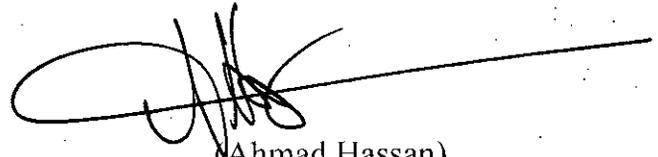


26.09.2019

Counsel for the appellant and Additional Advocate General alongwith Mr. Zakiullah, Senior Auditor and Mr. Ghausullah, Senior Auditor for respondents present. Counsel for the appellant requested for withdrawal of the instant appeal. In this respect his signature also obtained on the margin of the order sheet. Request accepted and the appeal in hand is therefore, dismissed as withdrawn. File be consigned to the record room.

Announced:  
26.09.2019

A handwritten signature in black ink, consisting of a large, stylized loop followed by several vertical strokes, positioned above the printed name and title.

(Ahmad Hassan)  
Member

**Pensioner Data Verification Sheet**

Date of issue : 02.08.2019  
 PPO Type : FRESH  
 PPO Number : 00345820-01  
 File No:  
 Pension Register No:  
 Pensioner's Name : **ZAR BAHADER**  
 Father / Husband name : **SHAH BAHADER**  
 Designation: **BARKANDAZ**  
 NIC No.: 1620210024307  
 Grade / Scale : 04  
 Department.Min: **EXECUTIVE ENGINEER C & W**  
 Pensioner's Type: **SELF**  
 Pension Type: **SUPERANNUATION**  
 Date of Birth : 01.07.1956  
 Date of appointment: 01.11.1994  
 Date of retirement: 01.07.2016  
 Date of Death:  
 Date of commencement : 01.07.2016  
 Date of Restoration :  
 Accounts office ID : SU  
 Accounts office Name : Sawabi  
 Federal / Province : Khyber Pakhtunkhwa  
 Length of Qualifying Service : 24 years, 9 months, 0 days  
 Old PPO Number :  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authorising  
 the Pension/Gratuity/Commutation  
 Permanent Address: BAJA (SWABI)

*Memo  
27/6/19*

Note :  
 Age : 64 years  
 Last Drawn pay/Emoluments(Rs.): 11830.00  
 Gross Pension(Rs.) : 6072.73  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion (Rs.) : 2125.46  
 Net Pension (Rs.) : 3947.27  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 315550.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 35.00  
 Commutation Table value : 10.42  
 Recovery on A/C of  
 Debitable to Govt : Khyber Pakhtunkhwa  
 Total Net Share.  
 Federal : 0.00 Punjab : 0.00  
 Sindh : 0.00 NWFP : 0.00  
 Balochistan : 0.00 Military : 0.00  
 AJK : 0.00 Autonomous : 0.00  
 Payment Mode :  
 Bank Branch :  
 Bank Account Number :  
 Employee Station : Executive Engineer C & W Swabi

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	0.	Rs. 0.00	0.00	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

A sum of Rs. 315550.00 (Rupees THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED FIFTY) on account of commuted value of pension is also payable.

The Payment value is debitible to the head.

Major Object A04 Transfer Payments.  
 Minor Object A041 Superannuation Allowance and Pens  
 Detailed Object A04101 Pension  
 A04102 Commuted value Pension.  
 A04103 Gratuity Civil  
 A04104 Other Pension  
 A04105 Gratuity Pension ( Where Pension is mature)  
 A04170 Others

(Signature).....

(Designation).....

*ZAO  
27/6/2019*

To  
The

PENSION ROLL SLIP FOR THE MONTH OF September 2019  
Sawabi

Pensioner 00345820 ZAR BAHADER  
CNIC 1620210024307

Bank Branch: 220201 Account No: 7900500903  
Bank Transfer: 372,495.00

Pension Payment / Recoveries Details

0100 - Monthly Pension - Self	10,000.00
0101 - Pension Increases - Self	1,000.00
1599 - Medical Allow - Pensioner	750.00
5901 - Arrears of Pension	360,558.00
1600 - Med. All. 2015 Pensioner	187.00

Total Pension Payments	372,495.00
Total Decuctions / Recoveries	0.00

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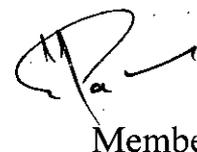
PENSION AMOUNT PAYABLE	372,495.00
------------------------	------------

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PENSION ROLL SLIP PRINTED ON 04.09.2019 AT 10:22:51

22.05.2019

Gul Najab Attorney of the appellant on behalf of appellant present. Zain ul Abideen SDO representative of respondents No.1 to 3 present and submitted written reply/comments on behalf of respondents No.1 to 3. Zaki Ullah Senior Auditor representative of the respondent No.4 absent. Respondents No.4 & 5 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 03.07.2019 before S.B.



Member

03.07.2019

Gul Najab Attorney of the appellant on behalf of the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Written reply on behalf of the respondent No. 1 to 3 already submitted. Mr. Zaki Ullah Senior Auditor on behalf of the respondent No. 4 & 5 present and seeks time to furnish written reply/comments. Adjourned. To come up written reply/comments on 29.08.2019 before S.B.



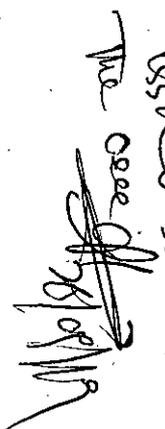
Member

29.08.2019

Gul Najab, Attorney for the appellant present. Addl: AG alongwith Mr. Zain Ul Abideen, SDO and Mr. Ghous Ullah Jan for respondents present. Written reply on behalf of respondents no. 4 and 5 not submitted. Requested for adjournment. To come up for written reply/comments of respondents no. 4 and 5 on 26.09.2019 before S.B.

(Ahmad Hassan)  
Member

*NOTE: The request has been  
also so withdrawn*



28.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Salim Jan, Senior Auditor and Mr. Asad Gul, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 14.03.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

14.03.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Salim Jan, Senior Auditor and Iftikhar Ali, Junior Clerk for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks further adjournment. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

15.04.2019

Clerk to counsel for the appellant present. M/S Salim Jan Senior Auditor and Zaki Ullah Senior Auditor representatives of respondents No.4 & 5 present and requested for time to furnish written reply. No one present on behalf of remaining respondents. Notice be issued to the remaining respondents with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 22.05.2019 before S.B.

  
Member

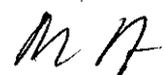
12.12.2018

Counsel for the appellant Zar Bahadir present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed in C&W Department as Cooley vide order dated 17.01.1994 on fixed pay and was regularized vide letter dated 30.07.2008 with effect from 01.07.2008 and he was retired from service vide order dated 26.02.2018 with effect from 01.01.2018 but pensionary benefits were not granted to the appellant for the reason that the regular service of the appellant was less than 10 years. It was further contended that under Rule 2.2 of Pension Rules, 1963 if a contract employee or employee on fixed was served for more than five years service and thereafter he regularized than his contract service/fixed pay service would be counted toward regular service therefore, it was contended that the respondent-department was required to count his fixed pay service toward regular service but the respondent-department had not counted the same therefore, the appellant is entitle for pensionary benefits.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 28.01.2019 before S.B.

