

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1063/2016

Date of institution ..... 18.10.2016

Syed Riaz Ahmad Jan S/O Bul Hakam Jan. R/O Kuragh, P.O Charun,  
Tehsil Mastuj, District Chitral.

VERSUS

Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary at  
Civil Secretariat Peshawar and four others.

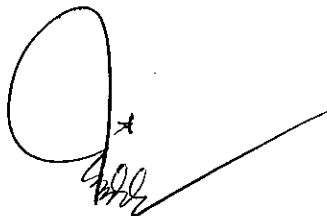
ORDER  
27.10.2022

Syed Ghufran Ullah Shah, Advocate, for the appellant present. Mr.  
Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the  
respondents present.

Learned counsel for the appellant stated at the bar that the appellant  
has got a job in Federal Government, therefore, he wants to withdraw the  
instant appeal. In this respect, he also submitted an written application,  
which is placed on file.

In light of the above, the appeal in hand stands dismissed as  
withdrawn. Parties are left to bear their own costs. File be consigned to  
the record room.

ANNOUNCED  
27.10.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

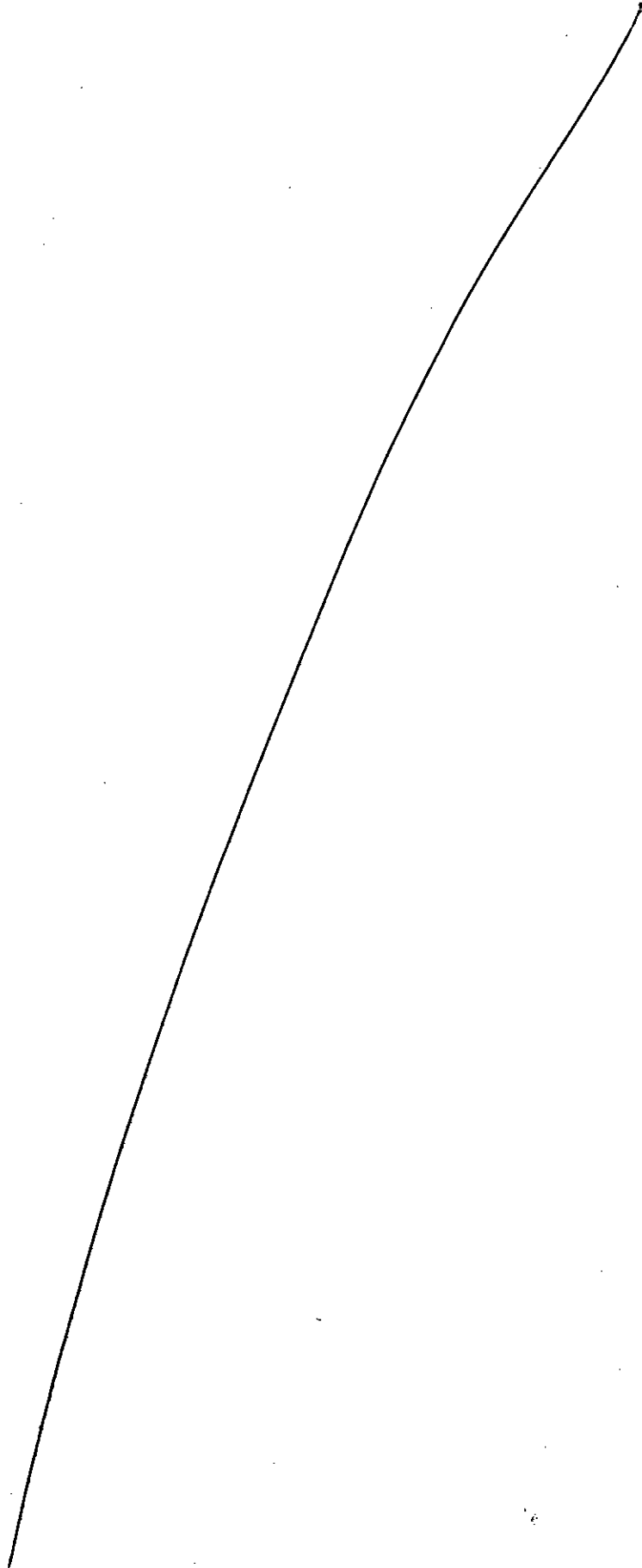


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

29.08.2022

Bench is incomplete, therefore, case is adjourned to  
27.10.2022 for the same as before.

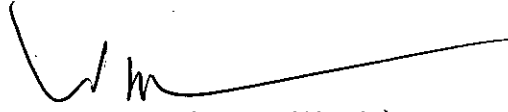
  
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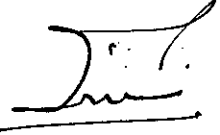
14.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. Last opportunity given. To come up for arguments on 18.02.2022 before the D.B.



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



(Salah-ud-Din)  
Member (J)

18-2-22

*Due to Retirement of the Honorable Chairman  
the case is adjourned to come up for the  
same as before on 9-6-22*

*Syad  
Redder*

09.06.2022

Clerk of learned counsel for the appellant present. Ms. Naila Gul, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 29.08.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

28.01.2021

Due to pandemic of Covid-19, the case is adjourned to 15.04.2021 for the same.

  
Reader

15.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 04.08.2021 for the same as before.

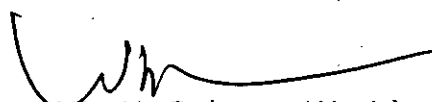
  
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04.08.2021

Junior to counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is indisposed; granted. To come up for arguments on 14.12.2021 before D.B.

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

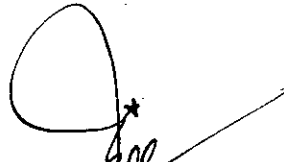
  
(Rozina Rehman)  
Member (J)

19.06.2020

Appellant in person and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Former requests for adjournment as his learned counsel is engaged today before the Hon'ble High Court in various cases.

Adjourned to 08.09.2020 for argument before D.B.

  
Member

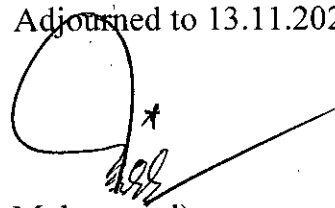
  
Chairman

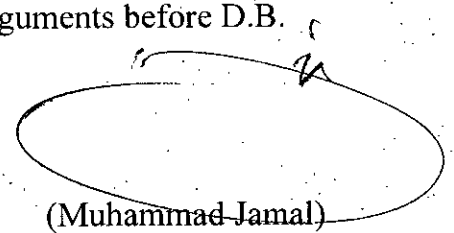
08.09.2020

Appellant is not present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

The bench was informed by the Clerk that the learned counsel is suffering from fever and could not attend the Tribunal. Requests for adjournment.

Adjourned to 13.11.2020 for arguments before D.B.

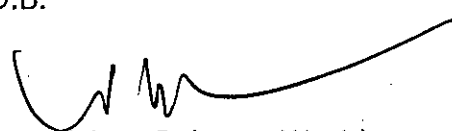
  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal)  
Member(J)

13.11.2020

Junior to counsel for the appellant and Addl.A.G for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.01.2021 for hearing before the D.B.

  
(Atiqur Rahman Wazir)  
Member


  
Chairman

Service Appeal No. 1063/2016

31.12.2019

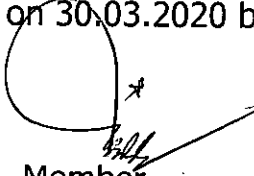
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.02.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

17.02.2020

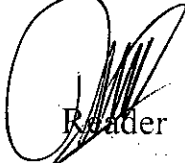
Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 30.03.2020 before D.B.

  
Member

  
Member


30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.06.2020 before D.B.

