

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6133/2020

Date of Institution: 22.06.2020

Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/O
Mohib Ullah Khan, Resident of House No.44, Gulgasht Colony, Nauthia
Jaded, Mushtaq Abad, Peshawar.

Versus

Province of Khyber Pakhtunkhwa through Secretary Administration Department
Civil Secretariat Peshawar and four others.

ORDER

06.09.2022

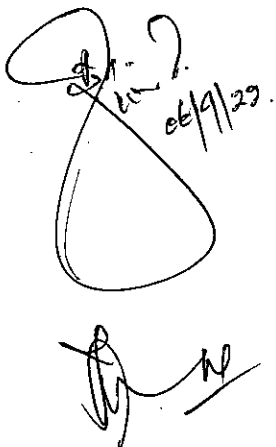
Appellant alongwith his counsel present. Nasir Ud Din Shah,
learned Assistant Advocate General alongwith Nizam Ud Din
Superintendent for respondents present.

Appellant Yousaf Zeb, Assistant Director Anti-Corruption
Establishment had filed appeal U/S 4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974 against the impugned letters dated 30.07.2019 and
08.08.2019 with the prayer as copied below:

**"On acceptance of this appeal, the impugned letters
dated 30.07.2019 & 08.08.2019 communicated on
18.02.2020 through COC No.498-P/2019 may be set aside
being illegal and the respondents may further be directed
to pay Housing Subsidy to appellant or pay difference
between House Rent Allowances and Housing Subsidy
which was executed at relevant time w.e.f 12.03.2010 to
31.08.2012"**


Both the parties were heard at length and during arguments, a request
was made by the appellant to direct the respondents to calculate the
difference and submit report. Today, the representative submitted report
which shows a difference b/w HSA & HRA (253,435 – 97,923) is Rs.
155,512/-. The report was shared with the appellant and his counsel and
they frankly conceded the difference and requested for disposal of appeal
in the light of report submitted by the respondents. To this effect,
statement of Syed Noman Ali Bukhari Advocate was recorded and his
signature was obtained thereon.

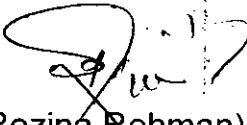
In the light of report submitted by the representative of the
respondents, this appeal is allowed to the extent of Rs.155,512/- to be
paid to the appellant as a difference between House Rent Allowance and


06/9/22

Housing Subsidy. With no order as to costs. File be consigned to the record room.

ANNOUNCED
06.09.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Statement of Syed Noman Ali Bukhari Advocate on oath:

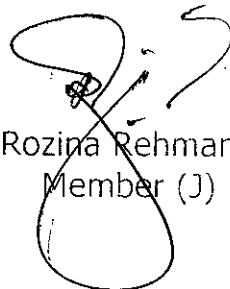
As per instruction of my client Yousaf Zeb, I accept the documents produced by the Department, wherein, the difference is calculated for House Rent & Housing Subsidy which amounts to Rs.155000/-. It is therefore, requested to allow/dispose of Service Appeal No.6133/2020 in the light of ~~the~~ documents.


Syed Noman Ali Bukhari
Advocate

Dated: 06.09.2022

R.O & A.C


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

24.08.2022

Appellant alongwith his counsel present. Nizam Ud Din Superintendent alongwith Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 06.09.2022 before the D.B.



(Rozina Rehman)
Member(J)

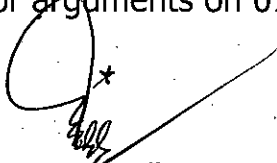


(Salah-Ud-Din)
Member(J)

11.11.2021 Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 01.02.2022 before D.B.

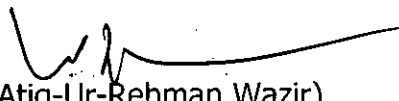

(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

01.02.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Turab Shah, Asstt. for respondents present.

Due to paucity of time, arguments could not be heard. To come up for arguments on 04.03.2022 before the D.B.



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


Chairman

04.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.06.2022 for the same as before.

7.6.22


Proposed D.B is an Tera, therefore
The case is adjourned to 24.8.22
for hearing.
Reader.


18.03.2021

Appellant in person and Addl: AG alongwith Mr. Turab Shah, Accountant and Mr. Naseeb Khan, SO for respondents present.

Written reply/comments on behalf of respondents No. 1,2,3 and 5 have already been submitted. Written reply/comments on behalf of respondent No.4 not submitted. Representative of the respondents seeks time to submit the same on the next date. Granted but as a last chance.

Adjourned to 29.06.2021 before D.B.



(Mian Muhammad)
Member (E)

29.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former submitted rejoinder which is placed on file and made a request for adjournment. Adjourned. To come up for arguments on 11.11.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

18.03.2021

Appellant in person and Addl: AG alongwith Mr. Turab Shah, Accountant and Mr. Sajid, Supdt for respondents present.

Written reply/comments on behalf of respondents No. 1,2,3 and 5 have already been submitted while representative of respondent No.4 stated at the bar that he ^{relies} rely on the said replies.

Adjourned to 29.06.2021 for rejoinder and arguments before D.B.

(Mian Muhammad)
Member (E)

He was a S. clerk
and Addl. Scribe
on this statement.
Pl. submit Addl.
for the purpose
before finalizing
the order sheet.

30.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Sadiq Anjum, Assistant Director, Mr. Numan, Superintendent and Mr. Turab Shah, Accountant, are also present.

Written reply on behalf of respondents No. 2 & 5 submitted which is placed on file. Learned Additional AG requested for further time to contact the remaining respondents and furnish written reply/comments on the next date of hearing. Adjourned to 20.01.2021 on which date file to come up for written reply/comments on behalf of respondents No. 1, 3 & 4 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

20.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General present. Israr Ahmad Litigation Clerk on behalf of respondents No.1 & 3 present.

Representative of respondents No.1 & 3 submitted written reply. Learned A.A.G made a request for time to furnish reply on behalf of respondent No.4; Opportunity is granted. To come up for written reply/comments of respondent No.4 on 18.03.2021 before S.B.


(Rozina Rehman)
Member (J)

22/10

01.10.2020

Counsel for the appellant present.

States that on 13.07.2011 the appellant applied for grant of Housing Subsidy while he was still in service. No action was taken on his application and on 13.02.2014 the Housing Subsidy Committee decided that applications for the purpose received w.e.f. 31.12.2010 may be returned to the departments concerned with the request to scrutinize the applications and to resubmit in the light of circular dated 07.11.2013 of Administration Department. The case of appellant was included therein but till now no decision was made thereon.

Subject to all just exceptions, instant appeal is admitted to regular hearing. 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 30.11.2020 before S.B.

Appellant Deposited
Security & Process Fee

05/10/20





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6133 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2020	<p>The appeal of Mr. Yousaf Zeb presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/07/2020</u>.</p> <p> CHAIRMAN</p>
2-	22.07.2020	<p>Syed Noman Ali Bukhari, Advocate for the appellant, is present. He is seeking house subsidy for the appellant with retrospective effect, the question pricking mind is that as to whether subsidy could be allowed ex-post factively to a retired civil servant. The learned counsel has to render assistance by producing the law, rules and precedent on the subject. File to come up for remaining preliminary hearing/arguments on 01.10.2020 before S.B.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. **6133** 2020

Yousaf Zeb

V/S

Govt of KP. k


INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-05
2.	Copy of documents	---A---	06-08
3.	Copy of application	---B---	09-12
4.	Copy of letter and application	---C---	13-14
5.	Copy of notification and letter	---D---	15-22
6.	Copy of highcourt judgment	---E---	23-26
7.	Copy of letter dated 11.01.2019	---F---	27
8.	Copy of coc order	---G---	28
09.	Copy of impugned letter	---H---	29-30
10.	Copy of departmental appeal	---I---	31
11.	Wakalat Nama	-----	32


APPELLANT

Yousaf Zeb

THROUGH:


(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

& 
(SYED NOMAN ALI BUKHARI)
ADVOCATE High Court

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. **6133** 2020

Yousaf Zeb, Retired Assistant Director
Anti-Corruption Establishment
S/o Mohib Ullah Khan , Resident Of
House# 414 , Gulgasht Colony ,
Nauthia Jaded, Mushtaq Abad, Peshawar..

Khyber Pakhtunkhwa
Service Tribunal

Diary No. **5405**

Dated **22/6/2020**

(Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Administration Department Civil Secretariat, Peshawar.
- ✓ 2. Director Anti-Corruption Establishment, Sector B-2, Plot No . 19, Phase-V, Hayatabad, Peshawar.
3. Estate Officer, Govt Of Khyber Pakhtunkhuwa , Administration Department , Near Civil Secretariat, Peshawar
- ✓ 4. The Secretary Finance, Govt: Of Khyber Pakhtunkhuwa, Civil Secretariat, Peshawar.
- ✓ 5. The (Turab Shah) Accountant C/o Director Anti-Corruption, Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED LETTER DATED 30.07.2019 & 08.08.2019 COMMUNICATED ON 18.02.2020 THROUGH COC NO.498-P/2019 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

Filed to Day
Registrar
22/6/20

2

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED 30.07.2019 & 08.08.2019 COMMUNICATED ON 18.02.2020 THROUGH COC NO.498-P/2019 MAY BE SET-ASIDE BEING ILLEGAL AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO PAY HOUSE SUBSIDY TO APPELLANT OR PAY DIFFERENCE BETWEEN HOUSE RENT ALLOWNCES AND HOUSING SUBSIDY WHICH WAS EXECUTED AT RELEVANT TIME W.E.FROM 12.03.2010 TO 31.08.2012. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is an Ex-employee of anti- corruption establishment, who retired from service in the capacity of Assistant Director (BPS-17) after attaining the age of superannuation.
2. That the appellant is permanently residing in house no. 414, Nauthia Jadeed , Mushtaq Abad , Peshawar Cantt , and he is owner of the said house, and the appellant was in receipt of housing subsidy in the year 1982 which was alter on discontinued at own request of appellant as appellant was shifted to his village Kagawala where house subsidy is not allowed. On re-shifting to the same house on 12.03.2010, appellant again requested for restoration of housing subsidy. **Copy of Documents and application is attached as Annexure- A & B.**
3. That case of the appellant for housing subsidy was processed during service and respondent no. 2, forwarded the same to respondent no 1, but the matter remained in the limbo without any result. The appellant time and again requested the respondents for settlement of the case wherein specifically stated that the appellant going to retied on 01.09.2012 and the case of the appellant may be considered as special case , but all his efforts remained unsuccessful. **Copy of letter and application is attached as annexure- C .**
4. That in order to overcome the pendency of housing subsidy cases, respondent no. 1 constituted a housing subsidy committee, who decided that housing subsidy application received before 31.12.2010

3

pending till date with administration department due to incomplete document may be returned to the department concerned with the request to scrutinize the applications and re-submit these , so that fair cases could be processed immediately : The case of the appellant for housing subsidy was also returned to respondent no 2 on 13.2.2014 for scrutiny and completion of codel formalities , but the respondent no 2 did not re-submit the same to respondent no 1 for further necessary action , thus the matter is still hanging fire without any fruitful result . it is merit to mention that meanwhile the appellant retired from service with effect from 31.8.2012 after attaining the age of superannuation. **Copy of notification and letter is attached as annexure-D**

5. That thereafter the appellant filed writ petition for redressal of his grievance and the Hon'able Peshawar High Court Peshawar was kind enough to dispose the writ petition vide judgment dated 28.11.2018 with direction that to expedite the matter of petitioner in respect of Housing Subsidy as soon as possible but not later than one month. **Copy of judgment is attached as annexure-E**
6. That after Judgment dated 28.11.2018, the Director Anti-Corruption wrote letter on dated 11-01-2019 to Estate officer of Govt: of KP Administration Deptt: and requested for necessary sanction for the Housing Subsidy to the tune of RS. 2,38,547/- in respect of appellant wherein specifically stated that the case of the petitioner was not a fresh one but old and only to continue the housing subsidy but in vain. **Copy of letter is attached as annexure-F**
7. That thereafter, appellant filed COC no.498/2019 for implementation of judgment dated 28.11.2018 but during the pendency of COC the deptt: produced letter dated 30.07.2019 and 08.08.2019 on 18.02.2018. The Peshawar High Court Peshawar on 08.02.2019 disposed off the Contempt of court Petition with direction that the appellant is at liberty to impugn the said letter before competent court of law. **Copy of COC order dated 08.02.2019 and letter is attached as annexure-G & H**
8. That thereafter the appellant filed departmental appeal on 22.02.2020 for the payment of housing subsidy which was not responded within statutory period of ninety days. Hence the present appeal on the following grounds amongst the others. **Copy of the Departmental Appeal are attached as Annexure-I.**



