

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 197/2018

Date of institution ... 13.02.2018
Date of judgment ... 11.09.2019

Asad Hussain
Ex-Junior Clerk
Office of Deputy Commissioner, Charsadda
Now posted as Secretary U/C M-I
Charsadda Garhi Hamid Gul Mian NHC ... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue Peshawar.
2. The Commissioner, Peshawar Division, Peshawar.
3. The Deputy Commissioner, Charsadda.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 06.10.2017 PASSED BY RESPONDENT NO. 3 WHEREBY THE APPLICATION OF THE APPELLANT FOR REPATRIATION TO THE OFFICE OF RESPONDENT NO. 3 WAS UNLAWFULLY TURNED DOWN AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL TO RESPONDENT NO. 2 WHICH WAS UNLAWFULLY DISMISSED VIDE IMPUGNED APPELLATE ORDER DATED 25.01.2018.

Mr. Khaled Rahman, Advocate .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. AHMAD HASSAN .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Muhammad Arif, Superintendent 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 Junior Clerk in the office of respondent no. 3 i.e Deputy Commissioner Charsadda vide order dated 19.05.1996 and was performing his duty regularly. That in the devolution process of 2001, the appellant alongwith other colleagues were declared surplus and directed to report to the Establishment & Administration Department, Khyber Pakhtunkhwa vide order dated 12.07.2001 where the appellant performed duties for some time but the appellant was again adjusted in the parent department on detailment basis and was posted in Copying Branch vide order dated 27.09.2001. That the appellant performed duties with effect from 27.09.2001 to 19.02.2016 at various stations of parent department but all of sudden, the appellant was again relieved from the office of respondent no. 3 to the office of the Secretary Union Council Ghari Hamid Gul vide order dated 19.02.2016. That the appellant moved application dated 24.08.2017 for his repatriation to the office of respondent no. 3 i.e Deputy Commissioner Charsadda but the same was turned down vide order dated 06.10.2017. The appellant filed departmental appeal on 09.10.2017 but the same was also rejected vide order dated 25.01.2018 hence, the present service appeal.

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

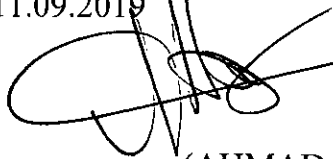
4. Learned counsel for the appellant contended that identical question came before this Tribunal in Service Appeal No. 999/2012 which was allowed vide judgment dated 03.01.2013 followed by another judgment dated 24.06.2015 passed in Service Appeal No. 1192/2014. It was further contended that the case of the appellant is also identical therefore, the appellant being similar placed person is also entitled to the same relief.

M. Amin
11.9.2019

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and prayed for dismissal of appeal.

6. The contention of learned counsel for the appellant is found genuine hence, the present appeal is also disposed off in terms of judgment dated 24.06.2015 passed in Service Appeal Bearing No. 1192/2014 titled "Haji Ahmad Jan Versus Government of Khyber Pakhtunkhwa Board of Revenue through its Senior Member Peshawar and others", being similar and identical with the aforesaid cases. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
11.09.2019



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Service Appeal No. 197/2018

11.09.2019


Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the present appeal is disposed off in terms of judgment dated 24.06.2015 passed in Service Appeal Bearing No. 1192/2014 titled "Haji Ahmad Jan Versus Government of Khyber Pakhtunkhwa Board of Revenue through its Senior Member Peshawar and others", being similar and identical with the aforesaid cases. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED


11.09.2019


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.07.2019 Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Adjourned. To come up for further proceeding on 28.08.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.08.2019 Counsel for the appellant present. Asst: AG alongwith Mr. M. Arif, Supdt for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. Case to come up for arguments on 11.09.2019 before D:B.


Member


Member

29.01.2019


Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant was busy before the Peshawar High Court. Adjourned. Case to come up for arguments on 19.03.2019 before D.B.

(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

19.03.2019 Appellant in person and Mr. Ziaullah, DDA alongwith Zahidur Rahman, and Muhammad Arif, Superintendents for the respondents present.

Rejoinder regarding reply of respondents has been submitted which is placed on record. To come up for arguments on 09.05.2019 before the D.B.


Member


Chairman

09.05.2019

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Zahid Ur Rehman Superintendent and Muhammad Arif Superintendent for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 02.07.2019 before D.B.


(Muhammad Amin Khan Kundi)
Member

17.09.2018

Appellant in person present. Mr. Attaullah, Assistant Secretary alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1500/- which shall be borne by respondents from their own pockets. Case to come up for written reply/comments on 22.10.2018 before S.B.


(Ahmad Hassan)
Member

22.10.2018

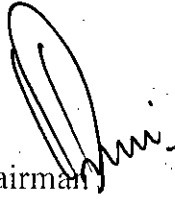
Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 06.12.2018.


Reader

06.12.2018

Counsel for the appellant and Addl. AG alongwith Zahidur Rahman, Superintendent for the respondents present.

Reply on behalf of respondents No. 1, 2 and 3 is submitted. To come up for arguments before D.B on 29.01.2019. The appellant may furnish a rejoinder within a fortnight, if so advised.


Chairman

Service Appeal No. 197/2018

02.05.2018

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zahid-ur-Rehman Superintendent for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 25.06.2018.



Reader

25.06.2018

Appellant absent. However his counsel present. Mr. Muhammad Jan, DDA alongwith Shehryar Khan, Assistant for the respondents present. Written reply not submitted on behalf of respondents. Representative of the respondents requested for adjournment. Granted by way of last chance. To come up for written comments on 13.08.2018 before S.B.



Chairman

13.08.2018

Appellant in person and Mr. Kabirullah Khattak, AAG for the respondent present. Written reply not submitted. Despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- Which shall be borne by respondent from their own pockets. Notices be issue to the respondents. Adjourned. To come up for written reply/comments on 17.09.2018 before S.B.



(Muhammad Amin Kundi)
Member

26.02.2018


Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant was appointed as Junior Clerk in the office of D.C Charsadda on 19.05.1996. As a result of devolution process in 2001 the appellant was declared surplus and directed to report to the Establishment Department on 12.07.2001. Vide order dated 27.09.2001 he was again adjusted in his parent department on detailment basis. He performed duty from 27.09.2001 to 19.09.2016 in various branches of the parent department. That on 19.02.2016 he was again relieve from the office of respondent no.3 and directed to report to the office of Secretary Union Council Ghari Hameed Gul. He filed an application on 24.08.2017 for repatriation which was rejected vide impugned order dated 06.10.2017. He preferred departmental appeal on 09.10.2017 which was rejected on 25.01.2018, hence, the instant service appeal. The appellant has not been treated according to law and rules. The present appeal is time barred.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to limitation. Appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 16.04.2018 before S.B.


(AHMAD HASSAN)
MEMBER



16.04.2018 Clerk of the counsel for appellant and Addl: AG alongwith Mr. Zahid-Ur-Rahman, Supdt for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on **02.05.2018** before S.B.


Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 197/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/02/2018	<p>The appeal of Mr. Assad Hussain presented today by Mr. Khaled Rehman 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-	15/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 197 /2018

Asad Hussain..... Appellant

Versus

The Govt. through SMBR and others Respondents

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3.	Order thereby appellant was declared surplus	12.07.2001	B	7 - 8
4.	Adjustment/posting order of appellant on detailment basis in Copying Branch of Parent Department	27.9.2001	C	9
5.	Relieving order	19.02.2016	D	10
6.	Application for repatriation	24.08.2017	E	11 - 12
7.	Impugned original order	06.10.2017	F	13
8.	Departmental Representation	09.10.2017	G	14 - 15
9.	Impugned appellate order	25.01.2018	H	16 - 17
10.	Adjustment orders of similar surplus employees in the parent Departments	26.01.2006 06.07.2009 17.07.2009 14.04.2009 08.07.2009 30.06.2009	I	18 - 23
11.	Letters/opinion of Establishment Department	27.02.2009 02.04.2009	J	22 - 23
12.	Repatriation orders of former employees of the Commissioner office	06.01.2009 08.07.2009	K	24 - 25
13.	Judgment in Service Appeal No.999/2012	03.01.2013	L	26 - 29
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15.	Wakalat Nama			

Through

Appellant

Khaled Rahman
Advocate
Supreme Court of Pakistan
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 13/10/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 197/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 194

Dated 13-2-2018

Asad Hussain

Ex-Junior Clerk

Office of the Deputy Commissioner,
Charsadda

Now posted as Secretary U/C M-1

Charsadda Garhi Hamid Gul Mian NHC **Appellant**

VERSUS

1. **The Govt. of Khyber Pakhtunkhwa**
through Senior Member Board of Revenue
Peshawar.
2. **The Commissioner,**
Peshawar Division, Peshawar.
3. **The Deputy Commissioner,**
Charsadda **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 06.10.2017 PASSED BY RESPONDENT NO.3 WHEREBY THE APPLICATION OF THE APPELLANT FOR REPATRIATION TO THE OFFICE OF RESPONDENT NO.3 WAS UNLAWFULLY TURNED DOWN AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 WHICH WAS UNLAWFULLY DISMISSED VIDE IMPUGNED APPELLATE ORDER DATED 25.01.2018.

Filed to-day

Registrar **PRAYER:**

On acceptance of the instant appeal, the impugned original order dated 06.10.2017 passed by Respondent No.3 and impugned appellate order dated 25.01.2018 of Respondent No.2 may graciously be set aside and Respondent No.2 may be directed to repatriate/readjust the appellant to the office of Deputy Commissioner, Charsadda alongwith seniority and other service benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant was appointed as Junior Clerk in the office of Respondent No.3 vide order dated 19.5.1996 (*Annex:-A*). Pursuant to the appointment order he submitted arrival report and started performing his duties to the entire satisfaction of the high-ups and no complaint whatsoever, has ever been recorded against him. Later on, appellant took over the charge as Moharrar VRR in the same office.
2. That in the devolution process 2001, the appellant alongwith other colleagues were declared surplus and directed to report to the Establishment & Administration Department, Khyber Pakhtunkhwa vide order dated 12.07.2001 (*Annex:-B*) where the appellant performed duties for some time. However, it is necessary to add here that thereafter, appellant was again adjusted in the parent department on detailment basis and was posted in Copying Branch vide order dated 27.9.2001 (*Annex:-C*).
3. That pursuant to the order *ibid*, performed duties w.e.f. 27.09.2001 to 19.02.2016 at various sections of the parent department with zeal and zest but all of sudden vide order dated 19.02.2016 (*Annex:-D*) appellant was again relieved from the office of Respondent No.3 to the office of the Secretary Union Council Ghari Hamid Gul.
4. That appellant moved an application dated 24.08.2017 (*Annex:-E*) for his repatriation to the office of Respondent No.3 but the same was unlawfully turned down vide impugned original order dated 06.10.2017 (*Annex:-F*) against which appellant preferred departmental Representation (*Annex:-G*) to Respondent No.2 on 09.10.2017 but vide impugned appellate order dated 25.01.2018 (*Annex:-H*) was unlawfully turned down.

5. That similar other employees so rendered surplus in the same devolution process and then adjusted as Secretaries Union Councils, were subsequently transferred/adjusted in the office of DOR, Mardan vide orders dated 26.01.2006, 06.07.2009, 17.07.2009, 14.04.2009, 08.07.2009 and 30.06.2009 (*Annex:-I*) pursuant to the opinion of the Establishment Department vide letters dated 27.02.2009 and 02.04.2009 (*Annex:-J*) and likewise after the restoration of the Commissionerate System, the former employees of the Commissioner office were also repatriated as is evident from the order dated 06.01.2009 and 08.07.2009 (*Annex:-K*).
6. That identical question came before this Hon'ble Tribunal in Service Appeal No.999/2012 which was allowed vide Judgment dated 03.01.2013 (*Annex:-L*) which also followed by another Judgment dated 24.06.2015 passed in Service Appeal No.1192/2014 (*Annex:-M*). Since the case of the appellant is also identical, therefore, he is also entitled to the same relief. hence, this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That this Hon'ble Tribunal vide its judgment dated 03.01.2013 in Service Appeal No.999/2012 while allowing the appeals of Zahoor Ahmad and Hamid Ali Taj Secretaries Union Councils in District Mardan observed as under:-

"In view of the above discussion, the appeal is accepted and Respondent No.2&3 are directed to repatriate the appellant to his parent Department and adjust him against the vacant post of

Senior Clerk. It is further observed that the devolution plan of General Musharaf (R) had played havoc and broken the backbone of Administrative set up. Since the Government is again restoring the Commissionerate System, therefore, instead of fresh recruitments and repatriating the then experienced staff at random, Government should make amendment in the "surplus staff adjustment Policy" specially with respect to the ex-Commissioner and Deputy Commissioner offices staff for readjustment to facilitate smooth running of the above referred offices."

Since the case of the appellant is similar and identical, therefore, appellant is also entitled to the same relief under the law as per the judgments laid down in the case of "*Hameed Akhtar Niazi ...Vs...The Secretary Establishment Division, Government of Pakistan and others*" reported in 1996 SCMR 1185 and in the case of "*Tara Chand and others...Vs...Karachi Water and Sewerage Board, Karachi and others*" reported in 2005 SCMR 499 and another Judgment reported in 2009 SCMR 1 wherein it has been laid down that:

"When a Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of the civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to the other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other forum."

- C. That the appellant has been discriminated inas much as other colleagues of the appellant similarly placed serving in identical circumstances have been repatriated while the same benefit has been refused to appellant without any justification muchless lawful.
- D. That it is clear from the record that after posting in the office of the Assistant Director, Local Government & Rural Development again appellant was adjusted in the parent department and served for long years.

E. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant

Khaled Rahman,
Advocate
Supreme Court of Pakistan

Dated: 13/02/2018

OFFICE ORDER.

Annex A (5)
56

Consequent upon the recommendations of the Chief Minister, NWFP, the following Junior Clerks working against leave vacancies, shall continue as such, purely on temporary basis against the vacant posts subject to their clearance by the Departmental Selection Committee in due course of time with immediate effect. This order shall confer no right of seniority etc prior to their selections as such by DSC. Besides their appointment are purely temporary as before and shall be governed by the terms and conditions already notified in this regard :-

1. Mr. Abdul Akbar S/O Ali Akbar, R/O Village: Dobbiano Kali, P.O: Spins Wari, Teh: & Distt: Charsadda.
2. Mr. Jehanzeb S/O Abdul Haf, R/O Village: Sherpao Teh: Tangi, Distt: Charsadda.
3. Mr. Asad Hussain S/O Mehr Sher, R/O Village: Mohallah: Mirzagan, Teh & Distt: Charsadda.

sd/
DEPUTY COMMISSIONER,
CHARSADDA.

OFFICE OF THE DEPUTY COMMISSIONER, CHARSADDA.

No 11/10-17/G/BC, Dated Charsadda the 19-5 /1996.

Copy forwarded to the :-

1. District Accounts Officer Charsadda, for information.
2. ABC-I for necessary action.
- 3-5. Officials concerned (By name) for information.
- 6-8. Personal file.

[Signature]
DEPUTY COMMISSIONER,
CHARSADDA.

ANRESTI

A

OFFICE ORDER:

In compliance with the letter No. 208/Pool (S.Pool) dated 17.7.2001, dated 17.7.2001 received from Section Officer (S.Pool) Government of HWP Establishment & Administration Deptt Peshawar addressed to the Senior Member Board of Revenue, a copy thereof endorsed to this office:


The following Junior most Officials in respect of the Office of Deputy Commissioner Charsadda declared as surplus vide letter No. 1290-94/PA, dated 10.7.2001 are hereby directed to report to the Establishment & Administration Department (Surplus Pool) for further adjustment/postings:-

S.No.	Name	Designation	CBPS
1.	Rahmat Karim	Junior Clerk	5
2.	Jadeed Gul	..do..	6
3.	Bakhtiar Gul	..do..	6
4.	Hizbullah Jan	..do..	6
5.	Mohammad Kaleem	..do..	7
6.	Meher Mohammad	..do..	5
7.	Liaqat Ali No. 2	..do..	5
8.	Amanullah	..do..	5
9.	Mohammad Tariq	..do..	5
10.	Mohammad Ayaz	..do..	5
11.	Inayatullah No.2	..do..	6
12.	Rab Nawaz	..do..	5
13.	Amjad Ali	..do..	7
14.	Sangeen Shah	..do..	5
15.	Mohammad Khan	..do..	5
16.	Faizur Rahman	..do..	5
17.	Rasool Shah	..do..	5
18.	Musawar Khan	..do..	5
19.	Jan Vaiz	..do..	5
20.	Lutfullah Jan	..do..	5
21.	Jan Mohammad No.2	..do..	5
22.	Zaheer Mohammad	..do..	5
23.	Ghulam Mustafa	..do..	5
24.	Ashfaq Mohammad	..do..	7
25.	Noor Zaman	..do..	5
26.	Shahrayar	..do..	5
27.	Khalid Shah	..do..	5
28.	Qasim Jan	..do..	5
29.	Zainullah	..do..	5
30.	Mushtaq Ahmad No.1	..do..	5
31.	Mushtaq Mohammad No.2	..do..	5
32.	Rafiq Ahmad	..do..	5
33.	Abdur Rashid	..do..	5
34.	Abdul Akbar	..do..	5
35.	Asad Hussain	..do..	5
36.	Sikandar Khan	..do..	5
37.	Asmat Khan	..do..	5
38.	Sardar Shah	..do..	5
39.	Qaisar Khan	..do..	5
40.	Johar Ali	..do..	5

ATTACHED

B


41	Fayaz Mohammad	ADRA	5
42	Mohammad Aftab	Daftari	2
43	Shamsher Ali	..do..	2
44	Kifayatullah	Naib Qasid	1
45	Sher Afzal	..do..	4
46	Ghaniur Rahman	..do..	1
47	Faqir Gul	..do..	4
48	Abdul Ali	..do..	1
49	Alif Gul	..do..	1
50	Malang Jan	..do..	1
51	Ayub Khan	..do..	1
52	Muzaffar Khan	..do..	1
53	Mirza Khan	..do..	1
54	Hassan Jan	..do..	1
55	Yasir Khan	..do..	1
56	Dilawan Ehin	..do..	3
57	Fameed Gul	ikhlas	1
58	Mumtaz Khan	Behishti	1
59	Burkhan	..do..	1
60	Umar Hayat	..do..	1


 G/C DISTRICT COORDINATION OFFICER
 CHARSADDA.
 12/7/2001

No. 2339-45 /DCO, dated Charsadda the 12th July 2001.

Copy forwarded to the:

1. Senior Member Board of Revenue NWFP, Peshawar.
2. Secretary, Establishment & Administration Department Government of NWFP, Peshawar.
3. Secretary, Home & T.As Department Government of NWFP, Peshawar.
4. Secretary, Finance Department Government of NWFP, Peshawar.
5. Section Officer (Surplus Pool) Establishment & Admn Deptt Govt of NWFP, Peshawar.
6. Deputy Commissioner, Charsadda.
7. Official concerned for compliance.


 G/C DISTRICT COORDINATION OFFICER,
 CHARSADDA.
 12/7/2001

ATTESTED

OFFICE ORDER.

Annex "C" 29

No. 92 /DCO/Chd. dated 27/3 2001.

The posting/transfer/adjustment of the following Official on the post noted against each in the Office of Executive Magistrate Charsadda is hereby ordered with immediate effect in the interest of the public.

S.No.	Name of Official	Desig:	Present Posting	Proposed place/ Post of posting
1.	Johar Ali	Moharrir	Ex-DC Office	Executive Magistrate
2.	Janvez	Reader	..do..	..do..
3.	Fayyaz	Typist	..do..	..do..
4.	Yasin Khan	N/Q	..do..	..do..
5.	Saeed Jan Masih	Sweeper	..do..	..do..
6.	Azmat Khan	Copiest	..do..	Copying Branch Tangi
7.	Musawar	..do..	..do..	..do..
10.	Sangeen Shah	Jr. Clerk	Ex. DC Office	Record Keeper in VRR
11.	Mushtaq Ahmad No.2	..do..	..do..	ARK VRR
12.	Mushtaq Ahmad No.1	..do..	..do..	Moharrir Goshwar Deewani
13.	Zainullah	..do..	..do..	Moharrir Goshwar Faujdari
14.	Qasim Jan	..do..	..do..	Moharrir Wasoli
15.	Khalid Shah	..do..	..do..	Moharrir Wapasi
16.	Shahryar	..do..	..do..	Kuliat Faujdari
17.	Noor Zaman	..do..	..do..	Kuliat Deewani
18.	Ashfaq Ahmad	..do..	..do..	Moharrir Talaf
19.	Ghulam Mustafa	..do..	..do..	Moharrir Malkahma Faujdari
20.	Zaheer Mohammad	..do..	..do..	..do..
21.	Lutfullah Jan	..do..	..do..	Diarest/Despatcher
24.	Rasool Shah	Copiest	..do..	Copyest Branch Charsadda
25.	Asad Hussain	..do..	..do..	..do..
26.	Faizur Rahman	..do..	..do..	..do..
27.	Naeem Jan	N/Q	..do..	Naib Qasid
28.	Dilawar Khan	N/Q	..do..	Naib Qasid

DISTRICT COORDINATION OFFICER
CHARSADDA.

No. 93 - 96 /DCO/Chd.

Copy forwarded to:

1. District Magistrate Charsadda.
 2. Judicial Magistrate Tangi
 5. District Accounts Officer, Charsadda.
 6. Official concerned.
- For information.

DISTRICT COORDINATION OFFICER
CHARSADDA.



OFFICE OF THE
DEPUTY COMMISSIONER
CHARSADDA

Dated: 19.02.2016

OFFICE ORDER

NO. DC (CHD) Estt 7(11) Office Order: 858-62 Mr. Asad Hussain, Secretary NHC Ghari Hameed Gul Mian, is hereby relieved from this office and directed to report his parent office immediately.

Furthermore, Khanzada Rander to ADC Charsadda is directed to take over the charge of the Court Moharir from Mr. Asad Hussain, whereas Mr. Jauhar Ali Junior Clerk/Incharge Record Room is authorized to issue attested copies of files under the rules, till further orders, with immediate effect.

DEPUTY COMMISSIONER
CHARSADDA

Encls: Even No. & Date

Copy forwarded to:

1. The Additional Deputy Commissioner Charsadda.
2. The Assistant Director, CRPD, Charsadda. For information
3. Officials concerned for copy, finance.

DEPUTY COMMISSIONER
CHARSADDA

ATTENDED

D

To

The Deputy Commissioner,
District Charsadda.

Annex "E" - 11

Through: Assistant Director, Local Govt. & Rural Development Department

Subject: Departmental appeal for re-adjustment at Parent Department i.e. Office of the Deputy Commissioner, Charsadda.

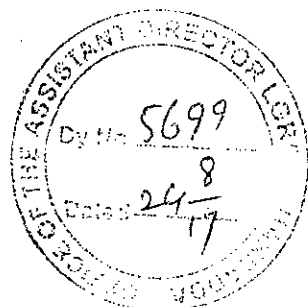
Respected Sir,

With due respect I have the honour to submit this departmental appeal/representation for your kind consideration and favourable action on the following facts and grounds:

1. That the applicant was appointed as Junior Clerk way back in the year 1996 in the office of the Deputy Commissioner, Charsadda vide office order dated 19.05.1996 (*Annex:-A*).
2. That consequently the appellant took over charge as Moharrar VRR, Charsadda as consequence of order No.780-85 dated 04.04.1996 (*Annex:-B*).
3. That the appellant after termination was reinstated by the Hon'ble Service Tribunal vide Judgment dated 31.08.1999.
4. That on 06.11.1999 vide office order No.5273-89 (*Annex:-C*) the appellant was again posted at the office of Deputy Commissioner, Charsadda.
5. That after devolution plan 2011, the appellant alongwith other colleagues were declared surplus and were directed to report to the Establishment & Administration Department, Khyber Pakhtunkhwa vide order No.2339-45 dated 12.07.2001 DCO Charsadda. (*Annex:-D*).
6. That the appellant was again adjusted in Copy Branch DCO Charsadda vide order No.92/DCO/Chd dated 27.09.2001 of DCO Charsadda (*Annex:-E*).
7. That since then the appellant performed his duties at various Sections of the office of the Deputy Commissioner, Charsadda till 19.02.2016.
8. That finally on 19.02.2016, vide office order No.858-62 the appellant was relieved of his duties and posted as Secretary Union Council Ghari Hamid Gul UC No.1, Charsadda (*Annex:-F*).
9. That while obeying the order, appellant took charge at concerned Union Council but aggrieved from the order dated 19.02.2016 of the Deputy Commissioner, Charsadda, the appellant filed present departmental appeal on the following grounds:-

Grounds:

- A. That the appellant was appointed as Junior Clerk at the office of the Deputy Commissioner Charsadda and throughout performed his duties there for long 20 years.
- B. That the appellant suffer various financial and career progressions loss at the Local Govt. Department.



ATTACHED

- C. That the appellant has been deprived of his seniority and promotion. - 12
- D. That the appellant has also not been treated according to law.
- E. That one of appellant's colleagues namely Ahmad Jan was also repatriated to the Deputy Commissioner Office, Charsadda as his parent Department as consequence of Hon'ble Service Tribunal Judgment dated 24.06.2015 in Service Appeal No.1192/2014. It is settled principle of august Supreme Court of Pakistan that benefit will be extended to the persons placed in similar situation. So the case of appellant is also identical with that of Ahmad Jan.
- F. That the appellant has sufficient experience and understanding of various sections of the office of the Deputy Commissioner, Charsadda.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the appellant may kindly be adjusted at the office of the Deputy Commissioner, Charsadda at his parent Department.

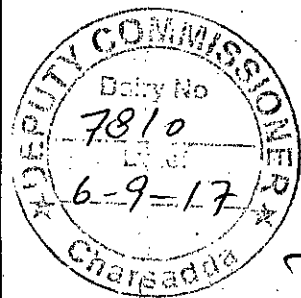
Yours faithfully

Asad Hussain
 Asad Hussain,
 Junior Clerk
 Presently Secretary
 Union Council
 Ghari Hamid Gul,
 M.C-1, Charsadda

Dated: 24/08/2017

Dear Sir!

Forwarded Plz.



DC

ATTACHED

24/08/17

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OFFICE OF THE
DEPUTY COMMISSIONER
CHARSADDA

-13

No. DC(CHD)Estt./AD/ 5792

Dated: 06/10/2017

To

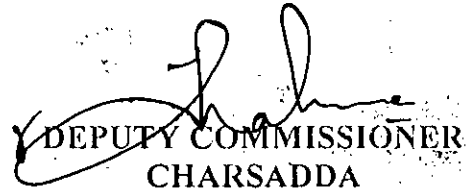
Annex F²

Mr. Asad Hussain
Secretary, Union Council,
Garhi Hameed Gul.

Subject: DEPARTMENTAL APPEAL

Reference your Departmental appeal dated 24.08.2017 for re-adjustment as Junior Clerk or any other vacant post in this office.

You are therefore, informed that your Departmental appeal is not maintainable in accordance with the surplus pool policy.


DEPUTY COMMISSIONER
CHARSADDA

ATTESTED

9/F

To.

The Commissioner,
Peshawar Division, Peshawar.

Annex "G"

- 64

Subject:- DEPARTMENTAL APPEAL FOR RE-ADJUSTMENT AT PARENT DEPARTMENT I.E OFFICE OF THE DEPUTY COMMISSIONER CHARSADDA.

Respected Sir,

With due respect I have the honor to submit this departmental appeal for your kind consideration and favorable action on the following facts and grounds:

1. That the applicant was appointed as Junior Clerk in the year 1996 in the office of the Deputy Commissioner Charsadda (annexure-A).
2. That consequently the appellant took over charge as Moharrar VRR, Charsadda as consequence of order No. 780-85 dated 04.07.1996 (Annex-B).
3. That the appellant after termination was reinstated by the Honorable Service Tribunal vide Judgment date 31.08.1999.
4. That on 06.11.1999 vide office order No. 5273-89 (Annex-C) the appellant was again posted at the office of Deputy Commissioner Charsadda.
5. That after devolution plan 2011, the appellant along with other colleagues were declared surplus and were directed to report to the Establishment & Administration Deptt, Khyber Pakhtunkhwa vide order No. 2339-45 dated 12.7.2001 DCO Charsadda (Annex-D).
6. That the appellant was again adjusted in Copy Branch DCO Charsadda vide order No.92/DCO/Chd dated 27.09.2001 of DCO Charsadda (Annex-E).
7. That since then the appellant performed his duties at various section of the office of the Deputy Commissioner, Charsadda till 19.02.2016.
8. That finally on 19.02.2016, vide office order No. 858-62 the appellant was relieved of his duties and posted as Secretary Union Council Garhi Hamid Gul U/C No.1 Charsadda (Annex-F).
9. That while obeying the order, appellant took charge at concerned Union Council but aggrieved from the order dated 19.02.2016 of the Deputy Commissioner Charsadda, the appellant filed present departmental appeal on the following grounds:-

Grounds:

- A. That the appellant was appointed as Junior Clerk at the office of the Deputy Commissioner Charsadda and throughout performed his duties there for long 20 years.
- B. That the appellant suffered various financial and career progressions loss at the Local Govt.

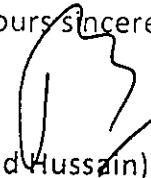
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15

- C. That the appellant has been deprived of this seniority and promotion.
- D. That the appellant has also not been treated according to law.
- E. That one of appellant's colleagues namely Ahmad Jan was also re-patriated to the Deputy Commissioner Office, Charsadda as his parent Deptt: as consequence of Honorable Service Tribunal judgment dated 24.06.2015 in Service Appeal No.1192/2014. It is settled principle of august Supreme Court of Pakistan that benefit will be extended to the persons placed in similar situation. So the case of appellant is also identical with Mr. Ahmad Jan.
- F. That the appellant has sufficient experience and understanding of various sections of the office of the Deputy Commissioner Charsadda.
- G. That I have filed a Departmental appeal in the office of the Deputy Commissioner Charsadda for re-adjustment on any vacant post but my appeal was not considered on the ground "that the appeal is not maintainable according to the Surplus pool policy". (Annex-G)

It is therefore humbly requested that on acceptance of this departmental appeal, the appellant may kindly be adjusted at the office of the Deputy Commissioner Charsadda at his parent department.

Yours sincerely,



(Asad Hussain) Ex-J/Clerk

Present Secretary U/C MC-I Charsadda
Garhi Hameed Gul Mian NHC.

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- 16

**IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

DATE OF INSTITUTION 09.10.2017.
DATE OF DISPOSAL 25.01.2018
APPEAL No. /2015.

Annex "H"

**MR. ASAD HUSSAIN Ex JUNIOR CLERK, PRESENTLY SECRETARY UNION COUNCIL MC-I
CHARSADDA.**

(APPELLANT)

VS

DEPUTY COMMISSIONER CHARSADDA.

(RESPONDENT)

Claim: **DEPARTMENTAL APEPAL**
ORDER

1. This order will dispose of the appeal filed by the above named appellant challenging the order dated 19.02.2016 of the Deputy Commissioner Peshawar Charsadda whereby vide office dated 19.02.2016 the appellant was relieved from his office and reported to report to his parent department for further duty. Aggrieved of the same the present appeal was filed by the appellant with pray for setting aside the impugned order. Facts of the case leading to filing of instant appeal are that the appellant was appointed as Junior Clerk in the year 1996 in the office of Deputy Commissioner Charsadda vide proper office order on the recommendations of the Chief Minister Khyber Pakhtunkhwa against the leave vacancy. In compliance of the directions of the Provincial Government, the Deputy Commissioner Charsadda vide order dated 25.03.1997 terminated the services of the appellant as chowkidar being irregularly appointed, however, the Khyber Pakhtunkhwa Service Tribunal re-instated the appellant alongwith others and in compliance thereof, the Deputy Commissioner Charsadda re-instated the appellant as Junior Clerk in his office vide office order dated 06.11.1999. In compliance of the directions of the Establishment & Administration Department, Government of Khyber Pakhtunkhwa, the Deputy Commissioner Charsadda vide office order dated 12th July-2001 declared the appellant alongwith others as "surplus" and directed to report to Establishment Department. The appellant was again posted in the office of Executive Magistrate Charsadda in copying branch vide office order dated 27.09.2001. The appellant was adjusted as Secretary Union Council Hisara Yasinzai on 16.11.2011 by the Deputy Commissioner Charsadda and subsequently

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ATTENDED

readjusted as Secretary Union Council Rajjar-II against the vacant post on December-11, 2011 by withdrawing order dated 16.11.2011 by the competent authority/Deputy Commissioner Charsadda. The Union Councils came in domain of the Local Government department and employees already adjusted therein became employees of Local Government ~~parent~~ department and thus considered as repatriated to their parent department including the case of the present appellant

2. Comments asked from the Deputy Commissioner Office Charsadda received and examined. The Appellant was also heard in person. Available record on file also consulted. From perusal of the comments and record it is evident that as per existing policy of surplus pool of the Provincial Government it is clear that an official once adjusted in an office can not be readjusted in another office. The appellant has been readjusted in the Local Government department as Secretary Union Council. Though he served in the District Administration on various posts but he remained on the strength of the Local government all along and never considered as a permanent employee of the Deputy Commissioner Office Charsadda.
3. In view of the position explained above, the appeal of the appellant stands dismissed and office order dated 19.02.2016 is upheld. File to GRR.

M. J. Khan

COMMISSIONER
PESHAWAR DIVISION PESHAWAR

Announced
25.01.2018

Attested

A. Ansari

26/1/2018

Reader to Commissioner
Peshawar Division Peshawar

ATTACHED

Annex I

17

OFFICE OF THE DISTRICT COORDINATION OFFICER, MARDAN.

Dated, Mardan, the 26/11 12006.

OFFICE ORDER.

The following Mutual posting/transfer is hereby ordered with immediate effect in the public interest.

S.NO.	Name & Designation	From	To	Remarks.
1-	Mr.Samiullah J/C/Secretary	U/C Khazana Dheri	District Officer (R&E) Mardan.	Vice-2
2-	Mr.Aziz Gul J/C Reader to Naib Tehsildar Takht Bhai.	District Officer (R&E), Mardan.	U/C Khazana Dheri	Vice-1

By Order of
District Coordination Officer
Mardan.

No. 611-16 /DCO(M)/EA.

Copy forwarded to:

- 1- District Officer (R&E), Mardan.
- 2- District Accounts Officer, Mardan.
- 3- Nazim U/C Khazana Dheri.
- 4- Officials Concerned.

Attested to be
True Copy

Assistant Coordination Officer
Mardan

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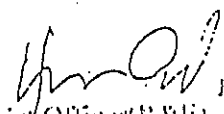
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ANNEX I

OFFICE ORDER.

In pursuance of letter No.19214/Admn/H/Israr Adjust dated 4.7.2009 received from Assistant Secretary (Estab) Board of Revenue NWFP, vide which Mr. Israr Muhammad Junior Clerk office of the defunct Deputy Commissioner Office Mardan presently Constable in Excise Department Mingora Swat has been adjusted in the office of District Officer (Revenue & Estate) Mardan against the post of Junior Clerk.


In view of above Mr. Israr Muhammad Junior Clerk is hereby posted as Junior Clerk/Reader to Dy: District Officer (Judl) Mardan with immediate effect.


District Officer (R&E)
Mardan.

OFFICE OF THE DISTRICT OFFICER (REV. & ESTATE) MARDAN.

No. 115-22/Off:Order/Fin/DO(R&E) Dated Mardan the 4/2/2009.

1. The District Coordination Officer Mardan for information please. (Copy of Assistant Secretary (Estab) Board of Revenue, NWFP Peshawar letter No.19214/Admn/H/Israr Adjust dated 4.7.2009 is enclosed).
2. The Director General Excise & Taxation Department NWFP Peshawar for information and necessary action please.
3. The Assistant Secretary (Estab) Board of Revenue NWFP w/r to above for information.
4. The Excise & Taxation Officer Mingora Swat for information and necessary action please.
5. The District Accounts Officer Mardan.
6. The D.D.O. (R)/(J) Mardan
7. The Official concerned for compliance.


District Officer (R&E)
Mardan.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 197 /2018

Asad Hussain.....Appellant

Versus

The Govt. through SMBR and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. Appellant has got a strong cause of action and for that matter locus standi to file the instant appeal. The estoppel does not run against the law. All the proper and necessary parties have been arrayed as Respondents in the instant appeal being filed within time.

Facts:

1. Being not replied hence admitted.
2. Incorrect hence denied: Appellant was the employee of the Respondent No.3. The appellant has no concerned with the LG&RDD who was declared surplus in the devolution process in 2001.
3. Incorrect. As earlier submitted, appellant was appointed against the post of Junior Clerk by the Respondent No.3. Appellant was again adjusted in the parent Department on detailement basis and was posted in Copying Branch where appellant performed his duties till 19.02.2016 which he was later on again relieved from the office of

Respondent No.3 to the office of the Secretary, Union Council, Gharhi Hamid Gul.

4. No plausible reply has been submitted which amounts to admission.
5. Incorrect hence vehemently denied. The Respondent Department in identical circumstances has transferred/adjusted in the parent Department, even after the restoration of the Commissionrate System, former employees of the Respondent Department have also been repatriated.
6. Incorrect hence emphatically denied. Identical questions have also been allowed by this Hon'ble Tribunal in different Service Appeals, therefore, appellant is also entitled for the same relief.

Grounds:

- A. Incorrect. The appellant was not treated according to law. Moreover, he approached the department in time and was unlawfully deprived to his legal right.
- B. That the reply of the Ground-B is not satisfactory because, this Hon'ble Tribunal while the allowing the appeals of the Zahoor Ahmed and Hamid Ali directed the department to adjust the them against the posts being repatriated and experienced staff instead of fresh recruitments. Thus appellant is also entitled for the same treatment as per SCMR 2009 page 01.
- C. Incorrect. Appellant has been discriminated, moreover, appellant applied in time to the department.
- D. Incorrect. No satisfactory reply is given in the para No.04.
- E. The appellant seeks permission to raised additional objections and grounds at the time of arguments.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

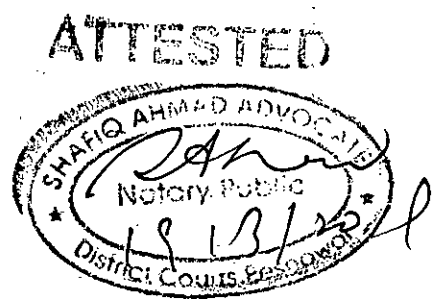
[Signature]
Appellant
Through
[Signature]
Khaled Rahman
Advocate, Peshawar

Dated: 19/03/2019

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Appellant

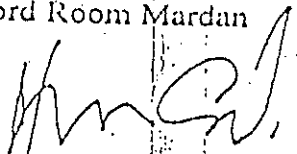


OFFICE ORDER.

-19

In pursuance of letter No.20079/Admn:II/Insr/Adjst dated 16.7.2009 received from Assistant Secretary (Estab) Board of Revenue NWFP, vide which Mr. Malak Junaid Junior Clerk office of the defunct Deputy Commissioner Office Mardan presently Constable in Excise Department Mardan has been adjusted in the office of District Officer (Revenue & Estate) Mardan against the post of Junior Clerk.

In view of above Mr. Malak Junaid Junior Clerk is hereby posted as Junior Clerk in this office. He is directed to work as Moharir in the General Record Room Mardan


District Officer (R&E)
Mardan.

OFFICE OF THE DISTRICT OFFICER (REV. & ESTATE) MARDAN.

No. 2-013-2/Off:Order/Fin/DO(R&E) Dated Mardan the 17/7/2009.

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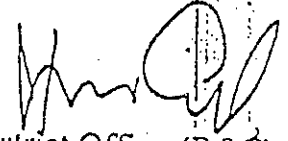
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- 1. The District Coordination Officer Mardan for information please. (Copy of Assistant Secretary (Estab) Board of Revenue, NWFP Peshawar letter No.20079/Admn:II/Insr/Adjst dated 16.7.2009 is enclosed).
- 2. The Director General Excise & Taxation Department NWFP Peshawar for information and necessary action please.
- 3. The Assistant Secretary (Estab) Board of Revenue NWFP w/r to above for information.
- 4. The Excise & Taxation Officer Mardan for information and necessary action please.
- 5. The District Accounts Officer Mardan.
- 6. The D.D.O. (R) / (J) Mardan
- 7. The Official concerned for compliance.

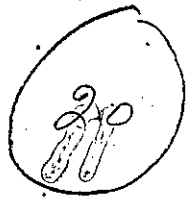

District Officer (R&E)
Mardan.

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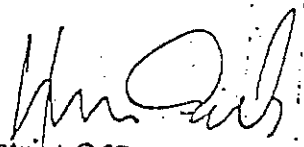
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OFFICE ORDER.



In pursuance of office order issued vide ednst: No.2013-18/DCO(M) dated 16.7.2009 by the District Coordination Officer Mardan vide which Mr. Liaqat Ali Junior Clerk office of the defunct Deputy Commissioner Office Mardan presently posted as Junior clerk in the Govt: College Mardan has been adjusted in the office of District Officer (Revenue & Estate) Mardan against the post of Junior Clerk.

In view of above Mr. Liaqat Ali Junior Clerk is hereby posted as Junior Clerk in this office against the vacant post. He is hereby directed to work as Copying Clerk in the District Kanungo Branch Mardan.



District Officer(R&E)
Mardan.

OFFICE OF THE DISTRICT OFFICER (REV: & ESTATE) MARDAN.

No. 2021-27 / Off: Order/Fin/DO(R&E)

Dated Mardan the 17 / 7 / 2009.

1. The District Coordination Officer Mardan w/r to office order No, referred to above for information please.
2. The Principal Govt: Post Graduate College Mardan.
3. The District Accounts Officer Mardan.
4. The DDO(R) Mardan.
5. The District Kanungo Mardan.
6. The Copying Agent Copying Branch Mardan.
7. The official concerned for compliance.


District Officer(R&E)
Mardan.

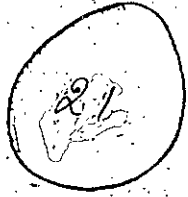
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OFFICE OF THE
DISTRICT COORDINATION OFFICER
BUNER.

No. 2045 DCO(Buner)/Estt:1/2007,
Dated Daggar the 14/4/2009.



OFFICE ORDER.

In pursuance of the Govt: OFNWFP, Establishment Department (Section-E-V) Peshawar NO:SOE-V(E&AD)/3-4/2007, Dated May 30th 2007, Mr Sadaqat Ali Junior clerk in the then Deputy Commissioner Office Buner, presently working as Secretary union Council Gokand is hereby transferred /Posted as Junior Clerk against the vacant post in the Office of District Officer Revenue & Estate Buner with immediate effect in the best public interest.

[Signature]
DISTRICT COORDINATION OFFICER,
BUNER.

No: _____ /Estt:1/DCO(B)

Copy forwarded to the:

1. District officer Revenue & Estate Buner.
2. The District accounts Officer Buner.
3. The Official concerned for compliance.

[Signature]
DISTRICT COORDINATION OFFICER,
BUNER.

[Signature]
Attested to be
True Copy

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[Signature]

OFFICE OF THE
DISTRICT COORDINATION OFFICER,
BUNER.

5

Amir

No: 1274 /Estt:1
Dated Daggar the 27th February, 2009.

22

To: The Secretary to Govt:
OF NWFP Establishment Department
Peshawar.

Subject: TRANSFER OF MR. SADAQAT ALI SECRETARY UNION
COUNCIL.

Memo:

Mr. Sadaqat Ali was serving in the Office of the then Deputy Commissioner Buner, as junior clerk prior to devolution, he became surplus and adjusted as secretary union council where he is serving till now. Now vacancy of junior clerk has been occurred due to promotion of one j/c to the post of senior clerk over which Mr. sadaqat Ali has applied for transfer/ adjustment.

You are therefore requested to kindly advise this office as to whether we can transfer Mr. Sadaqat Ali from the post of secretary union council to the office of Revenue and Estate Buner as junior clerk or otherwise.

DISTRICT COORDINATION OFFICER;
BUNER.

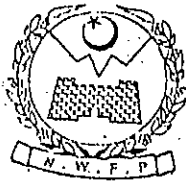
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GOVERNMENT OF N.W.F.P.
ESTABLISHMENT DEPARTMENT.

NO.SOE-V (E&AD)/3-4/2007
Dated Peshawar, the April 2, 2009

213

To

The District Coordination Officer,
Buner.

Subject: Transfer of Mr. Sadaqat Ali Secretary Union Council-

Dear Sir,

I am directed to refer to your letter No.2045.dco(Buner)Estt: /1/2007 dated 13/3/2009 on the subject noted above and to invite your kind attention to the instruction of the government on the subject case that whenever officers/official of lower pay scales are posted against higher pay scales due to exigencies of service or through adjustment, the said posts automatically shall stand downgraded as long as the said incumbents stays against such posts. Departments concerned while issuing posting notification must also notify downgradation of the posts simultaneously with a copy to the Accountant General NWFP, Finance and Establishment and Administration Department (Copy enclosed for ready reference).

Yours faithfully

[Signature]
SECTION OFFICER(E-V) 2-4-09

ER

[Handwritten signature]
Dco, Buner

Attested to be
True Copy

ATTESTED

ATTESTED

OFFICE OF THE
COMMISSIONER MARDAN DIVISION.

NO. 14-23 /PSC(M)

Dated MARDAN THE 6 /01/2002.

To,

- 1- The District Coordination Officer, Mardan.
- 2- The Executive District Officer (F&P) Mardan.
- 3- The Executive District Officer (Agriculture) Mardan.
- 4- The Executive District Officer (S & L) Mardan.
- 5- The Executive District Officer (Health) Mardan. / SWABI
- 6- Medical Superintendent, DHQ: DHQ: Hospital Mardan.
- 7- XEN Irrigation Department Swabi.
- 8- Principal Government Post Graduate College Mardan.
- 9- Principals GHSS Mayar, Garhi Kapura and Dheri Likpani.

Annex "K"

Subject:- ATTACHMENT OF MINISTERIAL STAFF IN COMMISSIONER OFFICE MARDAN.

Memo:

In continuation of this office letter No.52-73/PAC, 70-77/PAC dated 07-12-2008, No.39-51/PSC(M), No. 52-58/PAC dated 16-12-2008 and No.179-82 dated 20-12-2008 wherein the staff pertaining to your respective offices have temporarily been attached with Commissioner office. Their permanent absorption in this office is under consideration, however you are advised to maintain their service/salaries as such in your department till further order. No relieving of staff may be made at the moment:-

S.NO.	NAME OF OFFICIAL	PRESENT POSTING
01	Mr.Murad Ali Shah, SS.Stenographer	XEN Irrigation Department Swabi.
02	Mr.Muhammad Ali, Assistant	EDO Agriculture Deptt: Mardan
03	Mr.Khalid Pervez Senior Clerk	EDO (S&C) Mardan.GHSS Garhi Kapoora
04	Mr.Sharif Khatun, Clerk	EDO (S&C) Mardan GHSS Dheri Likpani (Katlang)
05	Syed Shah Hussain, J/Clerk	GPCC, Mardan
06	Mr.Tahir Shah, J/Clerk	EDO (S&C) Mardan GHSS Mayar
07	S.Maqbool Shah, J/Clerk	EDO (S&C) Mardan
08	Mr.Aftab Ali, J/Clerk	MS Hospital Mardan
09	Mr. Mushtaq A...	Swabi.
10	Mr.Farooq Zaman J/Clerk	Health Deptt: Swabi
11	Mr.Anwar Shed Driver	EDO(F&P) Mardan
12	Mr.Sakhi Tay	-do-
13	Mr.Alamzeb N/Q	DCO, Office, Mardan
14	Mr.Ziarat Khan, N/Q	Union Council
15	Mr.Abdul Wadood	DCO, Office Mardan
16	Mr.Akbar Ali N/Q	Union Council
17	Mr.Sherin Zar N/Q	Education Deptt:

Attested to be
True Copy
COMMISSIONER,
MARDAN DIVISION.

NO. /EA

Copy forwarded to all staff for information and necessary action.

ATTESTED

4. Officials concerned.

ATTESTED

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OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN.

OFFICE ORDER

The posting/adjustment of the following ministerial staff against the following posts in the office of undersigned is hereby ordered with immediate effect in the best public interest:-

S No.	Name of Official & Designation	From	To	Remarks
01	Mr. Muhammad Ali, Assistant (BS-14)	EDO, Agriculture (Fisheries Dept)	Commissioner Office, Mardan	Vice No.3
02	Mr. Khalid Parvez, Senior Clerk (BS-09)	GHSS Garhi Kapoora	Commissioner Office Mardan	Against the vacant post of Assistant in his own pay & scale.
03	Mr. Arshad Ali, Assistant (BS-14)	Commissioner Office Mardan	Services placed at the disposal of DCO Mardan for further posting against the post of Assistant in EDO (Agriculture) Office Mardan in his own pay & scale.	
04	Mr. Attab Ali, Junior Clerk (BS-07)	EDO (Health) Office Mardan	Commissioner Office Mardan	Vice No.5.
05	Mr. Muhammad Abid, Junior Clerk (BS-07)	Commissioner Office Mardan	Services placed at the disposal of DCO Mardan for further posting against the post of J/C (BS-07) in Health Department Mardan.	
06	Syed Shah Hussain, Junior Clerk, (BS-07)	Govt. Post Graduate College Mardan.	Commissioner Office Mardan	Vice No.07.
07	Mr. Muhammad Abbas, Junior Clerk (BS-07)	Commissioner Office Mardan	Services placed at the disposal of DCO Mardan for further posting against the post of J/C (BS-07) in Govt. Post Graduate College Mardan.	
08	Syed Maqbool Shah, Junior Clerk/Lab Assistant (BS-07)	EDO (Education) Mardan	Commissioner Office Mardan	Vice No.09
09	Mr. Tariq Hassan, Junior/Lab Assistant Clerk (BS-07)	Commissioner Office Mardan	Services placed at the disposal of DCO Mardan for further posting against the post of Lab Assistant (BS-07) in Education Department, Mardan.	

Attested

Sd/-
COMMISSIONER,
MARDAN DIVISION, MARDAN.

No. 1426-32-102/01/EJ/ACR

Dated Mardan, the 13/07/2009.

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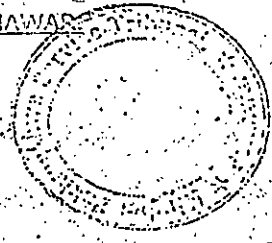
- 1- The District Coordination Officer, Mardan.
- 2- The Executive District Officer (Agriculture), Mardan.
- 3- The Executive District Officer (Education), Mardan.
- 4- The Executive District Officer (Health), Mardan.
- 5- The District Accounts Officer, Mardan.
- 6- Principal, Govt. Post Graduate College Mardan.
- 7- Principal, GHSS, Mayar.

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Assistant to Commissioner (Rev),
for Commissioner, Mardan Division,
Mardan.

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Appeal No. 999/2012

Date of Institution 11.9.2012
Date of Decision 3.01.2013

Zahoor Ahmad, Secretary U/C Rustem/Senior Clerk,
Mardan.

(Appellant)

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VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary, Establishment & Administration Civil Secretariat, Peshawar.
2. The District Coordination Officer, District, Mardan.
3. The District Officer (Revenue & Estate) Peshawar.
4. Samiullah, Junior Clerk, Distt. Officer (R&E) Mardan.
5. Muhammad Sohail, Junior Clerk, District Officer (R&E) Mardan.
6. Ghulam Sarwar, Junior Clerk, DCO office, Mardan. (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, AGAINST THE IMPUGNED ORDER COMMUNICATED VIDE LETTER DATED 4.9.2012 ISSUED BY RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS REJECTED/FILED.

M.S. KHALID RAHMANI,
Advocate

For appellant.

MR. SHERAFGAN KHATTAK,
Addl. Advocate General

For official respondents.

MR. AMJAD ALI,
Advocate

For private respondents.

MR. NOOR ALI KHAN,
SYED MANZOCR ALI SHAH,

MEMBER
MEMBER

JUDGMENT

MR. NOOR ALI KHAN, MEMBER - This appeal has been filed by Zahoor Ahmad, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 4.9.2012 issued by respondent no.2, whereby his departmental appeal for repatriation to parent department has been rejected. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant be repatriated to his parent department and adjusted against the vacant post of Senior Clerk with all other consequential benefits.

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2. Brief facts of the case are that the appellant was initially appointed as Junior Clerk on 3.6.1992 in the office of the then Deputy Commissioner Mardan and later on promoted to the post of Senior Clerk. The department has also maintained service book of the appellant wherein necessary entries have been made from time to time. At the moment appellant has at his credit more than 29 years service. In the year 2001 the Devolution system was introduced under which the Commissionerate System was abolished resultantly appellant and others were declared surplus and were placed under the surplus pool. Vide order dated 8.9.2001 appellant was adjusted as Secretary Union Council Maho Dheri Mardan and later on posted to Union Council Rustan (Mardan) where he has been performing his duties till date. Recently three vacancies of Senior Clerks in the office of respondent No. 3 became vacant. The appellant filed departmental representation to respondent No. 2 on 25.6.2012 for his adjustment against one of the posts, which was rejected/filed vide impugned order communicated vide letter dated 4.9.2012, hence the present appeal.

- 27



3. The appeal was admitted to regular hearing on 20.9.2012 and notices were issued to the respondents. The respondents have filed their written replies and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has not been treated in accordance with the law, rules and policy on the subject. In similar circumstances other colleagues of the appellant namely Malak Junaid, Israr Muhammad, Liaqat Ali, Kifayat Rahman, Junior Clerks working in Deceased Deputy Commissioner office became surplus due to devolution plan and then adjusted in other departments. On creation of posts, they were repatriated and readjusted in their parent department. Mr. Liaqat Ali and Kifayat Rahman, who were adjusted in the Education Department, Malak Junaid and Israr Muhammad in Excise & Taxation Department were repatriated and readjusted in DOR office Mardan. Similarly private respondent No. 1 namely Samiullah, who was adjusted as Secretary Union Council, has been transferred mutually and adjusted as Junior Clerk in DOR office Mardan vide order dated 26.1.2006. Likewise, M/S Murid Ali, Assistant, adjusted in Fisheries/Agriculture Department, Khalid Pervez, Senior Clerk in Education Department, Aftab Ali Junior Clerk in Health Department, Syed Shah Hussain, Junior Clerk in Education Department, Syed Maqbool Shah, Lab. Assistant in Education Department, and Tariq Hussain, Lab. Assistant in Education Department were repatriated and re-adjusted in Commissioner office Mardan, vide order dated 11.7.2009. On 1.11.2009, six more officials of various categories adjusted in other

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departments permanently have been repatriated and re-adjusted in their Department i.e. Commissioner's office Mardan. He further argued that no policy regarding adjustment of ex-staff has been framed by the respondents as yet, and they are trying to adjust them through pick and chose, the practice against the law/rules. All the citizens are equal before law and should be treated equally in accordance with the law as per Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan. The appellant being adjusted against a wrong post was more deserving for repatriation and adjustment in his parent department but he has been discriminated. He requested that the appeal may be accepted as prayed for.

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6. The learned counsel for private respondents No. 4 to 6 opposed the plea taken by the appellant regarding repatriation of his other colleagues to the office of District Officer (Revenue & Estate) Mardan because the persons as referred to above are almost Junior Clerks and Assistants while the appellant is a Senior Clerk. The appellant while serving as Senior Clerk in the defunct Deputy Commissioner Office Mardan became surplus due to devolution plan. He was then adjusted as Secretary Union Council and after 11 years service under District Government, he could not ask for his repatriation to his parent department. In fact there are three posts of Senior Clerk lying vacant in the District Officer (R&E), DCO and Finance & Planning offices Mardan against which DPC meeting was called to consider the promotion cases of Junior Clerks including the private respondents, and if the appellant is repatriated, the private respondents would suffer irreparable loss and would be deprived of their legitimate rights of promotion. He requested that the appeal may be dismissed. The learned AAG also adopted the arguments advanced by the learned counsel for the private respondents.

7. The Tribunal observes that after devolution plan in the year 2001, officials of various categories serving in the defunct Commissioner and Deputy Commissioner offices became surplus. The appellant while serving as Senior Clerk in the office of Defunct Deputy Commissioner office Mardan had also been declared surplus. He was then adjusted as Secretary Union Council in his own pay and scale. On creation of DCOs, BOR offices and restoration of commission areas, the official respondents started repatriation/adjustment of their ex-staff without framing policy/instructions. They must frame a unified policy for adjustments of their old staff on the basis of experience and other factors, but no such policy framed and adopted the practice of pick & chose. The appellant being adjusted against the wrong post as Secretary Union Council in his own pay and scale was more deserving for adjustment in his parent department but he has been denied for no plausible reason.

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In view of the above discussion, Nos. 2 and 3 are directed to repatriate the appellant to his parent department and adjust him against the vacant post of Senior Clerk. It is further observed that Devolution plan of General Musharraf (R) had played havoc upon and broken the back-bone of Administrative set up. Since government is again restoring Commissionerate system, therefore, instead of fresh recruitments and repatriating the then experience staff at random, government should make amendment in "surplus staff adjustment policy" specially with respect to Ex-Commissioner and Deputy Commissioner offices staff only for readjustment to facilitate smooth running of the above referred offices.

This order will also dispose of Service Appeal No. 1007/2012 titled "Hamid Ali Taj Versus the Government of Khyber Pakhtunkhwa through Secretary Establishment & Administration Department, Peshawar etc.", in the same manner.

ANNOUNCED
21.1.2013
(S)

Sh. Mansoor Ali Khan
Sh. Ghulam Mansoor Khan



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Date of Issuance: 10.1.2013
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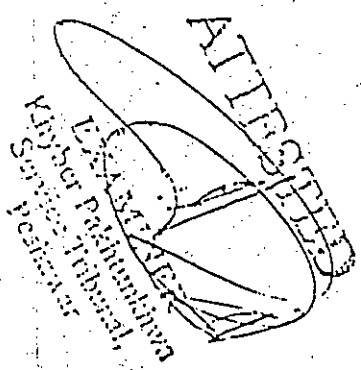
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b.	Date of order/proceedings	Order or other proceedings with signature of Judge/Magistrate
	2	3
1.	24.06.2015	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.</p> <p>Service Appeal No. 1192/2014</p> <p>Haji Ahmad Jan Versus the Government of Khyber Pakhtunkhwa Board of Revenue, through its Senior Member, Peshawar etc.</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHSI SIAH, MEMBER.-</u> Appellant with counsel (Mr. Khalid Rahman, Advocate) and Government Pleader (Mr. Muhammad Jan) with Naeem Khan, Assistant for the respondents present.</p> <p>2. Appellant was appointed as Junior Clerk in the office of Deputy Commissioner, Charsadda vide order dated 01.08.1988. In the wake of devolution plan in the year, 2001, the appellant was declared surplus and adjusted as Secretary, Union Council under the District Government vide order dated 13.08.2001. That in the year, 2012 the Local Government Ordinance was abolished and the Commissionerate system was restored and the appellant was re-adjusted in the office of Deputy Commissioner Charsadda and posted as Reader to Tehsildar Charsadda vide order dated 14.4.2013 and is still serving there. His prayer per impugned order is as follows:</p> <p>"The appellant's prayer is that since his other colleagues were repatriated/re-adjusted in the office of DOR/DCO (now Deputy Commissioner Office) Charsadda, he is also entitled to be readjusted/repatriated in the same manner."</p> <p>With the said prayer, he moved representation before</p>

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Commissioner, Peshawar which was rejected vide order dated 10.09.2014, hence the present appeal before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. It was submitted by the learned counsel for the appellant that the appellant had rendered 29 years of his service, all under and in the offices of the Deputy Commissioner/District Coordination Officer/District Officer (Revenue & Estate)/Collector with rich experience. It was argued that inspite of adjustment as Secretary Union Council, the appellant was kept posted with district administration right from the year, 2001 till date. While referring to para-6 of the appeal, the learned counsel submitted that cases of Muhammad Zahir Shah etc. were similar to the case of present appellant, who have been re-adjusted in the office of Deputy Commissioner unlike the appellant who was not extended this treatment despite his rich experience and thus discriminated. The learned counsel for the appellant in support of his contention referred to Article 4 and 25 of the Constitution of Islamic Republic of Pakistan. He further maintained that this Tribunal while disposing of an identical case of Zahoor Ahmad and Hamid Ali Taj in Service Appeal No. 999/2012 decided on 03.01.2013, had directed the respondent-department to repatriate the appellants to their parent department and to adjust them against vacant posts. While referring to 1996-SCMR-1185, 2005-SCMR-499 and 2009-SCMR-1, the learned

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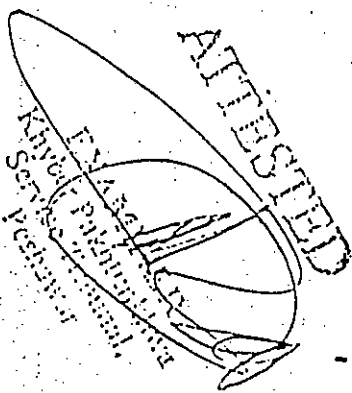


counsel for the appellant stressed that the respondent-department is legally bound to act upon decision of the courts/Tribunal in cases of those government servants, who might not have filed separate appeals. While concluding the arguments, the learned counsel for the appellant stated that the instant appeal may be allowed.

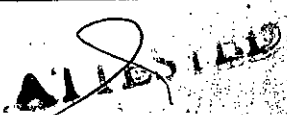
4. The learned Government Pleader resisted this appeal on the grounds that at the relevant time, the appellant had been adjusted as indicated in the impugned order and there is no provision of re-adjustment in surplus pool policy. He defended that the impugned order and requested that the instant appeal being devoid of merits, may be dismissed.

5. We have heard arguments of the parties and have perused the record.

6. This is not disputed that in the year 1988, the appellant was appointed as Junior Clerk in the office of Deputy Commissioner, Charsadda. It was also not disputed that the appellant remained posted in the offices of D.C/DCO/DOR despite his adjustment as Secretary Union Council under the District Government Department. His rich experience also cannot be denied. We have carefully gone through the impugned order and have reached on the conclusion that Commissioner, Peshawar in his impugned order has ^{not} properly appreciated in letter and spirit this Tribunal judgment rendered in appeal No. 999/2012 decided on 03.1.2013. For facility of



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reference and that facts of this appeal are identical with facts of the cited appeal, we would like to reproduce para-7 and 8 of the said judgment:-

7. The Tribunal observes that after devolution plan in the year 2001, officials of various categories serving in the defunct Commissioner and Deputy Commissioner offices became surplus. The appellant while serving as Senior Clerk in the office of Defunct Deputy Commissioner office Mardan had also been declared surplus. He was then adjusted as Secretary Union Council in his own pay and scale. On creation of DCO, DOR offices and restoration of Commissionerates, the official respondent started repatriation/adjustment of their ex-staff without framing, policy/instruction. They must frame a unified policy for adjustment of their old staff on the basis of experience and other facts, but no such policy framed hence adopted the practice of pick & chose. The appellant being adjusted against the wrong post as Secretary Union Council in his own pay and scale was more deserving for adjustment in the parent department but he has been denied for no plausible reason.

8. In view of the above discussion, the appeal is accepted and respondents No. 2 & 3 are directed to repatriate the appellant to his parent department and adjust him against the vacant post of Senior Clerk. It is further observed that Devolution plan of General Musharaf® had played havoc upon and broken the back-bone of Administrative set up. Since government is again restoring Commissionerate system, therefore, instead of fresh recruitments and repatriating the their experience staff at random, government should make amendment in "surplus staff adjustment policy" especially with respect to Ex-Commissioners and

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Deputy Commissioner offices staff only for re-adjustment to facilitate smooth running of the above referred offices".

7. While perusing the impugned order in the back-drop of the said paragraphs, it becomes evident that the cited judgment was not appreciated in letter and spirit nor any cogent and convincing ground was given in the impugned order for any distinction.

8. In the light of the stated position of the case, the Tribunal is of the considered view that having arguable case on the touch-stone of the grounds of discrimination and a previous decision of this Tribunal in another Service Appeal No. 999/2012 *ibid*, the instant case is remanded to the respondent No. 1 to look into the matter strictly in accordance with judgment in appeal No. 999/2012 and to re-decide the matter within a period of two months of the receipt of this judgment. Needless to mention that the impugned order stand, set aside. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
24.06.2015

Sy Pir B. Malik Chaudhary
Sy Abdul Latif

Certified
EX-100
Rhyber Pakhtunkhwa
Service Tribunal
Peshawar

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Date of Presentation of Application 1-7-2015
Number of Words 2000
Copying Fee 12
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Date of Completion of Copy 1-7-2015
Date of Delivery of Copy 1-7-2015

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Asad Hussain

Appellant(s)/Petitioner(s)

VERSUS

The Govt of KPK and

others

Respondent(s)

I/We Appellant do hereby appoint
Mr. Khaled Rehman, Advocate in the above mentioned case, to do all or
any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Khaled Rehman
Advocate Peshawar.

Signature of Executants

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Appeal No. 197 of 2018

Asad Hussain, Secretary, U/C MC-I Charsadda, Ghari Hameed Gul Mian NHC
(Appellant)

VERSUS

1. The SMBR, Rev: & Estate Department, Khyber Pakhtunkhwa Peshawar.
2. The Commissioner, Peshawar Division, Peshawar.
3. The Deputy Commissioner Charsadda.

(Respondents)

PRELIMINARY OBJECTIONS BY RESPONDENTS No. 1, 2 & 3.

1. That the appellant has got no cause of action.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to the Tribunal with clean hands.
4. That the appellant has no locus standi to file appeal against the Respondents.
5. That the appeal is badly time barred.

PARA WISE REPLIES ON FACTS

- Para No. 1 No Comments, pertains to record.
- Para No. 2 Incorrect. The appellant was posted in the office of the District Coordination Officer/Deputy Commissioner Charsadda only for the purpose of duty, while he took salaries from his own Department i.e LG& RDD Charsadda.
- Para No. 3 Being his original Department, the appellant was relieved from his duties and repatriated to LG&RDD, wherefrom he was taking his salaries.
- Para No. 4 Pertains to record.
- Para No. 5 Incorrect. The said case is totally different from the instant appeal. According to the Surplus Pool Policy, when an official is adjusted in his parent department direct from surplus pool, then he will gain his original seniority, while when an official is adjusted in another department, then he cannot be re-adjusted in any other department and if adjusted, he will be placed at the bottom of the seniority list.
- Para No. 6 Incorrect. The case was just remanded to the Senior Member Board of Revenue, Revenue & Estate Department and not clearly decided that the appellant must be repatriated to his parent department i.e DC office, therefore the instant appeal has nothing in common.

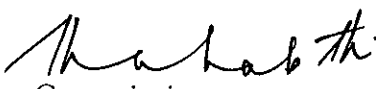
REPLIES TO THE GROUNDS OF APPEAL

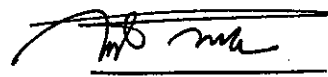
- A. Incorrect. All the officials are treated and looked upon equally.
- B. Incorrect. In the case in appeal No. 999/2012, the appellant was to be adjusted from Surplus Pool and according to the Surplus Pool Policy, when an official is adjusted in his


- parent department from Surplus Pool, he will regain his original seniority list, but if an official is adjusted from one department to another, he will be placed at the bottom of the seniority list. There is no provision for READJUSTMENT in the Surplus Pool Policy at all.
- C. Incorrect. The other colleagues of the appellant have been adjusted/repatriated to their parent department from the Surplus Pool directly and they have never been adjusted in some other department like in the case of the appellant.
- D. Incorrect. The appellant was not adjusted in Deputy Commissioner's office, but only his services were requisitioned, while he was taking his salaries from the Local Govt. Deptt.
- E. The respondents seek permission to raise additional grounds at the time of arguments.

Prayer

In view of the above detailed submission, this honorable Tribunal is hereby prayed to dismiss the appeal in hand, being devoid of any merit and the appellant be warned not to waste the Tribunal precious time.


Commissioner,
Peshawar Division Peshawar.
(Respondent No. 2)


Deputy Commissioner
Charsadda
(Respondent No. 3)


Senior Member Board of Revenue,
Revenue & Estate Department, Khyber Pakhtunkhwa.
Peshawar.
(Respondent No. 1)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1892⁹³/ST

Dated 29/10 2019


To

1. The SMBR,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Charsada.

Subject: - JUDGMENT IN APPEAL NO. 197/2018, MR. ASAD HUSSAIN.

I am directed to forward herewith a certified copy of Judgement dated 11.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.