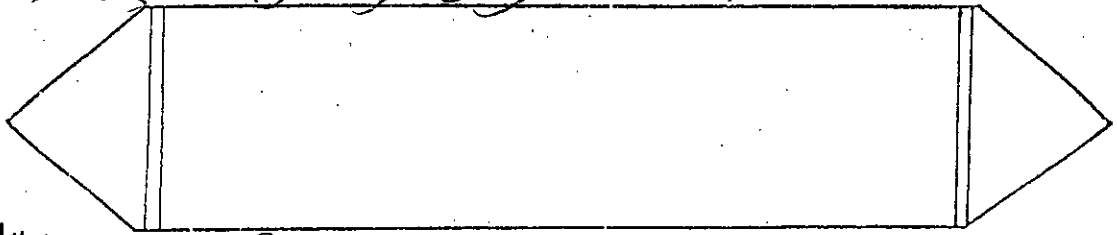
گل ریاض خان ولد گل نواز خان سکشن ہیرانگانی ہون

ATTESTED
19.04.18
Advocate

گل ریاض خان

18.04.18

بعدالت صا - سندس فرمبول KP پشاور



دہلائیٹ

2018ء منجانب

گمل ریاضین حال بنام حکومت

موزخہ
مقدمہ
دعویٰ
جرم

سندس فرمبول

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے ظفر علی خان رید وکٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔

دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔

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

مذکور کریں۔ لہذا وکالت نامہ گھدیا کہ سند ہے۔

ANT TRUSTED
Acceptance
for legal copy

المرقوم _____ ماہ _____ 20

العبد _____ گ _____ واہ العبد

کے لئے منظور ہے۔

بمقام



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 928/2018

Gul Riaz Khan Ex-Chowkidar

(Appellant)

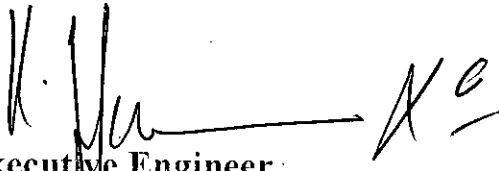
VERSUS

Secretary to PHE Department & other

(Respondent)

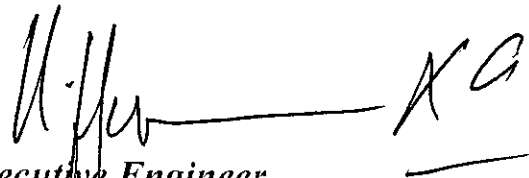
INDEX

S.No	Particular of Documents	Annexure	Page
1	"AUTHORITY"	---	01
2	Para-Wise comments	---	02-03
3	1 st Page of S/Book	Annexure-A	04-13
4	FD Urdu Notification	Annexure-B	14
5	Finance Deptt: fixed Pay regularization Notification from 01/07/2008.	Annexure-C	15
6	Peshawar High Court Peshawar decision	Annexure-D	16-19
7	Letter to DAO Bannu collection of Pension / Gratuity.	Annexure-E	20


Executive Engineer,
Public Health Engg: Division
Bannu
Executive Engineer
(Respondents No. 05)
PHE Division Bannu

“AUTHORITY”

Mr. Hamza Ali Khan Public Health Engineering Division Bannu of this office is hereby authorized to defend the case titled “Gul Riaz Khan V/S Public Health Engg: Department” vide Appeal No. 928/2018 in the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned and to safe guard the Govt: interest.


Executive Engineer,
Public Health Engg: Division
Bannu

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 928/2018

Gul Riaz Khan Ex-Chowkidar

(Appellant)

VERSUS

Secretary to PHE Department & other

(Respondent)

Respectfully Sheweth:-

Para-wise reply / comments on behalf of respondents

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action as well as locus standi.
2. That the appeal is badly time barred.
3. That the appeal is not maintainable in its present form.
4. That the appellant is stopped by his own conduct.
5. The petitioner has not come to the court with clean hands.

Facts

1. **Para No-1** is correct to the extent to the entry in Service Book vide which the appellant was appointed as Chowkidar on Water Supply Scheme Nurar Barakzai vide Executive Engineer, Public Health Engg: Division Bannu appointment office order No. 69-73/E-16 on fixed pay basis (1st page of Service Book photo copy attached). **Annexure-A**
2. **Para No-2** of the petition it is stated that Policy for appointment of all Class-IV employee on fixed pay basis introduced with effect from 04/11/1992. Later on, in light of policy 2008 their pay was fixed just like a regular employee from the date of initial appointment. However their salary was fixed from initial appointment. (Finance Department Notification copy attached). **Annexure-B**
3. **Para No-3** is correct.
4. **Para No-4** is in correct No. Departmental appeal received to this office from the appellant. In this context FD letter No. BOI/FD/1-22/2008-09 dated 30/07/2008 all the Class-IV fixed pay employees have been regularized in BPS-01 and giving them the status of Civil servant with effect from 01/07/2008 (But not from the date of their appointment) as per provision of section 19 of the Civil servant Act 1973 (read with Civil servants) (Amendment Act 2005. Under the Act ibid. These employees are entitled for contributory, provident Fund (C.P Fund) instead of Pension / Gratuity and G.P.Fund. (Photo copy of Finance Department letter attached). **Annexure-C**

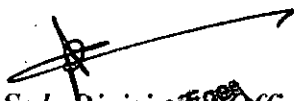
Recently Peshawar High Court Peshawar decided that fix pay employees are regular from 01/07/2008 in writ petition No. 1224/2015 (Photo copy attached). **Annexure-D**


Gratuity case of the petitioner is sent to District Accounts Office Bannu vide this office letter No. 106/E-16 dated 22/01/2016 for collection of gratuity, but the petitioner are not trying to collect the pension gratuity. (Photo copy attached). **Annexure-E**


GROUNDS:-

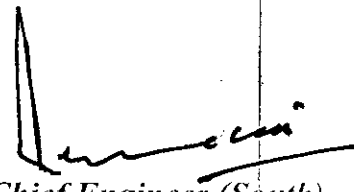
- a). Para No.a is incorrect. Detailed reply has been given in Para No-4.
- b). Para No.b is correct to the extent that the appellants served in the Department of the respondents.
- c). Para No.c is incorrect.
- d). Para No.d is also incorrect.
- e). Para No.e is incorrect.
- f). Para No.f is incorrect.
- g). Para No.g is incorrect.

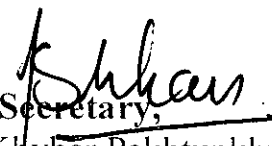
It is humbly prayed that this Honorable court may graciously be pleased to dismiss the service appeal of the appellants against respondents.


