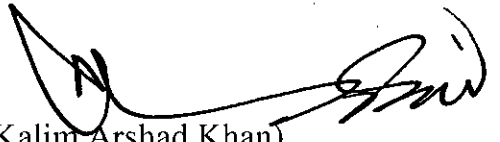


24th June, 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Nabi Rehman, Deputy Collector, Swat Circle for respondents present.

Learned counsel for the appellant submits that the desired relief to the extent of retirement of the appellant has been otherwise granted by the department and therefore, this appeal has rendered fruitless. There is a submission of the learned counsel for the appellant that the pension papers may be submitted in the accounts office so that the appellant could get the pension at the earliest possible. Mr. Nabi Rehmat Khan, Deputy Collector Swat Irrigation Circle, Swat is present on behalf of respondent No.1 and submitted that the pension papers have already been submitted in the accounts office on which the learned counsel did not press this appeal. Disposed of accordingly. Consign.

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 24th day of June, 2022.



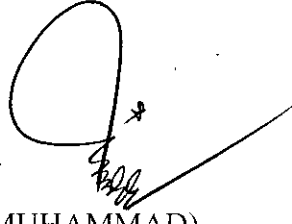

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- 225/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/02/2022	<p>The appeal of Mr. Pervez Khan presented today by Mr. Akhtar Ilyas Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR.</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>05-04-2022</u>.</p> <p> CHAIRMAN</p>
	05.04.2022	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 24.06.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER(E)</p>

OFFICE OF THE SUPERINTENDING ENGINEER SWAT
IRRIGATION CIRCLE SWAT.

POWER OF ATTORNEY.

Mr. Nabi Rehmat Khan Deputy Collector Swat Irrigation Circle Swat is hereby authorized to attend / defend the Execution Petition No.350 of 2019 in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned till decision of the case by the Honorable court.


Superintending Engineer,
Phone # 0946/9240164.

Superintending Engineer
Swat Irrigation Circle
Saidu Sharif Swat.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Pervez Khan

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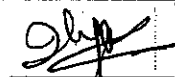
v/s

Irrigation Department Through SE.

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: AKHTAR ILYAS, AHC

Signature: 

Dated: 23-02-2022

BEFOREO KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 225 /2022

Parvez Khan,

Versus

Superintendent Engineer and others

INDEX

S#	Description Of The Documents	Annex	Pages
1.	Service Appeal Along With Affidavit	-	1-4
2.	Copy of letter dated 19-07-2021	A	5
3.	Copy Of Departmental Appeal dated 25-10-2021	B	6
4.	Copy of Affidavit and Patwari report	C&D	7-8
5.	Copy of letter dated 14-12-2021	E	9
6.	Copy of Judgment dated 12-2-2019	F	10-13
7.	Vakalat Nama	-	14


Appellant

Through


AKHTAR ILYAS
ADVOCATE HIGH COURT

Dated: 23/02/2022

①

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 225 /2022

Parvez Khan,
Vernacular Clerk,
Irrigation Department, Buner.

..... **Appellant**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 363

Dated 24/02/2022

Versus

- 1. Superintendent Engineer,**
Swat Irrigation Circle, Gulkada No.1, Saidu Sharif, Swat.
- 2. Executive Engineer Swat,**
Irrigation Divison, Gulkada No.1, Saidu Sharif Swat.
- 3. Chief Engineer (South),**
Irrigation Department, KPK, Peshawar.

..... **Respondents**

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 FOR DIRECTING THE
RESPONDENTS TO ISSUE/GRANT PENSIONARY AND
ANCILLARY BENEFITS TO THE APPELLANT WITHOUT
FURTHER AMOUNT OF DELAY.**

Filed to-day

Registrar

**24/02/2022
Sheweth!**

1. That the appellant joined the esteemed Department of Irrigation way back in the year 1986 as such, he served the department for almost more than three decades.
2. That the appellant performed the duties assigned to him with full zeal and devotion and to the utter satisfaction of his superior.
3. That there was difference of date of birth in the CNIC and Service Book of the appellant; the inquiry conducted by the department; the inquiry officer determined his retirement date 30-03-2021; and, on the basis of inquiry report respondent No.1 asked respondent No.2 for provision of clearance certificate in R/O appellant vide

order dated 19-07-2021 **(Copy of letter dated 19-07-2021 is attached as annexure A).**

