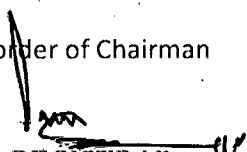


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1328/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2022	<p>The appeal of Mr. Tariq Khan presented today by Mr. Akhtar Ilyas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1328 /2022

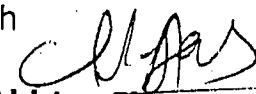
Tariq Khan Appellant
Versus
Govt. of Khyber Pakhtunkhwa and others .. Respondents

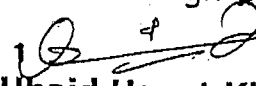
INDEX

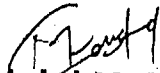
S.No	Description of Documents	Annex	Pages
1.	Appeal U/S 4 of the KP Service Tribunal Act, 1974		1-6
2.	Affidavit		7
3.	Copy of Appointment Order	A	8
4.	Copy of Order dated 11.07.2001	B	9-10
5.	Copy of Order dated 16.12.2005	C	11
6.	Copy of Order dated 13.03.2008	D	12
7.	Copy of Order dated 26.03.2008	E	13
8.	Copy of Order dated 09.04.2008	F	14
9.	Copy of Order dated 18.04.2008	G	15
10.	Copy of Order dated 10.02.2014	H	16
11.	Copy of Order dated 31.03.2014	I	17
12.	Copy of Order dated 28.03.2016	J	18
13.	Copy of Appeal	K	19-20
14.	Copy of Order dated 03.08.2022	L	21-22
15.	Vakalat Nama		23


Appellant

Through


Akhtar Ilyas
Advocate High Court.


Ubaid Hayat Khan


Abdul Majeed Yousafzai
Advocates, Peshawar
TT-287, Deans Trade Center,
Peshawar.
Cell # 0333-9417974

Email Alchamber 44 @ gmail.com

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1328 /2022

Tariq Khan S/o Abdul Wahid Khan
Ex. Sub-Engineer,
Public Health Engineering Department,
KPK, Peshawar.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department, Peshawar.
2. Chief Engineer (Center), Public Health Engineering Department (PHED), Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (Building), C&W Department, KPK, Peshawar.
4. Chief Engineer (Roads), C&W Department, KPK, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

Appeal U/S 4 of the KP Service Tribunal Act, 1974 against the non-issuance of Retirement Order and the Order dated 03.08.2022 received on 22/08/2022 whereby his departmental Appeal for grant of pension etc. has been regretted.

Sheweth:

1. That Appellant was appointed as Sub-Engineer (BPS-11) in Local Government, Elections and Rural Development Department vide Order dated 03.11.1988. **(Copy of Appointment Order is annex. "A")**.
2. That Appellant performed the duties with full zeal and devotion and to the utter satisfaction of his superior.
3. That vide Order dated 11.07.2001, he was placed at the disposal of surplus pool of Establishment and Admission Department. **(Copy of Order dated 11.07.2001 is annex. "B")**.
4. That vide Order dated 16.12.2005, he was reinstated into service with all back benefits. **(Copy of Order dated 16.12.2005 is annex. "C")**.
5. That vide Order dated 13.03.2008, the Appellant was absorbed/adjusted against the vacant post of Sub-Engineer in PHE Works and Services Department. **(Copy of Order dated 13.03.2008 is annex. "D")**.

6. That vide Order dated 26.03.2008, the Appellant was adjusted as Sub-Engineer and posted at PHE Division Battagram. **(Copy of Order dated 26.03.2008 is annex. "E")**. Later on, he was adjusted in Works and Services (Roads) in District Swat vide Order dated 09.04.2008. **(Copy of Order dated 09.04.2008 is annex. "F")**.
7. That vide Order dated 18.04.2008, he was against posted as Deputy Director Project Division at Swat. **(Copy of Order dated 18.04.2008 is annex. "G")**.
8. That on 10.02.2014, the Appellant was repatriated to PHE Department. **(Copy of Order dated 10.02.2014 is annex. "H")**.
9. That the Appellant joined the parent department and got NOC to work in C&W Department vide Order dated 31.03.2014. **(Copy of Order dated 31.03.2014 is annex. "I")**.
10. That on 28.03.2016, he was again repatriated to his parent department. **(Copy of Order dated 28.03.2016 is annex. "J")**.
11. That when the Appellant approached the parent department, he was advised to wait for

posting as no vacant post is available at present; he submitted application for medical leave as he faced severe health/mental issues at that very juncture. Unfortunately, all that record is not available and misplaced due to shifting of PHE Department from Secretariat to Hayat Abad.

12. That Appellant is still in service as he has not been terminated from service nor any departmental proceeding initiated against him as such, he worked till **28.03.2016**.

13. That after recovery, he filed Appeal on 02.08.2022. **(Copy of Appeal is attached as annex. "K")**.

14. That the respondents regretted the Departmental Appeal on flimsy grounds vide Order dated 03.08.2022. **(Copy of Order dated 03.08.2022 is annex. "L")**.

15. That feeling aggrieved, the Appellant seeks indulgence of this Hon'ble Tribunal for redress, inter-alia on the following:

GROUND

A. That the Appellant has rendered services and served the esteemed department of PHE for almost 28 years, as such, he is entitled for

pension and other benefits allowed under the law and rules on the subject but this aspect has been ignored by the respondents.

- B. That as per Rule-371-A of C.S.R, the Appellant is entitled for pensionary benefits for the simple reason of rendering services more than qualifying service.
- C. That the respondents have not fired the services of the Appellant nor have issued/initiated any disciplinary proceedings against him which means he is still in service, on this score alone, he is entitled for pensionary benefits.
- D. That it is settled by now that pension is not a bounty of the state rather it has to be given as a right in lieu of the services rendered by a civil servant.
- E. That the Appellant has not been treated in accordance with law, rather has been discriminated in utter disregard of Article 4 & 25 of the Constitution, 1973. Hence, needs indulgence by this Hon'ble Tribunal.

F. That the Appellate authority has not applied his judicial mind and with a single stroke of pen regretted the appeal with flimsy grounds.

G. That the Appellant seeks leave of the Court to urge additional grounds at the time of arguments.

Prayer:

It is, therefore, prayed that the impugned action of non-issuance of retirement Order and not allowing/granting pensionery benefits to the Appellant and the Order dated 03.08.2022 passed by the Departmental Authority may please be set aside and the respondents be directed to issue retirement order and grant pensionery benefits to the Appellant.

Any other remedy to which the Appellant is found fit in law, justice and acquit may also allowed.

Through

[Handwritten Signature]
Appellant

[Handwritten Signature]
Akhtar Ilyas
Advocate High Court.

Dated: 02.09.2022

4 *[Handwritten Signature]*
Ubaid Hayat Khan
[Handwritten Signature]
Abdul Majeed Yousefzai

CERTIFICATE:

Certified that no such like Appeal has earlier been filed by this Hon'ble Court.

[Handwritten Signature]
Advocate

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Tariq Khan Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others .. Respondents

AFFIDAVIT

I, Tariq Khan S/o Abdul Wahid Khan Ex. Sub-Engineer Public Health Engineering Department KPK, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

(Handwritten Signature)

DEPONENT

CNIC: 15601-8786405-7

Cell #

ATTESTED
Gul Dastgeer Khan
Oath
Commissioner
Advocate High Court Peshawar
(Handwritten Signature)

(4) ~~Annex~~
Annex-A (8)

GOVERNMENT OF W.M.P.,
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPTT:

DS.I/ICB/1-8/88,
Dated Peshawar the 3rd November, 1988.

To

Mr. Tariq Khan s/o
Abdul Wahid Khan, Village Runyal Tehsil,
Matta, District Swat, C/o Nasir Medical Store, Saidu Sharif Swat.

Subject:- APPOINTMENT AGAINST A POST OF SUB ENGINEER
UNDER THE SCHEME STRENGTHENING OF LG & RDD ON
CONTRACT BASIS.

Having been selected for appointment by the
Selection Board the Provincial Government are pleased to offer
you a post of Sub-Engineer
in pay scale No. 11(910-46-1830) under the scheme
of strengthening of LG & RDD on contract basis from the date of
assumption of charge till 30-6-1989, on the terms and conditions as
laid down in item No. 1 to 8, of the enclosed agreement. Besides
this you shall have to produce Medical Fitness Certificate.

If the said terms and conditions of appointment are
acceptable to you, you should report to undersigned on or before
15-11-1988, failing which this offer shall be deemed to have been
cancelled.

Sarwar Khan
(SARWAR KHAN)
DEPUTY SECRETARY-I (ICB).

Attested
R

~~Annex A~~ (6)
Annex B (9)

GOVERNMENT OF N.W.F.P.,
LOCAL GOVT.ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 11TH JULY, 2001

NOTIFICATION.

No.SO(LGF-1)2-206/90/Vol.II.- Consequent upon the restructuring of the Department, the Provincial Government in the Local Government, Elections and Rural Development Department are pleased to place the services of the following contract employees appointed under the Scheme "Strengthening of LG & RDD" at the disposal of Surplus Pool of Establishment and Administration Department only for the purposes of payment of salary etc with effect from 1-7-2001 as advised by Law Department vide letter No.Op.5(27)/LD/2001/3414, dated 3-7-2001. Their further adjustment will be considered as and when the Writ Petition filed by them in the Peshawar High Court Peshawar is decided:-

Sl.No.	Name of Officer/official	Post Held with BPS.	Distt: of Domicile.	Place of present posting.
1.	Mrs.Tahira Yasmeen	Asstt: Director (BPS-17)	D.I.Khan	Dte:General, LG&RDD.
2.	Mr.Muhammad Iqbal,	Planning Officer(B-17)	Bannu	-do-
3.	Mr.Zafrullah Khan	-do-	Karak	C.I.P.Peshawar.
4.	Mr.Muhammad Zahoor	-do-	Malakand	-do-
5.	Mr.Muhammad Fahim.	-do-	Swat.	Proceeded on three years Extra-Ordinary Leave without pay.
6.	Mr.Yahya Khan Tanoli.	-do-	Abbottabad	Acting AD, LG&RDD, Peshawar.
7.	Mr.Pervez Khan	Progress Officer(BPS-17)	Peshawar.	Dte:General, LG&RDD.
8.	Mr.Fakh-Uz-Zaman	-do-	Mardan	-do-
9.	Mr.Attiq-ur-Rehman	-do-	Manselhra	LG &RDD, Battagram
10.	Mr.Sarfraz Khan	-do-	Malakand	Acting AD, LG&RDD, Buner.
11.	Mr.Arshad Zia	-do-	Nowshera	Dte:General, LG &RDD.
12.	Mr.Razaullah Khan	Progress Officer (B-16)	D.I.Khan	LG & RDD, D.I.Khan.
13.	Mr.Shad Muhammad	-do-	Manselhra,	LG &RDD, Manselhra.
14.	Mr.Sheraz Ahmed,	-do-	Swabi	LG &RDD, Mardan.
15.	Mr.Abdur Rashid.	-do-	Haripur.	LG &RDD, Haripur.
16.	Mr.Fazlullah	-do-	Swabi	LG &RDD, Charsadda.

Attested
2

9-A

17.	Mr.Khalid Saeed,	Progress Officer(B-17)	Abbottabad	Acting AD, LG & RDD, Abbottabad.
18.	Mr.Shibli Khan	Progress Officer (B-16)	Swabi.	LG & RDD, Swabi.
19.	Mr.Fazal Rehman	Stenographer (B-12)	Malakand,	LG & RDD, Malakand.
20.	Mr.Ziaullah	-do-	Peshawar.	Dte:General, LG & RDD.
21.	Mr.Muhammad Ismail	Office Assistant (BPS-11)	Mardan	-do-
22.	Mr.Naseemullah	-do-	Mardan	-do-
23.	Mr.Iqbal Ahmed	-do-	Swat.	LG & RDD, Buner.
24.	Mr.Siwanosh	-do-	Swat.	LG & RDD, Malakand.
25.	Mr.Munawar Ahmed	Sub-Engineer (BPS-11)	Lakki Marwat.	LG & RDD, NW-Agency
26.	Mr.Asghar Hussain	-do-	Khyber Agency	LG & RDD, Khyber Agency.
27.	Mr.Raees Khan	-do-	SW-Agency	LG & RDD, Peshawar.
28.	Mr.Azizur Rehman	-do-	Peshawar	LG & RDD, Mohmand Agency.
29.	Mr.Abdul Hameed	-do-	Kohat	LG & RDD, Lakki.
30.	Mr.Mislahuddin	-do-	Dir (Lower)	LG & RDD, Dir(Upper).
31.	Mr.Hayat Khan	-do-	Charsadda.	LG & RDDm, Swat.
32.	Mr.Muhammad Saddique	-do-	Swabi	LG & RDD, Peshawar.
33.	Mr.Amiri Gul	-do-	Malakand	LG & RDD, Malakand.
34.	Mr.Dilawar Khan	-do-	SW-Agency	LG & RDD, DIKhan.
35.	Malik Irfan	-do-	DIKhan	LG & RDD, Tank(FR).
36.	Mr.Abdali Shah	-do-	Malakand	LG & RDD, Mardan.
37.	Mr.Muhammad Khan.	-do-	Haripur	LG & RDD, Abbottabad.
38.	Mr.Amanullah	-do-	Peshawar.	LG & RDD, Nowshera.
39.	Mr.Tariq Khan	-do-	Swat.	LG & RDD, Swat.
40.	Mr.Muhammad Ilyas	-do-	NW-Agency	LG & RDD, SW-Agency.
41.	Mr.Abdur Rehman	-do-	Karak	LG & RDD, Bannu.

43.	Mr. Muhammad Nazif	-do-	Dir	LG&RDD, Mardan.
44.	Mr. Ghulam Akbar.	-do-	DIKhan	LG & RD, SW- Agency.
45.	Mr. Salim Javed	-do-	Malakand	LG & RDD, Swat.
46.	Mr. Justice Muhammad	-do-	Swabi	LG & RDD Nowshera.

SECRETARY TO GOVT. OF NWFP,
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT.

Endst. No. SO(LG-1)2-206/90

Dated Peshawar the 11th July, 2001

CC.

1. The Secretary to Government of NWFP, Establishment and Administration Department, Peshawar. A copy of the Law Department letter as quoted above is attached.
2. The Secretary to Government of NWFP, Law Department with reference to his letter No. Op.5(27)LD/2001/3414, dated 3-7-2001.
3. The Secretary to Government of NWFP, Finance Department.
4. The Secretary to Government of NWFP, PE&D Department.
5. The Private Secretary to Chief Secretary, NWFP.
6. The Accountant General, NWFP, Peshawar.
7. All District Coordination Officers in NWFP.
8. All Assistant Directors, LG & RDD in NWFP.
9. All District/Agency Accounts Officers in NWFP.
10. The Section Officer (Surplus Pool) Establishment & Administration Department.
11. All officers/officials concerned.

[Signature]
SECTION OFFICER (ESTT.)

Attested
[Signature]

~~Annex E~~
Annex - C (11)
GOVERNMENT OF N.W.F.P.,
LOCAL GOVT., ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 16th December, 2005

No.SO(LG-I)3-323/03.- In continuation of this Department Notification of even number dated 10-11-2005, the Competent Authority is pleased to re-instate in service the following officers/officials of the Local Government and Rural Development Department, NWFP with effect from the date of their termination from service viz 30-5-2003 with all back benefits and their services regularized from the date of their initial appointment:-

Sl.No.	Name of officer/official	Designation with BPS
1.	Mr.Muhammad Yahya Tanoli	Planning Officer (BPS-17)
2.	Mr.Shibli Khan	Progress Officer (BPS-16)
3.	Mr.Ziaullah Khan	Stenographer (BPS-12)
4.	Mr.Mislah-Ud-Din.	Sub-Engineer (BPS-11)
5.	Mr.Tariq Khan	-do-
6.	Mr.Hayat Khan	-do-
7.	Mr.Abdur Rehman	-do-

2. On re-instatement these officers/officials are placed in the Surplus Pool of Local Government and Rural Development Department for which Finance Department shall create posts, till they are adjusted as per policy of the Provincial Government.

SECRETARY TO GOVT. OF NWFP,
LOCAL GOVT., ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Endst. No.SO(LG-I)3-323/03

Dated Peshawar, the 16th December, 2005

Copy is forwarded to:-

1. All the Administrative Secretaries, Government of NWFP.
2. The Accountant General, NWFP, Peshawar.
3. The Registrar, NWFP Service Tribunal, Peshawar.
4. The Director General (D&M), LG & RDD.
5. All District Coordination Officers in NWFP.
6. The PS to Chief Secretary, NWFP, Peshawar.
7. The PS to Minister for LG & RD, NWFP, Peshawar.
8. The PS to Secretary, LG & RDD.
9. The Director, FATA, LG & RDD, Peshawar.
10. The Section Officer (Surplus Pool), E&A Department.
11. The Section Officer (General), LG & RDD.
12. All Officers/officials concerned.
13. Personal file of the officer/official concerned.

Attested
(DIL MUHAMMAD)
SECTION OFFICER (ETAB:)

GOVERNMENT OF NWFP ~~Annex 1~~
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the March 13, 2008

12

ORDER

No. SOE-II/W&S/17-3/99 In compliance with the decision of Supreme Court of Pakistan dated 25.08.2005 the competent authority has been pleased to absorb/adjust the following surplus Sub Engineers (BPS-11) of Local Govt. & Rural Dev: Department, Peshawar against the vacant posts of Sub Engineers (BPS-11) in the Public Health Engineering Works & Services Department with immediate effect.

1. Mr. Mohammd Khan
2. Mr. Amanullah
3. Malik Mohammad Irfan
4. Mr. Abdul Hamid Khan
5. Mr. Munawar Ahmed
6. Mr. Intizar Mohammad
7. Mr. Dilawar Khan
8. Mohammad Ilyas Khan
9. Mr. Abdul Rahman
10. Mr. Mohammad Siddiq
11. Mr. Aziz-ur-Rahman
12. Mr. Mohammad Raees
13. Mr. Tariq Khan
14. Mr. Mislahuddin
15. Mr. Salim Javed.
16. Mr. Abdali Shah
17. Mr. Arif Qayum
18. Mr. Amin Gul
19. Mr. Asghar Hussain
20. Mr. Mohammad Nazif

2. Their services are placed at the disposal of Chief Engineer PHE Works & Services for further posting against the vacant posts.

3. They shall be placed at the bottom of seniority list of Sub Engineers in the PHE cadre Works & Services Department in accordance with their inter-se seniority in their parent department.

SECRET

Attended
[Signature]

Endst of even number of page

12-A

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Principal Secretary to Chief Minister NWFP, Peshawar.
3. Secretary to Govt. of NWFP, Establishment & Admn Deptt, Peshawar.
4. Secretary to Govt. of NWFP, Local Govt, & Rural Dev: Deptt, Peshawar.
5. Secretary Local Council Board, NWFP Peshawar.
6. Chief Engineer Works & Services Peshawar.
7. Chief Engineer (E) Works & Services Peshawar.
8. Chief Engineer (TA) Works & Services Peshawar.
9. Section Officer (Estt-1) W&S Department Peshawar.
10. Section Officer (Estt-2) W&S Department Peshawar.
11. Section Officer (Estt-3 plus Pool) Establishment Deptt: Peshawar.
12. Incharge Control Cell, Works & Services Department Peshawar.
13. PS to Secretary Works & Services Department, Peshawar.
14. PA to Additional Secretary W&S Department Peshawar.
15. Officials concerned.
16. Office file/Personal file.

(SYED BAQAR SHAH)
SECTION OFFICER (ESTT-II)

Annex-E (13)

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the March 26, 2008

ORDER

No. SO (E-I)W&S/11-268/08(S.E.). Consequent upon the decision of the Supreme Court of Pakistan dated 25-08-2005, the following Sub Engineers have been adjusted in PHE Works & Services Department and allowed to draw the arrear of their pay and allowances with effect from 01-06-2007 against the vacant posts mentioned against each, subject to their further posting/transfer in the department which will be issued later-on:-

No.	Name of official	Office
1.	Salim Javed	O/O DDO PHE Chitral
2.	Muhammad Khan	O/O DDO PHE Abbottabad
3.	Abdul Hamid	O/O DDO PHE Kohat
4.	Muhawar Ahmad	O/O DDO PHE Kohat
5.	Intizar Muhammad	O/O DDO PHE Swabi
6.	Dilawar Khan	O/O DDO PHE Karak
7.	Muhammad Ilyas	O/O DDO PHE Hangu
8.	Muhammad Siddique	O/O DDO PHE Swabi
9.	Raees Khan	O/O DDO PHE Kohat
10.	Fang Khan	O/O DDO PHE Battagram
11.	Mistah udd Din	O/O DDO PHE Chitral
12.	Abdali Shah	O/O DDO PHE Swabi
13.	Arif Qayyum	O/O DDO PHE Karak
14.	Muhammad Nazeef	O/O DDO PHE Swabi
15.	Asghar Hussain	O/O DDO PHE Mardan
16.	Aziz ur Rehman	O/O DDO PHE Chitral

SECRETARY

No. SO (E-II)W&S/11-268/08 (S.E.) Dated Peshawar the March 26, 2008

Copy forwarded to the:-

- 1) Chief Engineer PHE Peshawar.
- 2) Executive District Officer W&S Mardan / Abbottabad / Hangu / Kohistan / Karak / Battagram / Swabi / Chitral
- 3) Deputy District Officer PHE Mardan / Abbottabad / Hangu / Kohistan / Karak / Battagram / Swabi / Chitral.
- 4) District Accounts Officer Mardan / Abbottabad / Kohat / Kohistan / Karak / Battagram / Swabi / Chitral.
- 5) PS to Secretary W&S Department.
- 6) Incharge Computer Cell W&S Department.
- 7) Officials concerned.

Attested
&

Annex-4
Annex-4
CHIEF MINISTER'S SECRETARIAT
N.W.F.P., PESHAWAR. **F(1)**

No. SO-VI/CMS/NWFP/3-1/2008.
Dated Peshawar the, 09/04/2008. 2559

To:

The Secretary to Govt: of NWFP,
Works and Services Department,
Peshawar.

Subject: POSTING/TRANSFER.

Dear Sir,

I am directed to refer to the subject cited above and to state that the Hon'able Chief Minister NWFP has been pleased to direct that Mr. Tariq Khan Sub Engineer W&S PHE under transfer to Battagram may be posted as Sub Engineer W&S (Roads) Swat against the vacant post.

It is, therefore, requested that necessary action may kindly be taken in the matter on priority basis under intimation to this Secretariat.

Yours Faithfully,

(SAEED KHAN)
Section Officer-VI

Copy forwarded to:

1. The Principal Secretary to Chief Minister NWFP.
2. P.S. to Chief Minister NWFP.
3. P.S. to Political Secretary to Chief Minister NWFP.
4. P.S to Minister for Forest NWFP.

Section Officer-VI

DSA
30 *
9-4-08
15/4
el

Attested
P

~~Annex 2~~
Annex - G

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the April 18, 2008

(15)

ORDER

No. SOE-I/W&S/11-270/2008 The following transfer/posting of Sub Engineer in Works & Services Department is hereby ordered, in the public interest, with immediate effect:

No.	Name & Designation	From	To	Remarks
1.	Tariq Khan	Waiting for posting	Sub Engineer o/o Deputy Director Proj: Divn: W&S Swat.	Against the vacant post.

SECRETARY

Endst of even number & date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister NWFP, Peshawar w/r to his letter No. SO-VI/CM/NWFP/3-1/2008/2559-60 dated 09.04.2008.
2. Accountant General NWFP Peshawar.
3. Chief Engineer Works & Services Peshawar
4. Chief Engineer PHE Works & Services Peshawar
5. Executive District Officer W&S Swat/Battagram.
6. Deputy Director Project Sub Divn: W&S Swat.
7. Deputy District Officer PHE W&S Battagram.
8. District Accounts Officer Swat.
9. Incharge Computer Cell W&S Department, Peshawar.
10. Political Secretary to Chief Minister NWFP Peshawar
11. PS to Secretary Works & Services Department, Peshawar.
12. PA to Addl: Secretary Works & Services Department, Peshawar.
13. PA to Deputy Secretary (Admn) Works & Services Department, Peshawar.
14. Official concerned.
15. Office file/Personal file.


(KALIMULLAH KHAN BALOCH)
SECTION OFFICER (ESTT-I)

Attended
&

Annex-H

13
16



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshwar the February 10, 2014

Notification:

No.SOE/C&WD/11-270/2014: The Competent Authority is pleased to repatriate Mr. Tariq Khan Sub Engineer (BS-11), presently working as Sub Engineer O/O XEN Highway Division Swat to his parent Department i.e. PHE Department, with immediate effect, in the best public interest.

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department


Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa PHE Department, Peshawar
3. Chief Engineer (Centre/North), C&W Peshawar
4. Chief Engineer PHE Department, Peshawar
5. Superintending Engineer C&W Circle Swat
6. Executive Engineer Highway Division Swat
7. District Accounts Officer Swat
8. Incharge Computer Cell, C&W Department, Peshawar
9. PS to Secretary, C&W Peshawar
10. Tariq Khan, presently working as Sub Engineer O/O XEN Highway Division Swat
11. Office order File/Personal File

They are directed to relieve the
official with immediate effect
under intimation to this Deptt


(USMAN JAN)
SECTION OFFICER (ESTT)

Attested


13-E



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/11-268/2010 Annex I
Dated Peshawar, the March 31, 2014

(17)

To

✓
The Secretary to Govt: of Khyber Pakhtunkhwa,
Communication & Works Department, Peshawar

Subject: **POSTING/TRANSFER.**

Dear Sir,

I am directed to refer to the subject noted above and to state that the C&W Department has repatriated the services of Mr. Tariq Khan, Sub Engineer (BPS-11) to this department vide Notification No.SOE/C&WD/11-270/2014 dated 10th February 2014. However, this department has no objection on posting of the official concerned in the C&W Department.

Yours faithfully

SECTION OFFICER (ESTT)

Copy forwarded for information to PS to Secretary PHE Department Peshawar.

SECTION OFFICER (ESTT)

Attended
2



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 28, 2016

Annex M

(10) 10/CE-5

02/08

Annex - J

(18)

ORDER:

No. SOE/C&WD/11-270/2013: The Competent Authority is pleased to repatriate Mr. Tariq Khan Sub Engineer (BS-11) attached with Executive Engineer Highway Division Swat to his parent Department (PHE Department), with immediate effect, in the public interest.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa PHE Department, Peshawar. He is requested to direct the aforesaid official to hand over the remaining 04 Nos MBS' bearing No. 41,80,84 & 147 which are still in his possession to the concerned XEN Highway Division Swat immediately.
3. Chief Engineer (Centre/North) C&W Peshawar
4. Superintending Engineer C&W Circle Swat
5. Executive Engineer Highway Division Swat
6. District Accounts Officer Swat
7. Mr. Tariq Khan Sub Engineer Highway Division Swat.
8. PS to Secretary, C&W Peshawar
9. Office order File/Personal File

(USMAN JAN)
SECTION OFFICER (Estb)

Attested
&

(1) 101-
03/08
Annex-K (19)

To

The Chief Engineer (Center)
Public Health Engineering Department
Peshawar

Subject:

DEPARTMENTAL APPEAL FOR GRANT OF PENSION AND OTHER BENEFITS ADMISSIBLE UNDER THE RULES IN RESPECT OF TARIQ KHAN SUB ENGINEER PHE DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR.

