

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.5372/2020

Date of Institution ... 12.05.2020
Date of Decision ... 23.09.2021

Sarfraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village
Adezai Tehsil & District Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Civil Secretariat, Peshawar
and two others.

... (Respondents)

Umar Ali Shah Utmankhel,
Advocate

... For Appellant.

Fayyaz Khan Chamkani,
Legal Advisor

... For All Respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

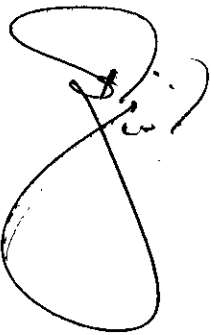
JUDGMENT

ROZINA REHMAN, MEMBER (J): The concise facts of the case are
that appellant was appointed as Driver. His services were terminated
on 31.08.2018. He preferred his departmental appeal which was not
responded to, therefore, he filed writ petition which was disposed of
with the observation that by virtue of Section-4 of Khyber
Pakhtunkhwa Regularization Act No.10 of 2018, services of all project
employees have been regularized and the termination from service in
the month of August, 2018 after the commencement of the said Act

is to be challenged before the Service Tribunal and the appellant was directed to impugn his termination before the competent forum. He, therefore, filed service appeal No.1489 of 2018 before this Tribunal which was decided with direction to respondents to decide the departmental appeal through speaking order but to no avail. He, therefore, filed contempt petition before this Tribunal but to the utter surprise of the appellant, impugned order dated 10.03.2020 was passed, whereby, his appeal was rejected, hence, the present service appeal.

2. We have heard Umar Ali Shah Utmankhel Advocate appearing on behalf of appellant and Fayyaz Khan Chamkani Legal Advisor for the respondents and have gone through the record and the proceedings of the case in minute particulars.


3. Learned counsel for appellant contended that the impugned order dated 10.03.2020 is against law and facts because as per Section-4 of the Khyber Pakhtunkhwa Regularization Act, 2018, the appellant was supposed to have been regularized by the respondents but the aforementioned law was not taken into consideration and instead of regularization, impugned order was passed. He contended that the appellant served the Department for almost 14 years and being overage, he is no longer fit for any other employment but this aspect of the case was not taken into consideration. He argued that other employees of the same status were regularized but unfortunately, appellant was treated at par with those employees which discrimination is not permissible in the eye of law. Lastly, he submitted that he was a regular employee of C&W Department and



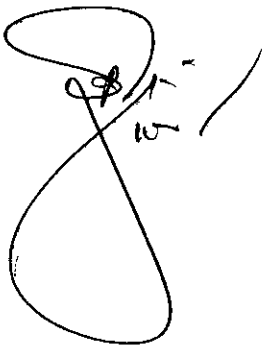
the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them.

4. Conversely Legal Advisor for respondents submitted that the respondents adopted and fulfilled all the requisite codal formalities while terminating the services of the appellant. He submitted that no doubt, the appellant served the Department for last 14 years but his service was no more required and the authority terminated his service by adopting all the codal formalities.

5. From the record, it is evident that appellant was appointed as Driver in B.P.S-04 vide order dated 31.03.2004. In response to his appointment order and medical fitness certificate, he submitted his arrival report in the office of Director-II (Project Cell) Farm to Market Roads, C&W Department Peshawar. It is also not denied that annual increments and up-gradation from time to time was also recorded in his Service Book and lastly, he was drawing salary in B.P.S-04. He was also a regular subscriber of G.P Fund. Similarly, Benevolent Fund and Group Insurance was being deducted regularly from his pay. It was on 03.08.2018 when order of termination of his service was issued and his services were terminated w.e.f 31.08.2018. Feeling aggrieved, he filed writ petition under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973 and it was held by the august Court that by virtue of Section-4 of Khyber Pakhtunkhwa Act No.10 of 2018, services of all the Project employees have been regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018 and thereafter, termination from service in the month of August, 2018 of a regular employee of the Government, is to be challenged before the



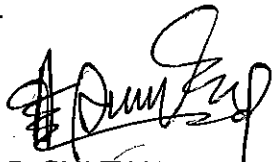
Service Tribunal. The appellant is no more a project employee, rather his services have been regularized which fact is very much evident from the order of Hon'ble Peshawar High Court, Peshawar. After filing service appeal in this Tribunal, the respondents were directed to decide the departmental appeal within 30 days and vide order dated 10th March, 2020, his appeal was rejected. He has now filed the instant service appeal. Once the august High Court declared the status of appellant to be one of the regular employee, the respondents instead of treating the appellant to be civil servant, passed the impugned order in the light of Project Policy. From the record, it is evident that the present appellant alongwith 8 others were terminated from service w.e.f 31.08.2018. One Gul Nawaz Driver was also terminated on the same date and in this regard, the Project Director vide his letter No.7139/JICA-5 dated 30.08.2018, addressed to the Project Director, requested for the adjustment of all the nine office staff on humanitarian ground being low paid employees. One Gul Nawaz Driver was accordingly adjusted and his adjustment was not denied. In this regard, relevant documents were produced before this Bench which show that Gul Nawaz Driver is still drawing his salary and has been properly adjusted. The appellant was discriminated for the reasons best known to the respondents. He was not treated in accordance with law as neither show cause notice nor charge sheet and statement of allegations were every issued. He was not given the opportunity of personal hearing and despite request by the Project Director, he was not adjusted like Gul Nawaz, his co-employee. Thus,



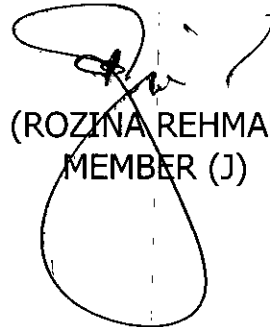
he succeeded in making out a good case for indulgence of this Tribunal

6. For what has been discussed above, this appeal is allowed, impugned order is set aside with direction to respondents to reinstate the appellant from the date of termination from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
23.09.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ROZINA REHMAN)
MEMBER (J)



Order

23.09.2021

Appellant with counsel present.

Fayyaz Khan Chamkani Legal Advisor for respondents present.

Vide our judgment of today of this Tribunal placed on file, this appeal is allowed, impugned order is set aside with direction to respondents to reinstate the appellant from the date of termination from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

23.09.2021

(Ahmad Sultan Tareen)
Chairman

(Rozina Rehman)
Member (J)

13.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned A.A.G for the respondents present.

File to come up alongwith connected Service Appeal No.5371/2020 titled Fayaz Muhammad Vs. Government of Khyber Pakhtunkhwa on 16.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

16.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

File to come up Service Appeal No.5371/2020 tilted Fayyaz Muhammad Vs. Government of Khyber Pakhtunkhwa on 21.09.2021 before D.B.



(Rozina Rehman)
Member (J)



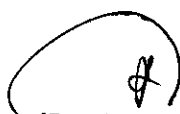
Chairman

21.09.2021

Appellant in person present.

Muhammad Adeel Butt learned A.A.G for respondents present.

File to come up alongwith connected Service Appeal No.5371/2020 titled Fayyaz Muhammad Vs. Government of Khyber Pakhtunkhwa, on 23.09.2021 before D.B.



(Rozina-Rehman)
Member (J)



Chairman

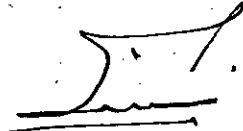
17.06.2021

Appellant in person present. Mr. Kabirulah Khattak learned Additional Advocate General for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 08.09.2021 before D.B.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.09.2021

Counsel for petitioner present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Arguments heard. To come up for order on 13.09.2021 before D.B.

(Rozina Rehman)
Member (J)



Chairman

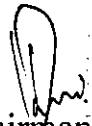
07.12.2020

Junior to counsel for the appellant and Mr. Kabirullah Khattak, learned Additional Advocate General for respondents present.

Due to general strike of the bar, the matter is adjourned to 26.01.2021 for hearing before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

25.01.2021

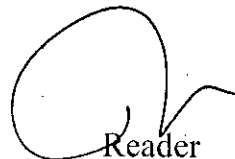
Due to COVID-19, the case is adjourned for the same on 10.03.2021 before D.B.



READER

10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 17.06.2021 before the D.B.



Reader

06.08.2020

Counsel for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional AG request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 30.09.2020. File to come up for written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

30.09.2020

Appellant in person and Addl. AG present. Mr. Fayaz Khan Chamkani, Legal Advisor also appeared on behalf of the respondents and submitted Authority letter ⁱⁿ his favour, which is placed on record.

Respondents have furnished Parawise comments. Placed on record. The matter is assigned to D.B for arguments on 07.12.2020 before ~~S.B.~~ The appellant may furnish rejoinder, within one month, if so advised.


Chairman

16.06.2020

Learned counsel for the appellant present.

Essentially, the question involved in the instant appeal is "Whether the service of appellant was protected by promulgation of the Khyber Pakhtunkhwa Employees (regularization of services) Act 2018 on 07.03.2018, being a project employee?"

In order to resolve the issue instant appeal is admitted for regular hearing subject to all just exceptions. 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 10.07.2020 before S.B.

Along with the appeal there is an application for suspension of order dated 10.03.2020 passed by respondent No.1. Notice of application shall also given to the respondents for the date fixed.



Chairman

10.07.2020

Counsel for the appellant present.

Security and process fee has not been deposited. Counsel for the appellant requested for time; granted with direction to deposit the same within 03 days, where after notices be issued to the respondents for written reply/comments, for 06.08.2020 before S.B.


Appellant's deposited
Security & Process Fee




Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5372 /2020

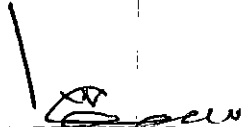
1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/06/2020	<p>The appeal of Mr. Sarfaraz Khan presented today by Mr. Umar Ali Utmankhel Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/06/20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right; margin-top: 20px;"><i>5/6/20</i></p>

The appeal of Mr. Sarfaraz Khan received today i.e. 12.05.2020 by Umar Ali Shah Utmankhel, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

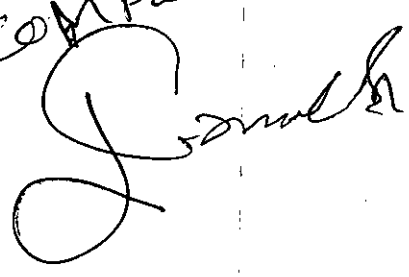
- 1- Annexures are not flagged which may be flagged.
- 2- Affidavit in r/o appellant is not attested by the oath commissioner which may be attested.
- 3- Application for condonation of delay may be drafted by computer instead of hand writing.

No. 1134 /S.T,

Dt. 13-05 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Umar Ali Shah Utmankhel Adv, Peshawar.

Re-submitted
after completion


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No 5372 of 2020

Sarfaraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village
Adizai Tehsil and District PeshawarAppellant

VERSUS

Government of Khyber Pakhtunkhwa etcRespondents

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6.	Copies of termination order dated 1-8-2018, departmental appeal and order of Peshawar High Court	B, B/1 and C	22-27
7.	Copy of the order of this hon'ble tribunal dated 21-6-2019.	D	28-30
8.	Copy of contempt petition	E	31-33
9.	Copy of the order dated 10-3-2020	F	34
10.	Copy of regularization act 2018	G	35-42
11.	Copies of the document showing the details of employees regularized in the same project	H and H/1	43-44
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Appellant

Through


Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

S.A No 5372 of 2020

Diary No. 3596

Dated 12-05-20

Sarfraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village Adizai Tehsil and District PeshawarAppellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Civil Secretariat Peshawar.
3. Project Director PMU C&W Department Civil Secretariat Peshawar.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER NO SOE/C&WD/3-442/2019 DATED 10-3-2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY THE RESPONDENTS AND HE WAS NOT REINSTATED IN HIS SERVICE.

Filed to-day

Registrar

Prayer of Appeal

On acceptance of this appeal, the office order NO SOE/C&WD/3-442/2019 dated 10-3-2020, whereby the departmental appeal of the appellant has been rejected by the respondents may kindly be adjudicated null and void and without any lawful authority and may be set aside and the appellant may very kindly be reinstated in his and be considered as regular employee since his appointment on his respective position with all back benefits.

Respectfully Sheweth

Brief facts of the case are as under:

1. That the appellant was appointed as driver on 31-3-2004 vide appointment order NO 3569/5-B in the communication and works department, Peshawar.(Copies of the appointment order, service Book statement of salary/allowances are attached as Annexure A, A/1 and A/2 respectively).

12/5/2020

Re-submitted to-day and filed.
Registrar

2018
2024
14

2. That the appellant performed his duty honestly and whole heartedly to the best of his abilities and to the entire satisfaction of his high ups, and during his service, the appellant never ever given a chance of complaint/ blame etc to his high ups. It is worth mentioning here that the appellant has got a stainless service record in the C&W department.
3. That to the utter surprise of the appellant the OFFICE ORDER NO 7120/JICA-5 dated 1-8-2018, without adopting Codal formalities, their own rules and regulation the respondents terminated the services of the appellant with effect from 31-8-2018 feeling highly aggrieved of which the appellant preferred his departmental appeal on the basis grounds mentioned therein which has not been adjudicated upon by the respondents. Resultantly the appellant instituted a writ petition before the hon'ble Peshawar High Court Peshawar which was disposed off with the observation that by virtue of section 4 of Khyber Pakhtunkhwa regularization act No 10 of 2018, the services of all project employees stand regularized with effect from the date of commencement of the said act i.e 7-3-2018 and thereafter, termination from service in the month of august 2018 of a regular employee of the government, is to be challenged before the service tribunal under Article 212 of the constitution of Islamic Republic of Pakistan 1973, the instant petition is not maintainable and the appellant was further directed to impugn his termination before the competent forum.(Copies of termination order dated 1-8-2018, departmental appeal and order of Peshawar High Court are attached as Annexure B, B/1 and C respectively.
4. That the appellant filed service appeal No 1489 of 2018 before this hon'ble tribunal which was decided on 21-6-2019 whereby this hon'ble tribunal directed the respondent No 1 to decide the departmental appeal of the appellant through speaking order within 30 days after the receipt of this judgment.(Copy of the order of this hon'ble tribunal dated 21-6-2019 is attached as Annexure D respectively).
5. That when the order of this hon'ble tribunal was not implemented by the respondent No 1 as directed by this hon'ble tribunal the appellant filed Contempt Petition before this hon'ble tribunal which is still pending.(Copy of contempt petition is attached as Annexure E respectively).
6. That to the utter surprise and shock of the appellant, the respondent passed an order dated 10-3-2020, whereby the appeal of the appellant has been rejected in the light of the policy, hence, this appeal on the following grounds

amongst other. (Copy of the order dated 10-3-2020 is attached as Annexure F respectively).

GROUND

- A. That the impugned order dated: 10-3-2020 is illegal, unlawful without any legal authority and is ineffective against the precious rights of the appellant which is liable to be set aside.
- B. That as per section 4 of the regularization act 2018, the appellant was supposed to have been regularized by the respondents but unfortunately the aforementioned law was also not kept in consideration and instead of regularization the poor appellant who is the sole bread earner of his family was handed over the impugned order which shows that the respondents have made a state within a state and they do not have any respect and regard for the laws enacted.(Copy of regularization act 2018 is attached as Annexure G respectively).
- C. That the appellant has served the department for the last 23 years which is quite evident that the appellant has spent a huge portion of his life in the C&W department and as a result of which he has reached to such stage of his life, who as per law is over aged for any government services, therefore, he is no longer fit for any other employment, the respondents should have to consider the same and let the appellant to serve on his part keeping in view the said huge portion of his services, the respondents should had to regularized the services of the appellant instead of rejecting the departmental appeal of the appellant.
- D. That other employees in the same status were regularized by the respondents department and unfortunately the appellant was not treated at par with those employees who were regularized which clearly shows that the appellant has been dealt with discrimination which is not permissible in aye of law. (Copies of the document showing the details of employees regularized in the same project are attached as Annexure H and H/1 respectively).
- E. That the appellant was not a project employee at all, rather he was regular employee of C&W department since his appointment and the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them. It is worth mentioning here that the appellant was taking all incentives/allowances taking by the regular employees and GP funds, benevolent fund and group insurance grant were also being deducted from his salary which makes the fact crystal clear that the appellant was a regular employee of the respondent's department. (Copies of documents

(4)

showing deduction of GP funds, benevolent fund and group insurance are attached as Annexure J, J/1 and J/2 respectively).

- F. That being regular employee the appellant was upgraded by the respondent's department and in the circumstances even if the appellant had to be terminated the respondents were supposed to have adopted all the legal procedures for the termination of the appellant.

It is, therefore, requested that On acceptance of this appeal, the office order NO SOE/C&WD/3-442/2019 dated 10-3-2020, whereby the appeal of the appellant has been rejected by the respondents may kindly be adjudicated null and void and without any lawful authority and may be set aside and the appellant may very kindly be reinstated in his service and be considered as regular employee since his appointment on his respective position with all back benefits.


Appellant

Through



Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

Dated: 12-5-2020

Certificate:

Certified that no such like appeal has earlier been filed by the appellant before this hon'ble tribunal.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A No _____ of 2020

Sarfaraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village
Adizai Tehsil and District PeshawarAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents

**APPLICATION FOR SUSPENSION THE OFFICE
ORDER NO SOE/C&WD/3-442/2019 DATED
10-3-2020, TILL THE FINAL DECISION OF THE
INSTANT APPEAL.**

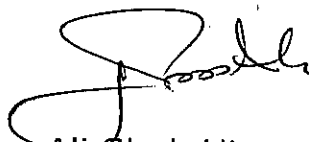
Respectfully Sheweth:

1. That the above titled appeal is being filed before this hon'ble tribunal in which no date of hearing has been fixed so far.
2. That the applicant has got a prima facie case in his favour.
3. That balance convenience also hereby leans in favour of the applicant and there is every likelihood that the appeal of the applicant/appellant would be accepted by this hon'ble tribunal.
4. That the applicant/appellant will suffer irreparable loss if the operation of the impugned order is not suspended.

It is, therefore, prayed that on acceptance of this application, the operation of the impugned order dated 10-3-2020 may very kindly be suspended till the final decision of the instant appeal.


Appellant

Through



Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc Application _____/2020

In Re:

Service Appeal No _____/2020

Sarfraz Khan.....(Applicant/Appellant)

V E R S U S

Government of KPK.....(Respondent)

Application for the condonation of
delay, if any caused in the
institution of above captioned appeal

Respectfully Sheweth:-

The Applicant/Appellant humbly submits as under:-

- 1) That the above noted appeal being filled before this Honourable Tribunal, in which no date of hear is fixed so far.
- 2) That due to the pandemic spreading disease, all the Government/Public institution including this Honourable Tribunal remained closed, this Honourable Court cannot resumed its function in last week.
- 3) That if any delay being caused may kindly be condoned as technicalities could not hamper in the ways of justice.

It is therefore, most humbly prayed that on acceptance of this Application, the instant application may be accepted as prayed for.

Appellant/Applicant

Through:

(UMAR ALI SHAH)
Advocate,
High Court, Peshawar

Dated: -05-06-2020



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No _____ of 2020

Sarfaraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village
Adizai Tehsil and District PeshawarAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents

Affidavit

I, Sarfaraz Khan S/O Haji Shahzada R/O Muhallah Terikhel,
Village Adizai Tehsil and District Peshawar do hereby solemnly
affirm on oath that the contents of the instant application
are true and correct to the best of my knowledge and belief
and nothing has been kept conceal from this hon'ble
tribunal.

سرشار خان
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No _____ of 2020

Sarfraz Khan S/O Haji Shahzada R/O Muhallah Terikhel, Village
Adizai Tehsil and District PeshawarAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents


Addresses of the parties

APPELLANT


Sarfraz Khan S/O Haji Shahzada R/O Muhallah Terikhel,
Village Adizai Tehsil and District Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary
Communication and Works Department Civil Secretariat
Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Civil
Secretariat Peshawar.
3. Project Director PMU C&W Department Civil Secretariat
Peshawar.


Appellant

Through


Umar Ali Shah Utmankhel
Advocate High Court
Peshawar.

8

Annex A

9

OFFICE OF THE
DEPUTY DIRECTOR, I (PROJECT CELL)
FARM TO MARKET ROADS W&S DEPT
ABBOTTABAD.

OFFICE ORDER NO: 3569 / 15-B

DATED AT ABBAD THE 31 / 02 / 2004.

OFFICE ORDER.

Mr. Sarfraz Khan S/O Haji Shahzada Khan is hereby appointed as a DRIVER in BPS 04 (2040-S-4590) against the existing vacancy, with effect from 01/02/2004 on the following terms and conditions :-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reasons.
2. His Services will be governed by such rules and orders as may be issued by Provincial Government of NWFP from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent District Headquarter Hospital Abbottabad.

He is directed to report duty to the office of the Deputy Director, I (Project Cell) Farm to Market Roads W&S Department Abbottabad.

DEPUTY DIRECTOR, I (PROJECT CELL)
FARM TO MARKET ROADS W&S DEPT
ABBOTTABAD.

Copy to the :-

1. District Accounts Officer, Abbottabad.
2. Divisional Accounts Officer, FMR W&S Abbottabad.
3. Mr. Sarfraz Khan S/O Haji Shahzada Khan, Village & Post Office Adezai Mohallah Tazi Khel District Peshawar.

DEPUTY DIRECTOR, I (PROJECT CELL)

True copy
High Court Peshawar
Jawad Khan Advocate
ATTESTED

ATTESTED

(9) Annex A/1

Note:— The entries in this page should be renewed or re-created at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Sarfraz Khan

2. Race: Afghan

3. Residence: Mohallah Tazikhel Adajai, P. Adajai, Tehsil Dist. Peshawar

4. Father's name and residence: Haji Shahzada Khan. (As above)

5. Date of birth by Christian era as nearly as can be ascertained: 01.7.1970 (1st July, D.H. & Seventy) as per H.A. Certificate + NIC

6. Exact height by measurement: 5'8"

7. Personal marks for identification: A mole on right cheek

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger Ring Finger

Middle Finger Fore Finger

Thumb

9. Signature of Government Servant

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

20/02/04

ATTESTED
Sarfraz Khan Advocate
High Court Peshawar

ATTESTED

copy



1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii), whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and position of the head of office or other officiating officer in attestation of columns 1 to 8
Driver.	Temporary.		2040/00 PM			01-02 2004 PM		
do	do		Rs 2125/- PM			01/12/2004 PM		30-11-04 (A.N.)
345-100-5345)		pay fixed @ Rs 2445/- BPS 10 as introduced vide Govt N.W.F. Finance Deptt. No. F.I. (PRC) 1-1/05 dt 9-7-05 1-7-05.				cutting attached		
True copy					S. D. J. ... Farm to Market Road, W.S. Deptt. Abbottabad.		Service ... 3-6-2005	

8	9	10	11	12	13		14	15
					Leave			
Signature of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Name and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitible		
<p>Appointed as <u>Deputy Director</u> on 20/01/04 in Res. B.S. No. 4 (2040-85-4590) under Deputy Dir. F&R, M&T, DEPH, Abbottabad CC No. 3569/5-E dated 31.01.2004. Reported arrival on 01.02.2004 for</p>								
<p>Attested 30-11-04 Promoted Increment granted Service verified for the period from 01-02-2004 to 30-11-2004 from office copies of bills etc.</p>								
<p>Notified -05-11-04 Deputy Director (Project Cell) Farm to Market Road C&W Dept. Abbottabad</p>								
<p>Service verified granted leave without pay for the period from 1-12-04 to 30-9-2005 to 30-9-2005 from the office copy of payroll under former Rule 1981 under office order 1524055/5-E dt 24/11/04</p>								
<p>Revised arrival after awaiting at home on 1-10-2005</p>								

ATTACHED

9	10	11	12	13		14	15
				Name and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government.		
Signature and position of the head of office or other attesting officer, in Government	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
	30/11/06	AN	Granted Annual Increment				
	<p>Service verified for the period from 1-12-2005 to 30-11-2006 from the office copy of pay bills etc.</p> <p><i>[Signature]</i> Project Director Foreign Aided Project W&S Deptt: Peshawar.</p>						
	<p>pay fixed at Rs. 3050/- per m. in Rev. B.P.S. was introduced by the Govt. of W.P. Finance Deptt. Notification No. FDC/PRC/201-2007 dated 20-7-2007 W.C.F. 1-7-2007. Scale upgraded vide F.D. Notification No. FD/SO/FR/7-2/2007 dated 28/7/07 W.C.F. 1-7-2007.</p>						
	30/11/07	AN	Granted Annual Increment				
	<p>Service verified for the period 1-12-06 to 30-11-2007 from the office copy of pay bills.</p> <p><i>[Signature]</i> Project Director Foreign Aided Project W&S Deptt: Peshawar.</p>						
	<p>Granted Annual Increment</p> <p><i>[Signature]</i> Project Director (FAP) W&S Department Peshawar</p>						

ATTESTED

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14



1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Officer in Charge of Station of Government	Signature and Name of the Officer in Charge of Station of Government
DRIVER-BPS-S 3340-160-8140-			4140/P.M 3325 /P.M			1 ¹² / ₂₀₀₈		G.P.
DRIVER-BPS-S 3340-160-8140-			4300/p.m			01/11/2010		
			3320/p.m			01/07/2008		
BPS-S Driver 5400-260-13200			6150/p.m			01/07/2011		
BPS-S Driver 5400-260-13200			7220/p.m			01/12/2011 F.N		

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Signature and Name of the head of the office or other attesting officer in accordance with sub-section 1 to 8	10 Date of termination of 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
				Name and duration of leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
	30-11-12	Granted Annual Increment	<i>[Signature]</i>			Service verified for the period from 01-11-11 to 30-11-12 from office record.	
		Granted Annual Increment	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-12 to 30-11-13 from office record.	
		Grant of Promotive Increment on some scale	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-13 to 30-11-14 from office record.	
		Promotive scale Grant of K.P. Finance Deptt. Notification No. SQR-1/2/123/2014 dated 21/2/14	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-14 to 30-11-15 from office record.	
		Granted Annual Increment	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-15 to 30-11-16 from office record.	
		Pay fixed at Revised Pay Scale 2015 notified by Govt. of KPK, Finance Deptt.	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-16 to 30-11-17 from office record.	
		Granted Annual Increment	<i>[Signature]</i> PROJECT DIRECTOR (PMU) C&W Department Peshawar			Service verified for the period from 01-11-17 to 30-11-18 from office record.	

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9210

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.K.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature and name of the head of office or other officer in charge of Governmental station of posts 1 to 8
BPS-7 Driver 7490-415-19940			Rs. 11220/PM			30/6/16	
BPS-7 Driver 9220-510-24520			Rs. 13810/PM			01/07/2016	
BPS-7 Driver 9220-510-24520			Rs. 14320/PM			01/12/2016	
BPS-7 Driver 10990-610-29290			Rs. 17090/PM			01/07/2017	
BPS-7 Driver 10990-616-29290			Rs. 17700/PM			01/12/2017	

True copy
ATTESTED



1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature and name of the head of office or other officer in Government of Andhra Pradesh
<u>BPS-7 Driver</u> 7490-415-19940			Rs. 11220/PM			30/16	
<u>BPS-7 Driver</u> 9220-510-24520			Rs. 13810/PM			01/17/2016	
<u>BPS-7 Driver</u> 9220-510-24520			Rs. 14320/PM			01/17/2016	
<u>BPS-7 Driver</u> 10990-610-29290			Rs. 17090/PM			01/17/2017	
<u>BPS-7 Driver</u> 10990-610-29290			Rs. 17700/PM			01/17/2017	

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ATTESTED

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
Signature and position of head of office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				<p>2-Step upgradation Allowed by Finance Dept. vide notification No. FD/SOCSR) 7-20/2015, dated 30-6-17.</p> <p>Service verified for the period from 01-12-15 to 30-6-16 from office record.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>			
<p>Pay fixed at Revised Pay scale 2016, notified by Govt of KPK Finance Dept.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>							
<p>Granted Annual Increment</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>				<p>Service verified for the period from 01-7-16 to 30-11-16 from office record.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>			
<p>Pay fixed at Revised Pay scale 2017 Notified by Finance Dept. Nide No. FD/SOCSR-11-1/2017, dated 17-07-17.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>							
<p>Granted Annual Increment.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>				<p>Service verified for the period from 01-12-16 to 30-11-17 from office record.</p> <p>Project Director PMU/FAP C&W Dept. Poshawar</p>			

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Annex - A/2

Government of Khyber Pakhtunkhwa Communication & Works Department, Peshawar

Statement of Salary in Respect of the following Staff of Project Director Project Management Unit, C&W Department Peshawar for the Month of August 2018

Sl. No.	Name of Employee	Designation	Basic Pay, 001 2016	HRA 1001	CA 1210	PA 1544	MA 1300	Personal Pay / Audit /Qualification	Washing Allowance	Dress Allowance	Deputation/ Add. Charge Allowance 20%	Adhoc Relief All. 2017 16%	Adhoc Relief All. 2013 (5%)	Adhoc Relief All. 2015 (2.5%)	Adhoc Relief All. 2016 (10%)	Adhoc Relief All. 2018 (10%)	Pension Contribution	Arrears	Gross Pay
1	Muhammad Ayaz	Administrative Officer	74,070	6,648	5,000	30,000	3,075	-	-	-	12,000	7,407	1,640	1,100	5,632	7,407	17,790	-	171,769
2	Sahibzada Qasim Noor	Manager Finance	-	-	-	30,000	-	-	-	-	-	-	-	-	-	-	-	240,000	270,000
3	Fayaz Khan Chamkani	Legal Advisor	144,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	144,000
4	Muhammad Fayaz Khan	Assistant	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
5	Muhammad Iftak	Assistant	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
6	Shoukat Hayat	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
7	Illikhar Hussain	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
8	Arshad Iqbal	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
9	Muhammad Fahim	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96,000
10	Tanzeem ur Rasool	Junior Clerk BPS-11	23,130	2,777	2,856	8,000	1,500	-	-	-	4,626	2,313	530	362	1,865	2,313	-	-	50,272
11	Salman Parhiz	Junior Auditor	48,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48,000
12	Said Rasool Driver	Driver BPS-7	26,500	2,255	1,932	4,000	1,500	300	-	-	5,370	2,685	690	490	2,197	2,685	-	-	50,953
13	Mir Ahmad Shah	Driver BPS-7	21,970	2,255	1,932	4,000	1,500	300	-	-	4,384	2,197	540	416	1,768	2,197	-	-	43,497
14	Sartaraz Khan	Driver BPS-7	20,140	2,255	1,932	4,000	1,500	300	-	-	4,025	2,014	491	374	1,636	2,014	-	-	40,584
15	Gul Nawaz	Driver BPS-7	20,140	2,255	1,932	4,000	1,500	300	-	-	4,025	2,014	491	374	1,636	2,014	-	-	40,584
16	Muhammad Fayaz S/o Zamin Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,000
17	Mahlag Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,000
17	Amin Jan S/o Ghulam Jan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,000
18	Tahir Shah	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,000
19	Taimur Khan s/o Muhammad Aslam Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,000

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Annex A/2

20	Ashfaq Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
21	Mashaf Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
22	Fayaz Mohammad	Naib Qasid BPS-4	17,380	2,048	1,785	2,000	1,500	300	100	100	3,476	1,738	424	333	1,420	1,738	-	34,341	
23	Zia ur Rehman	Naib Qasid BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430	-	29,626	
24	Salceem Khan	Chowkidar BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
25	Munaf Khan	Chowkidar BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
26	Mohammad Javed	Chowkidar BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430	-	29,626	
27	Inamullah Khan	Naib Qasid	25,600															25,600	
28	Muhammad Anif	Naib Qasid	25,600															25,600	
29	Noman Masood	Naib Qasid	25,600															25,600	
30	Maszar Af	Naib Qasid	25,600															25,600	
31	Fahim Shah	Naib Qasid	25,600															25,600	
32	Muhammad Shiraz	Naib Qasid	25,600															25,600	
33	Shahzad Khan	Naib Qasid	25,600															25,600	
Total			1,407,430	12,775	28,079	98,000	21,075	3,300	700	700	56,232	29,523	7,050	5,191	23,626	29,523	17,790	240,000	2,000,993

[Signature]
 Project Director
 PMU, C&W Department Peshawar

True copy

ATTES

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Annex. B



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmujiica@gmail.com

No. 7124 /JICA-5


Dated: Peshawar the 03/8 /2018

To

Mr. Sarfaraz Khan,
Driver,
PMU, C&W Department,
Peshawar.


Subject: TERMINATION OF SERVICE

Since you were adjusted and have been drawing salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, your services are no more required in this office. You are informed that your services are hereby terminated w.e.f. 31-08-2018.



Project Director
PMU C&W Department Peshawar

c.c.

- 1- Secretary to Govt. of KPK Communication & Works Department Peshawar.
- 2- Deputy Director (Coord) PMU CWD Peshawar.
- 3- Finance Manager PMU CWD Peshawar.


Project Director

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(23)

Annex B/1

To

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

Subject:- DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE ORDER NO.7124/JICA-5, DATED 03-08-2018 WHERE AS THE APPELLANT HAS BEEN REMOVED/ TERMINATED FROM SERVICE.

Respected Sir,

With due respect it is humbly submitted, that services of few employees including the undersigned have been terminated by Project Director Project Management Unit C&W Department Peshawar vide order No.7124/JICA-5, dated 03-08-2018.

2. In this regard it is submitted that the undersigned was appointed as Driver in BPS-4 Rs.2040-85-4590 plus usual allowances against existing vacancy sanctioned by the Secretary to Govt. of NWFP C&W Department and office order No.3569/5-E, dated 31-01-2004, (Annex-I).

3. In response to appointment order, I, obtained medical fitness certificate from Civil Hospital Peshawar (Annex-II).

4. In response to my appointment order and medical fitness certificate. I submitted my arrival report in office of Deputy Director-I (Project Cell) Farm to Market Roads, C&W Department Abbottabad and since then I am performing my duties as a regular employee. (Copy of service book enclosed Annex-III).

5. It is worth mentioned here that the Department granted me Annual Increments and up gradation from time to time as recorded in Service book and presently I am drawing my salary in BPS-7. (Copy enclosed Annex-IV).

Page 1

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6. That the order of Termination from service is being illegal, unlawful, without jurisdiction, based on malafide intention of the concerned authorities is liable to be set aside on the following grounds.

- a. That the undersigned was served with no show cause notice, charged sheet, and illegally removed from service without assigning any reason.
- b. That the appellant was just handed over the impugned order of termination without adopting the legal and lawful procedure laid down by the code.
- c. That the appellant has neither being heard in person nor provided proper chance to defance and was condemned un-heard.
- d. That the impugned order is not only against the essence of Justice but such practice is highly discourage by the apex Courts of Law.

7. It is therefore requested that by accepting my instant appeal, my services may please be restored w.e.f. the date of termination i.e. (31-08-2018). *with all back benefits in the interest of Justice*

Dated 10-09-2018

Yours sincerely

Sarfraz Khan
 SARFARAZ KHAN
 DRIVER
 JICA C&W Department
 Peshawar

O/C

(21) Asheed
11-9-18

Page 2. Diary No: 8108
 L. No. 9-11-9-18
 Secretary C&W Deptt:

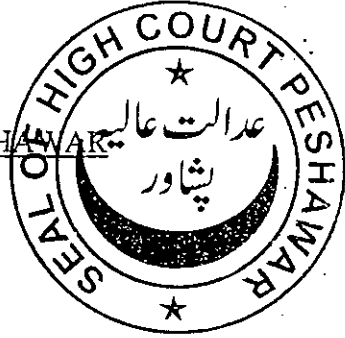
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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P.No. _____/2018

1. Fayaz Muhammad S/o Taj Muhammad,
R/o Mohallah Sadrikhel, Village Pirpai District Nowshera.
2. Mashal Khan S/o Sarwar Khan
R/o Mohallah Wanqa Lughman P.O Sari Gambela District
Lakki Marwat.
3. Sarfaraz Khan S/o Haji Shahzada
R/o Mohallah Tarikhel Village Adizai Tehsil And District
Peshawar

..... Petitioner

VERSUS

1. Govt of Pakistan through Secretary Communication &
Works Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C & W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat
Peshawar.

..... Respondents

*WRIT-PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.*

PRAYER

*ON ACCEPTANCE OF THIS WRIT PETITION
OFFICE ORDER NO. 7120/JICA-5 OFFICE
ORDER NO. 7119/JICA-5, DATED 1.08.2018*

wp5163 2018 fayaz Mohammad vs govt USB 109 pags

ATTESTED
EXAMINER
Peshawar High Court

16 NOV 2018



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PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order or Proceedings	Order/Proceedings with Signature of Judge.
07.11.2018	<p data-bbox="485 563 710 593">W.P No.5163-P/2018</p> <p data-bbox="485 621 582 652">Present:</p> <p data-bbox="624 652 1054 708">Mr. Umar Ali Shah Utmankhel, Advocate, for the petitioners.</p> <p data-bbox="624 766 678 789">****</p> <p data-bbox="485 851 1062 1072">WAQAR AHMAD SETH, CJ. Through the petition in hand, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have prayed as under:-</p> <p data-bbox="624 1098 1002 1824"><i>"On acceptance of this writ petition, office order No. 7120/JICA-5, office order No. 7119/JICA-5, dated 01.08.2018 and office order No. 7124/JICA-5 dated 03.08.2018, whereby the petitioners were terminated from their services by the respondents, may be adjudicated null & void and without any lawful authority and the petitioners may very kindly be reinstated, be considered as regular employees since their appointment on their respective positions with all back benefits".</i></p> <p data-bbox="501 1862 1070 1956">2. By virtue of Section 4 of Khyber Pakhunkhwa Act No.10 of 2018, the services of all</p>

ATTESTED
EXAMINER
Peshawar High Court

16 NOV 2018

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project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018 and thereafter termination from service, in the month of August, 2018 of a regular employee of the government, is to be challenged before the Services Tribunal. Under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the instant petition is not maintainable.

3. Resultantly, instant petition stands dismissed, however, the petitioners are at liberty to impugn their termination before the competent forum, but within due time.

[Signature]
CHIEF JUSTICE

[Signature]
JUDGE

No. 12284

Date of Presentation of Application 17-11-18

No of Pages 37

Copying Fee _____

Urgent Fee _____

Total 0

Date of Preparation of Copy 18-11-18

Date of Delivery of Copy 18-11-18

Received By [Signature]

CERTIFIED TO BE TRUE COPY

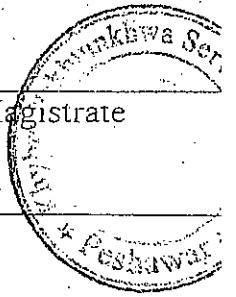
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

16 NOV 2018

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Annex "D" (28)

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Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.06.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 1487/2018</p> <p>Date of Institution 23.11.2018 Date of Decision 21.06.2019</p> <p>Sarfraz Khan S/o Haji Shahzada R/o Mohallah Tarikhel Village Adizai Tehsil and District Peshawar.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none">1. Government of Khyber Pakhtunkhwa through Secretary Communication & Works Department Peshawar.2. Deputy Director (Coordination) PMU C&W Department Peshawar.3. Project Director PMU, C&W Department Peshawar. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p align="center"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.</p> <ol style="list-style-type: none">2. This Single/common judgment/order in the above captioned service appeal shall also dispose of appeal bearing No.1488/2018 filed by Mashal Khan (Ex-Naib Qasid) and appeal bearing No. 1489/2018 filed by Fayaz Muhammad (Ex-Naib Qasid) being identical in nature in that similar questions of law and facts are involved therein.3. The appellant (Ex-Driver) has filed the present appeal against the

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Khyber Pakhtunkhwa Service Tribunal
Peshawar

order dated 03.08.2018 whereby his services were terminated w.e.f 31.08.2018 on the ground that he was adjusted and having drawn salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, his services were no more required.

4. Arguments of Learned counsel for the appellant and learned Deputy District Attorney heard. File perused.

5. Needless to mention that the Hon'ble Peshawar High Court Peshawar vide its judgment dated 07.11.2018 passed in Writ Petition No.5163-P/2018 filed by the appellants, observed that by virtue of Section 4 of Khyber Pakhtunkhwa Act No.10 of 2018, the services of all project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018.

6. Learned counsel for the appellant pleaded that against the original impugned order of termination of services, the appellant filed departmental appeal but the same was not responded. On the other hand in their joint reply the respondents have pleaded that the appellant has not preferred departmental appeal to the higher authority but annexed the copy only to fill up the formalities.

7. In view of the above scenario, copy of departmental appeals of the appellants available on files be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment.

8. The present service appeal and the connected service appeals as

2019
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 JUDGE
 JUDICIAL
 OFFICE

mentioned in para-2 of this judgment are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

[Signature]

(Hussain Shah)
Member

[Signature]

(Muhammad Hamid Mughal)
Member

ANNOUNCED.
21.06.2019

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

24-6-19

Date of Presentation of Appeal _____

Number of Words _____ 1200

Copying Fee _____ 16-00

Urgent _____

Total _____ 16-00

Name of Clerk _____

Date of Completion of Copy _____ 25-7-19

Date of Delivery of Copy _____ 25-7-19

Annex "E" (31)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No _____/2020

In Re:

Service Appeal No 1487/2018

Sarfraz Khan S/O Haji Shahzada R/O Mohallah Tarikhel village

Adizai Tehsil and District Peshawar.....(Applicant/Appellant)

VERSUS

1. Mr. Shahab Khattak, Secretary C&W Department Civil
Secretariat, Peshawar

2. Director PMU, C&W Department, Khyber Pakhtunkhwa,
Peshawar.....(Respondents)

Application for initiating contempt of
Court proceedings against the Respondents
for violating the order dated 21st June,
2019 passed by this Honourable Tribunal

Respectfully Sheweth: -

The Applicant/Appellant humbly submits as under:-

- 1) That the Applicant/Appellant filed a Service Appeal No 1487/2018 before this Honourable Tribunal against the Respondents, in which this Honourable Court accepted the service appeal vide order dated 21-06-2019. (Copy of the order dated 21-06-2019 is as Annex 'A').

- 2) That after passing the order, the Petitioner visited the Respondents office for implementation of this Honourable Tribunal order, but the same was deaf ear.
- 3) That despite having knowledge about the above referred order, the Respondents hurriedly did not considering the Applicant/Appellant and in this way flagrantly violated the order of this Honourable Tribunal.
- 4) That the Respondents have intentionally committed the contempt of Tribunal by violating the order passed by this Honourable Tribunal, therefore, they are liable to awarded exemplary punishment.
- 5) That any other ground will be raised at the time of arguments with the permission of this Honourable Court.

It is, therefore, respectfully prayed that on acceptance of this Application, contempt of Court proceedings may be initiated against the Respondents and they may be awarded exemplary punishment in violation of order of this Honourable Tribunal.

Applicant/Petitioner

Through:

(JAWAD KHAN)
Advocate,
High Court, Peshawar

Dated: -16-01-2020

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Sarfaraz Khan.....(Petitioner)

VERSUS

Mr. Shahab Khattak and another.....(Respondents)

AFFIDAVIT

I, Sarfaraz Khan S/O Haji Shahzada R/O Mohallah Tarikhel village Adizai Tehsil and District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Contempt of Court Petition are true and correct and nothing has been concealed from this Honourable Court.

DEPONENT
CNIC # 17301-3996879-1

Identified by:-

(JAWAD KHAN)
Advocate
High Court, Peshawar

Regtd

Annex F 34



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/3-442/2019
Dated Peshawar, the March 10, 2020

To

- i. Mr. Sarfraz Khan S/O Haji Shahzada
Mohallah Tari Khel village Adizai
Tehsil and District Peshawar
- ii. Mr. Mashal Khan S/O Sarwar Khan
Mohallah Wanda Lughman P.O. Sari Gambela
District Lakki Marwat
- iii. Mr. Fayyaz Muhammad S/O Taj Muhammad
Mohallah Sadri Khel village Pirpai, District Nowshera

Subject: SERVICE APPEAL NO.1487/2018 SARFARAZ KHAN, SERVICE APPEAL NO.1488/2018 MASHAL KHAN, SERVICE APPEAL NO.1489 FAYAZ MUHAMMAD GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY C&W AND OTHERS


I am directed to refer to the subject noted above and to state that Khyber Pakhtunkhwa Service Tribunal disposed your service appeals with the directions to decide the same through speaking order within 30 days of the receipt of the judgment.

2. In this regard, the project policy says that:

“On completion of the project or its conversion into current budget, the services of the project staff appointed on contract basis shall stand terminated”.

3. Therefore, your appeals were examined in light of aforesaid project policy and rejected by the competent authority.

4. You are therefore informed accordingly.


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

Endst even No. & date
Copy forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
2. PS to Secretary C&W Department, Peshawar


SECTION OFFICER (Estb)

Annex A.G. 35

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 7TH MARCH, 2018.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 7th March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills/2018/5031.—The Khyber Pakhtunkhwa Employees (Regularization of Services) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 2nd March, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018
(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 7th March, 2018).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

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196 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;
- (c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,
 - (i) one-hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
 - (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;

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- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "ad hoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of ad hoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and

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(iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. **Seniority.**---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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10/10/2018

SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.

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200 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.
30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.

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38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.
47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.

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202 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by Cio Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

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Annex "H"

43

OFFICE OF THE PROJECT DIRECTOR
FOREIGN AIDED PROJECT W&SD PESHAWAR

No. 1602 / 1-E

Dated Peshawar the 16 / 9 / 2005

To

The Section Officer (Etab: II),
Works & Service Department,
Peshawar.

Subject:- MUTUAL TRANSFER.

Reference Your letter No. SO(E)/W&SD/205/2005
dated 14.9.2005.

In this context it is stated that Mir Ahmad Shah
s/o Buzhan Shah working as a Driver in this Directorate is a
regular employee of the Govt. and this office has no
objection for mutual transfer amongst the Drivers please.

M. M. M. M. M.
Project Director
Foreign Aided Project,
Works & Service Deptt:
Peshawar.

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OFFICE OF THE DEPUTY DIRECTOR-II FARM TO MARKET ROADS (PROJECT CELL), COMMUNICATION & WORKS DEPARTMENT N.W.F.P., PESHAWAR.

No. FMR-II/11/E/60

Dated Peshawar the 6/1/1995.

OFFICE ORDER.

Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eidgah, Village Badrashi, Teh: & Distr: Nowshera, is hereby appointed as Naib Qasid in EPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt: of NWFP., Communication & Works Department No.21-Bud/94-95/SNE(C)/1485-90, dated 3-8-1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

L. M. M.
DEPUTY DIRECTOR-II PROJECT
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR.

C.C.

1. The Project Director Foreign Aided Project C&W Deptt: Peshawar.
2. The Accountant General NWFP., Peshawar.
3. The Divisional Accountant FMR-II Peshawar.
4. Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eid Gah Village Badrashi, Teh: & Distt: Nowshera.

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DEPUTY DIRECTOR-II PROJECT CI
FARM TO MARKET ROADS N.W.F.P.
COMMUNICATION & WORKS DEPARTMENT PESHAWAR

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OFFICE OF THE DEPUTY DIRECTOR II FARM TO MARKET
ROADS" (PROJECT. CELL), COMMUNICATION & WORKS
DEPARTMENT NWFP, PESHAWAR.

No. FMR-II. 11-1/E/18

Dated Peshawar the 6./1995.

OFFICE ORDER

Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eidgah Village Badrashi, Tehsil and District Nowshera is hereby appointed as Naib Qasid in BPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt: of NWFP., Communication & Works Department letter No. 21-Bud/94-95/SNE (C) /1485-90, dated 3.8.1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP
C&W Department Peshawar.

CC:

5. The project to Director Foreign Aided projects Peshawar.
6. The Accountant General NWFP Peshawar.
7. The Divisional Accountant FMR-II Peshawar.
8. Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eid gah Village Badrashi Tehsil and District Nowshera

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP
C&W Department Peshawar.

ATTACHED

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Annex - J



Head of Account
Jan, Feb & March

G.P. Fund
2015

G06103
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

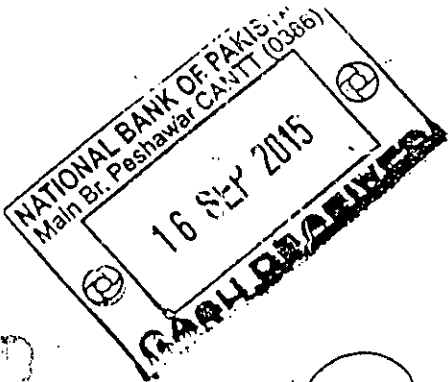
By Whome Tendered		GP ACCT NO	Name of designation and address of the person on whose behalf money is paid		Amount BPS	Head of Account G06214 Deduction	No. of Installment	Order to the Bank Total Deduction Amount
S.No.	P.No		Name	Designation				
1	13794	IVIRRO15110	Said Rasool	Driver	7	465	3	1395
2	41841	IVIRRO18295	Mir Ahmad Shah	Driver	5	465	3	1395
3	13797	IVIRRO15783	Pervez Khan	Naib Qasid	2	373	3	1119
4	41842	IVIRRO18296	Ashfaq Khan	Naib Qasid	2	373	3	1119
5	42097	IVIRRO18475	Fayaz Mohammad	Naib Qasid	2	373	3	1119
6	13798	IRRO18370	Mohammad Iqbal	Naib Qasid	2	373	3	1119
Total								7266

Finance Manager
Project Management Unit
C&W Department Peshawar

28

Head of A/C Verified

Treasury Officer
Peshawar



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Fayaz Mohammad
N/A

46
Annex J/I



Head of Account Benevolent Fund
Jan, Feb & March 2015

G06214
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

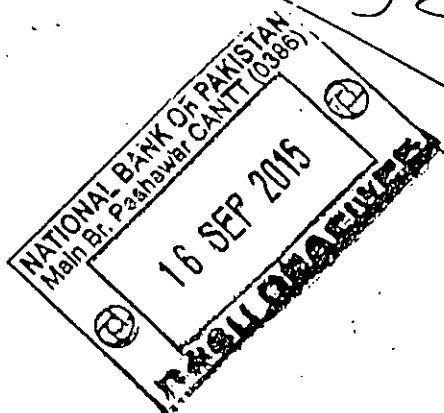
To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and adress of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	Name	Designation	BPS	Deduction		Total Deduction Amount
1	13794	Said Rasool	Driver	7	180	3	540
2	41841	Mir Ahmad Shah	Driver	5	180	3	540
3	96027	Sarfaraz Khan	Driver	5	180	3	540
4	13797	Pervez Khan	Naib Qasid	2	120	3	360
5	41842	Ashfaq Khan	Naib Qasid	2	120	3	360
6	42097	Fayaz Mohammad	Naib Qasid	2	120	3	360
7	96432	Zia Ur Rehman	Naib Qasid	2	120	3	360
8	13798	Mohammad Iqbal	Naib Qasid	2	120	3	360
Total							3420

Finance Manager
Project Management Unit
C&W Department Peshawar

Head of A/C Verifica
Assistant Treasury Officer
Peshawar



True copy

ATTESTED

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Amir J/2

13

Head of Account Group Insurance
Jan, Feb & March 2015

G06408
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and adress of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	Name	Designation	BPS	Deduction		Total Deduction Amount
1	13794	Said Rasool	Driver	7	44	3	132
2	41841	Mir Ahmad Shah	Driver	5	44	3	132
3	96027	Sarfaraz Khan	Driver	5	44	3	132
4	13797	Pervez Khan	Naib Qasid	2	38	3	114
5	41842	Ashfaq Khan	Naib Qasid	2	38	3	114
6	42097	Fayaz Mohammad	Naib Qasid	2	38	3	114
7	96432	Zia Ur Rehman	Naib Qasid	2	38	3	114
8	13798	Mohammad Iqbal	Naib Qasid	2	38	3	114
Total							966




Finance Manager
Project Management Unit
C&W Department Peshawar

Assistant Treasury Officer
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar Cantt (3069)
16 SEP 2015
CASH RECEIVED

True copy

ATTESTED

قیمت 50 روپے	45182			
ایڈویکٹ: عمر علی شاہ اٹما کھل		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC125553				
رابطہ نمبر: 663 98080 - 0332				

بعدالت جناب: جسٹس خیر مونس صاحب

منجانب: سر فرز خان	دعویٰ: واپس
سر فرز خان	علت نمبر:
بنام	مورخہ:
حکومت خیبر پختونخوا اور سندھ	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جھگڑا دی کاروائی متعلقہ

آن مقام کے لیے عمر علی شاہ اٹما کھل ایڈویکٹ 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 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 کاروائی 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

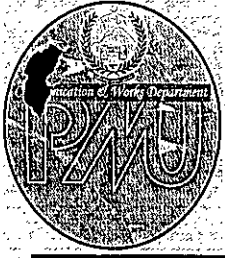
المرقوم: 12/5/2020

المقام: گواہ شد

مقام: گواہ شد

Handwritten signature and text at the bottom left corner.

Handwritten text on the right margin: سر فرز خان، All 17301-3990879-1



**OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
COMMUNICATION AND WORKS DEPARTMENT KHYBER PAKHTUNKHWA
PESHAWAR**

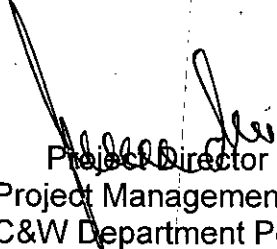
House No. 8BC Park Road Mardan House University Town Peshawar
E-mail: pdpmujica@gmail.com Phone No. 92-91-9224270-72 Facsimile 92-91-9216949


AUTHORITY LETTER

Title: SARFARAZ KHAN VS GOVT: OF KPK ETC
APPEAL NO. 372/2020

We respondents hereby authorized Mr. Fayyaz Khan Chamkani, Legal Advisor PMU, C&W Department Peshawar, to file Para wise comments on behalf of the respondents and to conduct the preceding in services Tribunal Khyber Pakhtunkhwa Peshawar in the subject titled above .


Deputy Director (Coord)
Project Management Unit
C&W Department Peshawar


Project Director
Project Management Unit
C&W Department Peshawar


Secretary
Communication & Works Department
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5372/2020

Sarfaraz Khan Appellant

VERSUS

**Govt of KPK through Secretary W&S Department &
others Respondents**

PARAWISE COMMENTS ON BEHALF OF
RESPONDENTS NO 1 TO 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the instant appeal.
2. That the present Appeal is incompetent in its present form.
3. That this Appellant is estopped by his own conduct to file the instant Appeal.

4. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
5. That the present petition is liable to be dismissed for mis-joinder and non-joinder of necessary party.

O N F A C T S:

1. Para 1 pertains to record, hence needs no comments.
2. Para 2 is incorrect, the appellant has not attached anything in this respect.
3. Para 3 is also incorrect. The respondents had adopted and fulfilled all the requisite codal formalities / requirement while terminating the service of the appellant.
4. Para 4 needs no comments.
5. Para 5 is incorrect, hence needs no comments.
6. Para 6 as stated is correct, hence needs no comments.

GRUNDS:

- A. Para A as stated is incorrect, the service of the appellant was terminated as per law and rules and adopted all in cordal formalities.
- B. Para B as stated is incorrect, the Respondents had acted as per law laid down by the statute.
- C. Para C as stated is correct to the extent that the appellant had served this department for the last 24 years, the remaining para is incorrect, the service of the appellant was no more required to this department hence, the authority terminated his service by adopting all the cordal formalities.
- D. Para D is incorrect, no discrimination has been caused with the appellant.
- E. Para E is incorrect, the appellant himself has admitted for implementation of the provision as per regularization Act 2018 vide Para B of the ground above.
- F. Para F needs no comments detailed reply has been given in this preceding Paras.

It is, therefore, humbly prayed that on acceptance of this parawise comments the appeal may kindly be dismissed with cost.

~~Handwritten signature~~
Deputy Director
Coordination PMU
C&W Department
Peshawar

Project Management Unit
C&W Department Peshawar

~~Handwritten signature~~
Project Director
Coordination PMU
C&W Department
Peshawar

~~Handwritten signature~~
Secretary
C&W Department
Peshawar



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmujica@gmail.com

No. 7124 /JICA-5

Dated: Peshawar the 01/8 /2018

To

Mr. Gul-Nawaz,
Driver,
PMU, C&W Department,
Peshawar.

Subject: TERMINATION OF SERVICE

Since you were adjusted and have been drawing salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, your services are no more required in this office. You are informed that your services are hereby terminated w.e.f. 31-08-2018.

Project Director
PMU C&W Department Peshawar

C.C.

- 1- Secretary to Govt: of KPK Communication & Works Department Peshawar.
- 2- Deputy Director (Coord) PMU CWD Peshawar.
- 3- Finance Manager PMU CWD Peshawar.


Project Director

Shangla

S#:1

Pers #: 00013800 Buckle: 0

Name: GUL NAWAZ KHAN
DRIVER

CNIC No. 11394234300

GPF Interest Free

07 Active Permanent

PAYS AND ALLOWANCES:

0001-Basic Pay
1001-House Rent Allowance 45%
1210-Convey Allowance 2005
1300-Medical Allowance
1911-Compen Allow 20% (1-15)
2148-15% Adhoc Relief All-2013
2199-Adhoc Relief Allow @10%
2211-Adhoc Relief All 2016 10%
2224-Adhoc Relief All 2017 10%

Gross Pay and Allowances

DEDUCTIONS:

GPF Balance 36,360.00
3501-Benevolent Fund
4004-R. Benefits & Death-Comp:

P Sec:002 Month:August 2021
SH7014 -Executive Engineer C & W S
EXECUTIVE ENGINEER C & W

NTN:
GPF #:
Old #:

SH7014

23,190.00
2,384.00
1,932.00
1,500.00
1,000.00
491.00
374.00
1,636.00
2,319.00
45,283.00

Subrc:

1,010.00
1,200.00
450.00

Total Deductions

2,660.00

42,623.00

D.O.B
30.06.1974
27 Years 01 Months 016 Days

LFP Quota:
NATIONAL BANK OF PAKPESHAWAR CANTT
13965-4

Shangla

S#:2

Pers #: 00013800 Buckle: 0

Name: GUL NAWAZ KHAN
DRIVER

CNIC No. 11394234300

GPF Interest Free

07 Active Permanent

PAYS AND ALLOWANCES:

2247-Adhoc Relief All 2018 10%
2264-Adhoc Relief All 2019 10%
2309-Adhoc Relief All 2021 10%
2315-Special Allowance 2021

Gross Pay and Allowances

DEDUCTIONS:

GPF Balance 36,360.00

Subrc:

SH7014

2,319.00
2,319.00
2,319.00
3,500.00

45,283.00

Total Deductions

2,660.00

42,623.00

D.O.B
30.06.1974
27 Years 01 Months 016 Days

LFP Quota:
NATIONAL BANK OF PAKPESHAWAR CANTT
13965-4

① Pay Getive

Attested

6
M. NAWAZ KHAN
SENIOR AUDITOR
C/O AG KPK

“INDEMNITY BOND “

To,

THE MANAGER,

_____, (Name of Bank)

_____, (Branch)

_____, (City)

In compliance with the SBP's instructions for payment of pension through your Bank branch, I/we agree to indemnify you and keep you indemnified about liabilities with all sums of money whatsoever including mark-up of my Pension Account. I/we further undertake that my/our legal heirs, successors, executors shall be liable to refund excess amount, if any, credited to my/our Pension Account either in full or in installments equal to such excess amount.

Co-indemnifier/Nominee/Successor/

Signature: _____

Next of Kin: _____

Name of Pensioner: _____

CNIC: _____

Date of Retirement: _____

Address: _____

PPO No: _____

Signature: _____

Bank Account No: _____

CNIC: _____

WITNESS-1

WITNESS-2

CNIC: _____

CNIC: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Pers.No.	13800					
Name	GUL NAWAZ KHAN.					
EE group	1 Active Permanent	Pers.area	N	Khyber Pakhtunkhwa		
EE subgroup	07 Grade 07	Cost Center	SH7014	Executive Engineer C		
Start	01.09.2018	to	01.09.2018	Chng	26.09.2018	205137

Personnel action	
Action Type	Organizational reassignment
Reason for Action	<input type="checkbox"/> Transfer to other DDO's

Confirmed. / Attested from AG Computer System and found active in system

[Signature]

Muhammad Ayub Khan
 SENIOR AUDITOR
 Q/O AG KPK

“INDEMNITY BOND “

To,

THE MANAGER,

_____, (Name of Bank)

_____, (Branch)

_____, (City)

In compliance with the SBP's instructions for payment of pension through your Bank branch, I/we agree to indemnify you and keep you indemnified about liabilities with all sums of money whatsoever including mark-up of my Pension Account. I/we further undertake that my/our legal heirs, successors, executors shall be liable to refund excess amount, if any, credited to my/our Pension Account either in full or in installments equal to such excess amount.

Co-indemnifier/Nominee/Successor/

Signature: _____

Next of Kin: _____

Name of Pensioner: _____

CNIC: _____

Date of Retirement: _____

Address: _____

PPO No: _____

Signature: _____

Bank Account No: _____

CNIC: _____

WITNESS-1

WITNESS-2

CNIC: _____

CNIC: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Pers.No.
 Name
 EE group Active Permanent Pers.area Khyber Pakhtunkhwa
 EE subgroup Grade 07 Cost Center Executive Engineer C
 Start to Chng

Personnel action

Action Type

Reason for Action Grade Change for Employee

Status

Customer-specific

Employment

Special payment

Organizational assignment

Position DRIVER

Personnel area Khyber Pakhtunkhwa

Employee group Active Permanent

Employee subgroup Grade 07

Additional actions

Start Date	Act.	Action Type	ActR	Reason for action	
01.09.2018	02	Organizational reassignment		Transfer to other DDO	<input type="checkbox"/>

Advised

[Signature]

Muhammad Ayub Khan
 SENIOR AUDITOR
 O/o AG KPK

“INDEMNITY BOND “

To,

THE MANAGER,

_____, (Name of Bank)

_____, (Branch)

_____, (City)

In compliance with the SBP's instructions for payment of pension through your Bank branch, I/we agree to indemnify you and keep you indemnified about liabilities with all sums of money whatsoever including mark-up of my Pension Account. I/we further undertake that my/our legal heirs, successors, executors shall be liable to refund excess amount, if any, credited to my/our Pension Account either in full or in installments equal to such excess amount.

Co-indemnifier/Nominee/Successor/

Signature: _____

Next of Kin: _____

Name of Pensioner: _____

CNIC: _____

Date of Retirement: _____

Address: _____

PPO No: _____

Signature: _____

Bank Account No: _____

CNIC: _____

WITNESS-1

WITNESS-2

CNIC: _____

CNIC: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Pers.No.

Name

EE group Active Permanent Pers.area Khyber Pakhtunkhwa

EE subgroup Grade 07 Cost Center Executive Engineer C

Choose to

Start Date	End Date	Act.	Action Type	ActR	Reason for action	C...	E
01.12.2019	31.12.9999	16	Change in pay	01	Pay Scale Reclassification	7	3
01.09.2018	30.11.2019	46	Change Employee Grade		Grade Change for Emplo...	7	3
01.09.2018		02	Organizational reassignm...		Transfer to other DDO		
01.07.2006	31.08.2018	02	Organizational reassignm...		Transfer to other DDO	0	0
01.04.2006	30.06.2006	10	Leaving	21	Temporary inactive	0	0
01.03.2005	31.03.2006	12	Reentry into company	02	Reactive fr temp inactive...	0	3
01.03.2005		16	Change in pay	04	Promotion		
01.09.2004	28.02.2005	10	Leaving	21	Temporary inactive	0	0
01.10.2002	31.08.2004	01				0	3

Entry of 9

Confirmed from system and the salary of Gul Nawaz found active in system

Muhammad Ayub Khan
SENIOR AUDITOR
Q/o AG KPK

[Signature]
Muhammad Ayub Khan
SENIOR AUDITOR
Q/o AG KPK

“INDEMNITY BOND “

To,

THE MANAGER,

_____, (Name of Bank)

_____, (Branch)

_____, (City)

In compliance with the SBP's instructions for payment of pension through your Bank branch, I/we agree to indemnify you and keep you indemnified about liabilities with all sums of money whatsoever including mark-up of my Pension Account. I/we further undertake that my/our legal heirs, successors, executors shall be liable to refund excess amount, if any, credited to my/our Pension Account either in full or in installments equal to such excess amount.

Co-indemnifier/Nominee/Successor/

Signature: _____

Next of Kin: _____

Name of Pensioner: _____

CNIC: _____

Date of Retirement: _____

Address: _____

PPO No: _____

Signature: _____

Bank Account No: _____

CNIC: _____

WITNESS-1

WITNESS-2

CNIC: _____

CNIC: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

(Indemnity Bond may be pasted on Rs.30/- Stamp Paper duly filled in and original stamp paper should be submitted to Bank and photocopy be attached with option form)



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991 Fax: (91-9216949 Email pdpmujica@gmail.com

No. 7139 /JICA-5

Dated: Peshawar the 30/8 /2018

To

The Project Director
Provincial Road Improvement Project
Project Implementation Unit
University Town Peshawar.

Subject: APPOINTMENT OF DRIVERS/NAIB QASIDS

The following Drivers / Naib Qasids have been terminated from their services w.e.f. 31/08/2018 from this office:

S#	Name	Designation	CNIC#	Date of Birth
1.	Inamullah Khan	Naib Qasid	11201-0338909-3	18/04/1980
2.	Muhammad Arif	Naib Qasid	17301-9210361-1	01/03/1983
3.	Noman Masood	Naib Qasid	17301-3098154-9	07/07/1988
4.	Muddasar Ali	Naib Qasid	17301-7798977-7	04/04/1977
5.	Gul Nawaz	Driver	15503-6930350-3	12/01/1978
6.	Eayaz Muhammad	Naib Qasid	17201-2271096-1	10/03/1978
7.	Sarfraz Khan	Driver	17301-3996879-1	01/07/1970
8.	Mashal Khan	Naib Qasid	11201-0403600-7	10/07/1985
9.	Shahzad Khan	Naib Qasid	17103-0435138-3	28/03/1980

It is requested that the above office staff may kindly be appointed/adjusted on humanitarian grounds being low paid employees in your office to save their livelihood w.e.f. 01/09/2018.


PROJECT DIRECTOR



OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 177-E / 278 / CEC / C&WD

Dated Peshawar, the 14 / 01 / 2015

OFFICE ORDER

On the recommendations of the Departmental Promotion Committee in its meeting held on 06-01-2015, Syed Fazaal Shah Naib Qasid (Having Passed the Secondary School Certificate & is under 45-years of age and senior most in his cadre) of C&W Department, presently posted in the O/O Project Director, PMU C&W Department Peshawar, has been cleared for promotion to the cadre post of Junior Clerk (B-11), on Regular Basis, with immediate effect.

On regular promotion of the said official, he will be on probation for a period of one year, in terms of Section-6(2) of Civil Servants Act, 1973 read with Rule-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon his promotion as Junior Clerk, his posting / adjustment will be ordered in due course of time.

CHIEF ENGINEER (CENTRE)

Copy forwarded to :-

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) The Secretary to Govt. of Khyber Pakhtunkhwa C&WD Peshawar.
- 3) The Project Director PMU C&W Department Peshawar.
- 4) The Superintending Engineers C&W Circles (Concerned).
- 5) The Executive Engineers C&W Divisions (Concerned).
- 6) The District / Agency Accounts Officers (Concerned).
- 7) Officials Concerned.

CHIEF ENGINEER (CENTRE)

71,000 روے

موسل

(۲)

48,000 روے

محمد خان

23,000 روے

پتایا، مسال خان

38,000 روے

دوکان حساب

3000 روے

عبدلحسان

پبلک انفارمیشن افسر

عنوان: SoG, e/w
 پتہ: SoG, e/w, Secretariat

عنوان: خیبر پختونخوا معلومات تک رسائی کا قانون 2013ء کے تحت معلومات کے حصول کے لئے درخواست

جناب عالی/عالیہ!

خیبر پختونخوا معلومات تک رسائی کا قانون 2013ء میں شہریوں کو معلومات تک رسائی کے دیئے گئے حق کے مطابق، میں درج ذیل معلومات کے لئے درخواست دینا چاہتا/چاہتی ہوں
 گلنواز چوک ڈراما ٹیور کے پوسٹ سے یہ حال معلوم ہے کہ
 سٹائن گلہ میں سے ڈیپارٹمنٹ میں جس کو
 11/9/2013ء کو فون سے نکالا گیا۔ اس کے بحالی آرڈر
 کی کاپی دیکھا ہے۔ گلنواز کے صیدی سلسلے
 سے ہے۔

آپ سے درخواست ہے کہ آرٹی آئی ایکٹ 2013ء کے سیکشن 11 میں دیئے گئے نظام الاوقات کے مطابق مجھے درج ذیل پتہ پر رجسٹرڈ پوسٹ کے ذریعے درکار معلومات بھیج دیں۔

آپ کا مخلص،

دستخط

نام: غیاث محمد ولد حاج محمد عرفان

شناختی کارڈ نمبر: 1-926-2271-2201-7201

فون نمبر ای میل: 2313-9796010

پتہ: صیدی سندھ پورہ بیانی، ڈگنا، سندھ پورہ بیانی، ضلع واپس

تاریخ: 9/9/2021

RTI درخواست کی رسید قبولیت

(پبلک انفارمیشن آفیسر پر کرے گا)

آرٹی آئی فارم حوالہ نمبر 077

تاریخ وصول

مطلوبہ معلومات کی مختصر تفصیل:

مطلوبہ معلومات فراہم کرنے کی متوقع تاریخ:

(آر ٹی آئی درخواست پر کرنے سے پہلے احتیاط سے پڑھ لیں)

میں پاکستان کی دفعہ A-19 اور خیبر پختونخوا معلومات تک رسائی کے قانون 2013ء کے مطابق عوامی اداروں کے معلومات تک رسائی آپ کا بنیادی حق ہے۔

یہ فارم اختیاری ہے۔ آپ ایک سادہ کاغذ پر بھی اپنی مطلوبہ معلومات (آر ٹی آئی) کی تفصیل اور پتہ درج کر کے درخواست دے سکتے ہیں۔

یہ پبلک انفارمیشن افسر (پی آئی او) کی ذمہ داری ہے کہ اگر آپ ناخواندہ یا معذور یا تفصیلات دینے سے قاصر ہیں، تو وہ مظاہرہ معلومات کے حصول کے لئے درخواست لکھنے میں آپ کی بھرپور مدد کرے گا۔

آر ٹی آئی درخواست اس عوامی ادارے کے پبلک انفارمیشن افسر کے پاس جمع کرائیں جس سے آپ معلومات حاصل کرنا چاہتے ہوں۔ برائے مہربانی متعلقہ پی آئی او کا نام اور رابطے کی تفصیلات کے لئے متعلقہ عوامی ادارے کی ویب سائٹ یا کمیشن کی ویب سائٹ (www.kprti.gov.pk) ملاحظہ کریں یا عوامی ادارے کا بذات خود دورہ کریں یا ٹیلی فون کے ذریعے رابطہ کریں۔ اگر آپ بذات خود اپنی درخواست جمع کریں، تو متعلقہ پی آئی او سے تاریخ اور دستخط سمیت رسید وصولی ضرور حاصل کریں۔ آپ رجسٹرڈ ڈاک یا کسی بھی دیگر بیان کردہ ذریعے سے بھی درخواست دے سکتے ہیں۔ پی آئی او درخواست کی وصولی رسید اسی انداز سے دے گا جس طرح اس نے وصول کی ہوگی۔

آپ کو درخواست کے ساتھ کسی قسم کی کوئی فیس جمع کرنے کی ضرورت نہیں۔ تاہم جب درخواست منظور ہو جائے، تو پی آئی او آپ کو خیبر پختونخوا انفارمیشن کمیشن کی جانب سے ان کے ویب سائٹ (www.kprti.gov.pk) پر دیئے گئے لاگت فہرست (کاسٹ شیڈول) کے مطابق معلومات دینے پر آنے والے اصل خرچہ ادا کرنے کے بارے میں کہہ سکتا ہے۔

اگر آپ کی درخواست قانون کے مطابق ہے تو آپ کو مطلوبہ معلومات 10 یا زیادہ سے زیادہ 20 کام کے دنوں (ورکنگ ڈین) کے دوران مل جائیں گی۔

آپ مطلوبہ معلومات کی تصدیق شدہ کاپیاں حاصل کرنے کے حقدار ہیں۔

آپ کی درخواست مسترد ہونے کی صورت میں، یہ پی آئی او کی ذمہ داری ہے کہ وہ آپ کو اس انکار کے لئے ایکٹ کے متعلقہ سیکشن کے حوالے سمیت معلومات نہ دینے کی وجہ تحریری طور پر بیان کرے۔

1. اگر آپ کی درخواست مسترد ہو جائے یا آپ کو مطلوبہ معلومات دیئے گئے وقت کے دوران نہ ملیں یا درخواست پر عمل درآمد نہ ہونے کے حوالے سے آپ کی کوئی اور شکایت ہو، تو آپ خیبر پختونخوا انفارمیشن کمیشن میں براہ راست شکایت درج کر سکتے ہیں۔

1. یہ پی آئی او کی ذمہ داری ہے کہ وہ آپ کو کمیشن کے پاس شکایت درج کرنے کا طریقہ کار سمجھائیں۔

پبلک انفارمیشن افسر

عنوان: مہیسی اینڈ ڈیپوٹیشنز اینڈ ایف ایف اینڈ سینٹر

Office of The Chief Engineer Centre, C & W Dept, KP

عنوان: خیبر پختونخوا معلومات تک رسائی کا قانون 2013ء کے تحت معلومات کے حصول کے لئے درخواست

جناب عالی/عالیہ!

خیبر پختونخوا معلومات تک رسائی کا قانون 2013ء میں شہریوں کو معلومات تک رسائی کے دیئے گئے حق کے مطابق، میں درج ذیل معلومات کے لئے درخواست دینا چاہتا/چاہتی ہوں

Letter No case-21-c, No-379, Dated 8/9/2021

اس کے افسر سے یہ درخواست میراٹھی تھی اس کی کاپی فراہم کر میں شکر ہے

آپ سے درخواست ہے کہ آرٹی آئی ایکٹ 2013ء کے سیکشن 11 میں دیئے گئے نظام الاوقات کے مطابق مجھے درج ذیل پتہ پر رجسٹرڈ پوسٹ کے ذریعے درکار معلومات بھیج دیں

آپ کا مخلص،

دستخط

ضیاء الحق محمد ولد ساجد محمد عرفان

شناختی کارڈ نمبر: 1-2271098-7201

فون نمبر ای میل: 9796010-0313

پتہ: صدری ضلع، پیر پائی، ڈاکوئی منہ، پیر پائی، ضلع وائلیو

تاریخ: 9/9/2021

(آرٹی آئی درخواست پُر کرنے سے پہلے احتیاط سے پڑھ لیں)

میں پاکستان کی دفعہ A-19 اور خیبر پختونخوا معلومات تک رسائی کے قانون 2013ء کے مطابق عوامی اداروں کے معلومات تک رسائی آپ کا بنیادی حق ہے۔

یہ فارم اختیاری ہے۔ آپ ایک سادہ کاغذ پر بھی اپنی مطلوبہ معلومات (آرٹی آئی) کی تفصیل اور پتہ درج کر کے درخواست دے سکتے ہیں۔

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آرٹی آئی درخواست اس عوامی ادارے کے پبلک انفارمیشن افسر کے پاس جمع کرائیں جس سے آپ معلومات حاصل کرنا چاہتے ہوں۔ برائے مہربانی متعلقہ پی آئی او کا نام اور رابطے کی تفصیلات کے لئے متعلقہ عوامی ادارے کی ویب سائٹ یا کمیشن کی ویب سائٹ (www.kprti.gov.pk) ملاحظہ کریں یا عوامی ادارے کا بذاتِ خود دورہ کریں یا ٹیلی فون کے ذریعے رابطہ کریں۔

اگر آپ بذاتِ خود اپنی درخواست جمع کریں، تو متعلقہ پی آئی او سے تاریخ اور دستخط سمیت رسید وصولی ضرور حاصل کریں۔ آپ رجسٹرڈ ڈاک یا کسی بھی دیگر بیان کردہ ذریعے سے بھی درخواست دے سکتے ہیں۔ پی آئی او درخواست کی وصولی رسید اسی انداز سے دے گا جس طرح اس نے وصول کی ہوگی۔

آپ کو درخواست کے ساتھ کسی قسم کی کوئی فیس جمع کرنے کی ضرورت نہیں۔ تاہم جب درخواست منظور ہو جائے، تو پی آئی او آپ کو خیبر پختونخوا انفارمیشن کمیشن کی جانب سے ان کے ویب سائٹ (www.kprti.gov.pk) پر دیئے گئے لاگت فہرست (کاسٹ شیڈول) کے مطابق معلومات دینے پر آنے والے اصل خرچہ ادا کرنے کے بارے میں کہہ سکتا ہے۔

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اگر آپ کی درخواست مسترد ہو جائے یا آپ کو مطلوبہ معلومات دیئے گئے وقت کے دوران نہ ملیں یا درخواست پر عمل درآمد نہ ہونے کے حوالے سے آپ کی کوئی اور شکایت ہو، تو آپ خیبر پختونخوا انفارمیشن کمیشن میں براہِ راست شکایت درج کر سکتے ہیں۔

یہ پی آئی او کی ذمہ داری ہے کہ وہ آپ کو کمیشن کے پاس شکایت درج کرنے کا طریقہ کار سمجھائیں۔



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2038 /ST

Dated: 12/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
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To

The Project Director PMU C&W Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 5372/2020 MR. SARFARAZ KHAN.

I am directed to forward herewith a certified copy of Judgement dated 23.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR