

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 135/2018

Date of institution ... 25.01.2018

Date of judgment ... 03.09.2019

Shamanat Khanm Ex-Chowkidar,
GPS No. 2 Jabba Khushk Nowshera.

... (Appellant)

VERSUS

1. The Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) Nowshera.
4. The Secretary Finance Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. The District Account Officer, Nowshera.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 29.07.2016 WHEREBY THE APPELLANT WAS RETIRED FROM SERVICE W.E.FROM 26.03.2016 BUT DENIED COMPLETE PENSIONARY BENEFITS INCLUDING LPR, ENCASHMENT AND OTHER MONETARY BENEFITS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF THE NINETY DAYS.

Mr. Taimur Ali Khan, Advocate.

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was appointed as Chowkidar on fixed pay by the competent authority vide order

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dated 15.04.1996 as revealed from page six of copy of service book. He was regularized on 01.07.2008 as revealed from the retirement order of the appellant as well as admitted by the respondent-department in para-2 of the reply and was retired from service vide order dated 29.07.2016 but pensionary benefits was not granted to him therefore, he filed departmental appeal on 10.10.2017 but the same was not responded hence, the present service appeal on 25.01.2018.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Chowkidar on fixed pay in Education Department. It was further contended that later on the service of the appellant was regularized on 01.07.2008 and on superannuation age of 60 years, he was retired from service vide order, dated 29.07.2016 but benefits of pension etc was not extended to the appellant on the ground that length of regular service of the appellant was less than qualifying service. It was further contended that the appellant filed departmental appeal for issuance of pension, gratuity and other benefits but the same was not responded. It was further contended that according to Rule 2.2 of West Pakistan Civil Services Pension Rules, 1963 the service of the government servant begin to qualify for pension when he takes over charge of the post to which he is first appointed. It was further contended that according to Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963 temporary and officiating service shall count for pension if he has rendered more than five years continuous temporary service for the purpose of pension or gratuity and temporary and officiating service followed by confirmation shall also count for pension or gratuity. Therefore, it was contended that the service of the appellant will be considered from the date of appointment and the same will be counted for pension and gratuity etc. The learned counsel for the appellant also relied

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unreported judgments of the Worthy Peshawar High Court in Writ Petition No. 1188 of 2014 decided on 09.09.2014 titled Baghi Shah-Versus-The State etc, Writ Petition No. 1590 of 2014 decided on 11.09.2014 titled Mst. Wajihat W/o Nisar Muhammad-Versus-Senior District Accounts Officer & others, Writ Petition No. 1659-P/2014 decided on 27.11.2014 titled Yaqoob Khan S/o Abdul Manan-Versus-Government of Khyber Pakhtunkhwa etc and Writ Petition No. 3394-P/2016 decided on 22.06.2017 titled Amir Zeb-Versus-The District Account Officer, District Nowshera etc. Learned counsel for the appellant also furnished Notification dated 22.05.2019 ^{that in} ~~and~~ according to said notification the competent authority has extended the status of civil servants to the fixed pay Class-IV employees regularized by the department. It was further contended that in the present service appeal, the departmental appeal was filed after some delay but since the service appeal pertains to the matter of pay, pension and other emolument therefore, the limitation does not foreclosed the right of the appellant accrued to him and in such like matter the limitation does not run and relied in this regard on 2018 SCMR page 64 and 2002 PLC (C.S) page 1388 Punjab Service Tribunal and prayed that the appeals may be accepted and the department may be directed to consider the length of service of the appellant from the date of his appointment and pay pensionary benefits to the appellant.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Chowkidar on fixed pay and he was regularized on 01.07.2008. It was further contended that the appellant was retired from service on 29.07.2016 and the appellant served as regular employees for less than 10 years hence, he is not entitled for pensionary benefits and prayed for dismissal of appeal.

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3.9.2019*

6. We have heard the arguments and gone through the record available on file.

7. Perusal of the record reveals that the appellant was appointed as Chowkidar on fixed pay vide order dated 15.04.1996. The record further reveals that the service of the appellant was regularized on 01.07.2008. The record further reveals that the appellant was retired from service vide order dated 29.07.2016 with effect from 26.03.2016 but pension and gratuity was not extended to the appellant.

8. Regarding the question of entitlement of the appellant to the pension, we, would like to reproduce the relevant rules of the West Pakistan Civil Services Pensions Rules, 1963 below, as these would be advantageous in resolving the controversy:-

“2.2. Beginning of Service-

Subject to any special rules the service of Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

Rule 2.3 Temporary and officiating service___ Temporary and officiating service shall count for pension as indicated below:-

- (i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service for the purpose of pension or gratuity; and
- (ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity.

