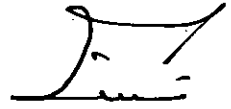


18.07.2022

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary arguments on 19.09.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)  
Member (J)

Camp Court Abbottabad

19<sup>th</sup> Sept, 2022

Learned counsel for the appellant present.

2. Learned counsel for the appellant states that as per instruction of his client, he wants to withdraw the instant appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of September, 2022.*



(Kalim Arshad Khan)  
Chairman

11.10.2021

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for preliminary hearing before the S.B on 28.12.2021 at Camp Court Abbottabad.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

28.12.2021

Counsel for the appellant present and seeks adjournment for further preparation. Request is accorded. To come up for preliminary hearing on 14.02.2022 before S.B at camp court, Abbottabad.



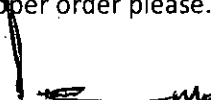
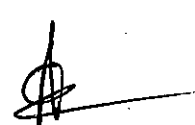

Chairman  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

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

Case No.- 5908 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2021	<p>The appeal of Mr. Naseer Ahmad resubmitted today by Mr. Muhammad Arshad Khan Tanoli 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-	16.07.2021	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>16/07/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>This case belongs to the Hazara Division and such cases were previously heard at camp Court, Abbottabad. May be notices issued to appellant/counsel have not been received by them, therefore, they are not in attendance.</p> <p>Fresh notices be issued to appellant/counsel for preliminary hearing on 11.10.2021 at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman</p>

*Ahmad*

The appeal of Mr. Muhammad Naseer Sweeper GTVC District Mansehra received today i.e. on 26.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the index as well as in the memo of appeal year 2019 has been written which may be corrected.
- 2- Copy of impugned regularization order in respect of appellant mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures-B & C of the appeal are illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be flagged.

No. 3783 /S.T,

Dt. 5/11 /2020.

*[Signature]*  
REGISTRAR

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli  
Advocate, High Court A.Abad.

Sir,

case is se-submitted  
as desired. objection no 2 is  
addressed at  
Page 34

*[Signature]*  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Court for Abbottabad

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

Service Appeal No. \_\_\_\_\_/2020

*Ahmad*  
Naseer son of Gohar Rehman, resident of Khakhi Tehsil &  
District Mansehra (Sweeper GTVC Mansehra)

...APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Industries, commerce and  
Technical Department KPK, Peshawar & Others.

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 10	
2.	Copy of appointment	11 to 12	"A"
3.	Copies of time to time extension in contract to service is appellatant	13-16	"B"
4.	Copy of appointment order of the appellatant on regular basis	17	"C"
5.	Copy of judgment of similarly placed	18-28	"D"
6.	Copy of the judgment dated 25/04/2013	29-33	"E"
7.	Copy of appointment order of order dated 10/05/2018	34-35	"F"
8.	Copy of departmental appeal of appellatant	36-38	"G"
9.	Wakalatnama	39	

*[Signature]*  
...APPELLANT

Dated: \_\_\_\_\_/2020

Through

*[Signature]*  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

Khyber Pakhtunkhwa  
Service Tribunal

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

Diary No. 3333Dated 26/10/2020Service Appeal No. 508 /2019

*Ahmad*  
Naseer son of Gohar Rehman, resident of Khakhi Tehsil &  
District Mansehra (Sweeper GTVC Mansehra).

...APPELLANT

## VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Industries, commerce and Technical Department KPK, Peshawar.
2. Managing Director TEVTA, KPK, House No. 5-771, Old Bara Road, University Town Peshawar.
3. Principal Government Technical Vocational Center Boys Mansehra.

...RESPONDENTS

**SERVICE APPEAL** UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS INITIALLY APPOINTED IN  
SKILLED DEVELOPMENT CENTER KHAKI  
MANSEHRA, VIDE APPOINTMENT ORDER  
REF: SDCS/HR, DATED 08 DECEMBER, 2007,  
AND LATER ON THE APPELLANT WAS

Filed to-day

Registrar

26/10/2020

Re-submitted to -day  
and filed.

Registrar

26/10/2020

APPOINTED/ ADJUSTED AS SWEEPER ATTENDANT ON REGULAR BASIS VIDE ORDER DATED 07/02/2014. THE RESPONDENT DEPARTMENT APPOINTED SIMILAR EMPLOYEES AS PER JUDGMENT 06/09/2016 OF PESHAWAR HIGH COURT, BENCH ABBOTTABAD ON REGULAR BASIS W.E.F THE DATE OF THEIR INITIAL APPOINTMENT WITH ALL BACK BENEFITS BUT THE APPELLANT HAS NEITHER APPOINTED ON REGULAR BASIS W.E.F THE DATE OF THEIR INITIAL APPOINTMENT NOR GRANTED BACK BENEFITS WHICH IS PERVERSE, AGAINST THE LAW, AS WELL AS AGAINST THE PRECEDENT CASE LAW REPORTED 2009 SCMR-1 AS THE APPELLANT ARE SIMILAR AND SIMILARLY PLACED AND ARE ALSO ELIGIBLE TO HAVE THEIR SERVICE REGULARIZED FROM THE DATE OF HIS INITIAL APPOINTMENT I.E 08/12/2007 WITH ALL SERVICE BACK BENEFITS.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS

MAY GRACIOUSLY BE DIRECTED TO REGULARIZED THE SERVICE OF THE APPELLANT W.E.F THE DATE OF HIS INITIAL APPOINTMENT I.E 08 DECEMBER, 2007 WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

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Respectfully Sheweth: -

That the facts forming the background of the instant service appeal are as follows;-

1. That the appellant was initially appointed in Skilled Development Center Khaki, on contract basis as Janitorial Staff w.e.f 08 December 2007 and thereafter, the contract was extended from time to time without any break. Copy of appointment order is attached as Annexure "A".



2. That the appointment order and contract service as mentioned above was extended from time to time by the competent authority. Copies of time to time extension in contract to service is appellant is annexed as Annexure "B".
  
3. That finally the appellant has been appointed/ adjusted as Sweeper vide appointment order dated 07/02/2014. The services of the appellant were converted into regular service on 07/02/2014. Copy of appointment order of the appellant on regular basis is annexed as Annexure "C".
  
4. That some other similarly placed employees whose services were terminated by respondent No. 3 filed writ petition No. 382-A/2014 before Honourable Peshawar High Court, Bench Abbottabad which was decided in favour of the petitioner vide judgment dated 06/09/2016. Copy of judgment of similarly placed is annexed as Annexure "D".

5. That the appellant also filed writ petition No. 306-A/2013 before this Honourable Peshawar High Court Abbottabad Bench, which was decided in favour of the appellant. Copy of the judgment dated 25/04/2013 is attached as Annexure "E".
  
6. That the Honourable Peshawar High Court, Bench Abbottabad in their judgment 06/09/2016 held that "the instant writ petition is accordingly allowed and respondents are directed to regularized the services of the petitioners forthwith against their working positions with their salary since September, 2013 onwards and not to make any attempt under the garb of transfer or otherwise to deprive the appellants form legal/ fundamental rights". Hence, respondents department appointed the appellant on regular basis with all back benefits from the date of their initial appointment vide appointment order dated 10/05/2018. Copy of appointment order of order dated 10/05/2018 is annexed as Annexure "F".

7. That feeling aggrieved, the appellant filed departmental appeal respondent No. 2 for regularization of their service w.e.f the date of their initial appointment. Copy of departmental appeal of appellant is annexed as Annexure "G". Hence, feeling aggrieved the instant service appeal is filed inter-alia on the following grounds;-

**GROUND:-**

- (a) That conduct of respondents towards the appellant is discriminatory, perverse, against the law and the appellant has not been treated on the principle of equality under the mandate of Article 25 of the constitution of Islamic Republic of Pakistan 1973.
- (b) That once appoint of law is decided by the service tribunal or apex court, that must be made applicable to all the employees were similarly placed in

this regard judgment of Supreme Court of Pakistan 1996, SCMR-1185, 2005, SCMR-100 and 2009 SCMR-1 refer.

- (c) That the employees in pursuance of judgment 06/09/2016 of Peshawar High Court, Bench Abbottabad, have been regularized from the date of their initial appointment all service back benefits the said employees as well as the appellant was/ is sailing in the same boat and is similar and similarly placed employee. Hence, on the analogy of judgments of the apex court referred above, appellants are entitled to be treated alike and their service are to be regularized w.e.f the date of their initial appointment with all service back benefits.

- (d) That it is a settled principle of law that when the law prescribed some thing which is to done in a particular manner that must be done in that

manner and not otherwise. The service law on the subject has also clarified that the previous service followed by regular service is to be counted towards present service.

- (e) That though the appellant is serving under the authority but their services have been declared civil service and the appellant is a civil servant being a transferred employee and the matter regarding terms and conditions of service are to be dealt with by this Honourable Tribunal.
- (f) That there is no prompt and efficacious remedy available to the appellant except the invocation the jurisdiction of this Honourable Tribunal.
- (g) That other grounds shall be urged at the time of arguments, with the permission of this Honourable Tribunal.

It is, therefore, humbly prayed that, on acceptance of the instant service appeal, respondents may graciously be directed to regularized the service of the appellant w.e.f the date of his initial appointment i.e 08 December, 2007 with all service back benefits. Any other relief which this Honourable Tribunal deems appropriate in the circumstances of the case may also be granted to the appellant.

  
...APPELLANT

Through

Dated: \_\_\_\_\_/2026

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing appeal 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 SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2020

Muhammad Naseer son of Gohar Rehman, resident of Khakhi Tehsil & District Mansehra (Sweeper GTVC Mansehra).

...APPELLANT

**VERSUS**

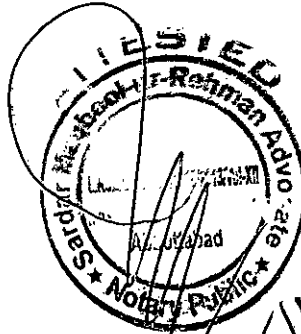
Govt. of Khyber Pakhtunkhwa, through Secretary Industries, commerce and Technical Department KPK, Peshawar & Others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Naseer son of Gohar Rehman, resident of Khakhi Tehsil & District Mansehra (Sweeper GTVC Mansehra), do hereby solemnly 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 concealed therein from this Honourable Tribunal.



15/10/2020

**DEPONENT**



# Skill Development Centre

Dated: 8<sup>th</sup> December 2007  
Ref: TUSDEC/SDC/HR/

P-11

Naseer Ahmed  
Khaki Mansehra

## APPOINTMENT LETTER

Annex-A

P 11


Dear Mr. Naseer Ahmed,

We are pleased to appoint you as "Janitorial Staff" in Skill Development Centre (SDC), with effect from 8<sup>th</sup> December 2007 for a period of one (1) year, on the terms and conditions provided hereunder:

Your Gross Salary (all inclusive) shall be Rs: 4,600 (Rupees Four thousand & Six hundred only).

1. You shall be on probation for a period of six (6) months commencing from the date you take up your duties, during which period either side can terminate the employment without serving notice. On satisfactory completion of the probation period as determined by the SDC, your services shall be considered confirmed.
2. During such time that you are in employment with us, you shall be subject to existing rules and regulations as varied by us from time to time.
3. As confirmed employment, your appointment may be terminated at any time during its currency by either party giving one month's (30 Days) notice, provided that the SDC, if it shall so choose, pay to you one month's (30 Days) salary in lieu of notice. In the event the termination of your services is due to misconduct of which the SDC shall be the sole judge, no notice by the SDC shall be required to be given and no salary in lieu of notice will be payable.
4. You will initially be posted at Khaki and reporting to Project Manager/Principal or such other person as may be designated by the SDC from time to time. You may however be transferred at any time to any other Location depending on the need and exigencies of business as determined by the Skill Development Centres.

ATTESTED

  
Muhammad Arshad Khan  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. Bar Association



P-12



# Skill Development Centre

5. You shall not, during your employment, except as authorized by the SDC, in any way divulge or make known to any person any information relating to the SDC's business or any other information confidential in nature which may come to your knowledge in the course of your employment.
6. During continuation of your service, you will neither directly nor indirectly on full or part time basis, are engaged / concerned in any other business activity or employment with other organization.
7. You shall perform, observe and conform to such duties and instructions as may from time to time be assigned or communicated to you by the SDC.
8. Your appointment is subject your being found and remaining medically fit at the time of joining and during your employment with the SDC.

Kindly sign the attached copy and return the same as a token of your acceptance of the terms and conditions of employment as mentioned above.

*Nabeel Asghar*

**Nabeel Asghar**  
Project Director SDCs

*Muhammad Arshad*

Accepted

REGISTERED

*Muhammad Arshad*  
Muhammad Arshad  
Advocate High Court  
Office No 33 Adjacent  
Dist. for Akhrot

(1)

**AMMA-DB**

TECHNICAL EDUCATION & VOCATIONAL  
TRAINING AUTHORITY KHYBER PAKHTUNKHWA  
3/A Chinar Road University Town Peshawar  
Phone No: 091-9216870/091-92116322  
Web: [www.kptevta.gov.pk](http://www.kptevta.gov.pk)

P-113

**OFFICE ORDER:**

Under the provision of agreement with PAF the following Ministerial and Class II Staff of SDC, Khaki Mansehra are deputed to perform the duties at the centres/Institutions as noted against each with immediate effect, till further orders.

S.#	NAME & DESIGNATION	DEPUTED TO
1	Mr Shad Muhammad, Store Keeper (BPS-10)	GTVC (B) Mansehra
2	Ijaz Jaffar, Naib Qasid(B-02)	GTVC (W) Mansehra
3	Muhammad Saddique, Naib Qasid(BPS-02)	GTVC (B) Mansehra
4	Muhammad Farooq, Workshop Attendant(BPS-02)	GPI, Mansehra
5	Zeshan Tabassam, Workshop Attendant (BPS-02)	GTVC (B) Mansehra
6	Zeshan Aslam, Workshop Attendant (BPS-02)	GPI, Mansehra
7	Malik Aman, Chowkidar(BPS-02)	GTVC (W) Haripur
8	Spain Mian, Chowkidar	GTVC (B) Mansehra
9	Atta Muhammad, Mali	GTVC (B) Mansehra
10	Naseer Ahmad, Sweeper	GTVC (W) Mansehra

- 2- The will continue to drawn their salary & Allowances against their regular posting
- 3- They are directed to immediately report to the concerned centre/institution

DIRECTOR (ADMIN/HR),  
KP-TEVTA

Encl. No. KP-TEVTA/OPS/PAF/S, To Transfer, S-27(19)

Date: 15/3/2012

Copy for information and necessary action to:

- 1- P.A to Managing Director, KP-TEVTA Head Office.
- 2- The Director Training (Non-Tech) Air Headquarters Peshawar
- 3- The Director (F&A) & ICT, KP-TEVTA.
- 4- The Principal, GTVC (Boys) Mansehra
- 5- The Principal, SDC, Khaki Mansehra
- 6- The Principal, GTVC (W) Mansehra.
- 7- The Principal, GPI, Mansehra.
- 8- PF of individual concerned.
- 9- individual concerned
- 10- HR Section.
- 11- Office copy.

**TESTED**

*Muhammad Arshad Khan Tanchi*  
Muhammad Arshad Khan Tanchi  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad  
DEPUTY DIRECTOR  
(ADMIN/HR)

**TECHNICAL EDUCATION & VOCATIONAL  
TRAINING AUTHORITY KHYBER PAKHTUNKHWA**  
8/A Chinar Road University Town Peshawar  
**Phone No: 091-9216870/091-92116322**  
**Web: [www.kptevta.gov.pk](http://www.kptevta.gov.pk)**

**OFFICER ORDER:**

Under the provision of agreement with PAF the following Ministerial and Class-IV/Staff or SDC, Khaki Mansehra are deputed to perform the duties at the centers, institutions as noted against each with immediate effect, till further order.

S#	NAME & DESIGNATION	DEPUTED TO
1.	Mr. Shad Muhammad Store Keeper (BPS-10)	GTVC (B) Mansehra
2.	Ijaz Jaffar, Naib Qasid (BPS-02)	GTVC (W) Mansehra
3.	Muhammad Saddique (BPS-02)	GTVC (B) Mansehra
4.	Muhammad Farooq, Workshop Attendant (BPS-02)	GPI, Mansehra
5.	Zeshan Tabassam, Workshop Attendant (BPS-02)	GTVC (B) Mansehra
6.	Zeshan Aslam, Workshop Attendant (BPS-02)	GPI, Mansehra
7.	Malik Aman, Chowkidar (BPS-02)	GTVC (W) Mansehra
8.	Spain Mian, Chowkidar	GTVC (B) Mansehra
9.	Atta Muhammad, Mali	GTVC (B) Mansehra
10.	Naseer Ahmad, Sweeper	GTVC (W) Mansehra

2. The will continue to drawn their salary & allowances against their regular posting.
3. They are directed to immediately report to the concerned center/institution.

**DIRECTOR (ADMIN/HR)**  
**KP-TEVTA**

Endst. No. KP-TEVTA/OPS/PAF/SAT/Transfer 827(19)

Dated: 15/03/\_\_\_

Copy for information and necessary action to:-

1. P.A to Managing Director KP-TEVTA, Head Office.
2. The Director Training (Non-Tech) Air Headquarter, Peshawar.
3. The Director (F&A) & ICT-KP-TEVTA.
4. The Principal, GTVC (Boys), Mansehra.
5. The Principal, SDC, Khaki Mansehra.
6. The Principal, GTVC (W) Mansehra.
7. The Principal, GPI, Mansehra.
8. PF of individual concerned.
9. Individual concerned.
10. HR Section.
11. Office Copy.

**DEPUTY DIRECTOR**  
**(ADMIN/HR)**

P-14

Naseer Ahmad  
Janitorial Staff  
SDC Khaki

07 Dec 2008

**Subject: Extension in employment contract**

Dear Mr. Naseer Ahmad .

Reference your Appointment letter dated 08 Dec 2007, your contract has expired on 07 Dec 2008.

We are pleased to extend your employment contract with Skill Development Centre, Mansehra as Janitorial Staff till 31 Jan 2009. All other terms and conditions of your employment will remain same.

We hope you will continue working with same enthusiasm and spirit.

Yours sincerely,

For **Nabeel Asghar**  
Project Director

C.C.

Personal File

*J. Malik*

*Accepted & Received  
copy by  
Naseer Ahmad*

**ATTESTED**

*Muhammad Arshad Khan*  
Advocate High Court  
Office No: 33 Adjacent  
Distt Bar Abbottabad

P-15

Naseer Ahmed  
Janitorial Staff  
SDC Khaki

Date: 31 January 2009

Subject: Extension in employment contract

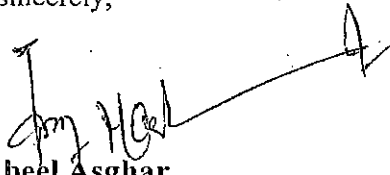
Dear Mr. Naseer,

Reference your **Extension in employment contract** letter dated December 7, 2008 your contract has expired on 31 January 2009.


We are pleased to extend your employment contract with Skill Development Centre, Mansehra as Janitorial Staff till 30<sup>th</sup> June 2009. All other terms and conditions of your employment will remain same.

We hope you will continue working with same enthusiasm and spirit.

Yours sincerely,



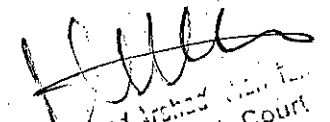
For Nabeel Asghar  
Project Director

  
Acceptance

C.C.

Personal File

ATTESTED

  
Muhammad Arshad  
Advocate High Court  
Office No 33 Adjacent  
Distt Bar Abbotabad

P-16

Naseer Ahmed  
Janitorial Staff  
SDC Khaki

Date: 30 June 2009

Subject: Extension in employment contract

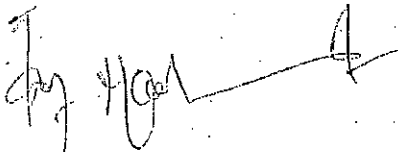
Dear Mr. Naseer,

Reference your last **Extension in employment contract** letter your contract has expired on 30<sup>th</sup> June 2009.

We are pleased to extend your employment contract with Skill Development Centre, Mansehra as Janitorial Staff till 31<sup>st</sup> December 2009.

We hope you will continue working with same enthusiasm and spirit.

Yours sincerely,



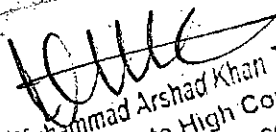
**Tariq Mehmood**  
*Project Manager*

  
**Acceptance**

Cc:

Personal File

**ATTESTED**

  
Muhammad Arshad Khan Tanc  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



OFFICE ORDER

**Annex - C**

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**DIRECTORATE GENERAL TECHNICAL EDUCATION**  
**& MANPOWER TRAINING, PESHAWAR**  
**BENEVOLENT FUND BUILDING PESHAWAR CAMP**

P-17

Consequent upon the taking over of the Government Skill Development Center Khaki by the Provincial Government on revenue side and in pursuance of the MOU signed between the Provincial Government and the sponsoring Agency TUSDEC through (Pakistan Industrial Development Cooperation), and on the recommendation of the Departmental Selection Committee Mr. Naseer Ahmad S/O Gohar Aman R/O Khaki Tehsil & District Mansehra recruited as Class-IV by the TUSDEC in the same Center during the project period is hereby appointed /adjusted as Sweeper against the newly created post at Government Skill Development Center Khaki Mansehra on the terms condition given below:-

**TERMS & CONDITION**

- 1- His appointment will be in accordance with the contents of sub Section (2) of Section- (19) of The Khyber Pakhtunkwa Civil Servants Act, 1973, Khyber Pakhtunkwa Act. 2005 Khyber Pakhtunkwa Act No IX 2005) and rules framed there under.
- 2- He will to join duty at his own expenses.
- 3- He will have to produce Certificate of Medical fitness from the concerned medical Superintends/Civil Surgeon within a week time of the resumption of duty.
- 4- His services shall be liable to termination during initial/extended period of probation without any notice.
- 5- His Character /antecedents are verified well be police authorities.
- 6- He will be governed by such rules and regulation as may be issued from time of time by the Government for the category of Government Servant to which he belongs.
- 7- If the above terms and conditions are acceptable to him/her should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will automatically be cancelled.

**APPROVED**

Muhammad Arshad Khan Tahir  
 Advocate High Court  
 Office No. 33 Adjacent  
 Dist Bar Abney  
 2014.

DGTE&amp;MT/EsII-II/ 739 (44)

Copy for forwarded for information and necessary action:-

- 1- The District Accounts Officer Khaki.
- 2- The Principal Government Skill Development Center Khaki Mansehra.
3. Individual concerned.

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL TECHNICAL EDUCATION  
& MANPOWER TRAINING, PESHAWAR  
BENEVOLENT FUND BUILDING PESHAWAR CANTT**

**OFFICER ORDER**

Consequent upon the taking over of the Government skill Development Center Khaki by the Provincial Government on revenue side and to pursuance of the MOU signed between the Provincial Government and the sponsoring Agency TUSDEC through (Pakistan Industrial Development Cooperation), and on the recommendation of the Departmental Selection Committee Mr. Mohammad Farooq S/O Mahboob R/O Mughal Mara Khaki District & Tehsil Mansehra Gadar Khota Kot P/O Shalkan Abad Tehsil Palas District Kohistan recruited as Class-IV by the TUSDEC in the same Center during the project period is hereby appointed / adjusted as shop Attendent against the newly created post at Government Skill Development Center Khaki Mansehra on the terms and condition given below;-

**TERMS & CONDITION**

1. His appointment will be in accordance with the contents of sub Section-(2) of Section-(19) of The Khyber Pakhtunkhwa Civil Servants Act, 1973, Khyber Pakhtunkhwa Act, 2005 Khyber Pakhtunkhwa Act No. IX 2005) and rules framed there under.
2. He will to join duty at his own expenses.
3. He will have to produce Certificate of Medical fitness from the concerned medical Superintends/Civil Surgeon within a week time of the resumption of duty.
4. His services shall be liable to termination during initial /extended period of probation without any notice.
5. His Character / antecedents are verified well be police authorities.
6. He will be governed by such rules and regulation as may be issued from time of time by the Government for the category of Government Servant to which he belongs.
7. If the above terms and conditions are acceptable to him/her should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will be automatically be cancelled.

**DIRECTOR GENERAL**

DGTE&MT/Estt-II/721(1-4)

Dated:07/02/2014

**Copy for forwarded for information and necessary action:-**

1. The District Accounts Officer Khaki.
2. The Principal Government Skill Development Center Khaki, Mansehra.



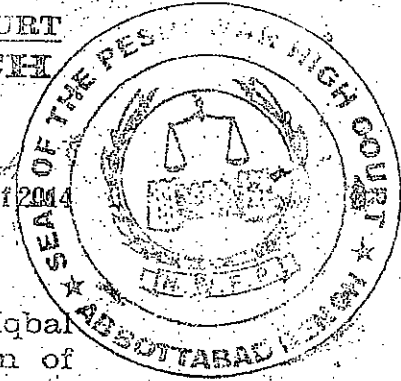
(3)

Annex D

P-18

**BEFORE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

Writ petition No. 382 of 2014



- (1) Shahzad Iqbal son of Musawar Iqbal
- (2) Muhammad Hammad Khan son of Muhammad Farooq Khan
- (3) Abdul Khaliq son of Khada Dad Khan
- (4) Fahad Ahmed son of Attaullah Jan
- (5) Muhammad Rashid son of Ghulam Sarwar
- (6) Nouman Mehmood son of Muhammad Akram Khan
- (7) Ihsan Elahi son of Atta Muhammad
- (8) Zahid Mehmood son of Kishwar Khan
- (9) Muhammad Munir Ahmed son of Muhammad Sarwar
- (10) Ibrar Ahmed son of Muhammad Firdous
- (11) Ibrar Hussain son of Fazal Rasool
- (12) Gulzar Ahmed son of Muhammad Akbar
- (13) Munawar Khan son of Muhammad Ismail c/o Skill Development Centre Khaki, District Mansehra
- (14) Hayatullah son of Sarwar Khan
- (15) Akmal Khan son of Rustam Khan Jadoon
- (16) Amjid Khan son of Aurangzeb
- (17) Khayal Muhammad son of Muhammad Jan
- (18) Muhammad Maroof son of Abdul Jalil
- (19) Asadullah Khan son of Dawar Khan
- (20) Ashfaq Ahmed son of Abdul Samad c/o Skill Development Centre Kuza Banda, District Battagram.....Petitioners

**REGISTERED**

*Ullah*  
Muhammad Arshad Khan Esq.  
Advocate High Court  
Office No. 33 Adjacent  
Distt Bar Abbottabad

Certified to be True

**Versus**

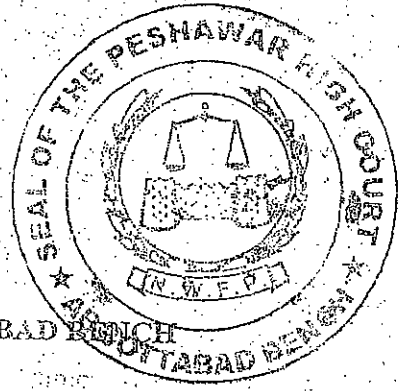
EXAMINER  
Peshwar High Court Abbottabad Bench  
Authorized Under Sec: 75 Ev. Ord. 1974

*2/02/17*

- 1) Secretary to K.P.K Government Industries, Commerce and Technical education, Manpower Training Department, Peshawar

*VO 16/18  
22-5-17*

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
JUDICIAL DEPARTMENT

Writ Petition No. 382-A/2014.

JUDGMENT

Date of hearing.....06.09.2016.....  
Petitioner Through *Muhammad Arshed Khan Tandi*  
*Advocate*  
Respondents. *Through Muhammad Maseem Abbasi A.A.G and*  
*Aayazzeb Khan Mughal O.A.G.*

\*\*\*\*\*

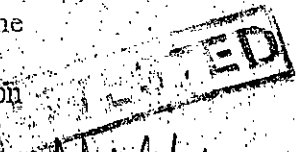
IKRAMULLAH KHAN, J.- Through the instant writ petition under Article 199 of the Islamic Republic of Pakistan, 1973 the petitioners have made the following prayer: -

*"It is, therefore, most humbly prayed that by acceptance of instant writ petition respondents may graciously be directed to regularize petitioners against their working positions with their salaries since September, 2013 onwards and not to make any attempt under the garb of transfer or otherwise to deprive the petitioners from their legal / fundamental rights."*

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EXAMINER  
Peshawar High Court Abbottabad Ben  
Authorized Under Sec. 75 (old Ord)

*2/09/16*

2. Brief facts as spelt out from the petition are that the petitioners were appointed in the prescribed manner on different posts at Skill Development Center, established after the disastrous earthquake of 2005 by the Government of Pakistan, at Khaki (District Mansehra) and Kuza Banda (District Battagram) for a period of one year which was later on



*[Signature]*  
Muhammad Arshed Khan Tandi  
Advocate High Court  
Office No. 38 Adjacent to  
Distt Bar Abbottabad

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extended to 31<sup>st</sup> March 2011. The centers were funded by Pakistan Industrial Development Corporation (PIDC) and were executed by Technology Up-gradation and Skill Development Company (TUSDEC) while Government of Khyber Pakhtunkhwa was responsible for provision of land, however, in the year 2006 both the Federal as well as Provincial governments decided through an agreement that TUSDEC will hand over these centers to the Province of Khyber Pakhtunkhwa in functional position. The Government of Khyber Pakhtunkhwa took over the charge of these centers on 18.01.2011 but, prior to that the Finance Department created posts in regular budget for these centers, however, the Provincial Government instead of regularizing the existing staff, advertised such posts in the newspaper, which act of the provincial government was challenged by the petitioners through writ petition bearing No.534/2011, being illegal, and this court had granted status-quo in the case and the advertisement was stopped, however, later on the petitioners preferred another writ petition bearing No. 306/2013 wherein two questions were taken (i) Regularization of the petitioners and (ii) Payments of salaries and finally the salaries were paid to them on the direction of this court by the Federal Government while the matter of regularization was referred to PIDC and TUSDEC for consideration with direction to make a

ATTESTED

*[Handwritten Signature]*

Muhammad Arshad  
 Advocate High Court  
 Office No. 33 Adjacent  
 Distt Bar Association

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 High Court of Khyber Pakhtunkhwa  
 Peshawar

P-21

decision within forty (40) days after receipt of the order, which was not decided within the stipulated period rather the centers were once handed over to Provincial Government vide agreement dated 03.09.2013 and it was held that the decision of employees has to be decided by the Government of Khyber Pakhtunkhwa as per policies.

3. The Provincial Government after taking over the charge of the Institutions was supposed to run affairs smoothly as required by law and to decide the fortune of the petitioners at the earliest but, instead created irrationality as on one hand it had regularized eighteen (18) colleagues of the petitioners vide order dated 07.02.2014 while, on the other hand, the petitioners

have been left.

4. On 31.01.2014, despite visit of the representative of Provincial Government for physical verification at Khaki District Mansehra and Kuza Banda District Battagram centers, after being satisfied, handed over the equipments to the concerned petitioners on 18.12.2013, Assistant Director Budget & Accounts vide letters dated 03.04.2014 and 17.04.2014 directed Incharge / Principal Khaki Center and Incharge / Principal Kuza Banda Center respectively to open a government account in Bank on their own names, hence, the petitioners, being aggrieved of the discriminative behavior of the respondents which entails lack of legal rights of the

**TESTED**

Muhammad Arshad Khan Tanc  
Advocate High Court  
Office No 33 Adjacent  
Distt Bar Abbottabad

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EXAMINED  
by High Court Abbottabad Bench  
formed under Sec: 75 Civil Order

21/12/15

petitioners and transfer orders bearing No. 2033(1-116) dated 24.04.2014 and 2139(1-6) dated 17.04.2014, being based on malafide besides fake and fictitious, have been prayed for indulgence of this court through the instant constitutional petition.

5. Learned counsel for the petitioners argued that the petitioners are serving in the Institution since last seven (07) years without receiving salaries and remunerations after September, 2013; that the petitioners are well qualified and have gained vast experience in their respective fields, who are well conversant with the affairs of Institution; that the petitioners have already completed their prohibition period successfully without any stigma and are serving devotedly, thus, cannot be expelled as approximately eighteen (18) colleagues of the petitioners have already been regularized through appointment letters and petitioners have been left aside, who are also entitled to be regularized in the same fashion; that since September, 2013 the petitioners have not been paid their salaries which is utter violation of the human rights and that the stakeholders of the government have visited so many times these centers and the petitioners were informed that they will be regularized against their working position very soon, hence, the petitioners are very much entitled to be regularized on their respective posts.

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Muhammad Arshad Khan, Advocate High Court Office No. 33 Adjacent Distt. Bahawalpur

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EXAMINER  
Poshwar High Court Bahawalpur  
Authorized Under Sec. 75-E of the Ordinance  
21/02/13

6. On the other hand, learned Assistant Advocate General appearing on behalf of the Provincial Government as well as the learned Deputy Attorney General appearing on behalf of the Federal Government though resisted the contentions of learned counsel for the petitioners but in rebuttal could not brought any document on record to show the reason that why the petitioners have been left out while similarly placed employees, who were colleagues of the petitioners, have been adjusted / regularized.

7. I have heard learned counsel for the petitioners, the learned Assistant Advocate General and the learned Deputy Attorney General and gone through the entire file with their valuable.

8. Record reveals that the petitioners were appointed on different posts in the year 2007 through proper orders, issued by the Project Director, Skill Development Center some thirteen (13) years back for a period of one year on the basis of terms and conditions provided therein which period was further extended from time to time, however, after negotiation between TUSDEC and the Provincial Government when the centers were handed over to the latter, it advertised the posts for fresh appointment despite the fact that old employees were waiting for their bright future i.e. regularization of their services.

**ATTESTED**

*[Handwritten Signature]*

9. Without dilating upon other merits of the case, suffice it

Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent  
Distt 3r

to say that not only this court but the Hon'ble Supreme Court of

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Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent  
Distt 3r

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Pakistan too in number of cases have repeatedly held that keeping in view Section 3 of the North West Frontier Province (now Khyber Pakhtunkhwa) Employees (Regularization of Services) Act, 2009 a contract or adhoc employee shall be regularized, which reads as follows: -

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

10. The aforesaid section of the Act reproduced hereinabove clearly provides for the regularization of the employees appointed either on contract basis or adhoc basis and were holding contract appointments on 31<sup>st</sup> December, 2008 or till the commencement of this Act. Admittedly, the petitioners were appointed on one year contract / project basis which period of their appointments was extended from time to time and were holding their respective posts on the cut-of-date provided in Section 3 ibid).

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Muhammad Arshad Khan Jan  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

11. Besides the above Section 4-A of the Act ibid expressly excludes the application of any other law and declares that the provisions of the Act will have overriding effect, being a special enactment. In this background, the cases of the

to be vide C...  
MINISTER  
Government of Punjab  
Lahore

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petitioners squarely fall within the ambit of the Act *ibid* and their services were mandated to be regulated by the provisions of the aforesaid Act.

12. It is also an admitted fact that the petitioners were appointed on contract basis on Project posts but the said Project was first funded by the Federal Government and later on by the Provincial Government after allocating regular budget prior to the promulgation of the Act. Almost all the Projects were brought under the regular Provincial Budget Schemes by the Government of Khyber Pakhtunkhwa and summaries were approved by the Chief Minister of the Khyber Pakhtunkhwa for operating the Projects on permanent basis.

13. Apart from the above, it is also crystal clear that the petitioners were appointed as project employees and were in employment / service for long nine (09) years and that too from September 2013 onward without receiving salary and the Projects on which they were appointed have also been taken on regular budget of the government, therefore, the Government of Khyber Pakhtunkhwa was also obliged to treat the petitioners at par as it cannot adopt a policy of cherry picking to regularize their colleagues by leaving the petitioners, similarly placed employees.

TESTED

*Muhammad Arshad*

Muhammad Arshad  
Advocate High Court  
Office No. 33 Adjacent  
Distt. For

14. Reliance is placed on the case law enunciated by the Hon'ble Apex Court in the cases titled "*Province of Punjab*

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through Secretary Communication and Works Department & others Vs. Ahmad Hussain" (2013 SCMR 1547), "Pir Imran Sajid & others Vs. Managing Director / General Manager (Manager Finance) Telephone Industries of Pakistan and others" (2015 PLC (CS) 1487) and "Province of Punjab through Secretary Communication and Works Department and others Vs. Ahmad Hussain" (2013 SCMR 1547).

15. Apart from the above, the Hon'ble Apex court while deciding twenty four (24) Civil Appeals, involving identical questions of law, reported as "Government of Khyber Pakhtunkhwa through Secretary Agriculture and others Vs. Adnanullah" (2016 SCMR 1375) has held that the respondents were appointed on contract basis and were in employment / service for several years, and Projects on which they were appointed have also been taken on the regular budget of the Government, therefore, their status as project employees has ended once their services were transferred to the different attached government departments, in terms of Section 3 of the Act. The government of Khyber Pakhtunkhwa was also obliged to treat the respondents therein at par, as it cannot adopt a policy of cherry picking to regularize the employees of certain Projects while terminating the services of other similarly placed employees. The case in hand is not distinguishable from that of the aforementioned civil appeals, hence, on the same analogy

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Muhammad Arshad Khan, Barrister  
Advocate High Court  
Office No. 33 Adjacent  
Distt. Bar Association

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Sd/-  
21/12/17

P-27

the petitioners too are entitled to the same relief.

16. As the provisions of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 embodies the concept of equality before law and equal protection of law and save citizens from arbitrary / discriminatory law and actions by the Governmental authorities, therefore, every public functionary is supposed to function in good faith, honestly and within the precincts of its power so that persons concerned should be treated in accordance with law as guaranteed by Articles ibid.

17. It is now well settled law that the object of good governance cannot be achieved by exercising discretionary powers unreasonably or arbitrarily and without application of mind but objective can be achieved by following the rules of justness, fairness and openness in consonance with the command of the Constitution enshrined in different Articles including Articles 4 and 25.

18. Not only from the facts and circumstances of this case but keeping in view the golden principles of law laid down by the Hon'ble Apex Court in the cases, mentioned above, we feel no hesitation to allow this petition. Hence, the instant writ petition is accordingly allowed and the respondents are directed to regularize services of the petitioners forthwith against their working positions with their salaries since September 2000.

ATTESTED

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Muhammad Arshad Khan, Esq.  
Advocate High Court  
Office No-33 Adjacent  
Distt Bar Assn

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Muhammad Arshad Khan  
Advocate High Court  
Office No-33 Adjacent  
Distt Bar Assn

onwards and not to make any attempt under the garb of transfer or otherwise to deprive the petitioners from their legal / fundamental rights. If, during pendency of the instant writ petition, any order against the interest of the petitioners has been passed in the shape of transfer, the same shall have to be vacated. All the petitioners are directed to appear before their respective places of posting where they were at the time of filing of instant petition.

Announced:  
06.09.2016.

*sd/ Judge*

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EXAMINER  
Peshawar High Court Abbottabad Bench  
Authorized Under Sec 75 Evid Ord 1974

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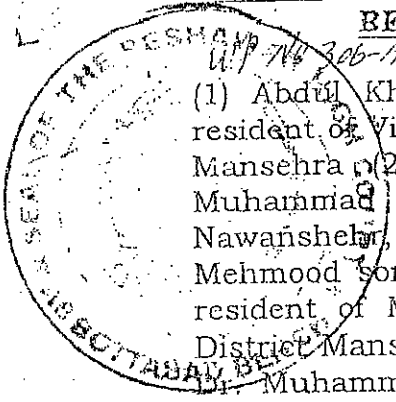
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**ATTESTED**  
*[Signature]*  
Muhammad Arshad Khan Ter  
Advocate High Court  
Office No. 33 Adjacent  
Distt Bar Abbottabad

(3)

~~ANNEX E~~

BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD



P-29

- (1) Abdul Khaliq son of Khudadad Khan, resident of Village Khaki, Tehsil and District Mansehra (2) Muhammad Munir son of Muhammad Sarwar, resident of Nawansheri, Abbottabad (3) Nouman Mehmood son of Muhammad Akram Khan, resident of Mohallah Channai, Tehsil and District Mansehra (4) Hammad Khan son of Muhammad Farooq, resident of Village Khaki, Tehsil and District Mansehra (5) Shahzad Iqbal son of Mussawar Iqbal, resident of Village Khaki, Tehsil and District Mansehra (6) Muhammad Rashid son of Ghulam Sarwar, resident of Ghazikot, Tehsil and District Mansehra (7) Fahad Ahmed son of Attaullah Jan, resident of Village Data, Tehsil and District Mansehra (8) Ihsan Elahi son of Atta Muhammad, resident of Village Khaki, Tehsil and District Mansehra (9) Ibrar Ahmed son of Muhammad Firdous, resident of Village Sherpur, Tehsil and District Mansehra (10) Zahid Mehmood son of Kishwar Khan, resident of Village Torangzai, Tehsil and District Charsadda (11) Zaeshan Aslam son of Muhammad Aslam, resident of Village Khaki, Tehsil and District Mansehra (12) Muhammad Siddique son of Abdul Quddus, resident of Village Bhochar, Tehsil and District Mansehra (13) Muhammad Farooq son of Mehboob, resident of Village Khaki, Tehsil and District Mansehra (14) Ibrar son of Fazal Rasool, resident of Village Khaki, Tehsil and District Mansehra (15) Malik Aman son of Niaz Muhammad, resident of Khaki, Tehsil and District Mansehra (16) Munawar Khan son of Muhammad Ismail, resident of Village Khaki, Tehsil and District Mansehra (17) Gulzar Ahmed son of Muhammad Akbar, resident of Hari Maira, Tehsil and District Mansehra (18) Ejaz Jaffar son of Jaffar Khan, resident of Khaki, Tehsil and District Mansehra (19) Atta Muhammad son of Fida Muhammad, resident of Khaki, Tehsil and District Mansehra (20) Aspin Mian son of Raj Khan, resident of Khaki, Tehsil and District Mansehra (21) Muhammad Naseer son of Gohar Aman, resident of Khaki, Tehsil and

**TESTED**

*[Handwritten Signature]*

Muhammad Arshad Khan Esq.  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. Bar Abbottabad

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P-30

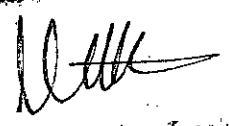
District Mansehra (22) Zeeshan Tabasum  
son of Muhammad Rustam Khan, resident of  
Khaki, Tehsil and District  
Mansehra.....Petitioners

Versus

- (1) Government of Pakistan (TUSDEC) through Ministry of Industry & Production Islamabad (PIDC).
  - (2) Government of KPK through Secretary Ministry of Industry & Production KPK Peshawar
  - (3) Director General Ministry of Technical Education & Main Power KPK
- .....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN FOR A DECLARATION THAT THE PETITIONERS WERE ENTITLED TO BE REGULARIZED AFTER THE COMPELETION OF THEIR PROHIBITION PERIOD AND THE RELUCTANCE/REFUSAL OF RESPONDENT NO. 1 TO REGULARIZE THEM AND THE WITH-HOLDING AND NON PAYMENT OF THEIR SALARIES FROM 1<sup>ST</sup> APRIL, 2011 TILL DATE IS ARBITRARY, DISCRIMINATORY, FANCIFUL, WITHOUT LAWFUL AUTHORITY OR ANY OTHER DIRECTION/INSTRUCTION WHICH IS DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY GRACIOUSLY BE ISSUED.

**ATTESTED**

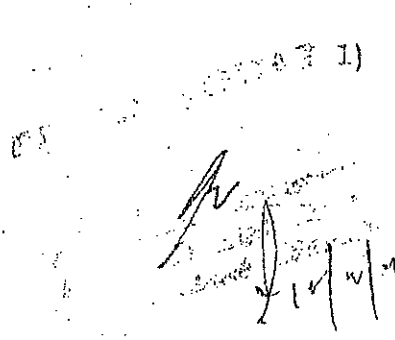


Respectfully shewet;

The brief facts leading to the writ petition are arrayed as follows: -

Muhammad Arshad Khan Tanchi  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

1) That the petitioner had filed Writ Petition before this Honorable Court bearing No. 534/2011, assailing therein the advertisement for fresh appointment issued by the Government of KPK Peshawar. As the skills



Amendment - (5)

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PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEET

W.P.No. 306 of 2013

Date of hearing 25-04-2013

Petitioner Abdul Waliq & Others by Mr. Shad  
Muhammad Khan

Respondents Govt of Pakistan by DAG

WAQAR AHMAD SETH, J. Abdul Khaliq and 21 other in  
Writ Petition No.306 of 2013 and Tariq Mehmood and others in  
Writ Petition No.309 of 2013 petitioners seek the constitutional  
jurisdiction of this Court praying for :-

“ that on acceptance of the writ petition, the  
respondent No.1 may kindly be directed to  
confirm / regularize the services of the  
petitioners after the expiry of their  
probation period and it is further requested  
that respondent No.1 may kindly be  
directed to release / pay the salaries of the  
petitioners from 1.4.2011 till date”.

**ATTESTED**

2- Whereas Akmal Khan and others in Writ Petition  
No.257 of 2013 seek the constitutional jurisdiction of this Court  
praying for :-

Muhammad Arshad Khan Tanzeem  
Advocate High Court  
Office No. 33 Adjacent  
District Bar Abbottabad

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“ that on acceptance of the writ petition, the  
respondents may be directed to include and  
place the names of the petitioners before  
the Cabinet Division Govt of Pakistan  
Establishment Division for Regularization  
of their services w.e.f. the date of their  
appointments and release of the petitioners  
from 1.4.2011 onwards forthwith”.

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3- The brief facts, as mentioned in the petitions, are that petitioners were appointed in 2007 in TUSDEC projects for a period of one year and all the petitioners were carrying out their duties for about four years. After negotiation between TUSDEC and the Provincial Government, the Provincial Government advertised the posts for fresh appointment. The Government of KPK did not make the centers functional, therefore, the Govt. of Pakistan reverted the said centers to PIDC. Pakistan Industrial Development Corporation addressed a letter to Chief Executive Officer Technology Up-gradation and Skill Development Company for preparation of monthly wise break of salaries of instructors / staff and verification and necessary action. Hence, this writ petition.

**ATTESTED**

*[Handwritten Signature]*

4- Learned counsel for petitioners mainly argued that on completion of 6 months' probation period the petitioners were entitled to confirmation / regularization and after transfer over of Centre to KPK they have not been paid their salaries. It was also argued that after reversion of centre to PIDC the salaries of petitioners have not been released.

Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent  
Distt Bar Abbottabad

5- In essence, the petitioners seek regularization of their services and payment of salaries. As factual controversy in the matter is involved, therefore, this Court would not like to pass any order and deem it proper to refer the matters to the respondents to consider the case of petitioners and decide the

P-33

same within a period of 40 days, on receipt of judgment of this court, and decision in writing may be communicated to the petitioners. It is however observed that the petitioners have served the project for about six years and have gained sufficient experience and the similarly placed employees stood regularize but the petitioners despite successfully completing their probation period are still working as temporary / contract employees. In addition to above, it is also observed that the appointment letter is neither on contract basis nor seems to be on temporary basis rather it specifically contains the condition that the incumbent shall be on probation for a period of six months and on satisfactory completion the probation period, services shall be considered confirmed.

6- In the light of the above, the three petitions stand disposed of accordingly.

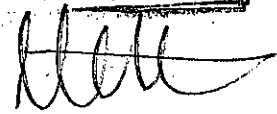
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Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ordms

TESTED



Muhammad Arshad Khan Tan  
Advocate High Court  
Office No: 33 Adjacent  
Distt Bar Abbottabad



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(To be substituted with KP-TEVTA Orders dated 07.03.2018 issued in this behalf)



Government of Khyber Pakhtunkhwa  
Industries, Commerce & Technical Education  
Department

**Annex - F**

NOTIFICATION

No.SOIH(IND)3-9/2017. In pursuance of Peshawar High Court, Abbottabad Bench order dated 06.09.2016, the Competent Authority has been pleased to regularize the services of the following petitioners/employees of Khyber Pakhtunkhwa Technical Education & Vocational Training Authority (KP-TEVTA) with effect from 01.09.2013 against the already sanctioned posts with all back benefits subject to undertaking by the petitioners/employees that they would refund all dues paid to them, in case the apex court decides the matter in favour of the Government:

S.No.	Name	Designation/BPS	Date of appointment
1.	Muhammad Maroof	Senior Instructure BS-17	21.05.2007
2.	Ashfaq Ahmad	Junior Instructor BS-14	22.10.2007
3.	Shahzad Iqbal	Junior Instructor BS-14	06.11.2007
4.	Muhammad Amad Khan	Junior Instructor BS-14	06.11.2007
5.	Asad Ullah Khan	Junior Instructor BS-14	24.05.2007
6.	Akmal Khan	Junior Instructor BS-14	23.05.2007
7.	Ibrar Ahmad	Junior Instructor BS-14	04.12.2008
8.	Amjad Khan	Junior Instructor BS-14	21.05.2007
9.	Khiyal Muhammad	Junior Instructor BS-14	21.05.2007
10.	Muhammad Rashid	Junior Instructor BS-14	21.05.2007
11.	Nouman Mehmood	Junior Instructor BS-14	21.05.2007
12.	Ihsan Elahi	Junior Instructor BS-14	01.03.2008
13.	Zahid Mahmood	Junior Instructor BS-14	01.03.2008
14.	Fahud Ahmad	Junior Instructor BS-14	26.11.2007
15.	Muhammad Munir	Accounts Administrator BS-14	02.11.2007
16.	Hayat Ullah	Accounts Administrator BS-14	25.05.2007
17.	Abdul Khaliq	Accounts Administrator BS-14	02.11.2007
18.	Ibrar Hussain	Driver BS-04	02.11.2007
19.	Gulzar Ahmad	Security Guard BS-01	02.11.2007
20.	Munwar Khan	Security Guard BS-01	02.11.2007

*Handwritten signature/initials*

**NOTED**

2. Consequent upon their regularization the following transfer/posting is hereby ordered:

S.No.	Name	Appointed/posted as
1.	Muhammad Maroof	Senior Instructor (BS-17) Muhammad Arshad Khan, Govt. Technical & Vocational Center, Battagram against the vacant post.
2.	Ashfaq Ahmad	Junior Instructor (BS-14) Office No. 33, District & Vocational Center (B), Mansehra against the vacant post.
3.	Shahzad Iqbal	Junior Instructor (BS-14) at Govt. Technical & Vocational Center (B), Mansehra against the vacant post.
4.	Muhammad Amad Khan	Junior Instructor (BS-14) at Govt. Polytechnic Institute, Masehra against the vacant post.
5.	Asad Ullah Khan	Junior Instructor (BS-14) at Skill Development Center, Battagram against the vacant post.
6.	Akmal Khan	Junior Instructor (BS-14) at Govt. Technical & Vocational Center (W), Abbottabad against the vacant post.

7.	Ibrar Ahmad	Junior Instructor (BS-14) at Govt. Technical & Vocational Centre (B), Mansehra against the vacant post.
8.	Anjad Khan	Junior Instructor (BS-14) at Govt. Technical & Vocational Center (B), Mansehra against the vacant post.
9.	Khiyal Muhammad	Junior Instructor (BS-14) at Skill Development Centre, Battagram against the vacant post.
10.	Muhammad Rashid	Junior Instructor (BS-14) at Govt. Technical & Vocational Centre (B), Mansehra against the vacant post.
11.	Nouman Mehmood	Junior Instructor (BS-14) at Govt. Polytechnic Institute, Haripur against the vacant post.
12.	Ihsan Elahi	Junior Instructor (BS-14) at Govt. Polytechnic Institute, Haripur against the vacant post.
13.	Zahid Mahmood	Junior Instructor (BS-14) at Govt. College of Technology, Tangi Charsadda against the vacant post.
14.	Fahad Ahmad	Junior Instructor (BS-14) at Govt. Polytechnic Institute, Haripur against the vacant post.
15.	Muhammad Munir	Assistant (BS-14) at Govt. Polytechnic Institute, Mansehra against the vacant post.
16.	Hayat Ullah	Assistant (BS-14), posted against the vacant post of Assistant (BS-14) at Skill Development Centre, Battagram.
17.	Abdul Khaliq	Assistant (BS-14), posted against the vacant post of Assistant (BS-14) at Skill Development Centre Khaki, Mansehra.
18.	Ibrar Hussain	Driver (BS-04) at Govt. Skill Development Centre, Khakki Mansehra against the vacant post.
19.	Gulzar Ahmad	Shop Attendant (BS-01) at Skill Development Centre, Khaki Mansehra against the vacant post.
20.	Munawar Khan	Naib-Qasid (BS-01) at Govt. College of Technology, Abbottabad against the vacant post.

Secretary to Govt. of Khyber Pakhtunkhwa,  
Industries, Commerce & Technical Education Deptt.

Endst: No. SOIII(IND)3-9/2017 / 5525-29 Dated Pesh, the 10<sup>th</sup> May, 2018

Copy forwarded to:-

1. PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar
2. PSO Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar
4. Assistant Registrar, Peshawar High Court, Abbottabad Bench, Abbottabad.
5. Managing Director KP-TEVTA, University Town, Peshawar.
6. District Accounts Officers, Battagram, Mansehra, Haripur, Charsadda, and Abbottabad.
7. Principal concerned.
8. Official/Petitioners concerned.
9. Office/file copy.

**ATTESTED**

*Muhammad Arshad Khan Tanc*  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

*(IAMEED UR REHMAN)*  
SECTION OFFICER-III 1075/1078

# خدمت جناب بیجنگ ڈائریکٹر صاحب K.P TEVTA

ہاؤس نمبر 5-771 پر انا باڑہ روڈ یونیورسٹی ٹاؤن پشاور

Annex - G

## THROUGH PROPER CHANNEL

### درخواست بمراد عطا نیگی Service Period

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جناب عالی! درخواست ذیل عرض ہے۔

۱۔ یہ کہ ساکسان گورنمنٹ سکول ڈیولپمنٹ سنٹر خاکی تحصیل ضلع مانسہرہ میں بطور کلاس فور ملازمین بھرتی ہوئے اور اب گورنمنٹ وڈیشنل ٹریننگ سنٹر مانسہرہ سجاول شریف میں Detail پر ڈیوٹی سرانجام دے رہے ہیں۔ نقولات Appointment Orders و Detail Order لف ہیں۔

۲۔ یہ کہ سکول ڈیولپمنٹ سنٹر خاکی زلزلہ متاثرہ علاقہ جات خاکی میں وفاقی حکومت کی مدد سے قائم کئے گئے۔ جو بعد میں مختلف معاہدوں کی بناء پر سٹاف سمیت آپ جناب کے محکمہ کے سپرد کئے گئے۔ نقولات معاہدہ جات لف ہیں۔

۳۔ یہ کہ ساکسان کے کولیکٹرز جنہوں نے عدالت عالیہ پشاور ہائی کورٹ بیچ ایٹ آباد میں سروس کے حصول کے Cases دائر کر رکھے تھے، کا فیصلہ مورثہ 06-09-2016 کو صادر ہوا۔ جس میں تمام Petitioners کی سروس Date Regularised of Appointment ہوئی۔ نقولات لف ہیں۔

۴۔ یہ کہ ساکسان کی بھی Appointments سکول ڈیولپمنٹ سنٹر خاکی میں بطور کلاس فور سال 2007ء میں ہوئی۔ نقولات لف ہیں۔

ATTESTED

*Muhammad Arshad Khan Tan*

Finance Department سے پہلے کی Regular Post کی ساکسان کے Regularized سے سنشنڈ ہے۔ نقولات لف ہیں۔  
Muhammad Arshad Khan Tan  
Advocate High Court  
Office No: 33 Adjacent  
Distt Bar Abbottabad

۵۔ یہ کہ ساکسان کے کولیکٹرز کی Regulization کی سروس کی منظوری کے بعد انہیں Date of Appointment سے ریگولر کیا گیا۔ نقولات لف ہیں۔

۷۔ یہ کہ ساکنان نہایت ضرورت مند اور غریب طبقے سے تعلق رکھتے ہیں۔ جن کی Families کی تمام ضروریات ساکنان کے ہی معاش پر منحصر ہے۔

لہذا آپ جناب سے **استدعا ہے کہ** ساکنان کے ساتھ بھی انصاف کے تقاضے پورے کرتے ہوئے ساکنان کو Date of Appointment سے ریگولر فرمایا جاوے۔

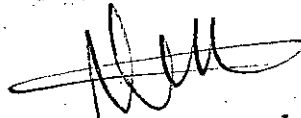
المرقوم 05-04-2019 ماہنامہ

P-37

ارض

00711571	پرستل نمبر	13503-6711207-9	شناختی کارڈ نمبر	محمد صدیق ولد عبدالقدوس
00711572	پرستل نمبر	13503-2943294-3	شناختی کارڈ نمبر	ذیشان اسلم ولد محمد اسلم خان
00711566	پرستل نمبر	13503-7552757-3	شناختی کارڈ نمبر	ذیشان تبسم ولد رستم خان
00711573	پرستل نمبر	13503-1959493-9	شناختی کارڈ نمبر	ملک آمان ولد نیاز محمد
00711569	پرستل نمبر	13503-5942507-1	شناختی کارڈ نمبر	عطاء محمد ولد فد احمد
00711568	پرستل نمبر	13503-6847172-1	شناختی کارڈ نمبر	اعجاز جعفر ولد جعفر خان
00711570	پرستل نمبر	13503-2212456-5	شناختی کارڈ نمبر	نصیر احمد ولد گوہر آمان
00711567	پرستل نمبر	13503-4942506-3	شناختی کارڈ نمبر	محمد فاروق ولد محبوب
00711574	پرستل نمبر	13504-2224937-7	شناختی کارڈ نمبر	پسین میاں ولد راج خان

TESTED



Muhammad Arshad Khan  
Office No. 33  
Dist. Peshawar

کاپی برائے اطلاع و ضروری کارروائی

- ۱۔ سیکرٹری صاحب فیسٹری آف انڈسٹری، گورنمنٹ ہائیڈرو پاور سٹیشن پشاور
- ۲۔ پرنسپل ایڈی ڈی او SDC ماکی
- ۳۔ آفس ریکارڈ

کورٹ فیس

وکالت نامہ

Service Tribunal IEPK Peshawar بعدالت

Mohammad Naseem بنام Court of IEPK عنوان:

Appellant منجانب:

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام  
M. Arshad Khan Panoli Advr 19c

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

Accepted

Muhammad Arshad Khan Panoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad