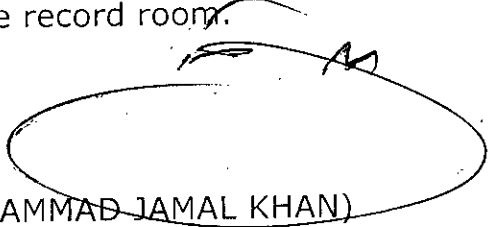


14.01.2021

Nemo for the appellant despite having been called time and again and last call was made at 12:55 P.M. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is present.

The appeal is accordingly dismissed in default due to non-prosecution. File be consigned to the record room.

ANNOUNCED  
14.01.2021



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

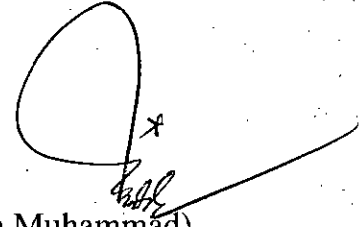
02.10.2020

Junior to counsel for the appellant is present.

Mr. Kabirullah, Khattak, Additional Advocate General for respondents present.

Written reply on behalf of respondents No. 1,2, 4 and 5 not submitted. Learned Addl: AG is directed to ensure presence of the representative and submit reply on the next date positively. Last chance is given to the respondents No. 1,2,4 and 5 for reply /comments.

Adjourned to 25.11.2020 for written reply of respondent No.1,2,4 and 5 before S.B.



(Mian Muhammad)  
Member (E)

25.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Fazle Khaliq, ADEO, for the respondents are also present.

Representative of the department stated at the bar that the grievance of the appellant has been redressed. Therefore, notice be issued to appellant as well his respective counsel for attendance on 14.01.2021 before S.B.



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.



Reader

30.06.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Fazal Khaliq ADEO for the respondents present.

Notice be issued to appellant and his counsel for 20.08.2020 before S.B.



Member (J)

20.08.2020

None for the appellant present. Addl: AG alongwith Mr. Fazal Khaliq, ADEO for respondents present..

Written reply on behalf respondent No.3 submitted. Notices be issued to the remaining respondents for submission of written reply/comments.

Adjourned to 02.10.2020 before S.B.



(Mian Muhammad)  
Member(E)

12.12.2019

Nemo for the appellant present. Asst: AG alongwith Mr. Sajid, Supdt for respondent no.4 for respondents present.

The representative of the respondent no.4 states that notification dated 22.05.2019 has already been placed on record, whereby sanctioned was accorded for regularization of fixed pay Class-IV employees and extension of status of civil servants in their favour. In view of the notification the concerned respondent does not wish to submit a formal reply.

Adjourned to 22.01.2020 for further proceedings in the matter before S.B.

  
Chairman

22.01.2020

Nemo for appellant. Addl. AG alongwith Sajid Superintendent for the respondents present.


Due to general strike of the Bar, instant matter is adjourned to 27.02.2020 for further proceedings before S.B.

Chairman 

27.02.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondent present.

Learned counsel for the appellant seeks time. To come up for further proceeding as per order sheet dated 12.12.2019. Adjourned to 07.04.2020 before S.B.

  
(Hussain Shah)  
Member

09.10.2019

Counsel for the appellant and Addl. AG alongwith Sajid Superintendent and Nasrullah, Senior Auditor for the respondents present.

Representatives of respondents seeks further time. Adjourned to 13.11.2019 on which date requisite reply/comments shall positively be submitted.

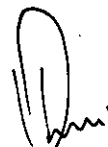


Chairman

13.11.2019

Nemo for appellant. Addl. AG alongwith Fazal Muhammad Superintendent and Abdul Ghaffar, Superintendent for the respondents present.

Representatives of respondents seek further time to submit written reply/comments. Last opportunity granted. To come up for requisite reply/comments on 12.12.2019 before S.B.



Chairman

25.06.2019

None for the appellant present. Addl: AG alongwith Mr. Muhammad Shamim, SO for respondents present. Representative of the respondents submitted notification dated 22.05.2019 which is placed on file. Notices be issued to the appellant and his counsel for appearance. Case to further proceedings on 20.08.2019 before S.B.

  
(Ahmad Hassan)  
Member

20.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Assistant AG alongwith Abdul Ghjaffar Superintendent for the respondents present.

Representative of the respondents requests for time. Adjourned to 18.09.2019 on which date the requisite reply shall positively be submitted.

  
Chairman

18.09.2019

Counsel for the appellant, Addl. AG alongwith Muhammad Shafiq, Senior Clerk for respondents No. 1 to 3 present. Nemo for respondents No. 4 & 5.

Representative of respondents No. 1 to 3 has furnished copy of notification dated 22.05.2019 of Finance Department (Regulation Wing) Government of Khyber Pakhtunkhwa which is placed on record. Fresh notices be issued to respondents No. 4 & 5. Last opportunity is granted to the respondents for submission of reply/comments on 09.10.2019 before S.B.

