

20.09.2022

Appellant present in person.

Kabir Ullah Khattak, Additional Advocate General alongwith Afzal Ali, SO, Zahir Ashraf, Law Officer and Aftab Hussain, Stenographer for respondents present.

Former requested for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Abbottabad Bench. 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

16.02.2022

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

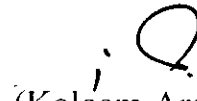
16.05.2022

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 her 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

19<sup>th</sup> July 2022

None for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Naseeb Khan, SO for respondents present.

Fresh notices be issued to the appellant and his 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)

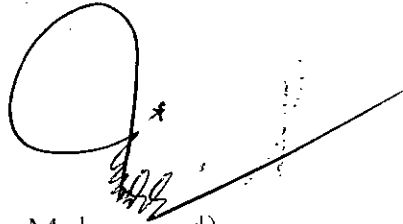


(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

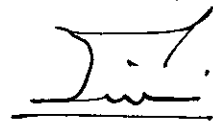
23.12.2021

Nemo for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Asst: AG alongwith Prof: Muhammad Shakeel and Mr. Qazi Ayaz, Litigation Officer for respondents present.

On previous date too no one was present on behalf of the appellant, therefore it was ordered that notices be issued to the appellant as well as his counsel, however on perusal of the file it transpire<sup>d</sup> that notices have not been issued, therefore explanation in this respect be called from the Moharrar. Notice for prosecution of appeal be issued to the appellant as well as his counsel through register post and to come up for arguments before D.B on 16.02.2022 at camp court Abbottabad.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)  
Camp Court Abbottabad

16.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 30.09.2021 for the same as before.

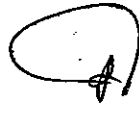
  
Reader

30.09.2021

Nemo for appellatant.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellatant/counsel be put on notice for 23.12.2021 for arguments before D.B at Camp Court, Abbottabad.



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



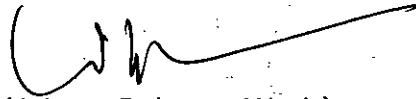
Chairman  
Camp Court, A/Abad

22.10.2020

Appellant in person present.

Usman Ghani, learned District Attorney present:

Lawyers are on general strike, therefore, case is adjourned to 17.12.2020 for arguments before D.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, A/Abad



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

*Due to COVID-19 case is  
adjourned to 18-03-2021*

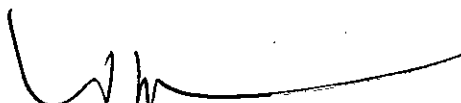


18.03.2021


Nemo for appellant.

Asif Masood Ali Shah learned D.D.A alongwith Zahir Ashraf Associate Professor for respondents present.

Preceding two dates were adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 16/6/2021 for before D.B at Camp Court Abbottabad.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court A/Abad

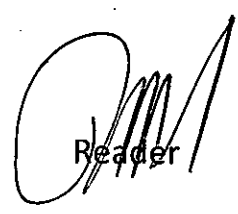


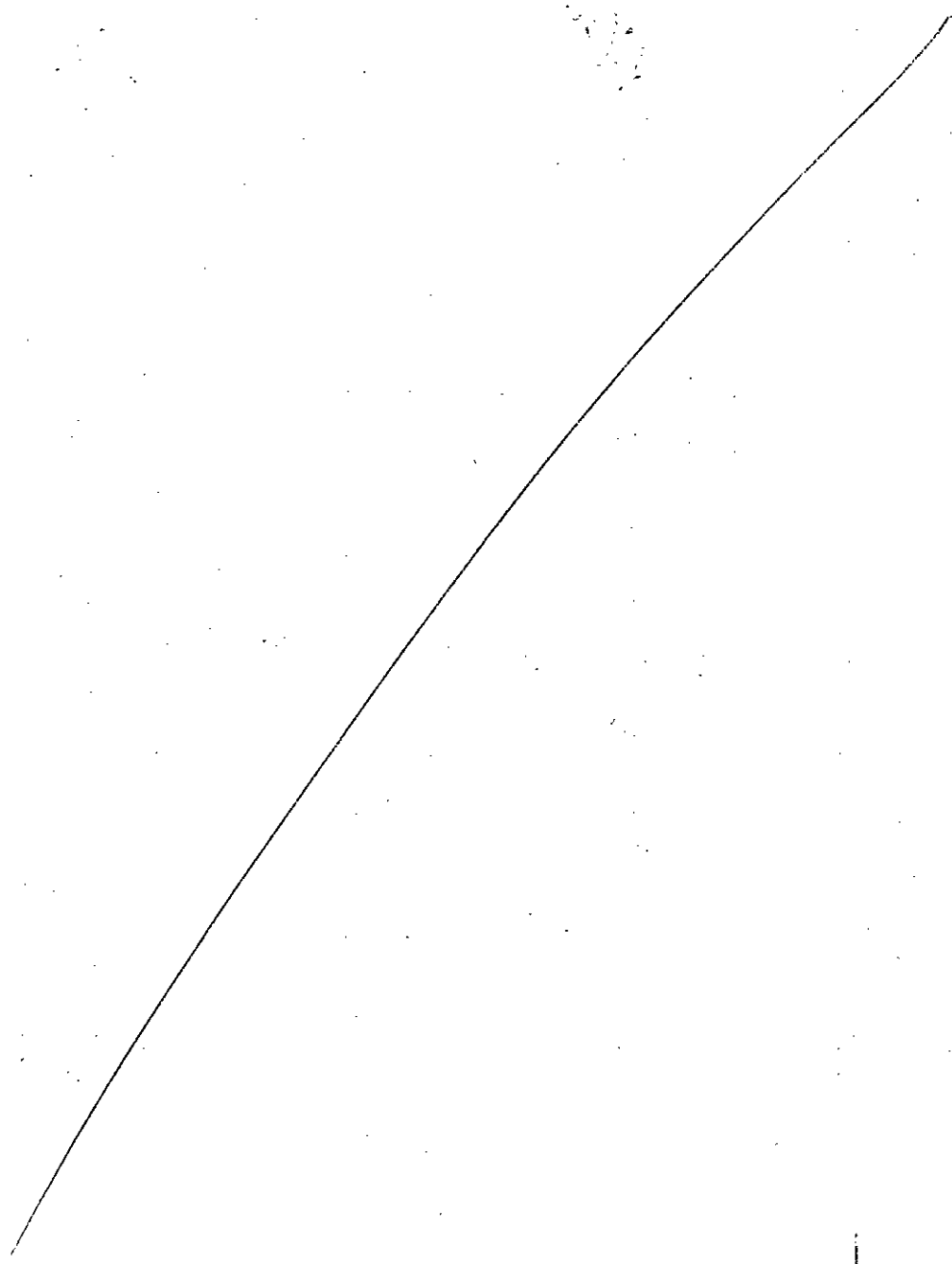
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 16/4/20  
at camp court abbottabad.

  
Reader

Due to summer vacation case to come up for the same on 122  
10/120 at camp court abbottabad.

  
Reader



19.11.2019

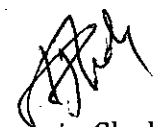
Appellant in person present. Mr. Usman Ghani, District Attorney for respondents present. Appellant seeks adjournment as his learned counsel is not available today. Adjourn. To come up for arguments on 18.12.2019 before D.B at Camp Court, Abbottabad.

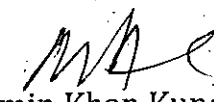
  
Member

  
Member  
Camp Court Abbottabad

18.12.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.01.2020 for arguments before D.B at Camp Court Abbottabad.

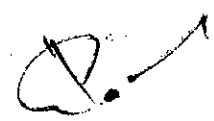
  
(Hussain Shah)  
Member  
Camp Court Abbottabad

  
(M. Amin Khan Kundi)  
Member  
Camp Court Abbottabad

21.01.2020

None for the appellant present. Mr. Muhammad Jan, DDA alongwith M/S Malik Muhammad Saddique, Professor, Muhammad Shamim, SO and Amir Khan, AAO for respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 20.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.

  
Member

  
Member  
Camp Court A/Abad

22.08.2019

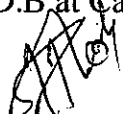
Appellant in person present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Malik Haroon, AAO and Malik Muhammad Saddique, Principal for respondents present. Representative of the respondents has submitted some documents which is placed on file. Appellant seeks adjournment to go through the same. Adjourn. To come up for arguments on 17.09.2019 before D.B at Camp Court, Abbottabad.


  
Member

  
Member  
Camp Court A/Abad

17.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamim, Section Officer and Professor Malik Muhammad Saddique, Principal for the respondents present. Learned counsel for the appellant requested for adjournment. Case to come up for arguments on 23.10.2019 before D.B at Camp Court Abbottabad.


  
(Hussain Shah)  
Member  
Camp Court Abbottabad

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

23.10.2019

Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Prof, Malik Muhammad Saddique, Principal for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.11.2019 before D.B at Camp Court, Abbottabad.

  
Member


  
Member  
Camp Court Abbottabad



19.08.2019

Appellant with counsel present. Mr. Muhammad Bilal learned Deputy District Attorney present. Partial arguments heard. Learned DDA seeks adjournment on the ground that the representative of respondent No.5 is not present before this Tribunal to render assistance. Adjourned to 20.08.2019 before D.B at Camp Court Abbottabad, at the request of learned DDA.

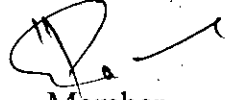
Member

  
Member  
Camp Court A/Abad

20.08.2019

Appellant alongwith his counsel present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Mr. Malik Haroon, AAO and Prof: Malik Muhammad Saddique, Principal for the respondents present. Representative of respondents seeks adjournment to furnish some documents for assistance of this Tribunal. Adjourn. To come up for arguments on 22.08.2019 before D.B at Camp Court, Abbottabad.

  
Member

  
Member  
Camp Court A/Abad

14.01.2019

Appellant in person and Mr. Muhammad Bilal learned Deputy District alongwith M/S Khushi Muhammad SO and Shamim SO present. Written reply submitted on behalf of respondents. Adjourn. To come up for rejoinder/arguments on 18.03.2019 before D.B at Camp Court Abbottabad.


  
Member

Camp Court Abbottabad

18.03.2019

Appellant in person and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Muhammad Shameem S.O present. Appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 20.05.2019 before D.B at Camp Court Abbottabad.


  
Member

  
Member  
Camp Court A/Abad.

20.05.2019

None for the appellant present. Mr. Muhammad Bilal, DDA alongwith Prof: Malik Muhammad Saddique, Principal and Mr. Shamim, SO for respondents present. Case to come up for arguments on 19.08.2019 before D.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member


  
(M.Amin Khan Kundi)  
Member  
Camp Court A/Abad

301/2017

17.07.2018

Appellant Syed Mehboob Shah in person present. Mr. Khushi Muhammad, S.O (Litigation) on behalf of respondents No. 1 and 2 alongwith Mr. Usman Ghani, District present and submitted comments/written reply on their behalf.

From record, it appears that the remaining respondents are not in attendance, as such fresh notices be issued to respondents No. 3 to 5 with the direction to submit written reply on 17.09.2018 before S.B at camp court, Abbottabad.



Chairman  
Camp Court, A/Abad.

17.09.2018

Appellant in person and Mr. Muhammad Shanoom P.A for the respondents present on behalf of respondent No. 3. No one present on behalf of respondents No.4 & 5. Representative requested for time to file written reply/comments. Granted by way of last chance. To come up for written reply/comments on 12.11.2018 before S.B at camp court, Abbottabad.



Member  
Camp Court, A/Abad

12.11.2018

. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 14.01.2019 at camp court Abbottabad.



Reader  
A/Abad

19.04.2018

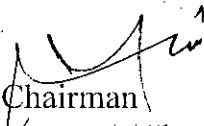
Appellant in person and Mr. Usman Ghani, District Attorney alongwith Muqarra Khan, SO and Irfanullah, AD for the respondents present. Appellant seeks adjournment. Granted. To come up for arguments on 28.06.2018 before the S.B at camp Court, Abbottabad.

Member

Chairman  
Camp court, A/Abad


19.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Muqarra Khan, SO and Irfanullah, AD for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity is further extended subject to cost of Rs.500/- To come up for written reply and cost on 28.06.2018 before the S.B at camp Court, Abbottabad.


  
Chairman  
Camp court, A/Abad

28.06.2018


Appellant Syed Mahboob Shah in person present. Prof. Malik Muhammad Siddique (Litigation Officer) alongwith Ziaullah, District Attorney on behalf of the respondents present. Written reply not submitted despite cost of Rs. 500/-. Last chance is further extended subject to payment of further cost of Rs. 500/-. To come up for cost of Rs. 1000/- and written reply/comments on 17.07.2018 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad


21.12.2017 Counsel for the appellant present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Professor Muhammad Siddique, & Irshad Khan SO for the respondents. Written reply on behalf of official respondents not submitted. Learned DDA requested for further time adjournment. Adjourned. To come up for written reply/comments on 21.02.2018 before S.B at Camp Court, Abbottabad.

  
(Gul Zeb Khan)  
Member (Executive)  
Camp Court, Abbottabad.

19.02.2018 Counsel for the appellant and Mr. Kabir Ullah Khattak alongwith Mr. Khushi Muhammad S.O for respondents present. Written reply not submitted. Representative of the respondents requested for adjournment. Request accepted. To come up for written reply/comments on 21.03.2018 before S.B at Camp Court, Abbottabad.

  
CHAIRMAN  
Camp Court, Abbottabad

21.03.2018 Appellant in person and Mr. Usman Ghani, District Attorney alongwith Khushi Muhammad, SO and Malak Muhammad Siddique, Prof. for the respondents present. Written reply not submitted. Seeks further time. Last opportunity granted. To come up for written reply/comments on 19.4.2018 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

21.07.2017

Appellant in person present. He argued that during his LPR a notification of his promotion from BPS-17 to BPS-18 was issued on 27.01.1985 but his pension was not fixed in BPS-18. That he came to know about this notification very late and then he filed departmental appeal in the year, 2009 which was not responded and hence the present appeal on 20.3.2017. He also argued that benefit of increase in pension on 50% of commuted pension according to judgment of the august Supreme Court of Pakistan reported as 2012-SCMR-1914. He also argued that no bar of limitation is attracted in matters of pay and pension under the settled principles of law.

The points raised need consideration. The appeal is admitted to 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 20.10.2017 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee

  
Chairman  
Camp Court, A/Abad

20.10.2017

Counsel for the appellant present and Mr. Muhammad Bilal, Deputy District Attorney alongwith Professor Muhammad Siddique, Khushi, S.O (Litigation) and Muhammad Irshad, S.O (Litigation) for the respondents present. Respondents need time. To come up for written reply/comments on 21.12.2017 before S.B at camp court, Abbottabad.




  
Chairman  
Camp court, A/Abad.

## Form- A

## FORM OF ORDER SHEET

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

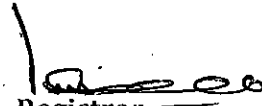
Case No. 301/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/03/2017	<p>The appeal of Syed Mehboob Ahmad Shah resubmitted today by Syed Farkhanda jabeen 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-	7/4/2017	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-05-2017</u>.</p> <p style="text-align: right;"> CHAIRMAN.</p>
	25.05.2017	<p>Since tour programme to camp-court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly</p> <p style="text-align: right;"> Registrar</p>

The appeal of Syed Mahboob Ahmd Ex-Lecturer in Urdu Retired received today i.e. on 20.03.2017 is returned to the counsel for the appellatant with the direction to submit Two copies/sets of the memorandum of appeal along with annexures i.e. complete in all respect within 15 days.


No. 523 /S.T,

Dt. 21/3 /2017

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Syed Mehboob Ahmad Shah  
Adv.High Court Abbottabad.

*Re-submitted*  
*29<sup>th</sup> 3/2017* : That after removing  
the objection, i.e. two more copies  
as it is required, are submitted please

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

*24/03/2017*



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 301/2017

Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Education (Colleges) Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

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4.	Copy of the pension book	32 to 34	"B"
5.	Application, vide his Office No. 1818, dated 15/12/2009	35 to 36	"C"
6.	Copy of "Federal Service Tribunal Islamabad Published In PLJ 2016, (Services) page No. 40	37 to 42	"D"
7.	Copy of both judgments	43 to 57	"E"
8.	Copies of all appeal including the appeal dated 15/12/2009, recommended the principal of No. 1 Post Graduate College, Abbottabad as well as all others submitted to Accountant General of K.P.K	58 to 64	"F"
9.	Wakalatnama	65	G

*Nahid*  
**SYED MAHBOOB AHMED SHAH**  
...PETITIONER

Through;

Dated: 18/3 /2017

*Farkhanda*  
**(SYEDA FARKHANDA JABEEN)**  
Advocate High Court, Abbottabad

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

1

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 270

Dated 20-3-2017

Appeal No. 301/2017

Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad.

**...APPELLANT**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Education (Colleges) Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Finance, Finance Department of Khyber Pakhtunkhwa Peshawar.
4. Accountant General of Khyber Pakhtunkhwa, Accountant General Office Peshawar.
5. District Account Officer, District Account Office, Abbottabad.

**...RESPONDENTS**

**Filed to-day**

**APPEAL**

**Registrar**

"A"

20/3/17

- i. UNDER SECTION 4, OF KHYBER PAKHTUNKHWA OF SERVICE TRIBUNAL, ACT OF 1974 TO THIS

**Re-submitted to-day  
and filed.**

**Registrar**

31/3/17

EFFECT, THAT THE PENSION OF THE APPELLANT IS REVISE-ABLE W.E.F 01/10/1984, WHEN THE APPELLANT GOT HIS PREMATURE PENSION, AT HIS 48 YEARS OF AGE, AS A LECTURER IN URDU IN BPS-17, AFTER PERFORMING HIS QUALIFIED SERVICE OF 31 YEARS 02 MONTHS AND 20 DAYS IN THE EDUCATION DEPARTMENT, AND AVAILED HIS L.P.R w.e.f 01/12/1984 TO 30/09/1984, AND ACTUALLY RETIRED ON 01/10/1985.

- ii. THAT DURING L.P.R PERIOD ON 27/01/1985, THE SECRETARY TO GOVT. OF N.W.F.P OF EDUCATION DEPARTMENT OF PESHAWAR, VIDE ENDSTT: S.O (COLLEGES)XI/2/84/C DATED PESHAWAR THE 27/01/1985, ISSUED A NOTIFICATION, WHERE IN THE GOVT. OF NWFP IN CONSULTATION WITH THE PROVINCIAL SELECTIONBOARD HAS BEEN PLEASED TO ALLOW

MOREOVER TO THE APPELLANT WITH OTHER LECTURERS FROM BPS-17 TO BPS-18, W.E.F 01/12/1984, UNDER THE PROVISION OF RULE 6 OF THE SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (1983) TO THIS NOTIFICATION OF PROMOTION, THE APPELLANT WAS PLACED AT S.NO. 25 OUT OF TOTAL 279, LECTURERS OF THE PROVINCE AS WELL FATA. COPY OF THIS NOTIFICATION IS ANNEXED AS ANNEXURE "A".

"B" THAT PRIOR TO THIS NOTIFICATION MENTION ABOVE THE APPELLANT HAD BEEN PROCEEDED TO HIS L.P.R AND HIS RETIREMENT IN BPS-17 HAD BEEN APPROVED BY THE DEPARTMENT ALONGWITH L.P.R W.E.F 01/12/1984 AND THE APPELLANT HAS BEEN GRANTED HIS PENSION AS BEING EX-LECTURER. COPY OF THE PENSION BOOK IS ANNEXED AS ANNEXURE "B".

“C” THAT AFTER PREMATURE RETIREMENT THE APPELLANT JOINED HIS APPRENTICESHIP IN DISTRICT BAR, ABBOTTABAD IN DECEMBER 1984, AND THEREAFTER STARTED HIS PRACTICE AS A LAWYER. THAT THE DEPARTMENT AS WELL AS THE PARENT INSTITUTION I.E. NO. 1 POST GRADUATE, COLLEGE DID NOT INFORM UNTIL IN 2009, I ATTENDED THE COLLEGE FOR SOME PERSONAL MATER. THEN I CAME TO KNOW ABOUT THE NOTIFICATION, WHICH IS ANNEXED AS ANNEXURE “A”. THE APPELLANT IMMEDIATELY THEREAFTER APPLIED TO RESPONDENT NO. 5, FOR THE REVISE OF THE OF PENSION AND REFIXATION OF PENSION W.E.F 1984 IN THE LIGHT OF NOTIFICATION IN BPS-18 AND FOR ALL ANCILLARY BENEFITS. THE WORTHY PRINCIPAL FORWARDED THE APPLICATION, VIDE HIS OFFICE NO. 1818, DATED 15/12/2009 WHICH IS ANNEXED HEREWITH AS ANNEXURE “C”. BUT RESPONDENT NO. 5, DID NOT HONOUR IT

UP TILL NOW. IT IS PERTINENT FURTHER  
TO SUBMIT THAT ALL THE MATTERS  
REGARDING PAY AND PENSION ARE  
IMMUNED FROM ANY KIND OF  
LIMITATION, IN SUPPORT THE JUDGMENT  
OF "FEDERAL SERVICE TRIBUNAL  
ISLAMABAD PUBLISHED IN PLJ 2016,  
(SERVICES) AT PAGE 40 IS ANNEXED FOR  
YOUR KIND PERUSAL AS ANNEXED "D".

"D" THAT IN THE YEAR OF 2012 AND 2014, THE  
AUGUST SUPREME COURT OF PAKISTAN,  
WITH REGARDS TO GRIEVANCES OF THE  
OLD PENSIONERS ABOUT THE 50% OF  
COMMUTED PENSION LAID DOWN  
PRINCIPLE OF LAW AND ALLOWED AND  
DECIDED THE PERIODICAL INCREASES  
UPON 50% COMMUTED PENSION "FROM  
DATE OF RESTORATION OF THEIR  
COMMUTED PENSION AT THE RATE AT  
WHICH THEY WERE DRAWING 50%  
REMAINING PENSION, WITH THE ARREARS  
SHALL ALSO BE PAID TO THEM". BUT UP  
TILL NOW NEITHER THE FIXATION OF  
PENSION OF THE APPELLANT HAS BEEN

DONE NOR THE ARREARS TO THIS  
REGARDS W.E.F 01/10/2002 HAS BEEN PAID.  
THE RESPONDENT NO. 5, BEING HOSTILE  
TO THE APPELLANT INTERPRETS THE  
JUDGMENTS OF AUGUST SUPREME COURT  
TO THE EXTENT OF APPELLANT, THAT  
PERIODICAL INCREASES COMMUTED  
PENSION HAS BEEN GIVEN ON THE GROSS  
PENSION. IF IT HAD BEEN SO, THEN WHY  
THE HONOURABLE SUPREME COURT  
INTERVENED, AND ALLOWED THE  
PERIODICAL INCREASE UPON THE 50%  
COMMUTED PENSION TO ALL THE  
PENSIONERS. RESPONDENT NO. 5 ON  
REFUSING TO ACT UPON THE JUDGMENTS  
OF SUPREME COURT OF PAKISTAN, IS  
EQUALLANT TO DISHONOUR THE  
JUDGMENTS, AS WELL AS COMMITTED A  
CONTEMPT OF COURT OF THE AUGUST  
SUPREME COURT OF PAKISTAN. HENCE, IT  
MAY GRACIOUSLY BE RESOLVED AND  
RESPONDENTS BE ORDERED FOR  
FIXATION OF THE PENSION OF THE  
APPELLANT AS PER JUDGMENTS  
PUBLISHED IN SCMR OF 2012 AT PAGE 1914,

AND AGAIN IN SCMR OF 2014 AT PAGE  
1336, BOTH JUDGMENTS ARE ANNEXED AS  
ANNEXURE "E". AND AS PER PRAYERS "A",  
"B", "C" & "D", THE PENSION OF THE  
APPELLANT BE REVISED AND RE-FIXED  
ALONGWITH ARREARS AND OTHER  
BENEFITS AND THE PENSION OF THE  
APPELLANT BE REVISED THROUGHOUT  
W.E.F 01/12/1984 UP TILL NOW WITH ALL  
BENEFIT UP TILL NOW, ALONGWITH  
ARREARS AS PER RULES AND LAW  
ALONGWITH AND AT PER WITH OTHER  
PENSIONERS.

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**PRAYER:-** BY ACCEPTING THE INSTANT APPEAL  
OF THE APPELLANT, IN VIEW OF THE FACTS  
AND PRAYERS, AS IT IS MENTIONED IN PRAYER  
"A", "B" "C" & "D" THE PENSION OF APPELLANT  
MAY GRACIOUSLY BE REVISED AS IT IS  
ALLOWED BY THE GOVT. OF N.W.F.P AT THE  
TIME TO THE APPELLANT ALONGWITH OTHERS  
AT THE TIME OF THE PROMOTION ACCORDING  
TO NOTIFICATION NO. S.01(COLLEGES)XI/12/84/C  
DATED PESHAWAR THE 27/01/1985  
GOVERNMENT OF N.W.F.P EDUCATION



DEPARTMENT. COPY OF WHICH IS ALREADY ANNEXED AS ANNEXURE "A" ALONGWITH APPEAL WHEREIN THE APPELLANT HAD BEEN PROMOTED FORM BPS-17 TO BPS-18 WITH EFFECT FROM 01/12/1984, UNDER THE PROVISION OF RULE 6(C) (D) OF THE SCHEME OF BASIC PAY SCALES AND WITH FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (1983) AND WITH THE ARREARS AND REVISE OF PENSION W.E.F 01/12/1984 OR 01/10/1985 WHATSOEVER IT MAY BE, AS PER RULES AND LAW, WITH ANCILLARY BENEFITS THROUGHOUT, MAY GRACIOUSLY BE GRANTED AS PRAYED FOR.

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Respectfully Sheweth;-

That the facts of the appeal are submitted as follow;

1. That the appellant appointed as a primary School teacher in the education department in District Mansehra, on 10/12/1954 and served as such and also had improved the academic qualifications alongwith his teaching trainings and being

promoted accordingly until got a premature retirement on 01/10/1985 as lecturer in Urdu, with a qualifying service of 31 years 02 months and 20 days, from No. 1 Post Graduate Boys College, Abbottabad. Copy of the pension book No. 8864-H N.W.F.P is attached here for your kind perusal.

2. That the appellant applied in the year of 1984, at the age of 48 years for premature retirement and his case of retirement was sanctioned in the month of November 1984 by the Secretary Education of the then N.W.F.P alongwith L.P.R w.e.f 01/12/1984, till 30/09/1985 i.e. for 09 months and the appellant was retired as an Ex-Lecturer, w.e.f 01/10/1985.
3. That the appellant had also qualified the LLB degree of law, hence in December 1984 adopted the apprenticeship in law at District Bar Abbottabad and then after adopted the regular practice of law at Abbottabad.
4. That during the L.P.R period on 27/01/1985 while the appellant was still in service, the Govt. of

N.W.F.P vide Notification No. S.O (Colleges)XI/2/84/C dated 27/01/1985, in consultation with provincial selection board has pleased to allow more over in favour of Lecturer(Male) of Government Colleges, (including FATA) from BPS-17 to BPS-18 with effect from 01/12/1984, under provision of Rule 6(C)(D) of the scheme of basic pay scales and fringe-benefits of provincial civil servants (1983). Copy of this notification is annexed as Annexure "A".

5. But prior to this Notification of dated 27/01/1985 the appellant was on his LPR and was still in his regular service until he was practically got his premature retirement w.e.f 01/10/1985 while the retirement of the appellant had already been sanctioned as an Ex-Lecturer in BPS-17 w.e.f 01/10/1985 upto 30/09/1985 and he had got his premature retirement alongwith L.P.R in BPS-17.
6. That neither the department nor the parent institution that is the No. 1, Govt. Post Graduate College Abbottabad informed the appellant about this effect of promotion of selection grade from

BPS-17 to BPS-18 w.e.f 01/12/1984 as it was prescribed in the Notification of dated 27/01/1985, because the appellant was on L.P.R upto 30/09/1985, and after that had been retired w.e.f 01/10/1985 and started his practice of law at District Bar at Abbottabad.

7. That after a long time the appellant happened to visit the college due to his own private task on 10/12/2009, and met his old Colleges, who had been serving in BPS-18 w.e.f 01/12/1984. After this information the appellant got the copy of Notification dated 27/01/1985 from the college wherein the appellant was also granted promotion from BPS-17 to BPS-18 at S.No. 25 out of 279 Lecturers of the N.W.F.P alongwith (FATA) w.e.f 01/12/1984 while the appellant was well in service up till 30/09/1985, and was on L.P.R.
8. That prior to that the appellant had been granted his L.P.R and retirement w.e.f 01/10/1985 as Ex-Lecturer, while due to as per Govt. Notification, the appellant had to be fixed in BPS-18 alongwith the fringe benefit i.e. one increment be granted in either of grade as per rules and as per Notification.

In this regard the Notification is annexed as Annexure "A" and pension book P 8864-H is annexed as Annexure "B".

9. That soon after the knowledge about the Notification on 10/12/2009, the appellant sent his appeal to the District Account Officer, Abbottabad duly forwarded and recommended the principal No. 1, Post Graduate College, Abbottabad for Revision and Re-fixation of pension alongwith fringe benefits as per rules, revision and Re-fixation of pension and per Notification but respondent did not reply in written so far. Copy of the application sent through the principal on 15/12/2009, vide Endst No. 1818 dated 15/12/2009 is annexed as Annexure "C".
10. That the Appellant after that constantly remained on contact with the respondent No. 5 and also appealed the accountant general of K.P.K until another change took place due to the decisions of August Supreme Court of Pakistan as it is published in 2012, SCMR at page 1914 and subsequent in 2014 SCMR at page 1336. Both the judgments are annexed as Annexure "D" wherein the August Supreme Court

of Pakistan, while deciding the grievances of all the old pensioners regarding Restoration of 50% commuted pension, interpreted and law of commuted pension, and allowed the periodical increases are also allowed on restoration of commuted pension to pensioners, who retired prior to 01/12/2001 and after to determine the pension from the date of Restoration of their commuted pension, at the rate at which they were drawing 50% remaining pension, and the arrears there also allowed to be paid to them. But respondents did not grant this benefit to this effect and respondent No. 5, without reason excused that all the periodical increases had been done on the gross pension of the appellant without any cogent reasons and proof. If it was allowed the periodical increase on the gross pension then how the old pensioners brought their appeals before the August Supreme Court of Pakistan and then how the Honourable Supreme Court allowed, in spite of the fact that Finance Department and finance secretary of Punjab, vehemently opposed, but their appeal failed and dismissed by the August Supreme Court, as it is decided and described in 1914

SCMR at page 1336, already annexed as Annexure "D".

11. That the act of respondent No. 5 is illegal, against the acquired and proved right of the appellant. The appellant can not be discriminated of his promotion from BPS-17 to BPS-18 w.e.f 01/12/1984 as it had been granted to others. The appellant had been granted his pension in BPS-17, while he had to be granted BPS-18, w.e.f 01/12/1984 alongwith benefits and thereafter be granted his premature retirement w.e.f 01/10/1985. The pension which was granted in BPS-17, detail is as under;-

i. Gross pension allowed in BPS-17 Rs. 2246/- per month.

ii. Commuted 50% of the pension Rs. 1123/-

iii. Date of Restoration of commuted pension 01/10/2002.

iv. The 50% pension which he was drawing on 01/10/2002 Rs. 3757/-

v. The pension which was Restored. Rs. 1323/-  
while as per the decision of Supreme Court it  
should have to be equal to 50% which he was  
drawing at that time that is Rs. 3757/-

vi. But instead of R.O.C on 01/10/2002 Rs. 3757  
only Rs. 1123 were Restored Hence, the  
difference/arrear become Rs. 2634 as per month  
w.e.f 01/10/2002 Rs. 2634.

In this connection the relevant pages of pension book No. PP8864-H/N.W.F.P are annexed as Annexure "E".

12. That the respondents ignored all these facts and judgments of the Supreme Court of Pakistan and in this way committed the contempt of the decision of the August Supreme Court of Pakistan.
13. That Under Article 189 of Constitution of Islamic Republic of Pakistan 1973, all the sub-ordinate courts of Pakistan and Tribunals are legally bound to act and implement of the judgments and decisions of Supreme Court of Pakistan.



14. That in this respect firstly after the knowledge on 10/12/2009, an application was given to respondent No. 5 i.e. the District Account Officer, Abbottabad, by hand on 16/12/2009 which is annexed as Annexure "E". Subsequently to respondent No. 4 was also applied to this effect for many times but nothing has done with written reply. Copies of all appeals including the appeal dated 15/12/2009, recommended the principal of No. 1 Post Graduate College, Abbottabad as well as all others submitted to Accountant General of K.P.K are annexed as Annexure "F".
15. That the matters of pay and pension are immuned from any limitation, here the appellant is entitled under constitution of the country and law to apply and appeal for on constitutional and legal right before any court of law, including the Honourable Tribunal.
16. That being aggrieved by the constant ignorance of the respondents the appellant invoke his legal right before this Honourable Tribunal, inter-alia on the following grounds:-

**GROUNDS:-**


- a. That, the act of respondents for not implementing the Notification of dated 27/01/1985 of the then Govt. of N.W.F.P in letter and spirit is illegal, against the services rules and regulations, as well as discriminative, therefore, is liable to make them to be implemented and enforced the Notification dated 27/01/1985 and the decisions of Supreme Court of Pakistan and law is allowed and the pension of the appellant may graciously be ordered to be revised w.e.f 01/02/1984 as per Notification in BPS-18, instead BPS-17 alongiwth fringe benefits, as it is laid down under the provision of rules 6(C)(D) of the scheme of basic pay scales of provincial civil servants (1983) and thereafter, all the ancillary benefits and alongwith all periodical increases in 50% commuted pension, which is a legal right of the appellant and under the rules and law is allowed may graciously be granted as prayed for.

- b. That after knowledge of the Notification from the office of principal of No. 1, Post Graduate College, Abbottabad, as per his office No. 1818 dated 15/12/2009, recommended and forwarded to District Account Officer for favourable action, which respondent No. 5 illegally ignored up till now.
- c. That it a matter of pay and pension, which is immuned from any sort of limitations. Hence, it can be challenged at any time in this respect, the law is very much clear especially a decision reported in PLJ 2016 Tr.C.(Services) at page 40, which is annexed her as Annexure "G".
- d. That in the light of judgment of Supreme Court of Pakistan, published in SCMR 2012, at page 1914 and in SCMR of 1914 at page 1336, the appellant is entitled to claim his commuted 50% pension after 17 years i.e. 01/10/2002, that his pension be restore equal to 50% which the appellant was drawing i.e. Rs. 3757/- the respondent No. 5, ignored the

order of Supreme Court of Pakistan of 2012 published at page 1914, wherein it is laid down that 50% commuted pension shall also increases as the 50% pension of the pension and upon Restoration it becomes double. In this the pension the appellant should be restored equal to drawing pension which the appellant was drawn equal to Rs. 3757/- and instead of the respondents restored only Rs. 1123/- half of the original gross pension of Rs. 2246/-pm 01/10/1985. In this way the respondents are violating the order and judgment of August Supreme Court of Pakistan, published in SCMR at page 1914, annexed as Annexure "D". In this way the respondents No. 5, committed illegality against the judgment of Supreme Court of Pakistan and his denial as well as non implementation of Judgments are equal to contempt of the court.

In View of the above facts, Notification of Govt. of N.W.F.P dated 27/01/1985, the appellant may graciously be allow for fixation of pay in

BPS-18, w.e.f 01/1284 and subsequent his pension  
be revised accordingly w.e.f 01/10/1985 as per  
 Notification and again he should be granted  
 Restoration of commuted pension as per judgments  
 of august Supreme Court of Pakistan, published in  
 SCMR 2012, and SCMR 2014 alongwith all  
 ancillary benefits and increases, throughout and  
 the arrears be granted, to this effects, may  
 graciously paid accordingly.

  
**SYED MAHBOOB AHMED SHAH**  
 ...APPELLANT

Dated: 18/3 /2017

Through;

  
**(SYEDA FARKHANDA JABEEN)**  
 Advocate High Court, Abbottabad

**VERIFICATION:-**

*Verified on oath that the contents of forgoing appeals are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*

  
 ...APPELLANT

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_ -A/2017

Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Education (Colleges) Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad, do hereby affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal.

*Identified*  
*Syeda Farkhanda Jabeen*  
*Advocate*

*Nabeel*  
DEPONENT



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17-  
017

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_ -A/2017

Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad.

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Education (Colleges) Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**ADDRESSES OF THE PARTIES**

Respectfully Sheweth; -

Syed Mahboob Ahmad Shah son of Syed Nisar Ahmad Shah Ex-Lecturer in Urdu (Retired) from Post Graduate College No. 1, Abbottabad, presently Advocate, High Court, District Bar Abbottabad.

...APPELLANT

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Education (Colleges) Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Finance, Finance Department of Khyber Pakhtunkhwa Peshawar.
4. Accountant General of Khyber Pakhtunkhwa, Accountant General Office Peshawar.
5. District Account Officer, District Account Office, Abbottabad.

...RESPONDENTS

*Nal*  
**SYED MAHBOOB AHMED SHAH**  
...APPELLANT

Through;

Dated: 18/2 /2017

*Farkhanda*  
**(SYEDA FARKHANDA JABEEN)**  
Advocate High Court, Abbottabad

(23)

GOVERNMENT OF N.W.F.P.  
EDUCATION DEPARTMENT.

(Ann: A)

Dated: Peshawar the 27.1.1985.

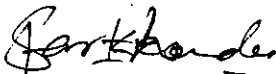
ORDER.

NO.S.O.(COLLEGES)XI/2/84/C. The Government of NWFP in consultation with the Provincial Selection Board has been pleased to allow move-over in favour of the following Lecturers (Male) of Government Colleges (including FATA) from B-17 to B-18 with effect from 1-12-1984 under the provision of Rule 6(c) & (D) of the scheme of Basic Pay Scales and Fringe Benefits of Provincial Civil Servants (1983) :-

S.No. Name of Officer and Designation.

1. Mr. Asfand Yar Zia, Lect: in Urdu, G.C. Chakesar.
2. Mr. Said Rehman, Lect: in Chemistry, G.C. Tangi.
3. Mr. Rehmat Karim, Lect: in English, G.C. Tangi.
4. Mr. Nasir ud Din, Lect: in English, G. C. Peshawar.
5. Mr. Mumtaz Ali Khan Ansari, Lect: in English, G.C. Thana.
6. Mr. Said Sharif, Lect: in Chemistry, G. C. Mardan.
7. Mr. Muhammad Iqbal, Lect: in Geography, G.C. Peshawar.
8. Mr. Mohammad Ayub Khan, Lect: in Chemistry, G.C. Lakki.
9. Mr. Shamsul Arifin, Lect: in Arabic, G.C. Khairabad.
10. Mr. Ali Gohar, Lect: in Botany, G. C. Khairabad.
11. Mr. Lutfur Rehman, Lect: in Islamiyat, G.C. Khairabad.
12. Mr. Manzoorul Islam, Lect: in Urdu, G. C. Haripur.
13. Mr. Wali Mohammad, Lect: in Maths, G. C. Haripur.
14. Mr. Sardar Wali ur Rehman, Lect: in Economics, G.C.A/Abad.
15. Mr. Abdul Bari, Lect: in Economics, G. C. Haripur.
16. Mr. Abdur Bari, Lect: in Arabic, G.C. Havelian.
17. Mr. Mohammad Khan, Lect: in Urdu, G.C. Haripur.
18. Mr. Salahud Din, Lect: in Economics, G.C. Abbottabad.
19. Mr. Matiur Rehman, Lect: in Arabic, G.C. Abbottabad.
20. Mr. Mustajab Ahmad Shah, Lect: in English, G.C. A/Abad.
21. Qazi Rashid Ahmed, Lect: in English, G.C. Abbottabad.
22. Mr. Zainul Arifin, Lect: in Maths, G.C. Abbottabad.
23. Mr. Munsif Khan, Lect: in Physics, G.C. D.I. Oghi.
24. Mr. Mohammad Ayub, Lect: in Physics, G.C. Balakot.
25. S. Mehbob Ahmed Shah, Lect: in Urdu, G.C. A/Abad.
26. Mr. Sher Afzal Swati, Lect: in Geography, G.C.A/Abad. Cont'd....P/2

Abdullah

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



27. Mr. Shafiqur Rehman, Lect: in Chemistry, G.C. Havelian.
28. Mr. Irshad Ahmed Shakir, Lect: in Urdu, G.C. Abbottabad.
29. Mr. Dawar Khan, Lect: in English, G.S.Sc, C, Peshawar.
30. Mr. Sher Ullah Khan, Lect: in Bio: , G.S.Sc, C, Peshawar.
31. Mr. Mohammad Akbar Khan, Lect: in English, G.C. Khar.
32. Mr. Mohammad Farooq, Lect: in Maths: , G.C. Kohat.
33. Mr. Abdul Qadir Khan, Lect: in Urdu, G.C. Kohat.
34. Mr. Jaffar Taqqi, Lect: in English, G. C. Kohat.
35. Mr. Zafar Iqbal, Lect: in Botany, G.C. Charsadda.
36. Mr. Naseem Gul, Lect: in Maths: , G. C. Kohat.
37. Mr. Mohammad Nawaz, Lect: in Physics, G. C. Kohat.
38. Mr. Faiz Mohammad, Lect: in Urdu, G.C. Kohat.
39. Mr. Ashraf Khan Khattak, Lect: in Pol: Science, G.C. Kohat.
40. Mr. M. Arshad Iqbal, Lect: in Botany, G.C. Mansehra.
41. Mr. Mohammad Saleem, Lect: in English, G.C. **Oghi**.
42. Mr. Niaz Ali Shah, Lect: in History, G.C. Mansehra.
43. Mr. Murtaza Shah, Lect: in Geography, G.C. Mansehra.
44. Mr. Saeed Gul, Lect: in Physics, G.C. Mansehra.
45. Mr. Mohammad Yousaf, Lect: in Islamiat, G.C. Mansehra.
46. Mr. Mohammad Farid, Lect: in Chemistry, G.C. Mansehra.
47. Mr. Saïd Khitab, Lect: in History, G.C. Matta.
48. Mr. Mohammad Alam, Lect: in Chemistry, G.C. Matta.
49. Mr. Dawa Khan, Lect: in Pol: Science, G.C. Matta.
50. Mr. Niaz Noor Nawab, Lect: in History, G.C. Matta.
51. Mr. Mohammad Iqbal, Lect: in Botany, G.C. Matta.
52. Mr. Khurshid Ahmed, Lect: in Biology, G. SMKM, C, Kotha.
53. Mr. Khan Saddiq, Lect: in Maths: , G. C. Pabbi.
54. Mr. Sheher Yar, Lect: in Stat: G. C. Pabbi.
55. Mr. Sadullah Jan, Lect: in History, G.C. Tangi.
56. Mr. Azim Khan, Lect: in English, G.S.Sc, C, Peshawar.
57. Mr. Mohammad Yousaf, Lect: in Botany, G. C. Kohat.
58. Mr. Ali Rehman, Lect: in Urdu, G.C. Lund Khawar.
59. Mr. Wali Mohammad, Lect: in Zoology, G.C. Thana.
60. Mr. Abdur Rehman, Lect: in Chemistry, G.C. Thana.
61. Mr. Fazl Shafoor, Lect: in English, G.C. Timer Gara.

Contd.....P/3

*Atiqul*  
*Gen Khattak*  
**SYEDA FARKHANDA**  
 M.A. LL.B  
 Advocate High Court  
 Abbottabad

**SYEDA FARKHANDA**  
 Advocate High Court  
 Abbottabad

62. Mr.Ahmad Farid, Lect:in English, G.C. S/Sharif.
63. Mr.Aurangzeb, Lect:in Physics, G. C. Thana.
64. Mr.Abdul Samia, Lect:in Chemistry, G. C. Thana.
65. Mr.Mohammad Zahid Shah, Lect:in Maths, G.C.Thana.
66. Mr.Ghulam Akbar Khan, Lect:in English, G.C.Thana.
67. Mr.Mohammad Wase, Lect:in Pashto, G.C. Thana.
68. Mr.Fazli Zarin, Lect:in English, G.C. Thana.
69. Mr.Shahryar Khan, Lect:in Pol:Science, G.C.Thana.
70. Mr.Habibur Rehman, Lect:in Maths:, G.C. Thana.
71. Mr.Hamid ur Rehman, Lect:in Pol:Science, G.C.Daggar.
72. Mr.Janas Khan, Lect:in Zoology, G.C. Swabi.
73. Mr.Noorul Basar, Lect:in English, G.C.Swabi.
74. Mr.Ikramud Din, Lect:in Maths:, G.C. Mardan.
75. Mr.Gul Daraz Khan, Lect:in Chemistry, G.C.Karak.
76. Mr.Bakht Jama, Lect:in Pol:Science, G.C. Karak.
77. Mr.Zehoor ul Islam, Lect:in English, G.C. Karak.
78. Mr.Khan Azada, Lect:in Biology, G.C. Karak.
79. Mr.Abdus Samad, Lect:in Chemistry, G.C. Karak.
80. Mr.Q.S.Mamil Shah, Lect:in Islamiat, G.C.Karak.
81. Mr.Atlas Khan, Lect:in English, G.C. Ghazni Khel.
82. Mr.Matinullah Khan, Lect:in Maths, G.C.Ghazni Khel.
83. Mr.Qureshi Jameedullah, Lect:in Zoology, G.C, D, I, Khan.
84. Mr.S.Qurban, Abbas Maqvi, Lect:in English, G.C.D.I.Khan.
85. Malik Mohammad Iqbal, Lect:in English, G.C.Landi Kotal.
86. Mr.Mohammad Sharif, Lect:in Persian, G.C.D.I.Khan.
87. Mr.Faridud Din, Lect:in Islamiat, G.C. D, I, Khan.
88. Mr.Javid Hussain Zaidi, Lect:in Zoology, G.C, D, I, Khan.
89. Mr.Mohammad Tufail, Lect:in Pashto, G.C. D, I, Khan.
90. Mr.Nazar Hussain, Lect:in English, G.C. D, I, Khan.
91. Mr.Ghulam Akbar, Lect:in Maths:, G.C. D, I, Khan.
92. Mr.Hafiz Emdad Ullah, Lect:in Islamiat, G.C. D, I, Khan.
93. Mr.Ashfaq Ahmad, Lect:in Chemistry, G.C. D, I, Khan.
94. Mr.Zia ur Rehman, Lect:in Pol:Science, G.C. Mangu.
95. Mr.Rahim Khan, Lect:in, Economics, G.C. D, I, Khan.
96. Mr.Arshad Pervez, Lect:in Pak:Studies, G.C. D, I, Khan.

Attested Contd.....P/4

*Farkhanda*

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

97. Mr. Iqbal Ahmad, Lect: in Botany, G.C. D.I. Khan.
98. Mr. Qazi Shahabud Din, Lect: in Chemistry, G.C. Bannu.
99. Mr. Misbahud Din, Lect: in Pol: Science, G. C. Bannu.
100. Mr. Abdul Hamid, Lect: in Botany, G.C. Bannu.
101. Khan Shahzada, Lect: in Persian, G.C. Bannu.
102. Mr. Rafiullah Khan, Lect: in Stats:, G.C. Bannu.
103. Mr. Haji Sher Ghani Shah, Lect: in History, G.C. Bannu.
104. Mr. Mushtaq Ahmad, Lect: in Urdu. G. C. Bannu.
105. Mr. Samar Gul Khan, Lect: in Physics, G.C. Bannu.
106. Mr. Said Nawaz Khan, Lect: in Urdu, G.C. Bannu.
107. Mr. Mohammad Nawaz Khan, Lect: in Chemistry, G.C. Bannu.
108. Mr. Abdul Latif Khan, Lect: in Maths:, G.C. Bannu.
109. Mr. Jamshed Ahmad, Lect: in Geography, G.C. Bannu.
110. Mr. Sarfaraz, Lect: in Urdu, G. C. Khanpur.
111. Mr. Masoodur Rehman, Lect: in Physics, G.C. Ghazi.
112. Mr. Mohammad Nawaz Khan, Lect: in Biology, G.C. Ghazi.
113. Mr. Mohammad Rehman, Lect: in Chemistry, G.C. S/Sharif.
114. Mr. Mohammad Ismail Khattak, Lect: in Chemistry, G.C. S/Sharif.
115. Mr. Mohammad Faridoon, Lect: in Urdu, G.J.C., S/Sharif.
116. Mr. Mohammad Ali Shah, Lect: in Urdu, G.J.C., S/Sharif.
117. Mr. Rahim Shah, Lect: in Pashto, G.J.C., S/Sharif.
118. Mr. Fazal Mabood, Lect: in Botany, G.J.C, S/Sharif.
119. Mr. Fazli Hamid, Lect: in Maths:, G.C.C., S/Sharif.
120. Mr. Sharif Khan, Lect: in Economics, G.J.C., S/Sharif.
121. Mr. Rashid Ali, Lect: in Stats:, G.J.C., S/Sharif.
122. Mr. Hidayat Ullah, Lect: in Chemistry, G.J.C., S/Sharif.
123. Mr. Fateh Mohammad Khan, Lect: in Zoology, G.J.C, S/Sharif.
124. Mr. Jamshid Khan, Lect: in Physics, G.J.C, S/Sharif.
125. Mr. Noor Mohammad Khan, Lect: in Arabic, G.J.C, S/Sharif.
126. Mr. Mohammad Sulaiman, Lect: in Botany, G.J.C., S/Sharif.
127. Mr. Arsala Khan, Lect: in Urdu, G.J.C, S/Sharif.
128. Mr. Mohammad Said Khan, Lect: in Pashto, G.J.C, S/Sharif.
129. Mr. Javaid Iqbal, Lect: in Zoology, G.J.C., S/Sharif.
130. Mr. Saeedur Rehman, Lect: in English, G.J.C., S/Sharif.

Contd.....P/5

*Waleed*  
*Saeedur*  
**SYEDA FARKHANDA**  
M.A. L.L.B  
Advocate High Court  
Abbottabad

**SYEDA**  
Advocate High Court  
Abbottabad

- 131. Mr. Qadar Khan, Lect: in Pol: Science, G.J.C, S/Sharif.
- 132. Mr. Mohammed Shah Khan, Lect: in English, G.J.C, S/Sharif.
- 133. Mr. Qazi Saiful Haq, Lect: in History, G.J.C, S/Sharif.
- 134. Mr. Mohammad Chaffar, Lect: in Chemistry, G.J.C, S/Sharif.
- 135. Mr. Alamgir, Lect: in Zoology, G.J.C., S/Sharif.
- 136. Mr. Abdul Jabbar, Lect: in Biology, G.C. Toru.
- 137. Mr. Sher Alam Khan, Lect: in Maths: , G.C. Toru.
- 138. Mr. Mohammad Anwar, Zakory, Lect: in Biology, G.C.D.I. Khan.
- 139. Mr. Siraj-ud-Din, Lect: in Physics, G.C. Kulachi.
- 140. Mr. Abdul Qadus Jan, Lect: in History, G. C. Kulachi.
- 141. Mr. Sher Bahadur, Lect: in Urdu, G. C. Wana
- 142. Mr. Israr Ali Zaidi, Lect: in Chemistry, G.C. Kulachi.
- 143. Mr. Mukhtiar Hussain, Lect: in Maths: , G.C. Kulachi.
- 144. Mr. Habibur Rehman, Lect: in Chemistry, G.J.C, S/Sharif.
- 145. Mr. Mohammad Amin, Lect: in Chemistry, G.C. Swabi.
- 146. Mr. Karim Dad, Lect: in Economics, G.C. Dargai.
- 147. Mian Fazli Wali, Lect: in Persian, G.C. Chitral.
- 148. Mr. Mohammad Sabir, Lect: in Zoology, G.C. Dargai.
- 149. Mr. Mohammad Mohsin, Lect: in Maths: , G.C. Dargai.
- 150. Mr. Mohammad Ali, Lect: in History, G.C. Dir.
- 151. Mr. Mukarram Khan, Lect: in Zoology, G.C. Dir.
- 152. Mr. Najibullah Khattak, Lect: in Biology, G.C. Hangu.
- 153. Mr. Arab Gul, Lect: in Urdu, G.C. Hangu.
- 154. Mr. Fida Hussain, Lect: in Economics, G.C. Hangu.
- 155. Mr. Ghulam Mustafa, Lect: in Physics, G.S.Sc, C, Peshawar.
- 156. Mr. Mukhtiar Ali, Lect: in Maths: , G. C. Khar (Bajour).
- 157. Mr. Mohammad Salim Shah, Lect: in Maths: , G.C. Mardan.
- 158. Mr. Mohammad Asif, Lect: in Physics, G.C. Havelian.
- 159. S. Mubarak Shah, Lect: in Maths, G.C. Havelian.
- 160. Mr. Muhammed Tayyab, Lect: in Economics, G.C. Landi Kotal.
- 161. Mr. Latif Ahmad, Lect: in History, G.C. Landi Kotal.
- 162. Mr. Muhammad Nisar Qureshi, Lect: in Maths, G.C. Landi Kotal.
- 163. Mr. Wazir Akbar, Lect: in Urdu, G.I.C. Ekkaghund,
- 164. Mr. Muhammad Rasan, Lect: in Chemistry, G.I.C. Ekkaghund.
- 165. Mr. Muhammad Hussain Afridi, Lect: in Pashto, G.C. Dara Adam Khel.

Attested

Sarkhanda

SYEDA FARKHANDA

Advocate

Abdusabag

166. Mr. Badshah Khan, Lect: in Urdu, G.C. Dara Adam Khel.
167. Mr. Gul Khan, Lect: in Physics, G.C. Dara Adam Khel.
168. Mr. Sabir Hussain, Lect: in English, G.C. Parachinar.
169. Mr. Asghar Hussain, Lect: in Urdu, G.C. Parachinar.
170. Mr. Iqbal Hussain, Lect: in Pashto, G.C. Parachinar.
171. Mr. Mohammed Ali Malik, Lect: in History, G.C. Parachinar.
172. Mr. Zafar Ali, Lect: in Pol: Science, G.C. Parachinar.
173. Mr. S. Jamil Hussain, Lect: in Physics, G.C. Parachinar.
174. Mr. Sarwar Ali, Lect: in Economics, G.C. Parachinar.
175. Mr. Mutiullah Khan, Lect: in Physics, G.C. Wana. (SWI).
176. Mr. Jaseer Khan, Lect: in Botany, G.C. Dara Adam Khel.
177. Mr. Mohammad Saeed, Lect: in Islamiat, G.C. Oghi.
178. Mr. Abdur Rashid, Lect: in History, G.J.C, S/Sharif.
179. Mr. Abdul Manan, Lect: in Maths, G.C. Lakki Marwat.
180. Mr. Iman Mohammad, Lect: in Chemistry, G.C. Lakki Marwat.
181. Mr. Zor Dil Khan, Lect: in Zoology, G.C. Lakki Marwat.
182. Mr. Mohammad Sabir Shah, Lect: in Economics, G.I.C. Ghazi.
183. Mr. Shah Jehan, Lect: in Maths, G.I.C. Ghazi.
184. Mr. Fazal Dad, Lect: in Chemistry, G.I.C. Ghazi.
185. Mr. Sher Alam Khan, Lect: in Maths, G.J.C., S/Sharif.
186. Mr. Fazal Mabood, Lect: in Geography, G.J.C., S/Sharif.
187. Dr. Waheedur Rehman Shah, Lect: in Islamiat, G.C. Peshawar.
188. Mr. Gulzar Ahmad, Lect: in Chemistry, G.C. Lendi Kotal.
189. Mr. Ghulam Akbar Saifi, Lect: in Stat:, G.C. Kohat.
190. Mr. Nasir ud Din, Lect: in Botany, G.C. Parachinar.
191. Mr. Fazal Manan, Lect: in Maths, G.C. Parachinar.
192. Mr. Abdul Ghaffar, Lect: in Pol: Science, G.I.C. Sadda.
193. Mr. Sher Khan, Lect: in History, G.I.C. Sadda.
194. Mr. Rehmanud Din, Lect: in Geography, G.I.C. Sadda.
195. Mr. Mohammad Afzal, Lect: in Economics, G.I.C. Sadda.
196. Mr. Fazle Malik, Lect: in Pol: Science, G.C. Charsadda.
197. Mr. Saidullah Jan, Lect: in Chemistry, G.C. Chitral.
198. Syed Tawfiq Jan, Lect: in Economics, G.C. Chitral.
199. Mr. Abdul Sami, Lect: in Urdu, G.C. Chitral.
200. Mr. Mohammad Abbas Khan, Lect: in Biology, G.C. Havelian.

Contd.....P

*Attested*  
*Sarkhanda*

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

-( 7 ) :-

201. Mr. Mohammad Siddique, Lect: in Economics, G.C. Havelian.
202. Mr. Mohammad Akbar Nawaz, Lect: in Chemistry, G.C. Havelian.
203. Mr. Mohammad Asad Qureshi, Lect: in English, G.C. Havelian.
204. Mr. Inamul Haq, Lect: in Public Health, G.C. Nowshera.
205. Mr. Mohammad Ashiq, Lect: in English, G.C. Mardan.
206. Mr. Misar Mohammad, Lect: in English, G.C. Mardan.
207. Mr. Gul Habib, Lect: in English, G.C. Mardan.
208. Mr. Lal Badshah, Lect: in English, G.C. Dargai.
209. Mr. Mohammad Naem, Lect: in English, G.C. Mardan.
210. Mr. Humayun Khan Huma, Lect: in Urdu, G.C. Mardan.
211. Mr. Mohammad Iqbal, Lect: in Urdu, G.C. Mardan.
212. Mr. Muhammad Munir, Lect: in Urdu, G.C. Mardan.
213. Mr. Sarwar Khan, Lect: in Chemistry, G.C. Mardan.
214. Mr. Zaffar Hussain, Lect: in Botany, G.C. Mardan.
215. Mr. Mian Urwana Bin, Lect: in Pashto, G.C. Mardan.
216. Mr. M. Mohammad Tahir, Lect: in Stats., G.C. Mardan.
217. Mr. Ali Haider, Lect: in Islamiat, G.C. Mardan.
218. Mr. Fazal Mohammad, Lect: in Islamiat, G.C. Mardan.
219. Mr. Azizullah Jan, Lect: in Geography, G.C. Tank.
220. Mr. Abdur Razaq, Lect: in Physics, G.C. Timergara.
221. Mr. Ghulam Rabbani, Lect: in Urdu, G.C. Tank.
222. Mr. Senaullah Baloch, Lect: in Physics, G.C. Tank.
223. Mr. Abdur Rashid, Lect: in Zoology, G.C. Tank.
224. Mr. Ahmad Nawaz, Lect: in English, G.C. D. I. Khan.
225. Mr. Amir Hussain Shah, Lect: in Economics, G.C. Tank.
226. Mr. Taj Mohammad, Lect: in Urdu, G.C. Tank.
227. Mr. Ghulam Rasool, Lect: in Pashto, G.C. Ladha.
228. Mr. Mohammad Roshan, Lect: in Islamiat, G.C. Tank.
229. Mr. Nadir Khan, Lect: in Urdu, G.C. Ladha.
230. Mr. Lal Badshah, Lect: in Economics, G.C. Ladha.
231. Mr. Mohammad Ibrahim, Lect: in Chemistry, G.C. Miranshah.
232. Mr. Mohammad Subhan, Lect: in Physics, G.C. Miranshah.
233. Mr. Ghulam Sarwar, Lect: in Economics, G.C. Miranshah.
234. Mr. Sadat Khan, Lect: in Persian, G.C. Miranshah.
235. Mr. Akhtar Zaman, Lect: in Zoology, G.C. Miranshah.

Sarkhanda

Contd.....P/3

SYEDA FARKHANDA

S.A.L.L.B

Court

Lahore

236. Mr. Taj Mohammad, Lect: in Islamiat, G.C. Miranshah.
237. Mr. Badshah Mohammed, Lect: in Physics, G.C. Daggar.
238. Mr. Zafarullah Khan, Lect: in Chemistry, G.C. Hangu.
239. Mr. Gul Hasi, Lect: in English, G.C. Swabi.
240. Mr. Hussain Ahmad, Lect: in Biology, G.C. Khairabad.
241. Mr. Maghfoorur Rehman, Lect: in Economics, G.I.C. Sherwan.
242. Mr. Mohammad Nisar, Lect: in Chemistry, G.C. Kohat.
243. Mr. Sher Ahmad, Lect: in History, G.C. Balakot.
244. Mr. Sher Mohammad, Lect: in Physics, G.C. Landi Kotal.
245. Mr. Mohammad Irshad, Lect: in Chemistry, G.C. Oghi.
246. Mr. Mohammad Riaz, Lect: in Botany, G.C. Oghi.
247. Mr. Mohammad Faridoon Khan, Lect: in Maths, G.C., Balakot.
248. Mr. Nawab Khan, Lect: in Chemistry, G.C. Nowshera.
249. Mr. Zahid Ali, Lect: in Physics, G.C. Nowshera.
250. Mr. Irshadul Wahab, Lect: in Stts, G.C. Nowshera.
251. Mr. Abdul Allam, Lect: in Islamiat, G.C. Nowshera.
252. Mr. Abdul Sattar, Lect: in Zoology, G.C. Peshawar.
253. Mr. Sabir Shah, Lect: in Maths, G.C. Peshawar.
254. Mr. Farmanullah Farman, Lect: in Pashto, G.C. Peshawar.
255. Mr. Mohammad Rafiq, Lect: in English, G.C. Peshawar.
256. Mr. Rehmat Gul, Lect: in English, G.C. Thana.
257. Mr. Bakht Rawan, Lect: in Islamiat, G.C. Peshawar.
258. Mr. Anwar Ahmad Khawaja, Lect: in Stat:, G.C. Peshawar.
259. Mr. Mazhar Hussain, Lect: in Chemistry, G.C. Peshawar.
260. Mr. Zahoor Ahmad Awan, Lect: in Urdu, G.C. Peshawar.
261. Mr. Nisar Mohammad, Lect: in Maths, G.C. Peshawar.
262. Mr. Zahoor ul Haq, Lect: in English, G.C. Peshawar.
263. Mr. Syed Laeeq Ahmad Shah, now working as Statistical Officer-I Edu: Deptt: Peshawar.
264. Mr. Jamshed Khan, Lect: in Zoology, now working in MUST.
265. Mr. Sardar Mohammad, Lect: in Stat, Now working in MUST.
266. Mr. Hussain Ahmed, Lect: in History, Now working as SO in Civil Secretariate.
267. Mr. Abdul Ghani, Lect: in Zoology, G.C. Charsadda.
268. Mr. Mohammad Farid, Lect: in Physics, G.C. A/Abad.
269. Mr. Rahimullah Jan, Lect: in Zoology, G.C. Bannu.

*Attested*  
*Syed Farkhanda*

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

(31)

-( 9 ) :-

270. Mr. Bakht Namdar, Lect: in Pashto, G.I.C. Dir.
271. Mr. Islam Gul, Lect: in English, G.I.C. Khanpur.
272. Mr. Shah Nawaz, Lect: in Islamiyat, G.C. Bannu.
273. Mr. Jchangir Khan, Lect: in Physics, G.C. Bannu.
274. Mr. Abdul Ghani, Lect: in Economics, G.C. Bannu.
275. Mr. Abdul Bari, Lect: in Maths, G. C. , Bannu.
276. Mr. Zarin Mohammad, Lect: in Botany, G.C. Timergara.
277. Mr. Fazali Ghani, Lect: in Islamiyat, G.C. Timergara.
278. Mr. Mohammad Nazir, Lect: in Maths, G.C. Timergara.
279. Mr. Alamgir Khan, Lect: in Maths, G. C. Timergara.

SECRETARY TO GOVT. OF NWFP,  
EDUCATION DEPTT: PESHAWAR.

Endst: No. S.O. (COLLEGES) XI/2/84/C. Dated, Peshawar the 27.1.1985.

Copy forwarded for necessary action :-

1. The Director of Education (Colleges), N.W.F.P. Peshawar.
2. The Director of Education (FATA) N.W.F.P. Peshawar.
3. The Accountant General, N.W.F.P., Peshawar.
4. All District Accounts Officers concerned.
5. All Agency Accounts Officers concerned.
6. All Principals of Govt: Colleges concerned.
7. All Officers concerned.

Attested

( ABDUL HAMID )

SECTION OFFICER (COLLEGES)

SYEDA FARKHANDA  
M.A. LL.B  
Advocate High Court  
Abbottabad

27/1/85



(32)

Ann: B

A.T.M. 43 A  
(See Para 154 of  
Audit Manual)

AC d. SI

1

8864-H  
NWP

SI

**Pension Payment Order**

**PENSIONER'S PORTION**

*Attested  
Farkhanda*

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

S. Mahboob Ahmed Shah

*go*

S. Nasir Ahmed Shah

NWP main Por. AM

RDC = 1-10-2002

All payments made on PPO No. 1-10-85 on wards man adjusted.

PENSION PAYMENT ORDER  
PENSIONER'S PORTION

Name of pensioner: S. Mahboob Ahmed  
 (Designation and Grade) En. Lecturer  
 His/Her Father's name: S. Nassir Ahmed  
 Husband's  
 Permanent address showing H. No. 242, Kung 7th  
 Village, Tehsil. Abbottabad  
 Identity Card No. 350/1A  
 Date of birth 18-11-1937  
 Date of Retirement 1-10-1985  
 Length of Qualifying Service 31 years  
 Class of Pension Ret.  
 Monthly average emoluments Rs 3210-42  
 No. and date of sanction of pension or letter No. Report of PPO 5580-H

and Date of the other Audit and Account office authorizing the Pension/Gratuity/commutation. No. 1-10-85  
 Old P.P.O. No. if any 5580-H  
 Gross Pension Rs. 2247-29 1-10-85 ✓  
 21. ESB = 44-94 ✓  
 With surrendered portion Rs. 2292-23 1-7-86 ✓  
 Commuted portion Rs. 1123-64 ✓  
 Net pension payable monthly Rs. 1158-59 1-7-86 ✓  
 Habitual Govt. 229-22 ✓  
 350/1A = 80-22 ✓  
 47. " = (Classification) 88 1-7-87 ✓  
 71. " = 160-46 1-7-88 ✓  
 Major Function 114-11 1-7-90 ✓  
 Minor Function 020 356-21 1-6-91 ✓  
 Detailed Function 028 Superannuation and Pension  
 Major Object 600 Transfer Payments  
 Minor Object 660 Superannuation Allowances and Pension  
 Detailed Object 1-661 Superannuation retiring and Compensatory Pension.

C No. 2729

Attested  
Farkhanda

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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

No. FD(SOSR-II)/4-92/2015  
Dated Peshawar the 16/02/2015

From:

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department,  
Peshawar

To

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Political Agents / District Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject:

RESTORATION OF COMMUTED PORTION OF PENSION OF CIVIL  
SERVANTS OF GOVERNMENT OF KHYBER PAKHTUNKHWA  
RETIRED ON 30-06-2001 OR EARLIER AT REVISED RATES

Dear Sir,

I am directed to refer to the above noted subject and to state that in light of orders dated 24-04-2012 passed by the Supreme Court of Pakistan in appeals No. 887 to 890, 912 to 915, 922 to 925, & 930 to 934 (R) CS-2011, 1166, 1265, 1416 to 1420, 1455, 1575 & 1794 (R) CS-2011, the competent authority has been pleased to allow restoration of commuted portion of pension of all pensioners (civil servants) who retired on or before 30-06-2001 and opted to draw pay and pension/confirmation in the basic pay scale of 1994 at the rates at which they were drawing 50% remaining pension with effect from 01-07-2013 or date of restoration whichever is later and that the arrears should also be paid to them from the date of such restoration. It is also clarified that such pensioners shall not be entitled to claim arrears for the period prior to restoration of their commuted pension and subject to the condition that if the constitutional petition filed / to be filed by the Federal Govt. / Provincial Government is accepted by the apex court, the Govt. would recover the amount of increases in pension on the restored portion of the pension being allowed to them.

Yours Faithfully,

  
(RAZAULLAH)

Additional Secretary (Reg)

Endst. No. FD(SOSR-II)4-92/2015.

Dated Peshawar the 16<sup>th</sup> February, 2015

A Copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.

(Rasool Khan Afridi)  
Deputy Secretary (Reg-1)

Endst. No & Date even

A copy for information is forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Controllers of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMLU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / A.T.A.
7. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.
8. Mr. Javid Ashraf (Operations Group) National Bank of Pakistan Head office, 7<sup>th</sup> floor, 1-1 Chandigarh Road, Karachi. (Phone 02199213172, Fax 02199220500) for circulation amongst all concerned for further necessary action please.
9. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
10. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
11. The Private Secretary to Secretary / PAs to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.
12. Section Officer (Reg-6) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M. No. F-13 (13) Reg. 6/2011 dated 11-03-2013 and dated 21/01/2013 for information and record.

(WAZIR MUHAMMAD AFGAR)  
Section Office (SR-II)

(14)

27/10/03 30 6 24 4881-  
 18/03 31-7 24 56130  
 18/03 31 8 24 15613  
 21/03 30 5 21 15613L  
 14/03 31 10 24 5613  
 12/03 30 11 24 56134  
 21/03 12/03 31 12/03 56187L  
 29/03 31-1 007 156130  
 4/04 29-2 24 5613L

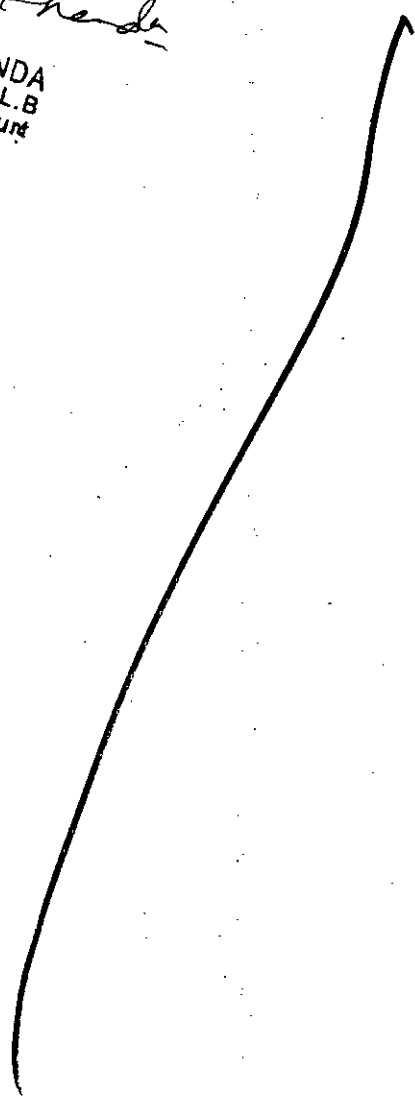
Pension = 3757-00  
 ROC = 1123-64  
 Total = 4881-00 PM  
 Wef 1-10-2002-

2/10/02

1/04 31-3 24 5613L  
 4/04 30 4 24 4881-  
 16/04 31-8 24 15613

Attested  
 Farkhanda

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



(35)

Ann C

To,

The District Account Officer,  
Abbottabad

RR  
S M DWG

Through The Principal,  
Govt. No.1, Post Graduate College  
Abbottabad.

18/17/85

Subject: Fixation of pay in BPS-18,

- i) As per Notification No. S.O (Colleges) XI/2/84/C dated Peshawar, the 27/01/1985 wherein the applicant had been granted/ promoted from BPS-17 to BPS-18 w.e.f 01/12/1984, and then after had been retired on 01/10/1985, in BPS-17 while he was availing his LPR period w.e.f December 1984 to 30/09/1985.
- ii) That the applicant be granted fixation in BPS-18 with effect from 01/12/1984 and hen after, the pension and gratuity and all others fringe benefits be granted in BPS - 18 instead BPS-17.

Respectfully submitted as under: -

1. That the applicant served in the Education Department w.e.f 10/07/1954 to 30/09/1985, total service being 31 years 02 months and 20 days at his credit. Copy of the pension papers/ application for pension is attached and availed his LPR w.e.f December 1984 up to 30/09/1985.
2. That applicant applied for his retirement at the age of 48 years and availed his LPR w.e.f December 1984 upto 30/09/1985.
3. That while the applicant was on his LPR a notification of more-over from BPS-17 to BPS-18 had been issued, while his papers for his pension/Gratuity etc and LPR had already been sanctioned. The applicant was neither informed to this fact that he had been granted more-over/promotion in BPS-18 till very late i.e. in 2008, the applicant came to know that an increment has been grated to the retired personals who had been retired in 1985. To this the applicant came to <sup>know</sup> about his promotion, as there were many other colleagues of the applicant, who had also been grated the more-over along with.
4. That the applicant had adopted his Law-practice and professionally so much absorbed in his practice. That he could not know all about uptil 2008. Copy of the pension books No. S.No. 141 and subsequently No. 5580-H/A.W.F.P. alongwith arrears of increment are also attached here with.

Attested  
Farkhanda

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

(36)

5. As it <sup>is</sup> an earned benefits of pay, pension, and Gratuity as well as all fringe benefits cannot be deprived from any citizen of the country. Moreover, these benefits are immuned from any kind of limitation.

In view of the above facts, it is prayed, as the applicant had been retired from this honourable institution, hence, it is requested that my case may graciously be recommended and forwarded to the District Account Officer, for fixation of pay w.e.f 01/12/1984 as per notification attached and then after, all the pension/Gratuity etc be Revised as per Rules and obliged.

Thanking you Sir,

Dated: 16/12/2009

Your's Sincerely

*MA*  
Syed Mahboob Ahmad Shah  
S/o Nisar Ahmad Shah  
Ex-Lecturer-in-Urdu,  
Govt. No. 1 Post Graduate, College  
Abbottabad.  
N.I.C. No. 13101-0873716-9

Enclosed;

1. Copy of Notification of Government of N.W.F.P. Peshawar issued on 27/01/1985.
2. Copy of application for pension.
3. Copy of Pension Book No. 552-H and Book No. 8864-H/NWFP
4. All other relevant record, possessing the applicant. A/c. No 51 - 1/51

Dated.        /2009

*MA*  
Syed Mehboob Ahmed Shah,  
(Applicant)

OFFICE OF THE PRINCIPAL, GOVT. POSTGRADUATE COLLEGE NO.1 ABBOTTABAD.

Endst: No. 1818

Dated 15-12-2009

Recommended and forwarded to the District Accounts Officer  
Abbottabad for further necessary action please.

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

*MA*  
Principal,  
Govt. Postgraduate College,  
Abbottabad.  
Govt. Post Graduate College  
No-1 Abbottabad.

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

PLJ

Ann 9

4. On which, DFO Rahim Yar Khan inflicted penalties of Dismissal from service alongwith Recovery of Rs. 457000/- 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

Syeda Farkhanda M.A. LL.B Advocate High Court Abbottabad



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

Affected  
Syed Rafique Hussain Shah  
SYEDA FARKHANA  
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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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Advocate, High Court  
Abbottabad

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016. NAZAR HUSSAIN v. SECRETARY, STATE & FRONTIER Tr.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

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.

C 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.

D 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.

E 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)

*Sarkhanda*  
SYEDA FARKHANDA  
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 & 41(p)CS/2015.

15. There shall be no order as to costs.

16. Parties be informed accordingly.

(R.A.)

Appeal allowed.

**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.

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

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

reference in this respect may be made to the cases of Syed Muhammad Firdaus and others v. The State (2005 SCMR 784), Lughan Ali v. Hazaro and another (2010 SCMR 611) and Criminal Appeal No. 56 of 1986 (Raham Dad v. Syed Mazhar Hussain Shah) decided by this Court on 14-1-1987). At different times different High Courts had also rendered conflicting judgments on the issue. It is, therefore, imperative that such conflicts should be removed or resolved at the earliest so as to restore certainty in the matter for the guidance of all the courts in the country. In this view of the matter leave to appeal is granted in both these petitions and the Office is directed to fix the appeals for regular hearing at the earliest possible, preferably within a period of one month. The petitioners in Criminal Petition No. 549-L of 2011 have already been admitted to ad interim pre-arrest bail by this Court vide order dated 11-8-2011. Their ad interim pre-arrest bail shall continue till the next date of hearing.

MWA/M-52/SC

Leave granted.

2012 S C M R 1914

[Supreme Court of Pakistan]

Present: *Iftikhar Muhammad Chaudhry, C.J.,  
Khilji Arif Hussain and Tariq Parvez, JJ*

FEDERATION OF PAKISTAN---Petitioner

versus

GHULAM MUSTAFA and others---Respondents

Civil Petitions Nos. 549 to 559 and 575 to 589 of 2012, decided on 24th April, 2012.

(Against judgment dated 5-1-2012 passed in Appeals Nos. 888(R)CS/2011 to 890(R)CS/2011, 912 to 915, 922 to 925, 930 to 934, 1166, 1265, 1416 to 1420, 1455, 1575 and 1794(R)CS/2011).

*Constitution of Pakistan---*

*---Arts. 212(3) & 25---Civil service---Increase in commuted pension---  
Equality of citizens---Entitlement to equal relief---Two pensioners were  
granted increase on their commuted pension by the High Court and  
Supreme Court---Federal Service Tribunal in view of Art.25 of the  
Constitution, which guaranteed equal treatment to all, granted same*

SCMR

*Attested  
Farkhanda*

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

(44)

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2012]

Federation of Pakistan v. Ghulam Mustafa  
(Iftikhar Muhammad Chaudhry, CJ)

1915

*relief to the pensioners in the present case (respondents)---Validity--- Pensioners, in the present case, had to be treated at par with the pensioners in whose favour decision had been taken by the High Court and Supreme Court---In absence of any reasonable classification, no exception could be taken to the impugned judgment of the Federal Service Tribunal---No question of public importance within the meaning of Art.212(3) of the Constitution had been pointed out--- Petitions for leave to appeal were dismissed in circumstances, and leave was refused. [p. 1916] A, B, C & D*

Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others Civil Appeal No.254-L of 2011 ref.

Syed Zafar Abbas Naqvi, Advocate Supreme Court along with Ehsan Ahmed and Muhammad Khalid, Section Officers for Petitioner.

Nemo for Respondents.

Date of hearing: 24th April, 2012.

#### ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, C.J.---The listed petitions have been filed under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 for leave to appeal against judgment dated 5-1-2012, passed by the Federal Service Tribunal, Islamabad; relevant paras, therefrom are reproduced hereinbelow:--

"2. The issue has been resolved in that judgment. However, the objection of the respondents is that in the said appeals Finance Division was not a party. Today we have heard the Finance Division also. Two persons namely Mr. A.A. Zuberi and Syed Abrar Hussain Naqvi had filed Writ Petition in the High Court and had succeeded in getting increase on the commuted pension. Their appeals in the Hon'ble Supreme Court were dismissed as time barred. It means that the judgment of the High Court had attained finality. The two pensioners were granted increase on the commuted pension. Article 25 of the Constitution of Pakistan guarantees equal treatment to all. When two pensioners had been granted increase it shall have to be granted to other pensioners also. Thus the judgment of the Tribunal, mentioned above, has relevance when read in the light of the judgment of the High Court. Relevant part of the judgment of the Tribunal is as under:-

"9. In the light of judgments of the Lahore High Court confirmed

Attested

*Syeda Farkhanda*

SCMR

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

(45)

by the apex Court and the judgment of the Punjab Service Tribunal we accept the appeals. The respondents are directed to determine the pension of the appellants from the date of restoration of their commuted pension at the rate at which they were drawing 50% remaining pension. The arrears shall also be paid to them. It is also clarified that the appellants shall not be entitled to claim arrears for the period prior to restoration of their commuted pension."

3. In the above circumstances, we find that present cases are similar to the one decided by the Tribunal on the strength of the judgment of the High Court, confirmed by the Hon'ble Supreme Court. We accordingly hold that appellants are entitled to increase in their commuted pension in the same manner. Appeals are allowed."

2. When we have inquired from the learned counsel as to whether in view of the principles laid down by this Court under Article 25 of the Constitution as to why the respondents should not be treated at par with the employees named in the above para for the purposes of getting relief, he could not answer satisfactorily except saying that in another judgment announced by this Court in "Akram ul Haq Alvi v. Joint Secretary (R-II), Government of Pakistan, Finance Division, Islamabad and others (Civil Appeal No.254-L of 2011)", it has been held that the petitioners shall not be entitled for increase on the commuted pension. We failed to understand the distinction, which the learned counsel wanted to create in view of the judgment relied upon.

3. After hearing the learned counsel and having gone through the operative paras of the impugned judgment, we are of the opinion that as far as the respondents are concerned, they have to be treated at par with the employees in whose favour decision has been taken by the High Court as well as by this Court. Therefore, in absence of any reasonable classification, no exception can be taken to the impugned judgment.

4. Additionally, no question of law of public importance within the meaning of Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 has been pointed out.

5. Accordingly, the listed petitions are dismissed and leave refused.

Petition dismissed.

MWA/F-9/SC

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



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SUPREME COURT MONTHLY REVIEW

[Vol. XL]

2. The law is quite settled by now that a short order passed by the Court has all the effects of a judgment of this Court if such short order has been signed by all or a majority of the Hon'ble Judges hearing the matter even if for some reason such order is not followed by a detailed judgment. A reference in this respect may be made to the cases of The State v. Asif Adil and others (1997 SCMR 209), Chief Justice of Pakistan v. Iftikhar Muhammad Jhaudhry v. President of Pakistan through Secretaries and others (PLD 2010 SC 61) and Dr. Agha Ijaz Ali Pathan v. The State (2010 SCMR 322). In the case in hand all the Hon'ble Judge hearing the above mentioned appeal and jail petition had signed the short order passed on 11-11-2008 and, thus, for all intents and purposes that has to be treated as a final disposition of the above mentioned matters and absence of any detailed judgment does not require rehearing of the same. In these circumstances these matters are returned to the office.

MWA/D-3/SC

Order accordingly.

2014 S C M R 1336

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jilani, C.J.,  
Khilji Arif Hussain and Sh. Azmat Saeed, JJ

SECRETARY, GOVERNMENT OF PUNJAB,  
FINANCE DEPARTMENT and 269 others---Appellants

versus

M. ISMAIL TAYER and 269 others---Respondents

Civil Appeals Nos.971 to 1012, 1013 of 2012, C.M.As. Nos.5314, 1014 to 1017 of 2012, 289-L, 386-L to 401-L of 2013, 61 to 223, 274 of 2014 and Civil Petitions Nos.1040-L, 1049-L, 1070-L of 2013, 46-L to 58-L, 92-L to 94-L, 106-L, 213-L, 219-L to 225-L, 239-L, 257-L, 277-L, 293-L, 307-L to 315-L and 330-L of 2014, decided on 31st March, 2014.

(On appeal from the judgment dated 5-5-2011 of the Punjab Service Tribunal, Lahore, passed in Appeals Nos.773 of 2009 and the judgments/orders dated 17-1-2012, 17-11-2011, 27-2-2012, 17-1-2012, 2-2-2012, 17-1-2012, 23-4-2012, 21-11-2011, 31-5-2012, 8-10-2012, 1-11-2012, 22-10-2012, 30-10-2012, 1-11-2012, 16-10-2012, 1-11-2012, 13-12-2012, 18-12-2012, 24-12-2012, 14-12-2012, 10-7-2013, 31-7-2013, 30-1-2013, 15-1-2013, 22-1-2013, 16-1-2013, 4-2-2013, 8-1-2013, 15-1-2013, 2-5-2013, 24-5-2013, 22-5-2013, 10-6-2013,

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

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[Vol. XLVII

2014]

Secretary, Government of Punjab v. M. Ismail Tayer  
(Sh. Azmat Saeed, J)

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19-12-2013, 17-12-2013, 23-12-2013, 20-11-2013, 19-12-2013 and  
23-12-2013 of the Lahore High Court, Lahore/Bahawalpur  
Bench/Rawalpindi Bench/Multan Bench, passed in W.Ps. Nos.29579,  
6293, 20379, 20380, 20383, 20385 to 20393, 21546, 21547, 21550,  
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27804, 23183, 23230, 23823, 25703, 26820, 19412, 19413, 26878,  
27151, 25682, 27487, 27796, 27690, 28166, 28424, 2547, 1878, 12157,  
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29791, 29287, 29314, 29331, 29346, 29470, 29545, 28067, 28135,

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

11026, 13644, 20141, 27206, 30834, 21545, 27710, 27562, 29537, 26514, 10544, 27314, 26635, 10667, 30967, 28184, 28475, 28664, 28893, 29230, 29263, 29303, 29317 and 27622 of 2013)

(a) *Punjab Civil Servants Act (VIII of 1974)*---

---S. 18---*Punjab Civil Services Pension Rules, 1963, Rr. 4.4, 8.1 & 8.12*---*Constitution of Pakistan, Arts. 25, 185 & 212*---*Pension*---*Commutation of pension for a certain period*---*Periodic increase in pension during commutation period*---*Expiry of commutation period*---*Effect*---*Full pension would be restored inclusive of periodic increase in pension during the commutation period*---*Pension of retired civil servants of Provincial Government was commuted to one half for a period of 15 years*---*Upon expiry of commutation period full pension was restored*---*Provincial Government issued an Office Memorandum whereby increase in pension granted during the commutation period was deducted from the pension paid to retired employees*---*Legality*---*When a retired civil servant's portion of pension was commuted for a particular period of time, he surrendered his right to receive full pension in lieu of lump sum payment received by him, and on expiry of the commuted period, his right and entitlement to receive full pension, as prescribed, was restored and re-vested in him*---*Restoration of the right to receive pension in terms of R. 8.12 of Punjab Civil Services Pension Rules, 1963 was without any rider, and upon re-vesting of such right, the status of such retired civil servant in law was brought at par with the other retired civil servants, who had not exercised their option of seeking commutation of their pension*---*Retired civil servant on expiry of the period of commutation could not be discriminated against by being paid less pension, than his colleagues, who had not sought commutation, as there was no valid justification available in law between the two*---*If the Government were to adopt such a course of (discriminative) action, as had been attempted in the present case, it would offend Art. 25 of the Constitution*---*Restored pension payable to a retired civil servant upon expiry of period of commutation would obviously include any increase in pension granted by the Government during the intervening period of commutation*---*Even retired civil servants of the Federal Government were being paid their pension inclusive of the increases sanctioned during the commutation period, after the Supreme Court struck down an Office Memorandum, which deprived increase in pension sanctioned during the commuted period*---*Appeal was dismissed accordingly. [pp. 1342, 1344, 1346] A, C, D & F*

*Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others 2012 SCMR 106 distinguished.*

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*Farkhanda*  
SYEDA FARKHANDA

M.A. L.L.B

Advocate High Court  
Abbottabad

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(Sh. Azmat Saeed, J)

**(b) Civil Servants Act (LXXI of 1973)---**

---S. 19---Pension, right of---Nature---Acquired and vested right--- Pension formed a part of a civil servant's retirement benefits---Pension was not a bounty or an ex-gratia payment but a right acquired in consideration of past services---Pension was a vested right and a legitimate expectation of a retiring civil servant---Right to pension was conferred by law and could not be arbitrarily abridged or reduced except in accordance with law. [p. 1343] B

The Government of N.-W.F.P. through the Secretary to the Government of N.-W.F.P. Communication and Works Departments Peshawar v. Muhammad Said Khan and another PLD 1973 SC 514; I.A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others 1991 SCMR 1041; Deokinandan Prasad v. State of Bihar and others AIR 1971 SC 1409 and State of Punjab and another v. Iqbal Singh AIR 1976 SC 667 ref.

**(c) Words and phrases---**

---"Restored"--- Definition. [p. 1344] E

Words and Phrases, Permanent Edition, Volume 37A; Corpus Juris Secundum, Volume 77 and Stroud's Judicial Dictionary of Words and Phrases, Fourth Edition, Volume 4 ref.

Ch. Muhammad Iqbal, Additional A.-G., Khalid Mehmood, Additional Secretary (Regulation), Finance Department, Government of the Punjab, Lahore for Appellants.

Khadim Nadeem Malik, Advocate Supreme Court, Asif Ch., Advocate Supreme Court, Abrar Hasan Naqvi, Advocate Supreme Court, Talat Farooq Sh., Advocate Supreme Court, Nazeer Ahmed Qureshi, Advocate Supreme Court, Afshan Ghazanfar, Advocate Supreme Court, Mian Ashiq Hussain, Advocate Supreme Court and Mrs. Tasneem Amin, Advocate-on-Record for Respondents.

Date of hearing: 31st March, 2014.

**JUDGMENT**

SH. AZMAT SAEED, J.---Through this common judgment, it is proposed to decide the above-captioned Civil Appeals and Civil Petitions for Leave to Appeal, involving primarily a common question of law.

2. The essential facts necessary for adjudication of the *lis* at hand are that the private respondents in the instant Civil Appeals and Civil Petitions for Leave to Appeal are former employees of the Government of Punjab, who on their retirement were sanctioned commutation of one

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Advocate High Court  
Abbottabad

half of their pension for a period of 15 years in terms of the Punjab Civil Services Pension Rules, 1963 (hereinafter referred to as the Rules of 1963). During the period of commutation i.e. 15-years, periodic increase in pension was effected by the Government of the Punjab. On expiry of the commuted period, the pension of the respondents was restored and full pension inclusive of the afore-said periodic increase was disbursed to the respondents. On 22-3-2008, the Finance Department, Government of the Punjab issued a letter, in light of an Office Memorandum No.F.13(6)-Reg-6/2003, dated 29-2-2008, issued by the Government of Pakistan, Finance Division (Regulation Wing), as a consequence whereof the increase in pension granted during the commuted period was deducted from the pension paid to the respondents. Being aggrieved the private respondent in Civil Appeal No.971 of 2012, invoked the jurisdiction of the learned Punjab Service Tribunal, Lahore (hereinafter referred to as "the learned Tribunal") through an Appeal praying that the respondents (present appellants) be directed to allow the increase in pension periodically granted, while the private respondents in the remaining above-captioned Civil Appeals and Civil Petitions for Leave to Appeal, invoked the constitutional jurisdiction of the learned Lahore High Court through various Writ Petitions, seeking a similar remedy with regards to their individual pensions. The learned Tribunal allowed the Appeal bearing No.773 of 2009, filed by the present private respondent in Civil Appeal No.971 of 2012. Similarly, the private respondents in the remaining above-captioned cases were also successful before the learned High Court and appropriate Orders granting them relief were variously passed in their favour. In some of such cases, the Accountant-General, Punjab/Government of the Punjab filed Intra Court Appeals, which were dismissed. The Accountant-General, Punjab/Government of the Punjab challenged the judgment of the learned Tribunal and the judgments of the learned Lahore High, Court passed in various Writ Petitions and Intra Court Appeals, referred to above through Civil Petitions for Leave to Appeal and this Court allowed the same and leave was granted, while the Civil Petitions for Leave to Appeal filed thereafter were directed to be heard along with the Civil Appeals in which leave had been granted. These are the aforesaid matters, which have now come up for hearing before this Court.

3. It is contended by the learned Additional Advocate-General, Punjab, that a retired Civil Servant in terms of section 18 of the Punjab Civil Servants Act, 1974 (hereinafter referred to as "the Act of 1974") are entitled only to the pension, as may be prescribed. The said provision, it is contended, empowers the Government to fix the pension and also to increase the same from time to time. The matter of increase in pension has not been provided for in the Rules framed under the Act

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*Syeda Farkhanda*  
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of 1974, leaving this aspect to be effected through the exercise of the Executive Authority, as has been done in the instant matter. Furthermore, the grant of any increase in pension and the quantum thereof is a matter of Government Policy, therefore, immune from Judicial Review. In the circumstances, impugned judgments of the learned Tribunal as well as the learned Lahore High Court are illegal, void and liable to be set aside.

It is further contended that by way of the impugned judgments, the real matter in controversy has been side-stepped and the findings have been rendered on moral rather than legal grounds. It is added that the law as laid down by this Court, has either not been taken into consideration or misinterpreted by the learned Tribunal and the learned High Court. It is further contended that the judgments with regard to the employees of the Federal Government have been erroneously pressed into service despite the fact that the same were inapplicable to the cases in hand.

4. With regards to the impugned judgments passed by the learned High Court, the learned Additional Advocate-General, Punjab, additionally contended that the said Court had no jurisdiction to adjudicate upon the matter in view of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973. In support on his contentions, the learned Additional Advocate-General, Punjab, referred to the judgment, reported as Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others (2012 SCMR 106).

5. Learned counsel for the private respondents controverted the contentions raised by the Additional Advocate-General, Punjab, by contending that the pension is a right of a retired Civil Servant conferred by law and not charity. It is added that the learned Tribunal as well as the learned High Court has correctly interpreted the law in the light of the judgments of this Court by striking down the attempt of the appellants/petitioners to deprive the respondents of their vested rights by treating them in a discriminatory manner without any valid classification. Hence, these Civil Appeals/Civil Petitions merit dismissal.

6. Heard. Record perused.

7. Adverting first to the legal objection raised by the appellants that the learned High Court had no jurisdiction to entertain the Constitutional Petitions filed by the respondents, it may be noted that in pith and substance, it is canvassed by the learned Additional Advocate-General, Punjab, that such Writ Petitions were barred by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, as the learned Tribunal was vested with the jurisdiction to adjudicate upon the matter.

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The respondents, on the other hand, have vehemently argued that the Office Memorandum, in dispute was not a final order, passed by a designated Departmental Authority, hence, the jurisdiction of the learned Tribunal could not be invoked and validity of the Office Memorandum in dispute could always be called into question through a petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Be that as it may, one of the Civil Appeals i.e. Civil Appeal No.971 of 2012, arises from the judgment passed by the learned Tribunal to which no such objection has been taken by the appellants and any adjudication thereupon qua the legal issues involved and rights affirmed would enure to the benefit of all other retired Civil Servants placed in similar circumstances including all the respondents, as has been repeatedly held by this Court *inter alia* by the judgment, reported as Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others v. Sameena Parveen and others (2009 SCMR 1). In the circumstances, the objection is of no legal consequence or effect.

8. A perusal of the offending Office Memorandum dated 22-3-2008 reveals that the same has been issued in the light of the Government of Pakistan, Finance Division (Regulations Wing), Office Memorandum dated 29-2-2008 whereby the Civil Servants of the Federation were deprived of the increase in their pension sanctioned during the commuted period. The said Office Memorandum of the Federal Government was called into question before the learned Lahore High Court. The Office Memorandum was struck down by a learned Single Judge of the said High Court in the case, reported, as A.A. Zuberi v. Additional Accountant General Pakistan Revenue, Lahore [2010 PLC (C.S.) 1211]. The said judgment of the learned Single Judge was challenged in appeal through an Intra Court Appeal, which was dismissed by a learned Division Bench of the said High Court vide judgment dated 16-6-2010, reported as Additional Accountant-General Pakistan Revenue, Lahore v. A. A. Zuberi [2011 PLC (C.S.) 580]. Whereafter, Civil Petitions for Leave to Appeals Nos.2393 and 2394 of 2010 were filed before this Court challenging the aforesaid judgment of the learned Division Bench of the High Court, which too were dismissed vide judgment dated 10-12-2010, as barred by limitation. The said judicial pronouncements have been implemented by the Federal Government vide Office Memorandum dated 10-9-2009, whereby the retired Civil Servants of the Federal Government are being paid their pension inclusive of the increases sanctioned during the commuted period. Thus, the very decision of the Federal Government in the light whereof the Office Memorandum dated 22-3-2008 had been issued is no longer in force having been struck down through a judicial decision, which has been implemented.

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9. Furthermore, the meaning and true import of the term "pension" came up for interpretation before this Court in the case, reported as The Government of N.-W.F.P. through the Secretary to the Government of N.-W.P.P. Communication and Works Departments, Peshawar v. Mohammad Said Khan and another (PLD 1973 SC 514), wherein it was held as follows:--

"It must now be taken as well-settled that a person who enters Government service has also something to look forward after his retirement, to what are called retirement benefits, grant of 'pension being the most valuable of such benefits. It is equally well-settled that pension like salary of a civil servant is no longer a bounty but is a right acquired after putting in satisfactory service for the prescribed minimum period. A fortiori, it cannot be reduced or refused arbitrarily except to the extent and in the manner provided in the relevant rules."

The aforesaid view was quoted and approved by this Court in the case, reported as I.A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041), wherein it was further held:--

"A pension is intended to assist a retired civil servant in providing for his daily wants so long he is alive in consideration of his past services, though recently the above benefit has been extended inter alia in Pakistan to the widows and the dependent children of the deceased civil servants. The *raison d'etre* for pension seems to be inability to provide for oneself due to old-age. The right and extent to claim pension depends upon the terms of the relevant statute under which it has been granted."

A similar view has been taken by the Indian Supreme Court in the cases, reported as Deokinandan Prasad v. State of Bihar and others (AIR 1971 SC 1409) and State of Punjab and another v. Iqbal Singh (AIR 1976 SC 667).

10. The afore-said dictum makes it clear and obvious that with regard to a retired Civil Servant, pension forms a part of his retirement benefits. It is not a bounty or an ex-gratia payment but a right acquired in consideration of past services. Such right to pension is conferred by law and cannot be arbitrarily abridged or reduced except in accordance with such law, as it is a vested right and legitimate expectation of a retiring Civil Servant.

11. The right to pension of a Civil Servant of the Province of the Punjab has been conferred by law, i.e. section 13 of the Punjab

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Civil Servants Act, 1974. The relevant portion thereof reads as follows:--

"(18) Pension and gratuity: (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed."

A perusal of the afore-said provision clearly manifests that upon retirement, a Civil Servant is entitled to receive such pension, as may be prescribed. Section 2(1)(g) of the above-said Act of 1974, defines the word 'prescribed' to mean "prescribed by rules". Apparently, no Rules pertaining to pension payable to Civil Servants were made after the promulgation of the Act of 1974 i.e. 4th June, 1974. However, section 23(2) of the Act of 1974 lays down that any Rules in force immediately before the commencement of the Act of 1974 shall be deemed to be the Rules under the Act of 1974. The Punjab Civil Services Pension Rules, 1963 were in force when the Act of 1974 was enacted and, therefore, by virtue of section 23(2) of the said Act, the same are the Rules as contemplated by section 18 of the Act of 1974 and are applicable to the matter in hand.

12. Chapter VIII of the Rules of 1963 deals with the Commutation of Civil Pensions, Rule 8.1 of the Rules of 1963 provides that the Competent Authority may sanction the commutation for lump-sum payment of a portion of the pension. In this behalf, a Commutation Table is also provided setting forth the number of years for which a portion of pension may be commuted and paid in lump-sum. Such period has been indexed to the age of the Civil Servant. Rule 8.12 of the Rules of 1963 lays down that the commuted portion of pension would be restored on completion of the number of years for which the commuted pension was paid.

13. The amount of pension payable has been dealt with in Chapter IV of the Rules of 1963 and Rule 4.4 includes a scale of pension. The said Rule also envisages increases or indexation of pension sanctioned from time to time. It is a matter of record that variously such periodic increases in pension have been granted through Office Memorandum issued in this behalf by the Government of the Punjab. The validity and effectiveness of such increase is not disputed by the appellants/petitioners.

14. The term "restored" has been variously defined. Some of such definitions are reproduced hereunder:--

I. Words and Phrases, Permanent Edition, Volume 37A:

"The word "restored", as used in Rev. St. c. 9, §§ 78, 79, declaring that, if an attaching officer has notice of a mortgagee's

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payable on the date of restoration and would obviously include any increase in pension granted by the Government during the intervening period of commutation, as such increase is

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debt, the property shall be restored to the mortgagee, means that it shall be surrendered and delivered to the mortgagee, from whom it was detained by the officer. *Esson v. Tarbell*, 63 Mass. (9 Cush.) 407, 415.

Statute providing that wife, for whose aggression husband is granted divorce, shall be "restored" to whole or part of her realty, acquires that realty she had when married or acquired during marriage be returned to or reinvested in her. *Sidwell v. Sidwell*, Del. Super., 165 A. 334, 335, 5 W.W. Harr. 322."

II. Corpus Juris Secundum, Volume 77:

"The word "restore" relates to something having a previous existence, and is defined as meaning to bring back; to bring back or put back to a former position or condition; to bring back to a former and better state. It is also defined as meaning to heal.

"Restore" has been held equivalent to or synonymous with, "deliver" see 26 C.J.S. p 696 note 10.1, "repair" see 76 C.J.S. p 1174 note 15, "restate" see ante p 322 note 83, and "substitute."

III. Stroud's Judicial Dictionary of Words and Phrases, Fourth Edition, Volume 4:

"(1) "When the statute, Larceny Act 1826 (c.29), S. 57, says that the stolen property 'shall be restored,' it may mean the chattel stolen shall be restored; but at all events it means the restoration of the right" (per Patteson J., *Scattergood v. Sylvester*, 15 Q.B. 511), and the right to the property re-vested on conviction of the thief, so that the owner could recover it even against one who purchased it in MARKET OVERT (ibid. 19 L.J.Q.B. 447; *Nickling v. Heaps*, 21 L.T. 754, which case followed the principle of *Horwood v. Smith*, 2 T.R. 750, on (21 Hen. 8, c. 11); see further *Chichester v. Hill*, 52 L.J.Q.B. 160). The same ruling applied to the similar phrase in S. 100 of the Larceny Act 1861 (c.96) (*Bentley v. Vilmont*) 12 App. Cas. 471). In all the cases the principle was upheld that no order for restitution was necessary to perfect the statutory restoration of the right to the chattel. See hereon *Moss v. Hancock* [1899] 2 Q.B. 111, cited MONEY.

(2) An obligation to "restore" a ROAD interfered with under compulsory powers, semble, is to make it as nearly as possible identical with the load before the interference (*R. v. Birmingham & Gloucester Railway*, 2 Q.B. 47)."

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Advocate High Court

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(Tassaduq Hussain Jillani, CJ)

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Federation of Pakistan v. Ghulam Mustafa and others (2012 SCMR 1914).

19. The afore-said are the detailed reasons of our short Order dated 31-3-2014, which is reproduced hereunder:--

"For reasons to be recorded later in the detailed judgment; we are persuaded to hold that the interpretation being accorded to Rule 8.1 read with 8.12 of the Punjab Civil Services Pension Rules vide the office memorandum issued by the Government of Punjab dated 22-10-2001 is not only violative of those Rules but also of Article 25 of the Constitution of Islamic Republic of Pakistan. These appeals and petitions are, therefore, dismissed with no orders as to costs."

MWA/S-15/SC

Order accordingly.

2014 S C M R 1347

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani, C.J.,  
Nasir-ul-Mulk and Ejaz Afzal Khan, JJ

MUHAMMAD IRFAN---Petitioner

versus

The STATE and others---Respondents

Criminal Petition No.1277-L of 2013, decided on 3rd January, 2014.

(On appeal from the order dated 25-10-2013 passed by the Lahore High Court, Lahore in Criminal Miscellaneous No.11215-B of 2012)

**Criminal Procedure Code (V of 1898)---**

---S. 497(2)---Penal Code (XIV of 1860), Ss. 302 & 34---Qatl-e-amd. common intention---Bail, grant of---Further inquiry---Non-attribution of any firearm injury---Effect---Accused was not alleged to have caused any firearm injury either to the deceased or the eye-witnesses---Deceased received only one firearm injury, which was attributed to co-accused---Question of accused's guilt required further inquiry in such circumstances---Accused was granted bail accordingly. [p. 1348] A

Hammad Akbar Wallana, Advocate Supreme Court for  
Petitioner.

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Advocate High Court  
Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

(56)

No.FD(SOSR-II)/4-92/2016  
Dated Peshawar the 14/04/2016

To

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Deputy Commissioner in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject: RESTORATION FOR COMMUTED PORTION OF PENSION

Dear Sir,

I am directed to refer to this department circular of even number dated 14/07/2015 and to state that in light of Finance Division Islamabad O.M No.F.5(2)-Reg.6/2015-1210 dated 09/02/2016, the competent authority has been pleased to allow the benefit of periodical increases on surrendered portion of commuted value of pension after restoration, to those pensioners who retired on or after 01/12/2001 as has already been allowed to the pensioners who retired prior to 01/12/2001 in accordance with this Department circular letter dated 16/02/2015.

Yours Faithfully,

  
(RAZAULLAH)

Additional Secretary (Reg)

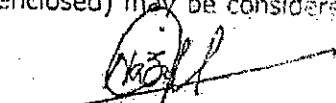
Endst: No & Date even.

**Copy is forwarded for information and necessary action to the:-**

1. Secretaries to Government of Punjab, Sindh and Balochistan Finance Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar with reference to his letter No.H-24(74)/Pension/Vol-III/2014-15/3409 dated 10/09/2015. This Department letter of even number dated 23/09/2015 (Copy enclosed) may be considered as withdrawn.

*Attested*  
*Farkhanda*

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

  
(Gul Nazif Khan)  
Deputy Secretary (Reg-I)

P.T.O

(57)

Endst: No & Date even.

Copy of the above is forwarded for information and necessary action to:

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptrollers of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.
8. Mr. Javid Ashraf (Operation Group) National Bank of Pakistan Head office 7<sup>th</sup> floor, 1-1 Chandrigar Road Karachi. (Phone 02199213172, Fax 02199220500) for circulation amongst all concerned for further necessary action please.
9. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
10. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
11. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.
12. Section Officer (Reg 6) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his No.F.5(2)-Reg.6/2015-1210 dated 09/02/2016 for information and record
13. HR Finance Department (Assistant Director Web).

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

*[Signature]*  
**(WAZIR MUHAMMAD AFGAR)**  
Section Office (SR.II)

بخدمت جناب اکاؤنٹنٹ جنرل صاحب صوبہ خیبر پختونخوا، پشاور

درخواست برخلاف اکاؤنٹ آفیسر ضلع ایبٹ آباد کہ اکاؤنٹ آفیسر مذکور مطابق فیصلہ جات مصدرہ جناب فاضل عدالت عظمیٰ درج ذیل جن کی رو سے من سائل پنشن کی پنشن ڈبل ہو جاتی ہے۔ مذکورہ اکاؤنٹ آفیسر اور اس کے ماتحت عملہ اپنی طرف سے ایک ہی پنشن دہری اور بالکل ایک مختلف تشریح و توجیح کر کے کہتے ہیں کہ گزشتہ سالوں میں سالانہ اضافہ جات 10%، 15% وغیرہ گراس پنشن پر ہونے سے من سائل کی پنشن پوری ہو گئی ہے۔ لہذا وہ من سائل کی Fixation کرنے اور مطابق فیصلہ بقایا جات سے انکاری ہیں اس طرح ڈسٹرکٹ اکاؤنٹ آفیسر ایبٹ آباد اور اس کے چند ماتحت فاضل سپریم کورٹ کے درج ذیل فیصلہ جات کو ماننے اور من اپیلانٹ کی پنشن جو مورخہ 01/10/2002 سے Restore ہونی ہے پر عملدرآمد سے انکاری ہیں؛

۱۔ فیصلہ جات درج ذیل ہیں جو شائع ہو کر درج ذیل قانونی رسالہ جات میں شائع ہوئے۔

۱۔ 2014 سپریم کورٹ آف پاکستان منٹھلی ریویو صفحہ 1336 میں فاضل عدالت عظمیٰ نے جملہ سابق فیصلہ جات جس میں پنجاب سروس ٹریبونل کا فیصلہ جس کے بعد لاہور ہائیکورٹ کا فیصلہ شائع شدہ 2011 PLC (CS) بر صفحہ 580 جس میں فاضل ہائی کورٹ لاہور نے پنشن کی Commuted حصہ کے بعد مدت 15 سال یا جو بھی مدت ہوگی۔ جتنی پنشن پنشن اس وقت Draw کر رہا ہوگا اس کی پنشن بوقت Restoration بھی اس کے برابر Restore ہوگی جس کی تشریح فاضل عدالت لاہور ہائی کورٹ نے اپنے فیصلہ شائع شدہ بر صفحہ 2011 PLC 580 پر چند ایپیلوں پر بعنوان آئین کی 25 (3) Article پر فیصلہ صادر فرماتے ہوئے فیصلہ صادر فرمایا اور پنجاب سروس ٹریبونل کے فیصلہ کو منظور فرماتے ہوئے فیصلہ صادر فرمایا اور حکومت جو کہ رسپانڈنٹ تھی کو ہدایت کی؛

"The respondents are directed to determine the pension of appellants from the date of restoration of their commuted pension at the rate at which they were drawing 50% or whatever the revised pension shall become remaining pension. The arrears shall also be paid to them"

نقل فیصلہ سپریم کورٹ فیصلہ ہائی کورٹ لاہور مذکورہ بالا اور بعدہ اسی قسم کا شائع شدہ بر صفحہ 1914

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ii- یہ کہ چونکہ فیصلہ مذکورہ بالا چند اپیل ہائے پرتھا مگر بعد میں لائنز اور اپیل ہائے بجلی دائر کی گئیں جن پر فیصلہ عدالت عظمیٰ نے اسی طرح ایک تفصیلی اور اجتماعی فیصلہ جو کہ ملک کے تمام پنشنرز کے لئے بطور ایک قانون کا درجہ رکھتا ہے۔ سال 2014ء میں صادر فرمایا جو کہ سپریم کورٹ (2014 SCMR Page 1336) کی ریویو شائع پر رپورٹ ہوا۔ لہذا یہ فیصلہ پورے ملک کے لئے ایک قانون کا درجہ رکھتا ہے۔ جس کی نقل ہمراہ برائے ملاحظہ لف ہے۔

iii- یہ کہ من سائل محکمہ تعلیم میں بطور پرائمری سکول ٹیچر کے مورخہ 10/07/1954 کو بھرتی ہوا اور اس دوران پرائیویٹ تعلیم حاصل کرتا رہا اور بالآخر سال 1985ء میں 48 سال کی عمر میں گورنمنٹ پوسٹ گریجویٹ کالج نمبر 1، ایٹ آباد سے ٹیچر کی پوسٹ پر 01/10/1985 کو ماقاعدہ طور پر 48 سال کی عمر میں اپنی مرضی سے ریٹائرمنٹ گریڈ 17 میں ریٹائرمنٹ کی درخواست دی مگر ساتھ ہی قبل از ریٹائرمنٹ کی رخصت سال 1984ء میں گزاری جو سائل کو گریڈ 17 کی تنخواہ پر رخصت قبل از ریٹائرمنٹ کی منظوری ہوئی اور مورخہ 01/12/1984 سے سائل رخصت قبل از ریٹائرمنٹ (LPR) برچلا گیا۔ جبکہ دوران رخصت سال کو مورخہ 27/01/1985 سے نوٹیفکیشن سے ترقی دے کر گریڈ BPS-17 سے BPS-18 کا نوٹیفکیشن ہوا۔ جبکہ قبل اس کے 01/12/1984 سے من سائل کی پنشن میں متعین ہو کر من سائل کو رخصت قبل از ریٹائرمنٹ مل چکی تھی بلکہ نوٹیفکیشن مورخہ 27/01/1985 کی رو سے من سائل کو گریڈ 17 کی تنخواہ پر 01/12/1984 سے رخصت کیا گیا۔ حالانکہ نوٹیفکیشن منسلک کی رو سے سائل کو 1983ء کے سول سروس کے رول 6(c) کے تحت 1983 Fringe benefits of provincial civil servants کے تحت سائل کو ایک انگری منٹ ملنی تھی جو کہ مندی گئی ہے جس کا سائل قانوناً حقدار ہے۔ نقل نوٹیفکیشن ہمراہ لف ہے۔ جس کے تحت سائل کی پنشن قابل Revise ہے جس کے تحت 01/12/1984 سے ایک ترقی دے کر سائل کی پنشن کو Revise فرمائے جانے کی استدعا ہے۔ جبکہ دوران رخصت سائل کو 27/01/1985 کے نوٹیفکیشن No. S.O (College)X/2/84/c dated Peshawar 27/01/1985 از 01/12/1984 سے BPS-18 میں ترقی دی گئی۔ مگر چونکہ من سائل کی 01/12/1984 سے قبل گریڈ 17 میں پنشن منظور ہو چکی تھی۔ لہذا سائل کو Upgradation کا کوئی benefit نہ دیا گیا ہے حالانکہ مذکورہ بالا نوٹیفکیشن جس کی نقل ہمراہ لف ہے میں یہ بالکل واضح کہا گیا ہے کہ تحت + (c) 6 of the scheme of basic pay scales and fringe benefits (d) of the scheme of basic pay scales and fringe benefits

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of provincial civil servants (1983) کے تحت کم سن سائل گریڈ 18 کی ایک  
Increment دے کر کم سن سائل کی پیشینہ کا تعین فرمایا گیا تھا۔ اور سائل کی پیشینہ کو Revise فرمایا  
جانا۔ مگر ایسا نہیں کیا گیا۔ سائل نے بار بار اس کے بعد سے درخواست کی ہے کہ وہ ڈسٹرکٹ اکاؤنٹ  
آفیسر نے اس پر عمل نہیں کیا۔ لہذا کم سن سائل کی استدعا ہے کہ وہ کم سن سائل کی پیشینہ 01/12/1984  
سے انکرینٹ لگا کر کا تعین فرمایا جاوے۔ اور قانوناً جو تقاضا جات ہوں، ادا فرمائیں دوئم جو فیصلہ فاضل  
عدالت نے مطابق فیصلہ شائع شدہ 2014 SCMR برصغیر 1336 صادر فرمایا اس کے مطابق  
سائل کی پیشینہ 01/10/2002 مطابق فیصلہ 50% جتنی کم سن سائل کی پیشینہ ہے حالانکہ لہ رہا تھا  
سے Commute شدہ پیشینہ تھی بجائے 1123/64 روپے کے مطابق فیصلہ 50%  
Restore کیا جائے اور اس طرح جو تقاضا پیشینہ یعنی 2633/36 روپے جتنی شمار کر کے جملہ تقاضا  
جات دئے جائیں کی استدعا ہے۔

iv- یہ کہ ڈسٹرکٹ اکاؤنٹ آفیسر اور اس کا عملہ سپریم کورٹ آف پاکستان کے محولہ بالا فیصلہ جات کے  
منافی سالانہ اضافہ 10% یا 15% کی غلط تشریح کر کے کہ وہ گراس پیشینہ پر اضافہ بڑھاتے رہے  
ہیں سراسر غلط ہے اور فاضل عدالت عظمیٰ کے فیصلہ جات کی سراسر توہین ہے۔ ایسی صورت میں  
فاضل عدالت میں مقدمہ لے جایا جائے گا۔ اور اسی صورت میں جملہ غیر ضروری اخراجات کی ذمہ  
داری ڈسٹرکٹ اکاؤنٹ آفس، ایبٹ آباد ہوگی۔

استدعا: آپ سے استدعا ہے کہ اکاؤنٹ آفس ایبٹ آباد کو مطابق فیصلہ سپریم کورٹ آف پاکستان  
مورخہ 01/10/2002 سے 50% پیشینہ لگا کر مطابق فیصلہ تقاضا جات ادا کرنے کا حکم صادر فرمایا جاوے۔

جناب عالی! مفصل تفصیلات سرورس و کوائف ذیل عرض ہیں۔

vi- کوائف:

- (1) سید محبوب احمد شاہ ولد سید ثار احمد شاہ۔
- (2) آغاز ملازمت بطور پرائمری سکول ٹیچر: مورخہ 10/07/1954
- (3) انجام/ اختتام ملازمت عمر 48 سال: مورخہ 15/09/1984 LPR
- (4) پوسٹ گریجویٹ کالج نمبر 1 ایبٹ آباد: مورخہ 15/09/1984 to 30/09/1985

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مورخہ 15/09/1985 کو برائے پینشن درخواست دی اور ٹی اے ریٹائرمنٹ چھٹی 01/12/1984  
 تا 30/09/1985 منظور ہوئی اور مورخہ یکم اکتوبر 1985 کو یعنی 01/10/1985 نمبر 48  
 سال ریٹائرمنٹ BPS-17 سے ہوئی۔ حالانکہ

یہ کہ بدوران LPR حکمہ تعلیم سیکشن کالجریٹائرمنٹ نے اپنے نوٹیفکیشن نمبر S.O (Colleges) XI/2/84/Cc  
 کے تحت من سائل کو BPS-17 سے BPS-18 میں ترقی دے دی۔ جس میں یہ لکھا:

From BPS-17 to BPS-18 w.e.f 01/12/1984 under provision of Rule  
 (6) (c)+(d) of the scheme of basic pay scales and fringe benefits of  
 provincial Civil Servants (1983)

یہ کہ اس طرح من سائل اگلے گریڈ یا اسی گریڈ میں ایک ترقی دے کر Fixation کی جانی تھی مگر چونکہ من  
 سائل کی ریٹائرمنٹ اس سے قبل گریڈ 17 میں منظوری اور چھٹی LPR ہو چکی تھی۔ اس ضمن میں من سائل نے  
 ایک درخواست مابت benefit دے جا کر پینشن کو Revised کے جانے کے لئے ڈسٹرکٹ اکاؤنٹ  
 آفس میں دی ہوئی تھی۔ جو پہلے مسئول علیہم نہیں مان رہے تھے۔ مگر سال 2014ء میں مسئول علیہم نے کہا کہ  
 آپ کی سالانہ سروس اور گریڈ کی ترقی کے ذیل میں آپ کو فوائد کے بقا اجازت دے رہے ہیں۔ اس طرح انہوں  
 نے چند اقساط میں رقم نکال کر میرے دفتر میں لائے اور نصف رقم شکرانہ کے طور پر گن کر لے گئے۔ مگر اب  
 جب Restoratio of Commuted of pension کو 50% بحال کرنے کے امکانات  
 آئے ہیں مسئول علیہم بالکل بلیٹ گئے ہیں کہ انہوں نے وہ رقم مجھے سائل کو ادا کر دی ہے۔

5- حالانکہ اس ضمن میں من سائل نے نہ تو کوئی درخواست دی ہے۔ اور نہ ہی کوئی خانہ نامہ مبلغ 50 روپے کے  
 اسٹامپ پر دیا ہے۔ اور نہ ہی من سائل پینشنر کے اتنی فیصلہ کے مطابق ڈیل کا حار ہے۔ (نقل درخواست  
 مابت Revise of Pension w.e.f 01/02/1984 کے جانے کے مطابق گریڈ BPS-18

جواب بھی سائل حاصل کرنے کا قانونی طور پر حق دار ہے۔ تاہم مسئول علیہم نے من سائل کو جھانسا فریب  
 دے کر من سائل کی ماہوار پینشن کے اضافہ کو سخت نقصان پہنچا ہے۔ پینشن کے کوئی نصف ذیل ہے۔

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i- PPO No. 8864-H N.W.F.P تاریخ بدلتی: 18/11/1937 تاریخ ریٹائرمنٹ

01/10/1985 تاریخ بحالی پینشن 01/10/2002 موجودہ پینشن مورٹوٹیکل: Rs. 38017

ماہوار جس میں مسٹریکل: Rs 3642 اور خالص پینشن Rs. 34375 ہے۔

ii- یہ کہ من سائل بحالی پینشن کے بعد از مورٹوٹیکل 01/10/2002 کا حقدار ہے۔

iii- نقل درخواست مابیت Revise کے جانے در 18-EP S از مورٹوٹیکل 01/12/1934 ہوا

لف ہے۔

iv- یہ کہ صوبائی حکومت خیر پختونخواہ کے اعلان اور نوٹیفیکیشن مورٹوٹیکل 18/02/2015 کے بعد پینشن ایک

نمبر H-8864 پہلی مار مورٹوٹیکل 07/04/2015 کو سپر بیٹرنٹ سے مارک کروا کر مسئول علیہ نمبر

3 کے پاس مورٹوٹیکل 07/04/2015 کو حسب ضابطہ جمع کروائی گئی کہ پینشن میں اضافہ کر کے دی

جانے جو اس نے مورٹوٹیکل 13/04/2015 کو واپس بھیج دی کہ اضافہ دے دیا ہے۔ دوسری بار

مورٹوٹیکل 24/08/2015 کو پینشن ایک مسئول علیہ نمبر 1 کو پینشن کی گئی۔ جو مسئول علیہ نمبر 3 نے

مورٹوٹیکل یکم ستمبر 2015 کو پھر واپس کر دی۔ جس پر من سائل کو مجسٹریٹ سپریم کورٹ آف پاکستان کے

واضح فیصلہ کی خلاف ورزی بردرخواست بذات کے پیش کرنے کی ضرورت پڑی۔

iii- یہ کہ سائل نے 01/10/1985 کے ریٹائرڈ ہونے کے بعد سے وکالت کا پیشہ اختیار کر رکھا ہے۔

i- مسئول علیہ ایک منظم گروہ ہے جنہوں نے جان بوجھ کر من سائل کو حجاز نسو دھوکہ دے کر اپنے اختیار

اور فراغت سے ہٹ کر ایک واضح ڈیکٹی کار نکال کیا۔

ii- یہ کہ جن کے خلاف تحت کرپشن ایکٹ، انصافی قوانین کے تحت کارروائی کیے جانے کی استدعا ہے۔

ان سے غیر قانونی طور پر بے جا اور غلط اور زائد رقم جو وہ نکال کر نصف رقم لے گئے ان سے وصول کیے

جانے اور حسب ضابطہ خزانہ میں جمع کرانے کے بعد سائل کی ماہوار پینشن کو مطابق فیصلہ عدالت،

اضافہ فرمایا جائے۔ اور شکایت دلائے جانے کی استدعا ہے۔

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حکیمانہ ایسی بنام اکاؤنٹنٹ جنرل مرچنٹس ٹریڈنگ کمپنی لاہور

Registered Post. Post office  
Kutchery Abbottabad-  
No. 1043 Dated 18/06/2016

No. 1043 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  
acknowledgement is due.

Rs. 60 Ps.

Received a registered\*  
addressed to \_\_\_\_\_ (Date-Stamp)

Initials of Receiving Officer \_\_\_\_\_  
\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_  
If insured. { Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_  
Name and address of sender \_\_\_\_\_  
18/6/16

By Petitioner:

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

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

DBA number	63
BC No.	10-1090
Name of Advocate	

S.No 49156



وکالت نامہ

Head Clerk  
District Bar Association  
Abbottabad

بعدالت مجدت جناب چیئر مین سروسز ٹریبونل جیڈیٹون فوہ لسٹ  
 عنوان: سید محبوب احمد شاہ بنام جلالت کے بی۔ و غیرہ  
 منجانب: ایبیل منٹ نوعیت مقدمہ سروسز ایبیل بائٹ بلسٹ  
 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبیل منٹ کے لیے سید فخر خندہ حبیب ایڈووکیٹ 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 ہوا 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 بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز 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 نفعانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور 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 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 بیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری واجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیکی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی 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 ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے 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۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔  
 مورخہ: / / سال  
 دن / ماہ / سال

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

Accepted by

Syeda Farukhanda Jabeen Advocate  
 Tahira Hayat Advocate

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

Appeal No. .... of 20 *F.B. II*

*301*

Appellant/Petitioner

*Syed Mahboob Ahmad Shah*

*Versus*

Respondent

*Through Secy. Education K.P.K. Pesh.*

Notice to: —

*Distt. Account Officer Distt. Account Officer*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 *16th*

*June 17*

*at Camp Court A. Shah*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

*F.B. II*

No.

Appeal No.....*301*..... of 20 *17*

.....*Syed Mahtobul Ahmad*..... Petitioner  
Versus

.....*Secy. Edu. Dept. Govt. of KP Pesh.*..... Respondent  
Respondent No.....*3*.....

Notice to:

*Secy. Finance Deptt. Govt. of KP Peshawar.*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*21/7/2017*.....at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*16/7/17*.....

Day of.....*June*.....20 *17*

*(at camp court A Head)*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

7B

No.

Appeal No. 301 of 20 17  
Syed Mahbub Ahmad Shah Appellant/Petitioner  
 Versus  
Thamesh Singh; Etm. 12 Ph. Pesh Respondent  
 Respondent No. 2  
Chief Secy. Govt of Pk Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 15/11

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....<sup>20</sup>

(at camp court A Road)  
[Signature]  
[Signature]

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

*TB*

No.

Appeal No. *371* of 20 *17*

*Syed Mahboob* Appellant/Petitioner  
Versus

Through *Secty. Edu. (Colleges) Pesh.* Respondent

*Govt. of K.P.K. through Secty. Education*  
Respondent No. *87*

Notice to:

*(Colleges) Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *21/7/2017* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... *15/6*

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

*(at Camp Court Road)*

*B. Sh. 17*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

*F.B. II*

No.

301

Appeal No.....

*Syed Mahboob Ahmad Shah*

Appellant/Petitioner

Versus

*Through Secy. Edu. K.P.K. Pesh.*

Respondent

Respondent No.....

*Accountant General of K.P.K. AG. Office Peshawar*

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *21/7/2017* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

*16th*

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....

*June*

*17*

*(at Camp Court A. Shah)*

*[Signature]*

Registrar,

Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

*[Handwritten mark]*

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No.

TB

Appeal No. 301 of 2017

Syed Mehbab Ahmad Shah Appellant/Petitioner

Versus

Through Seyi Edni Pesh Respondent

Respondent No. 5

Notice to: -DIST Account officer A/Abad.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20-10-2017 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 20

Day of 20

at court A/Abad.

  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

TB

No.

Appeal No. .... 301 ..... of 2017

Syed Mahboob Ahmed Shah Appellant/Petitioner

Versus

Through Secy. Edu. Pesh. Respondent

Respondent No. .... 3 .....

Notice to: - Secretary Finance Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 20/10/2017 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 20 .....

Day of 20/10/17 .....

at camp court A/Abad.

  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

TB

No.

Appeal No. 301 of 20 17

Syed Mehboob Ahmad Shah Appellant/Petitioner

Versus

Imam Singh Secy. Edn. Pesh Respondent

Respondent No. 7

Notice to: Chief Secy. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 2.0.17 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 20

Day of 9.20.17

at camp court A/Abad.

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.