### Form- A

1

# FORM OF ORDER SHEET

	Court c	of		
	Case No1550/2022			
S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	-31/10/2022	The appeal of Mr. Muhammad Rehman resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman		
	-	REGISTRAR		
		• •		



a N

200

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 150 /2022

Muhammad Rehman

V/S

Govt. of KP etc

### **INDEX**

S. No.	Documents	Annexure	' P. No.
01	Memo of appeal		01-05
02	Affidavit		06
03	Copy of letter/memo dated 09.02.2021	A	07
04	Copies of order dated 13.01.2021 and charge report	B&C	08-09
05	Copies of charge report and notification dated 27.09.2021	D&E	10-11
06	Copy of notification dated 02.02.2018	F	12
07	Copies of departmental appeal and letter dated 29.09.2022	G&H	13-14
08	Copies of judgment dated 09.06.2021 and notification dated 05.07.2022 -	I&J	15-23
09	Vakalat Nama		24

THROUGH:

APPELLANT

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT Cell No. 03339390916



.70

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

# SERVICE APPEAL NO. (55° /2022

Mr. Muhammad Rehman, (PMS, BS-19) Director Relief, Operation & Coordination, PDMA, Khyber Pakhtunkhwa, Peshawar.

1672 21-10-2027-

(APPELLANT)

#### VERSUS

- 1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
- 2. The Chief Secretary, Khyber Pakhtunkhwa, Civil secretariat Peshawar.
- 3. The Secretary, Establishment Department, Khyber Pakhtunkhwa, Civil secretariat Peshawar.
  - 4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Civil secretariat Peshawar.

### (RESPONDENTS)

**KHYBER** OF THE 4 UNDER SECTION APPEAL PAKHTUNKHWA SERVICETÎBUNALS ACT, 1974 AGAINST THE IMPUGNED ACTION OF RESPONDENTS OF ,NON-**ALLOWANCE EXECUTIVE** PAYMENT/STOPPAGE OF FROM 19.01.2021 TO 08.06.2021 AND FROM 06.10.2021 TO 10.02.2022 AND AGAINST THE CONDITION 5 OF THE FINANCE DEPARTMENT NOTIFICATION DATED 02.02.2018, **"EXECUTIVE** THAT MENTIONED IT WHEREIN ALLOWANCE WILL NOT BE ADMISSIBLE TO OSD POSTS ACTION ON THE TAKING NOT AGAINST AND DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS.

#### **PRAYER:**

1010

ر د

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE DEPARTMENT FINANCE THE CONDITION NO.5 OF

**"EXECUTIVE** 02.02.2018 I.E DATED **NOTIFICATION** ALLOWANCE WILL NOT BE ADMISSIBLE TO OSD POSTS" MAY KINDLY BE DECLARED NULL AND VOID AND **RESPONDENTS MAY BE DIRECTED TO MAKE PAYMENT EXECUTIVE UN-PAID** APPELLANT OF THE TO ALLOWANCE FOR THE PERIOD WHERE THE APPELLANT REMAINED OSD FROM 19.01.2021 TO 08.06.2021 AND FROM 06.10.2021 TO 10.02.2022. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE AWARDED IN FAVOUR OF BE ALSO THAT MAY APPELLANT.

### **RESPECTFULLY SHEWTH:**

### FACTS:

<u>ه</u> ۹

- 1. That the appellant is presently serving as (PMS, BS-19) Director Relief, Operation & Coordination, PDMA, Khyber Pakhtunkhwa and is performing his duty with devotion and honesty, whatsoever assign to him.
  - 2. That the appellant along with other officials were nominated for mandatory training of Mid Management Course (MCMC) along with 27 officers which was commenced from 01.02.2021 to 07.05.2021 at National Institute of Management (NIM) Peshawar, Quetta, Karachi and Lahore vide letter/memo 09.02.2021. (Copy of letter/memo dated 09.02.2021 is attached as Annexure-A)
  - 3. That Respondent No.2 passed a notification dated 13.01.2021, whereby the appellant was transferred from Industries, Commerce & Technical Education Department to report to Establishment Department and in the compliance of order dated 13.01.2021 the appellant relinquished the charge of the post on 18.01.2021 and submitted his arrival report in the Establishment Department on 19.01.2021 and remained there as OSD. It is pertinent to mention here that other 27 officers who were nominated along with the appellant were drawing pay & allowance including executive allowance against the said post and scale in their respective department, but executive allowance was deducted from the salary of the appellant while mandatory training of MCMC is part of the service. (Copies of order dated 13.01.2021 and charge report are attached as Annexure-B&C)



÷ \*

4. That after completing training of MCMC, the appellant was posted as Additional Secretary (HRD) Establishment & Administration Department vide notification dated 28.05.2021 and assumed the charge of the post on the same day i.e 28.05.2021 which is evident from the charge assumption report, but just after performing duty for four months as Additional Secretary (HRD), the appellant was again reported to Establishment Department vide notification dated 27.09.2021 and remained there as OSD till 10.02.2022. (Copies of charge report and notification dated 27.09.2021 are attached as Annexure-D&E)

- 5. That the appellant as initial basic pay was entitled to draw Executive allowance at the rate of Rs.88815/- per month, but he was kept deprived of executive allowance during OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022 in the light of condition 5 of the finance department notification dated 02.02.20218, wherein it is mentioned that executive allowance will not be admissible to OSD post which is ultra vires to the second proviso section 10 of Civil Servant Act 1973. (Copy of notification dated 02.02.2018 is attached as Annexure-F)
- 6. That being aggrieved form the impugned action of the respondents of non-payment of executive allowance during OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022, the appellant filed departmental appeal on 17.07.2022 to respondent No.2 which was forwarded to respondent No.4 for further necessary action through letter dated 29.07.2022, but no action has taken on the departmental appeal within the statutory period of ninety days. (Copies of departmental appeal and letter dated 29.09.2022 are attached as Annexure-G&H)
- 7. That now the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

### **GROUNDS:**

A) That non-payment of executive allowance for the OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022 to appellant and condition 5 of notification 02.02.2018 are against the law, rules, facts and material on record, therefore not tenable.