9. The rules ibid reveal that the service of government servant begins to qualify for pension from the very first day of his/her taking over the charge,

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irrespective of the fact whether his/her appointment and entry in to service was temporary or regular. It is also clear from sub-rule (i) that continuous temporary service of a civil servant shall also be counted for the purpose of pension and gratuity and by virtue of sub rule (ii), temporary and officiating service followed by conformation shall be counted for pension and gratuity. In this regard reliance is also placed on SCMR 1994 page 1653 titled Government of N.W.F.P through Secretary, Law, Peshawar Versus Muhammad Aslam Khan Assistant Advocate General, N.W.F.P Abbottabad where in it was held

Constitution of Pakistan (1973)

----Art. 212 (3)--- Service

Tribunal while accepting civil servant's appeal had allowed his previous service for specified period to be counted for determining his gratuity and pensionary benefits---Appellants could not advance any arguments for taking a different view in the matter---Service Tribunal finding being correct and supported by precedent of Supreme Court on the subject, called for no interference--- Leave to appeal was refused in circumstances.

10. We deem it appropriate to mention here that question of interpretation and true import to the term pension was raised before the august Supreme Court of Pakistan in case titled **“Government of NWFP through Secretary to Government of NWFP Communication & Works Department, Peshawar Vs**

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Muhammad Said Khan and others (PLD 1973 Supreme Court of Pakistan 514) wherein it was held that:

“It must now be taken as well settled that a person who enters government service has also something to look forward after his retirement to what are called retirement benefits, grant of pension being the most valuable of such benefits. It is equally well settled that pension like salary of a civil servant is no longer a bounty but a right acquired after putting a satisfactory service for the prescribed minimum period. A fortiori, it cannot be reduced or refused arbitrarily except to the extent and in the manner provided in the relevant rules.”

11. In case titled “**Secretary To Govt: of the Punjab, Finance Department Vs M. Ismail Tayer and 269 others**” 2015 PLC (CS) 296, the august Supreme Court of Pakistan was pleased to held that the pensionary benefits is not a bounty or ex-gratia payment but a right acquired in consideration of past service. Such right to pension is conferred by law and cannot be arbitrarily abridged or reduced except in accordance with such law as it is the vested right and legitimate expectation of retired civil servant.

12. In the present case the appellant was initially appointed as Chowkidar on fixed pay followed by regularization on 01.07.2008. The appellant has rendered temporary service for a continuous period of 12 years service and later on regularized and was retired. Record reveals that as a whole he has more than 20 years services at his credit. By virtue of rule 2.3 as well as Chapter-IV rule 4.4 of the West Pakistan Civil Services Pensions Rules, 1963, he has qualified the prescribed service for pensionary benefits, therefore, the objections raised by the

M. Ismail Tayer
29.7.09

respondents is not tenable and not supported by any rule or regulation. Judgment of Hon'ble Peshawar High Court in Mst. Wajihat case (Writ Petition No. 1590-P/2014), Baghi Shah's case (Writ Petition No. 1188-P/2014, Yaqoob Khan case's (Writ Petition No. 1659-P/2014) and in Amir Zeb case's (Writ Petition No. 3394-P/2016) may be quoted as a reference.

13. In the light of the above discussion we are constrained to accept the appeal and direct the respondent-department to finalize the pension case of the appellant and grant pensionary benefits to him. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
03.09.2019



(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

03.09.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record peruse.


Vide our detailed judgment of today consisting of seven pages placed on file, we are constrained to accept the appeal and direct the respondent-department to finalize the pension case of the appellant and grant pensionary benefits to him. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

03.09.2019



(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

22.05.2019

Appellant with counsel present. Written reply on behalf of respondent No.5 not received. Noor Rehman Superintendent representative of respondent No.5 absent.

The present service appeal pertaining to the pensionary benefits is lingering on at the stage of reply since 23.04.2018. The present case be therefore assigned to D.B for further proceedings. Respondent No.5 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 10.07.2019 before D.B.



Member

10.07.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Wahid Gul ADO present and stated that in view of Notification No.FD(SOSR-II) 4-36/2017 Dated. 22.05.2019, the grievance of the appellant has been redressed and as such the present service appeal has become infructuous. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings on 03.09.2019 before D.B.



Member



Member

08.04.2019

Counsel for the appellant and Mr. Mohammad Sohail, Asstt. for respondents No. 4 and 5 alongwith Addl. AG for the respondents present.

The representative of respondents No. 4 & 5 requests for adjournment as the requisite reply is yet to be signed by the respondents.

Adjourned to 16.04.2019 for the needful before S.B.



Chairman

16.04.2019

Learned counsel for the appellant present. Rehmat Khan Superintendent for respondent No.4 present and submitted written reply. Noor Rehman Senior Auditor for respondent No.5 present and seeks adjournment to furnish written reply. Granted by way of last chance. To come up for written reply/comments on 22.05.2019 before S.B.




Member

Service Appeal No. 135/2018

10.12.2018

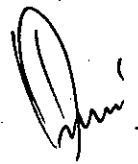
Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted despite last chance nor representative of the department is not in attendance therefore, notice be also issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date by way of another last chance. To come up for written reply/comments on 17.01.2019 before S.B.

17.1.2019


Muhammad Amin Khan Kundi
Counsel for the appellant and Addl. AG, along with
Member
Inayatullah, ADO for the respondents present.