Appellant Deposited  
Security & Process Fee



  
Muhammad Amin Khan Kundi  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 1155/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/09/2018	<p>The appeal of Mr. Zar Bahadar presented today by Mr. Muhammad Anwar Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 17/9/18</p>
2-	19-9-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
	25.10.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 1155 of 2018

**Zar Bahadir** ..... Appellant

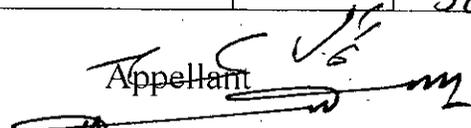
**VERSUS**

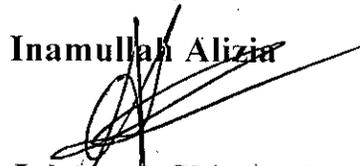
Gov: and others..... Respondents

**INDEX**

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal		1-4
2.	Addressees of Parties		5
3.	Copy of office order	A	6
4.	copy of Circular	B	7
5.	Copy of retirement letter	C	8-32
6.	Copy of department appeal	D	33-35
7.	Power of Attorney		
8.	Wakalat Nama		36

Through

  
Appellant  
**Muhammad Anwar**

  
**Inamullah Alizia**

**Jahanzeb Shinwari**  
Advocates Peshawar,  
Cell: 0333-8866902

Date 17/8 /2018

1

**BEFORE THE SERVICE TRIBUNAL, KHYBER**

**PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 1155 2018

Diary No. 1440

Dated 17-9-2018

**Zar Bahadir S/O Shah Bahadir**  
Ex: Cooly at C & W Division Sawabi

.....Appellant

**V E R S U S**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar
2. Secretary to Government of KP, C & W Department, Civil Secretariat Peshawar.
3. Executive Engineer, C & W Division, Sawabi
4. Accountant General KP, The Mall Road Peshawar
5. District Accounts Officer, Sawabi ..... Respondents

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE NON-ISSUANCE  
OF PENSION / NON PAYMENT OF  
PENSIONARY BENEFITS AND GRATUITY  
/ COMMUTATION TO THE APPELLANT,  
BEING CIVIL SERVENTS, RETIRED ON  
THE AGE OF SUPERANNUATION ON  
06/2016 VIDE OFFICE ORDER BEARING  
NO. 2195/9-RE DATED 13/06/2016 AGAINST  
WHICH THE APPELLANT PREFERRED

Filed to-day

Registrar,

17/9/18

2

**DEPARTMENTAL APPEAL BUT THE  
SAME HAS NOT BEEN RESPONDED  
WITHIN THE STATUTORY PERIOD OF 90  
DAYS, HENCE THIS SERVICE APPEAL.**

**RESPECTED SIR:**

1. That the appellant was appointed as **Cooley on 17/10/1994 on fixed pay** in the office of C & W Department vide office order bearing **No. 6827/7-E(T) dated Mardan the 17/10/1994.** (Copy of office order is annexed as annexure A).
2. That in pursuance of Finance Deptt: Circular letter No. BOI/1-22/2007-08/FD dated 29/08/2008, all the Class-IV, employees who were at fixed pay, were regularized and converted to Civil Servant w.e.f 01/07/2008 and it is further clarified in para No 2 of the Ibid letter that the pay of the employee will be fixed from the date of appointment, but the employee will not be entitled to the arrears. (copy of Circular is annexed as annexure B)
3. That the applicant/appellant has been retired from service w.e.f **06/2016 vide office order bearing No. 2195/9-RE.** (Copy of retirement letter is annexed as annexure C)
4. That despite several verbal as well as written request, the department / authority had not issued pension to the applicant / appellant and the appellant / applicant, <sup>(s)</sup> feeling aggrieved, filed the Departmental Appeal for issuance of pension / payment of pensionary benefits / gratuity to the appellant with all back benefits, but the said appeal has not been responded

within the statutory period of 90 days, hence, this service appeal. (Copy of department appeal is annexed as annexure D)

5. That the appellant feeling aggrieved and having no other adequate remedy, invokes the appellate jurisdiction of this Hon'ble Service Tribunal for the redressal of the grievance of the appellant, on the following grounds, inter alia:

**GROUNDS:**

- A. That pension is the lawful, fundamental and constitutional rights of the appellant and its non-issuance is in utter violation of the law, rules, regulation meant for civil servants.
- B. That pension to the civil servant is a right and not charity.
- C. That the appellant has not been treated according to law, rules and regulations meant for ~~the~~ of pension and thus the act of department is based on mala-fide intention.
- D. That Articles-4 & 8 of the constitution make it clear that deviation from law has not to be countenanced: this is an assurance to the people of Pakistan that people in authority shall treat them in accordance with law and each one is bound by these stipulations of the constitution.
- E. That the non-issuance of pension / payment of pensionary benefits and gratuity / commutation to the appellant is harsh and the appellant has been penalized for no fault on his part.
- F. That any other additional grounds will be raised at the time of final hearing of this appeal.

4

It is therefore, humbly requested that on acceptance of this Service appeal, the pension / non-payment of pensionary benefits and gratuity / commutation to the appellant may kindly be granted / issued with all back benefits. Any other relief, which has not been asked for specifically and the appellant is entitled to, may also be granted to the appellant.

*[Handwritten Signature]*  
Appellant

Through

*[Handwritten Signature]*  
Muhammad Anwar

*[Handwritten Signature]*  
Jahanzeb Shinwari

Inamullah Alizai  
Advocates, Peshawar.

Date: 7/9 / 2018

**AFFIDAVIT**

I, Gul Najib Khan (Attorney) S/O Meer Ajab Khan R/O Sawabi, 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 Hon'ble Tribunal.

*[Handwritten Signature]*  
Attested  
By  
Commissioner  
Peshawar High Court

**DEPONENT**

*[Handwritten Signature]*

5

**BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2018

**Zar Bahadir** ..... Appellant

**VERSUS**

Gov: and others..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

**Zar Bahadir S/O Shah Bahadir  
Cooly at C & W Division Sawabi**

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar
2. Secterary to Government of KP, C & W Deparment, Civil Secretariat Peshawar.
3. Executive Engineer, C & W Division, Sawabi
4. Accountant General KP, The Mall Road Peshawar
5. District Accounts Officer, Sawabi

Appellant

Through

**Muhammad Anwar**

**Jahanzeb Shinwari**

**Inamullah Alizai**  
Advocate, Peshawar

Date: 17/1/2018

Ant - A<sup>9</sup>

6

OFFICE OF THE  
EXECUTIVE ENGINEER HIGHWAY DIVISION  
MARDAN

NO 6827 17-ET

DATED MARDAN DIE 17/10/1994

OFFICE ORDER

As recommended by Mr. Khuda Inayatullah Khan Minister for Forests NWFP, the following persons are hereby appointed as Road Coolies at Rs. 1200/- PM (fixed) each, against existing vacancies with effect from the dates they report for their duties:

1. Mr. Nandaf Khan s/o. Ahmad Khan of Beer Gait, District Swabi.
- ✓ 2. Mr. Zar Bahadur son of Shah Bahadur resident of Baga, PO Chakda, Teh: Swabi.
3. Mr. Habib Khan son of Said Bacha resident of Uta Teh/District Swabi.

Their services are purely temporary and can be terminated any time without assigning any reason or notice.

Highway Swabi  
pls the name of Post & release the salary of Zar Bahadur cc

EXECUTIVE ENGINEER  
HIGHWAY DIVISION MARDAN

1. Mr. Khuda Inayatullah Khan, Minister for Forests NWFP.
2. The Sub Divisional Magistrate, Highway Maint Sub Division Swabi.
3. The District Accounts Officer Mardan.
4. D.A.
5. All concerned individuals.

22/9/95

EXECUTIVE ENGINEER  
HIGHWAY DIVISION MARDAN

ATTESTED

M.S.D.A to Mr. H.S.

Thur  
Si  
Sig  
Hea  
Of

Ant-B  
7

FINANCE DEPARTMENT

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

To

The Accountant General,  
NWFP, Peshawar.

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

Dear Sir,

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

Yours faithfully,

Fida Muhammad  
Budget Officer-I

Endst No. & Date even:

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

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



OFFICE OF THE EDO (F&P) SWAB  
D. No. 1350-CP-1  
Dated: 7-8-08

BUDGET OFFICER-I

ATTESTED

20/8  
10/8  
8/4

Mr. Zahid Khan  
R/o n/a and keep a  
Salan file for 2008-09

Ant - xc<sup>7</sup>  
8

OFFICE OF THE  
EXECUTIVE ENGINEER  
C & W DIVISION SWABI.  
No 2195 /9-RE

DATED THE 12/6 /2016.

OFFICE ORDER.

On completion of 60-Years age of superannuation Zar Bahadar (Road Cooly) will stand retired from Govt. Service on 06/2016.

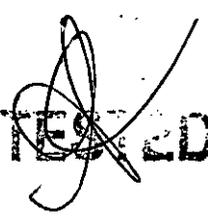
Sanction is hereby accorded to the encashment of leave equal to 365 days in lieu of LPR under the terms, provision of Rules-20 of the Khyber Pakhtunkhwa Civil Servant revised leave rules 1981.

  
EXECUTIVE ENGINEER

Copy forwarded for information to:-

1. The Sub Divisional Officer C&W Sub Division No. 1 Swabi.
2. The District Accounts Officer Swabi.
3. The D.A.O (Local).
4. Head Clerk (Local).

EXECUTIVE ENGINEER

  
ATTESTED

9

Entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: ZAR BAHADAR

Race: ISLAM

Residence: Village Boga P.O:- Boga Tehsil & Distt Swabi

Father's name and residence: SHAH BAHADAR

Date of birth by Christian era as nearly as can be ascertained: 1956 ✓

Exact height by measurement:

Personal marks for identification: A mole on Right Face

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

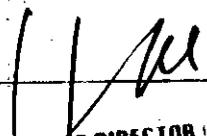
Little Finger  Ring Finger 

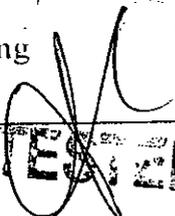
Middle Finger  Fore Finger 

Thumb 

Signature of Government Servant:

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

  
ASSISTANT DIRECTOR (Bldgs.)  
WORKS & SERVICES SWABI

  
ATTESTED

10

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant	Signature of the officer
						1-12-1994		
				Rs 1200/-		1-12-1995		
				Rs 1200/-		1-12-1996		
				Rs 1200/-		1-12-1997		
				Rs 1200/-		1-12-1998		
				Rs: 1500/-		1-5-1999		
				Rs: 1800/-		1-12-1999		
				Rs 2000/-		1-7-2000		
				Rs 2000/-		1-12-2000		
				Rs 2000/-		1-12-2001		
				Rs 2500/-		1-7-2002		
				Rs 2500/-		1-12-2002		
				Rs 2800/-		1-7-2003		
				Rs 2800/-		1-12-2003		
				Rs 3100/-		1-12-2004		
				Rs 3500/-		1-7-2005		
				Rs 4000/-		1-7-2006		
				Rs 4000/-		1-12-2006		
				Rs 4000/-		1-12-2007		

  
ATTESTED

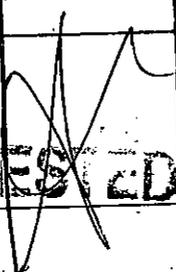
11

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punish- ment or censure or praise of the Government Servant
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
<p><i>Appointed as Road Consty "fixed" Salary basis</i></p> <p><i>@ Rs 1200/- p. month vide Executive Engineer Highway</i></p> <p><i>Division Morden Sp No 6827/7-ECT dt 17/10/1994</i></p>							
<p><i>[Signature]</i></p> <p><b>ASSISTANT DIRECTOR (Bids):</b> <b>WORKS &amp; SERVICES SWAB</b></p>							
<p><b>ATTES</b> <i>[Signature]</i></p>							
<p><i>Allowed Basic Pay Scale No 1 (BPS-1) from the date</i></p> <p><i>of appointment with effect from 01-7-2008 to 30-11-08</i></p> <p><i>vide Notification No. BO-1/1-22/2007-08/ED dated</i></p> <p><i>29-1-2008.</i></p>							
<p><i>[Signature]</i></p> <p><b>ASSISTANT DIRECTOR (Bids):</b> <b>WORKS &amp; SERVICES SWAB</b></p>							

19

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
1245-35-1770			1245			1/12/94	✓
			1280			1/12/95	
			1315 1855			1/12/86	
			1350 1890				1/12/97
			1385 1385				1/12/98
			1420 1400				1/12/99

ATTESTED



13

8 Signature of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punish- ment or censure or praise of the Government Servant.
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
						Period		
		30/11/95	Annual increment					
				Service verified for the period from 1/12/94 To 30/11/95 from the office copies of pay bills Acquittance roll.				ASSISTANT DIRECTOR (Bldgs.) WORKS & SERVICES SWABI
		30/11/96	Annual increment					
				Service verified for the period from 1/12/95 To 30/11/96 from the office copies of pay bills Acquittance roll.				ASSISTANT DIRECTOR (Bldgs.) WORKS & SERVICES SWABI
		30/11/97	Annual increment					
				Service verified for the period from 1/12/96 To 30/11/97 from the office copies of pay bills Acquittance roll.				ASSISTANT DIRECTOR (Bldgs.) WORKS & SERVICES SWABI
		30/11/98	Annual increment					
	ATTES TED			Service verified for the period from 1/12/97 To 30/11/98 from the office copies of pay bills Acquittance roll.				ASSISTANT DIRECTOR (Bldgs.) WORKS & SERVICES SWABI
		30/11/99	Annual increment					
				Service verified for the period from 1/12/98 To 30/11/99 from the office copies of pay				ASSISTANT DIRECTOR (Bldgs.) WORKS & SERVICES SWABI

14

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.A.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
1245-35-1770			1455			1/12/2000	
			1490			1/12/01	3
1870-55-3520			<del>2200</del>			1/12/2001	
			2255			1/12/2002	3
			2310			1/12/2003	3
			2365			1/12/2004	30

ATTESTED

*[Handwritten signature]*



16

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
2150-65-4100			2735				1/7/05
			2800				1/12/05
			2865				1/12/06
2475-75-4725 2150-65-4100			3300				1/7/07
ATTESAD			3395				1/12/07



18

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
2870-905670			4050 3695			1/7/08	
			4230 4140			1/12/08	

Signature of the holder or other in a case

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ATTESTED



20

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
<p>Revised Entries made in light of Notification No BO-1/1-22/2007-8 dt 29-1-08</p>							
<p><u>Date</u> <u>Pay</u></p>							
<p>1-12-84 Rs. 1245</p>							
<p>1-12-85 Rs. 1280</p>							
<p>1-12-86 Rs. 1315</p>							
<p>1-12-87 Rs. 1350</p>							
<p>1-12-88 Rs. 1385</p>							
<p>1-12-89 Rs. 1420</p>							
<p>1-12-2000 Rs. 1455</p>							
<p>1-12-2001 <u>1870-50-3520</u></p>							
<p>1-12-2002 Rs. 2200</p>							
<p>1-12-2003 Rs. 2255</p>							
<p>1-12-2004 Rs. 2310</p>							
<p>1-12-2004 Rs. 2365</p>							
<p><u>2150-65-4100</u></p>							
<p>1-7-2005 Rs. 2735/-</p>							
<p>1-12-05 Rs. 2800/-</p>							
<p>1-12-06 Rs. 2865/-</p>							
<p><u>2475-75-4225</u></p>							
<p>1-7-07 Rs. <del>(3300)</del> <math>\sqrt{3300}</math></p>							
<p>1-12-07 Rs. <del>(3325)</del> 3450</p>							
<p>1-7-08 <u>2970-90-5670</u></p>							
<p>Rs. <del>4050</del> 4140</p>							
<p>1-12-08 Rs. <del>4140</del> 4235</p>							
<p>2000</p>							
<p>OFFICE OF THE ACCOUNTANT GENERAL NEW DELHI</p>							
<p>PAY FIXED IN THE REVISED BASIC PAY SCALES I</p>							
<p>OF RS 2970-90-5670 (B-17)</p>							
<p>AT RS 4140/-</p>							
<p>FOR NEXT INCENTIVE</p>							

*[Signature]*  
 ASSISTANT DIRECTOR (Bids & WORKS & SERVICES SWAB)

ATTES TED

OFFICE OF THE ACCOUNTANT GENERAL  
 NEW DELHI  
 PAY FIXED IN THE REVISED BASIC  
 PAY SCALES I  
 OF RS 2970-90-5670 (B-17)  
 AT RS 4140/-  
 FOR NEXT INCENTIVE  
 1-07-2008  
 1-12-2008  
*[Signature]*



22

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in Substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant.
<u>BPS No. I</u> 2970-90-5670			Rs 4320/-			12/09 (coll)	
<u>de</u>			Rs 4410/- PM			12/15/2010 (coll)	
<u>R.B.P. No. 2</u> 4800-150-9300			Rs. 7200/- PM			7/20/11	
							<p>30-11-2010</p> <p>Recd</p> <p>12</p> <p>26</p>
							<p><del>ATTESTED</del></p>

23

ant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
	30 <sup>11</sup> (AN) 2009			<p><b>Granted Annual Increment</b></p> <p><i>[Signature]</i> DEPUTY DIRECTOR PUBLIC WORKS SWABI</p>			<p>Service verified for the period from 1-12-08 To 31-12-09 from the office copies of pay bills/Acquittance roll.</p> <p><i>[Signature]</i> DEPUTY DIRECTOR PUBLIC WORKS SWABI</p> <p>cc Dm am of UNM 18/09 to mto of Mr. 10/11 MD</p>		
	30 <sup>11</sup> (AN) 2009			<p><b>Granted Annual Increment</b></p> <p><i>[Signature]</i> Executive Engineer C&amp;W Division Swabi</p>			<p>Service verified for the period from 1-12-09 To 31-12-10 from the office copies of pay bills/Acquittance roll.</p> <p><i>[Signature]</i> Executive Engineer C&amp;W Division Swabi</p>		

Provision of pay w.e.f 1-7-2011 vide Govt. of R.P. Finance Deptt (Syr. Wing) P&H No-302 No. 1-1/2011 dt. 14-7-2011.

**ATTESTED**

*[Signature]*  
EXECUTIVE ENGINEER  
C&W DIVISION  
SWABI

(24)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
B.P.S. No. I <del>4850-150-9300</del>			P. 7350/-			1-12-2011	
do			P. 7500/- P.M.			1-12-2011	
Revised Entries B-2 ( <del>2530-85-5080</del> )			P. 3380			1-7-07	
do			P. 3465			1-9-07	
B-2 do ( <del>3035-100-6035</del> )			P. 3550			1-12-07	
do			P. 4235			1-7-8	
do			P. 4335			1-12-8	
do			P. 4435			1-12-9	
B-2 ( <del>4900-170-10000</del> )			P. 4535			1-12-10	
do			P. 7450			1-7-11	
do			P. 7620			1-12-11	
do			P. 7790			1-12-12	

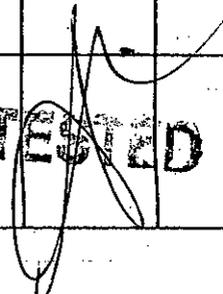
ATTACHED

25

9 Rank and Designation of the officer attesting officer (attestation of Forms 1 to 8)	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punish- ment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
30 <sup>11</sup> / <sub>2011</sub>		Granted Annual Increment				Service verified for the period from 1-12-2010 To 30-11-2011 from the office copies of pay bills Acquittance Roll.		
30 <sup>11</sup> / <sub>2012</sub>		Granted Annual Increment				Service verified for the period from 1-12-2011 To 30-11-2012 from the office copies of pay bills Acquittance roll.		
TR No: 565 7/8/2013						Allowed B-2 waf, 2 <sup>07</sup> and Spl increment waf		
Source- 21 verification Dtr 1-9-07 left out annual pay 15883/2 as A/c of prior to 1-7-08						Granted pay under all waf 1-7-2008-		

ATTESTED

26

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
BPS No 2							
4900-170-10000				B. 7960/- P.M.		30/12/2013	
do				B. 813/- P.M.		15/1/2014	
do				B. 830/- P.M.		15/12/2014	
 <b>ATTESTED</b>							

Signature

3

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in columns 1 to 8	Date of appointment or termination or promotion, such as termination or dismissal, etc.	Reason of termination or promotion, such as termination or dismissal, etc.	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Period for which salary is payable to another Government or Government to which debitible	Signature of the head of the office or other attesting officer.	Reference to any record or certificate recorded in the office or of the Government Servant.
2013 30-11	2013	Approved	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Service verified for the period from 1-12-2013 to 30-11-2013 from the office copies of pay acquittance roll.	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI
2014 11	2014 11	Approved	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Service verified for the period from 1-12-2013 to 30-11-2013 from the office copies of pay acquittance roll.	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI
2014 11	2014 11	Approved	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Service verified for the period from 1-12-2013 to 30-11-2013 from the office copies of pay acquittance roll.	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI	Approved EXECUTIVE ENGINEER C&W DIVISION SWABI

*C.C. Waiver*  
*7/11/13*  
*822*  
*52*  
*12/12*

**ATTESTED**  
*[Signature]*

*LC*

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
Rood cooly	✓						
<u>R BPS No. 2</u> 6335-220-12935				Rs. 10735/-		1 <sup>7</sup> / <sub>2</sub> 2015.	
<u>Upgraded BPS No. 4</u> 6730-300-15730	✓			Rs. 11930/-		1 <sup>7</sup> / <sub>2</sub> 2015.	
4235/8							
7456/11							
16735/15							

THE ACCOUNTANT GENERAL  
MADHAR BAHADUR KUMAR BANSAL

3035 100 6035  
4235  
4900 170 10000  
7456

*(Handwritten signature)*

ATTESTED

*(Handwritten signature)*

29

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

Revision of pay scale w.e.f 1-7-2015  
 vide notification no. FD (PRC) 1-1-2015  
 dt. 27-7-2015

Engineer,  
 P.W.D. (Civil),  
 Govt. of Punjab,  
 Lahore

Post upgraded Five Steps from BPS No. 2 To BPS No. 4 w.e.f 1-7-2015  
 vide Govt. of P.F. Finance Dept. No. KC/FD/50/FR/7-20-2015  
 dt. 17-8-2015. and pay fixed as under

Pay Revised BPS No. 2 Rs. 10735/-  
 Pay Fixed BPS No. 4 Rs. 10970/- 10930/-  
 Add P & M extra Grant. Rs. 300/-  
 Rs. 11270/-  
 14630/-

ATTESTED

Rs. 6335 220 129/5  
 At Rs. 10735/-  
 With next increment On 12 2015  
 Accounts Officer  
 P.W.D. Party A Pakhtunkhwa





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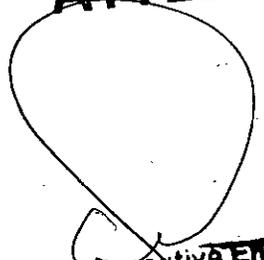
**OF FAMILY MEMBERS WHO ARE LEGAL HERIS OF MR, ZAR BAHADAR  
ROAD COOLY OFFICE OF THE EXECUTIVE ENGINEER C&W DIVISION SWABI.**

Name	Sex	Relation	Date Of Birth	Marital Status
Mst. Mustaqya	F/Male	Wife	1969	Married
Mr. Hussain Ahmad Khan	Male	Son	03.03.1990	
Ashfaq Ahmad	Male	Son	1992	
Baseer Ahmad	Male	Son	1996	
Kalsoon Bibi	F/Male	Daughter	1994	
Mst Hubaiba Begum	F/Male	Daughter	1999	
Haseeba	F/Male	Daughter	2001	

@@

Certified that the above family members 01 to 07 are Legal heirs of Mr,Zar Bahadar Ex.Road cooly office of the Executive Engineer C&W Division Swabi

**ATTESTED**



Executive Engineer  
C&W Division Swabi

**ATTES. DU**



ANN - D

33

Advanced Copy/Through Proper Channel

To,

Worthy Chief Secretary  
C & W Department, KPK, Peshawar

Subject: **Departmental appeal against the non-issuance of pension/pensionary benefits to the appellant being Civil Servient retired on superannuation on 06/2016 vide office order bearing No. 2195/9-RE dated 13/06/2016.**

RESPECTED SIR:

1. That the appellant/applicant was appointed as **Cooley on 17/10/1994 on fixed pay** in the office of C & D Department vide office order issued bearing **No. 6827/17-E(T) dated Mardan the 17/10/1994.** (Copy of office order is annexed as annexure A).
2. That in pursuance of Finance Deptt: Circular letter No. BOI/1-22/2007-08/FD dated 29/08/2008, all the Class-IV, employees who were at fixed pay, were regularized and converted to Civil Servant w.e.f 01/07/2008. (copy of Circular is annexed as annexure B)
3. That whole service career of the appellant/applicant is spotless and to this effect the ACRs bear the

**ATTESTED**

testimony. (Copy of Service Book is annexed as annexure C)

- 4. That the applicant/appellant has been retired from service w.e.f 06/2016 vide office order bearing No. 2195/9-RE dated 13/06/2016. (Copy of retirement letter is annexed as annexure D)
- 5. That despite several verbal as well as written request, the department/authority is not issuing pension to the applicant/appellant and the appellant/applicant, feeling aggrieved invokes the Appellate Departmental Jurisdiction for issuance of pension/pensionary benefits to the applicant/appellant with all back benefits on the following grounds, inter alia:

**GROUND S:**

- A. That pension is the lawful, fundamental and constitutional rights of the applicant/appellant and its non-issuance is utter violation the law, rules, regulation meant for civil servants.
- B. That pension to the civil servant is a right and not charity.
- C. That the act of non-issuance of pension to the applicant/appellant is within the four-corner misconduct on the part of the authority.
- D. That the appellant has not been treated according to law, rules and regulations meant for the of pension

**ATTESTED**



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and thus the act of department is based on mala-fide intention.

- E. That it is the constitutional duty of each and every authority in Pakistan to exercise its power fairly, justly and transparently, which has not been done in the case of applicant/appellant and the applicant/appellant has not been treated in accordance with law, rules and regulations.
- F. That Article-4 of the constitution commands that all the citizens without any discrimination shall be dealt with in accordance with law, so enforcement of the law leaves no room for creating any distinction between the citizens.
- G. That Articles-4 & 8 of the constitution make it clear that deviation from law has not to be countenanced: this is an assurance to the people of Pakistan that people in authority shall treat them in accordance with law and each one is bound by these stipulations of the constitution.
- H. That any other additional grounds will be raised at the time of personal hearing of this appeal.

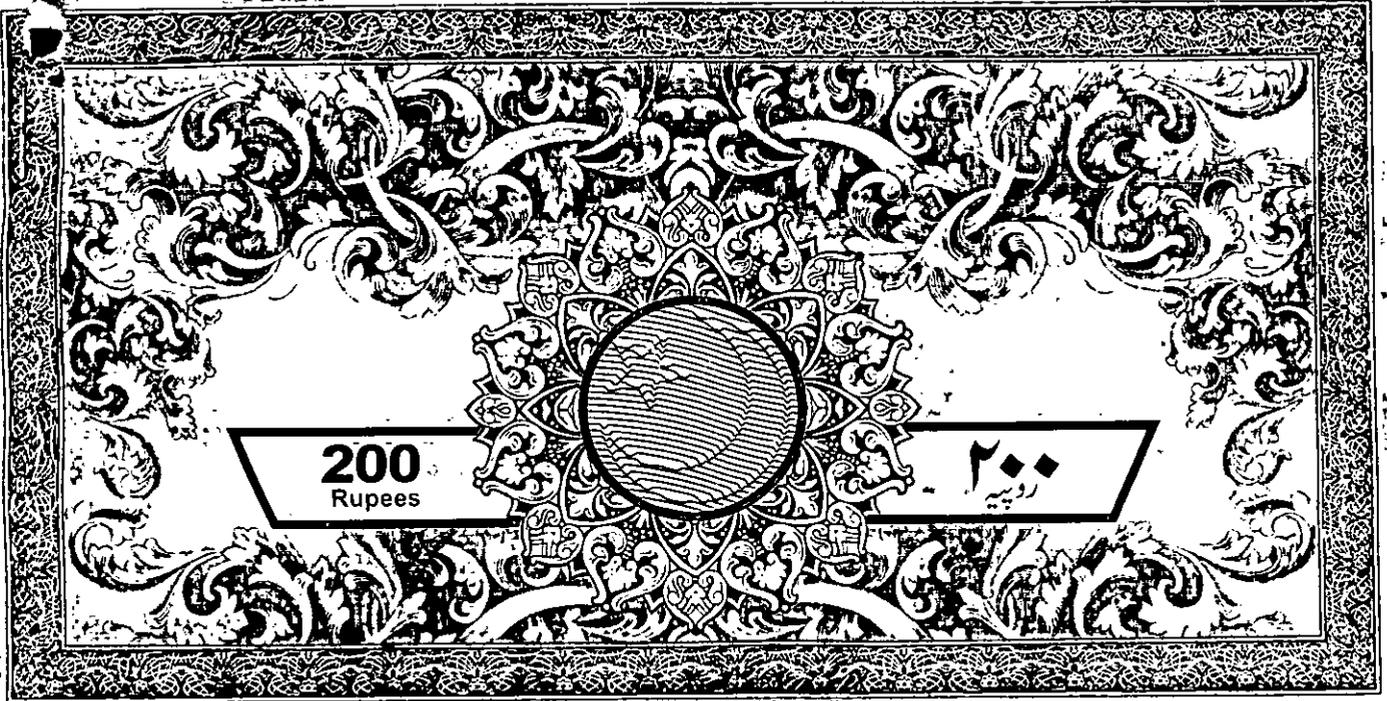
It is therefore, humbly requested that on acceptance of appeal the pension/pensionary benefits to the applicant/appellant may kindly be issued with all back benefits.

Dated 30/05/2018

Appellant/applicant  
**Zar Bahadir**

Cooly at C & W Division Sawabi

**ATTESTED**



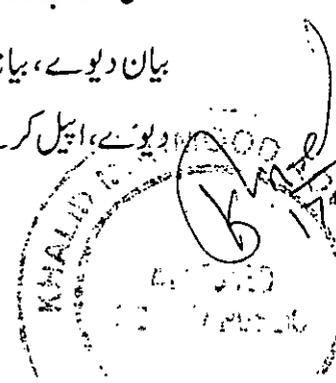
بعدالت سروس ٹریبونل خیبر پختونخوا ایشاور

مختیار نامہ خاص بابت پیروی مقدمہ

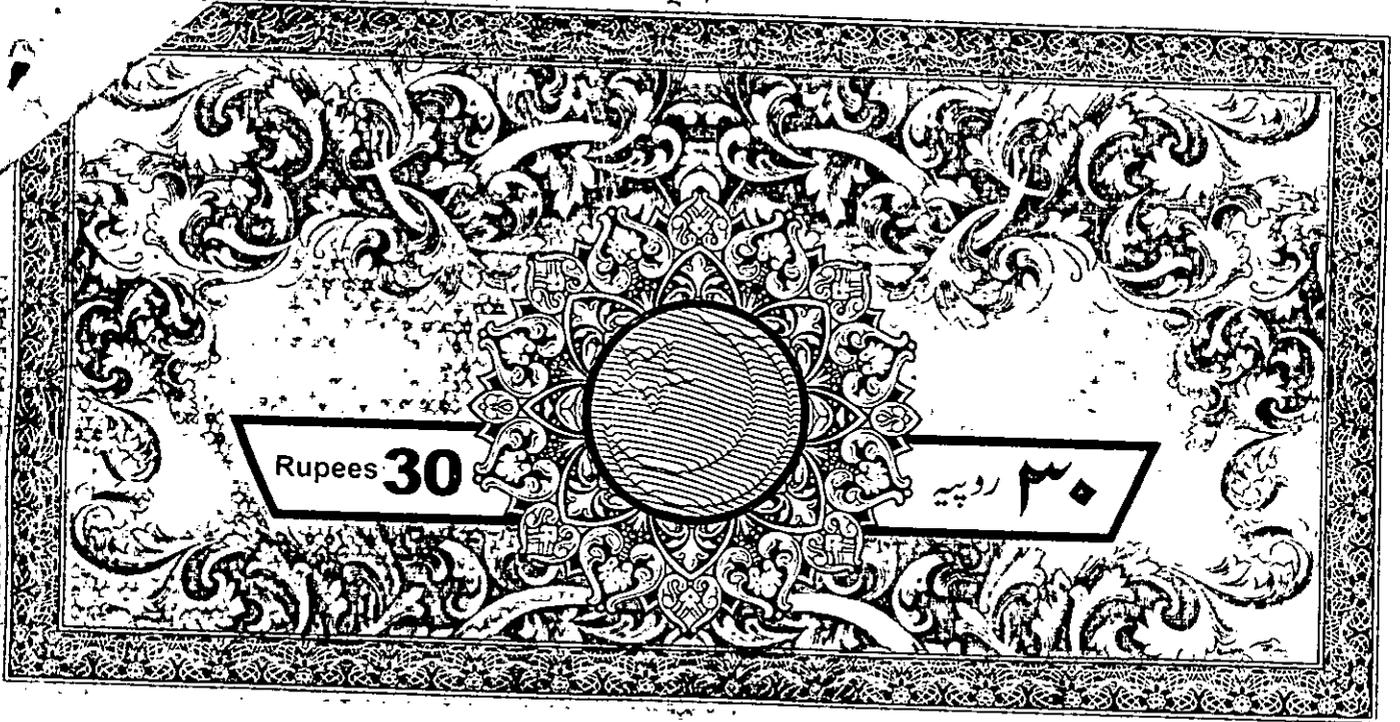
بعنوان :- ..... نام

مایا نگہ شیرامان ولد معظم شاہ۔ نصیر محمد ولد فقیر محمد۔ بغداد شاہ ولد پردل۔ زر بہادر ولد شاہ بہادر۔ مسماۃ رحمت پری بیوہ۔ بی بی سیکینہ انس بی بی۔ گل شمینہ بی بی۔ مشتری بی بی دختران۔ تاج برخان۔ ارشاد خان۔ امتیاز خان۔ اعجاز خان۔ رشید خان۔ اشرف خان۔ اجون خان وارثان بنارس خان مرحوم ولد میر اکبر۔ زر پری بیوہ۔ اختر خان۔ محمدی گل۔ راج گل۔ تاج محمد۔ فضل اکبر۔ بشیر خان۔ نیاز ولی خان۔ قاضی اسد۔ ایاز خان پسران۔ بخت بی بی۔ پری۔ پکراج بی بی وارثان امیر اکبر مرحوم ولد رحمت خان ساکنان ضلع صوابی کے ہیں بذریعہ تحریر ہذا مامقران ہیں کہ مقدمہ بعنوان بالا میں مامقران کی حیثیت "سائلان" کی ہے مقدمہ میں بوجہ ذاتی مصروفیات / پردہ نشینی و دیگر معاملات زندگی عدالت حضور میں خود حاضر ہو کر مقدمہ عنوان بالا کی پیروی کرنے سے قاصر ہیں بدیں وجہ مامقران نے اپنی جانب سے کسی گل نجیب خان ولد میر عجب خان ساکن صوابی کو مختار خاص نامزد کر کے اختیار دیتے ہیں کہ مختیار موصوف، مامقران کی جانب سے مامقران کی غیر موجودگی میں مقدمہ بعنوان بالا میں جملہ کارروائی بذات خود وہ دستخط خود سرانجام دیوے، درخواست گزارے، نقولات مقدمہ حاصل کرے، تائید و تردید و تصدیق کرے، عرضی دعویٰ، جواب دعویٰ و اقبال دعویٰ وغیرہ پیش کرے، اجراء داخل کرے، رقم وصول کرے، ثالث مقرر کرے، راضی نامہ کرے، بیان دیوے، بیانات جمع / ریکارڈ کرواے، راضی نامہ پیش کرے، گواہان پیش کرے، بطور گواہ مامقران پیش ہو کر شہادت دیوے، اپیل کرے، نگرانی کرے، نظر ثانی کرے، وکیل یا بیرسٹر مقرر کرے، عدالت ابتدائی سے سپریم کورٹ آف پاکستان

*Handwritten signature*







Rupees 30

۳۰ روپیہ

زر پری بیوہ

اجون خان وارثان بنارس خان مرحوم ولد میر اکبر

شناختی کارڈ نمبر.....

شناختی کارڈ نمبر.....

محمدی گل

اختر خان

شناختی کارڈ نمبر 13301-6635865

شناختی کارڈ نمبر 13301-8510566

تاج محمد

راج گل

شناختی کارڈ نمبر.....

شناختی کارڈ نمبر 13301-8873001

بشیر خان

فضل اکبر

شناختی کارڈ نمبر 13301-3641407

شناختی کارڈ نمبر 13301-7233665

قاضی اسد

نیاز ولی خان

شناختی کارڈ نمبر.....

شناختی کارڈ نمبر.....

بخت بی بی

ایاز خان پسران

شناختی کارڈ نمبر 13301-9564244

شناختی کارڈ نمبر.....

پکراج بی بی وارثان امیر اکبر مرحوم ولد رحمت خان

پری

شناختی کارڈ نمبر.....

شناختی کارڈ نمبر.....

اختیار گروہ

شناختی کارڈ نمبر 16202-8368108

گواہ

گواہ

کالونی بیٹھ ضد

15402-14505

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قصر خان ولد فریدان

16201-0687285

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34

48382

  	ایڈوکیٹ: بار کونسل ایسوسی ایشن نمبر: 3703-10-14 رابطہ نمبر: 9368972-0333	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
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بعدالت جناب: *محمد رفیق*

مخاطب: <i>مسائل</i> <i>زرا پتھان</i> <i>بنام عوام</i>	دعویٰ: علت نمبر: مورخہ: جرم: تھانہ:
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**باعت تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کیلئے *محمد رفیق* صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو رضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

البرقوم: *محمد رفیق*

العبد \_\_\_\_\_ واہ شد \_\_\_\_\_ العبد \_\_\_\_\_

مقام \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

*محمد رفیق*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No.1155 of 2018

Mr. Zar Bahadar S/O Shah Bahadar  
Ex-Cooly of C&W Division Swabi

**APPELLANT**

**VERSUS**

- 1- Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
- 2- Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Civil Secretariat Peshawar.
- 3- Executive Engineer C&W Division Swabi.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- District Accounts Officer, Swabi

**RESPONDENT**

**COMMENTS ON BEHALF OF OFFICIAL RESPONDENTS NO.2 & 3**

**NOTE: OFFICIAL RESPONDENT AT-1 IS IRRELEVANTLY ARRAYED  
IN THE PRESENT CASE**

Respectfully Sheweth!

**ON FACTS:**

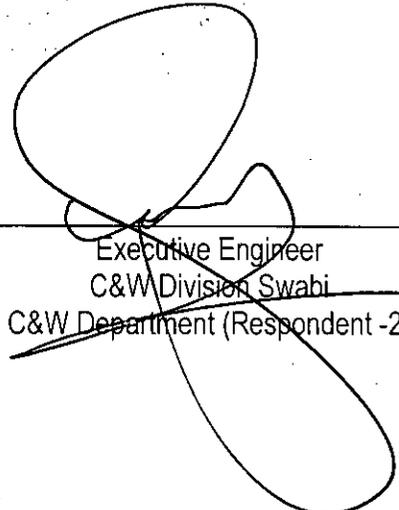
- 1- Correct.
- 2- Correct with further clarity, that the reference to Finance Department letter dated 29/8/2008 is incorrectly by stated. The correct dated of memo is 29/01/2008 (Annexed-I).
- 3- Correct on attaining the age of superannuation as per recorded date of birth viz 1956, appellant was stands retired from service 6/2016.
- 4- In-correct, the official Respondent-3 (Executive Engineer) processed the Pension Claim of Appellant as furnished by the retiree with the DAO Swabi (Respondent-5). The DAO raised certain observations and not cleared the pension claim at all. The last DAO Swabi (Respondent-5) when rejected such cases, the appellant alongwith others, were informed vide Memo No.4093/5-E dated 25/10/2017 (Annexed-II) supporting with DAO letter dated 28/10/2016 (Annex-III).
- 5- Legal not needs to comment so far replying Respondent-2 & 3 concerned.