With humble submission for the above subject appeal, facts are discussed as under:

1. That the appellant is a law abiding citizen of Pakistan and permanent resident of Post Office Sijban Tehsil Matta, District Swat bearing CNIC No.15601-8786405-7 (*Copy of CNIC is attached as Annexure-A*).
2. That the appellant was appointed as Sub-Engineer (BPS-11) on contract basis in the then Government of N.W.F.P Local Government, Elections and Rural Development Department on 03.11.1988 (*Copy of appointment is attached as Annexure-B*).
3. That the appellant joined the service with honesty and Zeal and all the officers were fully satisfied from his work at office as well as on site.
4. That the appellant also passed bachelor of Arts examination and one advance increment was granted with effect from 25.04.1989 and another advance increment was granted with effect from 01.06.1991 (*Copy of notification is attached as Annexure-C*).
5. That consequent upon the restructuring of the department, the provincial Government placed the services of the contract employees including the appellant appointed under the scheme "Strengthening of LG&RDD at the disposal of surplus pool of Establishment and Administration Department only for the purpose of payment of salary e.t.c with effect from 01.07.2001" (*Copy of notification is attached as Annexure-D*) as the LG&RDD was abolished in Musharaf era.
6. That the appellant was reinstated on 16.12.2005 in light of notification No. SO(LG-I)3-323/03 (*Copy of notification is attached as Annexure-E*).
7. That all the contract employees placed in surplus pool approached the court for reinstatement and the court announced its judgment in favor of the contract employees. As the appellant was employee of LG and RDD therefore the Provincial Government absorbed/adjusted all the contract employees of LG & RDD against the vacant post of Sub-Engineer (BPS-11) in Public Health Engineering Department the then Works and Services Department in 2008 (*Copy of notification is attached as Annexure-F*).
8. That the Works and Services Department adjusted the appellant as Sub-Engineer and posted at PHE Division Battagram. (*Copy of the office order is attached as Annexure-G*).
9. That the Chief Minister Secretariat of the then NWFP Peshawar posted the appellant as Sub-Engineer in Works and Services(Roads) In district Swat against the vacant post (*Copy of the office order is attached as Annexure-H*).

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21/8/2022
CG-7

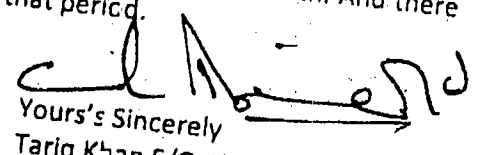
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Attended
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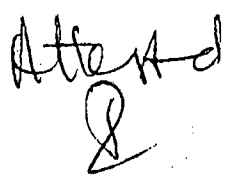
- 10. Works and Services Department of the then NWFP Government posted the appellant as Sub-Engineer in the office of the Deputy Director Project Division Works and Services Swat *(Copy of the office order is attached as Annexure-I)*
- 11. That the appellant was performing his duty with honesty and zeal in the office of the Executive Engineer Highway Division Swat, meanwhile a notification vide No. SOE/C&WD/11-270/2014 was issued wherein, the appellant was repatriated to his parent Department i.e. PHE Department *(Copy of notification is attached as Annexure-J)*
- 12. In light of the ibid notification, Executive Engineer C&W Highway Division Swat Directed the appellant for handing/taking of official record i.e. MB, PC1, TS etc. what so ever in his charge within two days. The appellant complied with the direction of the higher ups in letter and spirit and was relieved accordingly to his parent Department *(Copy of Executive Engineer letter is attached as Annexure-k)*
- 13. That after joining parent Department Section Officer Establishment PHE Department granted NOC to the appellant to work in the C&W Department *(Copy of NOC is attached as Annexure-L)*
- 14. That the appellant rendered two years' service in the Office of the Executive Engineer Highway Division Swat, however another notification was issued wherein the appellant was once again repatriated to his parent Department (PHE Department). *(Copy of repatriation is attached as Annexure-M)*
- 15. That the appellant was not posted in PHE Department due to non-availability of vacant post. Meanwhile the appellant faced health problems due to which the appellant could not continue his services further and submitted medical for leave. The appellant also submitted applications to the office of the Chief Engineer (South) PHE Department for premature retirement but all in vain. As the whole record of the appellant was misplaced due to shifting of Chief Engineer Offices from secretariat cantt area to Hayat Abad Phase-5.

PRAYERS

Keeping in view the above factual position the appellant served LG & RDD, C&W and PHE Department for almost 28 years and rendered valuable services. It is therefore requested to issue retirement order with effect from 28 March 2016 for the purpose of pension and all other benefits to whom the appellant is entitled as per policy. As the appellant could not get pension. The appellant also admits that after 28 March 2016 and onwards he didn't perform his duty due to ill health. And there will be no claim of arrears and back benefits of that period.



Yours's Sincerely
Tariq Khan S/O Abdul Wahid Khan
Sub Engineer PHE Department
Personal No. 00336947
Mob: 03429790659





Amma-L (2)

OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPARTMENT KHYBER PAKHTUNKHWA
Plot No. 40, Sector: B-II Phase-V Hayatabad Peshawar

No: 10 /CE-7/PHE(C)

Dated Peshawar the: 03 /08/2022

To,

Mr. Tariq Khan
S/O Abdul Wahid Khan,
Sub Engineer,
Village Ronial, P.O. Sujbuna,
Tehsil Matta, District Swat.


Subject:

DEPARTMENTAL APPEAL FOR GRANT OF PENSION AND OTHER BENEFITS ADMISSIBLE UNDE THE RULES IN RESPECT OF TARIQ KHAN SUB ENGINEER PHE DEPARTMENT KHYBER PAKTUNKHWA PESHAWAR.

With reference to your application dated Nil, it is intimated that your departmental appeal is regretted with the following observations: -

- 1) That no sanction leave was granted to you and you entertained a willful absence for a long period.
- 2) That no Medical Certificate has been provided to the competent authority.
- 3) That you never submitted your arrival report after the notification of repatriation was issued by the C&W department.

 CHIEF ENGINEER (CENTER)

Attended


22

10,

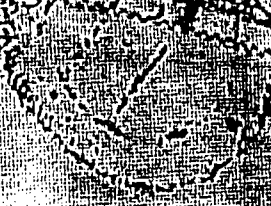
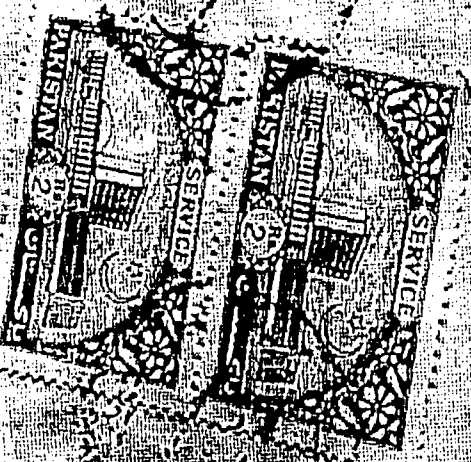
~~DESPATCHER~~
~~Sub Chief Engineer~~
~~Public Health Engineering Department~~
~~Hyderabad Pskitunkhwa, Peshawar~~

Mr. Tariq Khan S/O Abdul Wahid Khan

Sub Engineer Village Ronial, P.O.

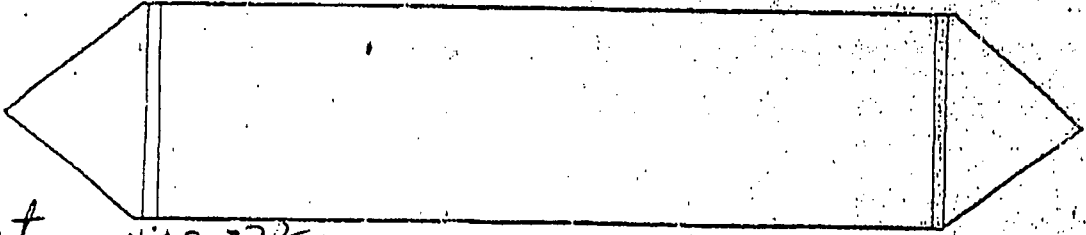
Soibuna Tehsil Matla, District

Swat



Attent

بعدالت خیردکتون خوا سروں ٹریبیونل نشاہ



Appellant 2022ء پنجاب
طارق خان بنام حکومت خیردکتون خوا

موزخہ
مقدمہ
دعویٰ
پریم

باعث تحریر آنگہ

ابو سعید
عبدالمجید
ابو سعید
ابو سعید

مقامہ خیردکتون خوا بالا اٹارن اپنی نظر آنگہ سے واسطے پیردکی اور جواب دہی اوکل کاروائی متعلقہ
آنگہ مقامہ نشاہ کیلئے احمد اسحاق، عید حیات اسٹڈیٹ عبدالمجید
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز
دیکل رہا صاحب کو راجسٹی نامہ کر کے... نے تقریر ثالثیت و فیصلہ پر حلف دیئے جیناب دہی اور اقبال دعویٰ اور
بایدورت ڈگری کرنے لے اجراء اور وصولی چیک اور وپسہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردکی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردکی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساتھ
و اخذ مشطور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ التوائے مقدمہ کے سبب رہے ہوگا۔
کوئی تنازع پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردکی
مذکورہ کریں۔ لہذا وکالت نامہ یکھد یا کہ سند ہے۔

(طارق خان)

المرقوم 20

Attested & Accepted BC-11-1572
Email: Alchamber44@gmail.com
Attested & Accepted
Attested & Accepted