Written reply on behalf of respondents No. 1, 2 and 3 has been submitted while no representative of other respondents is available. Learned AAG, therefore, undertakes to seek further instruction from the absenting respondents. Adjourned to 20.02.2019 before S.B.

Chairman



20.02.2019

Learned counsel for the appellant present. Written reply on behalf of respondents No.4 & 5 still awaited. Notice be issued to the respondents No.4 & 5 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 08.04.2019 before S.B.


Member

24.09.2018

Counsel for the petitioner Mr. Taimur Khan, Advocate present. Mr. Kabirullah Khattak, AAG for the respondents present. Written reply not submitted. Last chance is given to them. Case to come up for written reply on 12.10.2018 before S.B.


Chairman

12.10.2018

Mr. Taimur Ali Shah, Advocate, counsel for the appellant present. Addl. AG (Mr. Kabirullah Khattak) for the respondents present and again made a request for adjournment. Very last opportunity is granted. To come up for written reply/comments on 24.10.2018 before S.B.


Chairman

24.10.2018.

Due to retirement of Honorable Chairman, the Tribunal is non-functional. Therefore, the case is adjourned. To come up for the same on 10.12.2018.

Reader.

Service Appeal No. 135/2018

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.


Reader

03.07.2018

Junior counsel for the appellant and Mr. Sardar Shaukat Hayat, Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **16.08.2018** before S.B.


Member

16.08.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply/comments not submitted. Learned AAG sought some time to submit the same. Case to come up for written reply/comments on 24.09.2018 before S.B.


Chairman


05.03.2018

Learned counsel for the appellant present.
Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed in Education Department as Chowkidar at GPS No. 2 Jabba Khushk, Nowshera on 27.06.1996 on fixed pay and performed his duty till retirement in 2016. That in 2008 Finance Department vide notification dated 29.01.2008 declared all fixed pay Class-IV employee as Civil Servant in B-1 and fixed their pay from the date of appointment, but with no arrears. That the appellant was retired from service on superannuation on 26.03.2016 but without pensionary benefits vide impugned order dated 29.07.2016 which is unjust and violation of rule 2.3 of Pension Rules 1963. That the appellant preferred department appeal which was not responded in mandatory period and hence the instant service appeal on 25.01.2018

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 23.04.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Gul Zeb Khan)
Member

23.04.2018




None present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 08.05.2018 before S.B.


Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 135/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/1/2018	<p>The appeal of Mr. Shamant Khan presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06/02/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	12.02.2018	<p>Clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not in attendance today due to strike of the Bar. Adjourned. To come up for preliminary hearing on 05.03.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 135 /2018

Shamanat Khan

VS

Secretary Education & others

INDEX

S.No.	Documents	Annexure	P. No.
1.	Memo of Appeal	-----	01-03
2.	Copy of service book	- A -	04-13
3.	Copy of notification 29.01.2008	- B -	14-15
4.	Copy of impugned order	- C -	16
5.	Copy of departmental appeal	- D -	17
6.	Copy pension rule 1963 relevant page	- E -	18-19
7.	Vakalat Nama	-----	20

APPELLANT

THROUGH:

M. Asif Yousafzai
M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,

Taimur Ali Khan
TAIMUR ALI KHAN
ADVOCATE HIGH COURT

Asad Mehmood
&
ASAD MEHMOOD
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Appeal No. 135 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 141

Dated 25-1-2018

Mr. Shamanat Khan, Ex-Chowkidar,
GPS No.2 Jabba Khushk Nowshera.

.....**APPELLANT**

VERSUS

- ✓1. The Secretary (E&SE) KPK, Peshawar.
- ✓2. The Director (E&SE) KPK, Peshawar.
- ✓3. The District Education Officer (Male) Nowshera.
- ✓4. The Secretary Finance KPK, Civil Secretariat, Peshawar.
5. The District Account officer, Nowshera.

.....**RESPONDENTS**

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.07.2016 WHEREBY THE APPELLANT WAS RETIRED FROM SERVICE W.E.FROM 26.03.2016 BUT DENIED COMPLETE PENSIONARY BENEFITS INCLUDING LPR, ENCASHMENT AND OTHER MONETARY BENEFITS AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF THE NINETY DAYS.

.....

PRAYER:

ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.07.2016 MAY BE MODIFIED TO THE EXTENT OF PENSIONARY BENEFITS AND THE RESPONDENT MAY PLEASE BE DIRECTED TO GRANT COMPLETE PENSIONARY BENEFITS TO APPELLANT INCLUDING LPR, ENCASHMENT