र 0

a G

B) That transfer and posting is the prerogative of the competent authority and posting of the appellant as OSD was not made on the choice and willingness of the appellant, but the competent authority has posted him as OSD, therefore the appellant should not be punished to deprive him from executive allowance during OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022 for no fault on his part.

- C) That OSD post against which salary of the appellant being drawn is not the service/cadre post of the appellant as no where OSD post is included in the category of posts mentioned in the schedule of post appended to the KP Provincial Civil Service (Secretariat Group) Rules 1997, hence the appellant entitle to executive allowance during OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022.
- D) That the posting of an officer as OSD is merely a temporary arrangement and the officer under the rules is full time Government Servant and cannot perform duties other than his actual cadre/post, therefore, the appellant cannot be deprived from executive allowance merely on the basis of OSD.
- E) That condition 5 of the notification dated 02.02.2018 is ultra vires of the second proviso of section 10 of the Civil Servant Act 1973 and condition 5 of the notification dated 02.02.2018 was also declared as null and void by this Honorable Tribunal in its judgment dated 09.06.2021 rendered in Service Appeal No.1132/2019 title Muhammad Arshad VS Government of Khyber Pakhtunkhwa, therefore, there remain no ground to deprive the appellant from his legal right of executive allowance for the period he remained OSD from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022 on the basis of condition 5 of the notification dated 02.02.2018.
- F) That similar nature Service Appeal No.1132/2019 title Muhammad Arshad VS Government of Khyber Pakhtunkhwa has been allowed by this Honorable Tribunal on 09.06.2021 and in the compliance of judgment dated 09.06.2021, executive allowance was allowed to Muhammad Arshad for the period he remained OSD vide notification dated 05.07.2022 and the appellant being similarly placed person is also entitled the same relief under the rule of consistency. (Copies of judgment dated 09.06.2021 and notification dated 05.07.2022 are attached as Annexure-I&J)

. శి ఎ

ē Ö

- G) That the appellant is legally entitled for executive allowance for the OSD period from 19.01.2021 to 08.06.2021 and from 06.10.2021 to 10.02.2022 and depriving him from his legal right of executive allowance for the said period is against the norms of justice and fair play.
- H) That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

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

APPELLANT

THROUGH:

Muhammad Rehman

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT PESHAWAR



. Ÿ

- ē

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

# SERVICE APPEAL NO. /2022

Muhammad Rehman

V/S

Govt. of KP etc

### <u>AFFIDAVIT</u>

I, Muhammad Rehman, (PMS, BS-19) Director Relief, Operation & Coordination, PDMA, Khyber Pakhtunkhwa, Peshawar (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

DEPONENT

Muhammad Rehman (APPELLANT)



#### GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (HRD WING)

#### NO.SO(HRD-I)ED/2-3/31<sup>ST</sup> MCMC/2020 Dated Peshawar the, 09/02/2021.

The Director (Admn & Pin). Provincial Services Academ). House No. 170, Streas-15, Sector G-3, Phase-II, Hayatabad Peshawar

#### Subject:-

Тα

### SPITTING OF MID CAREER MANAGEMENT COURSE (MCMC) INTO TWO PARTS.

I am directed to refer to your letter No. DD(A)S&T/MCMC I/4-11/2021/15/17 dated 12/01/2021 on the subject noted above and to state that 31<sup>st</sup> Mid Career Management ===== has been started on 1<sup>st</sup> February, 2021 at NIM Peshawar. Queta, Karachi and Lahore, for 10 weeks upto 09/04/2021. The following PMS BS-18 Officers have been nominated by Establishment Davison, Islamabad, for the said contact:-

1. Syed Muhammad Sohail, project Director, Swabi Developments Authority.

2. Mr. Javed Ullah, Additional Secretary, Local Government Department.

3. Mr. Muhammad ===== Additional Secretary (R-II) E&AD.

4. Mr. Abdul Kabir Khan, Additional Commissioner, Mardan.

5. Mr. Javed Ali, Registrar, KP Appellants Tribunal on --- Tax on Service.

6. Mr. Muhammad Rehman, Additional Secretary ====.

7. Mr. Muhammad Yaqoob Barki, OProject Director, Kanal Des Authority.

8. Mer. Ghazi Nawaz, Project Director === Development Authority.

9. Mr. Muhammad Nazir Khan, Addl: Secretary, Regulation, Welfare Deptt.

10. Syed Kazim Hussain Shah, Member (G), Governor's Inspections Team.

11. Mr. Muhammad Kashif Nadeem, Project Director, Bannu Des. Authority.

12. Mr. Muhammad Instead-I, Additional Secretary Hearing.

13. Mr. Habibullah Arif, Additional Secretary Zakat Ullah

14. Mr. Naeem Akhtar, DMO, EMA

15. Mr. Khalid Khan, Deputy Commissioner Lower =====

16. Mr. Farhad Wazir. Additional Secretary ==== Deptt.

17. Mr. Muhammad Hayat. Additional Secretary Secreary CM. Secretariat.

18. Mr. Zeeshan Abdullah, Director PDMA.

19. Mr. Noor Alam Khan, ADC Dilkhan.

20. Mr. Minhas-ud-Din, DMO EMA.

21. Mr. Noorul Amin-I, ADC (T&P) ====

22. Mr. Shah Saud, Deputy Commission Upper Chitral.

23. Mr. Muhammad Sher, Deputy Secretary, ST & IT.

24. Mr. Irfanullah Khan Wazir, Deputy Secretary, Irrigation.

25. Mr. Muhammad Riaz Kha, ADC(F&P) Khyber.

26. Mr. Naghmana, Director (HR) PDMA

27. Mr. Arshad Ali, Addl. Secretary P&D.

28. Mr. Abdul Nasir Khan, Addl. Secretary Higher Educating

#### Endst: No. & date as above

Copy forwarded to:-

#### === Officer E&D-I)

- 1. PS to Special Secretary (Estab) Establishment Department.
- 2. PS to Additional Secretary (HRD), Establishment Department
- 3. PS to Additional Secretary (HRD), Establishment Department.