  
Reader

08.07.2019

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks as he has not prepared the case. Last opportunity granted for arguments. Adjourned. Case to come up for arguments on 02.09.2019 before D.B.


  
Member

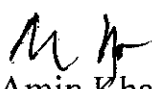
  
Member

02.09.2019

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present.

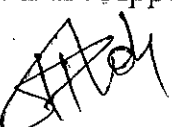
Learned District Attorney states that the present appeal was assigned to Mr. Kabirullah Khattak, Additional Advocate General who is not available today due to death of his father. He therefore requested for adjournment. Adjourned to 17.10.2019 for arguments before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

17.10.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney present. Adjourn. To come up for arguments on 31.12.2019 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

20.02.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned DDA for the respondents present. Clerk to counsel for the appellant requests for adjournment as learned counsel for the appellant is not available today. Adjourned To come up for arguments on 02.04.2019 before D.B

  
Member

  
Chairman

02.04.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment as he could not prepare the brief of instant matter. Adjourned to 22.05.2019 before the D.B.

  
Member

  
Chairman

22.05.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant requests for adjournment due to his engagement in various cases before the Honourable High Court today. Adjourned to 08.07.2019 on which date the matter shall positively be argued.

  
Member

  
Chairman



30.05.2018

Mr. Jawad Hussain, appellant in connected service appeal no. 1064/2016 appeared on behalf of the appellant and Mr. Muhammad Jan, DDA for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 03.08.2018 before D.B.



(Ahmad Hassan)  
Member



(M. Hamid Mughal)  
Member

03.08.2018

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of counsel for the appellant present and requested for adjournment. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 27.09.2018 before D.B.



(Ahmad Hassan)  
Member (E)



(Muhammad Hamid Mughal)  
Member (J)

27.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Nabi Gul, Superintendent for the respondents present. Due to general strike of the bar, arguments could not be heard. Adjourned. To come up for arguments on 06.11.2018 before D.B alongwith connected appeals.



(Ahmad Hassan)  
Member (E)



(Muhammad Amin Kundi)  
Member (J)

06.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on ~~20.02.2018~~ before D.B.





Reader

Service Appeal No. 1064/2016

07.12.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Nabi Gul, Superintendent for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 25.01.2018 before D.B.

  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Amin Khan Kundi)  
Member (J)

25.01.2018

Appellant in person present. Mr. Zia Ullah, DDA alongwith Nabi Gul, Superintendent for the respondents present. Rejoinder submitted. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 30.03.2018 before D.B.

  
Member

  
Chairman

30.03.2018

Appellant with counsel and Addl. AG alongwith Nabi Gul, Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 30.05.2018 before the D.B.

  
Member

  
Chairman

10.05.2017

Clerk to counsel for the appellant and Mr. Nabi Gul, Supdt. alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 05.07.2017 before D.B.

*[Handwritten signature]*

*[Handwritten signature]*  
Chairman

09. 05.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 03.11.2017 before D.B.

*[Handwritten signature]*

(Muhammad Hamid Mughal)  
Member

(Gul Zeb Khan)

03.11.2017 Member

*[Handwritten signature]*

Counsel for the appellant and Addl. AG alongwith Mr. Rahim Shah, Assistant for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.12.2017 before D.B.

*[Handwritten signature]*  
(Ahmad Hassan)  
Member

*[Handwritten signature]*  
(Muhammad Amin Khan Kundi)  
Member

*[Large handwritten diagonal line]*

28.12.2016

Clerk of counsel for the appellant and Assistant AG for the respondents present and requested for adjournment. To come up for written reply/comments on 2.2.2017 before S.B.

  
Chairman

02.02.2017

Counsel for appellant and Syed Nabi Gul, Superintendent (lit.) alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Written reply by respondents not submitted and requested for further time for submission of written reply. To come up for written reply/comments on 07.03.2017 before S.B.

  
(ASHFAQUE TAJ)  
MEMBER

07.03.2017

Appellant in person and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 05.04.2017 before S.B.

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

05.04.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 10.05.2017 before S.B.

  
Chairman

A. No. 1063/2016  
S. Riad Ahmad Jam RS BNT

31.10.2016

Learned counsel for the appellant argued that the appellant was initially appointed as Social Welfare Officer on contract basis in Zakat & Ushr Department vide appointment order dated 08.12.2007. That services of the appellant were terminated vide order dated 10.1.2009 constraining the appellant to prefer Writ Petition No. 2104/2010 which was accepted vide judgment dated 11.03.2015. That on the strength of the judgment of the Hon'ble Peshawar High Court referred to above appellant was reinstated in service vide order dated 02.03.2016 with effect from 09.12.2008 but the services of the appellant rendered on contract basis were not treated as regular service and appellant was deprived of seniority as well as other service benefits. That the intervening period was also treated as extra-ordinary leave without pay constraining the appellant to prefer departmental appeal which was also rejected on 19.09.2016 and hence the instant service appeal on 18.10.2016.

That the appellant is entitled to all service benefits including seniority, financial benefits and his service is to be counted as regular service and as such the impugned order is against facts and law and liable to be set aside.

Appellant Deposited  
Security & Process Fee



Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.12.2016 before S.B.

Chairman.

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1063/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/10/2016	<p>The appeal of Syed Riaz Ahmad Jan presented today by Syed Ghufan Ali Shah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR</p>
2-	20-10-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-10-2016</u></p> <p> MEMBER</p>

**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1063 2016

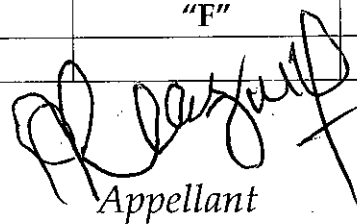
Syed Riaz Ahmad Jan

**V E R S U S**

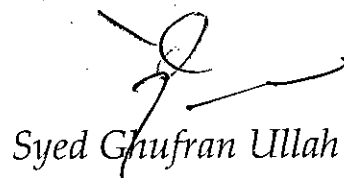
Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary at  
Civil Secretariat Peshawar and others

**INDEX**

S.No	Description of Documents	Annexure	Page No.
1	Memo of appeal		1-4
2	Affidavit		5
3	Addresses of parties		6
4	Copy of appointment/posting orders	"A"	7-9
5	Copy of relieving order	"B"	10
6	Copy of Order/Judgment	"C"	11-14
7	Copy of Notification of re-instatement	"D"	15
8	Copy of Departmental Appeal/Representation	"E"	16
9	Copy of impugned Notification	"F"	17
10	Wakalat Nama		✓

  
Appellant

Through

  
Syed Ghufuran Ullah Shah

Advocate Peshawar.

Office Address: 22-A Nasir Mention Railway road Peshawar.

Cell # 0334-9185580

**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1063 2016.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1098

Dated 18-10-2016

Syed Riaz Ahmad Jan S/o Bul Hakam Jan

R/O Kuragh, P/O Charun,

Tehsil Mastuj, District Chitral. ....Appellant

**V E R S U S**

1. Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Establishment Department Government of K.P.K at Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa (KPK) Social Welfare and Women Development Department, Peshawar.
4. Director Social Welfare and Women Development Department K.P.K Peshawar.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

Filed to-day

.....Respondents

Registrar

18/10/16 Appeal U/S, 4 of KPK, Service Tribunal Act 1974 with effect to consider Seniority of the Appellant from 09-12-2008 instead of 04-03-2016 and to grant all back benefits including pay fixation, increments, arrears and other monetary benefits of the intervening period with effect from 09-12-2008 in compliance



of Judgment Passed in Writ Petition No.2104/2010 resultantly to set aside the impugned Order bearing No.SO-II (SWD)/II-198/2015 /PC dated 19-09-2016 whereby Respondents No.3 has rejected departmental Appeal/representation of the appellant . Any other relief which deems Just and proper may also be granted to the appellant keeping in view facts and circumstance of the case.

