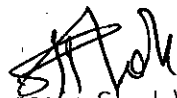


30.11.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



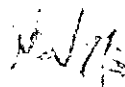
(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member


ANNOUNCED

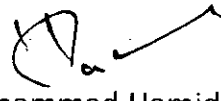
30.11.2018



27.07.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 28.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

28.08.2018

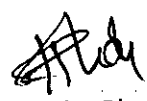
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.10.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

18.10.2018

Learned counsel for the appellant Mr. Riaz Ahmed Paindakheil learned Assistant AG alongwith Mr. Zakiullah Senior Auditor for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.11.2018 before D.B.


(Hussain Shah)
Member


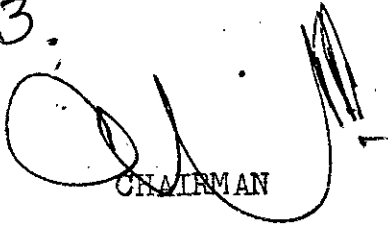

(Ahmed Hassan)
Member

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 937/2013, of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	30/05/2013	<p>The appeal of Mr. Mir Nawaz Khan presented today by Mr. Saadullah Khan Adv; may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing:</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-8-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

15.02.2018

Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondent present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Granted. To come up for arguments on 18.04.2018 before D.B.


Member


Chairman

18.04.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

21.06.2018

Counsel for the appellant and Adll: AG alongwith Mr. Zakiullah, Senior Auditor for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.07.2018 before D.B.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

Service Appeal No. 937/2013

18.08.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for arguments on 11.10.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

11.10.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.12.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments 15.02.2018 before the D.B.


Member


Chairman

21.04.2016

Counsel for the appellant and Mr. Ansar Ahmed, AAO
alongwith Addl: AG for respondents present. Learned counsel for the
appellant requested for adjournment. Adjourned for arguments to

30-8-16


MEMBER


MEMBER

30.08.2016

Clerk to counsel for the appellant and Mr. Zakiullah, Senior
Auditor alongwith Muhammad Jan, GP for respondents present.
Arguments could not be heard due to incomplete bench. To come
up for arguments on 29.12.2016 before D.B.


Chairman

30.12.2016

Counsel for the appellant and Addl. AG for respondents
present. Arguments could not be heard due to incomplete bench.
Case adjourned to 15.05.2017 for arguments before D.B.


Chairman

15.05.2017

Counsel for the appellant and Mr. Zakiullah, Senior Auditor
alongwith Mr. Ziaullah, Deputy District Attorney for the
respondents present. Learned counsel for the appellant requested for
adjournment. Adjourned for arguments to 18.08.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


11.06.2015

Appellant with counsel, M/S Muhabbat Khan, AAO for respondent No. 1, Ansar Ahmed, AAO for respondent No. 2 and Sharifullah, ADO for respondent No. 3 alongwith Addl: A.G for respondents present. Written statement on behalf of respondent No. 1 submitted, while respondents No. 2 and 3 failed to submit written reply despite last opportunity. The appeal is assigned to D.B for final hearing for 12.11.2015.


Chairman

12.11.2015

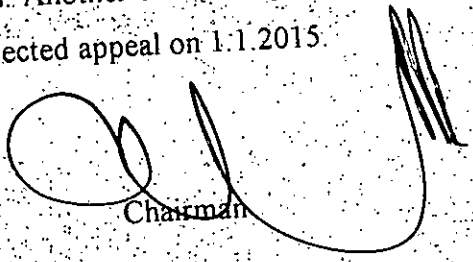
Appellant with counsel, M/S Ansar Ahmad, AAO for respondent No. 2 and Sharifullah, ADO for respondent No. 3 alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 21-4-2016.


Member


Member

8.9.2014

Counsel for the appellant and Mr. Shairfullah, ADO on behalf of respondent No. 3 with Mr. Ziaullah, GP for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments alongwith connected appeal on 1.1.2015.


Chairman

01.01.2015

No one is present on behalf of the appellant. Mr. Sharifullah, ADEO on behalf of respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments alongwith connected appeal on 17.04.2015.


Reader.

17.04.2015

Counsel for the appellant, M/S Mohabat Khan, AAO for respondent No. 1, Ansar Ahmed, AAO for respondent No. 2 and Sharifullah, ADO for respondent No. 3 alongwith Additional Advocate General present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 11.6.2015 before S.B.


Chairman

15.01.2014

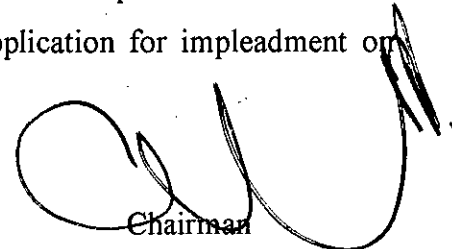
Since 14th January has been declared as public holiday on account of "Eid Milad-un-Nabi". Therefore, case is adjourned to 10.4.14


Reader

10.4.2014

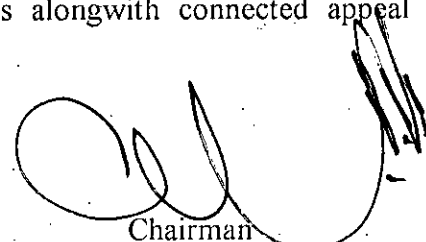
Counsel for the appellant (Arbab Saif-ul-Kamal, Advocate) present. Notices to the respondents could not be issued due to non-deposit of security and process fee. The learned counsel for the appellant requested for further time. Security and process fee be deposited within a week, positively, whereafter notices be issued to the respondents for written reply/comments and reply to application for impleadment on 18.7.2014.

Appellant Deposited
Security & Process Fee
Rs. 1.50/- Bank
Receipt is Attached with File.


Chairman

18.7.2014

Counsel for the appellant and Mr. Sharifullah, ADO on behalf of respondent No. 3 with AAG for the respondents present. At ^{the} outset, the learned counsel for the appellant stated that he would not press his application for impleadment of Headmaster of the school as respondent at the moment. Therefore, the application is disposed of as not pressed. Written reply has not been received on behalf of the respondents, and request for further time made on their behalf. To come up for written reply/comments alongwith connected appeal (Najeebullah-vs-Govt.) on 8.9.2014.


