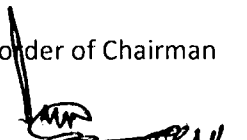


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1299/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2022	<p>The appeal of Mr. Azizullah resubmitted today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


SCANNED
KPST
Peshawar

The appeal of Mr. Azizullah son of Shamshi Khan Belt no. 548 received today i.e. on 29.08.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Address of the appellant is incomplete which may be completed according to sub-rule-2 (c) of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 2480 /S.T,

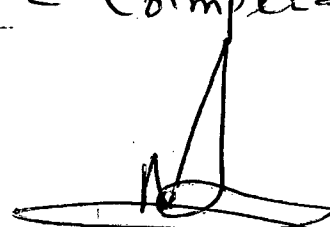
Dt. 29/8 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Khan Adv. Pesh.

Resubmitted after compliance

6/9
2022


(Mr. Anwar Khan)
Adv..

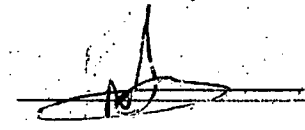
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Azizullah vs Govt. of KPK & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Anwar Khan Adly</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Dependent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		no
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		No

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Anwar Khan

Signature: 

Dated: 26/8/2022

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1299 /2022

Mr. Aziz Ullah

.....Appellant

V E R S U S

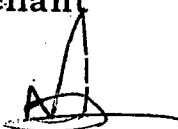
Government of KPK through Chief Secretary & Others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-9
5.	Copy of regular appointment order	B	10-12
6.	Copy of Application/ Appeal	C	13
7.	Copy of Supreme Court Judgments	D	14-16
8.	Copy of Service tribunal	E	17-19
9.	Copy of pension rules for qualifying service	F	20
10.	Wakalat Nama		21

Appellant

Through


Muhammad Anwar Khan
(Fashton Ghari)
Advocate High Court,
Peshawar

Date: 26/8/2022

①

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2020

Mr. Aziz Ullah S/o Shamshi Khan, Bel No 548,
Employee of the Provincial Police Officer Khyber PakhtunKhwā,
Peshawar.

.....**Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Deputy Inspector General of Police Malakand Region Malakand.
4. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.

.....**Respondents**

Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 4, whereby Appellant service has been Regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.e.f, 01-08-2009 instead of 1-03-2020.

Prayer in Appeal

On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

Mr. Aziz Ullah S/o Shamshi Khan, Belt No 548,
R/o Margo Post Office Agra, Tehsil Kohistan, District Upper Dir.
.....**Appellant**

V E R S U S

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Deputy Inspector General of Police Malakand Region Malakand.
4. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.

.....**Respondents**

Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 4, whereby Appellant service has been Regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.o.f, 01-08-2009 instead of 1-03-2020.

Prayer in Appeal

On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of pension and he may be allowed pension and other back benefits.

2

pension and he may be allowed pension and other back benefits.

Respectfully Sheweth:

The appellant submits as under:

1. That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 219 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure B)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure C).**
5. That the August supreme court of Pakistan also Regularized the contract service as a regular service and

3

also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review. 2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 2019 PLC (CS) 103. (Copies of judgment of supreme court and service tribunal are attached respectively as Annexures D and E).

GROUNDS:

- A) *That the Petitioner has not been treated in accordance with law and his rights secured and guaranteed under the law have been badly violated.*
- B) *That the same is against the natural justice also.*
- C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.
- D) That there are a number of Judgments in identical cases. Therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan reported in 1996 SCMR 1185.
- E) That the Temporary service followed by confirmation/regular appointment gave the Appellant a right that his

4
service be considered as regular service. (Copy of rules 2.1 is attach as annexure F).

F). That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/ calendar and the constitution of Islamic Republic of Pakistan 1973.


G). That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 21/07/2009 instead of 01-03-2020 with all back benefits.

Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 26/8/2022

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Aziz Ullah

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Mr. Aziz Ullah S/o Shamshi Khan, Belt No 548, Employee of the Provincial Police Officer Khyber PakhtunKhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

آزیز

DEPONENT

6

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Aziz Ullah

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

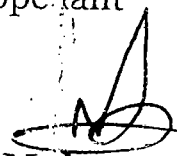
Mr. Aziz Ullah S/o Shamshi Khan, Belt No 548,
Employee of the Provincial Police Officer Khyber PakhtunKhwa,
Peshawar.

RESPONDENTS

1. Govt of Khyber Pakhtun Khwa, Through Chief Secretary Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Provincial Police Officer Khyber Pakhtun Khwa, Civil Secreteriate Peshawar.

Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 26/8/2022

OFFICE ORDER

Annex A
7-9

Consequent upon their selection by Joint team consisting of Officers, Civil Administration, Special Branch, Police and Army Authority have been pleased to approve the following candidates as Special Police force in Dir Upper District on the following term and condition with effect from 01.08.2009.

S.No	Name	F/ Name	Residence	Union Council	No
1	Ajmal	Shujamat Khan	Duryal	Akhagram	SPO-1
2	Toti Rehman	Gul Sherawan	Akhagram	Akhagram	SPO-2
3	Ikram	Asfandyar	Akhagram	Akhagram	SPO-3
4	Bakht Rehman	Gujar	Karkabanj	Akhagram	SPO-4
5	Usman Ali Shah	Gul Bacha	Akhagram	Akhagram	SPO-5
6	Hamid Gul	Sarzamin	Akhagram	Akhagram	SPO-6
7	Bacha Rehman	Shad Muhammad	Bagh Manzai	Akhagram	SPO-7
8	Amjad Khan	Abdur Rehman	Akhagram	Akhagram	SPO-8
9	Akbar Ali Shah	Haji Qadar	Kumira	Akhagram	SPO-9
10	Imran	Muzafar	Kumira	Akhagram	SPO-10
11	Jan Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12	Rab Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-12
13	Zahid Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-13
14	Amjad Ali	Muhammd Gran	Akhagram	Akhagram	SPO-14
15	Farooq	Qadir Khan	Akhagram	Akhagram	SPO-15
16	Sher Bacha	Asfandyar	Akhagram	Akhagram	SPO-16
17	Fazal Islam	Khair Muhammad	Durayal	Akhagram	SPO-17
18	Tahir Zeb	Umar Zeb	Shinkarai	Akhagram	SPO-18
19	Muhammad Jamil	Salarzay	Akhagram	Akhagram	SPO-19
20	Muhammad Farooq	Muhbarak Said	Duryal	Akhagram	SPO-20
21	Muhammad Alam	Muhammad Khan	Kumira	Akhagram	SPO-21
22	Ijaz Ullah	Gul Bar Zaman	Kumira	Akhagram	SPO-22
23	Saeed Ullah	Mir Aslam	Khunanu tangay	Akhagram	SPO-23
24	Muhammad Nazir	Akbar Zada	Khunanu Tangay	Akhagram	SPO-24
25	Nasib Ullah	Rahim Ullah	Khunanu Tangay	Akhagram	SPO-25
26	Islam Amin	Mokamin	Zaku	Akhagram	SPO-26
27	Khan Badshah	Muhammad Yousa	Kumira	Akhagram	SPO-27
28	Zakir Ullah	Muhammad Amin	Shinkarai	Akhagram	SPO-28
29	Noor Zaman	Muhd Said Khan	Bagh Pashta	Pashta	SPO-29
30	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31	Mushtaq Ahmad	Muhd: Younas	Gal	Pashta	SPO-31
32	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34	Hayat Muhammad	Rozi Muhammad	Gal	Pashta	SPO-34
35	Hazrat Ullah	Davaish	Pashta	Pashta	SPO-35
36	Hussain Ahmad	Ali Rehman	Mitroora	Pashta	SPO-36
37	Muhammad Ayaz	Ghulam Muhammad	Gal	Pashta	SPO-37
38	Salar	Pas Muhammad	Maluk Banda	Wari	SPO-38
39	Farman Ali	Kabir	Dskor	Wari	SPO-39
40	Gul Wahab	Muhammad Zarin	Wari Payeen	Wari	SPO-40
41	Wiqar Ahmad	Muhammad Alam	Wari Payeen	Wari	SPO-41
42	Gul Rehman	Fida Rehman	Tangai	Wari	SPO-42
43	Hanif ur Rehman	Aziz ur Rehman	Maluk Banda	Wari	SPO-43
44	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45	Murad	Ghulam Muhd:	Daskur	Wari	SPO-45
46	Hayat Khan	Pas Muhammad	Tangai	Wari	SPO-46
47	Imran	Wilayat Khan	Wari	Wari	SPO-47
48	Imtyaz Ahmad	Niaz Muhammad	Kakad	Wari	SPO-48
49	Shah Zaman	Muhammad Rasi	Shahibagh	Wari	SPO-49

526	Muhd: Ikram	Noor Wali	Mina Doag	Doag	SPO-526
527	Gul Zada	Mahabat Khan	Mina Doag	Doag	SPO-527
528	Islam ul Haq	Gul Mul Haq	Mina Doag	Doag	SPO-528
529	Jamil ur Rehman	Shah Jehan	Mina Doag	Doag	SPO-529
530	Inamud Din	Abdul Wakil	Mina Doag	Doag	SPO-530
531	Muhammad Raziq	Adam Khan	Mina Doag	Doag	SPO-531
532	Lal Zada	Sherin Zada	Mina Doag	Doag	SPO-532
533	Amin Ullah	Mula Jan	Mina Doag	Doag	SPO-533
534	Bahadar Zeb	Gul Rehman	Daramdala	Doag	SPO-534
535	Zahurul Haq	Abdul Haq	Patrak	Patrak	SPO-535
536	Sherin Nabi	Muhammad Said	Patrak	Patrak	SPO-536
537	Muhammad Khan	Amin Khan	Patrak	Patrak	SPO-537
538	Shafi	Zamin Khan	Patrak	Patrak	SPO-538
539	Riaz	Said Ghulam	Patrak	Patrak	SPO-539
540	Muhammad Zeb	Muhammad Issa	Patrak	Patrak	SPO-540
541	Abdul Salam	Shamsur Rehman	Patrak	Patrak	SPO-541
542	Bakht Biland	Rasul Shah	Patrak	Patrak	SPO-542
543	Shafa ud Din	Sultan Shah	Patrak	Patrak	SPO-543
544	Ihsan Ullah	Dilaram	Patrak	Patrak	SPO-544
545	Kifayat Ullah	Dilaram	Patrak	Patrak	SPO-545
546	Mukhtyar Ahmad	Sultan Yousaf	Patrak	Patrak	SPO-546
547	Muhammad Ali	Ajdar Khan	Beyar	Barikot	SPO-547
548	Aziz Ullah	Shmsi Khan	Beyar	Barikot	SPO-548
549	Fazal Yousaf	Khan Jan	Beyar	Barikot	SPO-549
550	Sami Ullah	Gul Akbar	Beyar	Barikot	SPO-550
551	Naik Muhammad	Abdul Satar	Beyar	Barikot	SPO-551
552	Muhd: Ziaul Haq	Amir Badshah	Beyar	Barikot	SPO-552
553	Mian Dam	Jamal ud Din	Beyar	Barikot	SPO-553
554	Bashir Ahmad	Gul Azim	Beyar	Barikot	SPO-554
555	Nasir ud Din	Said Muhammad	Beyar	Barikot	SPO-555
556	Muhammad Sartaj	Fazal Hadi	Barikot	Barikot	SPO-556
557	Shah Nasim	Noor Muhammad	Barikot	Barikot	SPO-557
558	Riaz	Gulab Khan	Barikot	Barikot	SPO-558
559	Juma Khan	Dilbar shah	Barikot	Barikot	SPO-559
560	Saiful Islam	Bahadar Khan	Barikot	Barikot	SPO-560
561	Gul Didar	Roshan Khan	Barikot	Barikot	SPO-561
562	Sher Habib	Sultan Zarin	Barikot	Barikot	SPO-562
563	Muhammad Bashir	Muhd: Mukhtar	Barikot	Barikot	SPO-563
564	Shakil Ahmad	Muhabat Khan	Barikot	Barikot	SPO-564
565	Miftah ud Din	Muhammad Khaliq	Barikot	Barikot	SPO-565
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-566
567	Muhd: Haroon	Akbar Said	Kalkot	Barikot	SPO-567
568	Islam ud Din	Umar Jan	Kalkot	Barikot	SPO-568
569	Hazrat Bilal	Juma Khan	Kalkot	Barikot	SPO-569
570	Umar Zada	Shamsu Din	Kalkot	Barikot	SPO-570
571	Gul Sher	Muhammad Noor	Kalkot	Barikot	SPO-571
572	Arbab	Pasham Khan	Kalkot	Barikot	SPO-572
573	Shaukat Hayat	Fazal Bari	Barikot	Barikot	SPO-573
574	Hayat Khan	Kashmir Khan	Kalkot	Kalkot	SPO-574
575	Ali Haidar	Said Faqir	Kalkot	Kalkot	SPO-575
576	Inamul Haq	Abdul Wahid	Kalkot	Kalkot	SPO-576
577	Afzal Khan	Palass Khan	Kalkot	Kalkot	SPO-577
578	Palass Khan	Sadat Khan	Kalkot	Kalkot	SPO-578
579	Fathullah	Ghulam Jilani	Kalkot	Kalkot	SPO-579
580	Sher Bahdar	Misri Khan	Thall	Kalkot	SPO-580
581	Muhammd Zamin	Umar Faqir	Thall	Kalkot	SPO-581
582	Muhammad Faqir	Noor Alam	Thall	Kalkot	SPO-582
583	Muhammad Riaz	Ghulam Muhammad	Thall	Kalkot	SPO-583
584	Awrang Zeb	Ghulam Haidar	Thall	Kalkot	SPO-584
585	Hazrat Bilal	Sher Zaman	Thali	Kalkot	SPO-585

189 (19)

584

586	Muhammad Nabi	Hazrat Uma	Thall	Kalkot	SPO-585
587	Abdul Shakar	Said Faqir	Thall	Kalkot	SPO-587
588	Aziz Ullah	Amam Ullah	Lamotai	Kalkot	SPO-588
589	Jamshid	Sajad Khan	Lamotai	Kalkot	SPO-589
590	Muht: Nawab	Mirza Khan	Lamotai	Kalkot	SPO-590
591	Noor Rehman	Abdul Qayum	Lamotai	Kalkot	SPO-591
592	Rahim Ullah	Mahib Ullah	Lamotai	Kalkot	SPO-592
593	Izzat Faqir	Umar Faqir	Lamotai	Kalkot	SPO-593
594	Saif ur Rehman	Muhammad Ayub	Lamotai	Kalkot	SPO-594
595	Wazir Muht:	Taza Khan	Lamotai	Kalkot	SPO-595
596	Habib Khan	Ajim Khan	Lamotai	Kalkot	SPO-596
597	Muhammad Afzal	Toor Bacha	Lamotai	Kalkot	SPO-597
598	Aman Ullah	Mahabat Khar	Thall	Kalkot	SPO-598
599	Sami Ullah	Abdullah	Lamotai	Kalkot	SPO-599
600	Sultan Zarin	Juma Faqir	Thall	Kalkot	SPO-600

TERM AND CONDITION

- > The appointees will be on contract for 2 years in service and on adhoc Basis for not more than 2 year in a stretch with no pension gratuity benefits and that the competent Authority may terminate from service as Special Police Officer with out showing any reason and notice.
- > The appointees shall not demand or make and excuse for only emolument of Rs, 10,000/- rupees per month.
- > The appointees shall wear the uniform issued by the department and responsible for maintainence and safty of weapon issued by the department.
- > The appointees shall be responsible before any senior Police Officer for any act of cowardice or irregularity, indiscipline or misconduct.
- > The appointees shall not leave the job with out a prior notice of 2 month as per rule.
- > The appointees shall not invole in any political or criminal activities.
- > The appointees shall undergo the basic training fixed by the superior Officer.
- > The appointees shall not try to chang or convert the mater of duty.

OB No 483
Dt: 23-8 /2009.

District Police Officer,
Dir Upper.

/2009.

- No
- 1/EB, Dated Dir Upper, the
Copy of above is submitted for information to the:-
1. Provincial Police Officer N.W.F.P, Peshawar.
 2. Deputy Inspector General of Police Region III Saidu Sharif Swat.

District Police Officer,
Dir Upper

Attested
N

Annex (A) 17-19

OFFICE OF THE
DISTRICT POLICE OFFICER,
JFPER DIR.

10-12

REGULARIZATION ORDER.

In the Light of Notification Issued by Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar Notification No. 50 (Budget)/HD/1-29/2016 Vol-II, dated 08.04.2020. The following SPOs constables are hereby regularized as Constable (PS-07) (Rs. 10990-610-29290/-) with effect from 01.03.2020, and allotted constabulary number noted against each. Their service is purely on temporary basis and liable for termination at any time without any notice.

