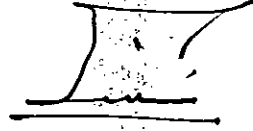


07.10.2022

Appellant in person present and requested for adjournment on the ground that his counsel is busy in the court at Peshawar. Adjourned. Last opportunity given. To come up for preliminary hearing on 11.11.2022 before the S.B at Camp Court Swat.



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

11th Nov, 2022

Appellant in person present.

Let pre-admission notice be issued to the respondents for submission of reply/comments. To come up for submission of reply/comments as well as preliminary hearing on 09.12.2022 before the S.B at Camp Court Swat.



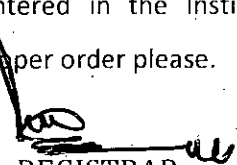



(Kalim Arshad Khan)
Chairman
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1068/2022 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2022	<p>The appeal of Mr. Nasiruddin resubmitted today by Mr. Muhammad Anwar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	13-7-22 3-8-22	<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>3-8-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p> <p><i>Due to summer vacation the case is adjourned to 8.9.22 for the same.</i></p> <p></p>
	08.09.2022	<p>Nemo for the appellant.</p> <p>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.</p> <p> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

The appeal of Mr. Nasir-ud-Din son of Muslahud-Din Belt no. 2738/FC Distt. Dir Lower received today i.e. on 17.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Annexures of the appeal may be attested.
- 3- Annexures-A & D of the appeal are illegible which may be replaced by legible/better one.
- 4- Copy of Judgment mentioned in para-D of the grounds of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- 5- Copy of service rules mentioned in para-E of the grounds of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 6- In regularization order the name of the appellant may be tick marked.
- 7- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

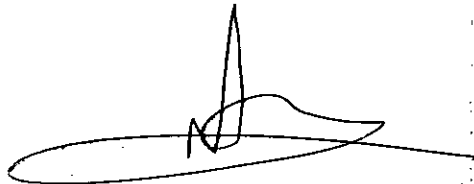
No. 2071 /S.T,

Dt. 20/6 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Khan
Advocate, High Court Pesh.

Resubmitted after Compliance.


M. Anwar Khan.

Date 28 ⁶/₂₀₂₂

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: MR NASIR UD DIN vs Chief Secretary KPKE & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/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 attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on _____		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		✓

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

Name: Muhammad Anwar Khan

Signature: _____

Dated: 16/6/2022

Better copy

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1068 /2022

Mr. nasir Ud Din


.....Appellant

VERSUS

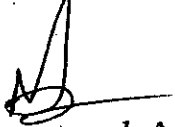
Government of KPK through Chief Secretary & Others
.....Respondents

INDEX

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	7-9
5.	Copy of regular appointment order	B	10-12
6.	Copy of Application/ Appeal	C	13
7.	Supreme Court Judgments	D	14-16
8.	Copy of pension rules for qualifying service	E	17
9.	Wakalat Nama		18


Appellant

Through


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

Date: 14/6/2022

(1)

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1068 /2022

Mr. Nasir Ud Din S/o Muslahud-Din, Belt No 2738/Fc,
R/o post office Shamshi khan, Tehsil Timergara, District Lower 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**

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, 21-09-2009 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

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 219 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 B)**
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 C).**

GROUNDS:

3

- 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 D).**
- 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 E.)**

4

G) That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/ 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. 21/09/2009 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: 16/12/2022

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Nasir Ud Din

.....Appellant

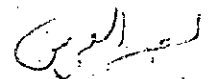
V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Nasir Ud Din S/o Muslahud-Din, Belt No 2738/Fc,
R/o post office Shamshi Khan, Tehsil Timergara, District Lower 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 SERVICE S TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Nasir Ud Din

..... **Appellant**

V E R S U S

Government of KPK through Chief Secretary & Others

..... **Respondents**

ADDRESSES OF PARTIES

APPELLANT

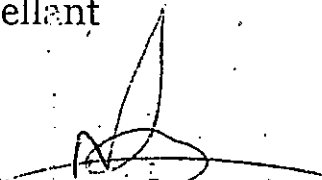
Mr. Nasir Ud Din S/o Muslahud-Din, Belt No 2738/Fc,
R/o post office Shamshi khan, Tehsil Timergara, District Lower Dir.