Chairman

Appeal No. 937/2013.

Mr. Mir Nandaz.

5. 18.11.2013

Counsel for the appellant present and heard. Contended that

the appellant has not been treated in accordance with law/rules. He further contended that the pension paper of the appellant have returned by the District Account Officer, Lakki Marwat with frivolous objection. Appellant time and again contacted the department but with no positive result and verbally directed that he was not entitled for pensionary benefits. He filed departmental appeal on 15.02.2013 which has not been responded within the statutory period of 90 days, hence the present appeal on 30.05.2013.

. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 14.01.2014. Counsel for the appellant also filed an application for implementation of Head Master, GHS, Adam Zai Lakki Marwat as a respondents. Notice of application should also be issued to the respondent for reply/arguments on the date fixed.

Member

6. 18.11.2013


This case be put before the Final Bench 1 for further proceedings.

Chairman

3.

11.09.2013

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 07.10.2013.

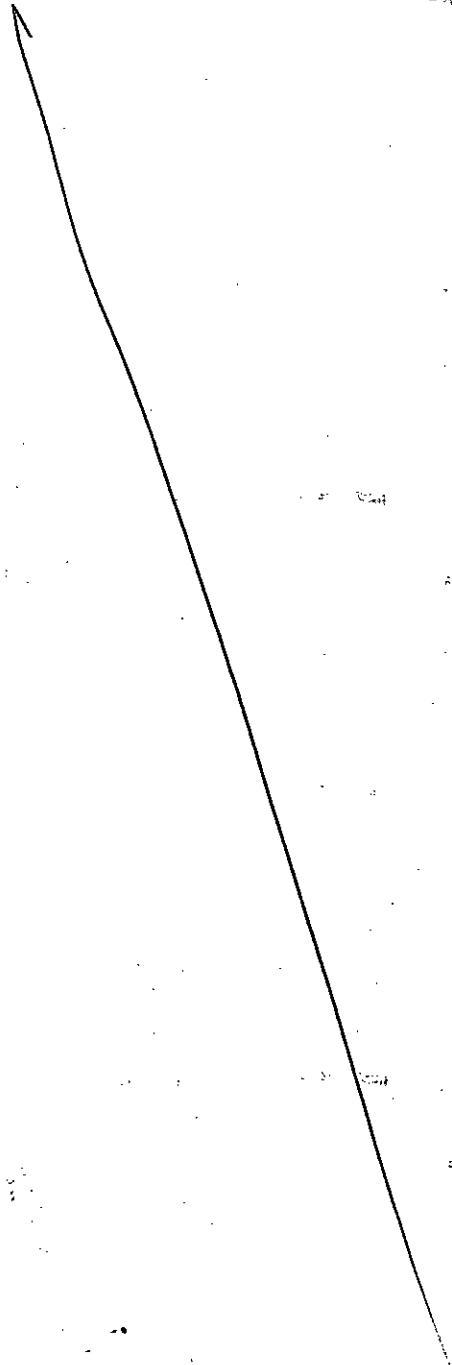

Member

4.

07.10.2013

Counsel for the appellant present and filed an application for impleadment of Head Master as respondent. ~~Application~~ *accepted* Pre-admission notice be issued to the respondents/Sr.GP for preliminary hearing on 18.11.2013.


Member



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 437/2013

Mir Nawaz Versus District Accounts Officer & others

I N D E X

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-3
2.	Appointment order, 01.10.1994	"A"	4
3.	Retirement order, 18.05.2012	"B"	5
4.	Pension Documents, 27.07.2012	"C"	6-17
5.	Remarks of AG, 08.08.2012	"D"	18
6.	Representation, 15.02.2013	"E"	19-20

Dated. .05.2013

Through

Appellant


Saad Ullah Khan Marwat

Advocate,
21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 937 /2013

Mir Nawaz S/o Muhammad Azam,
Ex-Laboratory Attendant, R/o
Adam Zai, Lakki Marwat Appellant

[Stamp]
988
30/5/13

Versus

1. District Accounts Officer, Lakki Marwat.
2. Accountant General, KPK, Peshawar.
3. District Education Officer, Lakki Marwat (Ex-EDO (E & SE) Department, Lakki Marwat). Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL AGAINST OFFICE ORDER
NO. DAO/IMPPW/2011-12/16-4
DATED 08.08.2012 OF R.NO.1
WHEREBY PAYMENT OF PENSION
ETC. WAS REFUSED FOR NO LEGAL
REASON.

[Stamp]
30/5/13

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was appointed as Laboratory Attendant on regular basis in BPS-01 plus usual allowances as

admissible under the Rules vide order dated 15.01.1995.
(Copy as annex "A")

2. That appellant served the department till the date of his superannuation as such w.e.f. 30.06.2012 vide order dated 18.05.2012. (Copy as annex "B")
3. That on 27.07.2012, R.No.2 submitted pensionary papers before R.No.1 for payment of the pension to appellant. (Copy as annex "C")
4. That pensionary papers submitted to R.No.1 were returned in original vide order dated 08.08.2012 to the Education Department with the remarks that appellant was appointed as Water Carrier on 01.10.1994 and was not entitled for pension/gratuity etc. which is illegal and incorrect. (Copy as annex "D")
5. That appellant submitted representation on 15.02.2013 for release of pension, gratuity etc but no heed was paid to the same. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:


- a. That District Account Office tainted frivolous objection on pensionary papers of appellant and withheld the pension for no legal reason.
- b. That appellant contacted the department time and again to pay his pension, gratuity etc. but no final reply was given to him. He was verbally directed that he was not entitled for pensionary benefits.
- c. That no law exists to deprive a person from pension etc. as the same is vested right of a Civil Servant.
- d. That appellant pension has since been withheld with ulterior motive for payment of consideration which were refused.

- e. That the letter quoted in the impugned order does not apply to the case in hand of appellant.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 08.08.2012 of R.N.1 be set aside and respondents be directed to pay all pensionary benefits to appellant henceforthwith, with such other relief as may be deemed proper and just in circumstances of the case.


Dated. .05.2013

Through

Appellant

Saad Ullah Khan Marwat


Arbab Saiful Kamal

&


Rubina Naz,
Advocates.

A 4

Office of Head Master Govt; High School Adamzai
(District Lakki Marwat).

OFFICE ORDER.

MIR

Mr, Amir Nawaz S/O Muhammad Azam resident of Adamzai is hereby appointed as a Lab Attendant in the interest of public service with effect from in B.P.S.I, plus usual allowances as admissible under the rules.

His services is liable to terminate on one month notice from either side. In case of resignation with out notice his one month pay will be forfeited to Government.

He will be governed by such rules and regulations as may be issued by the Govt; of N.W.F.P. for Category Class-IV Govt; servants to which they belong from time to time.

He will produce Health & Age Certificate from Medical Superintendent District Headquarter Hospital Bannu.

Muzeeb AS
Head Master,
Govt; High School Adamzai

No. 314 / dated Adamzai the 15 / 1 / 1995.

Copy forwarded to the:-

1. District Education Officer(Male)Secondary Lakki Marwat for information.
2. District Accounts Officer Lakki Marwat for information.
3. Mr, Amir Nawaz S/O Muhammad Azam of Adamzai for information and supply the above certificate immediately.

Muzeeb AS
HEAD MASTER
GOVT; HIGH SCHOOL ADAMZAI.

Amir Nawaz

by

B

5

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION LAKKI MARWAT

RETIREMENT SANCTION:-

Consequent upon reaching the age of superannuation (60 Years) Mr. Mir Nawaz,
Lab: Attendant GHS, Adam Zai Lakki Marwat is hereby retired from Government Service w.e.f.
30-06-2012 (AN).

He will also entitle to encashment leave equal to 180 days on full pay under the revised
leave rules 1981.

NOTE: - Necessary entry to this effect should be made in his service Book; accordingly.

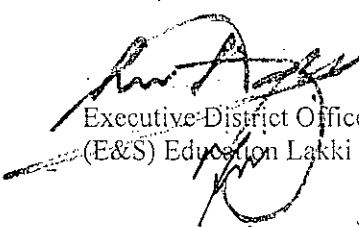
Endst: No. 3888-90

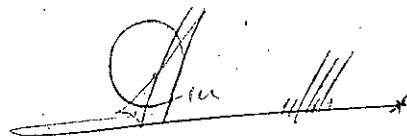
Dated. 18/07/2012

Executive District Officer
(E&S) Education Lakki Marwat

Copy to the:-

1. District Accounts Officer, Lakki Marwat.
2. Head Master GHS, Adam Zai.
3. Official Concerned.


Executive District Officer
(E&S) Education Lakki Marwat







C

6

Executive District Officer
(E&SE) Deptt: Lakki Marwat..

No. 5839

Dated. 27-7/2012

TO.

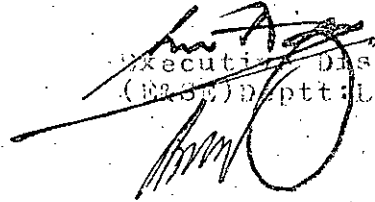
The Distt:Accounts Officer
Lakki Marwat.

Subject:- PENSION PAPERS.

Memo:-


The pension papers induplicate alongwith service book in original in respect of Mr.Mir Nawaz Ex-Lab/Attd GHS Adamzai Distt:Lakki Marwat, received from the Headmaster concerned school, and submitted to your office for further necessary action please (if possible under the rules).

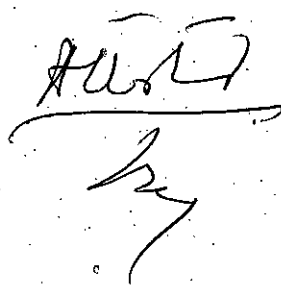
Encl: As above.

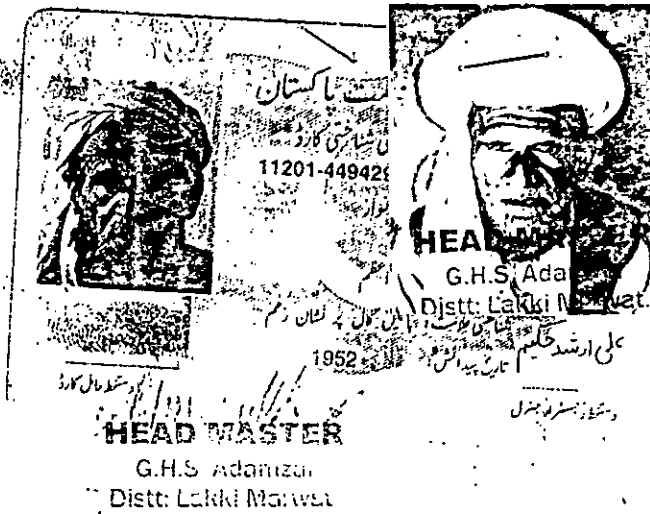

Executive District Officer
(E&SE) Deptt: Lakki Marwat..

Endst: No. _____ /.

Copy of the above is forwarded to the Headmaster GHS Adamzai Lakki Marwat, for information.


Executive District Officer
(E&SE) Deptt: Lakki Marwat..





796294

Mr./Mrs./Miss

Mr. Min Nawaz "Lab/AHD"

S/O

Muhammad Azam

GHS Adanzai Distt. Larkki Marwat

Attest
by

N.B. Please read carefully the relevant rules, instruction and orders.

In the case of family pension for death while in service, page 2 will not be filled in and page 3 will be applicable.

PART - I

(To be filled in and signed by the applicant himself/herself)
APPLICATION FOR PENSION AND /OR GRATUITY.

To,

The Distt. Accounts Officer
Lakki Marwat

Sir,

I have the honour to say that I ^{* have retired} ^{* have been permitted to retire from service on}
(date) 30/06/2012 (AN) ^{* am due to retire}

I, therefore, request that the pension/gratuity admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any pension or Gratuity for any portion of this service, nor shall I submit any application hereafter without quoting a reference to the application and to the orders which may be passed on.

3. Should the amount of the pension and /or gratuity granted to me afterwards be found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

4. I wish to draw/do not wish to draw gratuity in lieu of one fourth of my pension.

5. I wish to commute my pension to the extent of Rs. 35% of Gross Pension

6. I wish to draw my pension from the District Accounts Office/ Treasury/ Sub-Treasury/ National Bank of Pakistan Branch at

Distt. Lakki Marwat (Place).

7. The following documents, duly attested, are enclosed:

- (a) Three specimen signature of mine/two sets of my thumb and finger impressions on the prescribed form.
- (b) Three photographs of mine.

Your Obedient Servant.

A. H. Esled

[Signature]
HEADMASTER
G.H.S Adamzai
Distt. Lakki Marwat.

Signature.



~~SS~~ MIR NAWAZ

~~WO~~

S/O

~~DO~~ MUHAMMAD AZAM

Post held on the Lab/Attd.

date of retirement 30/06/2012

Date

*Delete in-applicable alternative.

(To be filled and signed by the applicant himself/herself)

APPLICATION FOR FAMILY PENSION

To.

The
.....
.....

Dear Sir,

1. I have the honour to say that my husband/wife/ has expired on (date) I, therefore, request that the family pension admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any family pension.

3. Should the amount of the family pension granted to me be afterwards found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

District Account Office

4. I wish to draw my pension from the Government Treasury/Sub-Treasury
National Bank of Pakistan Branch.

at (Place)

5. The following documents, duly attested, are enclosed:-

- (i) Three specimen signature of mine duly attested/tow sets of my thumb and finger impressions on the prescribed form.
- (ii) Three photographs of mine **
- (iii) List and particulars of family members.
- (iv) Descriptive Roll.
- (v) Death Certificate.
- (vi) Non-marriage and non-separation certificates.

Yours Faithfully,

Signature

Widow/Husband/entitled
member of the family

Postal Address

Date

* Indicated relationship with the deceased Government servant

** Not applicable in the case of purdah observing lady.

PART - II

(To be completed by the Office/Department receiving the application for pension)

SECTION (I) - PARTICULARS OF APPLICANT

*1 Name of civil servant Mr Nawaz
 *2 Father's Name Muhammad Azam
 *3 Nationality Pakistani
 *4 Postal address Vill. P. Adamzai Distt. Larkana Marwat
 5 Post held on the date of retirement/death and BPS - 02
 6 Date of birth 1952

7 Date of
 Commencement of service 15-01-1995
 Retirement/death 30-06-2012
 Application for pension

8 Length of service:
 From 15/01/1995 To 30/06/2012 Y M D
 From To 17 - 05 - 15
 From To

9 Date of commencement and ending of each spell of military service, if any:
 From To Y M D
 From To
 Total: 17 years 05M - 15 days

10 Government under which service has been rendered in chronological order:
 Government of Pakistan From To i.e. 17-05-15
 Government of From To i.e. /
 Government of From To i.e. /
 Total: 17 years 05M - 15 days

11. Class of pension or gratuity applied for Superannuation
 12. Average Emoluments/emoluments last drawn Rs. 7620/-
 13. Proposed gross pension/gratuity Rs. 3090/03
 14. Proposed family pension
 15. Proposed gratuity in lieu of 1/4th pension of
 16. Proposed value of commutation Rs. 108151 x 1484628 = Rs. 160564/-
 17. Proposed net pension Rs. 2008/52

*18 Place of District Accounts Office Larkana Marwat
 Treasury /Sub-Treasury

19. Date from which pension is to commence
After 15/01/1995

[Signature]
 HEAD MASTER
 G.H.S. Adamzai
 Distt. Larkana Marwat

[Signature]
 Executive District Officer
 (E&S) Ed. Larkana Marwat
 Office/Department

* Entries No. 1,2,3,4, and 18 should be made in capital letters.

5
SECTION (2) CALCULATION OF QUALIFYING SERVICE

Total length of service as per Col. 10 of Section (1)
Non-qualifying Service from

Y M D
17 - 05 - 15
Period

- (i) Extraordinary leave.....
- (ii) Unauthorised absence.....
- (iii) Spell of service not qualifying for Pension

Y M D

Net qualifying Service Says 17 Years Total (i) (ii) & (iii):-
Add..... From..... to

Period

- (i) Periods, if any, Military service or War, Service allowed to count for pension.
- (ii) Benefit of condonation of deficiency in total qualifying service.

Y M D

Total qualifying service..... Total (i) & (ii):- 17 Years 05 M 15 days

SECTION (3) (a) CALCULATION OF "AVERAGE EMOLUMENTS"

Statement of emoluments during the last 36/12 months in case the post has not been held on regular basis.

Period		Duration		Monthly Rate of Emoluments		Amount Drawn	
From	To	M	D	Rs.	Ps.	Rs.	Ps.

Cast Pay Drawn Rs. 7620/-

The total emoluments for 36/12 months are

Therefore "Average Emoluments" Work out to Rs. 36/12 = Rs. P.M

SECTION 3 (b) STATEMENT OF PAY/EMOLUMENTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS.

- (a) Pay on 30/06/2012 (AN) Rs. 7620/-
- (b) Seniority above 20 months service Rs. 170/-
- (c) Rs.
- (d) Rs.
- (e) Rs.

Total Rs. 7790/-

HEAD MASTER
G.H.S. Adamzari
Distt. Lakshmi Narayan

SECTION (4) CALCULATION OF PENSION/GRATUITY

Length of total qualifying service..... years
Emoluments/Average Emoluments..... Rs.....
Amount of gratuity (in case where qualifying Service is 5 years or more but less than 10 years)..... Rs.....
Amount of gratuity on discharges from temporary service where qualifying service is 10 years or more but less than 25 years..... Rs.....

Gross Pension.

Rs. Rs. 3090-03

+ Benefit of extra service beyond 30 years.

Rs. X X X X

Total Pension

Rs. Rs. 3090-03

Less 1/4th (in case of family pension for death while in service)

Rs. X X X X

Less commuted portion of Pension.

Rs. Rs. 1081/51

Net Pension.

Rs. Rs. 2008/52

SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION (IN CASE OF FAMILY PENSION FOR DEATH WHILE IN SERVICE)

Length of total qualifying service.

..... years

Amount of pension surrendered.

Rs.

Rate of gratuity for every rupee surrendered (on age next birth day basis).

Rs.

Lump-sum gratuity admissible.

Rs.

CSECTION (6) COMMUTED VALUE OF PENSION.

(i) Amount of pension to be commuted.

Rs. Rs. 1081/51

(ii) Age next birth day.

..... (60) years

(iii) Rate of commuted value for every one rupee (on age next birth day basis).

Rs. Rs. 148-4628

(iv) Commuted value of pension.

Rs. Rs. 160564/-

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY.

1. The undersigned is satisfied that the service of Min Nawab Labland has been satisfactory. The grant of full pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned.

OR

The undersigned is satisfied that the service of has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amounts or percentage given below:-

Amount or percentage of reduction in Pension

Amount or percentage of reduction in gratuity

Sanction is hereby accorded to the grant of pension and/or gratuity as so reduced.

2. The payment of pension and/or gratuity may commence from 01/07/2012 (P.N). Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate have been received by him. In case the Last pay Certificate and/or No Demand Certificate has/have not been received with the pension papers, the Audit Officer should issue P.P.O. subject to the production of the last pay certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family (in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

Head Master
adamzal

Signature Executive District Officer
(E&S) Edu. Larkei Marwat

Designation.....

PART - III

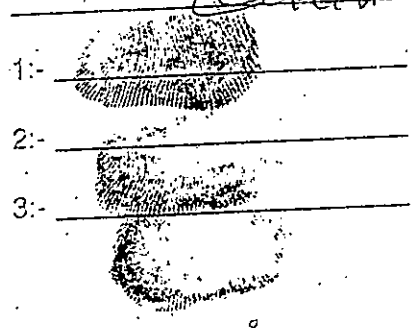
(For use in the Accountant - General's Office)

- I. The calculations contained in the preceding pages have been checked.
- II. Length of qualifying service accepted in Audit.....
- III. Reasons for difference, if any, between this and the length of qualifying worked out by the Department.
- IV. Amount of pension / gratuity. Rs.....
- V. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- VI. Amount of family pension. Rs.....
- VII. Reasons for discrepancy, if any between this amount and that calculated by the Department.
- VIII. Amount of gratuity in lieu of 1 / 4th of pension surrendered. Rs.....
- IX. Amount of commutation for the pension commuted. Rs.....
- X. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- XI. Amount of net pension payable Rs.....
- XII. The pension will commence from
- XIII. Allocation of the pension and gratuity:
- | | Pension | Gratuity |
|-------------------------|---------|----------|
| Government of | | |
| Government of | | |
| Government of | | |
| Defence Estimates | | |
| Total:- | | |
- XIV. Anticipatory pension of Rs.....(Rupees.....
.....) per month, granted with effect from.....
vide P.P.O.No..... under rule..... to
adjusted in the final P.P.O.
- XV. Amount of pension surrendered for gratuity. Rs.....
- XVI. Amount of original pension commuted. Rs.....
- XVII. Checked with the L.P.C. and "No Demand Certificate"
- XVIII. P.P.O. issued vide No dated

Assistant Accountant General
Assistant Accounts Officer

SPECIMEN SIGNATURE AND THUMB IMPRESSION IN RESPECT OF

Mr. Mir Nawaz Son of Mr. Muhammad Azam
Ex: Lab/ADd of GHS Adamzai Distt.
Lakki Marwat



ATTESTED:

[Signature]
HEAD MASTER
G.H.S Adamzai
Distt: Lakki Marwat.

COUNTERSIGNED

[Signature]
Executive District Officer
(E&S) Fdu: Lakki Marwat

THUMB AND FINGER IMPRESSION IN RESPECT OF

Mr. Mir Nawaz Son of Mr. Muhammad Azam
Lab/ADd GHS Adamzai Distt.
Lakki Marwat

Thumb Fore Finger Middle Finger Ring Finger Little Finger



ATTESTED:


[Signature]
HEAD MASTER
G.H.S Adamzai
Distt: Lakki Marwat.

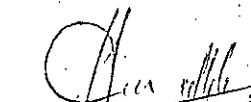
COUNTERSIGNED

[Signature]
Executive District Officer
(E&S) Fdu: Lakki Marwat

NO DEMAND CERTIFICATE

As for as the record of this office is concerned, that nothing is outstanding against Mr. Mir Nawaz ^{of this} Muhammad Azam
Lab/ATtd. GHS Adamzai Distt:-
Lakki Marwat. CIS

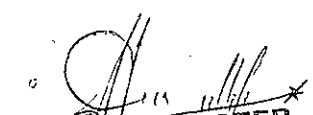

Executive District Officer
(E&S) Edu. Lakki Marwat


HEAD MASTER
G.H.S Adamzai
Distt: Lakki Marwat.


UNDER TAKING CERTIFICATE

Should be amount of the Pension/Gratuity granted to me be after words found to be excess of that to which I am entitled under the rules. I hereby undertake to refund any such excess.

CIS


HEAD MASTER
G.H.S Adamzai
Distt: Lakki Marwat.

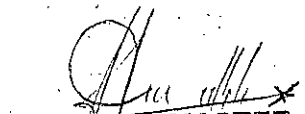
(MIR NAWAZ)
Lab/ATtd.


Executive District Officer
(E&S) Edu. Lakki Marwat


DECLARATION CERTIFICATE

I Mr. Mir Nawaz designation Lab/ATtd is hereby declare that I have neither applied for nor received any Pension/Gratuity for any portio of this service, nor shall I submitted any application hereafter without quoting a reference to the application and to the orders which may please be passed on.