Sub-Divisional Officer,
Public Health Engg: S/Division
Bannu
(Respondent No.06)


Executive Engineer,
Public Health Engg Division
Bannu
PHE Division Bannu
(Respondent No.05)


Superintending Engineer
Public Health Engg: Circle
Bannu
(Respondent No.04)


Chief Engineer (South),
Public Health Engg: Deptt:
K.P.K Peshawar
(Respondent No.03)


Secretary,
Govt: of Khyber Pakhtunkhwa
PHE Department Peshawar
(Respondent No.02)

vetted subject to necessary completion,
attachment of annexures, affidavit
and preliminary objections prior
from factual ones.

Assistant Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar
10/12/2019

B



Name (نام) ظہیر ریاض خان

Nationality and Religion پاکستانی (قومیت اور مذہب)

Residence گھاٹاں محلہ ڈیڑھی پورہ سندھ

Father's name and residence ظہیر یونس خان (والد کا نام اور پتہ)

Date of birth by Christian era as early as can be ascertained 1935

Exact height by measurement 5' 10"

Personal mark for identification بائیں ہاتھ میں تین انگلیوں کے نشان (شکات)

Left hand/right hand thumb and finger impressions of (Non-gazetted) officer

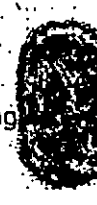


Index Finger

Ring Finger



Middle Finger



Fore Fing



Thumb

Signature of Government servant (سرکاری ملازم کے دستخط)

Signature and designation of the Head of the Office, or other Attesting Officer (تصدیق کنندہ افسر کے دستخط اور مہر)

Sub Divisional Officer
Public Health Engineering

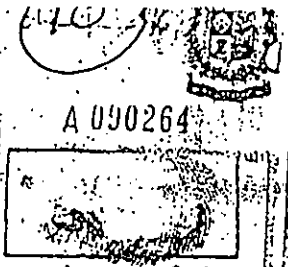
The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ پر درج کیے گئے تمام تفصیلات کو کم از کم ہر پانچ سالوں میں تجدید یا دوبارہ تصدیق کرنا ضروری ہے اور دستخطوں کے ساتھ ساتھ 9 اور 10 ویں لائنوں کے دستخطوں کے لئے تاریخ لکھنی چاہئے۔ انگریزوں کے نشانوں کے لئے ہر پانچ سالوں میں پتہ لکھنا ضروری نہیں ہے۔

Executive Engineer
Public Health Engineering Division

(A)

Name	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment (ii) whether service count for pension under rules 3.20 of C.S.R. (Pb.) volume 11	Pay in substantive post		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signalling of Government service	Nature and position of the post or other designation	Date of termination or expiry of term
			Rs.	Ps.	Rs.	Ps.					
Assistant District Officer (Services)	ماریس ہسپتال	اگر ماریس ہے تو گیارہ رول کے مطابق پیش کرتی ہے	1500/-	00				01/03/97	FN		28/09/97
			1800/-	00				01/05/99	FN		04/30/99
			2000/-	00				01/07/2000	FN		06/30/2000
			2500/-	00				01/09/02	FN		08/31/02
			2800/-	00				01/07/03	FN		06/30/03
			3100/-	00				01/12/04	FN		11/30/04
			3500/-	00				01/07/05	FN		06/30/05
			4000/-	00				01/11/06	FN		10/31/06



الانسان في بيئته
 كلية العلوم
 جامعة بنها
 بنها - مصر
 1977

24 فردي 1977
 453/2-77

رقم	الاسم	الدرجة	الجهة	الفترة	ملاحظات
1	أحمد محمد	مهندس	مصر	1973-1975	
2	محمد عبد الله	مهندس	مصر	1975-1977	
3	عبد الرحمن	مهندس	مصر	1977-1979	
4	إبراهيم	مهندس	مصر	1979-1981	
5	خالد	مهندس	مصر	1981-1983	
6	يوسف	مهندس	مصر	1983-1985	
7	علي	مهندس	مصر	1985-1987	
8	سعيد	مهندس	مصر	1987-1989	
9	محمود	مهندس	مصر	1989-1991	
10	عبد السلام	مهندس	مصر	1991-1993	
11	أحمد	مهندس	مصر	1993-1995	
12	محمد	مهندس	مصر	1995-1997	
13	عبد العزيز	مهندس	مصر	1997-1999	
14	إبراهيم	مهندس	مصر	1999-2001	
15	خالد	مهندس	مصر	2001-2003	
16	يوسف	مهندس	مصر	2003-2005	
17	علي	مهندس	مصر	2005-2007	
18	سعيد	مهندس	مصر	2007-2009	
19	محمود	مهندس	مصر	2009-2011	
20	عبد السلام	مهندس	مصر	2011-2013	
21	أحمد	مهندس	مصر	2013-2015	
22	محمد	مهندس	مصر	2015-2017	
23	عبد العزيز	مهندس	مصر	2017-2019	
24	إبراهيم	مهندس	مصر	2019-2021	
25	خالد	مهندس	مصر	2021-2023	
26	يوسف	مهندس	مصر	2023-2025	
27	علي	مهندس	مصر	2025-2027	
28	سعيد	مهندس	مصر	2027-2029	
29	محمود	مهندس	مصر	2029-2031	
30	عبد السلام	مهندس	مصر	2031-2033	

Prof. Mohamed El-Dokki
 Executive Engineer
 Public Health Engg. Division
 HANNU

7	8	9	10	11	12	13	14	15	
Serial No.	Signature of Head of Service	Signature and designation of Head of Office or other Asstg Officer in Station columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc)	Signature of the Head of the office of other Asstg Officer	Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 20 days) to which leave salary is debited to another Govt. to which debited	Signature of the head of the office of other Asstg Officer	Reference to any recorded punishment or censure or award of gratuity of the Government servant
13/77	FN		28/02/97 AN	Consolidated letter of order by Provincial Govt. dated 7/ Finance Department					
5/79	FN		30/04/99 AN	1. FD (P.R.C.) 1-3/97 dt. 02/02/97			1500/-		
27/000	FN		30/06/2000 AN	2. B-1/1-22/98-99/FD dt. 30/6/99			1500/-		
19/22	FN		01/08/02 AN	3. B-1/1-22/94-95/FD dt. 21/8/2000			2200/-		
7/13	FN		30/06/03 AN	4. B-1/1-22/02-03/FD dt. 25/9/02			2000/-		
2/14	FN		31/06/04 AN	5. B-1/1-22/03-04/FD dt. 9/9/03			2500/-		
17/05	FN		30/06/05 AN	6. B-1/1-22/04-05/FD dt. 7/6/05			2800/-		
1/6	FN		31/10/06 AN	7. B-1/1-22/05-06/FD dt. 21/11/05			3100/-		
				8. B-1/1-22/06-07/FD dt. 15/11/06			3500/-		

[Signature]
 DDO W.C.S. 9
 Bannu

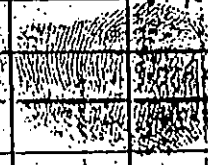
Assistant District Officer
 Works and Services (W.S. & S)
 Bannu

I.No. 1795 Dated: 3-12-2008
 Drawn Rs. 186 as arrears of pay/allowances already less drawn for the month of 7-12-08 due to updation of post from B-1 to B-1A
[Signature]
 D.A.O. Bannu

Name of Post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.R. (Pb.) volum-11	Pay in substantive post		Additional pay for officiating		Other emoluments falling under the form "pay"	Date of appointment	Signature of Government service
			Rs.	Ps.	Rs.	Ps.			
Public Health Officer	Substantive	Officialing	4320/-		4320/-		01/12/08	30/11/08	
Public Health Officer	Substantive	Officialing	4410/-		4410/-		01/12/09	30/11/09	

اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کیا جاسکتا ہے؟

in
Copy
1.
2.
3.



6	7	10	11	12		13			
Signature of Government service	Signature of the Head of the office or other (posting order etc.)	Date of termination or appointment	Reason of termination (such as promotion transfer dismissal etc.)	Signature of the Head of the office of the appointing Officer	Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Govt. to which referred	Period	Signature of the Head of the office of the appointing Officer	Reference to an order or award or other Government order
30/11/08	[Signature]	[Date]	[Reason]	[Signature]	[Nature and duration]	[Allocation]	[Period]	[Signature]	[Reference]
30/11/09	[Signature]	[Date]	[Reason]	[Signature]	[Nature and duration]	[Allocation]	[Period]	[Signature]	[Reference]
[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Nature and duration]	[Allocation]	[Period]	[Signature]	[Reference]

13

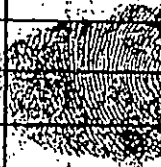
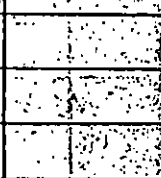

[Signature] OFFICER Public Health B.A.N.U.

[Signature] PRINCIPAL Public Health Engg. Div. B.A.N.U.

[Signature] OFFICER Public Health B.A.N.U.

[Signature] PRINCIPAL Public Health Engg. Div. B.A.N.U.

1	2	3	4	5	6	7	8
Name of the person	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether ad vice Council for pension under rules 320 of C.S.R. (P.O.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government service
<p>محمد علی شاہ</p> <p>2970-50-5520</p>	<p>Substantive</p>	<p>Substantive</p>	<p>Rs. 4500/-</p>	<p>Ps. 1500/-</p>	<p>01/12/2010</p>	<p>30/11/2010</p>	<p>Signature</p>
<p>محمد علی شاہ</p> <p>4300-150-9300</p>	<p>Substantive</p>	<p>Substantive</p>	<p>Rs. 7350/-</p>	<p>Ps. 1500/-</p>	<p>01/07/2011</p>	<p>Signature</p>	<p>Signature</p>

8	9	10	11	12	13	14	15	16	17	18
Signature of Government service	Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	Date of termination or appointment تاریخ اختتام ملازمت	Reason of termination (such as promotion transfer dismissal etc) وجہات اختتام ملازمت ترقی یا برطرفی	Signature of the Head of the office of other attesting Officer دستخط سربراہ	Nature and duration of leave taken رخصت کی نوعیت و ایجاز	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 20 days) to which leave salary is debited to another account	Signature of the head of the office of other Attesting officer			Reference to any recorded punishment or censure or award or praise of the Government servant
30/11/2010						Period	Govt. to which debited			
										
	<p>Signature of Officer</p> <p>BANNI</p>									
				<p>Executive Engineer</p> <p>Public Health Engg. Divn</p> <p>BANNI</p> <p>22/6/12</p>						
07/2011			<p>Pay forced Departmentally on 01-02-2011 in BRS-01 @ Rs. 4800-150-7300 @ Rs. 7350/- p. month with next increment on 01-12-2011. Violation of Peshawar Finance Department Notification No. FD/CPRC/15/2011 dated 14-02-2011.</p>							
	<p>Signature of Officer</p> <p>Public Health Engg. Divn</p> <p>BANNI</p> <p>22/10/12</p>									
	<p>Signature of Officer</p> <p>Public Health Engg. Divn</p> <p>BANNI</p>									

(Handwritten mark)

1 Name of Post نام پوسٹ	2 Whether substantive or officiating and whether permanent or temporary کیا اس پوسٹ کا فرائض سرکاری یا آفیشیال ہیں اور کیا اس کا فرائض مستقل یا موقت ہے	3 Officialing in state (i) substantive appointment or (ii) whether service count for pension under rules 320 of C.S.R. (Pv.) volume 1 اگر آفیشیال ہے تو کیا وہ ریول کے مطابق ہے یا نہیں ہے	4 Pay in substantive post مقررہ بلور عارضی ملازمت		5 Additional pay for officiating زائدہ مقررہ بلور قائم مقام		6 Other emoluments falling under the term "pay" بمعاوضے مقررہ دیگر الاؤنس	7 Date of appointment تاریخ تقرری	8 Signature of Government service سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.			
Chowkidar			7500/-				01-12-07		
Pended Pay Revision on 9/10 of PR-02									
R=3450/-							01-07-07		
R=3465/-							1-7-07		
R=3550/-							01-08-07		
R=3635/-							01-12-07		
R=4335/-							01-07-08		
R=4435/-							01-09-08		
R=4530/-							01-12-09		
R=4635/-							01-12-10		
R=7620/-							01-7-11		
R=7790/-							01-12-11		

SUB-DIVISIONAL OFFICER PUBLIC HEALTH NCC/SUI/DWH

(Signature) Officer, Division

7 Date of appointment تاریخ تقرری	8 Signature of Government service دستخط سرکاری ملازم	9 Signature and position of Head of office or other existing office in destination columns 1 to 8 دستخط و عہدہ	10 Date of termination or appointment تاریخ اختتام ملازمت	11 Reason of termination (such as promotion transfer dismissal etc) وجوہات اختتام ملازمت ترقی یا برطرفی	12 Signature of the Head of the office of other existing office دستخط سربراہ	13 Nature and duration of leave taken رہت کی نوعیت و مدت	14 LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) if which leave salary is debited to another account رہت کی مدتوں کی تقسیم	15 Signature of Head of office of other existing office دستخط سربراہ	16 Reference to an order or other document of the Government حکومت کے حکام سے حوالہ
	30-11-2011			Annual increment granted			Service rendered for the period from 01-12-2010 to 30-11-2011		
	01-12-2011						Service rendered for the period from 01-12-2011 to 30-11-2012		
	01-12-2012						Service rendered for the period from 01-12-2012 to 30-11-2013		
							Service rendered for the period from 01-12-2013 to 30-11-2014		
							Service rendered for the period from 01-12-2014 to 30-11-2015		
							Service rendered for the period from 01-12-2015 to 30-11-2016		
							Service rendered for the period from 01-12-2016 to 30-11-2017		
							Service rendered for the period from 01-12-2017 to 30-11-2018		
							Service rendered for the period from 01-12-2018 to 30-11-2019		
							Service rendered for the period from 01-12-2019 to 30-11-2020		
							Service rendered for the period from 01-12-2020 to 30-11-2021		
							Service rendered for the period from 01-12-2021 to 30-11-2022		
							Service rendered for the period from 01-12-2022 to 30-11-2023		
							Service rendered for the period from 01-12-2023 to 30-11-2024		
							Service rendered for the period from 01-12-2024 to 30-11-2025		
							Service rendered for the period from 01-12-2025 to 30-11-2026		
							Service rendered for the period from 01-12-2026 to 30-11-2027		
							Service rendered for the period from 01-12-2027 to 30-11-2028		
							Service rendered for the period from 01-12-2028 to 30-11-2029		
							Service rendered for the period from 01-12-2029 to 30-11-2030		

Executive Engineer
Public Health Engg. Diploma
Q.M. Banna

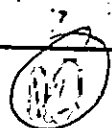
Drawn account of pay bill due to post superannuation to PPS-01 with effect from 30-11-2011 to 30-11-2023 / 6/15849/

Name of Post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.H. (Pb.) Volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature Government service
Chaudhary	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...
...	Rs. 7790/- P.M.	...	...	...	...

Rs. Ps. Rs. Ps.

off: Rs. 7790/- P.M. Allowed one usual Increment as per fixed on 1-7-2012 as per 7960/- P.M. for pension calculation only.

Rs. 7790/- P.M.



حکومت صوبہ سرحد
محکمہ خزانہ

مراسلہ نمبر: پی۔ او۔ ا۔ ۱/۱۲۲-۵۸/۲۰۰۷-۲۰۰۷
مورخہ ۲۹ جنوری، ۲۰۰۸ء

بخدمت:

- ۱- تمام انتظامی معتمدین حکومت صوبہ سرحد۔
- ۲- معتمد برائے گورنر صوبہ سرحد، پشاور۔
- ۳- پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- ۴- تمام سربراہان ماتحت محکمہ جات صوبہ سرحد۔
- ۵- تمام ضلعی رابطہ افسران صوبہ سرحد۔
- ۶- رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷- رجسٹرار، سرحدس ٹریبیونل، صوبہ سرحد، پشاور۔
- ۸- سیکرٹری، صوبائی پبلک ورکس کمیشن، صوبہ سرحد، پشاور۔
- ۹- سیکرٹری بورڈ آف ریونیو، صوبہ سرحد۔

عنوان:-
بجٹ تقریر ۲۰۰۷-۰۸ میں درجہ چہارم کے مقررہ تنخواہ ہانے والے (Fixed pay) ملازمین کے لئے سی۔ پی۔ فنڈ کا اعلان۔

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ Fixed pay) ہانے والے ملازمین کو یکم جولائی ۲۰۰۸ء سے این۔ ڈبلیو۔ ایف۔ پی۔ سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیگر بنیادی سکیل (BPS-1) دینے کی منظوری دی ہے۔

۲- مذکورہ ملازمین کی تنخواہوں کا تین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تنخواہوں اور الاؤنسز وغیرہ کی مد میں کسی قسم کی بقایا حالت (arrears) کے اقدار نہیں ہونگے۔

۳- اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی ہدایات یکم جولائی ۲۰۰۸ء سے منسوخ تصور ہونگے۔

آپ کا مخلص

سر (شرافت خان زبانی)
نائب معتمد (میراٹھہ)

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

No. BO1/FD/1-22/2008-09/
Dated Peshawar, the 30/7/2008

To

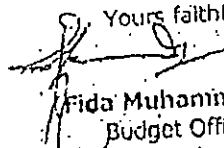
The Accountant General,
NWFP, Peshawar.

Subject: BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV
INTO REGULAR BPS-1 CP FUND SCHEME.

Dear Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rules/Regulations.

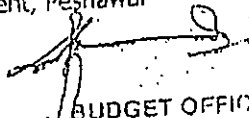
Yours faithfully,


Fida Muhammad
Budget Officer-I

Enclt No. & Date even:

Copy is forwarded w/r to Finance Dept's circular letter No. BO1/1-22/2007-08/FD dated 29/1/2008, for information & necessary action to:-

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar.
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar.
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar


BUDGET OFFICER-I

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No.H-24(113)/RBPS-2006-07/Prov. Corresponds file/906 Dated: 07-08-2008

Copy of the above is forwarded for information and necessary action to all concerned.

1. All DAOs/AAOs in NWFP.
2. All Payrolls Section (-).
3. Pns to DAGs.
4. Pension (M).

20/8/08
A.C.
20/8/08

Judgment Sheet

PESHAWAR HIGH COURT
PESHAWAR

(Judicial Department)

Writ Petition No. 1224-P/2015

Habib ur Rehman

Versus

Chief Secretary to Govt. of KPK and others.



Date of hearing. 10.01.2018

Petitioner By Shahid Khan Advocate

Respondents. By Officer addn in charge of the AAQ

JUDGMENT

MUSARR AT HOLACI.I.-

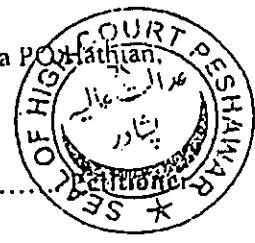
The instant writ petition has been filed by the petitioner under Article 199 of the Islamic Republic of Pakistan, 1973 praying that a writ may be issued to respondents to release the pension and pensionary benefits to the petitioner without any further delay.

2. Brief facts, as per averments of the writ petition are that the petitioner worked as Chowkidar in the Education Department from 1.09.1998 to 11.5.2012

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 1224-P /2015

Habib ur Rahman S/O Mahabat Khan R/O Libas Khan (Coroona PO) Mardan,
Tehsil Takht Bhai, District Mardan



VERSUS

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100. Res. 1

- 1. Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.
- 2. The Secretary, Education Department, Govt. of Khyber Pakhtunkhwa Peshawar.
- 3. Divisional Education Officer Mardan.
- 4. Executive District Education Officer, Mardan
- 5. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6. *Secretary Finance Govt. of K.P.K. Peshawar* Respondents.
- 7. *Districts Accounts Officer Mardan*

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

PRAYER IN WRIT.

ON ACCEPTANCE OF THIS PETITION, THE AN APPROPRIATE DIRECTION BE ISSUED TO RESPONDENTS TO issue/ RELEASE THE PENSION AND PENSIONERY BENEFITS TO THE PETITIONER WITHOUT ANY FURTHER DELAY.

FILED TODAY

ATTESTED
EXAMINER
Peshawar High Court

and at the age of 60, a sanction letter regarding his retirement from Executive District Office (E&S) Education Mardan was issued on 01.05.2012. That despite of fulfillment of all the codal formalities, the respondents are reluctant to release the pension and pensionary benefits to the petitioner. Feeling aggrieved with the actions of respondents, the instant writ petition has been filed.

Arguments of learned counsel for the parties heard and record perused.

3. The case of petitioner is that he served the respondent department from 01.09.1998 till 11.5.2012, however, on his retirement, he was not paid pension till date. Comments were called from the respondents which were accordingly submitted wherein they have submitted that since the petitioner was a fix pay employee, therefore, he is not entitled to the pension/pensionary benefits as per the relevant rules/policy. The same has been clarified by the letter of Government of NWFP Finance Department. No. BO

ATTESTED
EXAMINER
Peshawar High Court
25 JAN 2018

1/FD/1-22/2008-09 dated 30.07.2008 addressed to the Accountant General, NWFP, Peshawar in the following terms:-

~~All the Class-IV fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 10 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act, ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund.~~

4. In view of the above, the petitioner being fix pay employee is not entitled to the relief prayed for i.e. release of pension and pensionary benefits. In the circumstances, the instant writ petition being devoid of merit stands dismissed.

(Signature)

JUDGE

(Signature)

11

JUDGE



Announced on;
Dated. 10.01.2018

D.B Hon'ble Mr. Justice Waqar Ahmad Seth and Hon'ble Justice Musarat Hilali

No. 6619
Date of Presentation of Application 11/1/18
No of Pages 4-5
Copying Fee
Urgeal Fee
Total 16-00
Date of presentation of Copy 03/1/18

CERTIFIED TO BE TRUE COPY

(Signature)
23 JAN 2018

Annexure - E

Page 20

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION BANNU.

NO 106 /E-16/PHE.

Dated Bannu 22/01/2015

To

The District Account Officer,
Bannu.

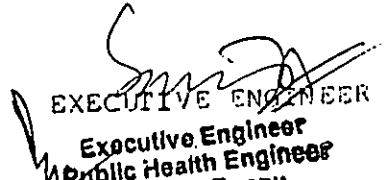
Subject:-

PENSION PAPERS IN RESPECT OF MR. AKRAM-KHAN
CHOWKIDAR OF THIS DIVISION.

The pension papers in respect of above named
Chowkidar complete in all respect along with original Service Book
(in two parts) is sent herewith for favour of further necessary
action please.

DA:

Pension papers with
Original Service Book.


EXECUTIVE ENGINEER
Executive Engineer
Public Health Engineer
Division Bannu



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph//091-9212984 Fax//091-9710228 Email: Ce.s.phed.pr5419@gmail.com

No. 08 /G-4/A/ST PHE,

Dated Peshawar, the 05/10/2018

To,


The Executive Engineer,
Public Health Engg: Division,
Bannu

Subject: **SERVICE APPEAL NO.928/OF 2018 GUL RIAZ KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY PHED.**

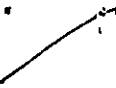
Ref: This office letter No.13/G-4-A/ST/PHE dated 25.09.2018

Your attention is invited to this office letter under reference and to enclosed file herewith a copy of letter No.SO(Lit)/PHE/40-3/2018/Rehman dated 01.10.2018 alongwith enclosures, received from Section Officer (Lit) PHE Department Peshawar, which is self explanatory for information and with the direction to submit Para-wise comments in the subject Service appeal, duly vetted by Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar and submit in the court well in time. Also depute a well conversant officer not below the rank BPS-17 to attend the Court on 26.10.2018 as contained therein, as well as on each date of hearing under intimation to this office.

DA/As above


Chief Engineer (South)

Copy forwarded to the Section Officer (Lit) PHE Department Peshawar, with reference to for information.


Chief Engineer (South)



GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPTM

No.SO(LIT)/PHE/40-3/2018/Rehr
Dated Peshawar, the October 01, 2018



The Chief Engineer (South),
PHE Peshawar.

Subject: SERVICE APPEAL NO. 928/OF 2018 GUL RIAZ KHAN VS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY PHED.

Dear Sir,

I am directed to refer to the subject and to enclose herewith a self-explanatory letter of Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar dated 10.09.2018, wherein date of hearing is fixed on 26-10-2018, for information and necessary action.

It is, therefore, requested to direct the Executive Engineer, PHE Division Bannu to submit para-wise comments in the subject service appeal duly vetted by the Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar and submit to the Service Tribunal well in time. The officer so deputed may also attend the court on scheduled date of hearing and submit proceedings of the court on each date of hearing regularly to this Department.

Yours faithfully,

SECTION OFFICER (LIT)
1110

Endst: Of Even No. & Date

Copy forwarded to the Executive Engineer PHE Division Bannu for similar necessary action please.

C.E. (S) PHE (South)
Diary No. 3113
Date 2/10/2018
Case No.
C.E. (S) (3)
A.H.O.

A.O. / Haryani - P.R.
2/10/18

SECTION OFFICER (LIT)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SECY PHE

Dairy No. 67
Dated 27/8

No.

Appeal No. 928 of 20/8.

Mr. Saif Ullah Khan Appellant/Petitioner
Versus

Gadab Khan, through Secretary, Finance Respondent
Respondent No. 2

Notice to: Gadab Khan, through Secretary, Punjab Health, Care & Family Welfare

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration the above case by the petitioner in this Court and notice has been ordered to issue. You hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 26-12-2018 at 8.00 A.M. If you wish to urge anything against appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by Advocate, duly supported by your power of Attorney. You are, therefore, required to file this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that default of your appearance on the date fixed and in the manner aforementioned, appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide office Notice No. dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 27th Day of Sept, 20/8.

SO (G)

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2018

Gul Riaz Khan s/o Gul Nawaz Khan
R/o Barakzai Bannu

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 3) Chief Engineer Public Health Department, Peshawar Fort Road, Peshawar Cantt.
- 4) Superintendent Engineer Public Health Department Circle Peshawar Hayatabad, Phase-I, near PDA office Peshawar.
- 5) Executive Engineer Public Health, Bannu.
- 6) Sub-Divisional Engineer Public Health, Bannu.
- 7) District Account Officer, Bannu
- 8) Accountant General, Fort Road, Peshawar Cantt, Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE RESPONDENT WHEREBY THE
DEPARTMENTAL REPRESENTATION OF
THE APPELLANT HAS NOT BEEN
DECIDED AND THE STIPULATED PERIOD
HAS BEEN PASSED.

Prayer:

On acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

On acceptance of this appeal, the appellant may kindly be declared entitled for the pension.

Prayer:

S.A.No. 928 /2018

HAS BEEN PASSED.

DECIDED AND THE STIPULATED PERIOD Appellant

THE APPELLANT HAS NOT BEEN

DEPARTMENTAL REPRESENTATION OF Govt of K.P through Secretary Finance and others Respondents

THE RESPONDENT WHEREBY THE

SERVICE TRIBUNAL ACT, 1974 AGAINST

INDEX

S.No.	Description of documents	Annexure	Pages.
1	Memo of appeal.		1-3
2	Affidavit:.....		4
3	Accountant General, Fort Road, Peshawar Cantt, Peshawar		5
4	Copy of the appointment order of Officer, Account District		7
5	Copy of Sub-Divisional Engineer Public Health Bannu		6
5	Copy of retirement order Executive Engineer Public Health, Bannu		5
9	Copy of departmental appeal.		2
12	Superintendent Engineer Public Health Department, Peshawar		12

- 3) Chief Engineer Public Health Department, Peshawar Fort Road, Peshawar Cantt.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.

Off: 214 Syed Ahmad Ali Building
Near Taj Autos, Sunehri Masjid

R/o Barakani Cantt, Peshawar
Appellant

Cell: 0306-5965853

0333-9349442

Dated: 21.07.2018

S.A.No. /2018

PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

1

- c. That the respondents failed to appreciate the real point involved in the case in its perspective. Hence has arrived at an incorrect conclusion.
- d. That by not awarding/ issuing the pension to the appellant, respondents are violating the terms and conditions of service as well as the service laws and rules.
- e. That by not issuing the pension benefits to the appellant, respondents are violating the fundamental rights of the appellant because there is no source of income of appellant except this pension etc.
- f. That the respondents by not issuing the pension to the appellant are exercising the powers not vested to them under the law.
- g. That the non-disposal of departmental appeal by the respondents is perversant and against the settled principle of law and justice.

It is, therefore, requested that on acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the respondents to issue pension, gratuity and other benefits immediately.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

Appellant

Through

ZAFAR ALI KHAN
Advocate High Court Peshawar

CERTIFICATE:

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

Advocate

respondents to issue pension, gratuity and other benefits immediately.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar on dated 01.09.1993 in Public Health Department. (Copy of the order is Annexed as Annexure "A").
- 2) That later on the services of the appellant was regularized, as BPS-01 on 30.08.2008. (Copy of service book is Annexure "B").
- 3) That the appellant has been retired from service on 01.07.2012. (Copy of the order is Annexure "C").
- 4) That appellant moved departmental appeal to the respondent No.2 for the issuance of pension, gratuity and other benefits on dated 18.04.2018 but still has not been decided by the respondents and the stipulated period has been passed. (Copy of departmental appeal is Annexure "D").
- 5) That aggrieved with, appellant has come before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for a direction to the respondents to issue pension along with other benefits to the appellant.

GROUND:

- a. That the respondent is not issuing pension, gratuity and other benefits to the appellant is against the facts and untenable in law.
- b. That the appellant has served in the education department for a period of almost 19/20 years, therefore, according to law and rules of services the appellant is entitled for the pension, gratuity and other benefits.

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

S.A.No. _____ /2017

Gul Riaz Khan..... Appellant

Versus

Govt of K.P through Secretary Finance and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Gul Riaz Khan s/o Gul Nawaz Khan
R/o Barakzai Bannu

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 3) Chief Engineer Public Health Department, Peshawar Ford Road, Peshawar Cantt.
- 4) Superintendent Engineer Public Health Department Circle Peshawar Hayatabad, Phase-I, near PDA office Peshawar.
- 5) Executive Engineer Public Health, Bannu.
- 6) Sub-Divisional Engineer Public Health, Bannu.
- 7) District Account Officer, Bannu
- 8) Accountant General, Fort Road, Peshawar Cantt, Peshawar.

Appellant

Through

ZAFAR ALI KHAN
Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

S.A.No. _____ /2018

Gul Riaz Khan..... Appellant

Versus

Govt of K.P through Secretary Finance and others Respondents

AFFIDAVIT

I, Gul Riaz Khan s/o Gul Nawaz Khan R/o Barakzai Bannu do hereby affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

Deponent

Before the Khyber Pakhtunkhwa Peshawar

Appeal No. 928/2018

Mr. Gul Riaz Khan.....Petitioner

V/S

Secretary to Govt of Khyber Pakhtunkhwa, Finance Department
and others.....Respondents

(Reply on Behalf of Respondent No. 1 & 8)

INDEX

S.NO.	PARTICULAR.	ANNEXURE.	PAGE.
1.	Para Wise Reply	-----	1-2
2.	Peshawar High Court Judgment in Writ Petition No.1224 of Mr. Habib ur Rehman.	A	3-6
3.	Finance Deptt. Letter Dated.30.07.2008	B	7 & 8

(1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 928/2018

Mr. Gul Riaz KhanAppellants.

V/S

Secretary Finance Khyber Pakhtunkhwa,
Peshawar and Others.....Respondents.

(Para wise reply on behalf of Respondent No.1&8)

Preliminary Objections.

- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the appeal in hand is not maintainable.
- 4). That the instant appeal is time barred.
- 5). That the identical case Writ Petition No. 1224-P/2015 Habib-Ur-Rehman V/S Provincial Government of KPK, has already been dismissed by the Peshawar High Court Peshawar (Annex-A).

Respectfully Sheweth:-

Para 1:- Relates by record, however liable to be proved by the Appellant.

Para 2& 3:- Correct, That the Appellant was regularized with effect from 1st July, 2008 (but not from the date of his appointment) in light of Finance Department Peshawar notification No.BOI/FD/1-22/2008-09, dated 30.07.2008. Hence he had not completed the qualifying Service for pension that is 10 years (Annex-B).

Para 4:- Relates to respondent No. 2 and they are in better position to satisfy the grievances of the petitioner.

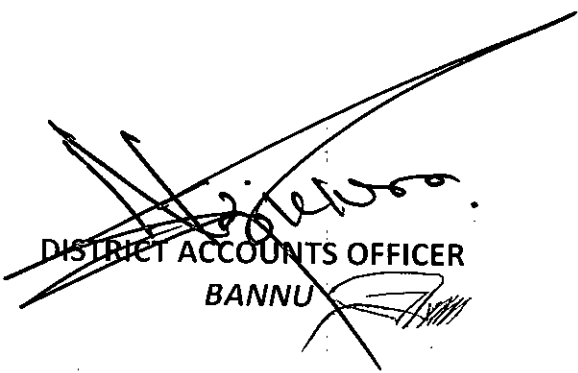
Para 5:- Incorrect , to the extent that the Appellant was regularized with effect from 1st July, 2008 (but not from the date of his appointment) in light of Finance Department Peshawar notification No.BOI/FD/1-22/2008-09, dated 30.07.2008. Hence he had not completed the qualifying Service for pension that is 10 years (Annex-C).

12

GROUND:-

- a:- Incorrect, that Respondent No.7 & 8 , are bound to follow the rules and instructions are issue Provincial Government from time to time.
- b:- Incorrect to the extent that , in light of Finance Department Peshawar vide letter No. BO/FD/1-22/2008-09, dated 30.07.2008 the appellant was regularized with effect from 01.07.2008. Hence the Appellant had not completed the qualifying service for pension and not entitled for any pension under the rule.
- c:- That the identical case Writ Petition No. 1224-P/2015 Habib-Ur-Rehman V/S Provincial Government of KPK, has already been dismissed by the Peshawar High Court Peshawar (Annex-A).
- d:- Incorrect.
- e:- As mentioned in para "a" above Respondent No.7 & 8 has not violated any rule or law.
- f:- As mentioned in para "a" above.
- g:- Relates to Respondent No.2.

Keeping in view the above mentioned facts, it is humbly prayed that the appeal in hand, having no merits, may be dismissed with cost


DISTRICT ACCOUNTS OFFICER
BANNU


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

(26)

145

(3)

Judgment Sheet

PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)



Writ Petition No. 1224-P/2015

Habib ur Rehman

Versus

Chief Secretary to Govt: of KPK and others.

Date of hearing. 10.01.2018

Petitioner By *Shahid Khan Advocate*

Respondents. By *Officer in addition to Secy of Govt ARK*

JUDGMENT

MUSARR AT HILALI:- The instant writ petition has been filed by the petitioner under Article 199 of the Islamic Republic of Pakistan, 1973 praying that a writ may be issued to respondents to release the pension and pensionary benefits to the petitioner without any further delay.

mani

2. Brief facts, as per averments of the writ petition are that the petitioner worked as Chowkidar in the Education Department from 1.09.1998 to 11.5.2012

ATTESTED
EXAMINER
Peshawar High Court

1
BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 1224-P /2015

Habib ur Rahman S/O Mahabat Khan R/O Libas Khan Koroono Peshawar

Tebsil Takht Bhai, District Mardan



VERSUS

1 Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

2 The Secretary Education Department, Govt. of Khyber Pakhtunkhwa Peshawar.

3 Divisional Education Officer Mardan.

4 Executive District Education Officer, Mardan

5 Accountant General, Khyber Pakhtunkhwa, Peshawar.

6 *Secretary Finance Deptt. of K.P.K. Peshawar* Respondents.

7 *Districts Accounts Officer Mardan*

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

PRAYER IN WRIT.

ON ACCEPTANCE OF THIS PETITION, THE AN APPROPRIATE
DIRECTION BE ISSUED TO RESPONDENTS TO issue/ RELEASE THE
PENSION AND PENSIONARY BENEFITS TO THE PETITIONER
WITHOUT ANY FURTHER DELAY.

FILED TODAY

Deputy Registrar

15 JAN 2015

ATTESTED

EXAMINER
Peshawar High Court

23 JAN 2015

3

and at the age of 60, a sanction letter regarding his retirement from Executive District Office (E&S) Education Mardan was issued on 01.05.2012. That despite of fulfillment of all the codal formalities, the respondents are reluctant to release the pension and pensionary benefits to the petitioner. Feeling aggrieved with the actions of respondents, the instant writ petition has been filed.

Arguments of learned counsel for the parties heard and record perused.

The case of petitioner is that he served the respondent department from 01.09.1998 till 11.5.2012, however, on his retirement, he was not paid pension till date. Comments were called from the respondents which were accordingly submitted wherein they have submitted that since the petitioner was a fix pay employee, therefore, he is not entitled to the pension/pensionary benefits as per the relevant rules/policy. The same has been clarified by the letter of Government of NWFP Finance Department No. 80

Draw

ATTESTED
EXAMINER
Peshawar High Court
23 JAN 2010

6

FD/1-22/2008-09 dated 30.07.2008 addressed to the Accountant General, NWFP, Peshawar in the following terms:-

"All the Class-IV fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 10 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act *ibid*, these employees are entitled for Contributory Provident Fund (C.P Fund) instead of Pension/Gratuity and G.P Fund."

In view of the above, the petitioner being a fixed pay employee is not entitled to the relief prayed for i.e. release of pension and pensionary benefits. In the circumstances, the instant writ petition being devoid of merit stands dismissed.

(Signature)

JUDGE

(Signature)

JUDGE

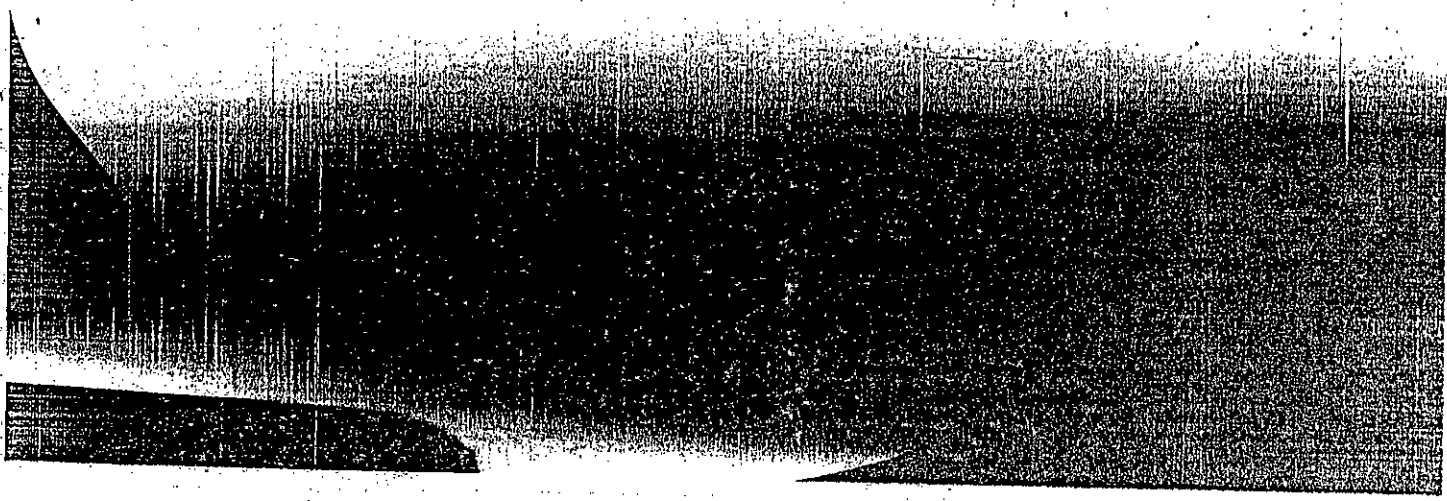
Announced on;
Dated. 10.01.2018



D.O. Hon'ble Mr. Justice Waqar Ahmed Sedi and Hon'ble Justice (Musana) Hileji,

Date of Presentation of Application 10/1/18
 No. of Pages 1
 Fee Paid ---
 Date of Filing 10/1/18
 Date of Disposal 10/1/18
 Date of Judgment 10/1/18

CERTIFIED TO BE TRUE COPY
 Esq. *(Signature)*
 Esq. *(Signature)*
 Esq. *(Signature)*
 23 JAN 2018



GOVERNMENT OF NWFP
FINANCE DEPARTMENT

NO. BW/2007/1-2/2008-08
Dated Peshawar, the 30/7/2008

The Accountant General
NWFP, Peshawar

Subject: **BUDGET SPEECH 2008 CONVERSION OF FIXED PANSHEWARI
INTO REGULAR BRS/CP FUND SCHEMES**

Dear Sir,

I am directed to refer to your letter No. 1121(05)/Kohistan/Vol. II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class IV Fixed pay Employees have been regularized in BRS-10 (including the status of Civil Servants) with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act 1973, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension, gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore in order to meet the demand of natural justice, fixation of pay has been altered to them with effect from the dates of appointment bringing their service to par with the respective length of service. However, they shall not be entitled for foreign pay and allowances as clarified in the instructions. It is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund unless otherwise provided in the relevant Rules/Regulations.

Yours faithfully,

Ms. Muhammad
Budget Officer-I

Encls. No. & Date event

Copy is forwarded w/r to Finance Dept's circular letter No. 601/1-2/2008-08/10 dated 29/7/2008 for information & necessary action to

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary, Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget Section Officers, Finance Department, Peshawar

ASSTT. ACCOUNTS OFFICER
O/o A.G. Khyber Pakhtunkhwa

BETTER COPY

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
No. BO1/FD/1-2/2008-09
Dated Peshawar, the 30/07/2008

To,

The Accountant General,
NWFP, Peshawar.

Subject:- **BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV INTO REGULAR
BPS-1 CP FUND SCHEME.**

Dear sir,

I am directed to refer to your letter No. H.24(85)/ Kohistan /Vol-II/851 dated 18.06.2008, on the subject noted above and to clarify that all the class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments) as per Provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005): Under the Act ibid, these employees are entitled for Contributory Provident Fund (CP Fund) instead of Pension / Gratuity and GP Fund. Since length of service of the employee was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension / Gratuity and GP Fund, unless otherwise provided in the relevant Rules / Regulations.

Yours faithfully,

(Fida Muhammad)
Budget Officer-1

Endst:No: & Date even:

Copy is forwarded w/r to Finance Department Circular letter No. BO1/1-22/2007-08/FD dated 29.01.2008, for information & necessary action to:-

- 1). All Administrative Secretaries to Government of NWFP.
- 2). Secretary to Governor, NWFP Peshawar.
- 3). Principal Secretary to Chief Minister, NWFP Peshawar.
- 4). All District Coordination Officers in NWFP.
- 5). All Heads of Attached Department in NWFP.
- 6). The Registrar, Peshawar High Court, Peshawar.
- 7). The Registrar, NWFP Service Tribunal, Peshawar.
- 8). The Secretary Provincial Assembly NWFP, Peshawar.
- 9). The Secretary, Board of Revenue NWFP Peshawar.
- 10). All District Accounts Officers in NWFP.
- 11). All Budget / Section Officer in Finance Department Peshawar.

SECTION OFFICER-1

THE DISTRICT ACCOUNTS OFFICE BANNU

Ann-I/Pension 12019.20/3145 Dated 30/7/2019

The GEN. PHE
Bannu.

Subject: COMMUTATION AUTHORITY IN RESPECT OF Gul Raz Khan
S/O Gul Nawaz ex-Chaukidar.

Please refer to No: 03/E-16 II

Date: 23-07-2019 forwarded there with pension in respect of officer/official

You are hereby authorized submit for Rs=183,371/-

Amount: One lac eighty three thousand three hundred & seventy one only

At the counter of issuance of crossed cheque in favour of the above mentioned pensioner

Personal No: 364905 CNIC No: 11(01)-1480281-3

On account of commutation gratuity of pension.

Bank Name with Code Chauk Bazar NBP 1451

Account No: 3159371746

The amount involved is debatable to the Provincial / Federal Govt. following head of

account Amount Debit able to Provt. Govt. Rs: 183,371/- Amount Debit able to Fed. Govt: 0

- 01- General Public Service
- 0112- Financial & Fiscal Affairs
- 011210- Pension Civil
- A041- Pension
- A4102- Commuted value of pension Civil
- A-04103- Gratuity Civil.

With held amount

Amount payable

Amount Paid

Recoveries: α

Note: This authority letter may please be attached with the bill in original along with the office order / notice retirement vendor No Name of Bank and A/C No of payee may also be recorded on the bill.

Remarks: THE AMOUNT MAY BE RECOVERED FROM THIS COMMUTATION AMOUNT

~~DISTRICT ACCOUNTS OFFICER BANNU.~~