5.30 ant -< د. L PA to Deputy Sectors (USAR) Entering to AS L בשיביים איריבים ליושבים אונונו בדייבי ויביים אילייבים באיניים איניים Ţ אל ום לקרושו לבווושין (לעיהן לבבללמבבים לקוווההבו Ť · a paparanty (dog STORE IN STATES IN STATES (jet) a short of the second state and set and a second second and second secon 0.29 remains and they an taken an 12 ALA Nationand American Manual Al Al Car needed and the could make the manufactory and the זעיאט ועניינוקא אביי איניי נאבט אניינאין ייבייאין ייבייאין II & TO , Chinese Star, Derial Scottan, DT & II זג אוי לאש אשיל הקרא לביבי שו נידא לביוא גר AND A HOLA LEEDA LOOKIN IL בס אלי אליבהט-נולים האנט גאנט גאנא IN ALL HOW ALL ALL ALL LIDER Aports warned Actually partered in (1 אין איני אינייבביא איניביבא איניביבא איניבביבא איניב אין איניב בייא TAL FACTOR A CONTRACT AND A BULL DE AL יין ביינגע נאייע געביין געביין געביין איייא איייא אייין איין אייין אייין אייין אייין אייין אייין אייין אייין אי VIT HISE DELYN COME THE T וז אנה ווצבירנים אבן אנגריבין אבירנים 'נאיא נולט A such the set in the bear bearing the start ------ישר לאיב אבינים לעיני אלי לארשיים און אינייים אינייים אינייי אינייי אינייי אינייי אינייי אינייי אינייי אינייי ", " and the state of the second state that the second state the ģ Mr. Chart beaution of an and an an and an and the second of a é tanten furter an fanter fanter an fanter an fanter af ter an fanter af ter an fanter an fanter an fanter af ter an fanter an fanter an fanter af ter an fanter \*\* \*\* Ł ÿ לא לאירל אני ארי ארייניינייא אין איניייא וראשר ש אין ţ אלר אמלבל לנבלים הנוצה אבל הרמה לי קונה הנוגרהי, ללאינים • £ z טימואי איינגעון אבון ניכושה כא ויי אבויז איי ואסיינבון גוא יייאיד גענוינגעון אויי יות המשלויונט קרובה נות וביון ליות ליש בתוק אי אי אות ובייה איין אייר אות אייר איירי איירי איירי איירי איירי א כמוגע איראלגנגענט (ביו איירי ביו אייר איירי ביו אייר איירי HI HE AND ADDARD STORE MANY IN THE IN DESCRIPTION AND IN -IRVICALIOIN X47 ] \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* focure ( ) showing t stand (FT I can see all אנארטעניאן אנגאנושר איי ז The Director Add. 2 A. -01 HEALER PORTAL TE ALGORITH RECTALINATE CURBINSION



## ESTARUSHARD TABLARA MATAL <u> у унахнтнахч язахим</u> 40 LNHKNHLOD

15,1

(DNIA DHP)



5

# **GOVERNMENT OF** KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

Dated Peshawar January 13, 2021

T

# NOTIFICATION

NO. SO(E-I)/E&AD/1-1/2021. The Competent Authority is pleased to order posting/transfer of the following officers, in the best public interest, with immediate effect:-

Inc toxottang the			ТО	
SR.#	NAME OF THE OFFICER	FROM		
1.	Mr. Musharraf Khan Marwat (PMS BS-19)	Awaiting posting in Establishment Department.	Additional Secretary, Industries, Commerce & Technical Education Department vice Sr. No. 02.	
2.	Mr. Muhammad Rehman (PMS BS-19 a.c.b)	Additional Secretary, Industries, Commerce & Technical Education Department.	Report to Establishment Department.	
3.	Mr. Yousaf Ali (PMS BS-18)	Deputy Secretary, Transport & Mass Transit Department.	scale, on deputation basis, against the vacant post.	
4.	Mr. Muhammad Nadeem Akhtar (PMS BS-18)	Deputy Secretary, Higher Education Department.	Deputy Secretary, Transport & Mass Transit Department vice Sr. No. 3	

## CHIEF SECRETARY **GOVERNMENT OF KHYBER PAKHTUNKHWA**

# ENDST. NO. & DATE EVEN.

# Copy forwarded to the:-

- Additional Chief Secretary, P&D Department. 1.
- Senior Member Board of Revenue, Khyber Pakhtunkhwa 2.
- Principal Secretary to Governor, Khyber Pakhtunkhwa 3.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa. 4.
- All Administrative Secretaries in Khyber Pakhtunkhwa (concerned). 5.
- Accountant General, Khyber Pakhtunkhwa. 6.
- Director General, Culture & Tourism, Khyber Pakhtunkhwa. 7.
- Director General, Information & P.Rs Khyber Pakhtunkhwa. 8.
- PS to Chief Secretary, Khyber Pakhtunkhwa. 9.
- 10. District Accounts Officer, Swat.
- 11. PS to Secretaries Establishment and Administration Departments.
- 12. PS to Special Secretary (E)/ D.S.(Admn)/D.S. (Estt.)/ SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
- 13. Officers concerned.

ł,

14. Manager, Govt. Printing Press Peshawar.

13-1-2021 (ZIALIL HAQ) SECTION OFFICER (EST

PH: # 091-9210529

IMDAD KHAN

## ARRIVAL REPORT.

In pursuance of Government of Edisber Polymmk6 valit, tassoon of Department Notification No. SO (F-E) EXADE 1-E-2021 dated (3.01.2037). Effect by subserve are direport in Establishment Department today on 19<sup>th</sup> Jamary, (0.1101, 201).

(Muhammad.Rehman) -Additional Secretary (PMS By 19)

Copy forwarded to the:-

1.

2.

Accountant General, Khyber Pakhtunkhwa, Peshawar Secretary Industries. Commerce and Technical I ducation of the test Pakhtunkhwa, Peshawar,

PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar Secretary Establishment, Khyber Pakhtunkhwa, Peshawar

Section Officer (E-I), Establishment Department, Ehyber Parata and Peshawar.

Section Officer (Secret), Establishment Department, Kityos, Pastaussi, Y., Peshawar. /

K-114

(Muhammad Rehman) Additional Secretary (PMS-BS-19)

In n

V 1.0

PARTY FOR FORMAR AND REPORT.

In Euclidian of the post of Adapted Sciences (i = 0) Exciting a the charge of the post of Adapted Sciences (i = 0) Excit shows because the charge of the post of Adapted Sciences (i = 0)

(N) (MUHAMMAD REA PMS BS-19

PMS BS-19 A.C.B

Contra the:

1. Accountant General, Khyber Pakhtunkhwa. 2. PS to Socratary Establishment Department 3. Section Officer, (Admn) E&AD. 4. Section officer (E,I) E&AD (MUHAMMAD REHMAN)



### GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

Dated Peshawar, the September 27, 2021

# NOTIFICATION

NO.SO(E-I)E&AD/5-1/2021 Consequent upon their acting charge appointment in PMS BS-19, as notified vide this Department's Notification of even No. dated 04.08.2021, the Competent Authority is pleased to order posting/transfer and adjustment of the following officers, in the public interest, with immediate effect:-

SR.#	NAMES OF OFFICERS	FROM	то	
1.	Mr. Noor-ul-Amin-l (PMS BS-19 a.c.b)	Additional Deputy Commissioner (F&P), Tank	Additional Secretary (HRD), Establishment & Administration Department vice Sr. No. 3.	
2.	Mr. Muhammad Riaz Khan (PMS BS-19 a.c.b)	Additional Deputy Commissioner (F&P), Khyber	Additional Secretary, Communication & Works Department, against the vacant post.	
ADJUSTMENT				
3.	Mr. Muhammad Rehman (PMS BS-19 a.c.b)	Additional Secretary (HRD), Establishment & Administration Department	Report to Establishment Department for further posting.	

# CHIEF SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA

### ENDST. NO & date even.

Copy forwarded to the:-

- 1. Additional Chief Secretary, P&D Department.
- 2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5. All Administrative Secretaries in Khyber Pakhtunkhwa (concerned).
- 6. All Divisional Commissioners in Khyber Pakhtunkhwa (concerned).
- 7. Accountant General, Khyber Pakhtunkhwa.
- 8. All Deputy Commissioners in Khyber Pakhtunkhwa (concerned)
- 9. Director General, Information & Public Relations Peshawar.
- 10. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 11.PS to Chief Secretary, Khyber Pakhtunkhwa.
- 12. PS to Secretary Establishment, E&A Department.
- 13.PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/ DS(E.)/ SO(E.II)/SO(E.V) E&AD.
- 14.PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
- 15. Officers concerned.
- 16. Controller, Govt. Printing Press, Peshawar.

(ZIA UL HACT SECTION OFFICER (ESTT-I)

#### INIDAD KHAN\*\*



#### GOVERNMENT OF KHYBER PARHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar the 02/02/2018

NOTIFICATION The Government of Khyber Pakhtunkhwa has been No.FD(SOSR-II)8-7/2016-17. pleased to sanction Executive Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department as per rates mentioned against each in the following table with immediate effect:-

ເຜັງເດແດະ	WING CLEAR	and the second sec		
s#T	Pay Scale	Initial Basic Pay	Rate of Executive Allowance Per Month	
	PAS/PCS/PMS officers in 8S-21	Rs.76,720/-	Rs.1.15,080 /-	
01.	PAS/PCS/PMS officers in PS-20	Rs.69,090/-	Rs.1,03,635 /-	
02.	PAS/PCS/PMS officers In BS-20		Rs.88,815/-	
03.	PAS/PCS/PMS officers in BPS-19	Rs.38,350/-	Rs.57,525/-	
04.	PAS/PCS/PMS officers in BS-18	Rs.30,370/-	Rs.45.550/-	
05	PAS/PCS/PMS officers In BS-17	R5.50,510	4111	

The above allowance will be admissible subject to the following conditions:-1. It will be admissible to PAS, PCS and PMS officers working against scheduled

- 2. Officers of other cadres working against scheduled posts are not entitled to the
- 3. PAS, PCS and PMS officers posted against scheduled post and are in receipt of such allowances other than regular allowances shall be entitled to one of the
  - allowances, whichever is more beneficial.

4. Executive Allowance shall not be counted towards pension and gratuity 5. Executive Allowance will not be admissible to OSD posts and officers who are on

leave reserve posts.

### SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

# ENDST: NO. & DATE EVEN.

- 1. The Accountant General, Khyber Pakhtunkhwa, Peshawar,
- 2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 3. The Senior Member Board of Revenue.
- 4. The Additional Chief Secretary FATA.
- The Additional Chief Secretary P&D Department. Б.
- The Secretary KP-Public Service Commission, Peshawar. 6.
- All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa 1.
- All the Divisional Commissioners in Khyber Pakhtunknwa. 8.
- 9
- 10. All the Deputy Commissioners in Khyber Pakhtunkhwa. 11. All the District Account Officers in Khyber Pakhtunkhwa.
- 12. Director, FMIU Finance Department. 13. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 14. Budget Officer-IV, Finance Department. 15. The PS to Secretary Finance Department.
- 16. The PS to Special Secretary Finance Department. 17. The PA to Additional Secretary (Regulations), Finance Departme
- 18. Master File.

SECTION ÓFFICER (SR.II)

laster File

SECTION OFFICER ISR.III

. Win Mile

PICED (SP Hi

NII OCCO

#### The Chief Secretary, Government of Khyber Pakhtunkhwa

SUBJECT: <u>GRANT OF EXECUTIVE ALLOWANCE DURING OSDSHIP.</u> Respected Sir,

It is submitted that the Khyber Pakhtunkhwa Services Tribunal Appeal No.1132/2019 (Muhammad Arshad vs Chief Secretary, Khyber Pakhtunkhwa, copy of the judgement and subsequent notification by the Finance Department attached) has declared non-admissibility of Executive Allowance during OSDship as discriminatory and violative of Civil Servant Act 1973, and therefore, the Tribunal allowed admissibility of Executive Allowance against all OSD posts. Operative para of the Tribunal ruled the judgement ibid is reproduced as under;

"Depriving a civil servant from such allowance(s) for his posting as OSD is highly discriminatory on one hand and part of condition No.5 of the Notification, "Executive Allowance will not be admissible to OSD posts is in total violation of second section-10 of the Act ibid....the portion of the impugned notification to the effect that Executive Allowance will not be admissible to OSD posts declared as null and void".

2. It is clear from the above-mentioned judgement that the judgement is not appellant's specific rather it is general in nature applicable to all similarly placed officers. Moreover, the Government of Khyber Pakhtunkhwa has withdrawn appeal against this judgement from the Supreme Court, so it has obtained finality.

3. In light of the above, it is requested that the undersigned may please be granted Executive Allowance for the period of 09 months (break up given below) of my OSDship period, whereof is available with SO.E-I of Establishment Department. An appeal to this effect was previously submitted to the Chief Secretary (copy attached) still pending for orders.

i. From 19<sup>th</sup> Jan 2021 to 8<sup>th</sup> June 2021

ii. From 6<sup>th</sup> Oct 2021 to 10<sup>th</sup> Feb 2022.

Copy to:

(MUHAMMAD REHMAN) PMS BS-19 Director Relief, Operation & Coordination, PDMA, KP.

faith

Special Secretary Regulation, Govt of KP, Establishment Department. Section Officer (E-I), Govt of KP, Establishment Department.

(MUHAMMAD REHEVAN) PMS BS-19 Director Relief, Operation & Coordination, PDMA, KP.

Scanned with CamScanner



# GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

### NO. SO (E-I)E&AD/5-198/2022 Dated Peshawar, the July 29, 2022

14

The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.

## SUBJECT: REQUEST FOR EXECUTIVE ALLOWANCE DURING OSD PERIOD.

#### Dear Sir,

To 🕴

I am directed to refer to the subject noted and to enclose herewith copies of applications received from the following officers for grant of Executive Allowance of their OSD period, on the analogy of Mr. Muhammad Arshad (PCS SG BS-20), for further necessary action:-

	Sr.	Name of officer & designation	OSD Period	
	No.		From	То
,	1,	Mr. Barkatullah Khan (PMS BS-20),	19.04.2019	09.01.2020
۲	3	Special Secretary, E&SE Department	01.10.2021	03.06.2021
	2	Mr. Ghazanfar Ali (PMS BS-20),	08.02.2019	13.06.2019
		DG, Commerce Education & Management Science, Khyber Pakhtunkhwa.	07.10.2021	04.03.2022
	<u>,</u> 3.	Mr. Muhammad Rehman (PMS BS-19)	19.01.2021	08.06.2021
		Director, PDMA	06.10.2021	10.02.2022
	4.	Mr. Maqbool Hussain (PMS BS-18), DS, Industries Department	18.04.2022	23.06.2022

Encls: As above: (Applications of 04-officers)

ours faithfully, (ZIA-ULHAQ) SECTION OFFICER (ESTT.!)

PHØNE # 091-9210529

#### Endst. No. & date even.

τ,

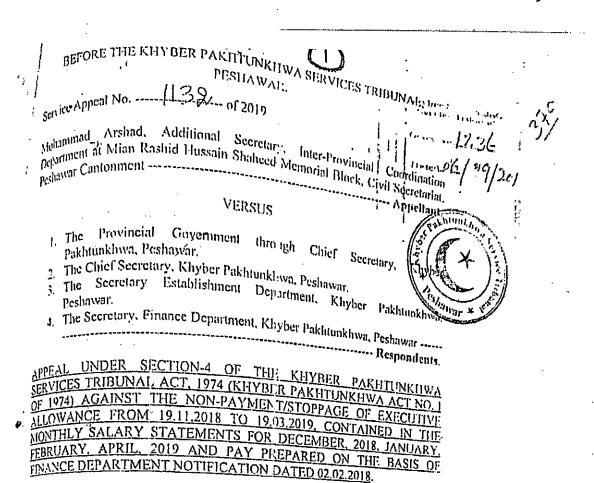
Copy of above is forwarded to the following for information:-

- 1. Mr. Barkatullah Khan (PMS BS-20), Special Secretary, E&SE Department.
- 2. Mr. Ghazanfar Ali (PMS BS-20), DG, Commerce Education & Management Science, Khyber Pakhtunkhwa.

/3. Mr. Muhammad Rehman (PMS BS-19) Director, PDMA.

4. Mr. Maqbool Hussain (PMS BS-18), DS, Industries Department.

· 17/7/ 20



15

Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification and the Respondents may be directed to make payment to the Appellant of un-paid Executive Allowance for the period from 19.11.2018 to 19.03.2019.

Respectfully sheweth that:-

Facts of the Case

1. The Government of Khyber Pakhtunkhwa, Establishment Department has ordered the posting/transfer of the appellant from Director (Admn. & Finance). Provincial Services Academy, Khyber Pakhtunkhwa to Establishment Department vide notification No. SO(E-I)/E&AD/I-1/2018 dated 13.11.2018 (Annex-I).

- The appellant has relinquished the charge of the former post on 19.11.2018 (FN) and submitted arrival report on 19.11.2018 (FN) in the
- Establishment Department (Annex-II).
  3. The appellant as per Last Pay Certificate (LPC) issued by the Provincial Services Academy was entitled to draw Executive Allowance at the rate of Paperson.

MINER .

Rs. 88815/- per raonth (Annex-III).

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1132 of 2019

Mohammad Arshad, Additional Secretary, Inter-Provincial, Coordination Department at Mian Rashid Hussain Shaheed Memorial Black, Civil Secretariat. Peshawar Cantonment.....Appellant

#### VERSUS

- 1. The Provincial Government through Chief Secretary, Pakhtunkhwa, Peshawar.
- 2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 3. The Secretary Establishment Department, Khyber Pakhtunkhwa Peshawar.
- Pakhtunkhwa Department, Khyber 4. The Secretary, Finance Peshawar.....Respondents.