CIS


HEAD MASTER
G.H.S Adamzai
Distt: Lakki Marwat.

(MIR NAWAZ)
Lab/ATtd


Executive District Officer
(E&S) Edu. Lakki Marwat

PART II

Forwarded to (here enter the designation and address of the sanctioning authority)

2. Subject to the medical authority's recommendation, the commutation, the capitalized value of Rs. out of monthly pension of Rs. will be payable as stated below:

Sum payable, if the commutation becomes absolute after the applicant's next birth day which falls on. On the basis of ... years, Rs. ...

Sum payable, if the commutation becomes absolute after the applicant's next birth day, but before his next birth day but one. On the basis of normal ... year, Rs. ...

3. The sum payable will be debitable to Central Revenue Rs.

The Government of (Provincial Government) Rs.

Station (Signature and designation of Accounts Officer)

Date

PART III

Administrative sanction is accorded to the above commutation. A certified copy of paragraph 2 of Part II of the form has been forwarded to the applicant in Form 8 (Pen.)

Place (Signature and designation of the sanctioning authority)

Date

Forwarded with one copy of Form 8 (Pen) and an extra copy of Part III of that Form to the Secretary to the Government of N. F.P. Health Department, Peshawar, original on ... with the request that he will arrange for the medical examination of the applicant by the proper medical authority as early as possible within three months from the but not (here enter the date) earlier than the ... and inform the applicant direct in sufficient ... (here enter the date of retirement) time where and when he should appear for the examination.

The next birth day of the applicant falls on ... and his medical examination may be arranged before that date, if possible unless the applicant desires that it should be held after that date but within the period prescribed in the sanctioning order.

(Signature and designation of the sanctioning authority)

FORM C (P.E.M.)

(Refer to in Rule 8.2)

COMMUTATION OF CIVIL PENSIONS.

PART I. FORM OF APPLICATION.

I, Lakshmi Manuwal desire to commute Rs. 108150 of my Superannuation/Retiring/Invalid/Compensation Pension of Rs. a month. I certify that I have answered correctly each and all of the questions.

Name Lakshmi Manuwal

Date

Signature (MIR NAWAZ)

Designation Lab/ATA

Address Vill. P. Adamzai (Lakshmi)

Question.

Answer.

1. What is the date of your birth?

1952

2. How much of your pension do you wish to commute?

35% Gross Pension

3. (a) Have you already commuted a portion of your pension? If so, give particulars.

(b) Has any application from you for commutation of pension ever been rejected, or have you ever declined to accept

commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority? If so, give particulars.

4. From what Treasury do you draw or propose to draw your pension and commutation money?

Lakshmi Manuwal

5. If you are already drawing your pension quote the No. of your Pension Payment Order.

6. Without prejudice to the discretion of the sanctioning authority from what date approximately do you wish this commutation to have effect?

7. At what station (near the area in which you are ordinarily resident) would you prefer your medical examination to take place.

Place

(Signature)
HEAD MASTER

Signature

G.H.S. Adamzai forwarded for report to Distt. Lakhmanwal. Enter designation and address of the Accounts Officer.

Date

(Signature)
Executive District Officer (E&S) Edu. Lakhmanwal

Signature

(of Head of Office/Department Attached Department).

(Signature)

D

18

8-8-12

OFFICE OF THE DISTRICT MAGISTRAR - LAKSHMI NAGAR

No. M/MD No/2011-12/1603

dt. 8.8.2012

To.

The H.O.
G.H.S. Adan Jai
Lakshmi Nagar

Subject: - Pension paper in the name of deceased
Lal Sarda

News: - I hereby refer to E.O. (E & SE)
Lakshmi Nagar No 5839 dt. 27.7.2012 on
the subject cited above.

The Pension case of the above
named pensioner is returned in regard
with the records the Pensioner
affiliated as Lal Sarda on 15.1.1995
and according to home order he is not
entitled for Pension/Gratuity vide Govt
of M.P. order dt. 11.11.1992 no B-1/2
92-93/FO/ dt. 11.11.1992 and
Regulation no. (E & SE/2005/10-1/10
9.5.2006. Therefore the case may
please be re-examined.

AKS
by

U. N. 7/8
District Magistrate
Lakshmi Nagar
8/8/12

Treasury.

Register Schedule of _____ *Department bills paid between the _____ and the _____ of _____ 19__

N.B. — In the original copy which is used as a schedule the grand total should be entered in figures as well as in words to the Treasury Officer's dated signature should be affixed at the end.

Date of payment	No. of voucher	Designation of drawing officer	Particular of bill	Amount		Daily total carried to cash book		Remarks
				Rs.	Ps.	Rs.	Ps.	

*The department for which used should be noted here.

_____ District

Head Treasury Clerk.

Treasury Officer.

Dated _____ 19__

To

Dy No- 1218
dt 15-2-2013The Accountant General,
KPK, Peshawar Cantt.Subject: **REPRESENTATION FOR GRANT OF PENSION,
GRATUITY ETC.**

Respected Sir,

1. That I was appointed as Laboratory Attendant in BPS-01 plus usual allowances as admissible under the Rules vide order dated 15.01.1995.
2. That I served the department till the date of my superannuation as such w.e.f. 30.06.2012 vide order dated 18.05.2012.
3. That the department prepared my pensionary papers to the District Accounts Office, Lakki Marwat for payment of all pensionary benefits to me but the same was returned in original to the Education Department with the remarks that I was appointed as Laboratory Attendant on 15.01.1995 and am not entitled for pension/gratuity etc. which is illegal and incorrect.
4. That I was appointed on regular basis as such and am entitled for pensionary benefits under the Rules.
5. That District Account Office tented frivolous objection on my pensionary papers and withheld my pension for no legal reason.
6. That I contacted the department time and again to pay me pension, gratuity etc. but no final reply was given to me. I was verbally directed that you are not entitled for pension facility.
7. That no law exists to deprive a person from pension etc. as the same is vested right of a Civil Servant.

8. That my pension has since been withheld with ulterior motive.

It is, therefore, most humbly requested/prayed that District Accounts Office, Lakki Marwat be directed to release my pension, gratuity etc. henceforth with.

Your Sincerely,

سید نواز

Mir Nawaz S/o Muhammad Azam
R/o Adam Zai, Lakki Marwat.
Ex-Laboratory Attendant,
GHS Adamzai.

Dated 15.02.1013

AWZ

by

بیت چھاپ سروس ٹریڈ مارک کے طور پر محفوظ ہے

مستند
مستند
مستند
مستند

باعتبار

مستند مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور
کیسٹے سعد اڈاس خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقریر ثالث و فیصلہ برحلف
دینے جواب دہی اور اقبال دعویٰ اور بھرتی ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست
ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز وارڈ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا
اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور
قبول ہوگا و دوران مقدمہ میں جو خرچہ دہر جانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ
پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المقوم

العبد العبد العبد

11
ارباب نیف انکال
ایڈووکیٹ

محمد اللہ خان سرور
ایڈووکیٹ

مستند

11
روم ناز
مستند

Before the service Trial Paper

Muhammad Nawaz

vs

Distt A. Officer
etc

Applicant for impudip Head

Master of the school vs Respondent

Dear Sir,

1. That the subject case is filed for today for req. objecting.

2. That during enquiry, it came to surface that the Head Master of the school is necessary party to be impleaded.

It is, therefore, requested that the Head Master of the school be impleaded as party. His address is under:-

The Head Master,
Govt High School,
Adanwai, Ludhiana

Applicant
Munir Ahmad
, Saeedullah,
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.937/2013

Mir Nawaz S/o Muhammad Azam Ex-Laboratory Attendant, GHS Adamzai, Lakki Marwat

APPELLANT

Versus

1. District Accounts Officer Lakki Marwat
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer , Lakki Marwat

RESPONDANTS

Respectfully Sheweth;

The respondents most humbly submit the written comments as under:

Preliminary Objections:

1. That the Appellant hasn't got any cause of action.
2. That the Appellant has got no locus standi.
3. That the Appellant is liable to be dismissed due to misjoinder and non-joinder of parties
4. That the instant appeal is barred by law.
5. That the instant appeal is not maintainable.

Facts:

Para-I: Para-I is pertains to record, hence no comments.

Para-II: Para-II Pertains to record.

Para-III: Pension paper of Ex-Lab Assistant submitted to Accounts Office which was returned to the Headmaster of concerned school.

Para-IV: It is incorrect. Pension Paper was rightly returned to education department.

Para-V. Para-V relates to record.

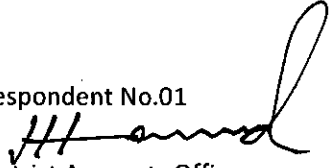
Grounds:

- a. It is incorrect. The objection was raised by this office but the same has not been removed so for.
- b. Relates to his parent department.

- c. It is incorrect. Fixed pay policy was introduced by Govt: of Khyber Pakhtunkhwa, Finance Department Peshawar vide No. B1/2-11/92-93/FD/Dated 11/04/1992, which had further been amended by Finance Department vide No. B1/1-22/94-95/FD Dated 24/07/1999. (Policy annexed).
- d. Para (c) as above.
- e. It is incorrect. Separate order for various categories of class-IV were issued by Finance Department from time to time which were further been amended.

It is therefore, most humbly prayed that on acceptance of these parawise comments, the appeal in hand may very graciously be dismissed with cost.

Respondent No.01


District Accounts Officer

Lakki Marwat
District Accounts Officer
Lakki Marwat

AFFIDAVIT

I solemnly affirm and declare on oath that all the contents in the reply are true and correct to the best of my knowledge and belief as per available record and nothing has been concealed from the Honorable Tribunal.

Respondent No.01


District Accounts Officer

Lakki Marwat
District Accounts Officer
Lakki Marwat

Dated Pesh: the 4-11-1992. ✓

To

1. The Secretary to Government of NWFP, Education Department.
2. The Secretary to Government of NWFP, Health & SW Department.
3. The Secretary to Government of NWFP, Public Health Engineering Department.
4. The Secretary to Government of NWFP, C&W Department.

Contract
Policy
1992
4-11-92

Subject:- APPOINTMENT OF SPECIFIED CATEGORIES OF STAFF ON FIXED SALARIES.

Sir,

I am directed to state that the Provincial Cabinet in its meeting held on 21.5.1992 had inter-alia decided that:-

--in future the non-education cadre posts in the Education Department such as Chowkidars, Maib Masids, Malis, Water Carriers, Sweepers etc. be filled on contract basis, in order to rid the Provincial exchequer of the extra burden on account of future pensionary liabilities."

On reconsideration the Government has now decided that the Cabinet decision referred to above may be applied to similar jobs in some other Departments as well. Accordingly the following categories of jobs in Primary Schools, BHUs, RHCs, Water Supply Schemes and C&W Department will hence-forth be filled in on fixed salary basis:-

- i. Chowkidar. ✓
- ii. Mali.
- iii. Behishti. ✓
- iv. Coolie in Road Gang.
- v. Valve Man.

The above instructions would apply to fresh requirements for such jobs whose number would be sanctioned by the Finance Department. Budgetary provision will be made available/reflected under the Commodities and Services (596000-Payment to the other for Services rendered) in the respective department budget on the basis of sanctioned posts/jobs and will be spent only for payment of salaries to these categories of employees.

The monthly wages fixed for the above categories of employees will be Rs. 1200/- per month.

The Departments/Appointing Authorities are also requested to observe the following:-

- a) Maintain complete record of such appointments.
- b) Restrict the appointment of employees for seasonal maintenance work to the period when their services are actually required.

Yours Obediently,
Sd/-
(Abdus Samad Khan)
Deputy Secretary (B&C)

Encl: No. & date even.

Copy forwarded for information and action to the:-

1. Accountant General, NWFP, Peshawar.
2. All District Accounts Officers in the Province.

Mohammad Khan
Assistant Accounts Officer
B-17 DCA Bahawalpur

(ABDUS SAMAD KHAN)
DEPUTY SECRETARY (B&C)

Page - 2 of 2

5.9.92

20

GOVERNMENT OF N.W.F.P.
FINANCE, EXCISE AND TAXATION DEPARTMENT.
NO. BI/1-22/94-95/FD. VOL: 11.
Dated Peshawar, the 24th July, 1999.

To

1. The Secretary to Government of NWFP, Education Department.
2. The Secretary to Government of NWFP, Health Department.
3. The Secretary to Government of NWFP, Pub: Health Engg: Deptt:
4. The Secretary to Government of NWFP, Communication & Works Department.
5. The Secretary to Government of NWFP, Irrigation Department.
6. The Secretary to Government of NWFP, Food, Agriculture, Livestock and Cooperation Department.
7. The Secretary to Government of NWFP, Forests, Fisheries & Wildlife Department.

SUBJECT:- APPOINTMENT OF SPECIFIED CATEGORIES OF STAFF ON FIXED SALARIES.
=====

Sir,

I am directed to refer to the subject noted above and to say that the Provincial Cabinet in its meeting held on 15-6-1999 has inter-alia decided to extend the scope of the aforesaid policy continued in this department's letter No. BI/2-1/92-93/FD, dated 4-11-1992 to the following departments and categories of posts with effect from 1st July, 1999:-

NAME OF DEPARTMENTS.
=====

1. Education.
2. Health.
3. Public Health Engineering.
4. Communication & Works.
5. Irrigation.
6. Agriculture.
7. Veterinary.
8. Forests.

*Fixed Pay
Contract
1999*

CATEGORIES OF POSTS.
=====

1. Chowkidar.
2. Mali.
3. Behishti.
4. Naib Qasid.
5. Sweeper.
6. Bearer.
7. Cook.
8. Workshop Attendant.
9. Caller.
10. All Class-IV Posts (posts in BPS-1) ✓

2. The decision would apply to fresh recruitments/appointments to the jobs specified above. Number of such jobs would be sanctioned by the Finance Department. Budgetary provision will be made available and reflected under the Commodities & Services (59600-Payments to Others for Services rendered) in the respective department's budget, on the number of sanctioned jobs/employees and will be spent only for payment of fixed salaries/wages fixed for the above categories in question.

3. The monthly wages fixed for the above categories of employees will be Rs. 1800/- per month.

4. The Departments/Appointing Authorities are requested to observe the following requirements:-

- (a) On vacation the existing posts of the above noted categories shall stand abolished. However, the departments would also issue formal orders of abolition of such posts under the Powers available to them under Serial No. 1 of Second Schedule of the Delegation of Rules under Financial Rules and the Powers of Re-appropriation Rules, 1981 as revised in 1992, before making any proposal for creation of such jobs to the Finance Department.

(Continued Page-2)

(b) Maintain complete record of such appointments.

(FAIZULLAH KHAN KHATTAKI)
DEPUTY SECRETARY (BUDGET/COORD).

ENDST.NO.B1/1-22/94-95/FD. Dated Peshawar, the 24th July, 1999.

Copy of above is forwarded to:-

- 1. The Accountant General, NWFP, Peshawar.
- 2. All the District Accounts Officers in N.W.F.P.
- 3. The Agency Accounts Officer, Malakand.
- 4. All Addl: Secretaries.) Finance, Excise and Taxation
- 5. All Deputy Secretaries) Department,
- 6. All Budget Officers/Section Officers.) Government of N.W.F.P.
- 7. The Private Secretary to Finance Secretary.)
- 8. The System Analyst, E.D.F.C.)
- 8. The Section Officer (Cabinet, Implementation-1&11), Government of NWFP, Services and General Administration.

Mohabat Khan
Assistant Accounts Offi
B-17 DCA Bannu

(MUHAMMAD KHAN)
BUDGET OFFICER (1).

No. I

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PC-IVC

محمد حسین صاحب - سرور پور پور
 میرزا محمد حسین صاحب
 سرور پور پور 937/13

عقدان در وقت طیار حکم صادره
 تاریخ: 11/6/15

EXEMPTION

جناب صاحب

کہ میں نے اپنے باپ کی دولت بھاری بھاری میرزا محمد حسین صاحب سے لے لی ہے
 اور میرزا محمد حسین صاحب نے میرزا محمد حسین صاحب سے 11/6/15 تاریخ میں
 میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے 18/5/15
 تاریخ میں میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے
 میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے
 میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے
 میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے

میں نے اپنے باپ کی دولت بھاری بھاری میرزا محمد حسین صاحب سے لے لی ہے
 اور میرزا محمد حسین صاحب نے میرزا محمد حسین صاحب سے 11/6/15 تاریخ میں
 میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے 18/5/15
 تاریخ میں میرزا محمد حسین صاحب سے لے لی ہے اور میرزا محمد حسین صاحب نے
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11/6/15

میرزا محمد حسین صاحب

Respondent - 3

Case No. 11203-0375307-9
 AD E O
 میرزا محمد حسین صاحب

SHAMSHER ADVOCATE
 Notary Public
 Date: 11/6/15

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 937/2013

Mir Nawaz

Versus

D.A.O & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the 05 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, he has got no locus standi, appeal is liable to be dismissed due to mis and non-joinder of parties, barred by law and appeal is not maintainable.

ON FACTS

- 1-2. Needs no comments.
- 3-4. Returning of pension paper submitted by the Headmaster of the school concerned to account office was illegally returned.
5. Needs no comments.

GROUNDS:

All the grounds of the appeal are correct and legal while that of the reply are incorrect and illegal. The

services of all the employees were brought on regular footing and appellant is entitled for pensionary benefits.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Appellant

Dated: 12.11.2015

Saadullah Khan Marwat

Arbab Saif Ullah Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Mir Nawaz, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of the reply of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

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