RESPONDENTS

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


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)

Advocate High Court

Date: 16/6/2022

SPoS اسٹریٹس سروسز
 Annex A

7

The following persons are hereby appointed as Special Constables for a period of 01 year with a monthly fixed salary of Rs. 10000/- by the Provincial Police Officer (PWO) Peshawar. The appointments are subject to the PWO's order dated 13/11/2019 and the appointments are of temporary nature and will be terminated by the Authority on short notice.

Sl. No.	Name of Candidate	Qualification	Police Station	Remarks
1	Muhammad Ali	Matriculation	Police Station	
2	Muhammad Ali	Matriculation	Police Station	
3	Muhammad Ali	Matriculation	Police Station	
4	Muhammad Ali	Matriculation	Police Station	
5	Muhammad Ali	Matriculation	Police Station	
6	Muhammad Ali	Matriculation	Police Station	
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34	Muhammad Ali	Matriculation	Police Station	
35	Muhammad Ali	Matriculation	Police Station	
36	Muhammad Ali	Matriculation	Police Station	
37	Muhammad Ali	Matriculation	Police Station	
38	Muhammad Ali	Matriculation	Police Station	
39	Muhammad Ali	Matriculation	Police Station	
40	Muhammad Ali	Matriculation	Police Station	

Alt as per
 [Signature]

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Copy

Amir A

BETTER COPY

ORDER

The following personals are hereby in listed as special police force enrolled here in a period of two years with effect from 1-8-2009 under fixed pay of provincial police officer N.W.F.P Peshawar letter no 1543 dated 10-6-2009 17172-79/1-11 dated 3-7-2009 in letter no 17001-11 dated 17-9-2009 will the purely of temporary nature and will be terminated by the authority without notice .

S.NO	Name	F/Name	Residence	Union Council	Belt/No
1	Zahir shah	Fazal rehman	Zar khan banda	Timer Gara	1/spo
2	Ayaz khan	Dawa khan	Begham Daraa	Timer Gara	2/Spo
3.	Sadar khan	Said Muhammad khan	Thor ghar	Timer Gara	3/Spo
4.	m. fareed	Muslim khan	Seyar daghi	Timer Gara	4/Spo
5.	Zahid ullah	Dawa khan	Beghama dara	Timer Gara	5/Spo
6.	m. amen	m. ali	Seyar daghi	Timer Gara	6/Spo
7	Taj muhammad	Syed rehman	Zar khan banda	Timer Gara	7/Spo
8	Muhammad Rafeq	Zabai ullah	Shamshi khan	Timer Gara	8/Spo
9	Nazeer muhammad	Wail muhammad	Begham daraa	Timer Gara	9/Spo
10	Tajumul khan	Sher Muhammad khan.	Yar khan banda	Timer Gara	10/Spo
11	Muhammad uzair	m.zalar shah	Zar khan banda	Timer Gara	11/Spo
12	Ihsan ullah	Fazal rehaman	Nasfa	Timer Gara	12/Spo
13	Muhammad jamil	Sahel muhammad	Yar khan banda	Timer Gara	13/Spo
14	Ihsan ullah	Gul khan	Yar khan banda	Timer Gara	14/Spo
15	Muhammd sadiq	Muhammad khan	Bangai talash	Timer Gara	15/Spo
16	Muhammad adil	Said aziz khan	Yar khan banda	Timer Gara	16/Spo
17	Saghir alam	Sher wali	Haghim dara	Timer Gara	17/Spo
18	Aniullah	Said akram khan	Mian banda	Timer Gara	18/Spo
19	Anwar zeb	Muhammad wazir	Ambar zai	Timer Gara	19/Spo
20	Aziz ullah	Inayat khan	danwa	Timer Gara	20/Spo
21	Shafi ur rehman	Ihsan ullah	Main banda	Timer Gara	21/Spo
22	Laig muhammad	Fazal hadi	Chaenar tangi	Timer Gara	22/Spo
23	Rehman ullah	Sahib zada	Swar dara	Timer Gara	23/Spo
24	m. ayub	Badshah ghani	Swar dara	Timer Gara	24/Spo
25	Fazal hameed	Noor wahid	Swar dara	Timer Gara	25/Spo
26	Jehan bakhat said	Abduki whaid	Swar dara	Timer Gara	26/Spo
27	Ali muhammad	Gul muhammad	Bangai	Timer Gara	27/Spo
28	m. saleem	Fazal malik	Bajum	Timer Gara	28/Spo
29	Rahim shad	Muslim khan	Barikol	Timer Gara	29/Spo
30	sherzaman	Ahmad khan	Barikol	Timer Gara	30/spo
31	Amjad khan	Rahim gul	Cheno	Timer Gara	31/spo
32	m. hasam	Bakhat zaman	Jumbat	Timer Gara	32/spo
33	Said ahmad	Rehan khan	Shamshi khan	Timer Gara	33/Spo
34	Sheroz khan	Abdul salam	Chinairo	Timer Gara	34/Spo
35	m. ayaz	Noor hakeem	Bajauro	Timer Gara	35/Spo
36	Abdul	Masoom khan	Shamshi khan	Timer Gara	36/Spo
37	Bahadar zeb	Said khan	Tafghi shamshi khan	Timer Gara	37/Spo
38	Rahim badshah	Muhammad kokhan	bajuro	Timer Gara	38/Spo
39	Ataur rehman	Sher akbar khan	bajuro	Timer Gara	39/Spo
40	Fazal rabbani	Sheraz khan	gumbat	Timer Gara	40/Spo