Filed to-day

Registrar

25/1/18

AND OTHER MONETARY BENEFITS IN LIGHT OF RULE 2.3 OF PENSION RULES 1963 AFTER PROPER FIXATION OF STAGES OF PAY SCALE FOR RENDERING MORE THAN 19 YEARS OF SERVICE. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in Education Department on the post of Chowkidar at GPS No.2 Jabba Khushk, Nowshera on dated 27.06.1996 on fixed pay which is later on regularized on 01.08.2007 and has performed his duty with devotion and honesty till retirement and no complaint has been filed against him during his service carrier. Date of appointment of the appellant is evident from his service book. **(Copy of service book is attached as Annexure-A).**
2. That in 2008 the Government of KPK, Finance Department vide notification dated 29 January, 2008 declared class-iv employee as Civil Servant and awarded BPS-1 to all Class-iv employees and fixed their pay from the date of appointment and declared that all predetermined policies in this regard will be canceled from 1st July, 2008. **(Copy of the finance notification is attached as Annexure-B).**
3. That the appellant was retirement from service on superannuation on 26.03.2016 but without pensionary benefits vide order dated 29.07.2016 which is injustice and violation of rule 2.3 of Pension Rules 1963. **(Copy of order dated 29.07.2016 is attached as Annexure-C).**
4. That the appellant aggrieved from the order dated 29.07.2016 because the appellant is entitled to the pensionary benefits under rule 2.3 of Pension Rules 1963, therefore he filed departmental appeal for pensionary benefit which was not respondents within the statutory period of ninety days. **(Copy of departmental appeal is attached as annexure-D).**
5. That the appellant come to this august tribunal on the following grounds amongst others.

GROUND

- A. That the order dated 29.07.2016 to the extent of not granting pensionary benefits and not taking action on the departmental appeal of the appellant is against the law, rules and norms of justice.

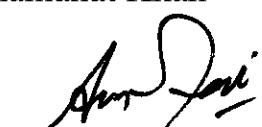

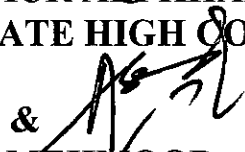
- B. That the appellant was appointed on fix pay in the year 1996 which was later on regularized in the year 2008 and according to Rule 2.3 of the Pension rules 1963: – *“Temporary and officiating service shall count for pension as indicated below: -*
- (i) *Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and*
- (ii) *Temporary and officiating service followed by confirmation shall also count for pension or gratuity”.*
- Thus the appellant is legally entitled for the pensionary benefits according to law and rules and depriving the appellant from the pension benefits is clear violation of Pension Rules 1963. Hence the order dated 29.07.2016, to the extent of not granting pensionary benefits is liable to be modified. **(Copy of the relevant page of pension rules 1963 is attached as Annexure-E).**
- C. That not deciding the departmental appeal of the appellant is violation of superior court judgment.
- D. That the appellant was not treated according to the law and rules and has been deprived from his legal right in arbitrary manner.
- E. That the appellant seeks permission to advance other ground proof at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT
Shamanat Khan

THROUGH:


M. ASIF YOUSAEZAI
ADVOCATE SUPREME COURT,

TAIMUR ALIKHAN
ADVOCATE HIGH COURT,
& 
ASAD MEHMOOD
ADVOCATE HIGH COURT

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

1. Name: SHAMA NAT ICHANI

2. Race: Afghan (Solon)

3. Residence: Village Jabba Khushk (Nowshera)

4. Father's name and residence: Bahadur Ichan - As above

5. Date of birth by Christian era as nearly as can be ascertained: (27-3-1956)
Twenty Seventh March NH. fifty six.

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

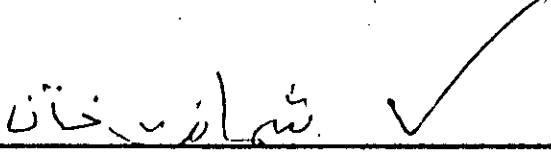
7. Personal marks for identification: Scar mole scd on leg.

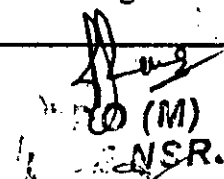
8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: ⑤  Ring Finger: ④ 

Middle Finger: ③  Fore Finger: ② 

Thumb: ① 

9. Signature of Government Servant: 

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

TESTED

(M) NSR.

Sub-Divisional Education Officer (Male) Nowshera

1	2	3	4	5	6	7	8	9
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and Designation of the head of the office or other authority in attestation in columns 1 to 7
C. Dowlatabadi G.B. J. S.S. D K. Dowlatabadi	Off. Temp.		Rs = 1200/-	PM (F)		17.4.96	[Signature]	Sub. Director
Do	Do		Rs = 1500/-	PM (F)		1.7.98	[Signature]	Sub. Director
Do	Do		Rs = 1800/-	PM (F)		1.7.99	[Signature]	Sub. Director
Do	Do		Rs = 2000/-	PM (F)		1.7.2000	[Signature]	Sub. Director
Do	Do		Rs = 2800/-	PM (F)		1.7.03	[Signature]	Sub. Director
Do	Do		Rs = 3100/-	PM (F)		1.12.04	[Signature]	Sub. Director
Do	Do		Rs = 3500/-	PM (F)		1.7.05	[Signature]	Sub. Director
Do	Do		Rs = 4000/-	PM (F)		1.12.06	[Signature]	Sub. Director

Attested
[Signature]

03/12/2011

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	Attested as above (1200) per fixed at 1/12/96 vide D.O. (M) Govt. No. 7216-14.9/15-4-96
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	SERVICE VERIFIED 17-4-96 to 30-11-96 Other Record
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	<i>[Signature]</i>
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	SERVICE VERIFIED 1-12-96 to 30-7-97 The Key Record and other Record of this office.
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	<i>[Signature]</i>
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	SERVICE VERIFIED 1-12-97 to 30-11-98 Other Record of this office.
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	<i>[Signature]</i>
Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i> Sub Divisional Education Officer (M) Nowshera			<i>[Signature]</i>	SERVICE VERIFIED 1-12-98 to 30-11-99 The Key Record and other Record of this office.
			Attested			<i>[Signature]</i>	<i>[Signature]</i>
ATTESTED			<i>[Signature]</i> (M)			<i>[Signature]</i>	SERVICE VERIFIED 1-12-99 to 30-11-2000 The Key Record and other Record of this office.
			<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>

1	2	3	4	5	6	7	8	9
Name of Post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servan	Signature and of the head of or other attest in attesta columns
<p>Revised entry in the light of Letter Vial Govt. of NWFP Finance Deptt no. B01/150/1/1/207/108 of 30-7-08</p>								
Chairman EPs of NWFP	9/1/74			Rs. 1295/-		17.4.36		
				Rs. 1280/-		1.12.96		
				Rs. 1315/-		1.12.97		
				Rs. 1350/-		1.12.98		
				Rs. 1385/-		1.12.99		
				Rs. 1420/-		1.12.2000		
				Rs. 1455/-		1.12.01		
				Rs. 2200/-		1.12.01		
				Rs. 2205/-		1.12.02		
				Rs. 2310/-		1.12.03		
				Rs. 2365/-		1.12.04		
				Rs. 2755/-		1.7.05		
				Rs. 2800/-		1.12.05		
				Rs. 2865/-		1.12.06		
				Rs. 3300/-		1.7.07		
				Rs. 3375/-		1.12.07		
				Rs. 4050/-		1.7.08		
				Rs. 4140/-		1.12.08		
				Rs. 4250/-		1.12.09		
				Rs. 4320/-		1.12.10		

Sd/-
D. D. D. (NSR)
EISE NSR.

Sd/-
D. D. D. (NSR)
EISE NSR.

SECRET

Signature of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
		Period	Government to Which debitable			Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
						SERVICE VERIFIED 1.12.2000 to 30-11/2001 The Govt. of India and other Records	S/ 502
						SERVICE VERIFIED 1.12.01 to 30-11/2001 The Govt. of India and other Records	S/ DDO WPM
						SERVICE VERIFIED 1.12.01 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.02 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.03 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.04 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.05 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.05 to 30-11/2001 The Govt. of India and other Records	S/ DDO
						SERVICE VERIFIED 1.12.05 to 30-11/2001 The Govt. of India and other Records	S/ DDO

2008
OFFICE OF THE ASSISTANT GENERAL
PAY FIXED IN THE A.C. REVISED
OF RS 3075-12-6055
AT RS 4255
With No. 1
Accommodation
Pay Fixation Part

ATTESTED
S/

Attest of
DDO (M)
E/SE NSR.

SERVICE VERIFIED
1.12.05 to 30-11/2001
The Govt. of India and other Records
S/ DDO (M)
NSR.

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or cesure, or reward or praise of the Government Servent
				Period	Government to Which debitable		
sc/ <i>[Signature]</i> DDO (M) E/SE NSR.	30/11/2011		<i>[Signature]</i> DDO (M) (E/SE) NSR			<i>[Signature]</i> DDO (M) E/SE NSR.	SERVICE VERIFIED From 1/12/06 to 30-11/2011 The Accounts and other Records
sc/ <i>[Signature]</i> DDO (M) E/SE NSR.	30/11/2011		Basic Pay Scales 2011 Office of The Accountant General Khyber Pakhtun Khwa Peshawar Pay Fixed in K.A.P.S. 2011 Rs. 4800-170-10000 With Next increment on 07-2011 07-2011			<i>[Signature]</i> DDO (M) E/SE NSR.	SERVICE VERIFIED From 1/12/08 to 30-11/2011 The Accounts and other Records
<i>[Signature]</i> DDO (M) (E/SE) NSR.			Account Officer Pay Fixation Party K. Pakhtun Khawa Peshawar			<i>[Signature]</i> DDO (M) E/SE NSR.	SERVICE VERIFIED From 1/12/10 to 30-11/2011 The Accounts and other Records
			TR No: 275 dt 10/12/01				
			Area of difference of pay & allowance Rs. 107/- on 9/11/08 + 12th month 7/08/2011/2012			<i>[Signature]</i> DDO (M) (E/SE) NSR	SERVICE VERIFIED From 1/12/2011 to 30-11/2012 The Accounts and other Records
						<i>[Signature]</i> DDO (M) (E/SE) NSR	
ATTESTED <i>[Signature]</i> DDO (M) (E/SE) NSR	30/11/11						TR No: 739 dt 13-5-11 Area of pay & allowance Rs B.P 7790/- + allowance deductions for the month of 4/12/11