4. That the appellant visited respondent No.1 & 2 time and again for issuance of retirement order and Pensionary benefits allowed under the law but they have turned deaf ear to the genuine request of the appellant.
5. That the respondents have not considered the genuine request of the appellant, therefore, he filed departmental appeal on 25-10-2021 to respondent No.3 **(Copy of Deptt appeal is attached as annexure B).**
6. That on the respondents direction, appellant filed Affidavit vide affidavit No. 388/ dated 23-11-2021 and the Patwaries of the Halqa **(to whom the appellant handed over the change)** have also submitted their joint report **(Copy of Affidavit and patwari report are attached as annexure C & D).**
7. That the respondent No.1 once again sought report from respondent No.2 vide letter No. 4604/14-E dated 14-12-2021 **(Copy of letter is attached as annexure E).**
8. That feeling aggrieved and having no other remedy, the appellant seeks indulgence of this Hon'ble Tribunal, inter alia, on the following grounds.

Grounds:

- A. That inaction of the respondents are highly deplorable and against the norms of justice, hence not tenable.
- B. That the respondents are deliberately delaying the pension case of the appellant for no fault on his part.
- C. That it is a matter of record that there is nothing outstanding and the arrears shown outstanding against the appellant is actually the arrears of land lords in the halqa of appellant and in this respect the appellant being halqa patwari forwarded the list from time to time. No stich of imagination, the arrears of a land lord can be made basis for withholding the pension of the appellant.

- D. That the controversy of arrears has already been resolved in S. A No. 436/2017 dated 12-02-2019. A similar stance of the respondents have been deprecated by Honorable Tribunal in Judgment (Ibid). **(Copy of judgment is attached as Annexure-F).**
- E. That it is settle by now that a pension is the right of civil servant as a civil servant has gave his blood and sweet to the department in his golden days: pension is not a bounty of the state to be given to a civil servant as a grace, therefore, with holding of pension and that too for invalid reason is not recommended under the law.
- F. That action of the respondents regarding withholding of pension is not valid rather based on the wishes and whims of the respondents.
- G. That respondents are unnecessarily delaying the payment of pension to the appellatant which clearly suggest that the respondents are trying to settle personal score with the appellatant.
- H. That section 19(4) of the KP Civil Servant Act, 1973 clearly says: **"If the determination of the amount of pension or gratuity admissible to a civil servant is delayed one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family"** But such a clear law has been ignored by the respondents.
- I. That respondents have violated the law on the subject and the appellatant has suffered for almost considerable time.
- J. That the appellatant has not been treated in accordance with law rather has been discriminated which goes contrary to Articles 4 and 25 of the Constitution of Pakistan, 1973.
- K. That the appellatant seeks leave of the Tribunal to urge additional grounds at the time of arguments.

Prayers:

It is, therefore, prayed that on acceptance of instant appeal the respondents may be directed to process pension case of the appellant and make payment to him with all ancillary benefits to the appellant.

Any other remedy to which the appellant is found fit in law, justice and equity may also be allowed.

[Signature]
Appellant

Through

[Signature]

**AKHTAR ILYAS
ADVOCATE HIGH COURT**

&

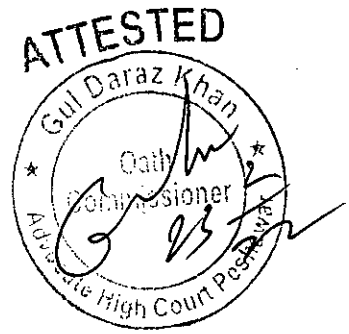
[Signature]

**CHAGAIZ KHAN
ADVOCATE**

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent



OFFICE OF SUPERINTENDING ENGINEER,
SWAT IRRIGATION CIRCLE, SWAT

No. 3001 /25-M.
Dated 14/07/2021.

The Executive Engineer
Swat Irrigation Division
Swat.

Subject: - PROVISION OF CLEARANCE CERTIFICATE/NOC IN RESPECT OF MR. PERVAIZ KHAN VERNACULAR CLERK.