Respectfully Sheweth:

That brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That the appellant was firstly appointed as Social Welfare Officer (BPS-17) on 08-12-2007 by Government of Khyber Pakhtunkhwa (KPK) Social Welfare and Women Development Department, Peshawar where he served as Social Welfare Officer at Abbottabad when relieved from service vide Letter dated 10-01-2009.

**(Copies of appointment/posting orders along with relieving order are annexed as Annexure-"A" & "B")**

2. That in the meanwhile KPK Employees (Regularization of Service) Act, 2009 was promulgated and the appellant was held as regular Government servant.

3. That act and omission of Respondents with effect to deny applicability of the afore mentioned law on the appellant resulted Litigation before Peshawar High Court Peshawar through Writ Petition No. 2104 /2010 which was allowed on 11-03 -2015.

**(Copy of Order/Judgment is annexed as Annexure-"C")**

4. That the matter remained under consideration between the Respondents offices for one year and lastly on 02-03-2016 vide Notification No. SO-II (SWD)/II-171/2013/PC/798-806 issued by Respondent No.3, the appellant

was re-instated in service with effect from 09-12-2008 and his service was considered as regular with effect from 24-09-2009. However the intervening period with effect from 09-12-2008 to taking over the charge was considered as Extra Ordinary Leave without pay.

**(Notification of re -instatement is annexed as Annexure "D")**

5. That being aggrieved from the impugned portion of the aforementioned Notification the appellant filed Departmental Appeal/Representation (Annexure "E") before Respondent No.3 on 24-06-2016, which was rejected on 19-09-2016 vide impugned Notification No. SO-II (SWD) /II-198 /2015/PC /5465-68 issued by Respondent No.3 (Annexure "F")
6. That as a matter of right in terms of Government Service of the appellant and having no other remedy; the appellant approaches this honourable Tribunal amongst the following other grounds;

### **GROUND:**

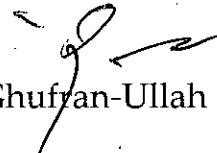
- A) The admittedly the appellant was duly entitle for his regular service as per applicability of KPK Employees (Regularization of Service) Act, 2009 soon after its promulgation but respondents deliberately deprived him from the same, therefore the Respondents are bound by law to grant him all the service benefit of the intervening period with effect from 09-12-2008 or 24-09-2009 what may be the case of appellant.
- B) That to consider the intervening period as leave without pay is illegal and in effective upon the legal rights of the appellant because as per applicable Leave Rules there is no such rule to grant the same for such long duration and that's too without request or application of the appellant.
- C) That the impugned order with effect to reject the departmental appeal of the appellant being time bared is also based on evasive ground because firstly in terms of financial benefit a Government Servant at any time seeks remedy for such financial benefit, secondly the departmental appeal of the appellant was well within time.

- D) That the restoration of the service of the appellant is based upon the order/judgment passed by the Peshawar High Court, whereby no such order for considering the intervening period as leave without pay has been mentioned, therefore the same is against the letter and spirit of the subject judgment.
- E) That to consider the intervening period as leave without pay is against the vested rights of the appellant as well as having adverse effect upon the seniority, fixation and other financial benefit of the appellant, therefore the appellant is not bound by the same.
- F) That the impugned act and omission of the respondents is based on malafide intention, against the well established norms of administration of justice as well as against the fundamental rights of the appellant.
- G) That the instant appeal relates to terms and conditions of civil servant and this honorable tribunal has been vested with statutory power to entertain the matter.
- H) That any other grounds will be furnished at the time of final arguments with the prior permission of this honourable court.

Therefore, it is, most humbly prayed that the instant service appeal be accepted as prayed for.

  
Appellant

Through

  
Syed Ghufyan-Ullah Shah

Advocate High Court

Peshawar.

**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_ 2016

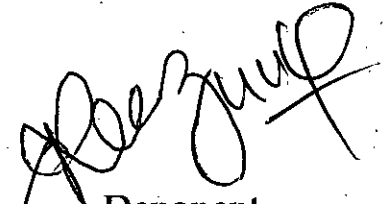
Syed Riaz Ahmad Jan

**V E R S U S**

Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary  
at Civil Secretariat Peshawar and others

**AFFIDAVIT;**

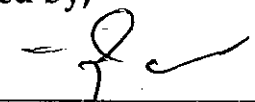
I, Syed Riaz Ahmad Jan S/o Bul Hakam Jan R/O Kuragh, P/O Charun, Tehsil Mastuj, District Chitral, Appellant; do hereby solemnly verify and declare on oath that all the contents of the subject appeal; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

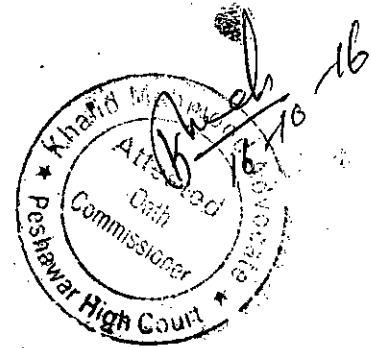


Deponent

C.N.I.C No. /52-02-35338287/

Verified by;

  
\_\_\_\_\_  
Syed Ghuffan Ullah Shah  
Advocate, Peshawar.



**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_ 2016

**Syed Riaz Ahmad Jan**

**V E R S U S**

Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary  
at Civil Secretariat Peshawar and others

**ADDRESSES OF PARTIES**

**PETITIONER;**

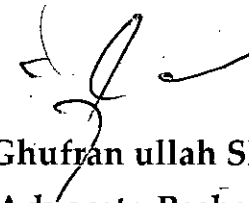
Syed Riaz Ahmad Jan S/o Bul Hakam Jan R/O Kuragh, P/O Charun,  
Tehsil Mastuj, District Chitral.

**RESPONDENTS;**

1. Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary  
at Civil Secretariat Peshawar.
2. Secretary Establishment Department Government of K.P.K at Civil  
Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa (KPK) Social  
Welfare and Women Development Department, Peshawar.
4. Director Social Welfare and Women Development Department K.P.K  
Peshawar.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

  
Appellanti

Through,

  
**Syed Ghufan ullah Shah**  
Advocate-Peshawar

NOTIFICATION

19579  
In pursuance to the recommendations of the Departmental Selection Committee (DSC) and acceptance of the Terms & Conditions offered to them vide this department offers of appointment No SOII(SW)II-171/2007 dated 13-11-2007, the Competent Authority is pleased to appoint the following as Social Welfare Officers (BPS-17) on contract basis for a period of six (06) months or till the arrival of nominee of NWFP Public Service Commission (whichever is earlier) w.e.f the date they execute agreements with this department on the prescribed proforma.

- 19580-90
- i) Umbreen Hanif D/O Muhammad Hanif H # 219 St # 9, Sector F8, Phase 6 Hayatabad Peshawar
  - ii) Syed Muhammad Younas S/O Syed Bakht Badshah R/O Kagan, Tehsil Tangi, District Charsadda
  - iii) Nighat Taskeen D/O Maqsood Ahmed, Tube Well No.4 St No.5 Near Dr. Dur-e-Kamil Road, Zaryab Colony Peshawar
  - iv) Syed Riaz Ahmed Jan S/O Bul Hakam Jan, Ittefaq Traders Community Welfare Programm Ittefaq Kidney and General Hospital (IKGH) Gulbahar No.1 Peshawar
  - v) Sadia Jabeen D/O Muhamad Sharif, House No. G 13, Haroon Qtrs Nodiah Payan, Orion CNG, Custom Chowk, Bara Road, Peshawar

SECRETARY

Endst. No. NO.SOII(SW)II-171/2007 Dated Peshawar the. 08-12-2007

1. The Accountant General NWFP, Peshawar.
2. The Director, Social Welfare & Women Development NWFP, Peshawar.
3. PS to Secretary, Zakat, Ushr, Social Welfare & WD Department NWFP.
4. Section Officer (General) Zakat, Ushr SW & WD Deptt with reference to appointment of Mr. Muhammad Younis Internee at S. No.II.
5. Officers Concerned.
6. Office Order Files.
7. Personal Files.