AHester

AS

38	Rahim Badshah	Muhammad Rokhan	Bajauro	Timergara
39	Atta Ur Rahman	Sher Akbar Khan	Bajauro	Timergara
40	Fazal Rabbani	Sheraz Khan	Gumbat	Timergara
41	Murad Khan	Said Muhammad Khan	Banrgai	Timergara
42	Aziz Khan	Said Muhammad Khan	Shamshi Khan	Timergara
43	Noor Rahman	Kamin Khan	Bajauro	Timergara
44	Ghani Rahman	Ghulam Haidar	Ziarat	Timergara
45	Fazil Khan	Ahmad Khan	Barikot	Timergara
46	Nacem Ullah	Mutaba Khan	Shamshi Khan	Timergara
47	Salim Zada	Gul Halim	Bajauro	Timergara
48	Muhammad Rasool	Abdul Sattar	Banrgai	Timergara
49	Ali Khan	Ajar Khan	Gul Dehri	Timergara
50	Alamgir Khan	Bakhtiyar Khan	Qilla Shamshi Khan	Timergara
51	Nascer Uddin	Mislah Uddin	Shamshi Khan	Timergara
52	Bakht Zada	Sher Muhammad	Kano Shamshi Khan	Timergara
53	Hussain Shah	Mian Rahim Shah	Shamshi Khan	Timergara
54	Zahoor Elahi	Ghulam Habib	Bagh Dushkhel	Timergara
55	Hayat Muhammad	Atta Muhammad	Bagh Dushkhel	Timergara
56	Khanzad Gul	Khanzada	Khanpur	Adenari
57	Naimat Ullah	Gul Habib Khan	Shamshi Khan	Timergara
58	Shah Jee	Ahmad Khan	Barikot	Timergara
59	Haji Sarwar	Sakhi Sarwar	Shamshi Khan	Timergara
60	Qadar Gul	Hazrat Gul	Amlook Dara	Timergara
61	Wazir Zada	Muhammad Rafiq	Bajauro	Timergara
62	Muhammad Ghafoor	Gul Matou	Bankot	Timergara
63	Wazir Zada	Hisab Gul	Barikot	Timergara
64	Amir Muhammad	Abdul raziq	Bajauro	Timergara
65	Tariq Khan	Habib Ur Rahman	Bajauro	Timergara
66	Waqif Khan	Amir Baz Khan	Bajauro	Timergara
67	Shakil Ahmad	Halim Ur Rahman	Shamshi Khan	Timergara
68	Adeel Ahmad	Bashir Uddin	Shamshi Khan	Timergara
69	Muhammad Rafiq	Ghulam Sadiq	Ziarat Talash	Timergara
70	Hamayoun Khan	Biradar Khan	Sho Baba	Timergara

SPO. B. NO

8

Attest

11/12/19

9

1. Qazi Israrul Haq	Qazi Anwarul Haq	Kano Shamsi Khan	Timer Gara	100 spo
2. Nazrat Qazi	Abdur Razak	Kano Shamsi Khan	Timer Gara	101 spo
3. Khalid Ahmad	Muhammad Zaman	Beghara Taura	Timer Gara	102 spo
4. Abdushakoor	Baz Mohd. Khan	Nasta	Timer Gara	103 spo
5. Roidar Ali	Bakht Kawai	Timergara	Timer Gara	104 spo
6. Ghani Muhammad	Noor Muhammad	Kano Shamsi Khan	Timer Gara	105 spo
7. Muhammad Ishaq	Muhammad Bashir	Baneer	Timer Gara	106 spo
8. Muhammad Jami	Muhammad Kaimi	Bajaura	Timer Gara	107 spo
9. Yousaf Khan	Muhammad Qasim	Bangai Talash	Timer Gara	108 spo
10. Zafar Ullah	Bashir Khan	Shamsi Khan	Timer Gara	109 spo
11. Aurang Zain	Jalat Khan	Gumbat Talash	Timer Gara	110 spo

CB No

29/11/19

(MUMTAZ ZARIN)
 TSh: QPM
 District Police Officer,
 Dir Lower at Timergara.

No. _____ /OHC

Dated _____ 2009

Copy of above is submitted to the Pay Officer and Establishment
 Clerk for further necessary action.

(MUMTAZ ZARIN)
 TSh: QPM
 District Police Officer,
 Dir Lower at Timergara.

AHester

[Signature]

9

Qazi Israrul Haq	Qazi Anjumul Haq	Kano Shamsi Khan	Timar Gara	100 spe
Hazrat Gw	Abdur Raziq	Kano Shamsi Khan	Timar Gara	101 spe
Khalil Ahmad	Muhammad Zamir	Begham Dara	Timar Gara	102 spe
Abdushakor	Baz Mohd: Khar	Nasta	Timar Gara	103 spe
Roidar Al	Bakht Rawan	Timergara	Timar Gara	104 spe
Ghani Muhammad	Noor Muhammad	Kano Shamsi Khan	Timar Gara	105 spe
Muhammad Ishaq	Muhammad Bashir	Banga	Timar Gara	106 spe
Muhammad Jan	Muhammad Kalim	Banga	Timar Gara	107 spe
Yousaf Khar	Muhammad Qasim	Banga Talash	Timar Gara	108 spe
Zafar Ullah	Bashir Khan	Shamsi Khan	Timar Gara	109 spe
Aurang Zaid	Jalat Khan	Gumbat Talash	Timar Gara	110 spe

OB No 1096
29/07/09


(MUMTAZ ZARIN)
TSh: QPM
District Police Officer.
Dir Lower at Timergara.

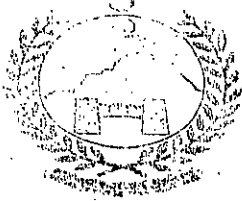
No. _____ /OHC
Dated _____ 2009

Copy of above is submitted to the Pay Officer and Establishment

Clerk for further necessary action.

(MUMTAZ ZARIN)
TSh: QPM
District Police Officer.
Dir Lower at Timergara.

A Hesteef




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

13/1/20

Annex B 10

NOTIFICATION


No.SQ(Budget)/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in Section 3 read with Section 4 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 Lower under DDO Code DA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from (01-03-2020):

S.No	Name	Father Name	Belt No.
1	Zubair Shah	Faza Rahman	1
2	Ayaz Khan	Dawa Khan	2
3	Muhammad kamal	Muhammad Ismaeel	3
4	Alain Zeb	Aziz ur Rahman	4
5	Zakirullah	Dawa Khan	5
6	Muhammad Amin	Muhammad Arif Khan	6
7	Taj Muhammad	Syed Rahman	7
8	Aurang Zaib	Gul Faram Khan	8
9	Faza Hussain	Muzamin Khan	9
10	Tajammul Khan	Sher Muhammad Khan	10
11	Bakht Sarder	Sher Muhammad Khan	11
12	Ihsanullah	Faza Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	Ikramullah	Gul Khan	14
15	Muhammad Sadig Khan	Muhammad Bostan Khan	15
16	Ikramullah	Nader Khan	16
17	Daulat Khan	Akbar Khan	17
18	Aminullah Khan	Syed Akbar Khan	18
19	Anwar Zaib	Muhammad Wazir	19
20	Azizullah	Inayat Khan	20
21	Zahir Khan	Mirza Gul	21
22	Laiq Muhammad	Faza Hadi	22
23	Muhammad Jamil	Mehood Khan	23
24	Yousaf Khan	Sarzanin Khan	24
25	Muhammad Walid	Shahar Khan	25
26	Deedar Gul	Star Gul	26
27	Ali Muhammad	Gul Muhammad	27
28	Muhammad Saïm	Faza Malik	28
29	Naeem Ullah	Gul Sahim	29
30	Sher Zaman Khan	Ahrad Khan	30
31	Amjad Khan	Rahim Gul	31
32	Muhammad Hashain	Bakht Zamin	32
33	Abdul Farooq Khan	Abdul Wakeel Khan	33
34	Jawad Ali	Nazir Malik	34
35	Muhammad Ayaz	Noor Hakim	35
36	Rohullah	Han Jullah	36
37	Bahadar Zaib	Sye Khan	37
38	Rahim Badshah	Muhammad Rokhan	38
39	Shaukat Ali Khan	Muhammad Habib	39
40	Naik Zada	Muhammad Zada	40
41	Shah Karim	Bacsa Muhammad	41
42	Aziz Khan	Saïr Muhammad Khan	42

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43	Noor Rahman	Kamrin Khan	43
44	Ghani Rahman	Gulam Haldar	44
45	Sher Afzal	Amir Sher Ali Khan	45
46	Muhammad Hussin	Muhaifuddin	46
47	Salim Zada	Gul Hakim	47
48	Muhammad Rasool	Abdul Sattar	48
49	Ali Khan	Ajzar Khan	49
50	Alam Said	Khan Said	50
51	Naseer uddin	Masleh Uddin	51
52	Shakir Ullah	Abdullah Khan	52
53	Hussain Shah	Mian Rahim Shah	53
54	Musafar Khan	Shaibar Khan	54
55	Beham	Mhammad Khan	55
56	Khanzad Gul	Khanzada	56
57	Niamat Ullah	Gul Habib Khan	57
58	Shah Jee	Ahmad Khan	58
59	Saddam Hussain	Bakht Zada	59
60	Qadar Gul	Hazrat Gul	60
61	Wazir Zada	Muhammad Rafeeq	61
62	Muhammad Ghafoor	Gul Mateen	62
63	Wazir Zada	Hisab Gul	63
64	Amir Muhammad	Abdul Raziq	64
65	Tariq Khan	Habib ur Rahman	65
66	Fazal Nawab	Fazal Bari	66
67	Gul Karim	Gul Wali	67
68	Fazal Karim	Bahre Rawan	68
69	Alam Zeb	Said Faqir	69
70	Ashraf Khan	Taji Muhammad Khan	70
71	Mansoor Akhtar	Gul Zada	71
72	Imran Khan	Gran Bacha	72
73	Tauheed Ullah	Umar Zada	73
74	Rahat Gul	Nasib Gul	74
75	Saleem Khan	Wazir Khan	75
76	Akhtar Hussain	Gul Mar Din	76
77	Babo Zaman	Musamin Khan	77
78	Sultan	Toor Jan	79
79	Muhammad Shafi	Fazal Khaliq	80
80	Muhammad Zubair	Muhammad Zaman Khan	81
81	Hidayat Ul Islam	Muhammad Darvesh	82
82	Jani Rahman	Khan Muhammad	83
83	Naeem Ullah	Noor Rahim	84
84	Islam Zeb Khan	Sani Gul	85
85	Abdul Kabir	Syed Amin Jan	86
86	Ghulam Hussain	Muhammad Amin	87
87	Matak Jan	Qasim Jan	88
88	Ubaidur Rahman	Muawar Khan	89
89	Shafiq ur Rahman	Amir ur Rahman	90
90	Nasib Bacha	Muhammad Sallh	91
91	Hussain Khan	Ziger Khan	92
92	Muhammad Yar	Bakht Zamin	93
93	Muhammad Younas	Muhammad Shoaib	94
94	Islam Muhammad	Hashtamand Khan	95
95	Hameed Ullah	Bacha Laiq	96
96	Shah Bakht Rawan	Ibadat Shah	97
97	Gul Zar Muhammad	Wali Muhammad	98
98	Ifikhar	Hakim Gul	99
99	Umar Rahman	Saifud Din	100
100	Hazrat Gul	Abdur Raziq	101
101	Imran Khan	Muhammad Zamin Khan	102
102	Abdul Shakoor	Baz Muhammad Khan	103
103	Roidar Ali	Bakht Rawan	104
104	Ghani Muhammad	Noor Mhammad	105