Please refer to the subject cited above and in light of enquiry compiled by the Sub Divisional Officer Irrigation Sub Division Shangla, to determine the authentic date of birth / retirement in respect of the above mentioned official. His date of retirement is determined i.e 30-03-2021 by the enquiry officer.

You are requested to provide the clearance certificate / NOC to pave the way for issuance of his retirement order accordingly.

Superintending Engineer,
Pb/Fax #/0946/9240164.

Handwritten notes:
to the need for...
and put up...
about...
to the...
without...
delay of time...
K/c

Signature: E/K

Stamp: 1244 VERNACULAR CLERK

Urdu notes:
3401595
پروردگار کی بیان خلقی و بیخودانہ
بلاوت جتنی خدا کے ساتھ
کے لئے ہے نہ کہ اپنی
پروردگار کی طرف سے
پروردگار کی طرف سے
پروردگار کی طرف سے

Signatures and dates:
05/8/21
05/08/2021
ZILLADAR
23/11/2021

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Bottom handwritten notes:
اصولاً و اولاً
اصولاً و اولاً
اصولاً و اولاً

جناب چیف ایگزیکٹو (الماس) ایئر لائنز ڈیپارٹمنٹ ڈیپارٹمنٹ ڈیپارٹمنٹ

عنوان: ایپل براؤزنگ کے مطابق پیشکش وغیرہ

جناب عالی! مسائل حسب ذیل عنوان رسالہ ہے!

یہ کہ مسائل سال 1986ء میں حکم ہذا میں بطور پٹوارہ بھرتی ہوئے اور
صفحہ 30 کو اپنے فرائض سے سنبھالنا شروع ہوئے۔

یہ کہ مسائل وقتاً فوقتاً اپنے پیشکش وغیرہ کے لیے حکم ہذا کے دیگر لکھائیں مگر
SE اور EE مہیاں ایوان مختلف وجوہات کی بناء پر مسائل کی
پیشکش کے process نہیں کر رہا اور مسائل کی غائبی ان مہیاں کی
رفتہ کی زینت بنی ہوئی ہے۔

یہ کہ مسائل نے بیان واپس صفحہ 22²⁰²¹ بھی چھوٹی ہے (بیان ہوا تھا تھا)
اور حکم ہذا کو درپوش گنراہی کہ مسائل کو پیشکش دے دیں تاکہ
وہ اپنے بچوں کے اوتھر مرہ ضروریات پوری کر سکیں۔

یہ کہ مسائل کو کوئی Affairs تقابلاً ہے بلکہ مسائل نے دوران ڈیوٹی
وقتاً فوقتاً لسٹ آف ڈیفینڈرز بھی چھوٹی ہے۔

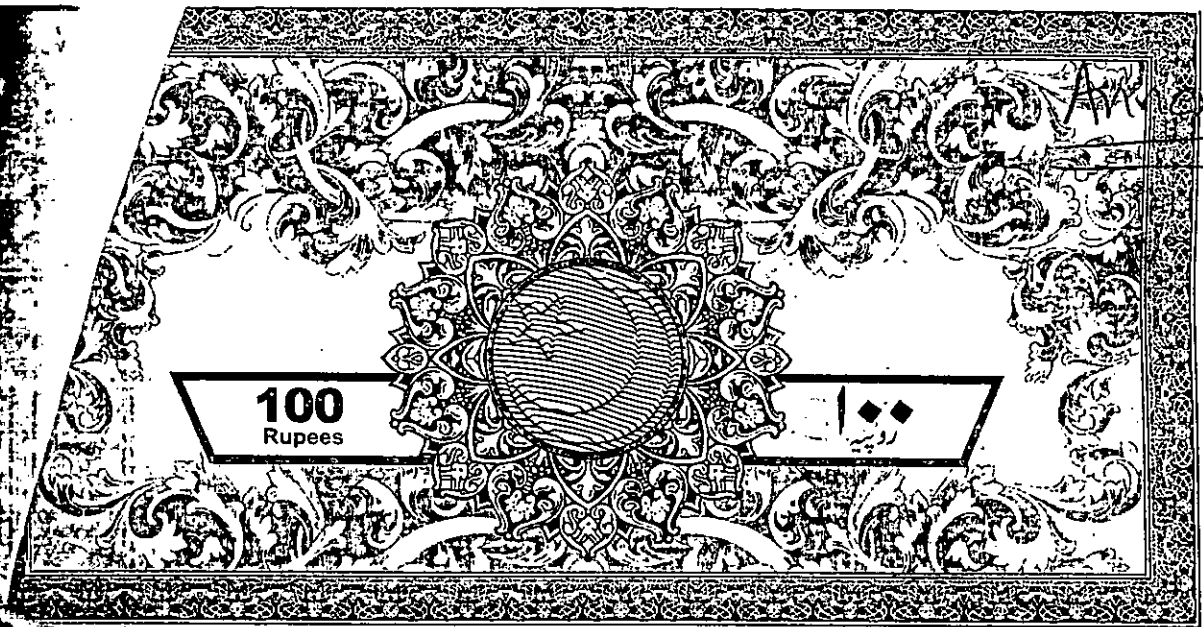
یہ کہ مسائل کے قاصد عدالت سروس ریٹریبونل ایئر ڈکٹون خواہ
کا ضمیمہ بھی موجود ہے (غائبی لفظ ہے)

اردو سماج کم منظور، دنوارہ/ایپل ہذا
SE سوان کو سید کے دی چھوٹی کہ مسائل کی
پیشکش قانون کے مطابق ادا کر رہے
عنوان نواز شہزاد

صفحہ 10
2021

ایئر لائنز ڈیپارٹمنٹ ڈیپارٹمنٹ
ایئر لائنز ڈیپارٹمنٹ ڈیپارٹمنٹ

ACCEPTED



100 Rupees

بیان طبعی

ATTESTED 388

No. 23.11.2019

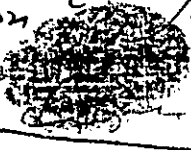
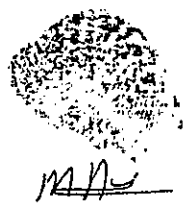


مختلف ہستی اور اراضی ولد فضل شاہ کے گویا دہلی، مادہ ٹی بی بی کے ضلع ابو نیر ضلعی۔ اندر وقت انعامی ہستی
 ہوتی و جو سی قسم اور ہستی خود بر طبعی بیان کر کے گویا ہستی کے مختلف طبقہ جملہ اربٹنی میں ڈیزائن ضلع ابو نیر
 میں اپنی ڈیوٹی سر انجام دے رہا تھا۔ فی الحقیقہ شجرہ، بندرستی، دار بندی، فرم کا 855 اور ایک بلڈنگ
 ڈینا گنڈہ 2002 زمین سے یکر زمین 2019 میں بھی صلحداری سستی بند ہو کر رہا ہے
 میں جمع کیا ہے۔ جو طبعی بیان خود بر طبعی بیان کر کے جمع کیا ہے۔ آئندہ ایک ایسی طبعی بیان میں
 کی جاتی (آسوی) تو فی تلف ذمہ دار ہوتا۔ ایک علاوہ فعلی زمین 2002 میں سے یکر زمین 2019
 جو زمین ڈینا گنڈہ سستی گویا دہلی ماچھو اصلی بنیاد۔ ایک کلی رقم آبیانہ مبلغ چوتیس لاکھ روپے
 پانچ سو چالیس ہزار (5,01,595/-) کا بنیاد۔ اگر کسی ایسی قسم کی تعمیر یا وصولی واقع ہو جاتی ہے
 تو فی تلف اسکا ذمہ دار ہوتا۔ اور ایک علاوہ تمام زمینوں میں تلف ایسا ہوتا ہے اور فی تلف ایسی جاتی ہے
 درستگی اور اسٹیبل اینڈ ڈیوٹی جانہ دار سے جملہ نقد کو پورا کرنے کا یا بندہ ذمہ دار ہوتا۔ اگر تلف کے خلاف جہی
 قانونی کارروائی کی تو فی تلف ایک تیار ہوتا۔ اور یہ جانہ دار مستحق دہن مستحق سے زر نقصان پورا کرنے
 کا یا بندہ ہوتا اور فی تلف اپنے قول و فعل کا خود ذمہ دار ہوتا۔

جائیداد
 PETITION NUMBER OF
 23-11-2019
 Date of Document: 23-11-2019

بیان کا نام دہلی میں دستاورد صوبہ دہلی میں جمع کیا گیا ہے اور اس کے مطابق

گنڈہ 23/11/2019



اصولاً ہستی ولد فضل شاہ کے گویا دہلی میں جمع کیا گیا ہے اور اس کے مطابق

15602. 02922147

15101. 12977979.3

15101. 4018629.7

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حسب الحکم جناب صدر صوبہ ایگریکیشن ڈویژن سوات اینڈ جوڈیل

جناب عالی!

پٹوار پانی مٹی ایگریٹوٹو اب دور پٹوار پانی شہر فرزند کو حلقہ پیرویز خان پٹواری کی

ربیع 2022-23 سے لے کر واپس 2020 تک کے فیس باقیہ ایگریٹوٹو پٹوار پانی

اور شہر فرزند پٹواری نے موقوفہ 11/23 پر وصول کیں۔


اب چونکہ پیرویز خان پٹواری نے حلقہ بیان دے کر کہا کہ میں اپنی حلقہ


کے بنایا جا میں ہر قسم کی غلطی کا ذمہ دار ہوں۔

لہذا میں دونوں پٹواریاں لکھ دیتے ہیں کہ ہمیں پٹواری کی ری ہوئی جا د۔

کسی قسم کی اعتراض نہیں۔ اور خوشی و حلقہ میں ڈیوٹی سر انجام دیے۔

اور پیرویز خان پٹواری کی رہائش گاہ پر مٹی کا اثرا لہا میں ہے۔


شہر فرزند پٹواری
23/11/2021


میرزا نواب پٹواری
23/11/2021

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Annex - E (9)

130
125

OFFICE OF THE SUPERINTENDING ENGINEER
SWAT IRRIGATION CIRCLE, SWAT
GULKADA NO.1, SAIDU SHARIF, SWAT.

Phone No. 0946 - 9240164, Fax No. 0946 - 725437, Email: swatirrigation@gmail.com

No. 6604 /14-E.

Dated 14/12/2021

To,
The Executive Engineers,
Swat Irrigation Division-I, Swat.

Subject:- RETIREMENT OF PERVAIZ KHAN VERNACULAR CLERK.

Please refer to the subject noted above, you are hereby required to furnish the complete detail of the above cited official such as:-

1. Complete detail of the paid salary.
2. Total arrears to be paid.
3. Complete detail of abiana recovery of the official's Halqa.
4. Complete detail of paid and to be paid abiana by the official.

[Signature]
SUPERINTENDING ENGINEER

Copy to the Deputy Collector Swat Irrigation Circle, Swat for information.

SUPERINTENDING ENGINEER

1429 / 26-E
17/12/2021

T/O NO 2370/26-E Dated: 24/12/21

[Signature]
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Annex-F (107)

51

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appal No. 431/2017

Date of Institution ... 04.05.2017

Date of Decision ... 12.02.2019



Pervez Khan, Patwari Swat, Irrigation Division, Posted at Irrigation Department,
Buner at Daggar: ... (Appellant)

VERSUS

Superintending Engineer, Swat Irrigation Circle, Swat, Gulkada No.1, Saidu Sharif,
Swat and four others. ... (Respondents)

Mr. Akhtar Ilyas, Advocate	---	For appellant.
Mr. Ziaullah, Deputy District Attorney	---	For respondents no. 1 to 3.
Miss. Naila Jan, Advocate	---	For respondents no.4 and 5.
MR. AHMAD HASSAN, MR. HAMID FAROOQ DURRANI	---	MEMBER(Executive) CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he joined the Irrigation Department as Patwari on 22.02.1986. Being on the top of the seniority list his case was placed before the Departmental Promotion Committee in its meeting held on 30.11.2016 to consider him for promotion as Vernacular Clerk (BPS-08) but was deferred/disqualified due to weak/outstanding amount Abiana to the tune of Rs. 2948965/-. On the other hand juniors to the appellant were promoted. He filed departmental appeal on 12.01.2017, which remained unanswered, hence, the

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Ahmad Hassan
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

instant service appeal. The said post was required to be filled by promotion on the basis of seniority-cum-fitness from amongst Patwaris having five years service as such in circle where the vacancy occurs. The ground of deferment was not in accordance with the criteria laid down in the service rules. Moreover, an official in the same department against whom arrears to the tune of Rs. 10.00 millions were outstanding was promoted vide order dated 10.03.2017. Treatment meted out to the appellant appeared to be discriminatory.

3. On the other hand learned counsel for private respondents no. 4 and 5 argued that due to poor performance of the appellant, his case for promotion was previously deferred by the Departmental Promotion Committee on 03.04.2014. Again his case was considered by the DPC in its meeting held on 30.11.2016 but deferred on the same ground. Seniority is not the sole criteria for promotion. The jurisdiction of this Tribunal is barred under Section-4(b)(I) of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

4. Learned Deputy District Attorney relied concurred with the arguments advanced by the learned counsel for private respondents no. 4 and 5.

CONCLUSION

5. It is not disputed that as the name of the appellant was reflected at the top of the seniority list of Patwaris, so his case for promotion to the post of Vernacular Clerk (BPS-08) was placed before the DPC in its meeting held on 30.11.2016 for consideration. The DPC considered his case but was deferred/disqualified on

**ATTESTED TO BE
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ATTESTED

EXAMINED
Under Secretary
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

account of weak recovery and outstanding arrears of abiana to the tune of Rs. 2948965/-.

6. Attention is invited to the criteria laid down for promotion to the post of Vernacular Clerk which is reproduced below:-

"By promotion, on the basis of the seniority-cum-fitness from amongst the Patwaris having five years service as such in the Circle where the vacancies occurs"

7. Moreover, as per promotion policy of the provincial government, promotion of a civil servant can be deferred provided as inter-se-seniority is disputed/subjudice, disciplinary proceedings are pending against him and his PER dossier is incomplete. On the strength of above instructions, the case of the appellant was wrongly deferred. Moreover, in a case of identical nature Mr. Zabta Khan, Patwari against whom Abiana arrears to the tune of Rs. 10.00 million were pending was promoted vide order dated 10.03.2017. On the same analogy Mr. Muhammad Rukhsar and Mr. Mazhar Iqbal were also promoted to the post of Vernacular Clerk. Discriminatory attitude of the respondents was established beyond doubt. It goes against Article-25 of the constitution. Learned counsel for private respondents no. 4 and 5 and learned Deputy District Attorney were repeatedly confronted on the point whether as per SOPs laid down by the department, collection of Abiana was the sole responsibility of the patwari or otherwise? However, they were unable to give any satisfactory reply. We presume that a low paid employee alone cannot held responsible for accumulation of arrears, responsibilities squarely lies on Zilladar and other high officials of the department.

ATTESTED

ATTESTED TO BE
TRUE COPY

ATTESTED
By the District Judge
Service Tribunal,
Peshawar

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7. As a sequel to above, the appeal is accepted and the respondents are directed to place the case of the appellant before the DPC to consider him for promotion to the post of Vernacular Clerk. Parties are left to bear their own costs. File be consigned to the record room.

[Signature]

(HAMID FAROOQ DURRANI)
CHAIRMAN

[Signature]

(AHMAD HASSAN)
MEMBER

ANNOUNCED
12.02.2019

Certified to be true copy
[Signature]
Khalid Ahmad
Secretary
Peshawar

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VAKALAT NAMA

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

NO. _____/2020

Pervez Khan

Appellant (s)

VERSUS


Supertendent Engineer

Respondent(s)


I/We, Appellant, do hereby appoint and constitute **AKHTAR ILYAS, AHC, CHANGAIZ KHAN, WAQAR AZIZ, SEHLA NOOR**, Advocates, Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated: 23-02-2022.


(Appellant)

CLIENT(s)


AKHTAR ILYAS, AHC
BC: 11-1572

ACCEPTED


CHANGAIZ KHAN
BC: 19-1507

WAQAR AZIZ
BC: 19-1668

SEHLA NOOR
BC: 19-1462

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc. Application No. _____ in

S.A No. 225 /2020

Pervez Khan

VERSUS

Superintendent Engineer and Others



Put up to the court with
relevant appeal,

[Signature]
11/04/2022

Reader

APPLICATION FOR INTERIM RELIEF IN
THE TITLED SERVICE APPEAL

Sheweth!

1. That the appellant has filed a service appeal which is pending adjudication before the Hon'ble Tribunal and which is not yet fixed for hearing.
2. That the contents of the Service Appeal may be considered as an integral part of the present Interim Relief Petition.
3. That the appellant has retired from his service on 03/03/2021 but the respondents have neither determined the amount of pension nor they have handed over the rightful pension of the appellant/petitioner in accordance with law which is clear violation of the rights of the petitioner.
4. That as per section 19 (4) of The KPK Civil Servants act 1973, if the pension of a civil servant is delayed beyond one month of his retirement or death, as the case may be, the respondents are under legal obligation to pay the provisionally assessed amount according to the length of service but in the instant case, the respondents have shut their eyes and they are reluctant to obey the dictates of law.
5. That the appellant has a prima facie case against the respondents.
6. That the balance of convenience leans in favor of the appellant.
7. That if the Interim Relief was not granted in favor of appellant, he would suffer irreparable loss in the shape of violation of his legal and Constitutional rights.

8. That there is no legal impediment in granting of the Interim Relief, rather it would be in the best interest of justice to allow the same.

It is, therefore, most humbly prayed that on the acceptance of this petition, Hon'ble Tribunal may be pleased to direct the respondents to pay the anticipatory pension provisionally to the appellant/petitioner.

Penr
Appellant

Through

Akhtar
AKHTAR ILYAS
ADVOCATE HIGH COURT
TF-287, DEANS TRADE CENTER,
PESHAWAR CANTT

AFFIDAVIT

It is hereby solemnly affirmed and declared on Oath that the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Penr
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc. Application No. _____ in

S.A No. _____/2020

Pervez Khan

VERSUS

Superintendent Engineer and Others

APPLICATION FOR INTERIM RELIEF IN
THE TITLED SERVICE APPEAL

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Pent
Appellant

Through

Ilyas
AKHTAR ILYAS
ADVOCATE HIGH COURT
TF-287, DEANS TRADE CENTER,
PESHAWAR CANTT

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Pent
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc. Application No. _____ in

S.A No. _____/2020

Pervez Khan

VERSUS

Superintendent Engineer and Others

APPLICATION FOR INTERIM RELIEF IN
THE TITLED SERVICE APPEAL

Sheweth!

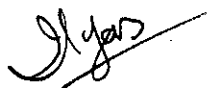
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2. That the contents of the Service Appeal may be considered as an integral part of the present Interim Relief Petition.
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4. That as per section 19 (4) of The KPK Civil Servants act 1973, if the pension of a civil servant is delayed beyond one month of his retirement or death, as the case may be, the respondents are under legal obligation to pay the provisionally assessed amount according to the length of service but in the instant case, the respondents have shut their eyes and they are reluctant to obey the dictates of law.
5. That the appellant has a prima facie case against the respondents.
6. That the balance of convenience leans in favor of the appellant.
7. That if the Interim Relief was not granted in favor of appellant, he would suffer irreparable loss in the shape of violation of his legal and Constitutional rights.

8. That there is no legal impediment in granting of the Interim Relief, rather it would be in the best interest of justice to allow the same.

It is, therefore, most humbly prayed that on the acceptance of this petition, Hon'ble Tribunal may be pleased to direct the respondents to pay the anticipatory pension provisionally to the appellant/petitioner.


Appellant

Through


AKHTAR ILYAS
ADVOCATE HIGH COURT
TF-287, DEANS TRADE CENTER,
PESHAWAR CANTT

AFFIDAVIT

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Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc. Application No. _____ in

S.A No. _____/2020

Pervez Khan

VERSUS

Superintendent Engineer and Others

APPLICATION FOR INTERIM RELIEF IN
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Pens
Appellant

Through

Ilyas
AKHTAR ILYAS
ADVOCATE HIGH COURT
TF-287, DEANS TRADE CENTER,
PESHAWAR CANTT

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Pens
Deponent