Chairman 

19.02.2019

Learned counsel for the appellant present.

Learned counsel for the appellant contends that the appellant was appointed on contract basis on 08.02.1996 and his service was regularized on 01.7.2007. Subsequently, the appellant retired on 30.06.2016 who was denied the pension benefits by respondents. It is also stated that the issue pertaining to pension benefits of similar placed person was resolved through decision in service appeal No. 990/2016 decided on 27.09.2018 and relief was granted to the appellants.

In view of the above instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on <sup>3</sup>01.04.2019 before S.B.

  
Chairman

03.04.2019

Counsel for the appellant and Addl: AG alongwith M/s Hayat, AD, Salam Jan, Sr.Auditor and Rehmat, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Case to come up for written reply/comments on 03.05.2019 before S.B.

  
(Ahmad Hassan)  
Member

03.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned District Attorney requests for adjournment to procure written reply from the respondents. Adjourned to 25.06.2019 on which date written reply shall positively be submitted.




  
Chairman

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1457/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/12/2018	<p>The appeal of Mr. Anwar Khan presented today by Mr. Muhammad Furqan Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/12/18</p>
2-	07/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
02-15/16	08.1.2019	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for 19.02.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. 1457 /2018

Anwar Khan

VS

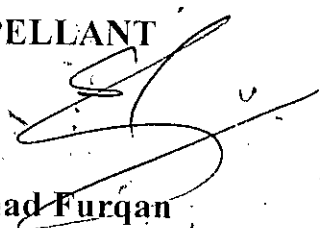
Secretary Education & others

**INDEX**

S.No.	Documents	Annexure	P. No.
1.	Memo of Appeal	----	01-03
2.	Affidavit	----	4
3.	Copy of service book	- A -	05-13
4.	Copy of notification 29.01.2008	- B -	14-15
5.	Copy of impugned order	- C -	16
6.	Copy of departmental appeal	- D -	17-18
7.	Copy pension rule 1963 relevant page	- E -	19-20
8.	Copy of agreement deed Dated:25.04.1993	---F---	21
9.	Wakalat nama	-----	22

APPELLANT

THROUGH:

  
Muhammad Furqan  
yousafzai

&   
Yousaf Khan Mirzadher  
Advocates High Court  
Peshawar

(1)

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. 1457/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1730

Dated 05/12/2018

Mr. Anwar Khan, Ex-Chowkidar,  
G.G.P.S Ahmad Nawaz Banda  
Village Thandkoi, District Swabi

.....**APPELLANT**

**VERSUS**

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

.....**RESPONDENTS**

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974**  
**AGAINST THE ORDER DATED 06.09.2016 WHEREBY THE**  
**APPELLANT WAS RETIRED FROM SERVICE W.E.FROM**  
**30.06.2016 BUT DENIED COMPLETE PENSIONARY**  
**BENEFITS INCLUDING LPR, ENCASHMENT AND OTHER**  
**MONETARY BENEFITS AND AGAINST NOT TAKING**  
**ACTION ON THE DEPARTMENTAL APPEAL OF THE**  
**APPELLANT WITHIN THE STATUTORY PERIOD OF THE**  
**NINETY DAYS.**

.....

**PRAYER:**

**ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER**  
**DATED 06.09.2016 MAY BE MODIFIED TO THE EXTENT OF**  
**PENSIONARY BENEFITS AND THE RESPONDENT MAY**  
**PLEASE BE DIRECTED TO GRANT COMPLETE PENSIONARY**  
**BENEFITS TO APPELLANT INCLUDING LPR, ENCASHMENT**  
**AND OTHER MONETARY BENEFITS IN LIGHT OF RULE 2.3**

**Filed to-day**

**Registrar**

5/12/18

2

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

\*\*\*\*\*

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was appointed in Education Department on the post of Chowkidar at G.G.P.S No.1 Ahmad Nawaz Band, Thandkoi District Swabi on dated 08.02.1996 on fixed pay which is later on regularized on 01.08.2007 and has performed his duty with devotion and honesty till retirement and no complaint has been filed against him during his service carrier. Date of appointment of the appellant is evident from his service book. **(Copy of service book is attached as Annexure-A).**
2. That in 2008 the Government of KPK, Finance Department vide notification dated 29 January, 2008 declared class-iv employee as Civil Servant and awarded BPS-1 to all Class-iv employees and fixed their pay from the date of appointment and declared that all predetermined policies in this regard will be canceled from 1<sup>st</sup> July, 2008. **(Copy of the finance notification is attached as Annexure-B).**
3. That the appellant was retirement from service on superannuation on 30.06.2016 but without pensionary benefits vide order dated 06.09.2016 which is injustice and violation of rule 2.3 of Pension Rules 1963. **(Copy of order dated 06.09.2016 is attached as Annexure-C).**
4. That the appellant aggrieved from the order dated 06.09.2016 because the appellant is entitled to the pensionary benefits under rule 2.3 of Pension Rules 1963, therefore he filed departmental appeal for pensionary benefit which was not respondents within the statutory period of ninety days. **(Copy of departmental appeal is attached as annexure-D).**
5. That the appellant come to this august tribunal on the following grounds amongst others.

**GROUND**

- A. That the order dated 06.09.2016 to the extent of not granting pensionary benefits and not taking action on the departmental appeal of the appellant is against the law, rules and norms of justice.
- B. That the appellant was appointed on fix pay in the year 1996 which was later on regularized in **the year 2008 and** according to Rule 2.3 of the Pension rules 1963: - *“Temporary and officiating service shall count for pension as indicated below: -*

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

Thus the appellant is legally entitled for the pensionary benefits according to law and rules and depriving the appellant from the pension benefits is clear violation of Pension Rules 1963. Hence the order dated 06.09.2016, to the extent of not granting pensionary benefits is liable to be modified. **(Copy of the relevant page of pension rules 1963 is attached as Annexure-E).**

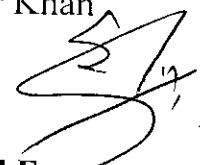
- C. That not deciding the departmental appeal of the appellant is violation of superior court judgment.
- D. That the appellant was not treated according to the law and rules and has been deprived from his legal right in arbitrary manner.
- E. That the petitioner has donated /given his inherited land measuring 2 kanal for construction of G.G.P.S Ahmad Nawaz Band Thandkoi without receiving any compensation of Acquired Land and the Respondents had not honored the agreement in letter & Spirit and petitioner has been deprived from his precious Land (Copy of Agreement deed is attached as Annex 'F').
- F. That the appellant seeks permission to advance other ground proof at the time of hearing.

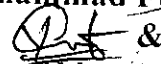
It is therefore most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

انور خان

**APPELLANT**  
Anwar Khan

THROUGH:



**Muhammad Furqan Yousafzai**  
 &  
**Yousaf Khan Mirzadher**  
Advocates High Court  
Peshawar.

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. \_\_\_\_\_/2018

Anwar Khan

**VERSUS**

Govt of KPK and others

**AFFIDAVIT**

I, Anwar Khan S/O Ahmad Khan R/O Dara Khan, Khankhel, Thand Koyi, Tehsil & District Swabi, do hereby solemnly affirm and declare on oath that the contents of above Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

الذکران  
**DEPONENT**

Anwar Khan

CNIC No. 16202-0958815-1

**IDENTIFIED BY**

Muhammad Furqan Yusafzai  
Advocate, High Court, Peshawar

No:.....	4552
Certified that the above was verified on solemnly affirmation before me in office, this.....	
day of.....	8th
2018 by.....	Anwar Khan
s/o.....	Ahmad Khan
who was identified by.....	Muhammad Furqan Yusafzai
Who is personally known to me:	
Oath Commissioner Peshawar High Court, Peshawar.	

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

الورخان

By Dist Office:  
Elmorshid, Suez Edu  
(Fossil) Swabi

ATTESTED



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 records punishment, censure, or or praise of Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
					Period			Government to which debit to
Navy Bey S.D. Officer (F) Secondary Education Swabi	30/11/2013	A/Ret.	Navy Bey S.D. Officer (F) Secondary Education Swabi					
Navy Bey S.D. Officer (F) Secondary Education Swabi	30/11/2014	A/Ret.	R. D. L... S.D. E-O Swabi					
R. D. L... S-D-E-O Swabi	30/6/2015	Pay Scale Revert	S-D-E-O Swabi					
R. D. L... S-D-E-O Swabi	30/11/2015	A/Ret.	R. D. L... S-D-E-O Swabi					
R. D. L... S-D-E-O Swabi	02/12/2015	up-graded to S.D. E-O	R. D. L... S-D-E-O Swabi					

Av. Ad. Scale 1-12 - Mch 14  
 One day/1-7 - 2014 with 6  
 50-SR-1/2-122/2014 Cl  
 14/7/14.

C-47  
 No. 7387  
 pre-terminated  
 Tu to 09/11/14.

Handwritten signature/initials

Service record with  
 10 30/11/15 from A/Rols and  
 other office records

R. D. L...  
 Sub Divisional Education  
 Officer (Female) Swabi

6395-220  
 1072  
 Accounts Officer  
 Day Fixation Party is P. K. M. Khan  
 9/1/16





1	2	3	4	5	6	7	8
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.G.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Government

OFFICE OF THE ...  
 PAY SCALE ...  
 OF RS 2970-90-5670 (B.W.)  
 AT RS 4050/-  
 With Next increment on 1-07-2008  
 1-12-2008  
 Accounts Officer  
 Peshawar

G4PS / chao  
 Ahmad Nawaz  
 Bunder

off/Temp. Rs. 4320/PM 1/10  
 BPS:-2 Rs. (4800 - 150 - 9300)

do do Rs. 7050/- PM 1/11

do do Rs. 7100 /- PM 1/11

do do Rs. 7250/- PM 1/12  
 - Award entry due to up-gradation BPS No:2 w.e.f 1-7-2007.  
 BPS No:1. Rs. 2150-65-4100. pay in BPS No:1 on 30-6-2007:- B. 2865/- PM  
 RBP No:1. B. 2475-75-4725. pay fixed in RBP No:1 on 1-7-2007:- B. 3300/- PM  
 RBP No:2. B. 2530-85-5080. pay fixed in BPS No:2 on 1-7-2007:- B. 3380/- PM  
 one sp. increment on 1-9-2007:- B. 3465/- PM  
 Annual increment on 1-12-2007:- B. 3550/- PM  
 RBP No:2. B. 3035-100-6096. pay fixed in BPS No:2 on 1-7-2008:- B. 4235/- PM  
 Annual Inc: on 1-12-2008:- B. 4335/- PM  
 - do - - do 1-12-2009:- B. 4435/- PM  
 RBP No:2. B. 4900-170-10000. pay fixed in BPS No:2 on 1-7-2011:- B. 7450/- PM  
 Annual Inc: on 1-12-2011:- B. 7620/- PM  
 - do - - do 1-12-2012:- B. 7790/- PM

G4PS Ahmad  
 Nawaz Bunder.

B. 7790/- PM 1/12/2012

10)

Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government
--	---	-------------------------	--------------------------------	--	---------------------	----------------------

Chowkidar  
 RPS Ahmed  
 Nawal Bano

(RPS No-2 (4900-170-10000))  
~~Ambedkar Pre-Mature G.M.C. W.M. 1-7-2014~~  
~~vide FD/50-SR-1/2-1923/2014 dated 14/7/2015~~

Pay with over-award G.M.C.

(RPS No-2 (4900-170-10000))

- do -	do.	Rs 7960/-			11/2013	
--------	-----	-----------	--	--	---------	--

Ambedkar Pre-Mature G.M.C. W.M. 1-7-2014 vide  
 FD/50-SR-1/2-1923/2014 dated 14/7/2015

Pre-Mature G.M.C.		Rs 8130/-			1/7/2014	
-------------------	--	-----------	--	--	----------	--

do	do.	Rs 8300/-			1/12/2014	
----	-----	-----------	--	--	-----------	--

(RPS No-2 (6455-220-12935))

do	do	Rs 10735/-			12/2015	
----	----	------------	--	--	---------	--

do	do	Rs 10955/-			1/12/2015	
----	----	------------	--	--	-----------	--

4235/-  
 7450/-  
 10735/-

OFFICE OF THE COMMISSIONER  
 PUBLIC RELATIONS  
 DISTRICT HEADQUARTERS  
 JALPAIGURI  
 01.07.2014  
 RECEIVED  
 01.07.2014  
 01.07.2014

ATTESTED

9 Designation of the officer posting officer Station of 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government			
					Period			Government to Which debtible
District Officer Elect. & Secy. Edu. (Female) Swabi				Appointed against fixed Chowkidar post of BPS Ahmad Nawaz Banda (Kand Kohi) @ Rs. 1200/-pm fixed on Contract basis with SDEO (E) Swabi Endst. No: 643-49 dated 8/2/1996			District Officer Elect. & Secy. Edu. (Female) Swabi	
	CC 1/09			Annexed BPS NO:1 (Regular) with 1st appointment without back benefits prior to 01-7-2008 with date of NWFP, Finance Department Notification NO: B-0-11-22/ 2007-08/F.D dated 25/11/2008 and E.P.O, Ed S, Edu. Swabi Endst. No: 175-82 dated 9/7/2008.			District Officer Elect. & Secy. Edu. (Female) Swabi	
Service Verified with 1. Acq. roll and other record of this office								
							Service Verified v.c. 8/2/26 to 30.11.07 from acq Roll Other Record of this office	
	30-6-2008	Pay Revision						
	30-11-2008	Annul Jucr					Service Verified 1/12/07 to 30.11.08 Other Record	
	30-11-09	Alter.					District Officer Elect. & Secy. Edu. (Female) Swabi	
	30-11-10	Alter.						