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and Designation of the head of the office or other attesting authority in attestation columns 1 to 8
			Rs 7960/- p.m			1/12/13	(11)	D. S.P.
			Rs 8130/- p.m			1/2/14		D. S.D.E. Now
			Rs 8300/- p.m			12/14		D. S.D. No
	Pay on		117/2015	S/Revised			10735	
	Pay on		112/2015	M/Inc			10955	
	Pay fixed on		2/12/2015	BPS-04			11230	
	One Promotion inc						11530	

Signature and Designation of the head of the office or other attesting authority in attestation columns 1 to 8

D. S.P.

D. S.D.E. Now

D. S.D. No

I Mr BPS is h of Pa

11/2/14

9 Nature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
					Period		
<i>(Signature)</i> S.D.E.O. (M) Nowshera	30/06/14	one	<i>(Signature)</i> S.D.E.O. (M) Nowshera		Security wife pay from 1/1/14 to 30/11/13 from official and other record of this office.		
<i>(Signature)</i> S.D.E.O. (M) Nowshera	30/11/14	Final	<i>(Signature)</i> S.D.E.O. (M) Nowshera			<i>(Signature)</i> Sub-Divisional Education Officer (M) Nowshera	
<i>(Signature)</i> S.D.E.O. (M) Nowshera			<i>(Signature)</i> S.D.E.O. (M) Nowshera				
(02) P	04	02			TD-376 dated 9/15/2014		
to be pro Pap B.C					Drawn Refers 3489/- Approval of Annual Incumbent 1/12/2012 TO 30/4/2014 <i>(Signature)</i> Nowshera		
Date			<i>(Signature)</i>		Allowed by Government Inc, on upgradation of Govt of 2-1-2014 14/7/14		
						<i>(Signature)</i> S.D.E.O. (M) Nowshera	
Mr. Shammat Khan Chohan Kidari BPS No. 02 is hereby of 3/7/15 Para	5/11/15						

ATTESTED

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

TR #310 dt 24/2/16
 Drawn Arrear of DAA of
 B-04 waf 12/15 to 1/16
 R.1388

[Signature]
 3/11/16
 3/2/16

Service Verified with effect from
 dt 16/2/2013 to 30/11/2015
 from the records of this office.

[Signature]
 Sub Divisional Education
 Officer (Male) Nowshera

Service Verified with effect from
 dt 1/12/2015 to 27/03/2016
 from the records of this office.

[Signature]
 Sub Divisional Education
 Officer (Male) Nowshera

Consolidated Service verified with
 effect from 17/04/1996 to
 27/10/2016.

[Signature]
 Sub Divisional Education
 Officer (Male) Nowshera

ATTESTED
[Signature]

مراسلہ نمبر بی۔ او۔ ا۔ ا۔ ا۔ ۱۲۲/۸۔ ۲۰۰۷۔ ۲۰۰۸ ایف۔ او۔ ایس
مورخہ ۲۹ جنوری، ۲۰۰۸ء

خدمت

- ۱۔ تمام انتظامی و مندرجہ ذیل عہدہ سہروردہ۔
- ۲۔ منصف برائے گورنمنٹ سہروردہ، پشاور۔
- ۳۔ پرنسپل سٹاف آفیسر برائے ڈیپارٹمنٹ سہروردہ۔
- ۴۔ تمام سربراہان ماتحت محکمہ جات سہروردہ۔
- ۵۔ تمام ضلعی و رابطہ افسران سہروردہ۔
- ۶۔ رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷۔ رجسٹرار سروس ایڈیوٹ سہروردہ، پشاور۔
- ۸۔ سیکرٹری، صوبائی پبلک سروس کمیشن، سہروردہ، پشاور۔
- ۹۔ سیکرٹری بورڈ آف ریویو سہروردہ، پشاور۔

بجٹ تقریر ۲۰۰۷۔ ۲۰۰۸ میں درجہ پنجم کے مقررہ تنخواہ نامیے والے (Fixed pay)
ملازمین کے لیے سی۔ بی۔ ٹنڈا کا اعلان

عنوان:-

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ پنجم (مقررہ تنخواہ Fixed pay) نامیے والے ملازمین کو یکم جولائی ۲۰۰۸ سے این ڈی ایف۔ پی سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیکر بنیادی سکیل۔ ۱ (BPS-1) دینے کی منظوری دی ہے۔

۲۔ مذکورہ ملازمین کی تنخواہوں کی ترمیم (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تنخواہوں اور الاؤنسز وغیرہ کی مدد میں کسی قسم کی بتایا جات (arrears) کے حقدار نہیں ہوں گے۔

۳۔ اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی ہدایات یکم جولائی ۲۰۰۸ء سے منسوخ قرار دی گئی۔

اسرار محمد
 (شرافت خان راجہ)
 نائب منصف (سہروردہ)
 (تاریخ)

ATTESTED

تاریخ وار تاریخ انصاف

- نقل برائے اطلاع:
- (۱) اکاؤنٹ جنرل، صوبہ سرحد، برآمدگی، رکن مندرجہ بالا اقدامات کی نافذ العمل کریمینی، نایا جائے۔
 - (۲) جملہ ایگزیکٹو ڈسٹرکٹ آفیسرز، فنانس اینڈ پائمنٹ، صوبہ سرحد۔
 - (۳) جملہ ضلعی آفیسران حساب داری، صوبہ سرحد۔
- فدی محمد علی
میزانیہ انسٹر (۱) محکمہ خزانہ

تاریخ وار تاریخ انصاف

- نقل برائے اطلاع:
- (۱) سنی معتد برائے چیف سیکرٹری صوبہ سرحد۔
 - (۲) جملہ اضافی معتدین و نائب معتدین محکمہ خزانہ، صوبہ سرحد۔
 - (۳) جملہ سب آفیسرز ریسٹریکشن آفیسرز محکمہ خزانہ، صوبہ سرحد۔
 - (۴) ڈائریکٹر، FMIU محکمہ خزانہ صوبہ سرحد۔
 - (۵) سنی معتد برائے فنانس سیکرٹری صوبہ سرحد۔
- فدی محمد علی
میزانیہ انسٹر (۱) محکمہ خزانہ

Handwritten signature or stamp at the bottom left.



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

C
16

RETIREMENT/ENCASHMENT OF L.P.R.

Under the provision Government of Khyber Pakhtunkhwa Finance Department letter No.FD (SR-IV) Vol.II dated 24/08/1983.

Mr. Shamanat Khan Chowkidar GPS No.2 Jabba Khushk NSR is hereby retired from Government service w.e.f 26/3/2016 on superannuation. He is entitled for only lump sum gratuity of one month basic pay per complete year having regular service w.e.f 01/07/2008 less than 10 years.

S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Apptt: on fixed	Transfer to Regular Service	Total Length of service Y-M-D	Remarks
01	Mr. Shamanat Khan Chowkidar GPS No.2 Jabba Khushk NSR	26-3-2016	27/03/1956	17-04-1996	01/07/2008	07-08-25	Retire from Govt. Service on Superannuation. He was regularized w.e.f 01/07/2008

District Education Officer (Male)
Nowshera

4751-54
Distt No. /DEO (M) NSR/EA-S/ Retirement of PST/ Dated Nowshera the 28/3/2016.

Copy of the above is forwarded for information and necessary action to the:-

- 1: Senior District Account Officer, Nowshera.
- 2: Sub Divisional Education Officer (Male), Nowshera
- 3: ADO Circle concerned
- 4: Official concerned.

[Signature]
29/3/2016
District Education Officer (Male)
Nowshera
07/2016

[Handwritten signature]

ATTESTED
[Signature]

DEO صاحب ضلع نوشہرہ
جناب SDEO صاحب ضلع نوشہرہ

دینشن دیکرواجیات

عالی!

تذاریش ہے کہ سال $17 \frac{4}{96}$ کو فیکہ تعلیم
میں CIV فیکسٹ پر پھری ہوا حکیم $7 \frac{1}{2008}$ کو
ریگولر کیا گیا تھا۔

فیکہ $26/3/2016$ کو حکیم پر ریٹائرڈ

ہوا تھا اصل دینشن دیکرواجیات اور ایسی

کے ہیں

لہذا جدید دینشن دیکرواجیات اور

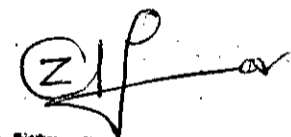
کے ساتھ منسلک فرمیلے

عین واز میں ہوئی



انہ

D.No. 545
dt. 10/10/2017

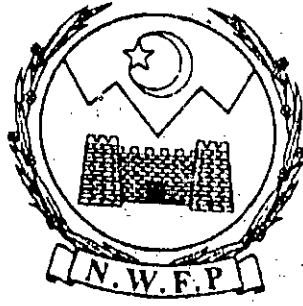


HEAD MASTER
G.P.S No: 2
JABBA KHUSHK
NOWSHERA

شمانت خان (ریٹائرڈ)
24PS
صبر و تحمل نوشہرہ

ATTESTED

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
FINANCE DEPARTMENT



NORTH-WEST FRONTIER PROVINCE
CIVIL SERVANTS PENSION
RULES AND ORDERS

(Corrected and amended up to 15th July 2006)

www.nwfpfinance.gov.pk

ATTESTED
④

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CHAPTER - II

SERVICE QUALIFYING FOR PENSION

2.1 **Conditions of Qualifications** – The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions: -

First – The Service must be under Government.

Second – the service must not be Non-pensionable.

Third – the service must be paid by Government from the Provincial Consolidated Fund.

* Note – (1) For the previous service of displaced Government servants which qualifies for pension see Chapter – VII.

* Note – (2) Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity.

2.2 **Beginning of service** – Subject to any special rules the service of Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

2.3 **Temporary and officiating service** – Temporary and officiating service shall count for pension as indicated below: -

(i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and

(ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity

2.4 **Service in a temporary post on abolition of a permanent post** – If a permanent post, on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation, pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

Note (1) and (2) Substituted vide notification No. SO(SR) V-913/65 Dated 6th May, 1965

7

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TESTED



VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Shamant Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Secretary Education & others


(Respondent)
(Defendant)

I/We Shamant Khan

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

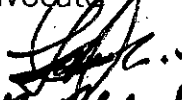
Dated _____/20

 شامانت خان

(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate


TAIMUR ALI KHAN
Advocate


ASAD MAHMOOD
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.

Ph:091-2211391-

0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 135/2018

Mr. Shamanat Khan (Ex-Chowkidar)

..... Appellant

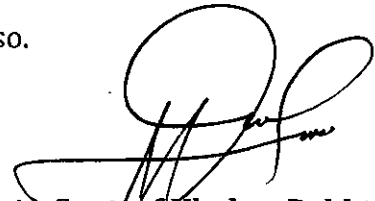
VERSUS

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education
2. The Director (E&SE), Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer (Male), Nowshera.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department
5. The District Accounts Officer, Nowshera: Respondents

WRITTEN STATEMENT ON BEHALF OF SECRETARY FINANCE (RESPONDENT NO. 04)

RESPECTFULLY SHEWETH:

Secretary to Govt. of Khyber Pakhtunkhwa Finance Respondent No. 04 do hereby endorsed/rely on the written statement already filed in in the Hon'ble Tribunal by respondents No. 01,02 & 03 the written statement of respondent No. 01, 02 & 03 may be treated as respondent No. 04 Secretary Finance also.


Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No. 04)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar the 22-05-2019

NOTIFICATION

No.FD(SOSR-II)4-36/2017. In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No.BO-I/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-I/2-1/92-93/I dated: 04.11.1992 and No.B-I/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No & date even

Copy for information and necessary action is forwarded to the.

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director Treasuries & Accounts Khyber Pakhtunkhwa.
10. The Director, Local Fund Audit, Khyber Pakhtunkhwa,
11. Director, FMIU, Finance Department.
12. Budget Officer-XI, Finance Department.
13. Budget Officer-I, Finance Department with reference to their letters quoted above.
14. All District Controller of Accounts Khyber Pakhtunkhwa.
15. All District Account Officers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.


(MOAZZAM KHAN)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1754/ST

Dated 14 / 10 2019

To


The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Nowshera.

Subject: -

JUDGMENT IN APPEAL NO. 135/2018, MR. SHAMANAT KHAN.

I am directed to forward herewith a certified copy of Judgement dated 03.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 135/2018

Shamanat Khan.....Appellant

VERSUS

Secretary (E& SE) &Others..... Respondents

Written comments/reply on behalf of respondent No 1,2 & 3.

Respectively Sheweth,

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this Honorable Tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is barred by law.

On Facts

1. Pertains to record.
2. Pertains to record.
3. Incorrect. Appellant was fixed pay employee and his service was regularized w.e.f: 1/07/2008. The appellant was retired on 17/08/2015. The Worthy Secretary E&SE through Notification No. SO(Lit-1)/E&SE/1-1/2012 Dated 17/05/2018 allowed Pensionary Benefits to all fixed Pay employees (Class-1V) in compliance of the Court Judgment. In view of the above the Petitioner was also held entitled for Pensionary benefits.
4. Incorrect as explained in Para-3 Above.
5. Incorrect as explained in Para-3 Above.

GROUND:

2

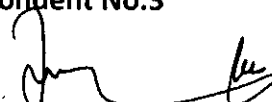
- A. Incorrect as explained in Para-3 Above.
- B. Incorrect as explained in Para-3 Above.
- C. Incorrect as explained in Para-3 Above.
- D. Incorrect as explained in Para-3 Above.

It is therefore, requested before your Honor that the present Service Appeal is illegal, against facts and without force, may kindly be dismissed with cost.


Respondent No.1


Secretary (S & SE),
Govt: of KPK Peshawar.

Respondent No.3


District Education Officer (Male)
Nowshera

Respondent No.2


Director
(E & SE) KPK Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 135/2018

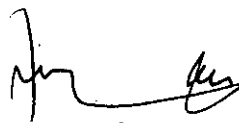
Shamanat Khan.....Appellant

VERSUS

Secretary (E& SE) &Others..... Respondents

AFFIDAVIT

I Fayaz Hussain, District Education Officer (M) Nowshera do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondent are true and correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.


Deponent

(4)

GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

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

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

Dated Peshawar the 17-5 -2018

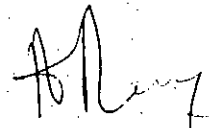
To

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

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

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

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


Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

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

Section officer (Lit-I)

①

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VERSUS

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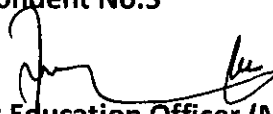
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