GROUNDS:

- A) That letter dated 30.07.2019 & 08.08.2019 and not taking any action on the departmental appeal of the appellant, is against the law, facts, norms of justice, therefore, not tenable.
- B) That in order to overcome the pendency of housing subsidy cases, respondent no. 1 constituted a housing subsidy committee, who decided that housing subsidy application received before 31.12.2010 pending till date with administration department due to incomplete document may be returned to the department concerned with the request to scrutinize the applications and re-submit these , so that fair cases could be processed immediately . The case of appellant for housing subsidy was also returned to respondent no:2 on 13.2.2014 for scrutiny and completion of codel formalities , but the respondent no 2 did not re-submit the same to respondent no 1 for further necessary action , thus the matter is still hanging fire without any fruitful result . it is merit to mention that meanwhile the appellant retired from service with effect from 31.8.2012 after attaining the age of superannuation. Which is delay on the part of depty, so the appellant cannot be punished for the fault of others.
- C) That the appellant constantly and vigorously pursued his case for housing subsidy w.e.f 12.3.2010 to 31.8. 2012 before the respondents, thus nothing existed against the appellant and it is usual apathy, negligence and bureaucratic red-tapism which had deprived the appellant of the benefit of housing subsidy for which he is entitled and eligible, therefore, he could not be permitted to suffer for the lapses of the respondents and the respondents are under legal obligation to pay the arrears of the period mentioned above in respect of the housing subsidy of the appellant. On 2.3.2018 the respondent no.1 informed the appellant that his case of housing subsidy was not re-submitted on its return to parent department, therefore , no further action was initiated due to slackness and negligence of respondent No.2.
- D) That the appellant did all his efforts to resolve the issue during service and after his retirement but all his struggle went in vain therefore he has no other efficacious remedy except to approach this honorable court against lethargic attitude and inaction of the respondents .

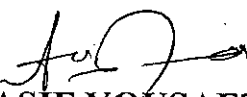

5

- E) That the appellant has not been treated according to law and rules and has been deprived from the Housing Subsidy, thus the action of the respondents is totally illegal and without lawful authority.
- F) That the case of appellant for housing subsidy was not a new case but only restoration of old housing subsidy and the appellant specifically stated in application that he was going to retired but despite that the case of the appellant was delayed which is illegal and unlawful and the appellant was legally entitled for the housing subsidy.
- G) That the appellant seeks permission 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
Yousaf Zeb

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
& 
(SYED NOMAN ALI BUKHARI)
ADVOCATE High Court

موصوف
دفعہ
نمبر

Annex A

63

17/4/82

نمبر شمارہ
نام کام گھنٹہ کار سہ ماہی
نام ملازم یا سبب

264
27

66

76

نویس

سہ ماہی

صہن کے

نہم ہانک و احوال

نویس

نہم اشتکار و احوال

نویس

نہم اشتکار و احوال

نویس

نہم اشتکار و احوال

نویس

نہم اشتکار و احوال

نویس

نہم اشتکار و احوال

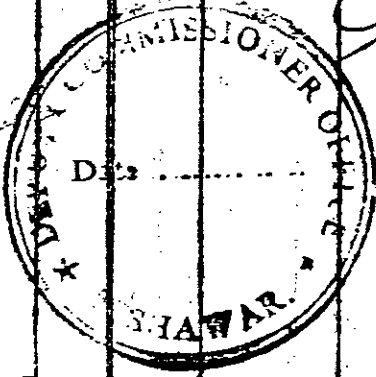
نویس

نہم اشتکار و احوال

نویس

نہم اشتکار و احوال

نویس



مقام تحصیل

31-5-79

ATTESTED
Sd/- Bahadur
COPYING AGENT.

Applicant
Institution
Court Fee
Urgent Fee
Total Fee

ATTESTED

نہم اشتکار و احوال

BOOK No 00371

CHEQUE No 026041

7

OFFICE OF THE



Deputy Secretary (Administration)
Tourism and Sport Services
General Admn. Department

PERSONAL LEDGER ACCOUNTS

STATE BANK OF PAKISTAN
TO THE NATIONAL BANK OF PAKISTAN
TREASURY or SUB-TREASURY OFFICER

Peshawar.

DATED 1 8 . 82

Pay to Mr. Yousaf Zeb or order

Rupees five hundred and fifty only

and charge the same against the account of P. B. A. Deputy Secretary (Admin:) S & G. A. D.

Rs 550/-

Deputy Secretary (Administration)
Tourism and Sport Services and
General Admn. Department

N.B. THIS CHEQUE IS CURRENT FOR THREE MONTHS ONLY

C E R T I F I C A T E .

This is to certify that:-

- i. I have not claimed house rent allowance @ Rs. 45% of my pay for the months of July 1982 and,
- ii. house rent deduction @ 5% of my pay has been made in the bill for the months of July 1982 bearing Token No. 7474 dated 13-7-1982.

A-T-T-E-S-T-E-D

[Signature]

Yousaf Zeb
Signature of Official/Office

(YOUSAF ZEB)
NAME IN BLOCK LETTERS.

Designation: SR. CLERK

Department: Anti corruption cell
NWFP Peshawar.

[Signature]
2/8/82

ATTESTED

8



OFFICE OF THE TOWN MUNICIPAL
ADMINISTRATION TOWN-III PESHAWAR

No. 108 /ATO(P)/T-III/Pesh:

Dated: 10 / 3 /2010

LIMIT CERTIFICATE.

It is certified that the House belonging to Mr. **Yousaf Zeb S/o Mohib Ullah** R/o Nouthia Jadeed, Peshawar is in the jurisdiction of Town Municipal Administration Town-III, Peshawar and previously it was under the jurisdiction of defunct Municipal Corporation Peshawar.


ASSISTANT TOWN OFFICER (PLANNING)
TMA Town-III Peshawar.

ATTESTED

Annex B

9


From The Director,
Anti-Corruption Establishment,
NWFP, Peshawar.

To The Secretary (Administration),
Government of N.W.F.P.,
Administration Department,
Peshawar.

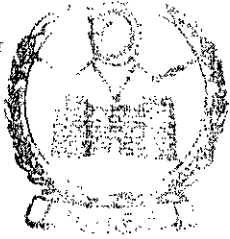
No. 1280 /ACE, Dated 12 /3/2010.

Subject:- GRANT OF HOUSING SUBSIDY.

An application submitted by Yousaf Zeb, Administrative Officer of this Establishment, requesting for grant of Housing Subsidy of his house, situated in Mushtaq Abad, Nothia Jadeed, Peshawar Cantt: is sent herewith for favour of consideration please.


Director, Anti-Corruption,
NWFP, Peshawar.

ATTESTED



10

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT
(ESTATE OFFICE)

Attested
Photo

Female
exempted

APPLICATION FOR THE GRANT
OF HOUSING SUBSIDY

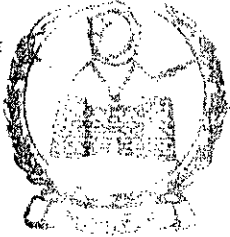
1	Name of applicant (In block letters)	YOUSAF ZEB
2	Father's Name	MOHIBULLAH KHAN
3	Husband's name (If applicable)	—
4	Wife's name (If applicable)	—
5	Husband's Occupation (If applicable)	—
6	Present posting of the Applicant	Anti-Corruption Estt, Peshawar
7	Nature of post whether gazetted or non gazetted	Gazetted
8	House No. & location	H-No-414 Mushtaq/Abad, Nauthia Jadeed, Peshr. cantt.
9	Affidavit regarding self occupancy on Stamp paper (Rs.30/-)	Attached
10	Phone No. Office/Residence.	9212275.
11	Sole Ownership (Intiqal or Registry) (2 copies)	Intiqal attached
12	Pay Roll/Pay slip	Attached
13	Entitlement	Rs. 7440/- PM
14	Approved Site Plan from MCP/PDA (in original) (1 copy)	Attached
15	Limit Certificate from concerned deptt:	Attached
16	I do hereby solemnly confirm and verify that the contents of the above application are true and correct to the best of my knowledge and belief and that I have concealed nothing.	
17	I know that in the event of making a willful mis-presentation of facts I shall be liable to be proceeded against under the Efficiency & Discipline Rules.	
Dated 10/03/2010		<p><i>Yousaf Zeb</i> Signature</p> <p>Department Anti-Corruption Estt. Peshawar</p> <p>Designation Admn. Officer (B-16) Administrative Officer, Anti-Corruption Establishment NWFP, Peshawar.</p>

Note:- Application should be routed through proper channels to the Anti-Corruption Establishment NWFP, Peshawar.

Forwarded and recommended phase.

ATTESTED

[Signature]
Assistant Director Admn.
Anti-Corruption Establishment,
B, W, F, P, Peshawar.



11

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT
(ESTATE OFFICE)

Attested
Photo

Female
exempted

APPLICATION FOR THE GRANT
OF HOUSING SUBSIDY

1	Name of applicant (In block letters)	YOUSAF ZEB
2	Father's Name	MOHIBULLAH KHAN
3	Husband's name (If applicable)	—
4	Wife's name (If applicable)	—
5	Husband's Occupation (If applicable)	—
6	Present posting of the Applicant	Anti-Corruption Estt, Peshawar
7	Nature of post whether gazetted or non gazetted	Gazetted
8	House No. & location	H-No-414 Mushtaq/Abad, Nauthia Jadeed, Peshr. Cantt.
9	Affidavit regarding self occupancy on Stamp paper (Rs.30/-)	Attached
10	Phone No. Office/Residence.	9212275.
11	Sole Ownership (Intiqal or Registry) (2 copies)	Intiqal attached
12	Pay Roll/Pay slip	Attached
13	Entitlement	Rs. 7440/- PM
14	Approved Site Plan from MCP/PDA (in original) (1 copy)	Attached
15	Limit Certificate from concerned deptt:	Attached
16	I do hereby solemnly confirm and verify that the contents of the above application, are true and correct to the best of my knowledge and belief and that I have concealed nothing.	
17	I know that in the event of making a willful mis-presentation of facts I shall be liable to be proceeded against under the Efficiency & Discipline Rules.	
Dated 10/03/2010		<p><i>Yousaf Zeb</i> Signature</p> <p>Department Anti-Corruption Estt. Peshawar.</p> <p>Designation Admn. Officer (B-16)</p>
Note:- Application should be routed through proper channel.		

Forwarded and recommended please.

ATTACHED

Asim
Assistant Director Admn.
Anti-Corruption Establishment,
N.W.F.P., Peshawar

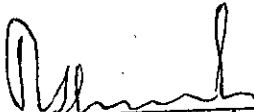
19

DEPARTMENTAL VERIFICATION REPORT

House No. 414, Mushtaq Abad, Nauthia Jaded

Peshawar Cantt.

has been visited and it is verified that the said house belongs to Mr/Mrs/Miss Yousaf Zab S/o Mohibullah Khan working as Admn. Officer in Anti-Corruption Department, and he/she is living in the said house and none of its portion has been rented out.


Rahman Shah
Asst. Director (Admn)

(To be signed by the Head of the Department concerned)

Assistant Director Admn.
Anti-Corruption Establishment,
N.W.F.P. Peshawar,

Official Stamp
Assistant Director Admn.
Anti-Corruption Establishment,
N.W.F.P. Peshawar,

ATTESTED

Annex - c

13


From The Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

To The Secretary(Administration),
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

No. 5924/ACE, Dated 18/07/2011

Subject: Grant of Housing Subsidy.