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973	Abd ur Rahiman	Aslam Khan	998
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975	Muhammad Hanza Nazeer	Mazhar Gul	126
976	Zarak Khan	Gul Jmar	194
977	Rovaid Shah	Zulfat Khan	373
978	Nasir Khan	Arabi Khan	669
979	Muhammad Rukhsar	Jehangir Khan	786
980	Muhammad Waqas	Amir Gul	962

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

Crdsst 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 Lower.
6. The District Accounts Officer, Dir Lower.
7. P.O. to Home Secretary, Khyber Pakhtunkhwa.

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SECTION OFFICER (BUDGET)

A.H. exted

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Annee حضور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

(13)

درخواست براد عطا یگی Back Benefit از 2009ء و

شامل فرمانے Contract Back Service

Period برائے پیش

جناب عالی! سائل حسب ذیل عرض رہا 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۔

شکریہ

16/3/22

سائل عبداللہ بن سکتہ شمس خان ڈاکٹرانہ شمس خان محل سیرہ ضلع لوئر دیر

کنٹرولنگ ملکہ نامہ
دیپولر ملکہ نامہ
2738
FC

عوامی کونسل
03449778033

تاریخ بھرتی - 21-07-2009

Annex D
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Case Judgement

<http://www.plsbeta.com/LawOnline/law/casedescription.asp?caseid=>

2019 F L C (C.S.) 103

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos: 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July 2018.

Punjab Service Tribunal Act (IX of 1974)---

---S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as same was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 .rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

Muhammad Arshad Naseer District Attorney.

ORDER

JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.----Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment:-

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

Attorney
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- L) Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016).
- LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).
- LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).
- LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).
- LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturer, filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:-

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

4. I have considered the arguments of both parties and perused the record.

5. It is established from the record that the appellants were appointed as female lecturers through

Attorney General
155/2012

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Case Judgement

<http://www.plsheta.com/LawOnline/law/casedescription.asp?caseid...>

Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years. The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.


In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCM : 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers. hence these appeals are allowed by setting the impugned orders.

MH/2/PST
Appeal allowed.

Att. Gen. d


(17)

Annexure ~~E~~ ¹⁷

Annex ~~E~~

17

SERVICE QUALIFYING FOR PENSION

1. Conditions of Qualifications:- The service of a Government Servant does not qualify for pension unless it conform as 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. **Begining of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he take 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 2.2

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(d) 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 rendered periods of qualifying service and it is considered fit to permit him to count certain past 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:-

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Annex E
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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 services of civil servant being to qualify for pension when he takes over charge of the post to which he is first 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 be 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 Rule. 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 rule 2.12(1) take cognizance of only those cases where the government servant had prior to the interruption period 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 words condonation of interruption 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 clearly the following illustrations are given:-

1
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