

Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 198/2022 Muhammad Hayat Khan Vs PHE Department

Order

04.08.2022

1. Counsel for the appellant present.
2. Preliminary arguments heard. Available record perused.
3. Record available in the memorandum of appeal comprises of an appointment order dated 22.10.2007 in pursuance of which the appellant was appointed Operator cum Valve Man on fixed pay per month on the conditions that his services would be governed under provincial government's fixed pay policy and that he would not be liable to contribute to GP Fund and not entitled for any pension and gratuity benefits. Other documents attached with the appeal include the arrival report of appellant dated 22.10.2007, medical certificate, pages 12-19 of his service book and departmental appeal bearing diary no. 8092 dated 12.11.2021. Nothing on record shows whether the appellant's services had been regularized and that he was appointed under the Civil Servant Act? When asked, the learned counsel could not provide any order indicating regularization of services of the appellant or his appointment under the Civil Servant Act.
4. In view of all the available record presented before me, I am satisfied that the appellant is not a civil servant and under the Khyber Pakhtunkhwa Service Tribunal Act the appeal in hand is not maintainable and hence dismissed in limine. No order as to costs. Copy of this order be sent to respondents. File be consigned to record room.

Announced

04.08.2022


(Freeha Paul)
Member (E)