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 "pay"	Date of Appointment	Signature of Government servant
Rowkidar post. P.S. Ahmad Nawaz Bada (Tund Koh)	Fixed	1	Rs. 1200/- PM	Fixed		8/2/96	الوزخان
do	Revised Entry due to award of P.S. 1 (Regular)						
do	<del>Regular. B.P.S. No: 1. Rs. 1245-75-1225</del>						
do	Pay fixed in B.P.S. No: 1 on 2-2-1996:-- Rs. 1245/- PM						
do	Annual Increment in B.P.S. 1 on 1-12-1996 Rs. 1280/-						
do	do do do 1-12-1997 Rs. 1315/-						
do	do do do 1-12-1998 Rs. 1350/-						
do	do do do 1-12-1999 Rs. 1385/-						
do	do do do 1-12-2000 Rs. 1420/-						
do	do do do 1-12-2001 Rs. 1455/-						
do	R.R.P.S. No: 1 Rs. 870-45-352						
do	Pay fixed in B.P.S. No: 1 on 1-12-2001 Rs. 2200/-						
do	Annual Increment in B.P.S. 1 on 1-12-2002 Rs. 2255/-						
do	do do do on 1-12-2003 Rs. 2310/-						
do	do do do on 1-12-2004 Rs. 2365/-						
do	R.B.P.S. No: 1 Rs. 2150-65-4100						
do	Pay fixed in B.P.S. No: 1 on 01-7-2005 Rs. 2735/-						
do	Annual Increment on 01-12-2005 Rs. 2800/-						
do	do do on 01-12-2006 Rs. 2865/-						
do	R.B.P.S. No: 1 Rs. 2475-75-4725						
do	Pay fixed in B.P.S. No: 1 on 01-7-2007 Rs. 3300/-						
do	Annual Increment on 01-12-2007 Rs. 3375/-						
do	Regular	-	Rs. 3375/- PM	-		11/12/07	الوزخان
do	R.B.P.S. No: 1. Rs. 2170-90-5170						
do	do	-	Rs. 4050/- PM	-		1/7/08	الوزخان
do	do	-	Rs. 4140/- PM	-		1/12/08	الوزخان
do	do	-	Rs. 4230/- PM	-		1/12/09	الوزخان

ATTESTED

مرزا سید احمد علی خان - اور - ۱۷/۱۲/۰۸ - ۲۰۰۷ء - ۲۰۰۸ء  
مورخہ ۲۹ جنوری، ۲۰۰۸ء

بخدمت:

- ۱- تمام اعلیٰ معتمدین حکومت صوبہ سرحد۔
- ۲- معتمد برائے گورنر صوبہ سرحد، پشاور۔
- ۳- پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- ۴- تمام سربراہان اعلیٰ تحت علیحدہ جات صوبہ سرحد۔
- ۵- تمام ضلعی رابطہ افسران صوبہ سرحد۔
- ۶- رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷- رجسٹرار، سرحد، بیٹوں، صوبہ سرحد، پشاور۔
- ۸- سیکرٹری، صوبائی پبلک سروس کمیشن، صوبہ سرحد، پشاور۔
- ۹- سیکرٹری بورڈ آف ریویو، صوبہ سرحد، پشاور۔

عنوان :- بجٹ تقریر ۲۰۰۷-۲۰۰۸ میں درجہ پنجم کے مقررہ تنخواہ والے (Fixed pay) ملازمین کے لئے سی۔ پی۔ ٹی۔ کا اعلان

جناب عالی!

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

۱- مذکورہ ملازمین کی تنخواہوں کا نتیجہ (Fixation of pay) ان کی بھرتی کے تاریخ (of date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تنخواہوں اور الاؤنسز وغیرہ کی مدد سے کسی قسم کی ہٹاؤ جات (arrears) کے حقدار نہیں ہوں گے۔

۲- اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی رہنما پات یکم جولائی ۲۰۰۸ء سے منسوخ قرار دیئے گئے۔

آرپنٹائنس

سید شرافت خان (ای۔ پی۔ ٹی۔)

نائب معتمد (میراٹھ) (ای۔ پی۔ ٹی۔)

ATTESTED

ATTESTED

ATTESTED

تاریخ وار تاریخ ایضاً:

- نقل برائے اطلاع:
- (۱) اکاؤنٹ جنرل، صوبہ سرحد، برآمدہ گزائرش، کہہ مندرجہ بالا اقدامات کی نافذ العمل کو یقینی بنایا جائے۔
  - (۲) ہبلہ ایگزیکٹو ڈسٹرکٹ آفیسرز، فنانس اینڈ پائمنٹ، صوبہ سرحد۔
  - (۳) جملہ ضلعی آفیسران حساب داری، صوبہ سرحد۔
- فوری طور پر ایضاً  
میزانیہ ایف (۱) محکمہ خزانہ

تاریخ وار تاریخ ایضاً:

- نقل برائے اطلاع:
- (۱) سٹی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
  - (۲) جملہ اضافی معتمدین و نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
  - (۳) جملہ بچت آفیسرز ڈسٹرکٹ آفیسرز محکمہ خزانہ، صوبہ سرحد۔
  - (۴) ڈائریکٹر، FMIU محکمہ خزانہ صوبہ سرحد۔
  - (۵) سٹی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

فوری طور پر ایضاً  
میزانیہ ایف (۱) محکمہ خزانہ

*Mc*  
**ATTACHED**

NET

NETS CIA





16 (Annex-C)

**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**  
(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

Office Order.

The following Govt: servants (Class-IV) are hereby retired from Govt: service from the date noted against each on attaining 60 years' age without pensionary benefits due to less qualifying service and only for the drawl of Benevolent fund & E.E.Fund.

S#	Name/Designation	School/Office	Date of Birth	D/O Retirement
1	Anwar Khan Chowkidar	GGPS Ahmad Nawaz Banda	1956	30/6/2016

Note:-

1. Necessary entry to this effect should be made in their service books.
2. The order of retirement is final and shall not be revoked at any stage.

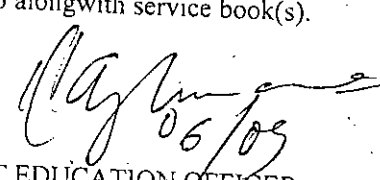
(Naghmana Sardar)  
DISTRICT EDUCATION OFFICER  
(FEAMEL) SWABI

Endst: No. 3295

Dated Swabi the 6/9 /2016

Copy of the above is forwarded to:-

1. District Accounts Officer, Swabi.
2. SDEO (F) Swabi w/r to her letter No. 203 dated 30/08/2016 alongwith service book(s).

  
DISTRICT EDUCATION OFFICER  
(FEAMEL) SWABI

  
**ATTESTED**

(17) جس کے حساب ڈسٹرکٹ ایجوکیشن انسپکٹر (زنانہ) ہمدانی

(ANNEX-D) درخواست براد خاری کرنے پیشین ہوائی سٹیج انورخان

ولہ احمد خان مکدس (17) ملدزم ہمدانی سکول زنانہ

گھنڈہ ٹکڑے میں وضع ہمدانی

جناب عالی! - اس کے حساب میں رہیں ہمدانی

1- یہ کہ سٹیج نے موبیل گھنڈہ ٹکڑے میں ایک قطرہ اراچی زنانہ ملکیت میں

روکنال اراچی گھنڈہ ٹکڑے میں ایک قطرہ اراچی زنانہ ملکیت میں

کہ وہ سٹیج کو سکول میں گھنڈہ ٹکڑے میں مستقل ملدزم

وے . (مذکورہ گھنڈہ ٹکڑے + انتقال زمین + میوز فلڈ 63-4-45 و پان فلڈ 176-13-17)

2- یہ کہ سٹیج کو مورفہ 8<sup>2</sup>/<sub>1996</sub> گھنڈہ ٹکڑے ہمدانی سکول میں مکدس فور ملدزم

گھنڈہ ٹکڑے اور اس دن سے لیکر مورفہ 30<sup>04</sup>/<sub>2016</sub> تک ملدزم

سٹیج کے تخیل بند ہو کر معلوم کرنے ہمدانی سکول کو رہائش گاہ لکھنؤ کے حکم

سے نکال دیا

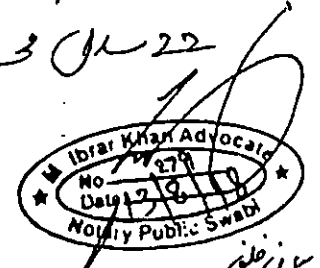
3- یہ کہ سٹیج مورفہ 30<sup>04</sup>/<sub>016</sub> سے لیکر اب تک حکم تعلیم کے حکم لکھنؤ کے حکم

  
ATTESTED

(18) بلکہ کو عمل نہیں بلکہ

4- یہ کہ سہیل نے ریٹائرمنٹ سے پہلے اور نوکری سے نکالنے پر سہیل  
کا حکم تعلیم سے سیشن گرانٹ کا اسٹیٹمنٹ تو حکم پھلے تو لیت  
ولعمل کرتے تھے اور اب صاف انکار ہی ہو چکا ہے

3- یہ کہ درخواست اندر عیاں ہونے اور سہیل کا قسمی حق ضائع  
کرنے اور سہیل کو سبب داری حق نوکری اور سیشن فنڈ سے  
مروم کرنے سے سہیل کو ناقابل تلافی نقصان ہے اور سہیل کا  
22 سال محنت پر پانی پھرنے کے برابر ہے



لینے والا ہے کہ سہیل کی درخواست پر غور فرما کر  
سہیل کو ریٹائرمنٹ کرنے پر سہیل کا سیشن گرانٹ سہیل  
کو ملنا چاہیے

سہیل نے  
ملتی سہیل نے  
تعلیم سہیل نے  
ناہم سہیل نے  
سہیل نے  
سہیل نے  
سہیل نے

\_\_\_\_\_

ابو عرفان سہیل  
ابو عرفان

شمارہ 8/18-13

جو الہ ڈیڑی ہر 2732

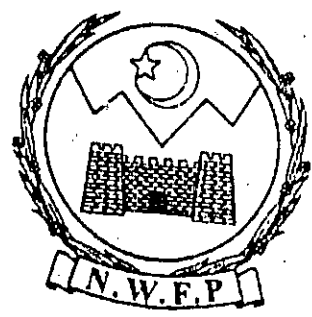
15/8/18-

ATTESTED

(ANNEX E)

19

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
FINANCE DEPARTMENT



NORTH-WEST FRONTIER PROVINCE  
CIVIL SERVANTS PENSION  
RULES AND ORDERS  
(Corrected and amended up to 15<sup>th</sup> July 2006)

*M*

**ATTESTED**

[www.nwfpfinance.gov.pk](http://www.nwfpfinance.gov.pk)

**ATTESTED**  
*71*

(20) (27)

## CHAPTER - II

### SERVICE QUALIFYING FOR PENSION

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

First - The Service must be under Government.