(ILAM KHAN KHATTAK)  
SECTION OFFICER-II

ATTESTED

NOTIFICATION

19628

NO. SOII(SW)II-52/2006: Consequent upon their appointment as Social Welfare Officers (BPS-17), they are hereby posted in the places mentioned against their names as given below in the public interest with immediate effect:-

S. #	Name	place of posting	Remarks
1	Mst. Umbreen Hanif D/O Muhammad Hanif	Project Manager, Women Crisis Centre, Peshawar	Against vacant post
2	Syed Muhammad Younas S/O Syed Bakht Badshah	Social Welfare Officer, Charsadda	-do-
3	Mst. Nighat Taskeen D/O Maqsood Ahmed	Social Welfare Officer, Peshawar	-do-
4	Syed Riaz Ahmed Jan S/O Bul Hakam Jan	Social Welfare Officer, Abbottabad	-do-
5	Mst. Sadia Jabeen D/O Muhamad Sharif	Gender Analyst Social Welfare Deptt Peshawar	-do-

SECRETARY

19629-50  
Endst. No. NO:SOII(SW)II-52/2006 Dated Peshawar the, 11-12-2007

1. The Accountant General NWFP, Peshawar.
2. District Coordination Officers, Peshawar, Abbottabad & Charsadda
3. The Director, Social Welfare & Women Development NWFP, Peshawar.
4. District Accounts Officers Abbottabad & Charsadda.
5. District Officers Social Welfare Peshawar, Abbottabad & Charsadda
6. PS to Secretary Zakat, Ushr, Social Welfare & WD Department NWFP
7. Section Officer (General) Zakat, Ushr SW & WD Deptt with reference to appointment of Mr. Muhammad Younis Internee at S. No.ii.
8. Officers Concerned.
9. Office Order Files.
10. Personal Files.

ATTESTED

(ILAM KHAN KHATTAK)  
SECTION OFFICER-II

Dated Peshawar the 30<sup>th</sup> June 2008

9

**NOTIFICATION:**

1930-52

**NO.SOII(SW)VI-55/2006/**

On the expiry of their contract appointment, the Competent Authority is pleased to reappoint the following officers on contract basis in B-17 on the existing terms and conditions for a period of six months or till the availability of regular candidates through NWFP Public Service Commission whichever is earlier from the dates noted against each:-

S.#	Name & Designation	Place of posting	Date of expiry of contract appointment	Date of fresh reappointment
I	Mr. Mohib Ullah, Planning Officer	Directorate of Social Welfare and Women Development NWFP, Peshawar	07-06-2008	09-6-2008
II	Mr. Jawad Hussain, Rehabilitation Officer	Rehabilitation Centre for Drug Addicts, Peshawar	08-06-2008	10-06-2008
III	Syed Muhammad Younis, Social Welfare Officer	Social Welfare Officer Malakanad at Batkhela	08-06-2008	10-06-2008
IV	Syed Riaz Ahmed Social Welfare Officer.	Social Welfare Officer, Abbottabad	08-06-2008	10-06-2008
V	Mr. Shah Khalid, Rehabilitation Officer.	Rehabilitation Centre for Drug Addict, Kohat	08-06-2008	10-06-2008
VI	Mr. Ejaz Ahmad, Rehabilitation officer.	Rehabilitation Centre for Drug Addict, Swat.	30-06-2008	3-7-2008
VII	Mr. Amjad Afridi, Superintendent,	Darul Kafala, Peshawar.	30-06-2008	3-7-2008
VIII	Mst Nadia Shah, Superintendent	Darul Aman Mardan	30-06-2008	3-7-2008

Secretary to Govt of NWFP  
Zakat, Ushr, Social Welfare &  
Women Dev: Department

Dated Peshawar the 30<sup>th</sup> June 2008

Endst: **NO.SOII(SW)VI-55/2006**

Copy forwarded to: -

1. The Accountant General, NWFP Peshawar.
2. The District Coordination Officers, Peshawar / Mardan /Swat/ Abbottabad/ Malakand/ Kohat
3. The Director, Social Welfare & Women Dev: NWFP Peshawar
4. The Distt: Officers, (Social Welfare) Peshawar / Mardan /Swat/ Abbottabad/ Malakand/ Kohat
5. The Distt: Accounts Officer , Mardan /Swat/ Abbottabad/ Malakand/ Kohat
6. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Deptt, NWFP.
7. The Officers Concerned.
8. Personal File of the Officers.

**ATTESTED**

*(Signature)*  
(QAMAR ALI)  
Section Officer -II



*Annexure - 18*

**GOVERNMENT OF N.W.F.P  
ZAKAT, USHR SOCIAL WELFARE &  
WOMEN DEVELOPMENT DEPARTMENT**

Dated Peshawar, the 10 January 2009

(10)

**NOTIFICATION:**

**No SOH(SWD)V-55/2006.** On the expiry of their contract appointment the competent authority is pleased to relieve the following officers (B-17) from their duties as per the terms and conditions of their contract agreement, from the dates mentioned against each:-

S.#	Name & Designation	Place of posting	Date of Expiry of contract period
I	Syed Riaz Ahmed Social Welfare Officer (B-17).	Social Welfare Officer, Abbottabad	9-12-2008 ✓
II	Syed Muhammad Younis, Social Welfare Officer (B-17)	Social Welfare Officer Malakanad at Batkhela	9-12-2008
III	Mr. Mohib Ullah, Planning Officer (B-17)	Directorate of Social Welfare and Women Development NWFP; Peshawar	8-12-2008
IV	Mr. Amjad Afridi, Superintendent	Darul Kafala Peshawar	2-1-2009
V	Mr. Jawad Hussain, Rehabilitation Officer (B-17)	Rehabilitation Centre for Drug Addicts, Peshawar	9-12-2008
VI	Nadia Shah, Superintendent	Darul Aman, Mardan	2-1-2009
VII	Mr. Shah Khalid, Rehabilitation Officer	Rehabilitation Centre for Drug Addict, Kohat	9-12-2008

Secretary to Govt: of NWFP  
Zakat, Ushr, Social Welfare & Women  
Dev: Department

Endst: NO.SOH(SW)VI-55/2006

Dated Peshawar the 10<sup>th</sup> Jan 2009

7775-  
19/1/09

Copy forwarded to: -

1. The Accountant General, NWFP Peshawar.
2. The District Coordination Officers, Peshawar / Mardan / Abbottabad / Malakand.
3. The Director, Social Welfare & Women Dev: NWFP, Peshawar ✓
4. The Distt: Officers. (Social Welfare) Peshawar / Mardan / Abbottabad/ Malakand / Kohat
5. The Distt: Accounts Officers, Mardan / Abbottabad/ Malakand/ Kohat
6. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Deptt, NWFP.
7. The Officers Concerned.
8. Personal File of the Officers.

(Muhammad Saeed)  
Section Officer -II

**ATTESTED**

-1-  
JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT  
JUDICIAL DEPARTMENT.

Writ Petition.....No.....542.....of.....2010

J U D G M E N T

Date of hearing: 11<sup>th</sup> March, 2015

Petitioner(s): (Jawad Hussain) by Mr. Ijaz Anwar, Advocate

Respondent(s): (Government etc.), by Mr. Qaiser Ali Shah,  
Additional Advocate General.

