

ORDER
07.10.2022

Nemo for the appellant.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.10.2022




(Salah-Ud-Din)
Member (J)
Camp Court Swat

08.09.2022

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 07.10.2022 before the S.B at Camp Court Swat.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

24.03.2022

None present for the appellant.

Notice be issued to appellant and his counsel for the next date. To come up for preliminary hearing on 14.04.2022 before S.B.

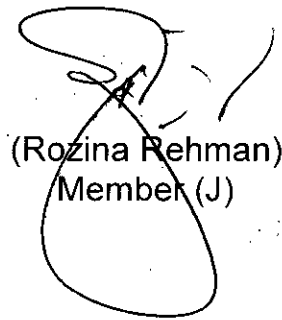


Chairman

14.04.2022

Junior to counsel for the appellant present.

He made a request for adjournment as senior counsel is not available today. Adjourned. To come up for preliminary hearing on 07.07.2022 before S.B.



(Rozina Rehman)
Member (J)

7th July, 2022

None for the appellant present.

The instant appeal pertains to District Swat, therefore, let it be fixed at camp court Swat. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 3.08.2022 before S.B at camp court Swat.



(Kalim Arshad Khan)

Chairman

3.8.22

*Due to summons
vacation the case is adjourned to
8-9-22 for the same.*


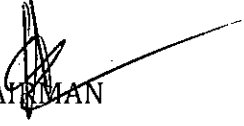
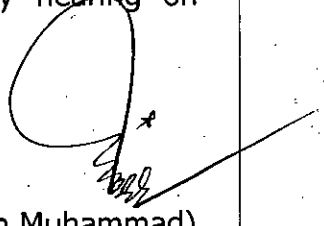


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7842 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2021	<p>The appeal of Mr. Jamshaid resubmitted today by Mr. Muhammad Ishaq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>25/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	25.01.2022	<p>Clerk of counsel for the counsel present.</p> <p>Former requests for adjournment due to general strike of the bar. Adjourned. To come up for preliminary hearing on 24.03.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

The appeal of Mr. Jamshid Khan S/O Sajad Khan, Belt No. 2132, R/O P/O Kalkot, Lalmoti Bala, Tehsil Sherengal, District Upper Dir received today i.e. on 17.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Annexures of the appeal may be attested.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 2280 /S.T,

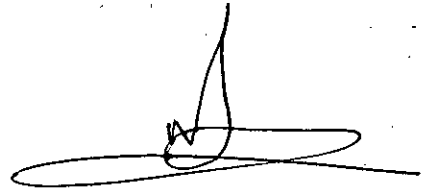
Dt. 17/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Anwar Khan Adv.

Resubmitted after compliance

Date 6/12/2021


*M. Anwar Khan
Advocate*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

S#	CONTENTS	Yes	No
1.	This Appeal has been presented by <u>Jamshaid Khan</u>		
2.	Whether counsel / appellant / respondent / deponent have signed the requisite document?	Yes	
3.	Whether appeal is within time?	✓	
4.	Whether appeal enactment under which the appeal is filed is mentioned?	✓	
5.	Whether enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal / annexure are properly paged?	✓	
9.	Whether certificate regarding filling any earlier appeal in the subject, furnished?		
10.	Whether annexures are legible?	✓	✓
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/ clear?	✓	
13.	Whether copies of appeal is delivered to AG/ DAG?	✓	
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	✓	
15.	Whether number of referred cases given are correct?	✓	
16.	Whether appeal contains cutting / overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies are attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are completed?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether security and process fee deposited? On _____		-
25.	Whether in view of <u>Khyber Pakhtunkhwa Service Tribunal Rule 1974 rule 11</u> , Notice along with copy of appeal and annexure has been sent to respondents? On _____	✓	
26.	Whether copies of comments / replay/ rejoinder submitted? On _____		-
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____		-

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

Name:- Mulhammad Anwar Khan

Signature: - [Signature]

Dated: - _____

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 7842 /2021

Mr. jamashid khan

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-8
5.	Copy of regular appointment order	B	9-12
6.	Copy of Application/ Appeal	C	13
7.	Copy of Pension rules for qualifying Service / <i>Supreme Court judgement</i>	D	14-22
8.	Wakalat Nama		28

OV
Appellant

Through

M
Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court,
Peshawar

Date: 31/7/2021

1

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Services Tribunal

Service Appeal No. 7842 /2021

Diary No. 7883

Dated 17-11-2021

Mr. Jamshid Khan S/o sajad Khan, Belt No 2132,
R/o post office Kalkot, Lalmoti Bala, Tehsil Sherengal, District Upper
Dir.

.....**Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

.....**Respondents**

Filed to-day

Registrar
17/11/2021

Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 3, whereby Appellant service has been Regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.e.f, 01-08-2009 instead of 1-03-2020.

Prayer in Appeal

On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of

Registrar
 17/11/2021
 and filed.
 Registrar

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pension and he may be allowed pension and other back benefits.

Respectfully Sheweth:

The appellant submits as under:

1. That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 2019 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure C)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure D).**

G R O U N D S:

A) *That the Petitioner has not been treated in accordance with law and their rights secured and guaranteed under the law have been badly violated.*

B) *That the same is against the natural justice also.*

C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.

D) That as per Judgment of Supreme Court of Pakistan PLD 2016 supreme court 534. The August Supreme Court of Pakistan has specifically held that the Temporary Service followed by the conformation of regular service counted for the purpose of pension thus the Appellant is entitled for the grant of monthly pension by counting his service w.e.f the date of his initial appointment. **(Copy of Judgment is attached as Annexure E).**

E) That there are a number of Judgments in identical cases. therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan reported in 1996 SCMR 1185.

F) That the Temporary service followed by confirmation/ regular appointment gave the Appellant a right that his service be considered as regular service. Copy of rules 2.1 is attach as annexure F.

G) *That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/*

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calendar and the constitution of Islamic Republic of Pakistan 1973.

H) That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 01/08/2009 instead of 01-03-2020 with all back benefits.

Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 31/7/2021

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. jamshid khan

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Mr. jamshid khan Son of sajad Khan Belt NO589, R/o post Kalkot, Lalmoti Bala, Tehsil Sherengal, District Uper Dir, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.




DEPONENT

(6)

BEFORE THE KPK SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Jamshid Khan

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

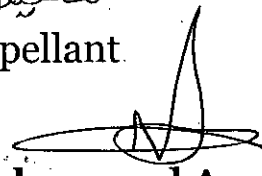
Mr. Jamshid Khan S/o Sajad Khan, Belt No 2132,
R/o post office Kalkot, Lalmoti Bala, Tehsil Sherengal, District Upper
Dir.

RESPONDENTS

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secretariate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.


Appellant

Through



Muhammad Anwar Khan
(Pashton Ghari)

Advocate High Court

Date: ___/___/2021

Annex A 27 - 8

OFFICE ORDER.

Consequent upon their selection by Joint team consisting of Officers, Civil Administration, Special Branch, Police and Army Authority have been pleased to approve the following candidates as Special Police force in District Upper District on the following term and condition with effect from 01.08.2009.

S.No	Name	F/ Name	Residence	Union Council	No
1.	Ajmal	Shujamat Khan	Duryal	Akhagram	SPO-1
2.	Toti Rehman	Gul Sherawan	Akhagram	Akhagram	SPO-2
3.	Ikram	Asfandyar	Akhagram	Akhagram	SPO-3
4.	Bakht Rehman	Gujar	Karkabanj	Akhagram	SPC-4
5.	Usman Ali Shah	Gul Bacha	Akhagram	Akhagram	SPO-5
6.	Hamid Gul	Sarzamin	Akhagram	Akhagram	SPO-6
7.	Bacha Rehman	Shad Muhammad	Bagh Manzai	Akhagram	SPO-7
8.	Amjad Khan	Abdur Rehman	Akhagram	Akhagram	SPO-8
9.	Akbar Ali Shah	Haji Qadar	Kumira	Akhagram	SPO-9
10.	Imran	Muzafar	Kumira	Akhagram	SPO-10
11.	Jan Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12.	Rab Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-12
13.	Zahid Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-13
14.	Amjad Ali	Muhammd Gran	Akhagram	Akhagram	SPO-14
15.	Farooq	Qadir Khan	Akhagram	Akhagram	SPO-15
16.	Sher Bacha	Asfandyar	Akhagram	Akhagram	SPO-16
17.	Fazal Islam	Khair Muhammad	Durayal	Akhagram	SPO-17
18.	Tahir Zeb	Umar Zeb	Shinkarai	Akhagram	SPO-18
19.	Muhammad Jamil	Salarzay	Akhagram	Akhagram	SPO-19
20.	Muhammad Farooq	Muhbarak Said	Duryal	Akhagram	SPO-20
21.	Muhammad Alam	Muhammad Khan	Kumira	Akhagram	SPO-21
22.	Ijaz Ullah	Gul Bar Zaman	Kumira	Akhagram	SPO-22
23.	Saeed Ullah	Mir Aslam	Khunanu tangay	Akhagram	SPO-23
24.	Muhammad Nazir	Akbar Zada	Khunanu Tangay	Akhagram	SPO-24
25.	Nasib Ullah	Rahim Ullah	Khunanu Tangay	Akhagram	SPO-25
26.	Islam Amin	Mokamin	Zaku	Akhagram	SPO-26
27.	Khan Badshah	Muhammad Yousaf	Kumira	Akhagram	SPO-27
28.	Zakir Ullah	Muhammad Amin	Shinkarai	Akhagram	SPO-28
29.	Noor Zaman	Muhd Said Khan	Bagh Pashta	Pashta	SPO-29
30.	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31.	Mushtaq Ahmad	Muhd: Younas	Gal	Pashta	SPO-31
32.	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33.	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34.	Hayat Muhammad	Rozi Muhammad	Gal	Pashta	SPO-34
35.	Hazrat Ullah	Davaish	Pashta	Pashta	SPO-35
36.	Hussain Ahmad	Ali Rehman	Mitrorra	Pashta	SPO-36
37.	Muhammad Ayaz	Ghulam Muhammad	Gal	Pashta	SPO-37
38.	Salar	Pas Muhammad	Maluk Banda	Wari	SPO-38
39.	Farman Ali	Kabir	Dskor	Wari	SPO-39
40.	Gul Wahab	Muhammad Zarin	Wari Payeen	Wari	SPO-40
41.	Wiqar Ahmad	Muhammad Alam	Wari Payeen	Wari	SPO-41
42.	Gul Rehman	Fida Rehman	Tangai	Wari	SPO-42
43.	Hanif ur Rehman	Aziz ur Rehman	Maluk Banda	Wari	SPO-43
44.	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45.	Murad	Ghulam Muhd:	Daskur	Wari	SPO-45
46.	Hayat Khan	Pas Muhammad	Tangai	Wari	SPO-46
47.	Imran	Wilayat Khan	Wari	Wari	SPO-47
48.	Inityaz Ahmad	Niaz Muhammad	Kakad	Wari	SPO-48
49.	Shah Zaman	Muhammad Rasul	Shahibagh	Wari	SPO-49

8

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586	Muhammad Labi	Hazrat Umar	Thall	Kalkot	SPO-586
587	Abdul Shakur	Said Faqir	Thall	Kalkot	SPO-587
588	Aziz Ullah	Aman Ullah	Lamotai	Kalkot	SPO-588
589	Jamshid	Sajad Khan	Lamotai	Kalkot	SPO-589
590	Muhd: Nawab	Mirza Khan	Lamotai	Kalkot	SPO-590
591	Noor Rehman	Abdul Qayum	Lamotai	Kalkot	SPO-591
592	Rahim Ullah	Mahib Ullah	Lamotai	Kalkot	SPO-592
593	Izzat Faqir	Umar Faqir	Lamotai	Kalkot	SPO-593
594	Saif ur Rehman	Muhammad Ayub	Lamotai	Kalkot	SPO-594
595	Wazir Muhd:	Taza Khan	Lamotai	Kalkot	SPO-595
596	Habib Khan	Ajim Khan	Lamotai	Kalkot	SPO-596
597	Muhammad Atzal	Toor Bacha	Lamotai	Kalkot	SPO-597
598	Aman Ullah	Mahabat Khan	Thall	Kalkot	SPO-598
599	Sami Ullah	Abdullah	Lamotai	Kalkot	SPO-599
600	Sultan Zarin	Juma Faqir	Thall	Kalkot	SPO-600

TERM AND CONDITION

- > The appointees will be on contract for 2 years in service and on adhoc Basis for not more than 2 year in a stretch with no pension, gratuity benefits and that the competent Authority may terminate from service as Special Police Officer with out showing any reason and notice.
- > The appointees shall not demand or make any excuse for only emolument of Rs, 10,000/- rupees per month.
- > The appointees shall wear the uniform issued by the department and responsible for maintenance and safety of weapon issued by the department.
- > The appointees shall be responsible before any senior Police Officer for any act of cowardice or irregularity, indiscipline or misconduct.
- > The appointees shall not leave the job with out a prior notice of 2 month as per rule.
- > The appointees shall not involve in any political or criminal activities.
- > The appointees shall undergo the basic training fixed by the superior Officer.
- > The appointees shall not try to change or convert the nature of duty.

OB No 483

Dt: 23-8 /2009.

District Police Officer,
Dir Upper.

/2009.

No

/EB, Dated Dir Upper, the
Copy of above is submitted for information to the:-

1. Provincial Police Officer N.W.F.P, Peshawar.
2. Deputy Inspector General of Police Region III Saidu Sharif Swat.

District Police Officer,
Dir Upper

Handwritten signature and initials



Annex B

9 11
Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated Peshawar the April 8th, 2020

NOTIFICATION

No. SO (Budget) / FD / 15-29/2016 Vol-II: In pursuance of the provision contained in Section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Upper under DDO Code DA4016- Law & Order Dir Upper as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Belt No.
1	Mohammad Rahim Khan	Toti Rahman	1
2	Toti Rahman	Gul Sher Rahman	2
3	Saba Gul LSPF	Shamsier	3
4	Habib Ullah	Abdul Latif Khan	4
5	Badshah Rahman	Shad Mohammad Khan	7
6	Akber Ali Shah	Haji Bahadar	9
7	Saz Bahadar	Mohammad	10
8	Ibrar Hussain	Gul Nawaz Khan	11
9	Rasool Wali	Said Hazrat	13
10	Ali Akbar	Bazir Khan	14
11	Anwar Zada	Anwar Khan	15
12	Sher Badshah	Asfandvar Khan	16
13	Badshah Rawan	Sheer Zada	18
14	Darvish Khan	Pinda Mand Khan	19
15	Sadam Hussain	Itbar Said	20
16	Muzafar Khan	Mohammad Khalig	21
17	Gulab Gul	Amir Khan (Husband)	22
18	Khalid Khan	Mohammad Khan	23
19	Mohd Nazir	Akbar Zada	24
20	Nasib Ullah Khan	Rahim Ullah Jan	25
21	Khan Bacha	Mohammad Yousaf	27
22	Zakir Ullah	Mohammad Amin Khan	28
23	Abdur Rahimian	Jehan Badshah	29
24	Ali Muhd Khan	Sher Mohammad Khan	30
25	Zarshed Khan	Jamsheed Khan	31
26	Asgar Khan	Sultan	32
27	Aziz ur Rahman	Aman Ullah	33
28	Hazrat Ali	Wazif Ullah	34

Attested

10

524	Palas Khan	Sadat Khan	578
525	Tasir Ullah	Abdur Rashid	579
526	Sher Bahadar	Mistri Khan	580
527	Muht. Zamin	Umar Faqir	581
528	Muht. Faqir	Muhammad Noor Alam	582
529	Muht. Riaz	Ghulam Mohammad Khan	583
530	Ayurang Zaib	Ghulam Haider	584
531	Irfan ud Din	Mohammad Rasool	585
532	Mohammad Nabi	Hazrat Umar	586
533	Abdul Shakir	Said Faqir	587
534	Aziz Ullah	Aman Ullah	588
535	Jamshed Khan	Sajad Khan	589
536	Muht. Nawab	Mirza Khan	590
537	Noor Rahman	Abdul Qayum	591
538	Rahim Ullah	Muhib Ullah	592
539	Anwar Hayat Khan	Mohammad Zewar Khan	593
540	Saif Ur Rahman	Mohammad Ayub	594
541	Bakht Seema) LSPF	Mir Badshah	595
542	Lal Khan	Mohammad Jan	596
543	Muht. Afzal Khan	Toor Pacha	597
544	Wahab Jan Khan	Masood	598
545	Sami Ullah	Abdullah	599
546	Sultan Zamin	Juma Faqir	600
547	Amin Khan	Tamra Ali	601
548	Noor Zada	Motub Ullah	602
549	Muht. Zamin	Haider Khan	603
550	Bitor Gull LSPF	Abdur Razaq (Husband)	606
551	Najeeb Ullah	Hussain Khan	607
552	Liaqat Ali Khan	Shah Liyar	608
553	Ayoub	Saz Bar Khan	609
554	Shagufta Bibi LSPF	Rahim Dad Khan	610
555	Sardar Khan	Shah Khan	611
556	Ijaz Ahmad	Sherin Mohammad	612
557	Naveed Khan	Gul Bar Khan	613
558	Zarhameed	Gul Faraza Khan	614
559	Rahman-ul Haq	Mohammad Zamin ul Haq	616
560	Khaista Bacha	Asfandyar	618
561	Zomira Bibi LSPF	Hamdan	619
562	Mohammad Ghulam	Ghulam Rashid	620
563	Akhtar Ayub	Sultan Mohammad	622
564	Wali Khan	Izat Khan	624
565	Ali Zar	Driver Khan	626

A Hestad
no

74

566	Mati Ullah	Sana Ullah Khan	627
567	Khan Zamin	Gul Zamin	628
568	Badshah Zada	Mohammad Nagin Khan	629
569	Inayat ul Haq	Sher Afzal Khan	630
570	Said Mohd Zeb	Aurang Zeb	631
571	Layaq Zada	Fazal Haleem	632
572	Saeed ullah	Fazal Rahman	633
573	Khesro	Muhammad Zahir Shah	634
574	Ubaid Ali Khan	Tali Mand Khan	635
575	Farid Khan	Bakht Jehan Khan	636
576	Shafi Ullah	Rozi Khan	637
577	Mund; Rahman	Abdur Rahira	638
578	Mund; Umar	Barkat Jan	639
579	Ali Rahman	Mohammad Raza Khan	640
580	Sahib Zada	Akbar Zada	641
581	Zia Ullah	Abdul Hamid	642
582	Said Romullah	Bahadar Khan	644
583	Hasan ul Haq	Gul Azim Khan	646
584	Khyal Muhammad	Mazz Ullah Khan	647
585	Amjad Khan	Aziz Jan	648
586	Irshad Ahmad	Sherin Zada	649
587	Arshad Iqbal	Bashir	650
588	Karman Hasan	Zahir Shah	145
589	Dilawar Khan	Fazal Qayam	254
590	Abdul Kabir	Bashir Ahmed	483
591	Imad Akber	Missal Khan	564

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Encl: No. & date even

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Upper.
6. The District Accounts Officer, Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

OB/EC/0481/12

[Signature]

SECTION OFFICER (BUDGET)

O.D. No. 208

04-04-2008

22/4

Attested

[Signature]

Attested
[Signature]

21

DESCRIPTION	AMOUNT	DEDUCTIONS	AMOUNT	NET PAY
1001 Basic Pay	12,400.00			
1002 Health Care Allowance	2,120.00			
1010 Thrift Allowance	1,947.00			
1020 Pension Allowance	1,500.00			
1047 Expense Allowance	211.00			
1048 Expense Allowance	102.00			
1049 Expense Allowance	200.00			
1050 Expense Allowance	2,120.00			
1051 Expense Allowance	1,775.00			
1052 Expense Allowance	1,000.00			
1053 Expense Allowance	1,000.00			
1054 Expense Allowance	2,120.00			
1055 Expense Allowance	225.00			
1056 Expense Allowance	1,000.00			
1057 Expense Allowance	1,000.00			
1058 Expense Allowance	1,000.00			
1059 Expense Allowance	1,000.00			
1060 Expense Allowance	1,000.00			
1061 Expense Allowance	1,000.00			
1062 Expense Allowance	1,000.00			
1063 Expense Allowance	1,000.00			
1064 Expense Allowance	1,000.00			
1065 Expense Allowance	1,000.00			
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1068 Expense Allowance	1,000.00			
1069 Expense Allowance	1,000.00			
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1079 Expense Allowance	1,000.00			
1080 Expense Allowance	1,000.00			
1081 Expense Allowance	1,000.00			
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1093 Expense Allowance	1,000.00			
1094 Expense Allowance	1,000.00			
1095 Expense Allowance	1,000.00			
1096 Expense Allowance	1,000.00			
1097 Expense Allowance	1,000.00			
1098 Expense Allowance	1,000.00			
1099 Expense Allowance	1,000.00			
1100 Expense Allowance	1,000.00			

Attested
[Signature]

Annexure D 23

13
محضور جناب آئی جی پی صاحب نیئر چٹو نخواہ پشاور

درخواست بمراد عطا کی Back Benefit از 2009ء و

شامل فرمانے Contract Back Service

Period برائے پٹن

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل 2009ء میں SPO بھرتی ہوئے تھے اور پشاور ہائی کورٹ نے 2017ء میں مستقل کرنے کا فیصلہ فرمایا تھا۔

2- یہ کہ محکمہ پولیس نے یکم مارچ 2020ء کو مستقل کرنے کا آرڈر فرمایا ہے۔

لہذا استدعا ہے کہ سائل کو بمطابق قانون بھرتی کی تاریخ سے Regular

کرنے کا حکم صادر فرمایا جاوے۔

محمد شہیر خان

ارضی

31-8-2021

محمد شہیر خان والو سجاد خان بیلک نمبر 2132 ٹھکانہ ٹھیل ابرو در

Attest

14

Annexure D. 26

SERVICE QUALIFYING FOR PENSION

1. **Conditions of Qualifications:-** The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-
- First:- The Service must be under Government.
 - Second:- The service must not be Non-pensionable.
 - Third:- The service must be paid by Government from the Provincial Consolidated Fund. Rule.2.1.

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Beginning of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed. Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 ibid temporary and officiating service followed by confirmation or temporary/officiating service of more than five years counts for pension/gratuity. The provisions of Rules 2.12(1) take cognizance of only those cases where the Government servant had prior to the interruption certain past qualifying service and it is considered fit to permit him to count rendered periods of qualifying service towards pension/gratuity. The condonation of interruptions in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interrupt is not permissible. To make it more clear the following illustrations are given:-

Attested

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1/1/70