Second - the service must not be Non-pensionable.

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

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

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

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

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

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

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

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


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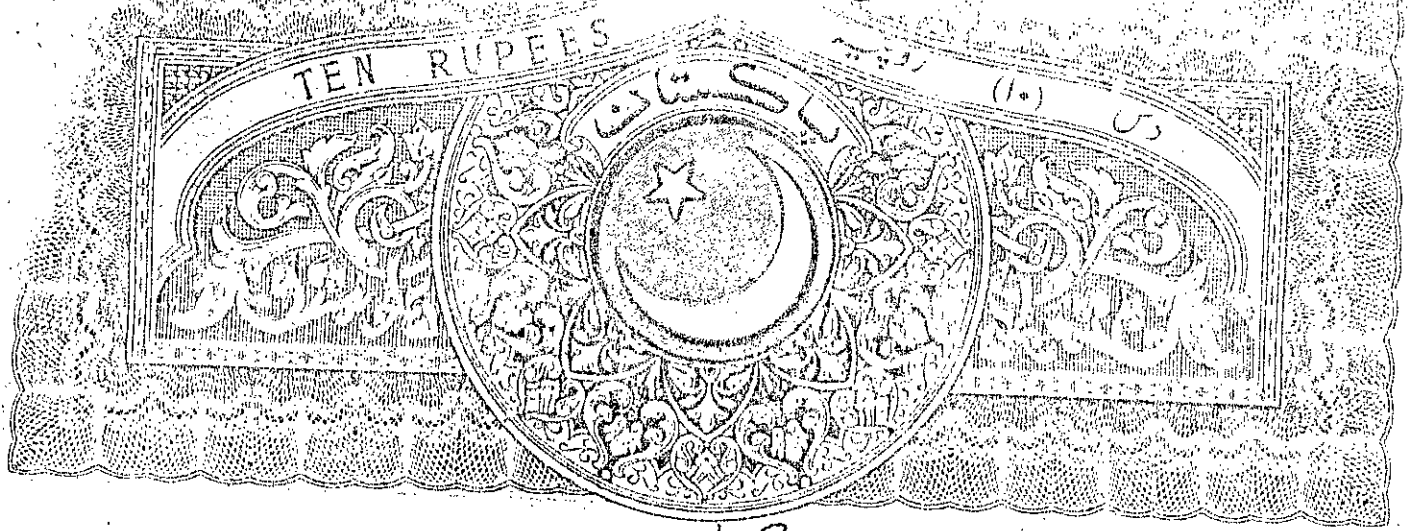
Note (1) and (2) Substituted vide notification No. SO(SR) V.915/65 Dated 6<sup>th</sup> May, 1965

7

[www.nwfpfinance.gov.pk](http://www.nwfpfinance.gov.pk)

  
**ATTESTED**

**ATTESTED**  




اقرارنامہ

مکتوبہ میں الزفر خان ولد صاحبزادہ احمد خان کانگڑہ کنگڑہ لوگ۔۔۔ جو وقت اس وقت لاہور میں مقیم ہیں۔۔۔  
بہت کثرت سے کھوس اور بیرون ملک میں مقیم ہیں۔۔۔ کہ میں نے اس کثرت اور بیگانگی اور دوری کے واسطے یہ کھوس  
نہ صرف 300 کھوس بلکہ 533 کھوس 3-38 کھوس اور کھوس کنگڑہ لوگ۔۔۔ اور کھوس  
اس وقت کو انتہائی زر زر اور کھوس باندہ کنگڑہ لوگ۔۔۔ جو کہ  
اس کی شرطیں دنیا میں ہیں۔ اور کوئی زر زر اور کھوس نہیں کہ اس کے لیے  
میں نے یہ اس میں کھوس آیا۔۔۔ اور کھوس میں ہیں۔۔۔ وہ اور کھوس  
اور کھوس میں کھوس ہیں۔ اور کھوس میں کھوس ہیں۔ اور کھوس میں  
اقرار نامہ نذر اس وقت کو۔۔۔ 25 <sup>4</sup>/<sub>93</sub>

مکتوبہ میں الزفر خان ولد صاحبزادہ احمد خان کانگڑہ کنگڑہ لوگ۔۔۔

الزفر خان صاحبزادہ  
الزفر خان  
لاہور  
1882

مکتوبہ میں الزفر خان ولد صاحبزادہ احمد خان کانگڑہ کنگڑہ لوگ۔۔۔

1882

ATTESTED

54547	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ:	
بار کونسل ایسوسی ایشن نمبر: bc-09-1391	
رابطہ نمبر: 9333-9266225	



بعدالت جناب: جیمز جوجو سروس لم سیرول میٹیاور

مخانب: APPELLANT	دعویٰ:
النور خان	علت نمبر:
بنام	مورخہ:
بسکیر ٹری ایجوکیشن وغیرہ	جرم:
	تھانہ:

**باعت تحریر آگہ**

ATTESTED

ACCEPTED

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ سٹو مرزا ذہیب  
 آن مقام پشاور کیلئے محمد فرقان ایوب سزئی ایڈووکیٹ کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی 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 داختم منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ 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

المرقوم: 05-12-2018

مقام پشاور واہ شد العبد

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

*(Signature)*

النور خان احمد خان مسکن خان خان

TO BE SUBSTITUTED BEARING SAME NO. & DATE.