MAZHAR ALAM KHAN MIANKHEL, C.J.-

By this single judgment, we propose to decide Writ Petition No.542 & 2104 of 2010, wherein, the petitioners namely, Jawad Hussain and Syed Riaz Ahmad Jan, have asked for the issuance of an appropriate writ directing the respondents to regularize their services under the KPK (the then NWFP) Employees (Regularization of Services) Act, 2009 and they be reinstated in service.

2. The learned counsel appearing on behalf of the petitioners by producing copy of the judgment of this Court dated 01.12.2010, rendered in Writ Petition No.702/2010, titled Muhammad Younas vs. Government of NWFP, submitted that since the relief, asked for, has been given to the petitioner of the aforesaid writ petition, the petitioners herein

*Handwritten signature*  
**ATTESTED**

**ATTESTED**  
*Handwritten signature*  
EXAMINER  
Peshawar High Court

16 APR 2015

the same qualification and experience for a regular post:

A look at the relevant statute reveals that all employees appointed on contract basis, who were holding those posts till 31.12.2008 or till the commencement of the Act, were deemed to have been validly appointed on regular basis provided they had the required qualification and experience. It is not disputed before us that the petitioner possessed the requisite qualification and experience. It is also not disputed before us that the petitioner fulfilled the conditions laid down in the Section, quoted above.

The argument that the very remarks in the appointment order that the petitioner shall continue till the arrival of the nominee of the Public Service Commission would barricade his way towards regularization, hasn't impressed us, when Section 3 of the Act doesn't provide any such condition and Section 4 of the Act protects the rights of those, who have been selected through Public Service Commission.

For the reasons discussed above, we allow this petition and direct the respondents to regularize the services of the petitioner at par with those, who being similarly placed have been regularized."

In view of the aforesaid paragraph, when Writ

No.702/2010, titled Muhammad Younas vs

**ATTESTED**  
EXAMINER  
Peshawar High Court

16 APR 2015

12

being similarly placed are also liable to be given alike treatment.

3. As against that the learned Additional Advocate General appearing on behalf of the respondents vehemently argued that when the petitioners were not in service on the cut-off date i.e. 31.12.2008 and their contract had been expired before the crucial date, they are not liable to be given the benefit of the Act, *ibid*.

4. We have gone through the record carefully and considered the submissions made by the learned counsel for both the parties.

5. Before we proceed with the merits of the case, it would be worthwhile to reproduce herein below the relevant portion of the aforesaid judgment dated 01.12.2010 of this Court, which reads as under:-

*"Before we proceed to discuss the arguments of the learned counsel for the parties, it is worthwhile to refer to Section 3 of the Act, which reads as under:-*

*S.3. Regularization of services of certain employees.---All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31<sup>st</sup> December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having*

**ATTESTED**

**ATTESTED**  
EXAMINER  
Peshawar High Court.

16 APR 2015

(4)

Government of NWFP, involving similar controversy, has been allowed by this Court vide judgment dated 01.12.2010, we, in light whereof, don't feel persuaded to change our view, from the one, already expressed in the above writ petition, therefore, we, in the circumstances of the case, also while allowing these writ petitions direct the respondents to regularize the services of the petitioners at par with those, who being similarly placed have been regularized.

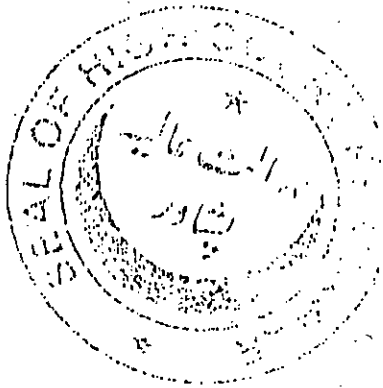
Announced.  
11.03.2015

CHIEF JUSTICE

*Sd/- Sajid Ali Khan*

JUDGE

*Sd/- Abdul Latif Khan*



CERTIFICATE OF THE CLERK

Carried out by the Clerk  
Authorized by the Court

16.03.2015

19461

Date of Presentation of Application..... 16.4.15  
 No of Pages..... 02  
 Copying fee.....  
 Urgent Fee.....  
 Total..... 18.00  
 Date of Preparation of Copy..... 16.4.15  
 Date Given For Delivery..... 16.4.15  
 Date of Delivery of Copy..... 16.4.15  
 M. Saleem

*JJ*  
**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 2<sup>nd</sup> March, 2016

**NOTIFICATION:**

**No. SO-II(SWD)/II-171/2013/PC/**

In the light of judgment of Peshawar High Court, the competent authority is pleased to re-instate Mr. Jawad Hussain, Rehabilitation Officer and Syed Riaz Ahmed Jan, Social Welfare Officer w.e.f. 09-12-2008. Their Services shall be treated as regular w.e.f. 24-09-2009 as laid down in the NWFP Employees (Regularization of Services) Ordinance, 2009. The intervening period w.e.f. 09-12-2008 to taking over the charge would be considered as Extra Ordinary Leave without pay

2. Consequent upon their appointments, Mr. Jawad Hussain is posted as Rehabilitation Officer (BPS-17) at Rehabilitation Centre for Drug Addicts, Peshawar against the vacant post and Syed Riaz Ahmad Jan is posted as Social Welfare Officer, Abbottabad with immediate effect in the best public interest.

Secretary to Govt. of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst. No. SO-II(SWD)/II-171/2013/PC/

Dated Peshawar the 02/03/2016

Copy forwarded for information to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, Social Welfare, Peshawar and Abbottabad.
4. The District Account Officer, Peshawar and Abbottabad.
5. PS to Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
7. Office files.
8. Officers concerned.
9. Personal files.

**ATTESTED**

02/3/16  
Section Officer-II

To,

The Honorable Secretary  
Social Welfare, Zakat, Ushr & Women Empowerment Department  
Government of Khyber Pakhtoonkhwa,  
Benevolent Fund Building, Peshawar

(16)  
Annexure - "E"

29.06.16

Subject:

**PROVISION OF SENIORITY & MONETARY BENEFITS (w.e.f) 24-12-2008 IN PURSUANCE OF JUDGMENT PASSED BY HONORABLE PESHAWAR HIGH COURT, PASSED IN WRIT PETITION No. 2104/2010 DATED: 11.03.2015.**

Sir,

With veneration, I would like to bring in your kind notice that my contract with the department expired on 09-12-2008 and I was relieved vide Notification No. SO-II (SWD) V-55/2006, Dated: 10-01-2009. In meantime the provincial Assembly of NWFP passed KPK (the then NWFP) Employees (Regularization of Service) Act, 2009 (KPK Act No. XVI of 2009, whereby all the contract employees holding a post on 31-12-2008 or till the commencement of the Act, were declared as regularized civil servants. In this regard a request was put before the department for the regularization of my services in pursuance to the said Act, but my request was not considered.

2. Consequently, I prayed before Honorable Peshawar High Court for the regularization of my services and my request was accepted vide Writ Petition No. 2104/2010. The honorable PHC passed judgment on 11<sup>th</sup> March 2015, in my favour, by re-instating my services w.e.f 09-12-2008 (Copy Attached).

3. The department, in the light of the said decision re-instated /regularized my service w.e.f 09-12-2008. But unfortunately, the department has neither given me seniority, nor increment and nor any monetary benefit since 09-12-2008, instead considered the intervening period as extraordinary leave without pay and I have been treated as fresh candidate w.e.f 04-03-2016 instead of 09-12-2008.

4. It is therefore requested, that I may be given seniority along with all increments and monetary benefits of intervening period w.e.f 09-12-2008 in the interest of justice.

5. I am sanguine that my legitimate matter will be mullied over objectively and magnanimously, please.

**ATTESTED**

Yours Obediently,

*Syed Riaz Ahmed Jan*

Syed Riaz Ahmed Jan  
Social Welfare Officer

Department of Social Welfare &  
Women Empowerment, Abbotabad.

Date: 28 June, 2015.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

No. SO-II(SWD)/II-198/2015/PC  
Dated Peshawar the 19<sup>th</sup> September, 2016

To,

1. Syed Riaz Ahmad Jan,  
Social Welfare Department, Abbottabad.
2. Mr. Syed Muhammad Younas,  
Social Welfare Department, Malakand at Batkhela.
3. Mr. Jawad Hussain,  
Rehabilitation Officer, Reh: Centre for Drug Addict Peshawar.

Subject: - **PROVISION OF SENIORITY & MONETARY BENEFITS (W.E.F) 24.12.2008 IN PURSUANCE OF JUDGMENT PASSED BY HONOURABLE PESHAWAR HIGH COURT, PASSED IN WRIT PETITION NO. 2104/2010 DATED 11.03.2015.**

I am directed to refer to the Subject noted above and to state that your application/representations are time barred, as such, your request for pay fixation from retrospective effect and payment of arrears may not be acceded to, being not covered under the rules.

2. However, you may submit application for fixation of your respective Seniorities after publication of Tentative Seniority List for the calendar year 2017.

*[Signature]*  
Section Officer-II

**Endst: of Even No. & Date:**

1. PS to Secretary Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.

*[Signature]*  
Section Officer-II

**ATTESTED**



# WAKALAT NAMA

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. \_\_\_\_\_ of 2016

**Syed Riaz Ahmad Jan**

**V E R S U S**

**Government of K.P.K, through Chief Secretary at Civil Secretariat  
Peshawar, and others**

(Petitioner)  
(Plaintiff)  
✓ **(Appellant)**  
(Accused)  
(Decree-Holder)

Respondent  
(Defendant)  
(Opponent)  
(Complainant)  
(Judgment-Debtor)

I/we **Mr. Syed Riaz Ahmad Jan S/O Bul Hakam Jan, Appellant.**

The above named accused/Petitioner /Appellant do hereby appoint and constitute **SYED GHUFRAN ULLAH SHAH, Advocate** as counsel (for Appellant) in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign, verify and file or withdraw all proceedings, petitions, appeals, revision, review affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at any stages.
- 3- To receive payment of and issue receipts for all money that may be or become due and payable to us during the course or on the conclusion of the proceedings. To do all other acts and things this may be deemed necessary or advisable during the course of the proceedings. \*

**AND HEREBY AGREE:-**

- a) To ratify whatever the said Advocate may do in the proceedings.
- b) Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this  
\_\_\_\_\_ 07<sup>th</sup> Day of \_\_\_\_\_ October, 2016 at Peshawar.

Signature of Executants

Accepted subject to term regarding payment of fee.

**SYED GHUFRAN ULLAH SHAH**  
Advocate High Court Peshawar  
22-A Nash Mansion, Railway Road Peshawar  
Off:-0342-0047344/H.C.B No.091-9210186/Mob: 0334-9185580

**Firm Regist.No.RF/ICT #8565/09**  
N.T.N 3796081-4

44

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

Service appeal No. 1063 of 2016

Syed Riaz Ahmad Jan, Social Welfare Officer, .....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Establishment Department Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Social Welfare, Special Education and Women Empowerment Department, Peshawar.
4. Director Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
5. Secretary Finance Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.

**Respondents**

**PRELIMINARY OBJECTIONS:**

1. The appellant has got no cause of action
2. The appeal is not maintainable in its present form.
3. The appeal is based on malafide intentions.
4. The appellant has no locus standi.
5. The appeal in hand is badly time barred.
6. The appellant has not come to Honorable Tribunal with clean hands.
7. The appellant has concealed the material facts from this Honorable Tribunal, hence liable to be dismissed.
8. The appeal is liable to be dismissed for mis-joinder and non-joinder <sup>of</sup> necessary parties.
9. The appeal is against the prevailing law & rules.

NS

**PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 3.**

**Respectfully Sheweth,**

**FACTS**

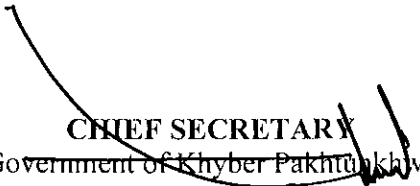
1. Incorrect hence denied. The appellant was appointed on contract basis for a period of (6) six months or till the arrival of nominee of Public Service Commission Govt. of Khyber Pakhtunkhwa, which ever is earlier (**Annexure A**).
2. Correct
3. Incorrect hence denied. As explained in para 1 above, the appellant was appointed on contract basis for a period of (6) six months or until the arrival of the nominee of the Public Service Commission, the appellant was reappointed for period of (6) six months vide notification No. SO II(SW)VI-55/2006/1930-52 dated 30 June 2008 on the same terms and conditions (**Annexure B**) and on expiry of his contract period on dated 9/12/2008 the appellant was relieved from his duties as per the terms and conditions of his contract agreement (**Annexure C**).
4. Correct.
5. Correct to the extent that proper reply of the appeal/ representation has been issued vide SO II (SWD)/II-I198/2015/PC/5465 dated 19<sup>th</sup> September 2016 (**Annexure D**).
6. No comments

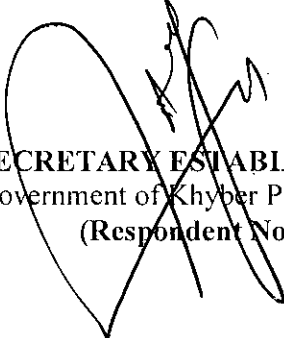
**GROUND**


- A. Incorrect hence denied. As explained in Para 1 and 3 above.
- B. Incorrect hence denied. The judgment of honorable Peshawar High court dated 11<sup>th</sup> March 2015 has been implemented in letter and spirit and re-instatement Notification No. SO-II(SWD)/II-171/2013/PC/798-806 issued on dated 2<sup>nd</sup> March 2016 (**Annexure E**).
- C. Incorrect hence denied. As explained in preceding paras.
- D. Correct to the extent that the order/Judgment passed by the Peshawar High Court dated 11/3/2015 is implemented in letter and spirit.
- E. Incorrect hence denied. As explained in para 1 & 3 of the facts and para B in grounds.
- F. Incorrect hence denied. Factual position has been explained in above paras.
- G. No comments.
- H. That any other grounds will be furnished at the time of final arguments with the prior permission of this honorable court.

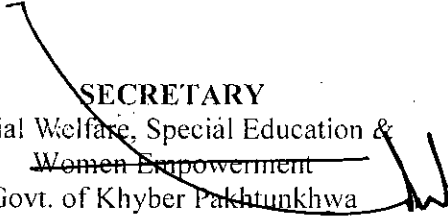
46

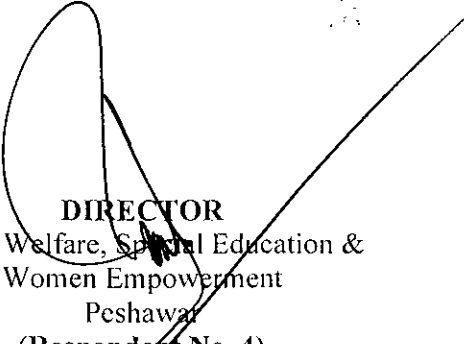
In view of the above clarifications/explanations, it is therefore humbly prayed that the instant appeal may graciously be dismissed having no weight and being based on malafide intention as the appellant have concealed the facts of the case to misguide/misleading this honorable Tribunal.

  
**CHIEF SECRETARY**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 1)

  
**SECRETARY ESTABLISHMENT**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 2)

  
**SECRETARY FINANCE**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 5)

  
**SECRETARY**  
Social Welfare, Special Education &  
~~Women Empowerment~~  
Govt. of Khyber Pakhtunkhwa  
(Respondent No. 3)

  
**DIRECTOR**  
Social Welfare, Special Education &  
Women Empowerment  
Peshawar  
(Respondent No. 4)

Annex "A"  
①  
47

GOVERNMENT OF NWFP  
ZAKAT, USHR, SOCIAL WELFARE &  
WOMEN DEVELOPMENT DEPARTMENT  
Dated Peshawar the, 08-12-2007

NOTIFICATION

19579

NO.SOII(SW)II-171/2007: In pursuance to the recommendations of the Departmental Selection Committee (DSC) and acceptance of the Terms & Conditions offered to them vide this department offers of appointment No SOII(SW)II-171/2007 dated 13-11-2007, the Competent Authority is pleased to appoint the following as Social Welfare Officers (BPS-17) on contract basis for a period of six (06) months or till the arrival of nominee of NWFP Public Service Commission (whichever is earlier) w.e.f the date they execute agreements with this department on the prescribed proforma.

- i) Umbreen Hanif D/O Muhammad Hanif H # 219 St # 9, Sector F8, Phase 6, Hayatabad Peshawar
- ii) Syed Muhammad Younis S/O Syed Bakht Badshah R/O Kagan, Tehsil Tangi, District Charsadda
- iii) Nighat Taskeen D/O Maqsood Ahmed, Tube Well No.4 St No.5 Near Dr. Dur-e-Kamil Road, Zaryab Colony Peshawar
- iv) Syed Riaz Ahmed Jan S/O Bul Hakam Jan, Ittefaq Traders Community Welfare Programm Ittefaq Kidney and General Hospital (IKGH) Gulbahar No.1 Peshawar
- v) Sadia Jabeen D/O Muhamad Sharif, House No. G 13, Haroon Qtrs Nodiah Payan, Orion CNG, Custom Chowk, Bara Road, Peshawar

19580-90  
SECRETARY

Endst. No. NO.SOII(SW)II-171/2007

Dated Peshawar the, 08-12-2007

1. The Accountant General NWFP, Peshawar.
2. The Director, Social Welfare & Women Development NWFP, Peshawar.
3. PS to Secretary, Zakat, Ushr, Social Welfare & WD Department NWFP.
4. Section Officer (General) Zakat, Ushr SW & WD Deptt with reference to appointment of Mr. Muhammad Younis Internee at S. No.II.
5. Officers Concerned.
6. Office Order Files.
7. Personal Files.

(ILAM KHAN KHATEEK)  
SECTION OFFICER-II

17/54  
17-12-07  
open a new file  
15/12

07  
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Government of NWFP  
Zakat, Ushr, Social Welfare  
& Women Development Department

Dated Peshawar the 30<sup>th</sup> June 2008

**NOTIFICATION:**

**NO.SOII(SW)VI-55/2006/**

On the expiry of their contract appointment, the Competent Authority is pleased to reappoint the following officers on contract basis in B-17 on the existing terms and conditions for a period of six months or till the availability of regular candidates through NWFP Public Service Commission whichever is earlier from the dates noted against each:-

S.#	Name & Designation	Place of posting	Date of expiry of contract appointment	Date of fresh reappointment.
I	Mr. Mohib Ullah, Planning Officer	Directorate of Social Welfare and Women Development NWFP, Peshawar	07-06-2008	09-6-2008
II	Mr. Jawad Hussain, Rehabilitation Officer	Rehabilitation Centre for Drug Addicts, Peshawar	08-06-2008	10-06-2008
III	Syed Muhammad Younis, Social Welfare Officer	Social Welfare Officer - Malakanad at Bakhela	08-06-2008	10-06-2008
IV	Syed Riaz Ahmed, Social Welfare Officer.	Social Welfare Officer, Abbottabad	08-06-2008	10-06-2008
V	Mr. Shah Khalid, Rehabilitation Officer.	Rehabilitation Centre for Drug Addict, Kohat	08-06-2008	10-06-2008
VI	Mr. Ejaz Ahmad, Rehabilitation officer.	Rehabilitation Centre for Drug Addict, Swat.	08-06-2008	10-06-2008
VII	Mr. Amjad Afridi, Superintendent.	Darul Kafala, Peshawar.	30-06-2008	3-7-2008
VIII	Mst Nadia Shah, Superintendent	Darul Aman Mardan	30-06-2008	3-7-2008

Secretary to Govt of NWFP  
Zakat, Ushr, Social Welfare &  
Women Dev: Department

Dated Peshawar: the 30<sup>th</sup> June 2008

Endst: NO.SOII(SW)VI-55/2006

Copy forwarded to :-

1. The Accountant General, NWFP Peshawar.
2. The District Coordination Officers, Peshawar / Mardan / Swat/ Abbottabad/ Malakand/ Kohat
3. The Director, Social Welfare & Women Dev: NWFP Peshawar
4. The Distt: Officers, (Social Welfare) Peshawar / Mardan / Swat/ Abbottabad/ Malakand/ Kohat
5. The Distt: Accounts Officer, Mardan / Swat/ Abbottabad/ Malakand/ Kohat
6. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Deptt. NWFP.
7. The Officers Concerned.
8. Personal File of the Officers.

(QAMAR ALI)  
Section Officer -II

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Date 4-07-08

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**GOVERNMENT OF N.W.F.P  
ZAKAT, USHR SOCIAL WELFARE &  
WOMEN DEVELOPMENT DEPARTMENT**

Dated Peshawar, the 10 January 2009

**NOTIFICATION:**

**No SOII(SWD)V-55/2006.** On the expiry of their contract appointment the competent authority is pleased to relieve the following officers (B-17) from their duties as per the terms and conditions of their contract agreement, from the dates mentioned against each:-

S.#	Name & Designation	Place of posting	Date of Expiry of contract period
I ✓	<del>Syed Riaz Ahmed, Social Welfare Officer (B-17)</del>	Social Welfare Officer, Abbottabad	9-12-2008
II	Syed Muhammad Younis, Social Welfare Officer (B-17)	Social Welfare Officer Malakanad at Balthela	9-12-2008
✓ III	Mr. Mohib Ullah, Planning Officer (B-17)	Directorate of Social Welfare and Women Development NWFP, Peshawar	8-12-2008
IV	Mr. Amjad Afridi, Superintendent	Darul Kafala Peshawar	2-1-2009
V	Mr. Jawad Hussain, Rehabilitation Officer (B-17)	Rehabilitation Centre for Drug Addicts, Peshawar	9-12-2008
VI	Nadia Shah, Superintendent	Darul Aman, Mardan	2-1-2009
VII	Mr. Shah Khalid, Rehabilitation Officer	Rehabilitation Centre for Drug Addict, Kohat	9-12-2008

Secretary to Govt: of NWFP  
Zakat, Ushr, Social Welfare & Women  
Dev: Department

**Endst: NO.SOII(SW)VI-55/2006** Dated Peshawar the 10<sup>th</sup> Jan 2009

Copy forwarded to:-

1. The Accountant General, NWFP Peshawar.
2. The District Coordination Officers, Peshawar / Mardan / Abbottabad / Malakand / Kohat
3. The Director, Social Welfare & Women Dev: NWFP .Peshawar
4. The Distt: Officers. (Social Welfare) Peshawar / Mardan / Abbottabad / Malakand / Kohat
5. The Distt: Accounts Officers. Mardan / Abbottabad / Malakand / Kohat
6. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Deptt, NWFP.
7. The Officers Concerned.
8. Personal File of the Officers.

(Muhammad Saad)  
Section Officer -II

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT**

No. SO-II(SWD)/II-198/2015/PC 5465-6  
Dated Peshawar the 19<sup>th</sup> September, 2016

To,

1. Syed-Riaz Ahmad Jan,  
Social Welfare Department, Abbottabad.
2. Mr. Syed Muhammad Younas,  
Social Welfare Department, Malakand at Batkhela.
3. Mr. Jawad Hussain,  
Rehabilitation Officer, Reh: Centre for Drug Addict Peshawar.

Subject: - PROVISION OF SENIORITY & MONETARY BENEFITS (W.E.F) 24.12.2008 IN PURSUANCE OF JUDGMENT PASSED BY HONOURABLE PESHAWAR HIGH COURT, PASSED IN WRIT PETITION NO. 2104/2010 DATED 11.03.2015.

I am directed to refer to the Subject noted above and to state that your application/representations are time barred, as such, your request for pay fixation from retrospective effect and payment of arrears may not be acceded to, being not covered under the rules.

2. However, you may submit application for fixation of your respective Seniorities after publication of Tentative Seniority List for the calendar year 2017.

*[Signature]*  
Section Officer-II

Endst: of Even No. & Date:

1. PS to Secretary Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.

*[Signature]*  
Section Officer-II

*[Signature]*  
ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION  
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 2<sup>nd</sup> March, 2016

**NOTIFICATION:**

798-806

No. SO-II(SWD)/II-171/2013/PC/

In the light of judgment of Peshawar High Court, the competent authority is pleased to re-instate Mr. Jawad Hussain, Rehabilitation Officer and Syed Riaz Ahmed Jan, Social Welfare Officer w.e.f. 09-12-2008. Their Services shall be treated as regular w.e.f. 24-09-2009 as laid down in the NWFP Employees (Regularization of Services) Ordinance, 2009. The intervening period w.e.f. 09-12-2008 to taking over the charge would be considered as Extra Ordinary Leave without pay.

2. Consequent upon their appointments, Mr. Jawad Hussain is posted as Rehabilitation Officer (BPS-17) at Rehabilitation Centre for Drug Addicts, Peshawar against the vacant post and Syed Riaz Ahmad Jan is posted as Social Welfare Officer, Abbottabad with immediate effect in the best public interest.

Secretary to Govt. of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

Endst. No. SO-II(SWD)/II-171/2013/PC/

Dated Peshawar the 02/03/2016

Copy forwarded for information to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, Social Welfare, Peshawar and Abbottabad.
4. The District Account Officer, Peshawar and Abbottabad.
5. PS to Minister for Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
7. Office files.
8. Officers concerned.
9. Personal files.

Directorate of  
Social Welfare K.P.K.  
No: 14240  
Date: 9-3-16

Section Officer-II

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DDA Adv

7/10/2016

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In view of the above clarifications/explanations, it is therefore humbly prayed that the instant appeal may graciously be dismissed having no weight and being based on malafide intention as the appellant have concealed the facts of the case to misguide/misleading this honorable Tribunal.

**CHIEF SECRETARY**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 1)

**SECRETARY ESTABLISHMENT**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 2)

*Note:*  
Other connected Appeals  
No 4063 and 1064/2016  
having similar facts and law,  
may also be  
settled on the same  
term and condition  
hence

**SECRETARY FINANCE**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 5)

**SECRETARY**  
Social Welfare, Special Education &  
Women Empowerment  
Govt. of Khyber Pakhtunkhwa  
(Respondent No. 3)

**DIRECTOR**  
Social Welfare, Special Education &  
Women Empowerment  
Peshawar  
(Respondent No. 4)

*444 please see 02.3.17*

*GP-1*

*vetted subject to corrections,  
a draftment of all annexes,  
affidavit and approved?  
AAE/ASII  
Agreed as above  
approved*

*7/11/17*  
Stamp: KHYBER PAKHTUNKHWA GOVT. ESTABLISHMENT  
SECRETARY ESTABLISHMENT  
PESHAWAR

**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE**  
**TRIBUNAL PESHAWAR**

Re In;

Service Appeal No.1063/2016

Syed Riaz Ahmad Jan

**V E R S U S**

Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary  
Peshawar and others

**REPLICATION TO REPLY OF RESPONDENTS**

*Respectfully Sheweth:*

Replication on behalf of appellant is submitted as under;

**Answer to Preliminary Objections;**

All the 9 preliminary objections induced by respondents are in correct because no reason in support of the same has ever given why the appeal is not been based on facts, why he has not come to this honourable tribunal with clean hands, what are the malarial facts which the appellant has tried to concealed from this honourable Tribunal, how the appeal of the appellant is time barred, why his appeal is not maintainable and how this honourable court has no jurisdiction to entertain this service appeal. Through the formatted preliminary objection it has been tried to avoid their responsibilities with effect to assure the appellant his basic right of appeal against their un just and malafide impugned order dated 18-09-2016.

**ON FACTS;**

1. Para No.1 of the Comments filed by respondent is incorrect because the question of regularization of contract employment of the appellant has already been resolved through Promulgation of KPK Employees (Regularization of Service) Act, 2009.

*M*  
*25/18*

2. Para No.2 of the comment has already been admitted as correct, therefore self admission of fact needs no prove.
3. Para No. 3 of the comment is not correct because the question to be resolved by this Honourable Tribunal is related to service benefits of the appellant during the intervening period with effect from 09-12-2008 to the day of re instatement in service i.e. 02-03-2016 beside to resolve the question related to difference in re instatement and fresh appointment.
4. Para No.4 of the comment has already been admitted as correct, therefore self admission of fact needs no prove.
5. Para No. 5 of the comment is not correct because the same reply is impugned before this Honourable Tribunal through the subject Service Appeal.

**REPLICATION ON GROUNDS:**

- A. Not correct, Para of ground of appeal is correct.
- B. Not correct, Para of ground of appeal is correct because the Judgment of Peshawar High Court has declare the act and omission of respondents with effect to deny the applicable KPK Employees (Regularization of Service) Act, 2009 in case of appellant as void and illegal.
- C. Not correct, Para of ground of appeal is correct.
- D. Not correct, Para of ground of appeal is correct.
- E. -H) Not correct, Paras No. E to H of grounds of appeal are correct. The detail reply has been given above.

Therefore, it is most humbly prayed that the instant replication be accepted in the subject Service Appeal.

Appellant

Through

Syed Ghuffran-Ullah Shah  
Advocate High Court  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE**  
**TRIBUNAL PESHAWAR**

Re In;

Service Appeal No.1063/2016

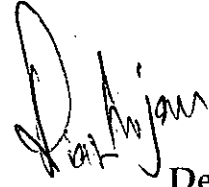
**Syed Riaz Ahmad Jan**

**V E R S U S**

Government of Khyber Pakhtunkhwa (KPK) through Chief Secretary  
Peshawar and others

**AFFIDAVIT**

I, Syed Riaz Ahmad Jan S/o Bul Hakam Jan R/O Kuragh, P/O Charun, Tehsil Mastuj, District Chitral, Appellant; do hereby solemnly verify and declare on oath that all the contents of the subject re-joinder; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



Deponent

C.N.I.C No.15202-3533028-1

Verified by;



Syed Ghufuran Ullah Shah  
Advocate, Peshawar.



25-01-18.

Before the Khayber Pakhtunkhwa Service Tribunal  
Peshawar

Riaz Ahmad Jan vs Social Welfare Dept.

Reference to the title mentioned above that  
Applicant got a job at Education Dept  
in the Federal govt, now he wants to  
withdraw the case from the Service  
Tribunal of Khayber Pakhtunkhwa Peshawar.

Syed Ghaffarullah Shah  
(Adv)

Date: 27/10/22

Attestate

I declare on  
Oath that the content  
of the application is  
true.

For Riaz Ahmad Jan

