

15th Nov, 2022

1. None present for the appellant. Mr. Muhammad Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 15th day of November, 2022.*



(Salah Ud Din)
Memebr(J)




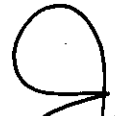
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19th July 2022

None for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Fresh notices be issued to the appellant and her counsel through registered post. To come up for arguments on 20.09.2022 before D.B at camp court Abbottabad.


(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

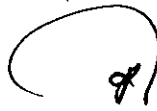
20.09.2022

Junior to counsel for appellant present.

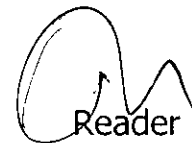
Muhammad Jan, learned District Attorney alongwith Rahim DEO for respondents present.

Former requested for adjournment as senior counsel for appellant is out of station today. Adjourned. To come up for arguments on 15.11.2022 before D.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad


14.02.2022 Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 16.05.2022.


Reader

16.05.2022 None for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for respondents present.

Previous date was adjourned through Reader note, therefore, notice for prosecution of appeal be issued to the appellant as well as his counsel. Adjourned. To come up for arguments before D.B on 19.07.2022 at camp court Abbottabad.



(Fareeha Paul)
Member(E)

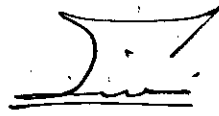

(Kaleem Arshad Khan)
Chairman
Camp Court Abbottabad

23:09.2021

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

Previous date was changed on Reader Note, therefore,
notice for prosecution of the appeal be issued to the appellant
as well as his counsel and to come up for arguments before
the D.B on 18.11.2021 at Camp Court Abbottabad.



(Atiq-ur-Rehman Wazir)
Member (Executive)
Camp Court, Abbottabad

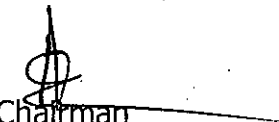

(Salah-ud-din)
Member (Judicial)
Camp Court, Abbottabad

18.11.2021

Mr. Wilayat Khan, Clerk of Syed Mehboob Ahmad Shah,
Advocate/counsel for the appellant and Mr. Muhammad Riaz Khan
Paindakheil, Asstt AG for the respondents present.

The former has informed that the appellant is now died and his legal
heirs will be contacted and if advised they will attend thje court for further
proceedings in the matter of instant appeal. The appeal is adjourned to
Learned counsel for the appellant seeks adjournment in order to further
prepare the brief. Request is accorded. To come up for further
proceedings on 16.03.2022 before the D.B at camp court, Abbottabad.


(Rozina Rehman)
Member(J)
Camp Court, A/Abad


Chairman
Camp Court, A/Abad

21.01.2021

Due to COVID-19, the case is adjourned for the same on 16.02.2021 before D.B.



READER


16.02.2021

Nemo for appellant.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sherzad ADEO for respondents present.

The preceding date was adjourned on a Reader's note, therefore, appellant/counsel for put on notice for 19.05.2021 for arguments before D.B at Camp Court Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

19.5.21

*Due to COVID 19, case is adjourned
23.9.2021 for the same.*

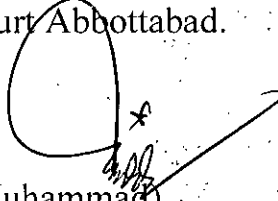

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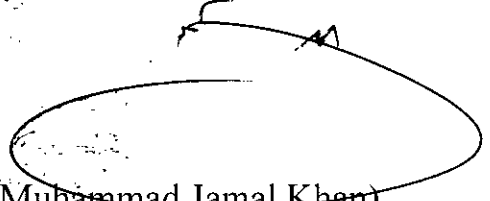
19.11.2020

Clerk to counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Sher Zada, ADEO for respondents are present.

Former requests for adjournment as learned counsel for the appellant is indisposed of today.

Adjourned to 21.01.2021 for arguments before D.B at camp court Abbottabad.

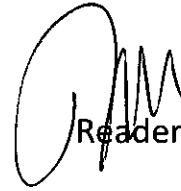

(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on
16 / 9 / 20 at camp court abbottabad.

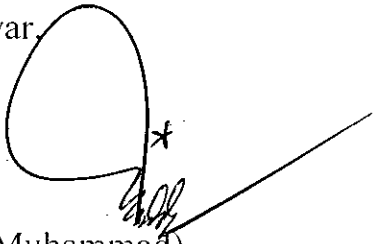

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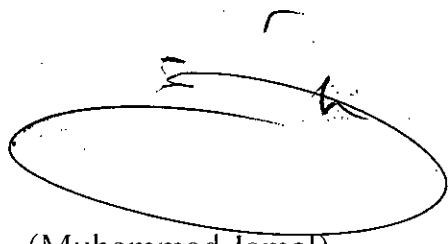
16.09.2020

Appellant has not forth come despite making of repeated calls at different interval and the last cal in this regard was made on 12:00 PM. Mr. Usman Ghani, District Attorney alongwith Mr. Sher Zada, ADEO (Lit) for respondents present.

The last two adjournments were made on the basis of note Reader due to spread of disease of Covid-19, therefore, in the circumstances we deemed it appropriate to issue notice to the appellant as well as his respective counsel.

Adjourned to 19.11.2020 for arguments before D.B at Peshawar.



(Mian Muhammad)
Member(E)


(Muhammad Jamal)
Member
Camp Court A/Abad

Service Appeal No. 1352/2018

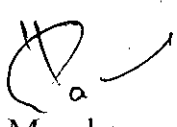
17.12.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Written reply on behalf of respondents No. 1, 2 & 5 already submitted while neither written reply on behalf of respondents No. 3 & 4 submitted nor their representatives are present, therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date positively by way of last chance. Case to come up for written reply/comments on behalf of respondents No. 3 & 4 on 23.01.2020 before S.B at Camp Court Abbottabad.


(Muhammad Amir Khan Kundi)
Member
Camp Court Abbottabad

23.01.2020

Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Ulfat Ali AAO representative of the respondent department present and submitted reply on behalf of respondents No.3 & 4. Adjourn. To come up for rejoinder if any and arguments on 20.02.2020 before D.B at Camp Court Abbottabad.


Member
Camp Court, A/Abad

23.10.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney present. Mr. Rahim Dad ADO for respondents No. 1, 2 and 5 present and submitted parawise comments on behalf of the said respondents. No one is present on behalf of respondents No. 3 & 4. Fresh notices be issued to respondents No. 3 & 4 for submission of written reply/comments on 18.11.2019 before S.B at camp Court, Abbottabad.



Member
Camp court, A/Abad

18.11.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Written reply on behalf of respondents No.3 & 4 still awaited. Fresh notice be issued to respondents No.3 & 4 through registered post. To come up for reply/comments on behalf of respondents No.3 & 4 on 17.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

20.06.2019

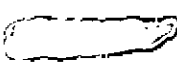
Miss. Lubna Khan, Advocate put appearance on behalf of counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Muhammad Saddique, ADO (Lit) and Mr. Aftab Khan, Record Keeper for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 08.07.2019 before S.B at camp court Abbottabad.

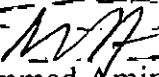

(Ahmad Hassan)

Member

Camp Court A/Abad

08.07.2019


Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned to 16.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

16.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the respondents present therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 23.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

19.04.2019

Counsel for the appellant present.

Contends that the appellant was inducted into service by respondents and started performing her duty on 31.10.1997. She continued as such till 01.08.2008, for a period of more than 10 years. In the said regard he referred to the Civil Services Pension Rules and stated that upon completion of 10 years service a civil servant become entitled to the pension. However, the appellant has not been extended any such benefit.

In view of the submissions by the appellant the appeal/petition is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 20.06.2019 before S.B at camp court, Abbottabad.




Appellant's Deposited
Security & Process Fee


Chairman
Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1352/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2018	<p>The appeal of Mst. Shagufta Begum received today by post through Syed Mehboob Ahmad Shah Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19-11-2018	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18.02.2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
18.02.2019		<p>Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 19.04.2019 for preliminary hearing before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad</p>

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 1352 /2018

Mst. Shagufta Begum

...APPELLANT

VERSUS

Govt of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

APPEAL

INDEX

S.No	Description of Document	Annexure	Page No.
1.	Appeal alongwith affidavit and certificate	--	1-9
2.	Addresses of the parties	--	10
3	The page of the service book	"A", "A-1"	10/1 , 11, 11/1
4.	Copy of the appeal as well as copy of the service book of the appellant	"B" & "C"	12 to 23
5.	Copy of departmental appeal & PLJ 2016 Tr.c 40	"D"	24 to 33
6.	<i>Vakalat Nama</i>	"E"	34


.....APPELLANT

Through:

Dated: 26/10 /2018


(SYED MEHBOOB AHMED SHAH)
Advocate High Court, Abbottabad

SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

BEFORE THE CHAIRMAN OF SERVICE TRIBUNAL OF KHYBER**PAKHTUNKHWA, PESHAWAR**

Appeal No. 1352/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1579

Dated 29-10/2018

Mst. Shagufta Begum, daughter of Muhammad Sarwar Khan, Ex-
Primary Teacher of Education Department of K.P.K, presently

... APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General of KPK Province, Peshawar.
4. District Accountant Officer, Kohistan.
5. Executive District Officer Elementary and Secondary Education, Kohistan.

...RESPONDENTS

- =====
- (i) **APPEAL** UNDER SECTION-4, OF ~~S. Tribunal~~ ACT, 1974, AGAINST THE non granting of the pension of the appellant, rendered as a Govt Primary School Teacher in Kohistan District w.e.f. 31/10/1997 to 31/07/2008, for the period of 10 years and 9 months, qualifying service of the appellant, as a teacher in Kohistan District. Further for the pension period w.e.f. 31/10/1997 to 31/07/2008, is a continuous period, which the appellant as a Primary School Teacher, in Kohistan, while she was further, selected in Dhodial, Mansehra, Hazara University as a teacher in BPS-16 and she served as such till her superannuation period up till 07/09/2014, as the University is an Autonomous Institution, hence 7 years of service is ignored both the Honourable Institutions, and deprived the appellant to grant her pensions and other benefits, as per under the Pension Rules, which is altogether against the prescribed Pension Rules. Further both the Institutions did illegally and without any lawful authority are not willing to accept the legal and lawful rights of the appellant, while both

Filed to-day

Registrar

29/10/18

the services are to be considered to be counted for the purposes, as per Pension Rules described under Pension Rule 2.12 (1). Hence the appellant also reserves all the Provisions and Pension Rules in this matter of services done in both the institutions of Governmental as well as in University sector regarding the length of service done in Governmental schools, which is 10 years and 9 months, as well as the service of 7 years done in a University Dhodial, Mansehra. Hence under the classification of phrase of qualifying service different kinds of services are defined. Hence, under Pension Rules, the limit, *"Where qualifying service is less than 30 years but not than 10 years, proportionate reduction in percentage shall be made"*. In this way 10 years and 9 months qualifying service is legible for 1/3 pension according to the Pension Rules alongwith all other kinds of temporary / officiating service, may be regulated under rule 2.12 (1) of the West Pakistan Civil Services of Pension Rules. Hence, the appellant's service of 10 year 9 months as a Govt Primary Teachers is qualifying service, while the 10 years service is legible for the purpose of pension.

=====

PRAYER:

by accepting the instant appeal and in the light of services, and under the Pension Rules, the appeal of the appellant, which is twice returned under the legal kind of objections and which can be argued, the third time is submitted. And it is requested that the period of services of 10 years and 9 months, is legible for 1/3 of pension and for Pay and Pension, there is no limitation on under the Rules. It is prayed that for the period of Governmental Services, pension whichever is under the Pension Rules is legible according to the prescribed Rules and Law, may graciously be granted alongwith the arrears and increases up to date.

=====

Respectfully Sheweth:

That the facts of instant appeal are submitted as under:-

1. That appellant was a Primary Teacher at Governmental Girls Primary School Sharyal, Maidan area against a vacant PTC post vide DRO (M) Primary School of Kohistan Office order issued under Endorsement No. SH-931 dated 31/10/1997, as per entry of Page No.4 of the Service Book, as it is as maintained. **(Copy of the page of the service book is annexed as annexure "A-1")**
2. That the appellant served as such at different and at difficult stations in Kohistan District till 31/07/2008. **(Copy of The certificate of service issued by the Kohistan District Education Officer i.e. E.D.O Kohistan, is annexed as annexure "B")**
3. That during this period in April 2008, the appellant applied in Hazara University Dhodial, Mansehra for a post of BPS-16 and was accordingly selected. That the appellant further applied for no objection certificate by the Education Department i.e. the EDO, respondent No.4, verbally allowed the appellant.

but the department kept the appellant on false promise, till the last time of her service, in university of appellant, till the appellant attained her superannuation age and got retirement.

4. That, if the respondent department issued the appellant the NOC in time then in that case the period of 10 years 9 months may be considered by the university. But due to the illegal and hostile attitude of the Education Department the period of 10 years 9 months is neither considered by the university department, nor uptill now the department had granted any benefit to the appellant which is an illegal act of the department against the appellant. Moreover the university is an autonomous body and is not bound for any liabilities.
5. That as per according to Pension Rules after performing of 10 years 9 months qualifying service, the appellant had become entitled for 1/3 Pension accordingly this right cannot be snatched from the appellant.
6. That the appellant constantly contacted the university and the Department, but nothing had been done, so far. In this regard a comprehensive application was submitted to Registrar, Hazara University as well as a copy was also submitted to the department

but nothing is done so for. (Copy of the appeal as well as copy of the service book of the appellant are annexed as Annexure "B" & "C" respectively)

7. That the appellant has also appealed to respondent No.2 on 27.06.2018, which is not considered uptill statutory period. Hence, this appeal is submitted, next within 30 days, before this Honourable Tribunal. **(Copy of departmental appeal is also annexed as Annexure "D")**

Being aggrieved again and again, the appellant preferred to appeal before this Honourable tribunal, inter-alia on the following ground:-

GROUND OF APPEAL:-

- a. **That the appellant had served 10 years and 9 months, as a Government, Teacher as such has a right of 1/3 of her pension. In this regard a copy of service-book is already annexed for your kindly perusal.**
- b. That the appellant had time and again approached to respondent No.3 to grant her a No. objection certificate but the said respondent put her off every time, that they shall send and inform to the university officials, but actually the said respondent did not inform during that period.

- c. That in spite of this the appellant had got a credit of a period of 10 years and 9 months at her credit, which gives her right of 1/3 pension entitled under the pension rules.
- d. That if the respondent Education Department had granted No objection certificates at time then the university Department even being an Autonomous Body could consider this period according to law and Under the Rules and Regulations.
- e. That service done by the appellant w.e.f 31.07.1997 to 18.07.2008 of 10 years and 9 months is a qualifying services and the appellant is entitled for the 1/3 benefits under the law and Rules and Regulations.
- f. That it is also submitted that for claim of pay and pension no limitation is a hurdle for appellant but it is a continuous wrong and is a recurring cause of action for claiming pay and pension.

In view of the above facts and reasons it is prayed that appeal may graciously be accepted as prayed for and legally due pension of the appellant may graciously be ordered to be sanctioned w.e.f 01.08.2008 till now alongwith

(7)

All benefits with all other ancillary benefits and
with all arrears up to date.

Mahab

..... APPELLANT

Through:

Dated: 26/10/2018

Mahab
(SYED MEHBOOB AHMED SHAH)
Advocate High Court, Abbottabad

Mahab
SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

VERIFICATION:-

Verified that contents of the instant **Appeal** are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honorable Court.

Mahab

Dated: 26/10/2018

..... APPELLANT

8

8

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Mst. Shagufta Begum

...APPELLANT

VERSUS

Govt of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

APPEAL


AFFIDAVIT

I, Mst. Shagufta Begum, Daughter of Muhammad Sarwar Khan, Ex-Teacher of Education Department, Peshawar, **Appellant**, do hereby solemnly affirm and declare on oath that the contents of instant **Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


.....APPELLANT

Through:

Dated: 26 / 10 / 2018


(SYED MEHBOOB AHMED SHAH)
Advocate High Court, Abbottabad

SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Mst. Shagufta Begum

...APPELLANT

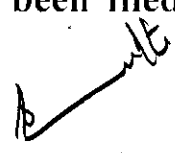
VERSUS

Govt of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

APPEAL
CERTIFICATE

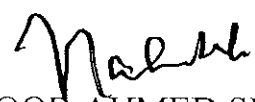
Certified that no such like Appeal has earlier been filed before this Hon'ble Court.



.....APPELLANT

Through:

Dated: 26/10 /2018



(SYED MEHBOOB AHMED SHAH)
Advocate-High Court, Abbottabad

SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

(10) 10

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Mst. Shagufta Begum

...APPELLANT

VERSUS

Govt of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth;

The addresses of the parties are as under;

PETITIONER:

Mst. Shagufta Begum, Daughter of Muhammad Sarwar Khan, Ex-Teacher of Education Department, Peshawar.


RESPONDENTS:

1. Government of KPK, through Secretary of Secondary & Elementary Education, Peshawar.
2. Director of Education of Elementary and Secondary Education, KPK, Peshawar.
3. Accountant General, of K.P.K Province, Peshawar.
4. District Account Officer, Kohistan.
5. Executive District Officer (Elementary & Secondary Education) Kohistan.
6. Executive District Officer (F) Kohistan.

.....PETITIONER / APPELLANT

Through:

Dated: 26/10/2018


(SYED MEHBOOB AHMED SHAH)
Advocate High Court, Abbottabad

SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

Part 5

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Signature and duration of leave taken	Period	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Service
<i>[Signature]</i> SDEO (Female) Kohistan at Pattan	9/12/97	Appointed	<i>[Signature]</i> SDEO (Female) Kohistan at Pattan				
<i>[Signature]</i> SDEO (Female) Kohistan at Pattan	30/11/97	Resign	<i>[Signature]</i> SDEO (M) Pvt Kohistan				
<i>[Signature]</i> SDEO (M) Pvt Kohistan	30/11/98	Resign	<i>[Signature]</i> SDEO (M) Pvt Kohistan				
<i>[Signature]</i> SDEO (M) Pvt Kohistan	30/11/99	Fixed	<i>[Signature]</i> SDEO (M) Pvt Kohistan				
<i>[Signature]</i> SDEO (M) Pvt Kohistan	24/2000	Resign	<i>[Signature]</i> SDEO (M) Pvt Kohistan				Service verified w.e.f. 01-11-97 to 30-11-97 from the Acq: Roll & Other Office record kept in this office
<i>[Signature]</i> SDEO (M) Pvt Kohistan	30/11/2000	Resign	<i>[Signature]</i> SDEO (M) Pvt Kohistan				
<i>[Signature]</i> SDEO (M) Pvt Kohistan	24-11-2000	Resign	<i>[Signature]</i> SDEO (M) Pvt Kohistan				Service Verified from Acq: Roll & Other Office Records w.e.f. 1-11-97 to 30-11-98
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2000	Resign	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				Service Verified from Acq: Roll & Other Office Records w.e.f. 1-11-97 to 30-11-99
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2001	Resign	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				Service Verified from Acq: Roll & Other Office Records w.e.f. 1-11-97 to 30-11-99
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2001	Scale Revised	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2002	Resign	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				Allowed Graded Pay to BDE (9) on passing P.A Exam - 2nd division passing P.C Exam w.e.f. 25-4-2000 vide office order of the E.D.O Enkris no 241-42 dt 22-9-2001
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2003	Resign	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				
<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN	30/11/2003	Resign	<i>[Signature]</i> DEPUTY DISTRICT OFFICER PRINCIPAL PRIMARY KOHISTAN				

SYED MAHBOOB AHMAD SHAH
 Professor, M.A LL.B.
 Advocate High Court
 Abbottabad

SYED MAHBOOB AHMAD SHAH
 Professor, M.A LL.B.
 Advocate High Court
 Abbottabad

(X)

(11)

Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (a) Substantive appointment, or (b) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
			RS No 10	1660-1070		3265	
S. M. Khan			Rs. 1981 =			11 1-2000	Letto
" =			Rs. 1981 =			12 1-2000	Letto
" =		RS No 10	Rs. 2490 - 160	7290		12 1-01	Letto
" =			32902			12 1-02	Letto
" =			3610 =			12 1-03	Letto
S. M. Khan			Rs. 3610 =			18 01	Letto

Attested

SYED MAHBOOB AHMAD KHAN
Professor, M.A., LL.B.
Advocate High Court
Abbottabad


(12)

Annexure B

Pages of Service Book

(For use in Police Department only)

Heirs:—

- 1. Passed the undl. No. 3896 marks 772/122 on 25.4.2007
R.D.E.E.D Peshawar
- 2.  S.D.P.O. (F) Pyl Kohistan
- 3.

Verification Roll No. dated received back.

Passed Ssc Exams: from PISE Peshawar in 1970 (Annual) under RNO 13934 in the 1st Division.

Passed L.L.B. from University of Karachi in July 1998 (M) under R. No 32303 / 1998-99 and 77/1104. 1st Div.

Left Thumb Impression

S.D.P.O. (F) Pyl Kohistan

Passed Intermediate Exams: from PISE Peshawar in 1973 (A) under RNO 5713 in Second Division.

Qualifications	Date
English	First Arts
Pushto	B.L. or B.A.
Passed B.A Exams: from University of Peshawar in 1976 (A) under RNO 2154 1 st Division Second.	Plead-ship Examination
Finger Print	Training School Final Examination
Drill Instructing	Other Qualifications:—
passed B.Ed Examination	
Court Duties. from A-I-D-U Islamabad	
Reserve Duties under Roll No. K-6295282	
Obtaining 518/900 marks	

N.B.— Line to be drawn under the qualification possessed.

Attahed Name

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under 371	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
PT SSPS, Sharqal Mandera	off: Temp	1480-81-2695	Rs. 1480/-	Per (Fixed)		01/11/97	[Signature]
SSPS, Eal	off: Temp		Rs. 1480/-	(Fixed)		10/12/97	[Signature]
do -	do -		Rs. 1480/-	Fixed		1/12/97	[Signature]
SSPS Amudarya do -	do -		Rs. 1480/-	Fixed		1/12/98	[Signature]
SSPS CMS do -	do -		Rs. 1480/-	Fixed		1/12/99	[Signature]
do -	do -	1480-81-2695	Rs. 1480/-	Fixed			
SSPS Amudarya Abul	do -	561	Rs. 1561/-			25/4/2000	[Signature]
do -	do -		Rs. 1692/-			1/12/2000	[Signature]
Entries Revised BPS-9-1605-97-3060							
do -	do -		1605 + 291 = 1896	3-Adm. increment on passing BA		25/4/2000	[Signature]
do -	do -		1993			1/12/2000	[Signature]
do -	do -		2090/-			1/12/2001	[Signature]
do -	do -	BPS-2410-145-8760	3135			12/12/2001	[Signature]
do -	do -		3280			12/12/2002	[Signature]
SSPS, S.K. Maiden Pales			Rs. 3425/-			1/12/2003	[Signature]

Attested
 SYED I. I. SHAH
 Professor, I.A.L.L.B.
 Advocate High Court
 Abbottabad

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Shagufta Begum

2. Race: Mughal

3. Residence: Kot Najibullah (Haripur)

4. Father's name and residence: Muhammed Sarwar Khan

5. Date of birth by Christian era as nearly as can be ascertained: (08-09-1954)

6. Exact height by measurement: 5'-2"

7. Personal marks for identification: Nil - has poor

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger: Final Payment 54-1260

Middle Finger: Draw

Thumb: Draw

9. Signature of Government Servant: [Signature]

10. Signature and Designation of the Head of the Office, or other Attesting Officer: [Signature]

SDO (Female)
Kohistan at Pailan

Attested by
S/Advocate
L.L.B.
Advocate High Court
Abbottabad

[Handwritten notes and scribbles on the left margin]

(15)

(X)

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
			Rs. 1660	Rs. 1070		11-20-3265	
S. K. Malik			Rs. 1981			11-20-1981	Butte
11-			Rs. 1981			12-1-2000	Butte
11-		B.S. NO 10	Rs. 2490	Rs. 160		12-1-2001	Butte
11-			32902			12-1-01	Butte
11-			3450			12-1-02	Butte
11-			3610			12-1-03	Butte
11-			3610			12-1-04	Butte
Sabir Akbar			3610			12-1-04	Butte
<p>Attest SYED MAHBOOB KHAN Professor, M.A. I. B. Advocate High Court Abbottabad</p>							

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debit	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
<i>[Signature]</i> SDEO (Female) Kohistan at Pattan	9/12/97	Advised	<i>[Signature]</i> SDEO (Female) Kohistan at Pattan				
<i>[Signature]</i> SDEO (Female) Kohistan at Pattan	30/11/97	Passed	<i>[Signature]</i> SDEO (F) Kohistan				Appointed as PT Teacher at 1598, Shargal Maidan against vacant PTC post vide D.O. (M) Primary Kohistan office order issued under order Endst No. 811-931
<i>[Signature]</i> SDEO (F) Kohistan	30/11/98	Retired	<i>[Signature]</i> SDEO (F) Kohistan				date of 31-10-1997
<i>[Signature]</i> SDEO (F) Kohistan	30/11/99	Fixed	<i>[Signature]</i> SDEO (F) Kohistan				SYED MAHBOOB AHM Professor, M.A.L. Advocate High Court Abbottabad
<i>[Signature]</i> SDEO (F) Kohistan	24/4/2000	Passed	<i>[Signature]</i> SDEO (F) Kohistan				Service verified w.e.f. 01-11-97 to 16-11-97 from the Acq. Rolls & Other Office record kept in this office
<i>[Signature]</i> SDEO (F) Kohistan	30/11/2000	Retired	<i>[Signature]</i> SDEO (F) Kohistan				<i>[Signature]</i> SDEO (Female) Kohistan at Pattan
<i>[Signature]</i> SDEO (F) Kohistan	24/4/2000	Allowed PTC Exam + 3-Mos. for 2nd	<i>[Signature]</i> SDEO (F) Kohistan				Service Verified from Acq. Roll & Other Office Records from 12-97 to 30-11-98
<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN	30/11/2000	Inc.	<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN				Service Verified from Acq. Roll & Other Office Records from 12-98 to 30-11-99
<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN	30/11/2001	Inc.	<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN				<i>[Signature]</i> S.D.E.O. Pky. (F) Pattan Kohistan
<i>[Signature]</i> DDO (F)	30/11/2001	Scale Revised	<i>[Signature]</i> DDO (F)				
<i>[Signature]</i> DDO (F)	30/11/2002	Inc.	<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN				Allowed Graded pay in BGR (A) 01, passing PA Exam - 2nd division / passing PIC Exam w.e.f. 25-4-2000 vide office order of the DDO Endst No 24-42 dt 22-9-2001
<i>[Signature]</i> DDO (F)	30/11/2003	A/O	<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN				<i>[Signature]</i> DEPUTY DISTRICT OFFICER (FEMALE) PRIMARY KOHISTAN
<i>[Signature]</i>	3/11/2004	Temp. / Permanent Drawn Rs. 5000/-	<i>[Signature]</i>				

Attested by
SYED MAHBOOB AHM
Professor, M.A.L.B.
Advocate High Court
Abbottabad

(27)

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
P.T.C. BPS Sabir Akbar B.A. Agri. Officer		BPS No. 10 (PS-2490-160-7290)					Balt
—		RS: 3721/- P.M				12/04	Balt
—		RBPS No. 10 (PS-2865-185-8415)					Balt
—		RS: 4345/-				12/05	Balt
—		RS: 4530/-				12/05	Balt
G.G.P.S. MORIN		RS: 4715				12/06	Balt
		RS: 4715					Balt
<p>Sanction to the relaxation of upper age limit may please be granted to the petitioner in service book records in service book.</p> <p>ADP (APP)</p>							
<p>Attested SYED MAHMOOD Advocate ABDU</p> <p>MORIN SHAH LL.B. Court Jud</p>							<p>Pay active w/d: 5/07</p> <p>Signature of Government Servant</p>
							<p>Pay active w/d: 5/07</p>

Pay active w/d: 5/07

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government		
				Period	Government to which detable		
D.D.O. (M) Kohistan	30-11-2000	#/2	D.D.O. (M) Kohistan			30-11-2001	1-12-2000
D.D.O. (F) Kohistan	30-11-2001	-Do-	D.D.O. (F) Kohistan				Asstt. DEPUTY DISTRICT OFFICER (S&L) KOHISTAN
D.D.O. (M) Kohistan	1-12-02	SR	D.D.O. (M) Kohistan			30-11-2002	Asstt. DEPUTY DISTRICT OFFICER (S&L) KOHISTAN
D.D.O. (F) Kohistan	1-12-03	-Do-	D.D.O. (F) Kohistan				Asstt. DEPUTY DISTRICT OFFICER (S&L) KOHISTAN
Temp/Permit Drawn Rs. 2228/2	3-7-04	Transfer due to Kohistan	D.D.O. Kohistan				Asstt. DEPUTY DISTRICT OFFICER (S&L) KOHISTAN
D.D.O. Kohistan	30-11-2003					30-11-2003	Asstt. DEPUTY DISTRICT OFFICER (S&L) KOHISTAN

As approved by the District Promotion/Selection Committee, awarded Selection Grade from BPS-07 to BPS-10 @ rate of 33% on the total strength of PTC(F) w.e.f 01-11-2000 vide Executive District Officer (Schools & Literacy) Kohistan issued under Endst.No. 1953-92 dated 29-5-2004

Attested
 SYED MAHMOOD
 P.T.O.
 District High Court
 Attock, P.O. Attock

Deputy District Officer (F)
 (S&L) Kohistan.

UNDER TAKING

1. Shagufta
 PTC Govt: Girls Primary School S.K. Miala
 do hereby given an undertaking to the effect that if any recovery or over payment is made to me as a result of wrong Fixatio./irregular award of Selection Grade, the same will be recovered from my pay/pensior or graduity letter on.

Attested
 Signature [Signature]
 Name _____
 Dy: District Officer
 (F) S&L Kohistan

(19)

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
D.S.T GERS							
Muzam		RBPS No. 10/B. 3295-215-3745					
-			Rs: 5445/-			12/07	Balle
-			Rs: 5660/-			12/07	Balle

~~Attested~~
SYED MAJID AHMAD SHAH
Advocate High Court
Abbottabad

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Service	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government			
					Period			Government to which payable
<i>[Signature]</i>	30/11/04	A/A	<i>[Signature]</i>				Service Verified w.e. 1-12-2003 to 30-11-2004 from acq: Roll & other Record of this office.	
<i>[Signature]</i>	30/6/05	Retired B.P.S	<i>[Signature]</i>					
<i>[Signature]</i>	30/11/05	A/A	<i>[Signature]</i>				Service Verified w.e. 1-12-04 to 30-11-05 from acq: Roll & other Record of this office.	
<i>[Signature]</i>	30/11/05	A/A	<i>[Signature]</i>				Service Verified w.e. 1-12-04 to 30-11-05 from acq: Roll & other Record of this office.	
<i>[Signature]</i>	30/11/06	A/2	<i>[Signature]</i>				Service Verified w.e. 1-12-05 to 30/11/06 from acq: Roll & other Record of this office.	
<p>Ref: Drawn pay & allow: due to release of pay w.e. 1-8-06 to 31-03-07. vide T.No=632. dt=27-04-07. Rs=63684/-</p> <p><i>[Signature]</i> District Account Officer Kohistan 5157</p>				<p>Pay release order vide EDO (S.L) KH NO. 8840 date 29/12/06 Form. 8/06-10 upto date.</p> <p><i>[Signature]</i> Dy. District Officer (F) Schools & Literacy Kohistan</p> <p>Ex post facto sanction for upper age. Relaxation of upper age limit 3 years one month and 23-Days vide EDO (S.L) Kohistan Endno: NO. 847-51 dated 27/3/07.</p> <p><i>[Signature]</i> Dy. District Officer (F) Schools & Literacy Kohistan</p>				
<p><i>[Signature]</i> SYED MAJID HUSSAIN Advocate High Court Abbottabad</p>								

(211)

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Period	Government to which debitable		
	30/6/07	Sole Recd.	<i>[Signature]</i> Dy. D.O (F) S&L Kohistan			Service Verified to 30/11/07 & other records of this office	1.12.06 From Govt. Roll of this office
<i>[Signature]</i> Dy. D.O (F) S&L Kohistan	30/4/07	A/Hi	<i>[Signature]</i> Dy. D.O (F) S&L Kohistan			<i>[Signature]</i> Dy. D.O (F) S&L Kohistan	
<i>[Signature]</i> Dy. D.O (F) S&L Kohistan	31/7/08	Resignation	<i>[Signature]</i> Dy. D.O (F) S&L Kohistan				
<p>Attended by <i>[Signature]</i></p> <p>SYED MAHMOOD AHMAD SHAH Professor Advocate High Court Abbottabad</p>				<p>Resigned from Govt. Service accepted by EDO S&L Kohistan Under endst. No. 1392-97 dt 25/9/08</p> <p><i>[Signature]</i> Dy. D.O (F) S&L Kohistan</p>			

cr/o

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER (E&SE)
KOHISTAN.

No. 9076 /EDO(E&SE) KH
Dated Dassu the 27-12- /2010.

SERVICE CERTIFICATE.

This is to certify that Mrs. Shagufta Begum D/o Muhammad Sarwar had served in Elementary & Secondary Education Department Kohistan as P.S.T. teacher from 31/10/1997 to 01/08/2008 and resigned from service.

The Elementary & Secondary Education Department Kohistan recognizes and appreciates the meritorious services rendered by Mrs. Shagufta Begum PST in the development of education in the remote District Kohistan. She had shown not only devotion to her duty, but she also rendered splendid professional activities for the promotion of educational activities as well.

Keeping in view the above facts, the services of Mrs. Shagufta Begum will be remembered forever in this District and we wish for her best luck in future and expect from her such efforts in future as well!

Attested
Mahboob
SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

Muhtar Ahmad
27/12
(Muhktar Ahmad)
Executive District Officer (E&SE)
Kohistan.

Ann: C

To,

The Registrar,
Hazara University,
Manshra.

SUBJECT; PENSION

Respected Sir,

The applicant submits as follows.

1. That applicant was initially recruited & inducted into Education Department as PTC vide order dated 31.10.1997.
2. That applicant took charge as PTC teacher on 31.10.1997 & remained in service till 31.7.2008.
3. That in April 2008 undersigned applied in Hazara University for post in BPS-16 & was accordingly selected but due to refusal of NOC by parent department, compelled undersigned to let this opportunity.
4. That later on again certain posts were advertised by Hazara University, undersigned applied for post in BPS-17 & was accordingly again selected.
5. That application for issuance of NOC was preferred & processed to EDO Kohistan & undersigned was verbally allowed to join new service. Therefore, on 18.7.2008 joining was given by assuming charge in Education Department, Hazara University.
6. That undersigned was assured that application for NOC has been processed & it shall be dispatched to Hazara University within due time through proper channel, therefore, undersigned continued her service till the age of superannuation i.e 07.09.2014.
7. That on attainment of age of superannuation undersigned was retired on 07.09.2014, the retirement process was initiated including commutation of retirement benefits & other emoluments.
8. That at such juncture, the undersigned was informed that her previous service has not been absorbed & service at Hazara University is less than the qualifying service for pension.

Attested
Naem
Sayed Naem Ali Shah
Professor M.A. LL.B.
Advocate High Court
Abbottabad

(23)

9. That undersigned applied & requested for absorption of previous service for the purpose of pension. In response, the university administration demanded previous service record which was lying in the custody office of SDO Kohistan.
10. That undersigned also provided the photo copy of service book & other documents & requested for requisitioning of the record through proper channel. (The copy of service book/record is attached herewith as ready reference as well). Similarly all other relevant documents/record pertaining entire service is also annexed as annexure A to M respectively.
11. That the undersigned rendered continuous service since 31.10.1997 till superannuation age of retirement i.e 07.9.2014 without any gap, which is not only considerable but also qualifying for pension. Moreover denial of pension against such huge length of service is not only injustice but also against the fundamental rights provided in constitution of Pakistan.

It is therefore, requested that by absorption of previous service, for the purpose of commutation of retirement benefits, undersigned is entitle for pension on legal as well as humanitarian sympathetic grounds. Thus, undersigned may kindly be allowed the pension under the law & rules.

I shall be very grateful.

Thanks.

Attested
Maher
SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

Yours Obediently

Shagufta Begum
Mrs Shagufta Begum,
(Rtd) Lecturer BPS17

(23)

Ann-D

To,

The Director of Education,
Elementary and Secondary Education,
Khyber Pakhtunkhwa province,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST NON-GRANTING OF 1/3 PENSION OF APPELLANT, RENDERING W.E.F 31.10.1997 TO 31.07.2008, FOR THE PERIOD OF 10 YEARS AND 9 MONTHS, IN KOHISTAN DISTRICT.

Respectfully Sheweth,

That the facts of the departmental appeal are submitted as under:-

1. That the appellant was a Primary Teacher at Government Girls Primary School, Sharyal Maidan, against a vacant post, as a P.T.C vide D.E.O(M) Primary Kohistan Office order issued under order Endstt; No.811-931, dated 31.10.1997. In this regard the page 19, of the service Book of the appellant is attached as Annexure "A" for your kind perusal.
2. That the appellant served as such at different and at difficult stations, in Kohistan District till 31.07.2008. In this regard the page 24 of the service book, as it was maintained by the Department is attached/ annexed as Annexure "B" for your Kind perusal.
3. That during this period, in April 2008, the appellant applied in Hazara University, Dhodial, Mansehra, for a Post of BPS-16 and was accordingly selected. That the appellant further applied for no-objection certificate by the Education Department, time and again, but the department, i.e. EDO, verbally allowed the appellant but the department kept the appellant on false promises, till the last time of her

Attested
BY
M. MAHBOOB AHMAD SHAH
Professor,
Advocate h
Abbottabad
B. SUF

(25)

service till the appellant attained her superannuation age and got retirement.

4. That as per according to pension Rules after performing of 10 years and 9 months qualifying service, the appellant had become entitled for 1/3 pension accordingly and this right of the appellant cannot be snatched from the appellant.
5. That the accrued Right of pension of appellant, cannot be snatched nor the appellant can be deprived for her legal right, nor, there is any legally hurdle of limitation to claim pension and pay matter in the law.

In view of the above facts and reasons, it is prayed that pension of the appellant for the period of 31.10.1997 to 31.07.2008, i.e. for 10 years and 9 months period, 1/3rd pension of the appellant may graciously be sanctioned as per law and obliged, in this regard the copy of service book is attached for your Kind Perusal.

Your's Most Obediently,

[Signature]

27-06-2018

Mst. Shagufta Begum
Ex-Teacher of Education
Department Peshawar.

Dated:- 27-06-2018

428

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

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27/06/2018

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Receiving Office _____

Weight _____ (in words) _____ Kilo _____ Grams _____

Name and address of sender _____ Peshawar 27

18

Attested *[Signature]*

SYED MAHBOOB AHMAD SHAH
Professor, M.A LL.B.
Advocate High Court
Abbottabad

جناب قاضی اعظم وفاقی محتسب عالی کے پی کے آرٹیکل

جناب عالی -
مورد نامہ الٹیمٹم کے تحت میں شلفہ بیگم D/o محمد ادرخان نے

31.10.1997 سے 31-7-2008 تک کو سیان جیسے حد دراز سکولوں میں

سروس کی ہے۔ جس کا ریکارڈ موجود ہے۔

اپریل 2008 کو مجھے پرارہ یونیورسٹی مانسہرہ 16 ٹریڈ کی جانب ملی

لیکن میرے حکم نے مجھے NOC نہیں دی (نہت بار

State Attorney
Sayed Ahmad Shah
Professor, M.A. LL.B.
Advocate High Court
Abbottabad

NOC کی درخواست دینے پر بھی کوئی جواب نہ ملا۔ جلی دم سے

پرارہ یونیورسٹی کی جانب موجود رہا۔ میرے چھوٹے چھوٹے لڑکے

تھے۔ اس وقت ان کو میری سخت مہارت تھی۔ باپ کا سہرا کو سہرا

نہ ہو تو نہت مشکل ہو جاتی ہے۔ سوچا تھا کہ بچوں کے پاس وہ کرائی

کیو یہاں رہے ہوئے طاب کر لوں گی۔ لیکن کو سیان سے حکم تعلیم والوں نے مجھے

NOC نہیں دی۔ میرا حق بھی بنتا تھا کیونکہ تقریباً 15 سال 9 ماہ میرے

کو سیان میں ہو چکے تھے۔ لیکن میری جھوٹی ماکگی کو اسے نہ تھا۔

پھر حال پرارہ یونیورسٹی میں ایسی سال 2008 میں ٹریڈ 17 کی طاب آئی

جس نے وہ بارہ Apply کر دیا۔ جس پر مجھے کمال ٹھہرا گیا۔ اسٹوڈنٹ وغیرہ

کوٹے میں سیلیکٹ ہوئی۔ NOC کے لئے دوبارہ درخواست دی۔ کوئی جواب نہ ملا

میں۔ جب کہ اس وقت مجھ پر مہارت تھی۔ ان حالات میں نے 18⁷/₂₀₀₈ کو پرارہ یونیورسٹی

پہنچ کر لی۔ یونیورسٹی میں میرے سات سال ہوئے پہلے سروس 17 سال

رہی ہے۔ پینشن کی بات ہوئی تو یونیورسٹی والے کہنے لگے کہ آپ کی پینشن

یونیورسٹی سے نہیں ملے گی۔ بلکہ اس کا حساب اس وقت سے لگایا جائے گا۔

کہ میری تاحالت سونپی گیا میں اس میں میں در در کی ٹوٹیں کھاؤں
دھرتی پر بوجھ بن چکی ہوں۔ کو بیان میں Tenton میں رہ کر زلزلے میں
دور دراز علاقوں میں جا کر زلزلہ زدگان کو مقبوضوں میں لکڑی میں بھونک
بڑھانا۔ ہا۔۔۔ عالی صرف تصور نہیں۔ سروں تک میں میرا سون دیکھو نہیں
میں نے کن کن سکولوں کو چلا ہے۔ اب یہ انسان رہ گیا ہے تم میں لکھتے
جانوں۔

براہ کرم میری جگہ پر پیشین وی جانے نام میں ایک ماہر
شہر کی طرح زندگی گزاروں۔ بسک جیسی لکھتے سے مجھے چاہا جانے

اپنے میری درخواست
بکھرا دانا غور فرمایا جانے گا

Kohistan
EMP.No-00356558

HAZARA UNIVERSITY
EMP NO. 782

شکریہ
شکریہ بیگم دکتر محمد ادراس

میں نے online درخواست دی ہے
جواگر ہے NIKPO.ONL/ 0000130/17

ریٹائرڈ پبلیک سروس میٹروپولیٹن
کاشمیر
ہالنگان
KPR

Attended
SYED MAHMOOD AHMAD SHAIKH
SYED MAHMOOD AHMAD SHAIKH
Advocate High Court
Abbottabad

حاجہ عالی راجہ درخواست میں جو لکھا ہے
میرے علم کے مطابق درخواست ہے
میں نے کسی عہدہ میں کوئی سے Case
نہیں لکھا ہے۔ اگلی تک

تاک
S-10-2017

4. On which, DFO Rahim Yar Khan inflicted penalties of Dismissal from service alongwith Recovery of Rs. 257000/- against the present appellant vide order dated 11.09.2013 without holding regular inquiry into the matter.

5. It is settled principle of law that for resolving controversial questions of fact, evidence has to be recorded, in that opportunity of cross-examination is to be provided to both the parties and for that proper course would be to hold full fledged inquiry. Otherwise the finding recorded will be based more on conjectures than on evidence. Reliance is placed on 1993 SCMR 603 filed as *Alam Gir vs. DFO, Multan, etc.*

6. In view of what has been discussed above, without touching the merits of the case, this appeal is allowed, impugned orders are set aside and the appellant is reinstated in service with immediate effect. However, keeping in view the seriousness of the matter, the case is remanded to the competent authority for *de novo* proceedings and disposal of the same strictly in accordance with law. Intervening period shall also be decided by the competent authority.

(R.A.)

Appeal allowed

PLJ 2016 Tr.C. (Services) 40
[Federal Service Tribunal, Islamabad]

Present: SYED RAFIQUE HUSSAIN SHAH AND
SYED MUHAMMAD HAMID MEMBERS

NAZAR HUSSAIN--Appellant

versus

SECRETARY, STATE & FRONTIER REGIONS DIVISION
GOVERNMENT OF PAKISTAN, ISLAMABAD
and 2 others--Respondents

Appeal No. 56(P)CS of 2012, decided on 23.9.2015.

Kohat Division Levies Efficiency & Discipline Order, 1983--

Regul. 371-A--Retired from service without extending pensionary benefit--Discrimination--Entitled to pensionary benefit--Validity--Temporary and officiating service, who retired on or after 1st January, 1949, or who joined service thereafter, shall count for pension according to rules--In case levy personnel of Malakand Dir were made entitled to pensionary benefits why not personal of

Farkhanda
SYEDA FARKHANDA
M.A. L.L.B
Advocate High Court
Abbottabad

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SYED MAHBOOB AHMAD SHAH
Professor, M.A L.L.B.
Advocate High Court
Abbottabad

(24)

2016 NAZAR HUSSAIN v. SECRETARY, STATE & FRONTIER Tr.C. 41
REGIONS DIVISION, GOVERNMENT OF PAKISTAN, ISLAMABAD
[Federal Service Tribunal, Islamabad]

K.L.F. who performed same duties and were similarly placed persons--To deprive appellant and others of pensionary benefits would certainly amount to discrimination between similarly placed persons--Principle of natural justice and equality before law Appellant had made out case for grant of pensionary benefits--Appellant and his colleagues could not be deprived of pensionary benefits and hence they should be allowed/extended all pensionary benefits from date of their retirement. [Pp. 43 & 44] A, B, C & E

Civil Servant--

Pension benefit--Limitation--Condonation of delay in filing of proceedings--Validity--In matters of pay and pension, being continuous grievance, limitation is not applicable to appeals filed by civil servants. [P. 44] D

Syed Nazir Hussain Zaidi, Advocate for Appellant.

Mr. Waheed Iqbal, Advocate for Respondent-SAFRON.

Date of hearing: 23.9.2015.

JUDGMENT

Syed Rafique Hussain Shah, Member--Appeals No. 56(P)CS/2012, 215, 219 to 253, 273, 276 & 327 to 336(P)CS/2014, 40 & 41(P)CS/2015 pertain to one and the same relief sought for by the appellants and, as such, we would like to dispose of all the appeals through this single judgment being recorded in Appeal No. 56(P)CS/2012.

2. Precisely, the facts of the matter are, that the appellant (Nazar Hussain) was recruited as Sepoy (levy personnel) on 01.05.1981 in Kurram Levy Force. After attaining the age of fifty-five years he got retired from service vide order dated 29.06.2007 without extending him pensionary benefits. He, therefore, felt aggrieved of such treatment at the hands of the respondents whom he served for long twenty-two years. Later on, the appellant approached the departmental authority for grant of pension but his appeal/representation proved abortive which obliged him to file the instant service appeal praying for grant of pension and all other retirement related benefits.

3. In the memo of appeal while narrating the facts of the case, the appellant took the stance that the authority had ignored all rules, regulations, decisions/judgments of the competent Courts, pension rules & orders and statutory notifications in connection with grant of pension to him and his other colleagues. He alleged discrimination

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SYEDA FARKH
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Advocate High
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SYED MAHBOOB AHMAD SHAH
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Advocate High Court
Abbottabad

against him and his other colleagues at the hands of the respondents and described their attitude as illegal, unjustified and against the provisions of Constriction of Pakistan, 1973. It was submitted by the appellant that all levymen were entitled to pension as admissible under the rules *vide* Circular dated 04.08.1981 issued by the Commissioner, Kohat Division, Kohat as well as under Regulation 371-A of Pension Rules. According to the appellant he being "declared Government servant" was entitled to pensionary benefits as his case was covered under Regulation No. 371-A. The appellant further pointed out that the General Provident Fund and Benevolent Fund had been deducted from the levy employees' salaries like other Government officials. The appellant made reference to the judgment of the Hon'ble Supreme Court of Pakistan dated 30.11.1993 in the case titled *Mir Ahmad Khan vs Secretary to Government and others* (Civil Appeal No. 574/1992) and submitted that as per verdict of the apex Court all those employees who rendered ten years service in any Government department were entitled to pensionary benefits. The appellant next pointed out that the President of Pakistan had been pleased to grant pensionary benefits to the employees of Malakand/Dir Levies who retired prior to the 1st March, 1972 *vide* notification dated 26.03.1995 and, hence, Kurram Levy Force also deserved the same/equal treatment.

4. The appeal of the appellant was resisted by the respondents taking the stance in their parawise comments that Kurram Levy Force was established in 1981 but no statutory rules or regulations were framed by the Government regarding its pensionary benefits. Subsequently, the pensionary benefits were granted to all levy personnel with effect from 16.06.2010 prospectively. By the time the pensionary benefits were extended to the Kurram Levy Force the appellant had already been retired from service and thus was not entitled to pension.

5. In this background, we heard the arguments of the learned counsel for both the parties and perused the material placed on the record.

6. The record would show that the Commissioner Kohat Division Kohat, in exercise of the administrative powers enabling him in this behalf, promulgated the Standing Order dated 04.08.1983. This order was called the Kohat Division Levies (Efficiency and Discipline) Order, 1983. It came into force at once. This order was promulgated to ensure uniformity in the administration and working of Levy Force in Kohat Division. According to Clause-19 of the Standing Order dated

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M.A. L.L.B.
Advocate High Court
Abbottabad.

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SYED MANOOR AHMAD SHAH
M.A. L.L.B.
Advocate High Court
Abbottabad.

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2016 NAZAR HUSSAIN v. SECRETARY, STATE & FRONTIER Ty.C. 43
REGIONS DIVISION, GOVERNMENT OF PAKISTAN, ISLAMABAD
[Federal Service Tribunal, Islamabad]

04.08.1983, the levy men were held entitled to pension as admissible under the rules.

7. The appellant alongwith ten others was retired from service with effect from 01.07.2007 in view of the Kohat Division Levies (Efficiency and Discipline) Order, 1983. In case the Order dated 04.08.1983, above mentioned, was applied for retirement of the appellant and others then the question arises why he same was not applied to the levy personnel in connection with pension which was clearly and specifically provided in Clause-19 of the order. The logic of the respondents that the Commissioner's order dated 04.08.1983 was not attracted to the matter of pension of the appellant and others is quite implausible, unjustified and unconvincing because if the said order was applicable to the appellant and others in connection with their retirement why it was not attracted to them with regard to their pension and pensionary benefits.

8. We are of the considered view that there could not be pick and choose in one and the same order. The order of 1983, in our opinion, would be applicable in toto which included pension to the levy personnel.

9. It has been clearly mentioned in Regulation 371-A that temporary and officiating service, in case of Government servants who retired on or after the 1st January, 1949, or who joined service thereafter, shall count for pension according to the rules mentioned therein. So in the light of Regulation 371-A the appellant and others being Government servants are entitled to the pensionary benefits. A

10. It may also be mentioned over here that pensionary benefits were extended to Malakand/Dir Levies personnel who retired prior to 1st March, 1972 vide order of States and Frontier Regions Division dated 26.03.1995. In case the levy personnel of Malakand/Dir were made entitled to pensionary benefits why not the personal of Kurram Levy Force who performed the same duties and were similarly placed persons. To deprive the appellant and others of the pensionary benefits would certainly amount to discrimination between the similarly placed persons. It has been claimed rather alleged by the appellant that two persons of Kurram Levy Force namely Syed Hussain Shah and Mr. Jaffar Hussain have already been granted pension by the respondents. The respondents have not denied the grant of pension to those two persons. However, the respondents have been unable to give plausible explanation as to why the said two persons are given pensionary benefits and why the appellant and others do not. This would also reflect discrimination with the appellant. B

Advocate
SYEDA FARUKHANDA
A.L.L.B.
High Court
Islamabad

Amir
SYED IMRAN AHMAD SHAN
Professor, M.A.L.L.B.
Advocate High Court
Abbottabad

and others at the hands of the respondents. It has been admitted by the respondents that they have been paying pensionary benefits to the personnel of Kurram Levy Force since 2010 onward. If the pensionary benefits to Levy personnel of Kurram Levies have been allowed since 2010 why the same have been refused to the appellant and others who retired in 2007 i.e. 2/3 years prior to sanction of pensionary benefits to the other Levy Force.

11. Keeping in view the principle of natural justice and equality before law, the appellant and others have made out their case for the grant of pensionary benefits.

12. As regards the question of limitation, it is always considered/treated as mixed question of law and fact. In condonation of delay in filing of proceedings depends upon facts of each case. There are several judgments of this Tribunal to hold that in the matters of pay and pension, being continuous grievance, the limitation is not applicable to appeals filed by the civil servants. Reference may given to 1995 PLC (CS) 1026, 1996 PLC (CS) 832 and 2006 PLC (CS) 1124. In view of the aforementioned judgments of this Tribunal coupled with the judgment of the Hon'ble Supreme Court of Pakistan reported as 2002 SCMR 947 we are of the opinion that as per peculiar circumstances of the instant case the question of limitation becomes irrelevant. It has been observed by the Hon'ble Supreme Court of Pakistan in the judgment reported 2003 SCMR 318 that technicalities should not to create hurdles in the way of substantial justice. In the judgment reported as 2009 PLC (CS) 119 the Hon'ble Supreme Court of Pakistan had held a temporary employee of Union Council, on completion of ten years service, entitled to the pensionary benefits under West Pakistan Civil Services Pension Rules. We may mention here that Article 25 of the Constitution pertains to equality of citizens. According to this Article all citizens are equal before law and are entitled to equal protection of law. The case of the appellant and others fall under Article 25 of the Constitution who are entitled to be treated alike with that of their other colleagues of Malakand/Dir Levies.

13. Putting all the relevant facts together, we are of the view that the appellant and his colleagues of the connected appeals could not be deprived of the pensionary benefits and hence they should be allowed/extended all the pensionary benefits from the date of their retirement. To grant the appellant and others, pensionary benefits would not be so heavy on the Government exchequer whereas on the other hand, it would develop the sense of loyalty among all those concerned who live in sensitive areas like Kurram Agency (FATA).

Attested
Farkhanda
SYEDA FARKHANDA
M.A. L.L.B.
Advocate High Court
Abbottabad

Attested
Nasir Ahmad Shah
SYED MAHBUB AHMAD SHAH
Professor M.A. L.L.B.
Advocate High Court
Abbottabad

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PLJ 2016

KHALID MAHMOOD v. D.P.G.
[Federal Service Tribunal, Islamabad]

Tr.C. 45

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bordering Afghanistan from where infiltrators and miscreants very frequently cross over to our side for sabotage. In this view of the matter we allow this appeal with direction to respondents to grant pensionary benefits to the appellant and his other colleagues of the connected appeals.

14. This judgment shall *mutatis mutandis* be applicable to Appeals No. 215, 219 to 253, 273, 276 & 327 to 336(P)CS/2014, 40 & 1(P)CS/2015.

15. There shall be no order as to costs.

16. Parties be informed accordingly.

Appeal allowed.

(R.A.)

Attested
Mahmood
SYED MAHMOOD AHMAD SHAIKH
Advocate High Court
Islamabad

PLJ-2016 Tr.C. (Services) 45
Federal Service Tribunal, Islamabad]

Present: JUSTICE (R) SAYED ZAHID HUSSAIN, CHAIRMAN AND
SYED MUHAMMAD HAMID, MEMBER

KHALID MAHMOOD, EX-ASSTT. SENIOR POST-MASTER UBRC,
LAHORE GPO--Appellant

versus

DEPUTY POST-MASTER GENERAL, CENTRAL PUNJAB CIRCLE,
LAHORE and another--Respondents

Appeal No. 1539(R)CS of 2013, decided on 17.12.2015.

Service Tribunals Act, 1973 (LXX of 1973)--

S: 5--Civil servant--Failed to perform legitimate duties--Charge of inefficiency not charge of misconduct--Penalty of compulsory retirement from govt. service--Question of--Whether penalty imposed was commensurate to inefficiency attributed--There can be no cavil that while deciding an appeal, tribunal is vested with powers "to confirm set aside, vary or modify order appealed against"--Thus, it is settled law that Tribunal while hearing and deciding appeal under Service Tribunals Act, 1973 has extensive powers--Acts of serious misconduct deserve to be visited with major penalty, but at same time, facts and circumstances of each case and nature of allegation charge of "inefficiency" or "misconduct" brought home to civil servant are not to be overlooked--Sentence or penalty being imposed is commensurate with nature/gravity of charge that is not unreasonable or disproportionate.

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Abbottabad

[Pp. 47, 48 & 49] A, B & C

SYED MAHMOOD AHMAD SHAIKH
Advocate High Court
Abbottabad

Annex E

34

DBA number	63
BC No.	10-1090
Name of Advocate	سید محبوب احمد شاہ

S.No 83067



Secretary District Bar Association Abbottabad

وکالت نامہ

بعدالت حیدر میں اسروئرز ٹریڈنگ کمپنی ایسٹ ایبٹ آباد
 عنوان: سہ ماہیہ سٹریٹجک
 منجانب: ایسٹ ایبٹ آباد
 نوعیت مقدمہ: نیشنل معاملہ (Pension Matter)
 باعث تحریر آنکھ: باعت تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی اور جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹ ایبٹ آباد کمپنی کے لیے
سید محبوب احمد شاہ ایڈووکیٹ اسکورٹ ایسٹ ایبٹ آباد
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروڑ تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروڑ تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا نفاذ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر و اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استعفیٰ یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ و متانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جاننا تو اپڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

سہ ماہیہ سٹریٹجک
 وکالت نامہ

مورخہ: 18/10/26
 دن 18 ماہ 10 سال
 لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ Accepted اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
Nabulhu

SYED MAHBOOB AHMAD SHAH
 Professor, M.A LL.B.
 Advocate High Court
 Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT CAMP COURT ABBOTTABAD

Appeal No.1352/2018

Mst. Shagufta BegumAPPELLANT

VS

Govt. of Khyber Pakhtunkhwa & others.....RESPONDENTS

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1,2,5

Respectfully Sheweth:-

Para wise comments on behalf of respondents No. 1, 2, 5
are submitted as under:-

Preliminary Objections:

1. That the instant appeal does not disclose cause of action to file the instant appeal.
2. That the petitioner have no locus standi to file instant service appeal and service appeal summarily dismissed throughout.
3. That the petitioner did not approach this Honorable Court with clean hand.
4. That the appeal of the appellant is against the prevailing law and rules.
5. That the service appeal and the departmental appeal of petitioner hit by limitation from the date of willful resigned.
6. That this court has got no jurisdiction regarding the instant service appeal under the given circumstances and autonomous body / Hazara University Mansehra.
7. That the instant appeal hit by rule 418 CSR and others provision after resigned her service being laps of 10 years.
8. That the petitioner under the rules on the subject did not seek NOC from the Education Department therefore she is not entitled for any relief as pray for in the instant appeal.

9. That the appellant has suppressed / concealed the original facts from this Honourable service tribunal hence not entitled for any relief and the appeal is liable to be dismissed.

FACTUAL OBJECTION:

- i. That Para No. 1; of the appeal is related to record however petitioner appointed as PST at GPS Sheryal Maidain, DEO (M) Primary Kohistan vide order No.811-931 dated 31/10/1997 to 31/07/2008, she willfully resigned from service 31/07/2008, which was accepted and communicated by the DEO E&SE Kohistan vide order No.4392-97 dated 25/09/2008.
- ii. That the Para No.2, of the instant appeal is also related to record hence subject to proof, however petitioner her self-consented to resigned, and after willfully accepted resigned from her service, she joined another service during her service in education department she never apply for any NOC under the Law and rules on the subject.
- iii. That the Para No.3 of the instant appeal is incorrect hence denied. Petitioner neither apply for the NOC to the respondent No.5 nor Education Department issued the NOC under the rules. The verbal allowed and promise in respect of NOC under the Education Court, Law and rules is not permissible, Petitioner shift the wrong on the shoulder of educational department, "A bird in hand is precious than ^{two} in the bush". Petitioner after accepted of resigned she concede this fact from education department, in this respect education department have no knowledge a fresh appointment Hazara University Mansehra when she attained the age of superannuation, she gets rid of those benefits from education department from slip-shed manner.
- iv. That the Para No.4 of the appeal is misconceived and incorrect, hence denied. Detail answer has already been given in Para No. 2 & 3.

- v. That the Para No.5, of the appeal is incorrect, hence denied. Petitioner under law and rule does not entitled any relief as pray for.
- vi. That the Para No.6 of appeal is incorrect hence denied. Petitioner plea is against the service law after acceptance of resignation.
- vii. That the Para No.7 is incorrect, hence denied. The departmental appeal of petitioner is ~~reply~~ time barred after laps of 10 years from the acceptance of resigned, more so respondent have no authority after resigned the petitioner from service to issue the order under rule.

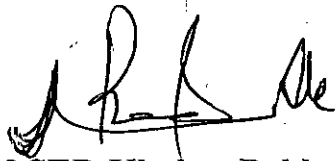
GROUNDS:-

- a) That ground a, of the appeal is incorrect against the law and rule, petitioner after willfully resigned under rules 418 CSR, she is not entitled for any relief so appeal in hand may kindly be dismissed.
- b) That the ground b, of the appeal is incorrect hence denied. Petitioner have no right after given consent resigned nor she seek NOC before the department under the law therefore she does not entitled for any relief under the law on the subject, appeal in hand may kindly be struck down.
- c) That ground c, is incorrect of the appeal. She can't claim previous credit of service after willful resigned under the law and given circumstances of the case, therefore the appeal in hand have no weightage, and use lose exchequer as well as open the door for wrong doer, the relief of the petitioner may kindly be struck down.
- d) That ground d, is incorrect hence denied. Petitioner herself waive off the right, so she is not entitled under the law.
- e) That in ground e, is incorrect hence denied. Petitioner service can't be counted for the purpose of pensionary benefits after

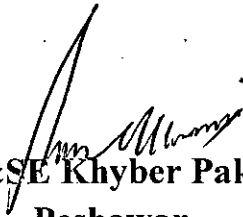
given consent resigned, which was accepted by the department after laps of 10 years, she enjoyed two separate benefits which is ultimate unjust to the deprived the others.

- f) That ground f, is incorrect hence denied. Petitioner misinterpretation of law, precedent, unjust, without due course of law on the subject and having without cause of action on the subject therefore appeal of petitioner may kindly be set aside.
- g) That other point shall be agitated during the course of proceeding by the permission of honorable court.

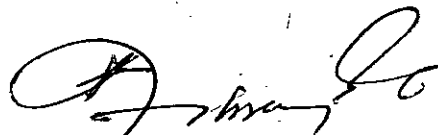
It is therefore, humbly prayed that the service appeal does not hold any legal force which may graciously be dismissed throughout with cost.



Secretary E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No.1)



Director E&SE Khyber Pakhtunkhwa
Peshawar
(Respondent No.2)



District Education Officer (F)
Kohistan Lower
(Respondent No.5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT ABBOTTABAD

Appeal No.1352/2018

Mst: Shugufta Begum _____ APPELLANT

Vs

Govt. of Khyber pakhtunkhwa & Others _____ RESPONENT

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1,2,5

AFFIDAVIT

I, Mr. Rahimdad ADEO litigation officer (F) Kohistan Lower do hereby affirm and declare on oath that the contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this honorable Court.

Rahimdad ADEO

DEPONENT

Court copy

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWER

APPEAL No-----1352/2018

MST SHAGUFTA BEGUM.....Petitioners

V/S

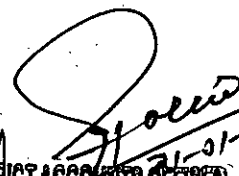
THROUGH DISTRICT ACCOUNTS OFFICER KOHISTAN & OTHERS----- Respondents

Write petition S.A No 1352-2018

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENT NO-04

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DISTRICT ACCOUNTS OFFICER
KOHISTAN
21-01-2020

Factual objections:

- Para 1:- That para No 1 of the write petition is correct.
- Para 2:- That Para No 2 of the write petition not relate to the answering respondents.
- Para 3:- That Para No 3 of the write petition not relate to the answering respondents.
- Para 4:- That Para No 4 of the write petition is correct and not related to the answering respondents.

Para 5:- That Para No 5 of the write petition is incorrect, the previous serves of the petitioner is not entitle for 1/3 pension due to resignation under (FR.18 & Rule 12 of the KPK Civil servant revised leave rules 1981). ESTA –CODE 2011 page No: 141 to 143 (Annexure – A)

The matter has been considered and it has been decided that:-

(a) After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation he shall be treated as absconder and disciplinary action should invariably be initiated against him.

(b) Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.

(c) After 5 years of continuous absence, services of a Civil Servant shall automatically stand terminated under FR.18 and Rule 12 of the NWFP Civil

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Servants Revised Leave Rules,1981. In the light of Rule 12 ibid, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

(Authority: S&GAD's letter No.SORII(S&GAD)6(37)/89, dated 3rd Oct., 1989).

The competent authority has not issued the appellant the NOC in time nor or neither accepted her resignation. Due to the proper way of resigning from government service he/she will deposite a 30 days notice during the period remind on duty and can't make himself/ herself absent from duty without proper leave / NOC. He will continue his/ her service until the resignation is accepted by employer.

Para 6:- That Para No 6 of the write petition not relate to the answering respondents.

Para 7:- That Para No 7 of the write petition not relate to the answering respondents.

GROUNDS:-

a:- The write petition is incorrect, the previous serves of the petitioner is not entitle for 1/3 pension due to resignation under pension rules 2001. The competent authority has not issued the appellat the NOC in time nor or neither accepted her resignation. Due to the proper way of resigning from government service he/she will deposite a 14 days notice during the period remind on duty and can't make himself/ herself abcent from duty without proper leave / NOC. He will continue his/ her service until the resignation is accepted by employer

b:- No comments.

c:- Already position cleared in Para (a) above grounds.

d:- No comments

e:- The write petitioner is correct of 10 year and 9 months service is qualifying service w.e.f 31/7/1997 to 18/07/2008 But not in title for the 1/3 benefits under the law, Rules & Regulation due to resign from service

f:- No comments

It is there for solicited that in the light of above stated facts and circumstance the write petition in hand may please be dismissed with cost.


DISTRICT ACCOUNTS OFFICER
KOHISTAN

14/01
(Annexure - A)
Withdrawals of Resignation.

Acceptance of resignation and willful absence for more than five (5) years.

Under the existing practice, even a temporary Government servant is required to sign an undertaking containing inter alia the following provisions:-

- (a) I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days;
- (b) I agree that I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted.
- (c) I also understand that if I absent myself from duty without resigning in writing or before the acceptance by Government of my resignation, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.

2. It has however, come to notice that in certain cases Government servants have tendered resignations and without waiting for acceptance have left their jobs unauthorisedly and kept themselves absent for years. The departments on their part failed to initiate any action against such employees in time with the result that they subsequently reported for duty after the passage of long periods on one excuse or the other.

3. It has also been noticed that liberal relaxations are being granted under FR.18 in cases of willful absence from duty for more than 5 years without cogent/convincing reasons whereas according to the rules ibid a Government servant remains no more a Government employee after willful absence for five years.

4. The matter has been considered and it has been decided that:-

- (a) After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation, he shall be treated as absconder and disciplinary action should invariably be initiated against him.
- (b) Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.
- (c) After 5 years of continuous absence, services of a Civil Servant shall automatically stand terminated under FR.18 and Rule 12 of the NWFP Civil

Servants Revised Leave Rules, 1981. In the light of Rule-12 ibid, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

(Authority: S&GAD's letter No.SORII(S&GAD)6(37)/89, dated 3rd Oct., 1989)

Determination of seniority of officials who are allowed to withdraw their resignation

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.

3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc. does not arise.

4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.

5. If a Government servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc, of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appointment was his first appointment to Government service.

6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit and it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

(Authority S&GAD letter No.SOXII/2-96/59, dated 24.12.59)

Preparation/issuance of seniority list of Government Servants

I am directed to say that sub-section (1) of Section 8 of the NWFP Civil Servants Act, 1973, inter alia provides that for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause(e) of sub-rule(2) of the rule 6 of the NWFP Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of

a Government Servant to prepare and notify in the official Gazette a list of Seniority of Government Servants under its administrative control. The list so prepared shall be maintained upto date and shall be revised at least once a year. The NWFP Civil Servants (Amendment) Act, 1989, also provides that the seniority list prepared under sub-section (1) of Section 8 (of the NWFP Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

2. I am further to say that the Governor, NWFP has been pleased to delegate his powers to Chief Secretary, NWFP to approve the issuance of the Seniority List of the members of a service, cadre or post for which the Governor is appointing authority.

3. The above instructions may please be brought to the notice of all concerned for guidance/compliance please.

(Authority: No.SOR-I(E&AD)3-15/88(Vol.1), dated 9th May, 2002)