S.No	Name	Father Name	Local PS	SPO Belt No	New Allotted Regular Belt No
1	Mohammad Rahim Khan	Toti Rahman	Dir	1	1603
2	Toti Rahman	Gul Sher Rahman	Vari	2	1604
3	Saba Gul LSPF	Shamsher	Vari	3	1605
4	Habib Ullah	Abdul Latif	Dir	4	1606
5	Badshah Rahman	Shah Mohammad Khan	Vari	7	1607
6	Akber Ali shah	Haji Bahadar	Vari	9	1608
7	Saz Bahadar	Mohammad	Candigar	10	1609
8	Ibrar Hussain	Gul Nawaz Khan	Jagam	11	1610
9	Rasool Wali	Said Hazrat	Candigar	13	1611
10	Ali Akbar	Bazir Khan	Dir	14	1612
11	Anwar Zada	Anwar Khan	Jagam	15	1613
12	Sher Badshah	Asfandyar	Vari	16	1614
13	Badshah Rawan	Sher Zada	Candigar	18	1615
14	Darwish Khan	Pinda Khan	Jagam	19	1616
15	Sadam Hussain	Ibar Said	Candigar	20	1617
16	Muzafar Khan	Mohammad Khaliq	Falkot	21	1618
17	Gulab Gul	Amir Khan (Husband	Chitral	22	1619
18	Khalid Khan	Mohammad Khan	Vari	23	1620
19	Mohammad Nazir	Akbar Zada	Vari	24	1621
20	Nasib Ullah	Rahim Ullah	Vari	25	1622
21	Khan Bacha	Mohammad Yousaf	Vari	27	1623
22	Zakir Ullah	Mohammad Amin	Vari	28	1624
23	Abdur Rahman	Jehan Badshah	Vari	29	1625
24	Ali Mohammad	Sher Mohammad	Vari	30	1626
25	Zarshed Khan	Jamsheed Khan	Candigar	31	1627
26	Asghar Khan	Sultan	Vari	32	1628
27	Aziz ur Rahman	Aman Ullah	Dir	33	1629
28	Hazrat Ali	Wazif Ullah	Falkot	34	1630
29	Hazrat Ullah	Darwish	Vari	35	1631
30	Ubaid ur Rahman	Toti Rahman	Dir	36	1632
31	Imran	Sazan Khan	Vari	37	1633
32	Salar Khan	Pas Mohammad Khan	Vari	38	1634
33	Farman Ali	Kabir Khan	Vari	39	1635
34	Gul Wahab	Mohammad Zarin	Vari	40	1636
35	Yaseen Khan	Gran Khan	Dir	41	1637
36	Bakht Mohammad	Maeen Uddin	Candigar	42	1638
37	Khalid Khan	Said Mula Mohammad	Dir	43	1639
38	Shahen Badshah	Muzamil Khan	Vari	44	1640
39	Bakht Ber Ali	Khashak Mohammad	Vari	45	1641
40	Hayat Khan	Pas Mohammad Khan	Vari	46	1642
41	Wali Amin	Moumin Khan	Jagam	47	1643
42	Ayam ud Din	Abdul Wadood	Dir	49	1644
43	Mohammad Zahid	Agal Zarin	Trial	50	1645
44	Maeen Ullah	Uma Zada	Candigar	51	1646
45	Mumtaz Ali	Amin Ullah	Vari	52	1647
46	Haji Mohammad	Hazrat Ya Gul	Seringal	53	1648

Attested

REGULARIZATION ORDER In the light of notification Issued by Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar Notification **NO.SO(Budget)/HD/15-29/2016 VOL-II**, dated 08.04.2020. The following SPOs constables are hereby regularized as constable (PBS-07) (Rs.10990-610-29290/-) with effect from 01.03.2020, and allotted constabulary number noted against each. Their service is purely on temporary basis and liable for termination at any time without any notice.

S.No	Name	Father Name	Local PS	Belt No.	New Allotted Regular Belt No
1	Mohammad Rahim Khan	Toti Rehman	Dir	1	1603
	Toti Rehman	Gul Sher Rehman	Wari	2	1604
3	Saba Gul LSPF	Shmsher	Wari	3	1605
4	Habib Ullah	Abdul Latif Khan	Dir	4	1606
5	Badshah Rahman	Haji Bahadar	Wari	7	1607
6	Akbar Ali Shah	Mohammad	Wari	9	1608
7	Saz Bahadar	Gul Nawaz Khan	Gandigar	10	1609
8	Ibrar Hussian	Gul Nawaz Khan	Jagam	11	1610
9	Rasool Wali	Said Hazrat	Gandigar	13	1611
10	Ali Akbar	Bazir Khan	Dir	14	1612
11	Anwar Zada	Anwar Khan	Jagam	15	1613
12	Sher Badshal	Aafandys Khan	Wari	16	1614
13	Badshah Rewan	Sher Zada	Jagam	18	1615
14	Darvish Khan	Pinda Mand Khan	Gandigar	19	1616
15	Sadam Hussain	Itber Said	Kalkot	20	1617
16	Muzafar Khan	Muhammad Khaliq	Chitral	21	1618
17	Gulab Gul	Amar Khan	Wari	22	1619
18	Khalid khan	Mohammad Khan	Wari	23	1620
19	Mohd Nazir	Akabar Zada	Wari	24	1621
20	Nasib Ullah Khan	Rahim Ullah Jan	Wari	25	1622
21	Khan Bacha	Mohammad Yousaf	Wari	27	1623
22	Zakhir Ullah	Mohammad Amin Khan	Wari	28	1624
23	Abdur Rahman	Jehan Badshah	Wari	29	1625
24	Ali muhd Khan	Sher mohammad Khan	Wari	30	1626
25	Zarshed Khan	Jamsheed Khan	Gandigar	31	1627
26	Asghar Khan	Sulian	Wari	32	1628
27	Aziz ur. Rehman	Aman Ullah	Dir	33	1629
28	Hazrat Ali	Wazif Ullah	Kalkot	34	1630
29	Hazrat Ullah	Darwish	Wari	35	1631
30	Ubaid Ur Rehman	Toti Rahman	Dir	36	1632
31	Imran	Sazan Khan	Wari	37	1633
32	Salar Khan	Pas Mohammad Zarin	Wari	38	1634
33	Farman Ali	Kabir Khan	Wari	39	1635
34	Gul Wahab	Mohammad Zarin	Wari	40	1636
35	Yaseen Khan	Gran khan	Dir	41	1637
36	Bakhat mohammad	Maeen Uddin	Gandigar	42	1638
37	Khalid Khan	Said Muka Miohammad	Dir	43	1639
38	Shaben Badshah	Muzamil Khan	Wari	44	1640
39	Bakht Ber Ali	Kashak Mohammad	Wari	45	1641
40	Hayat Khan	Pas Mohammad khan	Wari	46	1642
41	Wali Amin	Momin Khan	Jagam	47	1643
42	Ayam Ud Din	Abdul Wadood	Dir	49	1644
43	Mhammad Zahid	Aqal Zarin	Thall	50	1645
44	Maeen Ullah	Umar Zada	Gandigar	51	1646
45	Mumtaz Ali	Amin Ullah	Wari	52	1647
46	Haji Mohammad	Hazrat Ya GUI	Sheringal	53	1648

482	Mohammad Khan	Amin Khan	Kalkot	537	2085
483	Shah Ullah	Zamin Khan	Kalkot	538	2084
484	Riaz	Said Ghulam	Kalkot	539	2085
485	Mohammad Zaib	Mohammad Issa	Kalkot	540	2085
486	Abdul Islam	Shams ur Rahman	Kalkot	541	2087
487	Bakht Bifard	Rasool Shah	Kalkot	542	2088
488	Shafa uddin	Sultan Shah	Kalkot	543	2089
489	Ihsan Ullah	Dilaram Khan	Kalkot	544	2090
490	Kefayat Ullah	Dilaram Khan	Kalkot	545	2091
491	Mukhtyar Ahmad	Sultan Yousaf	Kalkot	546	2092
492	Mohammad Ali	Ajdar Khan	Kalkot	547	2093
493	Amir Ullah	Shamshi Khan	Kalkot	548	2094
494	Muzai Yousaf	Khan Jan	Kalkot	549	2095
495	Mohammad Nader Jan	Sadiq Jan	Dii	550	2096
496	Maik Mohammad	Abdul Sattar	Kalkot	551	2097
497	Sadar Hussain	Mohammad Rahman	Dii	552	2098
498	Basher Ahmad	Gul Azim	Kalkot	554	2099
499	Nasir Jan	Said Mohammad	Kalkot	555	2100
500	Mohammad Sartaj	Fazal Haidi	Kalkot	556	2101
501	Wahab Jasin	Noor Mohammad	Kalkot	557	2102
502	Sher Jan	Sulfaat Khan	War	558	2103
503	Juma Khan	Nisar Shah	Kalkot	559	2104
504	Saif ul Islam	Bahadar Khan	Kalkot	560	2105
505	Gul Didar	Roshan Khan	Kalkot	561	2106
506	Sher habib	Sultan Zarin	Kalkot	562	2107
507	Mohammad Basher	Mohammad Mukhtiar	Kalkot	563	2108
508	Meftah ud Din	Mohammad Khalig	Kalkot	565	2109
509	Bakht Rawan	Musafar Shah	Kalkot	566	2110
510	Mohammad Haroon	Akbar Said	Kalkot	567	2111
511	Islam ud Din	Umar Jan	Kalkot	568	2112
512	Hazrat Bilal	Juma Khan	Kalkot	569	2113
513	Umar Zada	Shams Uddin	Kalkot	570	2114
514	Got Sher	Mohammad Noor	Kalkot	571	2115
515	Sher Zamin	Saif ul Mulk	War	572	2116
516	Shaukat Gayat	Fazal Rabi	Kalkot	573	2117
517	Kulsum Bibi LSPF	Lah Khan	Gadigar	574	2118
518	Ali Hardar	Said Faqir	Kalkot	575	2119
519	Sher Zamin	Gul Rahman	War	576	2120
520	Afzal Khan	Pas Khan	Kalkot	577	2121
521	Patas Khan	Sadat Khan	Kalkot	578	2122
522	Sher Bahadar	Mistri Khan	Thal	580	2123
523	Mohammad Zamin	Umar Faqir	Thal	581	2124
524	Mohammad Faqir	Noor Alam	Thal	582	2125
525	Mohammad Riaz	Ghulam Mohammad	Thal	583	2126
526	Awrang Zaib	Ghulam Haider	Thal	584	2127
527	Islam ud Din	Mohammad Rasool	Gadigar	585	2128
528	Mohammad Isabi	Hazrat Umar	Thal	586	2129
529	Abdul Shakur	Said Faqir	Thal	587	2130
530	Aziz Ullah	Aman Ullah	Thal	588	2131
531	Jamshed Khan	Saiad Khan	Thal	589	2132
532	Mohammad Nawab	Mir Zada	Thal	590	2133
533	Noor Rahman	Abdul Qayum	Thal	591	2134
534	Rahim Ullah	Muhib Ullah	Thal	592	2135
535	Anwar Hayat	Mohammad Zewar	Gadigar	593	2136
536	Saif Ur Rahman	Mohammad Ayub	Thal	594	2137
537	Bakht Seema LSPF	Mir Badshah	War	595	2138
538	Lal Khan	Mohammad Jan	Thal	596	2139
539	Mohammad Afzal	Toor Pacha	Thal	597	2140
540	Wahab Jan	Mastoor Jan	Dii	598	2141
541	Sami Ullah	Abdurah	Thal	599	2142
542	Sultan Zarin	Juma Faqir	Thal	600	2143
543	Amin Khan	Tamran Khan	Gadigar	601	2144

Attal
M

481	Mohammad khan	Amin Khan	Kalkot	537	2083
482	Shafi Ullah	Zamin Khan	Kalkot	538	2084
483	Riaz	Said Ghulam	Kalkot	539	2085
484	Muhammad zahib	Mohammad Issa	Kalkot	540	2086
485	Abdul Islam	Shams Ur Rehman	Kalkot	541	2087
486	Bakht Biland	Rasool Shah	Kalkot	542	2088
487	Shafa Uddin	Sultan Shah	Kalkot	543	2089
488	Ihsan Ullah	Dilaram Khan	Kalkot	544	2090
489	Kefayat Ullah	Dilaram khan	Kalkot	545	2091
490	Mukhtyar Ahmad	Sultan Yousaf	Kalkot	546	2092
491	Mohammad Ali	Ajdar Khan	Kalkot	547	2093
492	Aziz Ullah	Shamshi Khan	Kalkot	548	2094
493	Fazal Yousaf	Khan Jan	Kalkot	549	2095
494	Mohammad Nader Jan	Sadiq Jan	Dir	550	2096
495	Naik Mohammad		Thall		
496	Sadar Hussain	Mohammad Rahman	Kalkot	551	2098
497	Basher ahmad	Fazal khan	Thall	552	2099
498	Saif ul islam	Badar khan	Kalkot	553	2100
517	Gulab Gul	Amar Khan	wari	570	2120
518	Zakhir Ullah	Mohammad Amin Khan	Kalkot	571	2121
519	Aziz ur Rehman	Aman Ullah	Kalkot	572	2122
520	Wali khan	Izat Khan	Kalkot	573	2123
521	Ali rahman	Muhammad raza khan	thall	574	2124
522	Anjad khan	Aziz jan	thall	577	2125
524	Palas Khan	Sadat khan	thall	578	2126
525	Tasir Ullah	Abdur Rashid	thall	579	3127
526	Sher Bahadar	Mistri Khan	thall	580	3128
527	Muhd Zamin	Umar faqir	thall	581	2129
528	Muhd faqir	Muhammad Nodr Alam	thall	582	2130
529	Muhd Riaz	Ghulam Muhammad Khan	thall	583	2131
530	Awrang Zaib	Ghulam Haider	thall	584	2132
531	Irfan Ud Din	Mohammad Rasool	thall	585	2133
532	Mohammad Nabi	Hazrat umar	thall	586	2134
533	Abdul Shakur	Said faqir	thall	587	2135
534	Aziz Ullah	Aman Ullah	Gandagri	588	2136
535	Jamshed Khan	Sajad Khan	Thall	589	2137
536	Muhd Nawab	Mirza Khan	Wari	590	2138
537	Noor Rahman	Abdul Qayum	Thall	591	2139
538	Mohaamad Afzal	Toor Pacha	Thall	592	2140
539	Wahob jan	Mastoor jan	Dir	593	2141
540	Sami ullah	Abdullah	Thall	597	2142
541	Sultan zarin	Juma faqir	Thall	599	2143
542	Amin Khan	Tammil Khan	Gandigar	601	2144

Attas Lodi



12

566	Mati Ullah	Sami Ur Rahman	627
567	Khan Zamin	Gul Zamin	628
568	Badshah Zada	Mohammad Nazim Khan	629
569	Inayat ul Haq	Sher Afzal Khan	630
570	Said Mohammad Zada	Aurang Zada	631
571	Layan Zada	Fazal Hakim	632
572	Saeed ul Haq	Fazal Rahman	633
573	Kheero	Muhammad Zahir Shah	634
574	Ubaid Ali Khan	Tali Mans Khan	635
575	Fatid Khan	Bakht Jehan Khan	636
576	Shafi Ullah	Rozi Khan	637
577	Muhammad Rahman	Abdur Raza	638
578	Muhammad Umar	Barkat Jan	639
579	Ali Rahman	Mohammad Raza Khan	640
580	Sahib Zada	Akbar Zada	641
581	Zia Ullah	Abdul Haq	642
582	Said Fouzillah	Bahadar Khan	644
583	Insan ul Haq	Gul Azim Khan	646
584	Khyal Muhammad	Mazr Ullah Khan	647
585	Amjad Khan	Aziz Jan	648
586	Ishad Ahmad	Sherin Zada	649
587	Arshad Iqbal	Bashir	650
588	Kamran Hasan	Zahir Shah	145
589	Edwar Khan	Fazal Qasim	254
590	Abdul Karim	Sachin Ahmad	483
591	Enad Athar	Missal Khan	564

Secretary to Government, Khyber Pakhtunkhwa
 Government of Khyber Pakhtunkhwa, Peshawar

Encl. No. & date given

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Upper.
6. The District Account Officer, Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

Director (A.P.A.)

SECTION OFFICER (BUDGET)

O.D. No. 208

22-04-2008

Attested



566	Mati ullah	Sami ur rehman	627
567	Khan zamin	Gul zamin	628
568	Badshah zada	Mohammad nagin khan	629
569	Inyat ul haq	Sher afzal khan	630
570	Gaid mohd zeb	Aurang zeb	631
571	Layaq zada	Fazal haleem	632
572	Saeed ullah	Fazal rahman	633
573	Khesro	Muhammad zahir shah	634
574	Ubaid ali khan	Tali mand khan	635
575	Farid ullah	Bakht jehan khan	636
576	Shafi ullah	Rozi khan	637
577	Muhd rahman	Abdur. Rahim	638
578	Muhd umar	Barkat jan	639
579	Ali rahman	Muhammad raza khan	640
580	Sahib zada	Akhtar Zada	641
581	Zia ullah	Abdul Hamid	642
582	Said rohullah	Badar Khan	643
583	Ihsan ul haq	Gul Azim khan	644
584	Khyal Muhammad	Maaz ullah khan	645
585	Amjad khan	Aziz jan	646
586	Arshad Ahmad	Sherin zada	650
587	Kamran Hasan	Bashir	145
588	Dilawar Khan	Zahir shah	254
589	Abdul Kamr	Fazal qayum	653
590	Ali rahman	Bashir ahmad	483
591	Imad Akhtar	Missal khan	564

Ends No & date event

Copy forwarded for information to

1. The principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Account General, Khyber Pakhtunkhwa Peshawar.
3. The provincial police officer Khyber Pakhtunkhwa.
4. The Regional police Malakand.
5. The district police officer. Dir Upper.
6. The District Account Officer Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

Annex C = 13
محضور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

درخواست برآمد عطائیگی Back Benefit اور 2009ء و

شمارے فرمانے Contract Back Service

Period برائے پٹن

جناب عالی! سائل حسب ذیل عرض رہا ہے۔

1- یہ کہ سائل 2009ء میں SPO بھرتی ہوئے تھے اور پشاور ہائی کورٹ نے 2017ء میں مستقل کرنے کا فیصلہ فرمایا تھا۔

2- یہ کہ محکمہ پولیس نے یکم مارچ 2020ء کو مستقل کرنے کا آرڈر فرمایا ہے۔

لہذا استدعا ہے کہ سائل کو بمطابق قانون بھرتی کی تاریخ سے Regular

کرنے کا حکم صادر فرمایا جاوے۔

عزیز اللہ ولد شمس حسن خان امرتسا

ارض

27/5/22

عزیز اللہ ولد شمس الدین بلٹ نے 2009ء میں تھل اہل در

Ammer D31-48

D-14-16

Complete Case Judgment

<http://www.plsheta.com/LawOnline/law/content/21.asp?Cased...>

P.L.D.2016 Supreme Court 534

Presents: Anwar Zaheer Jamali, C.J.; Minn. Saqib Nisar, Amir Han. Mustim, Iqbal Hameedur
Rahman and Khilji Arif Hussain, JJ

Civil Appeal No.1072/2005

CHAIRMAN, PAKISTAN RAILWAY, GOVERNMENT OF PAKISTAN, ISLAMABAD and
others---Appellants

Versus

SHAH JEHAN SHAH---Respondent

(On appeal against the judgment dated 29-12-2003 passed by the Federal Service Tribunal, Islamabad in
Appeal No. 6(P)/CS/2003)

Civil Appeal No.686/2012

Mst. ROBINA SHAHEEN---Appellant

Versus

DIRECTOR EDUCATION (E&S) KHYBER PAKHTUNKHWA and others---Respondent

(On appeal against the judgment dated 9-4-2012 passed by the KPK Service Tribunal, Peshawar, in
Appeal No.1539/2009)

Civil Appeals Nos. 1072 of 2005 and 686 of 2012, decided on 14th April, 2016

(a) Interpretation of statutes ---

---When a word had not been defined in the statute, its ordinary dictionary meaning was to be looked at.

(b) Words and phrases ---

---"Count"---Definition.

Chambers 21st Dictionary and Oxford Advanced Learner's Dictionary of Current English 7th Edn. ref.

(c) Civil Service Regulations (CSR)---

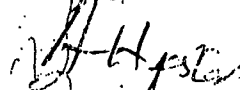
---Art. 371-A---Pensionary benefits---Government servants rendering temporary service in a temporary
establishment for more than five years---Entitlement to grant of pensionary benefits within the meaning of
Art.371-A of the Civil Service Regulations (CSR)---Scope---Article 371-A of the Civil Service
Regulations (CSR) would not ipso facto or simpliciter allow government servants rendering temporary
service in a temporary establishment for more than five years to be entitled to grant of pension. Whether
such period would only be counted towards such government servants' pension if otherwise entitled to
pension. *Mir Ahmad Khan v. Secretary to Government and others* (1997 SC LR 1477) declared to be per
incuriam]

Service rendered for more than five years as contemplated by Article 371-A of the Civil Service
Regulations (CSR) would only be added, included, or taken into account for the purposes of pensionary
benefits, and not make such government servant qualify for pension per se. Article 371-A of Civil Service

Attested



Attested



15

37

Complete Case Judgment

<http://www.pakbeta.com/LawOnline/law/content21.asp?Caseid...>

in any way fall within the meaning and purview of "temporary establishment". Thus the respondent could not rely upon Article 371-A of the CSR. Besides, if hypothetically speaking Pakistan Locomotive Factory Risalpur was a temporary establishment, even then the respondent would not be able to take the benefit of Article 371-A (supra) as he otherwise does not qualify for pensionary benefits having not been subsequently taken into permanent employment, which is sine qua non for the grant thereof.

8. Adverting to the law laid down in the case of Mir Ahmad Khan (supra) wherein it was held:-

"Admittedly the appellant put in more than ten years' temporary service before his services were terminated he was, therefore, entitled to pensionary benefits under Regulation 371-A(i) of Civil Service Regulations."

In light of the discussion in paragraph No. 6, the judgment delivered in Mir Ahmad Khan's case (supra) is declared to be per incuriam.

9. In view of the foregoing, we find that the respondent was not entitled to the grant of pensionary benefits in terms of Article 371-A of the CSR, and the learned Service Tribunal had erroneously allowed him pension by wrongly relying upon the case of Mir Ahmad Khan (supra) which is declared to be per incuriam.

10. The above are the detailed reasons for our short order of even date whereby the appellants' appeal was accepted and the impugned judgment was set aside, which reads as follows:-

"We have heard the arguments of learned ASCs for the parties. For the reasons to be recorded later, this appeal is allowed, the impugned judgment of the Federal Service Tribunal dated 29.12.2003 is set aside and the service appeal preferred by the respondent is dismissed."

Civil Appeal No. 686/2012:

11. The brief facts of the instant appeal are that the appellant was a Professional Teaching Certification (PTC) Teacher in the Commissionerate for Afghan Refugees, Peshawar (Commissionerate), from 28.2.1987 to 17.1.2005, i.e. approximately 18 years. During her employment at the Commissionerate, she applied for two months leave on 20.1.2004, after which she was appointed as a PTC Teacher in the Schools and Literacy Department, Government of Khyber Pakhtunkhwa (Department) and she assumed charge of her post on 25.11.2004 and tendered her resignation with the Commissionerate on 10.1.2005. Thereafter she filed a departmental appeal to respondent No. 1 claiming that her 18 years' service with the Commissionerate be counted for the purposes of her pension, which (departmental appeal) was accepted vide order dated 24.6.2008. However, the said order stated that her 10 years' service be counted towards calculation of her pension, as opposed to 18 years, which the appellant was dissatisfied with thus she filed a corrigendum application for correction of the said mistake. However, in response, the department on 20.7.2009 informed the appellant that her prior service with the Commissionerate could not be counted towards her pension. Aggrieved, the appellant filed an appeal before the learned Khyber Pakhtunkhwa Service Tribunal which was dismissed vide the impugned judgment dated 9.4.2012 whereafter she approached this Court. Leave was granted on 5.7.2013 in the following terms:-

"..... Prima facie, it is difficult to understand that admittedly when the petitioner had served for a period of about 18 years in the Commissionerate and thereafter joined the Education Department and initially the Education Department had also accepted her claim allowing computing of her previous service for the purpose of pension then what prevailed with the department subsequently in disallowing continuity. In view of the judgment cited by the learned counsel in the case of Zafar Shah (2003 SCMR 686) in such like circumstances, continuity for the purpose of extending the benefit of pension is permissible.

3. Inter alia, to examine this aspect of the case, leave to appeal is granted in this case...."

Attested



Attested

Attested



16

Complete Case Judgment

<http://www.plsbeta.com/LawOnline/law/content21.asp?Cased...>

Subsequently on 19.9.2013, it was decided that this case was to be heard along with Civil Appeal No.1072/2005 before the larger bench as they both involved similar questions of law.

12. Learned counsel for the appellant primarily submitted that the time spent at the Commissionerate is to be counted towards her pension in terms of Article 371-A of the CSR.

13. On the other hand, learned counsel for the respondents stated that due to the special facts and circumstances prevalent at that time, the decision rendered in the case of Mir Ahmad Khari (supra) is good law, however in the instant matter, the appellant is not entitled to inclusion of the period she spent as an employee of the Commissionerate for the purposes of pensionary benefits for the reason that she was in fact a project employee of a non-governmental organisation called Basic Education for Afghan Refugees (BEFARe), and not an employee of the Federal Government, and that she had resigned from the Commissionerate on 10.1.2005 after which she joined the department.

14. Learned Additional Advocate General, KPK adopted the arguments of Mr. Hafiz S. A. Rehman, learned counsel for the appellants in Civil Appeal No.1072/2005.

15. Heard: The appellant's main grievance is that the eighteen years she spent at the Commissionerate be counted towards her service at the department for the purposes of the grant of pensionary benefits as per Article 371-A of the CSR, suffice it to say that the Commissionerate for Afghan Refugees does not in any way fall within the meaning of "temporary establishment" as defined in Civil Appeal No.1072/2005 above to mean an organisation or institution which is not permanent, rather effective for a certain period only as described. Even otherwise, the appellant's service with the department was temporary and on a contract basis, and there is nothing on the record which suggests that she was subsequently confirmed or made permanent within the department. Therefore keeping in view the interpretation of Article 371A of the CSR explained above with regard to Civil Appeal No.1072/2005 in that the said article would not ipso facto allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension, we are of the opinion that the appellant is not entitled to pensionary benefits as claimed by her.

16. In light of the above, we find no infirmity in the impugned judgment warranting interference by this Court, therefore this appeal is dismissed as being devoid of merit.

MWA/C-6/S

Appeal Dismissed.

2019 FLC (C.S.) 103

Annex E

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

17-19

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos. 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July 2018.

Punjab Service Tribunal Act (IX of 1974)---

---S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as same was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination.---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

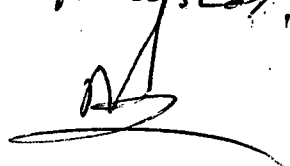
Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

Muhammad Arshad Naseer District Attorney.

ORDER

JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.---Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment:-

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

11/16/2021, 11:55 AM
A. H. G. S. E.


Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016).

LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).

LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).

LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).

LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturers filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:-

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

4. I have considered the arguments of both parties and perused the record.

5. It is established from the record that the appellants were appointed as female lecturers through

11/16/2021, 11:55 AM

Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years. The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders/notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.

In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers, hence these appeals are allowed by setting the impugned orders.

MH/2/PST
Appeal allowed.

Altaf Khan
NS

Annex F 20

SERVICE QUALIFYING FOR PENSION

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. Rule 2.1.

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Begining of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed. Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil 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. Rule 2.3.

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 ibid temporary and officiating service followed by confirmation or temporary/officiating service of more than five years counts for pension/gratuity. The provisions of Rules 2.12(1) take cognizance of only those cases where the Government servant had prior to the interruption certain past qualifying service and it is considered fit to permit him to count in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruption is not permissible. To make it more clear the following illustrations are given:-

1970
1/1/70

WAKALAT NA IA

21

IN THE COURT OF

Azizullah 1/2
Shamshad Khan

VERSUS

Handwritten signature in Urdu

Accused/
Petitioner/
Appellant/
Plaintiff.

Respondent/
Defendant/
Complainant

FIR No. Dated: Police Station:

Charge U/s:

KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Anwar Khan, (Pushbon Ghari),
Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for

the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross-objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the case.
- 4) To receive money and grant receipts therefore and to do other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises. AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing.

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents, the contents of which have been explained to and understood by me, this 25 day of 8/2012

Accepted

Handwritten signature of Muhammad Anwar Khan

Signature/ thumb impression of party / parties.

Muhammad Anwar Khan, (Pushbon Ghari),
Advocate High Court, Peshawar
Cell No:- 0333-9262374

Office Address:- Law Chamber No 127, New Bar Room, Judicial Complex, Peshawar