# APPEAL UNDER SECITON-4 OF THE KHYBER PAKHTUNKWHA SERVICES TRIBUNAL, ACT, 1974 (KHYBER PAKHTUNKHWA ACT NO. 1 OF 1974) AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE FROM 19.11.2018 TO 19.03.2019, CONSTRAINED IN THE MONTHLY SALARY STATEMENTS FOR DECEMBER, 2018. JANUARY, FEBRUARY, APRIL, 2019 AND PAY PREPARED ON THE BASI OF FINANCE DEPARTMENT NOTIFICAIOTN DATED 02.02.2018.

The part of the condition No. 5 of the Fiancé Department notification Praver: dated 02.03.2018 i.e. "Executive Allowance will not be admissible in OSD posts", being ultra-vires of second provision to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification and the Respondent may be directed to make payment to the Appellant of un-paid Executive Allowance for the period from 19.11.2018 to 19.03.2019.

Respectfully Sheweth that:-

#### Facts of the Case

- 1. The Government of Khyber Pakhtunkhwa, Establishment Department has ordered the posting/transfer of the appellant from Director (Admn. & Khyber Pakhtunkhwa Finance). Provincial Services Academy, Establishment Department vide notification No. SO(E-I)/E&DA/1-12018 dated 13.11.2018 (Annex-I).
- 2. The appellant has relinquished the charge of the former post on 19.11.2018 (FN) and submitted arrival report on 19.11.2018 (FN) in the (FN in the Establishment Departmental (Annex-II).
- 3. The appellant as per Last Pay Certificate (LPC) issued by the Provincial Services Academy was entitled to draw Executive Allowance at the rate of Rs. 88815/- per month (Annex-III)

Service Appeal No.1132/2019 Date of Institution Date of Decision

... 09.06.2019

Muhammad Arshad Additional Secretary Inter-provincial Coordination Print at Mian Rashid Hussain Shaheed Memorial Block Civil secretariat pepartment Cantonment.

· (Appellant)

(Respondents)

### VER5US

The Provincial Government through Chief Secretary Education and three others.

MUHAMMAD ARSHAD

SPRETHE KI

Appellant ... In Person

NR. RIAZ AHMAD PAINDAKHEIL

Assistant Advocate General .... For Respondents

...

...

NR. SALAH-UD-DIN NR. ATIQ UR REHMAN WAZIR MEMBER (J) MEMBER (E)

JUDGMENT: -

١ţ

<u>Mr. ATIO UR REHMAN WAZIR</u>: - Brief facts of the case are that the appellant while posted as OSD in Establishment Department for almost five months was kept deprived of the executive allowance in light of Pinance Department Notification dated 02-02-2018, which bars executive allowance to OSD posts. The appellant challenged the said clause of the notification in a cepartmental appeal dated 15-05-2019, which was processed and forwarded to Finance Department for necessary action, but the appellant was not apprised of





decision within the stipulated time period, hence the appellant filed the index appeal with prayers that part of condition No. 5 of the Finance pepartment Notification dated 02-02-2018 i.e. "Executive allowance will not be admissible to OSD posts", being ultra-vires of second proviso to Section 10 of the Chill Servant Act, 1973(Khyber Pakhtunkhwa Act No XVIII of 1973), herefore, illegal, void ab-initio, may be expunged from the notification and the respondents may be directed to make payment to the appellant of un-paid executive allowance for the period from 19-11-2018 to 19-03-2019.

Written reply/comments were submitted by respondents.

While challenging vires of Finance Department Notification dated 02-03. 02-2018 the appellant Pro se argued the case and contended that this Tribunal i has got jurisdiction to entertain the appeal of the appellant and referred to the judgment of Supreme Court of Pakistan reported in 1991 SCMR 1041, which allows a civil servant to file appeal before the Service Tribunal, if a statutory rule or a notification adversely affects the terms and conditions of a civil servant. The appellant contended that since part of condition No 5 of the said notification adversely affect pay/allowances of the appellant and the fact cannot be denied that pay/allowance does come under the definition of terms and conditions of service, therefore, this Tribunal has got jurisdiction to entertain the instant appeal. The appellant further added that such condition of the impugned notification is in total contravention to second proviso of Section <sup>10</sup> of the Civil Servant Act, 1973, which is ultra-vires of the basic law, illegal <sup>and</sup> void ab-initio. The appellant further argued that where an executive order/notification and clause of an Act are in contradiction to each other, Provisions of the Act would prevail. The appellant contended that the OSD post (BPS-19), against which salary of the appellant has been drawn is not the



 $\overline{Q}$ 

service/cadre post of the appellant, as nowhere OSD post is included in the category of posts mentioned in the Schedule of posts appended to the Khyber Pakhtunkhwa, Provincial Civil Service (Secretariat Group) Rules, 1997, hence he is entitled to receive the executive allowance in view of Section- 10 of the Act ibid. On the question of limitation, the appellant accentuated that his appeal is otherwise well in time but he also referred to judgments of Supreme Court of Pakistan in 2006 PLC (CS) 1124 and 1995 PLC (CS) 1026, wherein it has been held that pay and allowances being continuous cause of action are not hit by limitation. The appellant prayed that in view the mentioned facts, part of condition No. 5 of the Finance Department Notification dated 02-02-2018 i.e. *Executive allowance will not be admissible to OSD post*, being ultra-vires of second proviso to Section 10 of the Civil Servant Act, 1973, therefore , illegal, void ab-Initio, may be expunged from the notification and the respondents may be directed to make payment of un-paid executive allowance to the appellant

04. Learned Assistant Advocate General appeared on behalf of official respondents contended that the appellant has challenged vires of a notification issued on 02-02-2018, whereas he preferred departmental appeal on 05-09-2019, which is barred by time. That the officer was never posted outside the cadre post, rather posting of an officer as OSD is merely a temporary arrangement and second proviso to Section 10 of the Act is not applicable in his case. Learned Assistant Advocate General further added that the appellant did not perform any duty during the period and such allowance is only admissible to the officers, who are actually working against the post of Schedule-II of PMS Rules, 2007. Learned Assistant Advocate General added that policy making is the domain and discretion of the competent authority,



which cannot be challenged. Reliance was placed on CA No. 827/2020. Learned Assistant Advocate General prayed that the Instant appeal being devoid of merit may be dismissed.