An application submitted by Yousaf Zeb, Administrative Officer of this Establishment, requesting for grant of Housing Subsidy of his house ~~as a special case~~ being retiring on 01.09.2012, is sent herewith for favour of sympathetic consideration please.

etc

Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

14

To The Secretary(Administration),
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

Through: **Proper Channel.**

Subject: **Grant of Housing Subsidy.**

Sir,

1. Most respect fully it is stated that I was in the receipt of Housing Subsidy vide No. R-591 of the Year 1982 which was later on discontinued on my own request as I was shifted to my village where Housing Subsidy is not admissible.

2. Again I submitted an application, for grant of Housing Subsidy as I had been shifted to Nothia Jadeed Peshawar Cantt, vide No. 1280/ACE, dated 12.3.2010, but the same has not yet been sanctioned and the case is still lying without any action.

3. I will retire on the age of superannuation with effect from 01.09.2012.

It is, therefore, requested that my application may kindly be entertained as a **special case** to save me from further financial loss and obliged.

Yours Obediently,

Yousaf Zeb
Yousaf Zeb,
Admn: Officer,
ACE, Peshawar. 12/2/11

ATTESTED

Annex D

15



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. EO(Admn) R-I
Dated Peshawar the 13.2.2014

To

1. The Secretary to Govt. of Khyber Pakhtunkhwa Health Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department
3. The Secretary to Govt. of Khyber Pakhtunkhwa Higher Education Department
4. The Secretary to Govt. of Khyber Pakhtunkhwa Industries, Commerce & Technical Education department
5. The Secretary to Govt. of Khyber Pakhtunkhwa Home & Tribal Affairs Department
6. The Secretary to Govt. of Khyber Pakhtunkhwa Excise & Taxation Department
7. The Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department
8. The Secretary to Govt. of Khyber Pakhtunkhwa P & D Department
9. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department
10. The Secretary to Govt. of Khyber Pakhtunkhwa Environment Department
11. The Secretary to Govt. of Khyber Pakhtunkhwa C & W Department
12. The Secretary to Govt. of Khyber Pakhtunkhwa ST & IT Department
13. The Secretary to Govt. of Khyber Pakhtunkhwa Population Welfare Department
14. Deputy Commissioner Peshawar
15. Director Anti Corruption
16. Assistant Secretary (Admn) Provincial Assembly
17. Assistant Secretary (Admn) Board of Revenue
18. Section Officer (Admn) E & A Department.

897
20/2/14

Tric/Hout
20/2/14
20/2

Discussed with
AD/Admn: file
20/2

Subject: **HOUSING SUBSIDY CASES**

Dear Sir,

I am directed to refer to the subject noted above and to state that in order to overcome the pendency of Housing subsidy cases, it was decided by the 14th

ATTESTED

Housing Subsidy Committee in its meeting held on 02.1.2014 that housing subsidy applications received before 31.12.2010 pending till date with Administration Department due to incomplete documents or transfer of govt. servants outside the municipal corporation area etc, may be returned to the department concerned with the request to scrutinize the applications and re-submit them in light of Administration Department circular letter of even No dated 7.11.2013 (copy enclosed), so that fair cases could be processed immediately.

2. In view of above the following cases pertaining to your department are returned in original for necessary action:-

Ser No	R.No	Name & Designation	Received vide letter No
Health Department			
1.	7150	Fasihuddin, Chief Clinical Technician (Pharmacy), KTH	No. 13518/KTH/Acctt/H.Subsidy dt 26.8.2009
2.	5050	Dr. Charagh Hussain, Coordinator, Public Health Peshawar	No. SOB/HD/8-9/2007-08/Subsidy dt 8.5.2009
3.	4492	Dr. Shoaib Jan, MO, KTH	No 5394/KTH/Acctt/H.Subsidy dt 6.4.2009
4.	4475	Mr. Ikram Ul Haq, JCT, LRH	No 9684/LRH dt 16.4.2009
5.	7245	Minhaj Bibi, Head Nurse, Maternity Hospital Peshawar.	No SOB/HD/8-9/2007-08/Subsidy dt 12.11.2009
6.	7235	Muhammad Ashiq, JCT, Surgical, LRH	No 26041/LRH/E-III dt 5.11.2009
7.	3778	Dr. Muslim Khan, Dy MS Accident & Emergency Deptt, LRH	No. 30250/LRH/E-I dt 27.8.2008
8.	3741	Dr. Noor Nasir Khattak, Gynecologist, Police & Services Hospital Peshawar	No SOB/HD/8-9/2007-08/Subsidy dt 7.8.2008
9.	3677	Janki Tara, Head Nurse, KTH	No. 9398-99/KTH/Acctt/H.Subsidy dt 22.7.2008
10.	3500	Treeza Zia, Head Nurse, KTH	No 3821/KTH/Acc dt 24.3.2008
11.	3558	Muhammad Javed, Pharmacy Technician, KTH	No. 8667/KTH/E dt 6.6.2007
12.	4371	Fazal Qadir, Jr Clk, DG Health services	No 1297/AR (H/Subsidy) dt 12.3.2009
13.	4369	Mrs. Irshad, Charge Nurse, LRH	No5849/E-II dt 3.3.2009
14.	4274	Muhammad Karim, Ship Supervisor, KTH	No 1944/KTH/Acct/H.Subsidy dt 10.2.2009
15.	4191	Dr Saeeda Saeed, SWMO, Public Health School Nishtarabad	No 18/PHS/Admn/H.Subsidy/2008-9/428 dt 21.10.2008
16.	4172	Dr. Shahnaz Parveen, MO, KTH	No 14411-12/KTH/Acctt/H.Subsidy dt 8.11.2008
17.	4157	Mr. Aman ul Haq, JCT Pathology, KTH	No 14983/KTH/E dt 21.11.2008
18.	4105	Mrs. Shamim Akhtar, Asstt Nursing supdt, KTH	No 15227/KTH/Acctt/H.Subsidy dt 26.11.2008
19.	3976	Dr. Nazir Muhammad, SMO, City	No SOB(HD/8-9/08 Vol-I dt

27/13/02

ATTACHED

		Hospital Peshawar	10.9.2008
20.	3907	Dr. Salma Attaullah, Asstt professor, PGMI	No 7945-6/Acc/PGMI dt 20.9.2008
21.	3874	Dr. Muhammad Asghar, MO, LRH	No SOB/HD/8-9/2007-08/Subsidy dt 18.9.2008
22.	3808	Ahmad Khan, Dispenser, Children Hospital	No 1401/PF dt 3.9.2008
23.	3800	Tariq Ahmad, Senior Pharmacist. LRH	No 29953/E-I dt 21.8.2008
24.	7333	Mrs. Zohra Charge Nurse, DG Health Services	SOB/HD/3-30/2010/Subsidy dt 15.3.2010
25.	7320	Muhammad Asif Shahzad, Lab Attendant, KGMC	No1261/Estt/K.G.M.C dt 9.3.2010
26.	7307	Dr. Muhammad Riaz ud Din, Lecturer, KGMC	SOH-I/HD/5-45/86 dt 12.2.2010
27.	4450	Dr. Pervaiz Khan, MO, Police & Services Hospital Peshawar	SOB/HD/8-9/2007-08/Subsidy dt 6.4.2009
28.	7452	Mrs. Naheed Bibi, Charge Nurse, KTH	No 14436/KTH/Acct/H.Subsidy dt 10.9.2009

Elementary & Secondary Education Deptt

29.	4289	Zia ur Rehman, PET, GCMHS Psr	No EDO/7-5/DRI/2008-09 dt 14.2.2009
30.	4257	Naveed Ahmad, SET GHS Hassan Ghari	No EDO/7-5/DRI/2008-09 dt 31.1.2009
31.	4237	Ikram Ullah, SET, GHS Zaryab Colony	1926/F No.47/H.85/House dt 20.1.2009
32.	4210	Nasira Parveen, PST, GGPS Nothia No 1	No No EDO/7-5/DRI/2008-09 dt 1.11.2008
33.	4127	Wasi Ullah, Sr Clk, GHSS No 1	No EDO/7-5/DRI/2008-09 dt 8.11.2008
34.	4126	Kiramat Ullah, PST, GPS Dheri Baghbanan	No EDO/7-5/DRI/2008 dt 11.11.2008
35.	4118	Sarwat Ali Jan, GGPS Din Bahar Peshawar	No. DDO/F-1/2-1/2008-09 BA H.S Vol II dt 26.11.2008
36.	4025	Muhammad Javed, PST GPS Nothia Jadeed	No EDO/7-5/DRI/2008 dt 5.11.2008
37.	3941	Niaz Bad Shah, Senior Clk, PITE	No 2386-88 dt 21.9.2008
38.	3903	Musarrat Parveen Qazi, Principal, GHSS Hayatabad	DDO(F-I) 2-1/BA-1/HS-Vol-II/2008-09 dt 19.9.2008
39.	3891	Malik Ayaz gul, PST, GPS Zahid Abad	Nil
40.	7347	Jehangir Adil, HM, GHS Hassan Ghari	No. SOG(E&SE)/1-29/2010 dt 12.5.2010
41.	7349	Shahana Begum, PST, GGPS Rashid Abad	No DRI/7-5/2009-10-Vol-II dt 10.5.2010
42.	7370	Mr. Il mud Din Shah, PTC GPS Qari Abad	No DRI/7-5/2009-10-Vol II dt 30.11.2010
43.	7209	Mst. Nasima Yasmeen, SET GGHS Jogiwara	No DRI/7-5/2009-10-Vol dt 13.10.2009
44.	7038	Azra Yasmin, TT, GGHS Irrigation Colony Peshawar	No DRI/7-5/2008-09-Vol-II dt 30.6.2009
45.	7336	Mst. Salma, PST GGPS Ghari Qamar Din	No DRI/7-5/2009-10-Vol II dt 18.3.2010
46.	7337-A	Mst. Bushra Anjam, DM, GGHS Landi Arbab	No DRI/7-5/2009-10-Vol II dt 30.3.2010

13/12

ATTESTED

18

47.	7335	Mr. Illaud Din, TT, GPS Asia Park	No DRI/7-5/2009-10-Vol II dt 26.2.2010
48.	7331	Mr. Shah Waseem Qari, GHS Sardar Garhi,	No DRI/7-5/2009-10-Vol. II dt 18.3.2010
49.	7321	Naeem Shah, Jr Clk, GGHS Landi Arbab	No DRI/7-5/2009-10-Vol II dt 26.2.2010
50.	7344	Mst. Wahida Fozia, PST GGPS Khyber Colony	No DRI/7-5/2009-10-Vol II dt 13.4.2010
51.	7343	Syed Ahmad Ali Shah, CT GHS Sardar Garhi	No DRI/7-5/2009-10-Vol II dt 13.4.2010
52.	7306	Syed Lal Shah, PST, GPS Manakaro	No DRI/7-5/2009-10 dt 9.8.2009
53.	7186	Muhamamd Abid, PST, GPS Barood Khana	No DRI/7-5/2009-10-Vol 2 dt 30.9.2009
54.	7165	Iltaf Hussain, SET GHSS No 4 Peshawar city	No. DDO(F-II) 7-5/2009-10 dt 14.9.2009
55.	7163	Rukhsana Yasmin, GGPS Kakshal Peshawar	DDO(F-II) 7-5/2009-10 dt 14.9.2009
56.	7151	Farzana Yasmin, PST, GGPS Old Karim Pura	DDO (F-II) 7-5/2009-10 dt 3.9.2009
57.	7116	Ikram ul Haq, TT, GMS Palosai, Atozi	No DRI/7-5/2009-10 dt 24.8.2009
58.	7101	Rozina Rehsin, PST, GGPS Kakshal	No DRI/7-5/2009-10 dt 5.8.2009
59.	4434	Abida Hameed, Qaria, GGHS Wazir Bagh	EDO/7-5/DRI/2008-09 dt 24.2.2009
60.	7054	Mst. Rukhsana Nazli, PST, GGPS Akhooon Abad	No DRI/7-5/2009-10 dt 9.7.2009
61.	7048	Arshad Qayum, Lab Attendant, GGHS University Town,	No DRI/7-5/2009-10 dt 3.7.2009
62.	7044	Javed Khan, PST GPS Audit Colony	No DRI/7-5/2009-10 dt 7.7.2009
63.	7042	Mr. Midrar Ullah, SET GHS Jogiwara	No DRI/7-5/2008-09-Vol II dt 30.6.2009
64.	7027	Rashid Ahmad, PST, GPS Wazir Bagh	No DRI/7-5/2008-9-Vol II dt 16.6.2009
65.	7019	Mst. Saira Jabeen, DM, GGCS Nothia	No DRI/7-5/2008-09-Vol II dt 6.6.2009
66.	6082	Robina Naz, PST, GGPS Khyber Colony	No DRI/7-5/2008-09-Vol II dt 3.6.2009
67.	5026	Mst. Samina Alam, PST, GGPS Quaid Abad No 1	No DRI/7-5/2008-09 dt 28.3.2009
68.	5005	Murtaza Khan, Steno, GATTTC Gulbahar	No. SO(G) E&SE/1-29/2009 dt 22.4.2009
69.	4470	Mst. Naheeda Begum, PET, GGHS Wazir Bagh	No DRI/7-5/2008-09 dt 15.4.2009
70.	7290	Mr. Tariq Wahab, PST GPS Manakaro	No DRI/7-5/2009-10-Vol II dt 18.12.2009
71.	7230	Azra Yasmin, PST GGPS Old Karim Pura Peshawar	No. 7-5/DRI/2009-10 dt 30.10.2009
72.	7247	Mst. Nasreen, PST GGPS Din Bahar Colony No 1	No DRI/7-5/2009-10-Vol II dt 25.11.2009
73.	7219	Mr. Wisal Muhammad, PST, GPS No 1 Pawaka	No DRI/7-5/2009-10-Vol II dt 21.10.2009
74.	7216	Riaz Ali, SET GHSS No 1 Peshawar	No. 4688/F-85/House Sub FNo 46 dt 26.10.2009

11/2/02

ATTESTED

75.	3767	Mian Tariq Ullah, CT, GHSS No 1	No. DDO(F-II)7-5/2007-8 dt 16.8.2008
76.	3787	Ghazala Begum, CTGGHSS BSD Peshawar	DDO(F-II) 7-5/2007-2008 dt 17.8.2008
77.	3743	Muzamil Shah, DM, GMS Bashir Abad	DDO(F-II) 7-5/2007-2008 dt 4.8.2008
78.	3469	Nasim Begum, SET , GGHSS University Peshawar	DDO(F-II) 7-5/2004-5 dt 26.9.2007
79.	3451	Naheed Begum, Principal, GGHSS Lady Griffith	No 5296 dated 1.6.2007
80.	3430	Sami Ullah, Lab Asstt, GHSS Hazar Khwani,	No DDO(F-II)/7-5/2004-5 dt 13.2.2007
81.	4318	Mr. Roohullah Jan, PST GPS Manakaro	No. EDO(7-5) DRI/2008-09 dt 19.2.2009
82.	4306	Shah Jahan, TT, GHS Zaryab Colony	EDO/7-5/DRI/2008-09 dt 14.2.2009
83.	4299	Kaisar Riaz, PST, GPS No 1Wazir Bagh	Letter No nil Dated 17.11.2008
84.	7424	Mrs. Kausar Janan, PST, GGPS Saeed Abad	No DRI-7-5/2009-10-vol II dt 13.7.2010

Deputy Commissioner Peshawar

85.	7326	Sajid Farid, Asst Programmer, Distt Finance Deptt.	No DRI/7-5/2009-10-Vol II dated 8.3.2010
-----	------	--	---

Higher Education

86.	7281	Nasim Khan, Lecturer, GDC Hayatabad	No. SOB/HE/4-14/2001/Govt. Accom/Rent dt 2.1.2010
87.	7277	Mr. Ubaid Ullah, Lecturer, GDC Hayatabad	No. SOB/HE/4-14/2001/Govt. Accom/Rent dt 23.12.2009
88.	7258	Muhammad Ikram, Associate Professor, GC Peshawar	No. SOG/HE/2-83/2009 dt 3.12.2009
89.	3777	Mr. Tasbih Ullah, Asst Professor, GDC Hayatabad	No. SO(G)/HE/2-83/2008 dt 27.8.2008
90.	7345	Mst.Ghazala Roohi, Professor, GFC (Women) Peshawar	SOG/HE/4-14/2001/Govt. Accom/Rent dt 26.4.2010
91.	7346	Muhammad Abdul Qadeer, Asstt Professor, GDC Hayatabad	SOB/HE/4-14/2001/Govt. Accom/Rent dt 26.4.2010

Industries, Commerce & Technical Education

92.	3915	Fazal ur Rehman, Asst Professor, GC Technology Technical education	SOIII(IND)TE/4-4/2008 dt 29.9.2008
93.	7274	Pir Wali Shah, Asst, Directorate of industries, commerce	No SOI(IND) 2-13/91/23/451 dated 17.12.2009
94.	3633	Din Muhammad, Naib Qasid, DG Mines & Mineral	SOI(IND) 1-1/85/10277 dated 18.7.2008
95.	3585	Ilyas Khurshid, Director (Technical) DG mines & Mineral	SOI(IND) 1-1/85/9753 dated 26.6.2008
96.	3506	Farida Nasreen, Head of Deptt (Architecture) GPI(Women)	No SOIII(IND) TE/4-4/07/6280 dt 29.4.2008
97.	3439	Muhammad Noor ul Islam, Surveyor, Mines & Meneral	SOI(IND) 1-1/85/3750 dated 4.4.2007
98.	7338	Liaqat Ali Khan, Manager, Employment Exchange	SOIII(IND)TE/4-4/2010/4795 dt 1.4.2010

Home & Tribal Affairs Department

99.	7158	Intikhab ahmad, Constable	No 12061/PO dated 5.9.2009
-----	------	---------------------------	----------------------------

ATTESTED

(12)

		4815 Capital City Police	
100.	7094	Zaheer Ahmad, SI, Police	No 6428/INV dt 5.8.2009
101.	7066	Rifaqat Ali Haidar, Jnr Clk, Police	No 9993/PO dated 25.7.2009
102.	7287	Mr. Gul Said Khan, SSP, Police	No. 99/SRC/DCT/SB dt 9.1.2010
103.	7223	Muhammad Idrees, J/Clk, Police	No Nil, dated 31.12.2009
104.	3637	Bismillah Jan, HC No 47, Police	No 2525/SRC/CID dated 24.7.2008
105.	3571	Ali Haidar, J/clk, Prisons	3/2 F87 PTT/10751 dt 1.7.2008
106.	4352	Qazi Nisar Ahmad No 3336, HC, police	No 3317/PO dated 7.3.2009
107.	3902	Zahir Shah, Constable No 4456, Police	10336/PO dt 8.10.2008
108.	7339	Jalal ud Din Khan, J/Clk, Police	2521/Inv dt 5.4.2010
109.	7368	Israr Muhammad, HC No 50	20098/PO dated 6.12.2010
110.	4124	Muhammad Saeed, Asstt Public Prosecutor	No 803/DPP dated 1.11.2008
111.	7418	Ibrar Hussain, HC, Traffic Police	No 70/A dt 15.1.2009
112.	7419	Inam Ullah, constable, Police	No 1445/PA/HQrs dt 11.12.2009
113.	7420	Asif Ullah, Constable, Police	No 8032/EB dt 11.12.2009

Excise & Taxation

114.	4297	Jamal Khan, E & T Constable, Excise	No. SO(Estt) E & T/1-17/2000 dt 30.1.2009
115.	3649	Daud Jan, Asst Excise and Taxation Officer	No 4729/E&T dated 17.7.2008
116.	7058	Javed Hussain, E & T Inspector	No 3999/E&T dt 9.7.2009

Irrigation Department

117.	7181	Faiz Ullah, Patwari, Warsak Kanal	No SO(E) IRR/4-1/94 dated 30.9.2009
118.	4348	Bakht Kamal Shah, S/Clk, CE Irrigation	SO(G) Irr/Misc/09 dt 4.3.2009
119.	7399	Zahoor Azam, Supdt, Irrigation Deptt	No 5544-45/Dev/E/2-M dt 6.9.2010

Planning & Development Department

120.	3540	Shabqadar Khan, AD, Bureau of statistic	No. SO (Estt/P&D/087/1-92/99 Vol II dt 17.6.2008
121.	3821	Azmatullah Khan, Chief Industries,	C/IND/P&D/PF/2008 dt 9.9.2008

Anti Corruption

122.	7332	Yousaf Zeb, Admn Officer, Anti Corruption	1280/ACE dt 12.3.2010
------	------	---	-----------------------

Finance Department

123.	7294	Abdur Rehman, Sub Acctt, Treasury	Letter No and date Nil
124.	3612	Abdullah, Junior Clerk, FD	E&A/FD/4-448/2005 dated 10.7.2008
125.	7025	Muhammad Imran, Auditor, Local Fund Audit	No. SO(E-II/FD/4-2/BUD/LFA dt 25.6.2009

Environment Department

126.	7310	Ihsan ul Haq, Sr. Clk, Forest Deptt	SO(G) ED/5-28/2008 dt 20.1.2010
------	------	-------------------------------------	---------------------------------

C & W Department

127.	7010	Abdullah Khan, Director Technical CE W & S Deptt	Letter No Nil date 2.6.2009
------	------	--	-----------------------------

Provincial Assembly

128.	4272	Muhamamd Aurangzeb, Lab	No PA/NWFP/Admn/2009 dt
------	------	-------------------------	-------------------------

(21)

		Operator	12.2.2009
ST & IT			
129.	4240	Bahadur Nawaz, SO,	No SOG(ST & IT/NWFP/1-1/staff/07 dated 20.1.2009
Section Officer (Admn) Administration Department			
130.	7198	Shams ur Rehman, Staff Car Driver	E & A(AD) 2(288) 09 dt 9.10.2009
Population Welfare Department			
131.	4002	Aftab Ahmad, Acct Asstt, DG Population Welfare	No SOB(PWD) 3-46/2008 dt 1.11.2008
Revenue and Estate Department			
132.	6029	Zulfiqar Ali Junior Clk, BOR	No DOR&E/DK dated Nil
133.	7275	Farman ullah Khan, computer Operator	No DI 227/11/2010 dt 2.12.2010
134.	3904	Jehanzeb Khan, Dy Distt Officer (Judicial)	No 3527/DOR & E /DK(J) dt 9.8.2008
135.	3630	Syed Abdul Jabar Shah, Distt Officer Revenue & Estate	No 1733/DOR & E / DK dt 14.7.2008
136.	7435	Riaz Muhammad, Jr Clk, Revenue	No & Date Nil

Yours Faithfully


ESTATE OFFICER

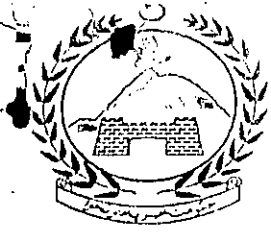
Endst of Even No & Date

Copy forwarded to:

1. PS to Secretary Administration Department
2. PA to Deputy Secretary (Admn) Administration Department


ESTATE OFFICER

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT


No. EO(Admn) R-1/2018
Dated: 02.03.2018

To,

✓ Mr. Yousaf Zeb
Ex-Assistant Director, Anti Corruption, KP
House No. 414 Mushataq Abad Noudia Jadeed Peshawar Cantt

Subject:- APPEAL

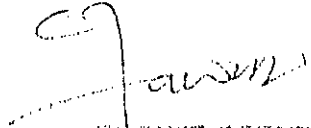
Kindly refer to your application no nil dated 18.01.2018 on the subject noted above and to state that your application for housing subsidy allowance was returned to Director Anti Corruption Peshawar on 13.02.2014 for scrutiny and completion of codel formalities (copy attached). The Anti Corruption Establishment not resubmitted the case to this department for further necessary action.


ESTATE OFFICER

Endst of Even No and Date

Copy forwarded to:-

1. Section officer Chief Minister Secretariat w/r to his letter No.SO9Admn)CMS/KP/2018/2608 dated 15.02.2018
2. PA to Deputy Secretary (Adm) Administration Department.


ESTATE OFFICER

ATTESTED

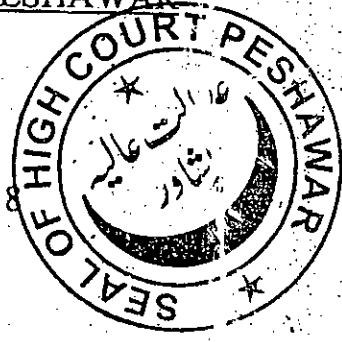
Annex E

23

(Annex A)

6

IN THE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No 14507/1 of 2018

Yousaf Zeb, Retired Assistant Director
Anti-Corruption Establishment
son of Mohib Ullah Khan, resident of
House # 414, Gulgasht Colony,
Nauthia Jadeed, Mushtaq Abad, Peshawar ...

Petitioner

VERSUS

1. Province of Khyber Pakhtunkhwa through
Secretary Administration Department
Civil Secretariat, Peshawar.
2. Director Anti-Corruption Establishment,
Sector B-2, Plot No. 19, Phase-V,
Hayatabad, Peshawar.
3. Secretary to Government of
Khyber Pakhtunkhwa, Finance
Department, Civil Secretariat, Peshawar
4. Estate Officer, Government of
Khyber Pakhtunkhwa, Administration
Department, Near Civil Secretariat,
Peshawar...

Respondents

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

Respectfully Sheweth:

FILED TODAY
Deputy Registrar

15 MAR 2018

FACTS OF THE CASE.

1. That the petitioner is an Ex-employee of Anti-Corruption
Establishment, who retired from service in the capacity of Assistant
Director (BPS-17) after attaining the age of superannuation.

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

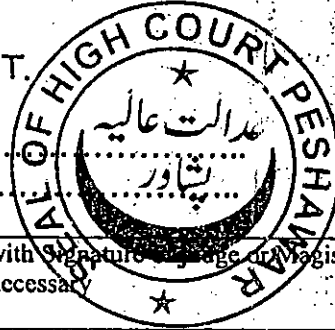
11 DEC 2018

24

PESHAWAR HIGH COURT, PESHAWAR
FORM "A"
FORM OF ORDER SHEET.

Court of

Case No.



Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of Magistrate and that of parties or counsel where necessary
1	2	3
	28.11.2018.	<p><u>WP No.1450-P/2018.</u></p> <p><u>Present:-</u></p> <p>Mr. Shahzada Irfan Zia Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan AAG, for the official respondents.</p> <p style="text-align: center;">=====</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, petitioner Yousaf Zeb, seeks issuance of an appropriate writ to the respondents for finalizing the case of his Housing Subsidy as early as possible and also to grant him arrears of Housing Subsidy w.e.f 12.3.2010 to 31.8.2012 as per rules.</p> <p>2. In essence, petitioner was Ex-employee of Anti-Corruption Establishment, who retired from service in the capacity of Assistant Director (BPS-17) after the attaining the age of superannuation. During tenure of his service, having own house in</p>

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court

11 DEC 2018

Nauthia Jadeed, Peshawar, he applied for House Subsidy, which was processed and forwarded to respondent No.1 by respondent No.2 but no fruitful result. That a Housing Subsidy Committee was constituted by respondent No.1 for overcoming the pendency of Housing Subsidy cases where it was decided that the applications received before 31.12.2010 pending till date with Administration Department due to incomplete documents may be returned to the department concerned with request to scrutinize the applications and re-submit these so that fair cases could be processed immediately. The case of petitioner was also returned to respondent No.2 on 13.2.2014 but his case was not re-submitted by respondent No.2 to respondent No.1 and during said period, petitioner was retired from service w.e.f. 31.8.2012 despite the fact that he pursued his case w.e.f. 12.3.2010 to 31.8.2012. That petitioner was informed by respondent No.4 that his case of Housing Subsidy was not re-submitted on its return to parent department, due to slackness and negligence of respondent No.2 therefore, the petitioner has approached this Court through instant Constitutional petition.

3. The comments were copied from the

ATTESTED,

ATTESTED

SECRETARY
Peshawar High Court

11 DEC 2018

26

29

respondents which were submitted accordingly by respondent No.2.

4. As per comments filed by respondent No.2, as well as submission of learned AAG, the case of petitioner had been sent to the concerned forum but it was returned due to incomplete documents of petitioner to Administration Department for processing with certain observations raised by the Estate Officer Branch and as per their contention, the petitioner did not appear before them with required documents. When learned counsel for petitioner was confronted with the above situation, he satisfied but requested for expediting the matter within shortest possible time.

5. For what has been discussed above, this petition is disposed of in light of comments of respondent No.2, however, the respondents are directed to expedite the matter of petitioner in respect of Housing Subsidy as soon as possible but not later than one month.

Announced.
28 11.2018.

JUDGE

JUDGE

"A. Ayum PA"

(DB)

Hon'ble Mr. Justice Ikranullah Khan & Hon'ble Mr. Justice Abdul Sha

CERTIFIED TRUE COPY

Peshawar High Court, Peshawar,
Authorized Under Article 8.7 of
The Qanun-e-Shahadat Order 1984

ATTESTED

11 DEC 2018



Annex-F

27

14

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

No. 755 Dated 11/01/2019.

To

The Estate Officer,
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

Subject:-

WRIT PETITION NO. 1450-P/2018 "YOUSAF ZEB V/S GOVT: OF KP"

Please refer to your office letter No. EO(Admn)/52/2018, dated 27.12.2018 on the subject cited above.

It is to state that the petitioner i.e. Mr. Yousaf Zeb, Former Assistant Director of this Establishment approached the Peshawar High Court, Peshawar vide WP No. 1450-P/2018 for grant of Housing Subsidy with effect from 12.3.2010 to 31.8.2012, as a result of which the August Court directed the Respondent No. 2 i.e. undersigned, vide Order Sheet dated 28.11.2018, to expedite the matter of petitioner in respect Housing Subsidy as soon as possible but not later than one month.

It is also mentioned here that the petitioner's application for Housing Subsidy was forwarded to your office vide letter No. 1280, dated 12.3.2010 also reminded vide letter No. 5924, dated 18.7.2011 (Copies at Flag-A). Furthermore, he had earlier drawn the Housing Subsidy in the year 1982 on the same house but was dis-continued on his own request as he was shifted to his village Kaga Wala, Peshawar as it was not situated in the limits of Municipal Corporation, which depicts that the present case of petitioner is not fresh but old and only to continue the Housing Subsidy. Copy of Cheque No. 026041 dated 1.8.1982 is enclosed for ready reference (Flag-B).

Now as per orders of the Peshawar High Court, Peshawar dated 28.11.2018; the calculation of Housing Subsidy of petitioner has been made for the period from 12.3.2010 to 31.8.2012, which comes to Rs. 2,38,547/- detail of which is attached at (Flag-C). As far as the instructions of Finance Department mentioned in your above quoted letter, does not apply on the said case as it is the directions of Peshawar High Court, Peshawar, therefore, this office has to comply the Court orders.

It is, therefore, requested that necessary sanction for the Housing Subsidy to the tune of Rs. 2,38,547/- in respect of petitioner i.e. Mr. Yousaf Zeb, Former Assistant Director of this Establishment, may please be accorded as per Court's directions so as to avoid further litigation in the matter please.

Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

No. 756 Dtd 11/01/2019

✓ Copy for information to Mr. Yousaf Zeb, Former Assistant Director of Anti-Corruption Establishment, resident of Mustaq Abad, Nothia, Peshaar.

ATTESTED

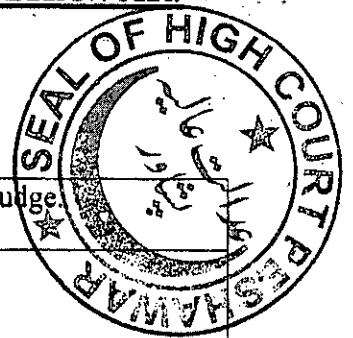
Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

Annex - G

28

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET



Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge
<p><u>18/02/2020</u></p>	<p><u>COC No. 498-P/2019 in WP No. 1450-P/2018</u></p> <p><u>Present:</u> Shahzada Irfan Zia, Advocate, for the petitioner.</p> <p>Mr. Muhammad Sohail, AAG, for the respondents.</p> <p>===</p> <p><u>WAQAR AHMAD SETH, CJ.-</u> In view of letter dated 30.07.2019 of Government of Khyber Pakhtunkhwa Finance Department, placed on file, whereby the petitioner has received/availed House Rent Allowance w.e.f. 12.03.2010 to 31.08.2012 and as such, he is not entitled to the Housing Subsidy from retrospective effect, therefore, this petition has served its purpose and is no more required to be kept pending. Disposed of as such. However, the petitioner is at liberty to impugn the said</p> <p>letter before competent court of law, if so advised.</p>

26601

26601

Date of Presentation of Application... 8/2/2020

No of Pages... 2-7

Copying fee... 8/-

Total... 8/-

Date of Preparation of Copy... 24/2/2020

Date of Delivery of copy... 24/2/2020

Received By... [Signature]

Chief Justice

Judge

Nowab Shah SCS (DB) Justice Waqar Ahmad Seth CJ & Justice Muhammad Naeem Anwar J

CERTIFIED TO BE TRUE COPY

ATTESTED

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 5.7 of
The Qanun-e-Shahadat Order 1984

24 FEB 2020

**MOST IMMEDIATE
COURT MATTER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

PA.DS (Administration Deptt) No. SO (Lit-I)FD/3-2389/2018/CL 2079
Dairy No. 1256 Dated 02/07/19 Dated Pesh: the 30th July, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department, Peshawar

Ps to Secy Admin
Dairy No. 3157 Date: 02/07/19

SUBJECT:- **WRIT PETITION NO.1450-P2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully

SECTION OFFICER (Lit-I)

Endst: of even No. & Date

Copy forwarded to the:

1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.

SECTION OFFICER (Lit-I)

Asst. Secy

6/8

EO

102/08
De Admn

ATTESTED.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

30

No. EO(Admn)WP/1450-P/2018
Dated Peshawar the 08.08.2019

To

The Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa Peshawar.

By No. 5916
Dated: 19/8/19
File No. KEA Peshawar

Subject: **WRIT PETITION NO. 1450-P/2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Kindly refer to your letter No. 755 dated 11.01.2019 on the subject noted above and to state that Administration Department referred the case to Finance Department for views/comments regarding sanction of House Subsidy allowance of the petitioner from retrospective date/effect. Finance Department has opined that the Petitioner not entitled to House Subsidy from retrospective date w.e.f. 12.03.2010 to 31.08.2019²⁰¹⁸ as he received/availed House rent allowance of the period (Copy enclosed for information please).

ESTATE OFFICER

Endst of Even No and Date

Copy forwarded to the:-

1. Mr. Yousaf Zeb (R) Assistant Director resident of House No. 414 Gulgusht colony Nothia Jadeed, Mushtaq Abad, Peshawar.
2. PS to Secretary Administration Department.
3. Section Officer (SR-III) Finance Department.

AD/Admn.

DACE.
20/8.

Estt. Clerk.

Provide a copy to accountant

ESTATE OFFICER

AD(Admn)
21/08/2019

ATTESTED

To

(31)
Annex - I
The Chief Secretary,
Khyber Pakhtunkhwa,
Peshawar.

CS No. 1335 (w/e)
25/2/20
1880
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

Subject:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 30-07-2019 / 08-08-2019

R/Sir,

That the applicant served Anti-Corruption department and retired from service in the capacity of Assistant Director Anti-Corruption in the year 2012.

2. That the applicant was in receipt of housing subsidy in the year 1982 vide No. R-591 which was later on discontinued at my own request as I was shifted to my village Kagawala where housing subsidy was not allowed. On re-shifting to the same house on 12-03-2010, I again requested for restoration of Housing Subsidy, however, despite reminder on 18-07-2011 that being retiring on 01-09-2012 my case may be considered as a special case, but my case remained pending till my retirement from service on 01-09-2012. After retirement I pursue the case but was not considered.

3. Accordingly I approached Peshawar High Court for redressal of my grievance. During the proceeding Finance Department stated that the petitioner has already drawn House Rent Allowance during the period therefore, not entitled for Housing subsidy. The Court therefore, disposed off the case by stating that the Petitioner is at liberty to impugn the said letter before competent court of law, if so advised (Annex-I).

Keeping in view the above, it is submitted that:-

- i) That during service the applicant was in receipt of housing subsidy from 1982 till his shifting to the village Kagawala where housing subsidy was not allowed.
- ii) That on re-shifting to the same house i become entitled for grant of housing subsidy on 12-03-2010. However, the case remained pending till 31-08-2012.
- iii) That although I was receiving House rent allowance which is less than housing subsidy and there is a vast difference between house rent and housing subsidy, therefore, I was deprived from my legal financial benefit.
- iv) That it is a matter of facts that on appointment every Government is granted HRA and Housing Subsidy is sanctioned after completion of certain codal formalities.
- v) That on re-shifting I was entitled for restoration of Housing Subsidy which was not restored due to inordinate delay in my case.
- vi) Non disposal of my case well in time ie in 2010 is not my fault.

3. It is, therefore, humbly requested that the difference between House Rent Allowance and housing subsidy which was executed at the relevant time w.e.f. 12-03-2010 to 31-08-2012 may very kindly be paid to the applicant.

Your's sincerely,

Yousaf Zeb
(YOUSAF ZEB)

Ex-Assistant Director,
Anti-Corruption, Peshawar.
Resident of Gul Gashat Colony,
Nothia Jadeed, Mushtaq Abad, Peshawar.
Cell No. 0333-9317091

Dated 25-02-2020

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF MP Service Tribunal, Peshawar

Yousaf Zeb (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Gourt of KP (Respondent)
(Defendant)

I/We, Yousaf Zeb

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court 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 _____/20

Yousaf Zeb
(CLIENT)

ACCEPTED

M. Asif
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

Syed Khameer Ali Baloch
Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 6133/2020

Yousaf Zeb

VS

govt of kp

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondents.
- 2 No comments endorsed by the respondents.
- 3 Incorrect, while para-3 of the reply is correct as mentioned in the main appeal of the appellant.
- 4 Incorrect, while para-3 of the reply is correct as mentioned in the main appeal of the appellant, moreover delay on the part of the deptt.
- 5 No comments endorsed by the respondents. Hence admitted.

- 6 Incorrect while para-6 of the appeal is correct. Moreover we claim difference of house subsidy and house rent.
- 7 No comments endorsed by the respondents. Hence admitted.
- 8 Incorrect. The appellant has challenged the orders of the respondents on the analogy of supreme court judgment but he has no other remedy for his grievances expect to come to this august Tribunal.


GROUNDS:

- A) Incorrect, while Para-A of appeal is correct.
- B) Incorrect, while Para-B of appeal is correct.
- C) Incorrect and not replied properly. Therefore, Para-C of appeal is correct.
- D) Incorrect, while Para-D of the appeal is correct.
- E) Incorrect. The Para-E of appeal and contention of appellant is correct.
- F) Incorrect. the Para-F of appeal is correct.
- G) Incorrect, while Para-G of appeal is correct. Moreover as explained in above paras.

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


APPELLANT
Yousaf Zeb

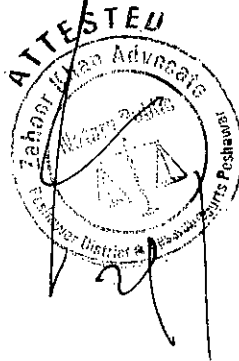
Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT.



Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 6133/2020.

**Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/o
Mohib Ullah Khan R/o House# 414, Gulgasht Colony Nauthia Jaded,
Mushtaq Abad, Peshawar.....Appellant**

Versus

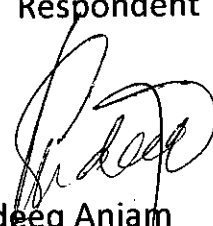
**Government of Khyber Pakhtunkhwa through Secretary Administration
Department Civil Secretariat, Peshawar & others.....Respondents**

INDEX

S.No	Description of Documents	Annex	Pages
1	Parawise comments		01-04
2	Affidavit		05
3	Authority Letter		06
4	Copy of Application	A	07
5	Copy of letter No.5924/ACE, Dated: 18.07.2011	B	08
6	Copy of relevant record	C	09-10
7	Copy of letter No. 755, dated: 11.01.2019	D	11
8	Copy of Estate Officer letter	E	12-13

Respondent

Through


Sadeeq Anjam

Assistant Director (Legal)

ACE, Peshawar.

10/11/2020

(1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 6133/2020.

**Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/o
Mohib Ullah Khan R/o House# 414, Gulgasht Colony Nauthia Jaded,
Mushtaq Abad, Peshawar.....Appellant**

Versus

1. Province of Khyber Pakhtunkhwa through Secretary Administration Department Civil Secretariat, Peshawar.
2. Director Anti-Corruption Establishment Sector B-2, Plot No. 19, Phase-V, Hayatabad, Peshawar.
3. Estate Officer, Govt: of Khyber Pakhtunkhwa, Administration Department, Near Civil Secretariat Peshawar.
4. The Secretary Finance Govt: of Khyber Pakhtunkhwa, Civil Secretariat, and Peshawar.
5. The (Turab Shah) Accountant C/O Director Anti-Corruption, Peshawar.....Respondents

Comments on behalf of Respondents No.2 & 5.

Preliminary Objections:

1. That the Appellant has got no locus standi/cause of action to file the instant Service Appeal.
2. That the appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, hence, this service Appeal is not maintainable.
3. That neither Fundamental nor any legal right of the appellant has been violated and the law has taken its legal course of action.
4. That no discrimination or injustice has been done to appellant or anyone.

- 5. That the appellant has not come to this Honorable court with clean hands, hence, disentitled for any relief whatsoever.
- 6. That the Service Appeal is fraught with factual controversies, as well as filed with malafide intention, therefore not maintainable.
- 7. That the Service Appeal is bad for mis/non joinder of necessary parties.
- 8. That the appellant by filing this Appeal is pressurizing and trying to put the answering respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded, therefore, the present Service Appeal is liable to be dismissed.

FACTS BEHIND PRESENT CONTROVERSY:

7
3

- 1. Correct to the extent that the appellant was an employee of this Establishment, who retired as Assistant Director (BPS-17).
- 2. No comments, as needs to prove.
- 3. **Incorrect and misconceived thus denied.** That the appellant's housing subsidy case was forwarded to Administration Department, Khyber Pakhtunkhwa vide letter No.5924/ACE, Dated: 18.07.2011 without any delay, therefore, no further liability lies on of this Establishment, for any subsequent occurrence. **(Copy of Application and Copy of letter No.5924/ACE, Dated: 18.07.2011 are attached as Annexure, "A" & "B")**
- 4. **Incorrect and misconceived thus denied.** That the case of appellant housing subsidy was returned to this Establishment, with certain observation i.e. being incomplete documents, on 12.02.2014, after 2 ½ years and the same was marked to the Account branch and the then Assistant Director of this Establishment for re-examination and re-submission to quarter concern. The matter was thoroughly examined and it was observed that since the appellant has retired from the serveries therefore, cannot claim housing subsidy. It is worth mentioning here that as per the notification of Finance Department, Khyber Pakhtunkhwa, the payment for housing subsidy would be applicable from the date of sanction and not from the date of application. **(Copy of relevant record is attached as Annexure, "C")**
- 5. No comments, as needs to prove.

- 6. Correct to the extent that in compliance with the direction of Honorable Peshawar High Court, Peshawar, passed on 28.11.2018, this Establishment, vide letter No. 755, dated: 11.01.2019, had forwarded the appellant's Housing Subsidy case to Estate Officer, for further course of action. It is worth mentioning here that Estate Officer, Government of Khyber Pakhtunkhwa Administration Department, vide letter No. EO (Admn) WP/1450-P/2018, dated: 08.08.2019, had intimated this Establishment "that the Finance Department has opined that the appellant is not entitled to House Subsidy from Retroactive date w.e.f 12.03.2010 to 31.03.2012, as he had received/availed House rent allowance of the period". (Copy of letter No. 755, dated: 11.01.2019 and Copy of Estate Officer letter is attached as Annexure "D" & "E")
- 7. No Comments, as the said para is not related to answering respondent.
- 8. **Incorrect and misconceived thus denied.** That the appellant has not submitted any application to this Establishment, to this effect. Furthermore, neither Fundamental nor any legal right of the appellant has been violated and the appellant by filing this Appeal is pressurizing and trying to put the answering respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded, therefore, the present Service Appeal is liable to be dismissed.

Handwritten mark resembling a large '3' or '7'.

Handwritten signature or initials.

On Grounds:

- A. That ground "A" is not related to answering respondent.
- B. That in reply to ground "C" it is submitted that the appellant's house subsidy case was returned to this Establishment for removal of certain deficiencies, mentioned therein. The matter was advanced to the account branch and ex Assistant director of this Established for further necessary action and onward submission to the quarter concern. After thoroughly examination it was observed that since the appellant is retired, therefore, is not entitled for the housing subsidy in light of Finance department notification, thus, recommended for filling.
- C. That reply to ground "C" has been given in preceding paras.
- D. That in reply to ground "D" it is submitted that this Establishment had rightly performed its duty, therefore, appellant cannot clime any remuneration from this Establishment. Moreover, the appellant by filing this Appeal is pressurizing and trying to put the answering

respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded; therefore, the present ~~with~~ service Appeal is liable to be dismissed.

E. That in reply to ground "E" it is submitted that the appellant has been treated in accordance with law and no fundamental right of the appellant has been infringed.

F. That reply to ground "F" has been given in preceding paras.

G. That in reply to ground "H" it is submitted that all the grounds have been taken by the appellant, therefore, he may not be allowed to take any other ground.

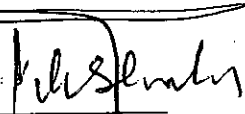
Prayer:

Considering the above submission, it is humbly prayed that this Service Appeal, being devoid of any merit, may please be dismissed with cost.

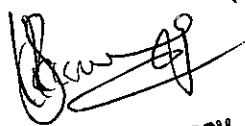


Director
Anti-Corruption Establishment,
Khyber Pakhtunkhwa
Peshawar.

*Welled subject to correction,
attachment of
affidavit and
approval of AAE, (DA)
Council*


Turab Shah (Accountant)
Anti-Corruption Establishment,
Khyber Pakhtunkhwa
Peshawar.

Approved



Deputy District Attorney
Khyber Pakhtunkhwa
Service Tribunal Peshawar

5

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 6133/2020.

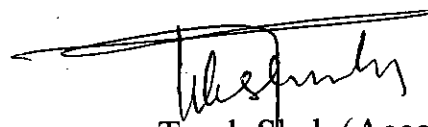
**Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/o
Mohib Ullah Khan R/o House# 414, Gulgasht Colony Nauthia Jaded,
Mushtaq Abad, Peshawar.....Appellant**

Versus

- 1. Province of Khyber Pakhtunkhwa through Secretary Administration
Department Civil Secretariat, Peshawar.**
- 2. Director Anti-Corruption Establishment Sector B-2, Plot No. 19, Phase-
V, Hayatabad, Peshawar.**
- 3. Estate Officer, Govt: of Khyber Pakhtunkhwa, Administration
Department, Near Civil Secretariat Peshawar.**
- 4. The Secretary Finance Govt: of Khyber Pakhtunkhwa, Civil
Secretariat, and Peshawar.**
- 5. The (Turab Shah) Accountant C/O Director Anti-Corruption,
Peshawar.....Respondents**

AFFIDAVIT

I, Turab Shah, Accountant, Anti-Corruption Establishment, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Parawise comments are true and correct to the best of my knowledge and noting has been concealed.



Turab Shah (Accountant)
Anti-Corruption Establishment,
Khyber Pakhtunkhwa
Peshawar.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

6

Service Appeal No. 6133/2020.

**Yousaf Zeb, Retired Assistant Director Anti-Corruption Establishment S/o
Mohib Ullah Khan R/o House# 414, Gulgasht Colony Nauthia Jaded,
Mushtaq Abad, Peshawar.....Appellant**

Versus

- 1. Province of Khyber Pakhtunkhwa through Secretary Administration
Department Civil Secretariat, Peshawar.**
- 2. Director Anti-Corruption Establishment Sector B-2, Plot No. 19, Phase-
V, Hayatabad, Peshawar.**
- 3. Estate Officer, Govt: of Khyber Pakhtunkhwa, Administration
Department, Near Civil Secretariat Peshawar.**
- 4. The Secretary Finance Govt: of Khyber Pakhtunkhwa, Civil
Secretariat, and Peshawar.**
- 5. The (Turab Shah) Accountant C/O Director Anti-Corruption,
Peshawar.....Respondents**

AUTHORITY LETTER

Sadeeq Anjam, Assistant Director Legal, Anti-Corruption Establishment, Peshawar, is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal, in the above noted service Appeal on behalf of Director Anti-Corruption Establishment.



Director,
Anti-Corruption Establishment.
Khyber Pakhtunkhwa
Peshawar.

A-1
Annexure "A"

07

To

The Secretary (Administration),
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

Through:

Proper Channel.

Subject:

Grant of Housing Subsidy.

Sir,

1. Most respect fully it is stated that I was in the receipt of Housing Subsidy vide No. R-591 of the Year 1982 which was later on discontinued on my own request as I was shifted to my village where Housing Subsidy is not admissible.
2. Again I submitted an application, for grant of Housing Subsidy as I had been shifted to Nothia Jadeed Peshawar Cantt, vide No. 1280/ACE, dated 12.3.2010, but the same has not yet been sanctioned and the case is still lying without any action.
3. **I will retire on the age of superannuation with effect from 01.09.2012.**

It is, therefore, requested that my application may kindly be entertained as a **special case** to save me from further financial loss and obliged.

Yours Obediently,

Yousaf Zeb
Yousaf Zeb,
Admn: Officer,
ACE, Peshawar.

PA. DS(Administration Deptt)

Diary No. 2506

Dated July 20, 2011

A-2

Annexure "B"

(5)

08

PS. Secy: Administration Deptt:

Diary No. 3084 Dated 11/7/11

From The Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

Estate Office Admn Department

Diary No. 3084

Date 10-7-11

File No. P-1

To The Secretary(Administration),
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

No. 5924/ACE, Dated 18/07/2011.

Subject: Grant of Housing Subsidy.

An application submitted by Yousaf Zeb, Administrative Officer of this Establishment, requesting for grant of Housing Subsidy of his house as a special case, being retiring on 01.09.2012, is sent herewith for favour of sympathetic consideration please.

Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

SECY: ADMIN

DS(A)
MCC

do. 20/7

21/7/11

23/7

Annexure "C"

09



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. EO(Admn)/52/2018
Dated Peshawar the 27.12.2018

To

The Director,
Directorate of Anti-Corruption Establishment KP,
Phase-V, Hayatabad, Peshawar

149
3/1/19

Subject: WRIT PETITION NO. 1450-P/2018 "YOUSAF ZEB VS GOVT OF KP"

I am directed to refer to the subject cited above and earlier communication of this Department vide letter No. EO(Admn) R-I dated 13.02.2014 and to enclose herewith detailed Judgment of the Hon'ble Peshawar High Court in Writ Petition No. 1450-P/2018 dated 28.11.2018 for compliance as per directions to Respondent No. 2 (Director, Anti-Corruption) contained in the said Judgment.

I am further directed to request you that prior to forwarding the case, unambiguous opinion/directions of Finance Department in the matter be ascertained in light of Finance Department's instructions vide UO No. BO (IV)/FD/4-21/96 dated 22.08.1995. (Copy enclosed).

An early expedited action in the matter would highly be appreciated.

ESTATE OFFICER

Endst. of Even No and Date

Copy forwarded for information and further necessary action to the:

Acctt:

4/1/19

1. Deputy Registrar (Judl), Peshawar High Court, Peshawar with reference to his letter No. 1696/Judl: dated 05.12.2018 on the subject.
2. PS to Secretary Administration, Administration Department, Peshawar
3. PS to Secretary Finance (being Respondent No. 3) in the subject writ petition alongwith copy of writ petition, joint parawise comments, judgment etc
4. PA to Deputy Secretary (Admn), Administration Department, Peshawar

ESTATE OFFICER

(10)

date

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

Subject: GRANT OF HOUSING SUBSIDY WITH RETROSPECTIVE EFFECT.

Will the Estate Officer, Govt of NWFP, S&CAD, kindly refer to his letter No SO(S&CAD)K-1991, dated 15.3.1995 on the subject noted above ?

2 Finance Department observes that since the officers/officials who have applied for housing subsidy had drawn House Rent Allowance for the period in question therefore the payment of housing subsidy would be applicable from the date of sanction and not from the date of application.

R.A.
(ROUHUL AMIN)
BUDGET OFFICER (IV)

ESTATE OFFICER,
GOVT OF NWFP,
S&CAD.

NO. NO. 30(IV)/FD/4-21/95

Dated 22.6.1995.

Handwritten notes and signatures at the bottom of the page.





Annexure "D"

**DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR**

No. 755 Dated // /01/2019.

To

The Estate Officer,
Government of Khyber Pakhtunkhwa,
Administration Department,
Peshawar.

Subject:- **WRIT PETITION NO. 1450-P/2018 "YOUSAF ZEB V/S GOVT: OF KP"**

Please refer to your office letter No. EO(Admn)/52/2018, dated 27.12.2018 on the subject cited above.

It is to state that the petitioner i.e. Mr. Yousaf Zeb, Former Assistant Director of this Establishment approached the Peshawar High Court, Peshawar vide WP No. 1450-P/2018 for grant of Housing Subsidy with effect from 12.3.2010 to 31.8.2012, as a result of which the August Court directed the Respondent No. 2 i.e. undersigned, vide Order Sheet dated 28.11.2018, to expedite the matter of petitioner in respect Housing Subsidy as soon as possible but not later than one month.

It is also mentioned here that the petitioner's application for Housing Subsidy was forwarded to your office vide letter No. 1280, dated 12.3.2010 also reminded vide letter No. 5924, dated 18.7.2011 (**Copies at Flag-A**). Furthermore, he had earlier drawn the Housing Subsidy in the year 1982 on the same house but was dis-continued on his own request as he was shifted to his village Kaga Wala, Peshawar as it was not situated in the limits of Municipal Corporation, which depicts that the present case of petitioner is not fresh but old and only to continue the Housing Subsidy. Copy of Cheque No. 026041 dated 1.8.1982 is enclosed for ready reference (**Flag-B**).

Now as per orders of the Peshawar High Court, Peshawar dated 28.11.2018, the calculation of Housing Subsidy of petitioner has been made for the period from 12.3.2010 to 31.8.2012, which come to **Rs. 2,38,547/-** detail of which is attached at (**Flage-C**). As far as the instructions of Finance Department mentioned in your above quoted letter does not apply on the said case as it is the directions of Peshawar High Court, Peshawar, therefore, this office has to comply the Court orders.

It is, therefore, requested that necessary sanction for the Housing Subsidy to the tune of **Rs. 2,38,547/-** in respect of petitioner i.e. Mr. Yousaf Zeb, Former Assistant Director of this Establishment, may please be accorded as per Court's directions so as to avoid further litigation in the matter please.

Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

No. 756 Dted // /01/2019

Copy for information to Mr. Yousaf Zeb, Former Assistant Director of Anti-Corruption Establishment, resident of Mustaq Abad, Nothia, Peshaar.

Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.



Annexure 'E' (12)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. EO(Admn)WP/1450-P/2018
Dated Peshawar the 08.08.2019

To

The Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa Peshawar:

Directorate of Anti-Corruption
By No: 5916
Dated: 19/8/19
File No: _____
KPK Peshawar

Subject:

**WRIT PETITION NO. 1450-P/2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Kindly refer to your letter No. 755 dated 11.01.2019 on the subject noted above and to state that Administration Department referred the case to Finance Department for views/comments regarding sanction of House Subsidy allowance of the petitioner from retrospective date/effect. Finance Department has opened that the Petitioner not entitled to House Subsidy from retrospective date w.e.f.12.03.2010 to 31.08.2019, as he received/availed House rent allowance of the period (Copy enclosed for information please).

ESTATE OFFICER

Endst of Even No and Date

Copy forwarded to the:-

1. Mr. Yousaf Zeb (R) Assistant Director resident of House No. 414 Gulgusht colony Nothia Jadeed, Mushtaq Abad, Peshawar.
2. PS to Secretary Administration Department.
3. Section Officer (SR-III) Finance Department.

AD/Admn.

DAE.
20/8.

Estt. Clerk.

Provide a copy to accounts.

ESTATE OFFICER

21/08/2019
AD(Admn)

**JUST IMMEDIATE
COURT MATTER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

PA.DS (Administration Deptt) No. SO (Lit-I)FD/3-2389/2018/CL 2079
Dairy No. 1636 Dated 02/07/19 Dated Pesh: the 30th July, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department, Peshawar

Ps to Secy Admin

Dairy No: 3159 Date: 02/07/19

SUBJECT:- **WRIT PETITION NO.1450-P2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully

SECTION OFFICER (Lit-I)

Endst: of even No. & Date

Copy forwarded to the:

1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.

SECTION OFFICER (Lit-I)

Assistant

EO

PA to Admn

PA to Deputy Secy
6/8

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 6133/2020

Yousaf Zeb

..... Appellant

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary, Administration Civil Secretariat, Peshawar.
2. Director Anti-Corruption Establishment, Sector B-2, Plot No. 19 Phase-V, Hayatabad, Peshawar.
3. Estate Officer, Govt. of Khyber Pakhtunkhwa, Administration Department, Peshawar.
4. The Secretary Finance, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. Thurab Shah Accountant C/o Director Anti-Corruption, Peshawar.

..... Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No. 02 & 03

PRELIMINARY OBJECTIONS

1. That the Appellant has neither any locus standi nor cause of action to bring the instant petition before this honorable Tribunal. Therefore, the instant Appeal is liable to be dismissed.
2. That the Appellant has not come to this Honorable Tribunal with clean hands, therefore, the petition is liable to be dismissed on this score alone.
3. That the Appellant is estopped by his own conduct to file the instant Appeal.
4. That the appeal in hand is incompetent in its present form hence not maintainable.
5. That the Appeal has concealed material facts from this Honorable Tribunal, therefore, this appeal is liable to be dismissed.
6. That the instant appeal is baseless, false and frivolous and is filed with malafide intention thus the respondents are entitled to special cost.
7. That the facts alleged by the Appeal are incorrect and very vehemently denied as laid.

ON FACTS

1. Relates to Appellant profile and his own assumptions.
2. Correct that he has received a cheque amounting to Rs. 550 dated 1.08.1982 although his permanent residence-ship pertains to his own assumption.
3. Incorrect and denied as a matter of fact and evident from the record of the appeal as well as attached at **(Annex-I)** his case was process at appropriate level on the directions of Hon'ble Peshawar High Court Peshawar vide judgment dated 28.11.2018 in Writ Petition No. 1450-P/2018 and as per advice of the Finance Department the Appellant was in receipt / availed house rent allowance, hence he is ineligible for house subsidy allowance retrospectively **(Annex-II)**.
4. Pertains to respondent No. 2.
5. As explained in Para-3, his case was processed accordingly as decided by the Hon'able Peshawar High Court, Peshawar.
6. Correct to the extent that Director Anti-Corruption Establishment re-processed his case but the same as mentioned/advised by the Finance Department the Petitioner/Appellant was in receipt of House Rent Allowance hence ineligible to avail dual facility of House Rent Allowance and House Subsidy Allowance **(Annex-III)**.
7. Correct to the extent that his writ petition No. 1450-P/2018 as well as COC No. 498/2019 has been decided on merit by the Hon'ble Peshawar High Court and disposed of his COC with the remarks that appellant is at liberty to impugned the said letter before the competent court, therefore, why not the Appellant may challenge the same at appellate forum/court i.e. before the August Supreme Court of Pakistan.
8. Incorrect and denied each and every application submitted to the worthy Chief Secretary and Secretary Administration are processed at appropriate level.


On Grounds

- A. The Appellant was treated according to law and rules and his rights had not been discriminated.
- B. Relates to Respondent No. 02 being on his part to respond.