**ON GROUNDS:**

- A. Incorrect. According to amendment i.e. THE NWFP CIVIL SERVANTS (AMMENDMENT) ACT, 2013 (Annexed-IV) giving it effect w.e.f 30-days of June, 2001, on retirement, a civil servant is entitled to receive such Pension or Gratuity as may be prescribed by Law.
- B. Correct, accordingly to entitlements.
- C. Incorrectly, attributed to the replying official Respondent-2 & 3. Pension Claim has since been processed by the Employer in time.
- D. LEGAL, as per the Constitution of the Country, every Citizen/ Person have always to be treated with equity without discrimination, sect & cast.
- E. The same as expressed at-C, above.
- F. No comments on the part of Respondent(s) 2 & 3.

In the wake of above submissions, and the case history, devoid of merits, being not submitted Pension Claim (Family), may graciously be dismissed with cost.

  
Secretary C&W Department  
(Respondent-1)

  
Executive Engineer  
C&W Division Swabi  
C&W Department (Respondent -2)

دہلی حکومت کے سرکاری  
مہتمم کے دفتر

مراسلہ نمبر پی۔ او۔ اے۔ ۱۱/۲۲/۰۸۔ ۲۰۰۷۔ ۲۰۰۷ ایف۔ ڈی  
سورجہ ۲۹ جنوری، ۲۰۰۸

پیشہ

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

عنوان :- بجٹ تقریر ۰۸-۲۰۰۷ میں درجہ چہارم کے متعلقہ تجاویز کے لئے (Fixed pay)  
ملازمین کے لئے سی۔ پی۔ ٹی۔ فنڈ کا اعلان۔

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کر دوں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تجاویز Fixed pay) کے لئے درجہ ملازمین کو یکم جولائی ۲۰۰۸ سے این ڈی بی ایف پی سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیگر بنیادی سکیلوں (BPS-1) دینے کی منظوری دی ہے۔

۲۔ مذکورہ ملازمین کی تجاویز کا قین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تجاویز اور ایڈوانسز وغیرہ کی نہ میں کسی قسم کی توجیہ جات (arrears) کے حقدار نہیں ہوں گے۔

۳۔ اس سلسلے میں پہلے سے جاری شدہ تمام ایسی ہدایات یکم جولائی ۲۰۰۸ سے منسوخ تصور ہوں گے۔

آپ کا مخلص

مسٹر (شرافت خان ربانی)  
مہتمم (سرحد)

نقل برائے اطلاع:

- (۱) اکاؤنٹس جنرل، صوبہ سرحد بمقام گزارش، کہ مندرجہ بالا اقدامات کی نافذ آمدنی، پیشی بنایا جائے۔
- (۲) جملہ ایگزیکٹو ڈسٹرکٹ آفیسرز، فنانس اینڈ پلاننگ، صوبہ سرحد۔
- (۳) جملہ ضلعی آفیسران حد درجہ، داری، صوبہ سرحد۔

فہرست  
میزانیہ نمبر (۱) محکمہ خزانہ

نقل برائے اطلاع:

- (۱) نجی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
- (۲) جملہ اضافی معتمدین و نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
- (۳) جملہ بجٹ ایڈمرز، ریکیشن آفیسرز محکمہ خزانہ، صوبہ سرحد۔
- (۴) ڈائریکٹر، FMIU، مندرجہ خزانہ صوبہ سرحد۔
- (۵) نجی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

فہرست  
میزانیہ نمبر (۱) محکمہ خزانہ

البراقیم سہ ماہ  
9210455



Annex-II

GOVT: OF KHYBER PAKHTUNKHWA  
Communication & Works (C&W) Division  
District Swabi.

PH:-0938-221337 Fax:-0938-221337 E-Mail:- cwd.swabi@Gmail.com

No. 4093/S-E  
Aman

Dated: 28/12/2017

- To,
- 1-Sher Rehaman Cooly.
  - 2- Naseer Muhammad Cooly. X
  - 3- Amir Akbar Cooly. (Diseased). X
  - 4- Mr. Zar Bahader Cooly. X

Subject:- CLEARANCE OF PENSION PAPER

Enclosed find herewith letter No.1451/DAO/P.W/2016-17, received from District Account Officer Swabi which is self explanatory for your information and further necessary action.

D.A/As above.

Copy forwarded to the:-

- 1- District Accounts Officer Swabi with reference to above for information lease.
- 2- Gul Najab Khan President Labour Union District Swabi for information.

EXECUTIVE ENGINEER

EXECUTIVE ENGINEER

Handwritten notes in Urdu script at the bottom of the page.

Annex III

No. 1451 /DAO/P.W/2016-17  
To,

Dated Swabi the 28 /10/2016.

The Executive Engineer,  
C&W Division Swabi.

Subject:- CLEARANCE OF PENSION PAPER.

Memo,

Please refer to the subject noted above. It is stated that in - light of Govt; of Khyber Pakhtun-Khwa Finance Department Peshawar letter No-BO1/FD/1-22/2008-09 dated 30-07-2008, where in all the Class-IV fixed servant have been regularized giving <sup>them</sup> ~~that~~ the status of Civil servants w.e.f. 01-07-2008 ( but not from the date of appointment) Therefore they are entitled for the grant of pension benefits from the date of their regularization and not for the date of their appointment.

The same reference may also be seen in Account General KPK Peshawar letter No-H-24/Retired employee (2013-14) /2011-12 dt; 26-09-2013.

DISTRICT ACCOUNTS OFFICER  
SWABI.

28/10/2016

He /DAO  
For info  
[Signature]  
XEN

AN  
ACT

further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013.

(2) It shall come into force at once and shall be deemed to have taken effect from 30th day of June, 2001.

2. Substitution of section 19 of Khyber Pakhtunkhwa Act No. XVIII of 1973.--- In the Khyber Pakhtunkhwa Civil Servants Act (Khyber Pakhtunkhwa Act No. XVIII of 1973), for section 19, the following shall be substituted, namely,-

"19 Pension and gratuity.--- (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but government may sanction compassionate allowance to such civil servant, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family:

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment Department shall constitute a Committee comprising of the Secretary to Government, Finance Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty."

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)  
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

Annex-IV  
(1-2)

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 22/01/2013.

No: PA/Khyber Pakhtukhwa/Bills/2013/ 2048 The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2013 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 15<sup>th</sup> January, 2013 and assented to by the Governor of the Khyber Pakhtunkhwa on 17<sup>th</sup> January, 2013 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(AMENDMENT) ACT, 2013

(KHYBER PAKHTUNKHWA ACT NO. III OF 2013)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 22 /01/2013).

(Here print as in the accompaniment).

Muneeb

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

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civil ser  
Act, 1973