05. Arguments heard and record perused.

Of The question of jurisdiction is taken up first for consideration. The appellant is seeking entitlement to the executive allowance and it is well settled that allowance of any type is covered by the term pay, which come under terms and condition of service of a civil servant, regarding which, the Judgment of worthy Supreme Court of Pakistan reported as 1991 SCMR 1041 is very clear. The relevant portion of the same is reproduced as under:

"From the above-cited cases, it is evident that it has been consistently held interalia by this court that a civil servant if is aggrieved by a final order, whether original or appellate, passed by a departmental authority in respect of his terms and conditions, his remedy, if any, is by way of an appeal before the Service Tribunal even where the case involves vires of a particular. Service Rule or a Notification or the question, whether an accused civil servant can claim the right to be represented by a counsel before the inquiry officer. We are inclined to hold that if a statutory rule or notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of sub-section (1) of Section 4 of the Act in order to file an appeal before Service Tribunal".

07. Furthermore, this Tribunal has already entertained and decided a Service Appeal No. 868/2019 announced by a larger bench of this Tribunal on 14-01-2021, where the appellant had challenged vires of Service Rules, adversely affecting terms and conditions of his service and which was supported by judgments of Supreme Court of Pakistan in 1991 SCMR 1041, PLD 2004 SC 317, 2002 PLC (CS) 94, 2012 PLC (CS)1211, 2018 PLC (CS) 40,

2019 PLC (CS)995 and PLD 1980 SC 153. We are thus sure that this Tribunal is vested with the jurisdiction to entertain the instant appeal.

08.

5

Now the question of limitation is taken up for discussion. The contention of the learned assistant advocate general that departmental appeal of the appellant is barred by time, does not hold any force, as the notification in question was general in nature and not specific for the appellant. When part of condition No. 5 of the said notification started adversely affecting pay/allowances of the appellant, he preferred departmental appeal, which was well within time. Moreover, the question relating to pay and allowances being recurring cause of action, therefore, fresh cause of action accrues to a civil servant on receipt of salary of each month. It is thus held that the departmental appeal as well as the instant service appeal of the appellant are within time.

09. Now the moot question as to whether the appellant is entitled to receive executive allowance, while serving against OSD post, is taken up for discussion. In order to appreciate the controversy properly, it would be advantageous to reproduce the second proviso of Section 10 of Civil Servant Act, 1973, which is as under:

"Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve".

Placed on record is a notification dated 26-06-1997 showing eleven 10, categories of posts in BPS-19 pertaining to the service/cadre of the appellant, but the post of OSD is nowhere mentioned in the schedule of posts. Schedule-II of PMS Rules, 2007 as mentioned by respondents in their comments was

TTESTED

Tribina Pestusion

thecked, which contains 1.3 categories of posts in Brinth, but no manual the post of OSD. It is thus clear that upon the order of the competence of the " the appellant was required to serve on a post outside his service or sulfive unrefore in light of second proviso of the Act live, the appoilant is main state of the Act live appoilant is main within his right to claim the payment of executive allowance, as he would have win "" in the payment of the same, had he been posted on a cost within the Net Contention of the learned Assistant Advocate General to the effect that OSD is a temporary arrangement and the officer did not actually perform any duty, therefore, he is not entitled to executive allowance, is risconceived for the reason that had such contention being true, then the appellant would not have been found entitled to other allowances already included in his pay. Since it was not the choice and willingness of the appellant to be posted as OSD, therefore, he cannot be legally deprived of the payment of executive allowance. In these circumstances, the impugned part of condition No 5 to the effect that executive allowance will not be admissible to OSD posts being in derogation of second proviso to Section 10 of the Civil Servant Act, 1973 is liable to be struck down, particularly for the reason that the Act 3 having overriding effect on any executive order/notification. It is further darified that salary of the appellant contains basic pay, qualification pay and almost ten allowances including the executive allowance and depriving a civil servant from such allowance(s) on his posting as OSD is highly discriminatory on the one hand and part of the condition No 5 of the notification i.e "Executive allowance will not be admissible to OSD posts" is in total vielation of the second proviso of Section 10 of the Act Ibid. In view of the foregoing discussion, the instant appeal is allowed and the portion of the impugned notification to the effect that executive allowance <u>a 11,</u>

Also checked, which contains  $\frac{13}{2}$  categories of posts in  $\frac{13}{2}$  but no mention of the post of OSD. It is thus clear that upon the order of the competent authority, the appellant was required to serve on a post outside his service or order, therefore in light of second proviso of the Act Ibid, the appellant is  $\stackrel{\text{well}}{===}$  within his right to claim the payment of executive allowance, as he would have been entitled to payment of the same, had he been posted on a post within his service or cadre. Contention of the learned Assistant Advocate General to the effect that OSD is a temporary arrangement and the officer did not actually perform any duty, there, he is not entitled to executive allowance, is misconceived for the reason that had such contention being true, then the appellant would not have been found entitled to other allowances already included in his pay. Since it was not the choice and willingness of the appellant to be posted as OSD, therefore, he cannot be legally deprived of the payment of executive allowance. In these circumstances, the impugned part of condition No. 5 to the effect that executive allowance will not e admissible to OSD posts being in derogation of second proviso to section 10 of the Civil Servant Act, 1973 is liable to be struck down, particularly for the reason that the Act is having overriding effect on any executive order/notification. It is further clarified that salary of the appellant contains basic pay, qualification pay and almost ten allowances including the executive allowance and depriving a civil servant corm such allowance(s) on is posting as OSD is highly discriminatory on the one hand and part of the condition No. 5 of the notification i.e. "Executive allowance will not be admissible to OSD posts" is in total violation of the second proviso of Section 10 of the Act Ibid.

11. In view of the foregoing discussion, the instant appeal is allowed and the portion of the Impugned notification to the effect that executive allowance

will not be admissible to OSD posts is declared as null and void. The appellant is held entitled to payment of the executive allowance for the period from 19-11-2018 to 19-03-2019 with all consequential benefits if any. No orders as to costs: File be consigned to record room.

7

ANNOUNGED. 09.06.2021

(SALAH-UD-DIN) MEMBER (JUDICIAL)

Certifi be ture copy . INER ber Pakhtunkhwa K1 Service Tribunal, Peshawar

Bate of Pres	icutation of Appl	ication	-06-202/
Number of	Words	0	
Copying Fe	c_34.00	·	
Urgent	24.00	÷	
Total	57.00		
Name of C		18-	06-2021
	mplection of Cop	18-0	6-2021
Date of Del	ivery of Copy		

(ATIQ UR REHMAN WAZIR)

MEMBER (EXECUTIVE)

4

40.000



é S

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

Dated Peshawar the 5th July, 2022

#### NOTIFICATION

NO. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022: In pursuar cu of judgment of Services Tribunal Khyber Pakhunkhwa on 09-06-2021 in execution petition No-166/22 in service appeal No- 1132/19 case titled Mr. Muhammad Arshad v/s Govt. of Khyber Pakhtunkhwa and upon decision of Provincial Cabinet in its meeting held on 13-06-2022, the Government of Khyber Pakhunkhwa has been pleased to allow Executive Allowance to the officer i.e. Muhammad Arshad for the period he remained OSD with effect from 19.11.2018 to 19.03.2019.

The said benefits shall, however, be specific to the petitioner and shall not be 2treated/quoted as precedent.

### Secretary to Govt. of Khyber Pakhtunkhwa Finance Department

### Endst: No & date even

Copy of the above is forwarded the:-

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- Secretary to Government of Khyber Pakhtunkhwa Establishment Department. 3- The Director FMIU, Finance Department with the request to upload the same on Finance
- , Department website. 4- The Director, Staff Training Institute (STI) E&A Department.
- S- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- 6- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 7- Registrar, Services Tribunal Khyber Pakhtunkhwa Peshawar.
- 1- The Section Officer (Cabinet) Government of Khyber Pakhunkhwa Establishment & Administration Department with reference to his letter No- SOC (E&AD: 9-74/2022 dates

8- PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department.

- PS to Special Secretary (A & R), Finance Department.
- .0-PS to Special Secretary (Budget), Finance Department.
- 1-PA to Additional Secretary (Reg) Finance Department.
- 2-PA to Deputy Secretary (Reg-I) Finance Department.
- 13-Master File.

(MAQSOOD KHAN) SECTION OFFICER (SR. IV)

**I** بجريعة برياجة ليايجون كولاقي بداجه ليالان الأول يهنه <sup>جر</sup>يم رد آي ورايري ايري اين ديد مي اور ر ن بعد من المعالي من المعالي المحركة من بعد المرامين الأحمة المرادين المانية المرادي المعالية عن بعد المحرف الم له الحرجي رشد مقص ا،،،،،ارد رك الدين بسلاب له مشك لم رحيني و شرك بندر لك له تدالية الاحية ،،،ارد، رك ما برين ا Hont حر (رالاً ما توجد ماييه أناثو بل بسب بسب بسب المان المان من معينه ما المواد ما أنهم الجزاري في شركة المالة كما توسي من المونو من (رالاً ما توجد ماييه أناثو بل بسب بسب بسب المان المامين ما من المواد ما أنهم الجزاري في شركة سراية المالة كم ت ڹڕ؇ؠؙؠٳ؉ۯٵڔڴڕؾ؆ٳڹڴ٦ٳڹڴڝٳۼ؞؞ۼ؇ۮڔ؈ڴڔ؇ؠڹڛٳڛڐ؈ڴ؞ڗۧ؞ٳڮڐڵڛٵؽ لابهان لمسكرة للغد ملتفار ولكالدارك ومجدده الحيران للالمكر كمستدال كمالك المركم المتعالف ولماست المتعالف ولماست المتعالية الأكم من اج الرائد الروكي الموركي الأحديقية المؤادج مراتم مسينة المحية المساعين الركم لا بجاري الجواج المركي ا <u>خسابرات ماین مالایمن سابن د</u>سون النگریک نمایین سه اور العین کاین ما<sup>شند</sup> با خدان ماک<sup>شنا</sup> با مارکش نامین سه النها، ٤٠٠٠٠ الكريم - 20 معدمان ، المعدن المرح حرك المراب الالال من المرح المرح المراب الم ڔۯ؞ٳؿۼٛڔٛ٥٣ؾڹؚڔٛڒڒڮ؞ڔۑڹۼڂؖڐڕڕٳ؆؋ڛڹۊ؇ۯ؆ڔۯ<sup></sup>ڐ٩٢ؾ؆ڹڋ؆ؾ؞ٳ؞ڗڎ؆ٳۯڕۯ؆ۯ ليد به مناه مع مار حراب بي من المار بي من المرد من من الحقيقة المر حدة المراجع والمرد المرد المرد المرد المرد ال iod) الابتجرالة بدم فيعتد بسك للحرين مدينا بالداد الدكر لالال فيعد فبسك ترالية والذر سريح يعطى ت بنه الراد بما الم ين الم ينه مدينه، ما ايد بر بماله ديما له المرار الحق ما ركن الما يم ت ما الله ايل ايما يس المسابع الراد بمو الا بمن سريقه ما ايد بر بماله جهلنا ركام الحق ما ركن الما يم الما يم الما يم الله ايل الما يس سدية في في هذا الأل يدروند بله المديد بله المديد بد الديد بدر المن المناطق المناطق المراجع المراجع المرجع المرجع المرجعة الم معالية مسترج أور المحرمة ر كركسيس كوايون كالمايخ والايرين في الحسب بالمالي الماينة الإمبالك سالمة 77 س<sub>و ا</sub>ترکیپیوز . براکالسیا 117 <u>e</u>1: لريزانيري – <u>زارو) کو مخطب نای</u>د - gh g 106 10 inter a sing the weat برانت الاء