- C. Incorrect and fabricated, there is slackness on part of the Respondent No.2 because after retirement the Appellant/Petitioner is ineligible to claim House Subsidy Allowance having retrospective affect. However, non-submission of his case by the parent department i.e. Respondent No. 2 is their own wisdom and official procedure rather than rest of respondents.
- D. Incorrect and denied. Respondents processed each time his case at appropriate level as mentioned in preceding Paras.
- E. Incorrect and frivolous presumption, not only the case of the Appellant, every aggrieved applicant is dealt with according to Law, Rules and policy of the Provincial Government.
- F. Incorrect and fabricated. Each and every case whether it is fresh or old needs to be dealt with according to Rules, Law and the respondents did not favour or disfavor any of the applicant but to deal him according to Rules.

Any other ground presented by the Appellant shall be answered at the time of arguments.

It is, therefore, most humbly prayed that the instant Appeal being denial of facts and based on malafide intention, res-judicata on merit hence may be dismissed with cost.


Respondent No. 1
(Secretary Administration)


Respondent No. 3
(Estate Officer)

Annex-I

Annex H

Urgent Matter

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**



PA.DS (Administration Dept) No. SO (Lit-I)FD/3-2389/2018/CL 2079
Dairy No. 1156 Dated 02/07/19 Dated Pesh: the 30th July, 2019

PA to Secy Admin
Dairy No. 3159 Date: 02/07/19

To The Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department, Peshawar

SUBJECT:- WRIT PETITION NO.1450-P/2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully

SECTION OFFICER (Lit-I)

Endst: of even No. & Date

Copy forwarded to the:

1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.

SECTION OFFICER (Lit-I)

Asst. Secy



30

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT**

No. EO(Admn)WP/1450-P/2018
Dated Peshawar the 08.08.2019

To

The Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa Peshawar.

Subject: **WRIT PETITION NO. 1450-P/2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Kindly refer to your letter No. 755 dated 11.01.2019 on the subject noted above and to state that Administration Department referred the case to Finance Department for views/comments regarding sanction of House Subsidy allowance of the petitioner from retrospective date/effect. Finance Department has opined that the Petitioner is not entitled to House Subsidy from retrospective date w.e.f. 12.03.2010 to 31.08.2019²⁰¹⁸ as he received/availed House rent allowance of the period (Copy enclosed for information please).

ESTATE OFFICER

Endst of Even No and Date

Copy forwarded to the:-

1. Mr. Yousaf Zeb (R) Assistant Director resident of House No. 414 Gulgusht colony Nothia Jadeed, Mushtaq Abad, Peshawar.
2. PS to Secretary Administration Department.
3. Section Officer (SR-III) Finance Department.

AD/Admn

DATE
20/8

EST. CLERK

Provide a copy to accounts

ESTATE OFFICER

AD(ADMN)
21/08/2019

**MOST IMMEDIATE
COURT MATTER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

PA.DS (Administration Deptt.) No. SO (Lit-I) FD/3-2389/2018/CL 2079
Dairy No. 1656 Dated 02/08/19 Dated Pesh: the 30th July, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department, Peshawar

Ps to Secy Admin

Dairy No: 3159 Date: 02/08

SUBJECT:- **WRIT PETITION NO.1450-P2018 YOUSAF ZEB AND OTHERS
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully

SECTION OFFICER (Lit-I)

Endst: of even No. & Date

Copy forwarded to the:

1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.

SECTION OFFICER (Lit-I)

Asst. Secy

EO

SECY (ADMIN)
De Admn

6/8

Urgent
MOST IMMEDIATE
COURT MATTER

Annex-II



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

PA.DS (Administration Deptt.) No. SO (Lit-I) FD/3-2389/2018/CL 2079

Dairy No. 1656 Dated 02/07/19 Dated Pesh: the 30th July, 2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department, Peshawar

Ps to Secy Admin

Dairy No: 3159 Date: 02/08

SUBJECT:- **WRIT PETITION NO.1450-P2018 YOUSAF ZEB AND OTHERS**
VERSUS GOVT. OF KHYBER PAKHTUNKHWA ETC.

Sir,

I am directed to refer to your department letter No.. EO(Admn)/WP No. 1450-P/2018 Dated 11-07-2019 on the subject noted above and to state that since the officer/petitioner has received/availed House Rent Allowance w.e.f. 12-03-2010 to 31-08-2012, therefore he is not entitled to the Housing Subsidy from retrospective effect.

Yours faithfully


SECTION OFFICER (Lit-I)

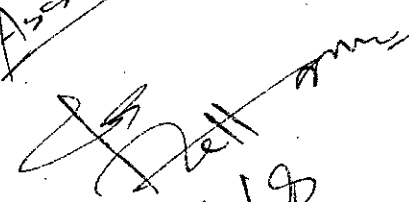
Endst: of even No. & Date


Copy forwarded to the:

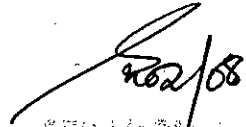
1. Section Officer (SR-III) Finance Department.
2. PA to Additional Finance Secretary (Admn) Finance Department.
3. PA to Additional Finance Secretary (Reg:) Finance Department.
4. PA to Deputy Secretary (Lit) Finance Department.


SECTION OFFICER (Lit-I)

Assistant


6/8


EO


SECY (ADMIN)
De Admin

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 6133/2020

Yousaf Zeb

VS

govt of kp

.....
REJOINDER ON BEHALF OF APPELLANT

.....
RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondents.
- 2 No comments endorsed by the respondents.
- 3 Incorrect, while para-3 of the reply is correct as mentioned in the main appeal of the appellant.
- 4 Incorrect, while para-3 of the reply is correct as mentioned in the main appeal of the appellant, moreover delay on the part of the deptt.
- 5 No comments endorsed by the respondents. Hence admitted.

- 6 Incorrect while para-6 of the appeal is correct. Moreover we claim difference of house subsidy and house rent.
- 7 No comments endorsed by the respondents. Hence admitted.
- 8 Incorrect. The appellant has challenged the orders of the respondents on the analogy of supreme court judgment but he has no other remedy for his grievances expect to come to this august Tribunal.


GROUND:

- A) Incorrect, while Para-A of appeal is correct.
- B) Incorrect, while Para-B of appeal is correct.
- C) Incorrect and not replied properly. Therefore, Para-C of appeal is correct.
- D) Incorrect, while Para-D of the appeal is correct.
- E) Incorrect. The Para-E of appeal and contention of appellant is correct.
- F) Incorrect. the Para-F of appeal is correct.
- G) Incorrect, while Para-G of appeal is correct. Moreover as explained in above paras.

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


APPELLANT
Yousaf Zeb

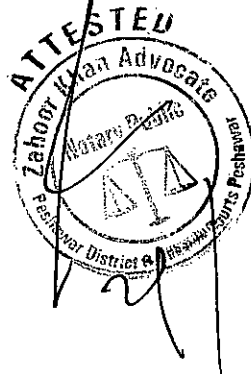
Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT



BPS-16 HOUSE SUBSIDY ALLOWANCE (HSA)

Period	Rate	Amount
12.03.2010 to 31.03.2010	7440/31 x20(days)	4800
01.04.2010 to 31.10.2011	7440x19	141360
Total		146,160

BPS-17 HOUSE SUBSIDY ALLOWANCE (HSA)

Period	Rate	Amount
01.11.2011 to 30.04.2012	9845x6(months)	59,070
01.05.2012 to 13.05.2012	9845/31x13(days)	4,128
14.05.2012 to 31.05.2012	12310/31x18 (days)	7,147
01.06.2012 to 31.08.2012	12310x3	36,930
Total		107,275

Grand Total of BPS 16 & 17 = 146,160 +107,275 = **253,435 HSA**

BPS-16 HOUSE RENT ALLOWANCE (HRA)

Period	Rate	Amount
12.03.2010 to 31.03.2010	2727/31 x20(days)	1759
01.04.2010 to 31.10.2011	2727x19	51,813
Total		53,572

Place on file.
9/9/22

BPS-17 HOUSE RENT ALLOWANCE (HRA)

Period	Rate	Amount
01.11.2011 to 30.04.2012	4435x6(months)	26,610
01.05.2012 to 13.05.2012	4435/31x13(days)	1860
14.05.2012 to 31.05.2012	4435/31x18 (days)	2576
01.06.2012 to 31.08.2012	4435x3	13,305
Total		44,351

Grand Total of BPS 16 & 17 = 53,572+ 44351=

97,923 HRA

Difference b/w HSA & HRA 253,435 - 97,923=

155,512/-

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 6133/2020

Yousaf Zeb

..... Appellant

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary, Administration Civil Secretariat, Peshawar.
2. Director Anti-Corruption Establishment, Sector B-2, Plot No. 19 Phase-V, Hayatabad, Peshawar.
3. Estate Officer, Govt. of Khyber Pakhtunkhwa, Administration Department, Peshawar.
4. The Secretary Finance, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. Thurab Shah Accountant C/o Director Anti-Corruption, Peshawar.

..... Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No. 02 & 03

PRELIMINARY OBJECTIONS

1. That the Appellant has neither any locus standi nor cause of action to bring the instant petition before this honorable Tribunal. Therefore, the instant Appeal is liable to be dismissed.
2. That the Appellant has not come to this Honorable Tribunal with clean hands, therefore, the petition is liable to be dismissed on this score alone.
3. That the Appellant is estopped by his own conduct to file the instant Appeal.
4. That the appeal in hand is incompetent in its present form hence not maintainable.
5. That the Appeal has concealed material facts from this Honorable Tribunal, therefore, this appeal is liable to be dismissed.
6. That the instant appeal is baseless, false and frivolous and is filed with malafide intention thus the respondents are entitled to special cost.
7. That the facts alleged by the Appeal are incorrect and very vehemently denied as laid.

ON FACTS

1. Relates to Appellant profile and his own assumptions.
2. Correct that he has received a cheque amounting to Rs. 550 dated 1.08.1982 although his permanent residence-ship pertains to his own assumption.
3. Incorrect and denied as a matter of fact and evident from the record of the appeal as well as attached at **(Annex-I)** his case was process at appropriate level on the directions of Hon'ble Peshawar High Court Peshawar vide judgment dated 28.11.2018 in Writ Petition No. 1450-P/2018 and as per advice of the Finance Department the Appellant was in receipt / availed house rent allowance, hence he is ineligible for house subsidy allowance retrospectively **(Annex-II)**.
4. Pertains to respondent No. 2.
5. As explained in Para-3, his case was processed accordingly as decided by the Hon'able Peshawar High Court, Peshawar.
6. Correct to the extent that Director Anti-Corruption Establishment re-processed his case but the same as mentioned/advised by the Finance Department the Petitioner/Appellant was in receipt of House Rent Allowance hence ineligible to avail dual facility of House Rent Allowance and House Subsidy Allowance **(Annex-II)**.
7. Correct to the extent that his writ petition-No. 1450-P/2018 as well as COC No. 498/2019 has been decided on merit by the Hon'ble Peshawar High Court and disposed of his COC with the remarks that appellant is at liberty to impugned the said letter before the competent court, therefore, why not the Appellant may challenge the same at appellate forum/court i.e. before the August Supreme Court of Pakistan.
8. Incorrect and denied each and every application submitted to the worthy Chief Secretary and Secretary Administration are processed at appropriate level.

On Grounds

- A. The Appellant was treated according to law and rules and his rights had not been discriminated.

- C. Incorrect and fabricated, there is slackness on part of the Respondent No.2 because after retirement the Appellant/Petitioner is ineligible to claim House Subsidy Allowance having retrospective affect. However, non-submission of his case by the parent department i.e. Respondent No. 2 is their own wisdom and official procedure rather than rest of respondents.
- D. Incorrect and denied. Respondents processed each time his case at appropriate level as mentioned in preceding Paras.
- E. Incorrect and frivolous presumption, not only the case of the Appellant, every aggrieved applicant is dealt with according to Law, Rules and policy of the Provincial Government.
- F. Incorrect and fabricated. Each and every case whether it is fresh or old needs to be dealt with according to Rules, Law and the respondents did not favour or disfavor any of the applicant but to deal him according to Rules.

Any other ground presented by the Appellant shall be answered at the time of arguments.

It is, therefore, most humbly prayed that the instant Appeal being denial of facts and based on malafide intention, res-judicata on merit hence may be dismissed with cost.


Respondent No. 1
(Secretary Administration)


Respondent No. 3
(Estate Officer)