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

Dated Peshawar the 22-05-2019

**NOTIFICATION**

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

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Endst: No & date even**

Copy for information and necessary action is forwarded to the.

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

  
(MOAZZAM KHAN)  
Section Officer (SR-II)





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

Dated Peshawar the 22-05-2019

**NOTIFICATION**

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

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Endst: No & date even**

Copy for information and necessary action is forwarded to the.

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2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director Treasuries & Accounts Khyber Pakhtunkhwa.
10. The Director, Local Fund Audit, Khyber Pakhtunkhwa,
11. Director, FMIU, Finance Department.
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14. All District Controller of Accounts Khyber Pakhtunkhwa.
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16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.

  
MOAZZAM KHAN

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.1457/2018

Anwar khan, Ex chowkidar, GGPS Ahmad Nawaz Banda, Village Thandkoi, District Swabi.

**Appellant**

**VERSUS**


1. The Secretary (E&SED) KP Peshawar.
2. The Director (E&SE) KP Peshawar
3. The District Education officer (Female) Swabi.
4. The Secretary Finance KP Civil Secretariat, Peshawar.
5. The District Accounts officer, Swabi Respondents.

**Reply to the Service Appeal on behalf of respondent No.03**

Respectfully Sheweth

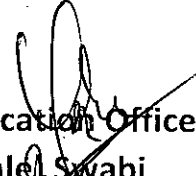
It is stated for your kind information that the grievance of the Appellant has already been redressed vide office of the District Education officer (Female) Swabi Endst No.3182/C-IV/File No, Dated 24.06.2019. Copy annexed as A.

In View of the above stated facts it is earnestly requested that the appeal may very graciously be dismissed.

  
District Education Officer  
(Female) Swabi  
District Edu. Officer  
(Female) Swabi

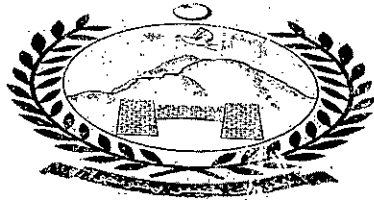
**Affidavit**

I do hereby solemnly affirm and declare on oath that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed from the honorable tribunal or misstated.

  
District Education Officer  
(Female) Swabi  
District Edu. Officer  
(Female) Swabi

Annexure - A

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWABI

OFFICE ORDER

The undersigned is pleased to allow the following officials (contract/fixed pay C-IV employees) to retire from the Govt. service with pensionary benefits in the light of Finance Department (Regulation Wing) Khyber Pakhtunkhwa Notification No.FD. (SOSR-II)4-36/2017 Dated Peshawar the 22-05-2019 and encashment of Leave in lieu of LPR as due and admissible to them under the revised leave rules 1981 and who were early retired without pensionary benefits due to less qualifying service in the best interest of public service.

S#	Name & Designation	Name of School	Period of Encashment of Leave	D/O Retirement or Death
1	Anwar Khan Ex-Chowkidar	GGPS Ahmad Nawaz Banda	1-7-2015 to 30-6-2016 (365-days on full pay)	30-06-2016 (AN) on superannuation.
2	Nisar Muhammad Ex-Chowkidar	GGPS Bakar Serai	1-7-2016 to 30-6-2017 (365-days on full pay)	30-06-2017 (AN) on superannuation.

Note:

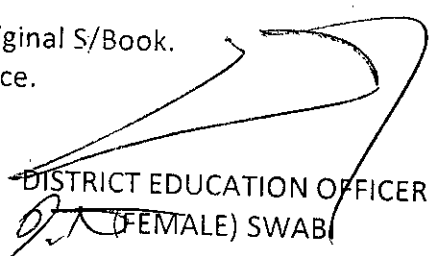
1. Their previous orders of retirement from Govt. service without pension benefits are hereby withdrawn.
2. If the concerned officials have already drawn the amount of GPF/Encashment/EEF/BF/RB&DC it should not be processed again.
3. Entry to this effect should be made in their S/Books & Leave accounts.

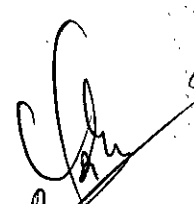
DILSHAD BEGUM  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

Endst. No 3182 /C-IV/File No \_\_\_ Dated 24-6 /2019

Copy of the above is forwarded to the:

- 1) District accounts officer Swabi.
- 2) SDEO Female Concerned a/w original S/Book.
- 3) ADEO (Primary)/B&AO Local office.
- 4) Official concerned.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

  
District Education Officer  
(Female) Swabi

  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI