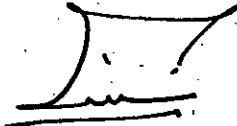


ORDER
07.10.2022

Nemo for the appellant.

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

ANNOUNCED
07.10.2022



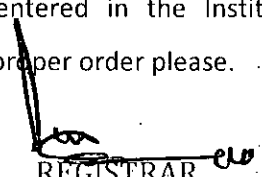


(Salah-Ud-Din)
Member (J)
Camp Court Swat

Form-A

FORM OF ORDER SHEET

Court of _____

Case No.- 1066/2022

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. Jamshed Khan 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>3-08-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p><i>Due to Swat's Vacation the case is adjourned to 8.9.22 for the same.</i></p> <p> CHAIRMAN</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. Jamshed Khan son of Sajad Khan Belt No. 2132 Distt. Dir Upper 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-B & 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-F of the grounds of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.


No. 2070 /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

Dated:- 28/6
2022

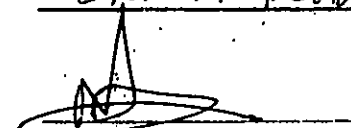
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: MR JAMSHID KHAN vs CHIEF SECRETARY & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Jamshaid Khan</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite 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: 17/6/2022

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1066 /2022

Mr. Jamshid Khan

.....Appellant

V E R S U S

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

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-8
5.	Copy of regular appointment order	B	9-11
6.	Copy of Application/ Appeal	C	12
7.	Supreme Court Judgments	D	13-15
8.	Copy of pension rules for qualifying service	E	16
9.	Wakalat Nama		17

جشمید خان

Appellant

Through



Muhammad Anwar Khan

(Pashton Ghari)

Advocate High Court,
Peshawar

Date: 17/6 /2022

1

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1066 /2022

Diary No. 331

Dated 17-6-2022

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

.....Appellant

V E R S U S

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

.....Respondents

Filed to-day

Registrar

17/6/2022

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

Re-submitted to -day and filed.

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

17/6/2022

2

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).**

3
GROUND S:

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

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

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

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

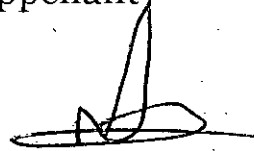
H) That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

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. 21/07/2009 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.

محمد انور خان
Appellant

Through



Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 17 / 6 / 2022

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022.

Mr. Jamshid Khan

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

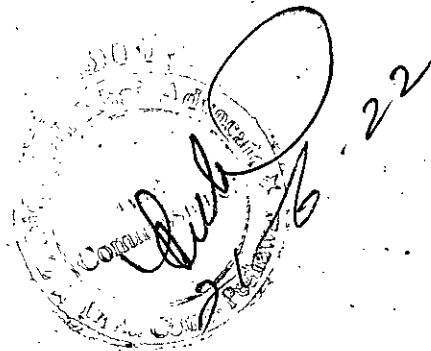
.....Respondents

AFFIDAVIT

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

جمشید خان

DEPONENT



BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

(6)

Service Appeal No. _____/2022

Mr. Jamshid Khan

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

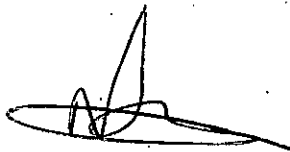
Jamshid Khan S/o Sajad Khan, Belt No 2132,
R/o post office Kalkot, Tehsil Lalmoti Bala, Tehsil Sherengal, District
Upper Dir.

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.

جمشید خان
Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)

Advocate High Court

Date: 17/4/2022

Annex A 27 - 8
Annex A 7

OFFICE ORDER.

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

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

(8)

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

TERM AND CONDITION

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

OB No 483
Dt: 23-8 /2009.

District Police Officer,
Dir Upper.

/2009.

No

/EB, Dated Dir Upper, the

Copy of above is submitted for information to the:-

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

District Police Officer,
Dir Upper

Attested
[Signature]



Annex B

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

9 - 11 Annex B

NOTIFICATION

No.S0(Budget/ED/15-29/2016 Vol-II): In pursuance of the provisions contained in Section 3 and with Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Upper under DDO Code DA4015- Law & Order Dir Upper as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Beit No.
1	Mohammad Rahim Khan	Toti Rahman	1
2	Toti Rahman	Gul Sher Rahman	2
3	Saba Gul LSPF	Shainsher	3
4	Habib Ullah	Abdul Latif Khan	4
5	Badshah Rahman	Shad Mohammad Khan	7
6	Akber Ali shah	Haji Bahadar	9
7	Saz Bahadar	Mohammad	10
8	Ibrar Hussain	Gul Nawaz Khan	11
9	Rasool Wali	Said Hazrat	13
10	Ali Akbar	Bezir Khan	14
11	Anwar Zada	Anwar Khan	15
12	Sher Badshah	Azfar Khan	16
13	Badshah Ravan	Shen Zada	18
14	Darvish Khan	Pinda Iqbal Khan	19
15	Sadam Hussain	Itbar Said	20
16	Muzafar Khan	Mohammad Khalig	21
17	Gulab Gul	Amir Khan (Husband)	22
18	Khalid Khan	Mohammad Khan	23
19	Mohd Nazir	Akbar Zada	24
20	Nasib Ullah Khan	Rahim Ullah Jan	25
21	Khan Bacha	Mohammad Yousaf	27
22	Zakir Ullah	Mohammad Amin Khan	28
23	Abdur Rahman	Jehaz Badshah	29
24	Ali Muhd Khan	Sher Mohammad Khan	30
25	Zarshed Khan	Jamsheed Khan	31
26	Asghar Khan	Soham	32
27	Aziz ur Rahman	Aman Ullah	33
28	Hazrat Ali	Vazif Ullah	34

Attested

Annexure B

BETTER COPY

NOTIFICATION

NO.SO(Budget)/HD/15-29/2016 VOL-U: in pursuance of the provisions in Section 3 read with section 5 of the Khyber Pakhtunkhwa special police officers (Regularization of services) act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of provincial police officer, Khyber Pukhtunkhwa and approval of the cabinet the Home and Tribal Affairs Departments is please to notify here with regularization of the following special police officers (SPOs) working in District Dir Upper under DDO Code DA4016-Law & order-Dir Upper as constables (PBS-07) with effect from 01-03-2020.


S.No	Name	Father Name	Belt No.
1	Mohammad Rahim Khan	Toti Rehman	1
2	Toti Rehman	Gul Sher Rehman	2
3	Saba Gul LSPF	Shmsher	3
4	Habib Ullah	Abdul Latif Khan	4
5	Badshah Rahman	Haji Bahadar	5
6	Akbar Ali Shah	Mohammad	6
7	Saz Bahadar	Gul Nawaz Khan	7
8	Ibrar Hussian	Gul Nawaz Khan	8
9	Rasool Wali	Said Hazrat	9
10	Ali Akbar	Bazir Khan	10
11	Anwar Zada	Anwar Khan	11
12	Sher Badshal	Aafandys Khan	12
13	Badshah Rewan	Sher Zada	13
14	Darvish Khan	Pinda Mand Khan	14
15	Sadam Hussain	Itber Said	15
16	Muzafar Khan	Muhammad Khaliq	16
17	Gulab Gul	Amar Khan	17
18	Khalid khan	Mohammad Khan	18
19	Mohd Nazir	Akabar Zada	19
20	Nasib Ullah Khan	Rahim Ullah Jan	20
21	Khan Bacha	Mohammad Yousaf	21
22	Zakhir Ullah	Mohammad Amin Khan	22
23	Abdur Rahman	Jehan Badshah	23
24	Ali muhd Khan	Sher mohammad Khan	24
25	Zarshed Khan	Jamsheed Khan	25
26	Asghar Khan	Sulian	26
27	Aziz ur Rehman	Aman Ullah	27
28	Hazrat Ali	Wazif Ullah	28

Attested


10


10

524	Palas Khan	Sadat Khan	578
525	Tasir Ullah	Abdur Rashid	579
526	Sher Bahadar	Mistri Khan	580
527	Muht. Zamin	Umar Faqir	581
528	Muht. Faqir	Muhammad Noor Alam	582
529	Muht. Riaz	Ghulam Mohammad Khan	583
530	Awrang Zaib	Ghulam Haider	584
531	Irfan ud Din	Mohammad Rasool	585
532	Mohammad Nabi	Hazrat Umar	586
533	Abdul Shakur	Said Faqir	587
534	Aziz Ullah	Aman Ullah	588
535	Jashed Khan	Sajad Khan	589
536	Muht. Nawab	Mirza Khan	590
537	Noor Rahman	Abdul Qayum	591
538	Rahim Ullah	Muhib Ullah	592
539	Anwar Hayat Khan	Mohammad Zewar Khan	593
540	Saif Ur Rahman	Mohammad Ayub	594
541	Bakht Seema LSPF	Mir Badshah	595
542	Lal Khan	Mohammad Jan	596
543	Muht. Afzal Khan	Toor Pacha	597
544	Wahab Jan Khan	Masood	598
545	Sami Ullah	Abdullah	599
546	Sultan Zarin	Juma Faqir	600
547	Amin Khan	Tamra Ali	601
548	Noor Zada	Muhib Ullah	602
549	Muht. Zamin	Haider Khan	605
550	Bilor Gull LSPF	Abdur Razaq (Husband)	606
551	Najeeh Ullah	Hussain Khan	607
552	Liaqat Ali Khan	Shah Liyar	608
553	Ayoub	Saz Bar Khan	609
554	Shagufa Bibi LSPF	Rahim Dad Khan	610
555	Sardar Khan	Shah Khan	611
556	Ijaz Ahmad	Sherin Mohammad	612
557	Naveed Khan	Gul Bar Khan	613
558	Zarhameed	Gul Faraza Khan	614
559	Rahman ul Haq	Mohammad Zamin ul Haq	616
560	Khaista Bacha	Asfandyar	618
561	Zomira Bibi LSPF	Hamdan	619
562	Mohammad Ghulam	Ghulam Rashid	620
563	Akhtar Ayub	Sultan Mohammad	622
564	Wafi Khan	Izat Khan	624
565	Ali Zar	Driver Khan	626

Attested


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524	Palas Khan	Sadat khan	578
525	Tasir Ullah	Abdur Rashid	579
526	Sher Bahadar	Mistri Khan	580
527	Muhd Zamin	Umar faqir	581
528	Muhd faqir	Muhammad Noor Alam	582
529	Muhd Riaz	Ghulam Muhammad Khan	583
530	Awrang Zaib	Ghulam Haider	584
531	Irfan Ud Din	Mohammad Rasool	585
532	Mohammad Nabi	Hazrat umar	586
533	Abdul Shakur	Said faqir	587
534	Aziz Ullah	Aman Ullah	588
535	Jamshed Khan	Sajad Khan	589
536	Muhd Nawab	Mirza Khan	590
537	Noor Rahman	Abdul Qayum	591
538	Rahim Ullah	Muhib Ullah	592
539	Anwar Hayat Khan	Mohammad Zewar Khan	593
540	Safi Ur Rehman	Mohammad ayoub	594
541	Bakht Seema LSPF	Mir badshah	595
542	Lal Khan	Mohammad jan	596
543	Muhd afzal khan	Toor pacha	597
544	Wahab jan khan	Masood	598
545	Sami ullah	Abdullah	599
546	Sultan zarin	Juma faqir	600
547	Amin khan	Tamra ali	601
548	Noor zada	Mohib ullah	602
549	Mohd zamin	Haider khan	605
550	Bilor gull LSPF	Abdur razaq (hasband)	606
551	Najeeb ullah	Hussian khan	607
552	Liaqat ali khan	shah liyar	608
553	Ayoub	Saz bar khan	609
554	Shagnfia bibi LSPF	Rahim dad khan	610
555	Sadar khan	Sherin mohammad	611
556	Ijaz ahmad	Gul bar khan	612
557	Naveed khan	Gul faraza khan	613
558	Zarhameed	Mohammad zamin-ul haq	614
559	Rahman ul haq	Asfandyar	616
560	Khaista bacha	Hamdan	618
561	Zomira bibi LSPF	Ghulam Rashid	619
562	Mohammad ghulam	Sultan Mohammad	620
563	Akhtar ayub	Alam zeb	622
564	Wali khan	Izat Khan	624
565	Ali zar	Driver KHan	626

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

Secretary to Government of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Encl. No. & date given:

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3. The Provincial Police Officer, Khyber Pakhtunkhwa.
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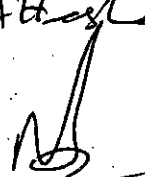
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566	Matj ullah	Sami ur rehman	627
567	Khan zamin	Gul zamin	628
568	Badshah zada	Mohammad nagin khan	629
569	Inyat ul haq	Sher afzal khan	630
570	Gaid mohd zeb	Aurang zeb	631
571	Layaq zada	Fazal haleem	632
572	Saeed ullah	Fazal rahman	633
573	Khesro	Muhammad zahir shah	634
574	Ubaid ali khan	Tali mand khan	635
575	Farid ullah	Bakht jehan khan	636
576	Shafi ullah	Rozi khan	637
577	Muhd rahman	Abdur Rahim	638
578	Muhd umar	Barkat jan	639
579	Ali rahman	Muhammad raza khan	640
580	Sahib zada	Akhtar Zada	641
581	Zia ullah	Abdul Hamid	642
582	Said rohullah	Badar Khan	643
583	Ihsan ul haq	Gul Azim khan	644
584	Khyal Muhammad	Maaz ullah khan	645
585	Amjad khan	Aziz jan	646
586	Arshad Ahmad	Sherin zada	650
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589	Abdul Kamr	Fazal qayum	653
590	Ali rahman	Bashir ahmad	483
591	Imad Akhtar	Missal khan	564

Ends No & date event:

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4. The Regional police Malakand.
5. The district police officer. Dir Upper.
6. The District Account Officer Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

Attached


بھنور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

(2)

درخواست بمراد عطا یگی Back Benefit از 2009ء و

شامل فرمانے Contract Back Service

Period برائے پنشن

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

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

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

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

کرنے کا حکم صادر فرمایا جاوے۔

صمدی خان

ارض

16/3/22

صمدی خان و اہل سجاد خان سہیل
2132

Annex D

13-15 B-

Case Judgement

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

2019 PLC (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).

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Case Judgment

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

- 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 lecturers 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

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Case Judgement

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

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 SCMR 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.

Attested


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Annexure

ANNEXURE E 16

SERVICE QUALIFYING FOR PENSION

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

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

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

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

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

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

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

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

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

Attested
[Signature]

1/20
1/21

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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.
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- (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:-

AlHestod
M

WAKALAT NAMA

IN THE COURT OF

MY JAMES H.I.D. KHAN
S/o SAJAD KHAN

VERSUS Chief Secretary & others

Accused/
Petitioner/ ✓
Appellant/
Plaintiff.

Respondent/
Defendant/
Complainant

FIR No. Dated: Police Station:

Charge U/s:
KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Anwar Khan, (Pushbon Ghari),
Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for

the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 15 day of 6 2012

Accepted, ✓

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

Cell No:- 0333-9262374

Signature/ thumb impression
of party / parties.

Office Address:- Law Chamber No 127, New Bar Room, Judicial Complex, Peshawar