


# FORM OF ORDER SHEET

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

Case No.- 1652/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/11/2022	<p>The appeal of Mr. Taj Muhammad presented today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR**

Service Appeal No. 1652/2022

Mr. Taj Muhammad S/o Fateh Rehman

.....Appellant

**V E R S U S**

Government of KPK through Chief Secretary & Others

.....Respondents

**I N D E X**

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325  
Appellant

Through

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

Date: \_\_/\_\_/2022

①

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

Service Appeal No. 1652 2022

Mr. Taj Muhammad S/o Fateh Rehman, Belt No 2971/293,  
R/o Chakdra, District Dir Lower.

.....**Appellant**

**V E R S U S**

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

.....**Respondents**

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

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**Prayer in Appeal**

*On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of*

②

*pension and he may be allowed pension and other back benefits.*

**Respectfully Sheweth:**

**The appellant submits as under:**

1. That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 219 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure B)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure C).**

GROUNDS:

- A) *That the Petitioner has not been treated in accordance with law and their rights secured and guaranteed under the law have been badly violated.*
- B) *That the same is against the natural justice also.*
- C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.
- D) That as per Judgment of Supreme Court of Pakistan PLD 2016 Supreme Court 534. The August Supreme Court of Pakistan has specifically held that the Temporary Service followed by the conformation of regular service counted for the purpose of pension thus the Appellant is entitled for the grant of monthly pension by counting his service w.e.f the date of his initial appointment. **(Copy of August Supreme Court & Service Tribunal Judgment are attached as Annexure D & E respectively).**
- E) That there are a number of Judgments in identical cases. Therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan, reported in 1996 SCMR 1185.
- F) That the Temporary service followed by confirmation/ regular appointment gave the Appellant a right that his service be considered as regular service. **(Copy of**

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**Pension rules for qualifying Service is attached as Annexure F).**

**G) That the appellant's nature of duty is such that leave to attend the court in any other district except Peshawar is impossible because only one leave in a month is possible and in that one day the appellant can visit specialist doctor for their parents as well as can attend the court, (Affidavit for request to hear appeal in Peshawar Service Tribunal is attached as annexure G ).**

*H) That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/ calendar and the constitution of Islamic Republic of Pakistan 1973.*


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

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 01/08/2009 instead of 01-03-2020 with all back benefits.

Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.

  
Appellant

Through

  
Muhammad Anwar Khan  
(Pashton Ghari)  
Advocate High Court

Date: \_\_\_/\_\_\_/2022

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2022

Mr. Taj Muhammad

.....Appellant

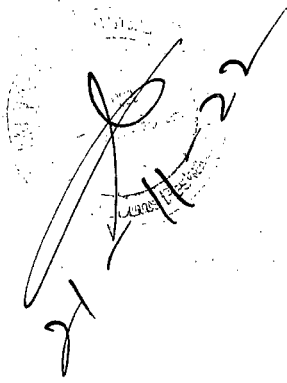
**V E R S U S**

Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Mr. Taj Muhammad S/o Fateh Rehman, Belt No 2971/293, R/o Chakdra, District Dir Lower, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



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DEPONENT

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2022  
Mr. Taj Muhammad

.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

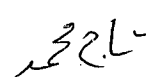
ADDRESSES OF PARTIES

APPELLANT


Mr. Taj Muhammad S/o Fateh Rehman, Belt No 2971/293,  
R/o Chakdra, District Dir Lower.

RESPONDENTS

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

  
Appellant

Through

  
Muhammad Anwar Khan  
(Pashton Ghari)  
Advocate high court

Date: \_\_/\_\_/2022



ORDER

Annex A-7-4

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The following persons are hereby enlisted as Special Police officer on contract basis for a period of 02 years w.e.f 21-07-2009 on monthly fixed salary of Rs 10,000/- in light of Provincial Police Officer NWFP Peshawar Letter no:15392/E-II dated:20-06-2009,17472-79/E-II dated 13-07-09 and Letter No: 17901-6/E-II dated17-07-09:their service will be purely of temporary nature and will be terminated by the Authority without showing any reason and notice .

S#	Name	Father Name	Address	Tehsil	Allotted Const: No:
1	Fazal Muhammad ✓	Muhammad ✓	Nawagai Asbanr ✓	Adenzai ✓	167/SPO ✓
2	Hazrat Jan	Qasim Jan	Jawaro Asbanr	Adenzai	168/SPO
3	Shahi Noor	Bahramand	Nawagai Asbanr	Adenzai	169/SPO
4	Abdul Aziz	Muhammad Said	Khawas Asbanr	Adenzai	170/SPO
5	Fazal Bacha	Fazal Wahid	Kandaroo-Asbanr	Adenzai	171/SPO
6	Saleem Khan	Ummat Muhammad	Buth Qilla Asbanr	Adenzai	172/SPO
7	Bacha Sherin	Shaibar	Nawagai Asbanr	Adenzai	173/SPO
8	Abdur Rahim	Jan Malak	Nawagai Asbanr	Adenzai	174/SPO
9	Ihsan Ullah ✓	Khan Malik	Nawagai Asbanr	Adenzai	175/SPO
10	Anwar Zada	Gul Said	Nawagai Asbanr	Adenzai	176/SPO
11	Anwar Badshah	Said Arif Jan	Jawaro Asbanr	Adenzai	177/SPO
12	Jehan Parvaiz	Behram Jan	Jawaro Asbanr	Adenzai	178/SPO
13	Haji Dar Khan ✓	Khan Zada ✓	Ouch Gharbi ✓	Adenzai ✓	179/SPO ✓
14	Sardar Khan ✓	Jehan Bakht ✓	Ouch Sharqi ✓	Adenzai ✓	180/SPO
15	Muhd: Dawood Shah	Ali Rehman	Jangaiz Abad Ouch	Adenzai	181/SPO
16	Asad Ullah ✓	Tehseen Ullah ✓	Gulshan Abad Ouch ✓	Adenzai ✓	182/SPO ✓
17	Liaqat Khan ✓	Said Rahman ✓	Ouch Sharqi ✓	Adenzai ✓	183/SPO ✓
18	Muhammad Wakeel ✓	Muhammad Sadiq ✓	Makhai Ouch ✓	Adenzai ✓	184/SPO ✓
19	Inayat Ur Rahman	Roshan Khan	Gudyakhiawar Ouch	Adenzai	185/SPO ✓
20	Bacha Rahim ✓	Muhammad Naeem ✓	Gabagai Ouch ✓	Adenzai ✓	186/SPO ✓
21	Gul Hakim	Said Habib Khan	Gudyakhawar	Adenzai	187/SPO
22	Raees Khan	Ghaus Ur Rahman	Gudyakhawar	Adenzai	188/SPO
23	Farmanat Khan ✓	Said Ahmad Khan ✓	Ouch Sharqi ✓	Adenzai ✓	189/SPO
24	Nasib Khan	Rozi Khan	Khawas Asbanr	Adenzai	190/SPO
25	Bakht Bahadar ✓	Sher Bahadar	Khawas Asbanr	Adenzai	

Attest ✓

110	Alamgir	Khushal Khan	Asbanr	Adenza	284/SPO
111	Fazal Zaman	Amir Zaman	Dag Chekdara	Adenza	285/SPO
112	Amjad Ali	Muzamin Khan	Badwan Payeen	Adenza	286/SPO
113	Salik Rehman	Azizur Rehman	BADwan Payeen	Adenza	287/SPO
114	Badhsah Rehman	Amir Zaman	Chekdara	Adenza	288/SPO
115	Asghar Khan	Abdur Rehman	Chekdara	Adenza	289/SPO
116	Asad Khan	Muhammad Anwar	Darbar Ramora	Adenza	290/SPO
117	Dawood Khan	Qasim Khan	Ramora	Adenza	291/SPO
118	Nasib Gul	Gul Baz Khan	Gul Muqam	Adenza	292/SPO
119	Taj Muhammad	Fateh Rehman	Gul Muqam	Adenza	293/SPO
120	Haidar Ali	Amir Hamza	Khambo Badwan	Adenza	294/SPO
121	Amin Badshsh	Bakhat Zamin	Badwan Payeen	Adenza	295/SPO
122	Baharuddin	Maeenuddin	Mandai Chakdara	Adenza	296/SPO
123	Ayazuddin	Mahiuddin	Mandai Chekdara	Adenza	297/SPO
124	Noor Bakhat	Zarin Bakht	Darbar Chekdara	Adenza	298/SPO
125	Haidar Ali	Abdul Jabbar	Badwan Payeen	Adenza	299/SPO
126	Khawaja Muhammad	Hatam Tai	Badwan Payeen	Adenzai	300/SPO
127	Fazal Subhan	Sher Muhammad	Badwan Payeen	Adenzai	301/SPO
128	Sardar Wahid	Fazal Wahid	Darbar Badwan	Adenzai	302/SPO
129	Zakaria	Musa Khan	Badwan Payeen	Adenzai	303/SPO
130	Muhammad Ayaz	Faiz Muhammad	Badwan Payeen	Adenzai	304/SPO
131	Ashfaq Ali	Haji Mehmood	Pukhtano Khadagzai	Adenzai	305/SPO
132	Bakht Mumir	Alam Zaib	Pukhtano Khadagzai	Adenzai	306/SPO
133	Alam Zaib	Jehan Zaib	Khadagzai bala	Adenzai	307/SPO
134	Muhammad Islam	Had Bacha	Khadagzai	Adenzai	308/SPO
135	Muhammad Sardar	Muzamin Khan	Khadagzai	Adenzai	309/SPO
136	Akhlaq Ahmad	Muhammad Arif	Mandai Chakdara	Adenzai	310/SPO
137	Muhammad Gul	Mian Gul Jan	Badwan Payeen	Adenzai	311/SPO
138	Said Bashar	Mian Gul	Qilla Asbanr	Adenzai	312/SPO
139	Akhtar Zaman	Gul Baz Khan	Nawi Kalai Asbanr	Adenzai	313/SPO
140	Bakhti Gul	Inzar Gul	Khawas Asbanr	Adenzai	314/SPO
141	Salim Khan	Mehmada Jan	Ponra Asbanr	Adenzai	315/SPO
142	Ismail	Shahzool	Shanai Asbanr	Adenzai	316/SPO
143	Muhammad Zada	Khan	Mator Asbanr	Adenzai	317/SPO
144	Nasib Zada	SherYar	Asbanr	Adenzai	318/SPO
145	Manamin Khan	Rozi Khan	Asbanr	Adenzai	319/SPO
146	Toor Khan	Aslam Khan	Shahtoot Asbanr	Adenzai	320/SPO

Attended

*[Handwritten signature]*

148	Muhammad Hussain ✓	Muhammad Amin	Dehri Asbanr	Adenza	322/SPO ✓
149	Rehmat Khan ✓	Bacha Rehman ✓	Kambar Asbanr ✓	Adenza ✓	323/SPO ✓
150	Naik Muhammad	Shamshi Qadar	Asbanr	Adenza	324/SPO
151	Nasiruddin	Sher Khan	Umari Asbanr	Adenza	325/SPO
152	Taleem Khan	Sher Bahadar Khan	Shatoot Asbanr	Adenza	326/SPO
153	Najibullah	Dilbar Khan	Dehri Asbanr ✓	Adenza ✓	327/SPO ✓
154	Shahid Zaman ✓	Mashgula Jan	Hamza Banda	Adenza	328/SPO ✓
155	Tehsinullah	Muhammad Gul	Buda Ba Ba	Adenza	329/SPO
156	Bashir Khan	Amir Zaman Khan	Ali Dehri Asbanr	Adenza	330/SPO
157	Muhammad Nadeem ✓	Faqir Gul ✓	Chakdara ✓	Adenzai ✓	331/SPO ✓

Q.No 1127  
dt 6-8-09

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

No. 14230-31/OHC

Dated 10/8/2009

Copy of above is submitted to the Pay Officer and Establishmen

Clerk for further necessary action.

Case

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

Atty: i  
[Signature]



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Annex B. 10-12

Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Dated Peshawar the April 8<sup>th</sup>, 2020

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NOTIFICATION


No. SO (Budget)/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in Section 3 read with Section 4 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Lower under LDO Code DA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from (1-03-2020):

S.No	Name	Father Name	Belt No.
1	Zubair Shah	Fazal Rahman	1
2	Ayaz Khan	Dawa Khan	2
3	Muhammad karnal	Muhammad Ismaeel	3
4	Alam Zeb	Aziz ur Rahman	4
5	Zakirullah	Dawa Khan	5
6	Muhammad Anin	Muhammad Arif Khan	6
7	Taj Muhammad	Syed Rahman	7
8	Aurang Zail	Gul Karam Khan	8
9	Fazal Hussain	Muzamin Khan	9
10	Tajammul Khan	Sher Muhammad Khan	10
11	Bakht Sardar	Sher Muhammad Khan	11
12	Ihsanullah	Fazal Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	Ikranullah	Gul Khan	14
15	Muhammad Sadig Khan	Muhammad Bostan Khan	15
16	Ikranullah	Naclar Khan	16
17	Darfar Khan	Akbar Khan	17
18	Aminullah Khan	Syed Akbar Khan	18
19	Anwar Zail	Muhammad Wazir	19
20	Azizullah	Inayat Khan	20
21	Zakir Khan	Mirza Gul	21
22	Laiq Muhammad	Fazal Hadi	22
23	Muhammad Janul	Mehmood Khan	23
24	Yousaf Khan	Sarzanin Khan	24
25	Muhammad Wahid	Shaibar Khan	25
26	Deedar Gul	Stana Gul	26
27	Ali Muhammad	Gul Muhammad	27
28	Muhammad Salim	Fazal Malik	28
29	Naem Ullah	Gul Rahim	29
30	Sher Zaman Khan	Ahmad Khan	30
31	Anjad Khan	Rahim Gul	31
32	Muhammad Hasham	Bakht Zamin	32
33	Abdul Farooq Khan	Abdul Wakeel Khan	33
34	Jawad Ali	Nazir Malik	34
35	Muhammad Ayaz	Noor Hakim	35
36	Rohullah	Hamdullah	36
37	Bahadar Zail	Syed Khan	37
38	Rahim Badshah	Muhammad Rokhan	38
39	Shaukat Ali Khan	Muhammad Habib	39
40	Naik Zada	Muhammad Zada	40
41	Shah Karim	Bacha Muhammad	41
42	Aziz Khan	Said Muhammad Khan	42

Altair  
A

11

220	Sani Ullah	Saeed Ur Rahman	238
230	Ghulam Rahim	Alli Mahmood	239
231	Muhammad Raziq	Amir Khitab	240
232	Sher Ali Khan	Sher Zarin	241
233	Malaug Khan	Nawat	242
234	Bakhti Zaman	Bismillah Khan	243
235	Anwar Zaib	Muhammad Feroz	244
236	Sajid Maseeh	Sharif Maseeh	245
237	Gul Nawaz Khan	Taj Muhammad Khan	246
238	Taj Muhammad	Mian Gul Bashar	247
239	Noor Muhammad	Mian Said Bashar	248
240	Bawar Khan	Dawa Khan	249
241	Khalid Khan	Amanullah	250
242	Awal Khan	Sadbar Khan	251
243	Sardad Khan	Shadad Khan	252
244	Ijaz Khan	Hameed Ullah	253
245	Sekandar Khan	Shamsur Rehman	254
246	Iqbal Hussain	Faiz Muhamamd	255
247	Izaz	Sahib Jan	256
248	Abdul Wali Khan	Ali Muhammad	257
249	Saood Khan	Tajbar Khan	258
250	Ahmad Khan	Tani Khan	259
251	Naik Zaman	Wazir	260
252	Bakhtyar	Amir Zada	261
253	Irshad Ullah	Abdul Aziz	262
254	Muhammad Jamal	Amin Ur Rehman	263
255	Habibur Rehman	Fazal Rehman	264
256	Najeeb Ullah	Aziz Ur Rehman	265
257	Farooq Khan	Abdur Rehman	266
258	Asghar Ali	Saleh Muhammad	268
259	Nisar Almasi	Shah Zamin	269
260	Sultan Zari	Bakht Amin	270
261	Najibur Rehman	Saeed ur Rehman	271
262	Najib Ahmad	Bashir Ahmad	272
263	Hussain Khan	Qadar Khan	273
264	Waqar Khan	Noor Hamad	274
265	Muhammad Zahid	Muhabat Khan	275
266	Sartaj Khan	Fazal Rabbi	276
267	Walayat Khan	Muhammad Nawsher Khan	277
268	Abdurrahim	Abd Ul Hameed	278
269	Imranuddin	Bahadar Khan	279
270	Khaista Zaman	Amir Zaman	280
271	Amir Hatam	Burhanuddin	281
272	Ali Bahadar	Amir Bahadar	282
273	Said Farooq Shah	Said Badshah	283
274	Muhammad Ishaq	Raza Khan	284
275	Fazal Zaman	Amir Zaman	285
276	Gul Zaman	Said Mula	286
277	Dawar Khan	Abdul Khalig	287
278	Saleh Muhammad	Gul Nabbi	288
279	Asghar Khan	Abdurahman	289
280	Zakir Ullah	Rukhsar Muhammad	290
281	Dawood Khan	Qasim Khan	291
282	Nasir Gul	Gul Baz Khan	292
283	Taj Muhammad	Fateh Rahman	293
284	Amjad Ali	Shah Wali Khan	294
285	Amin Badshah	Bakht Zamin	295
286	Naseer Khan	Madad Khan	296
287	Ayazuddin	Mahi Ud Din	297
288	Noor Bakht	Zarin Fakht	298
289	Umar Zamin Khan	Qadar Gul	299
290	Khawaja Muhammad	Hatam Tai	300

Attested  


973	Abd ur Rahman	Aslam Khan	996
974	Sana Ullah	Abdullah	999
975	Muhammad Hamza Nazeer	Nazeer Gul	126
976	Zarak Khan	Gul Umar	194
977	Rovaid Shah	Zulfat Khan	373
978	Nasir Khan	Arab Khan	669
979	Muhammad Fakhrai	Jehangir Khan	786
980	Muhammad Waqas	Amir Gul	962

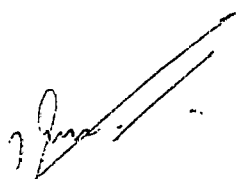
(12)

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

Enclst No. & date given

Copy forwarded for information to:

- 1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3. The Provincial Police Officer, Khyber Pakhtunkhwa.
- 4. The Regional Police Officer, Malakand.
- 5. The District Police Officer, Dir Lower.
- 6. The District Accounts Officer, Dir Lower.
- 7. To Home Secretary, Khyber Pakhtunkhwa.

  
SECTION OFFICER (BUDGET)

Attest



بھنور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

درخواست بمراد عطا ہنگی Back Benefit از 2009ء و

شامل فرمانے Contract Back Service

Period برائے پنشن

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

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

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

لہذا استدعا ہے کہ سائل کو بمطابق قانون بھرتی کی تاریخ سے Regular کرنے کا حکم صادر فرمایا جاوے۔

ساج محمد  
ارضی

ساج محمد دلو خان الرحمان سائل کی مقام چلدرہ درگور

پتہ 2971

0346 9381631

Attest



مکمل طور پر اجازت ہے کہ اس کی سہولتیں حاصل کی جائیں اور

تاریخ 27/1/2020 سے واپس لے لی گئی ہے اور اس کے ساتھ ساتھ  
بیلڈ 2971

دو فوائد ہیں، ایک Back benefit اور  
از مورخہ 27/1/2020

بنا۔ عالی

گزارش ہے کہ ہمیں 5 P. 05 مورخہ 3/1/2020

سے تفریق سے متعلق آرڈر ہوا ہے

یہ کہ بالکل صحیح ہے اور عدالتوں کے فیصلے کے

مطابق کنٹریکٹ سروس آرڈر سروس میں شامل  
ہونا ہے۔

لہذا استدعا ہے کہ سروس کو 3/1/2020


کے بعد سے آرڈر کرنے کا حکم صادر

فرماویں - اور ایک سینٹرل ڈینس کا حکم صادر

فرماویں -

لکھنؤ - تاریخ 27/1/2020  
20/4/2020

دستخط - تاریخ 27/1/2020

Attest  




Annex D 15-20

15

Case Judgement

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

**2018 S C M R 64**

[Supreme Court of Pakistan]

**Present: Gulzar Ahmed and Sajjad Ali Shah, JJ**

**ABDUL JABBAR and others---Appellants**

**Versus**

**GENERAL MANAGER (PERSONNEL) PAKISTAN RAILWAYS and others---  
Respondents**

Civil Appeals Nos. 17-K to 42-K of 2017, decided on 16th November, 2017.

(Against the consolidated order dated 26.8.2016 passed by the Federal Service Tribunal Islamabad in 94(K)CS/16 to 119(K)CS/16)

**(a) Civil Servants (Appeal) Rules, 1977---**

---R.4(1)---Appeal from an 'order' passed by an authority---"Order"---Scope---For preferring an appeal in terms of R. 4 of the Civil Servants (Appeal) Rules, 1977, there had to be an order altering, interpreting to a civil servant's disadvantage, reducing or withholding his maximum pension and allowances---In such grievances/proceedings no particular form of order was required and even pension fixation notices could be treated as an order for the purposes of availing the remedy of appeal under R. 4 of the Civil Servants (Appeal) Rules, 1977.

**(b) Civil Servants (Appeal) Rules, 1977---**

---Pensionary rights, claim for---Limitation---Grievance in respect of pensionary benefits was a recurring cause, consequently, limitation could not come in the way of such relief---Where, however, such pensionary benefit was altered or interpreted to the disadvantage of a civil servant or his pension was reduced or his maximum pension was withheld including an additional pension admissible to him under the rules then his grievance to that extent had to be regulated in terms of R. 4(1) of the Civil Servants (Appeal) Rules, 1977.

Chief Executive Progressive Paper Ltd./The Chairman National Press Trust, Islamabad v. Sh. Abdul Majeed 2005 PLC (C.S.) 1499 ref.

Muhammad Khalil Dogar, Advocate Supreme Court and Mazhar Ali B. Chohan, Advocate-on-Record for Appellants (in all cases).

Sanaullah Noor Ghouri, Advocate Supreme Court and Ms. Raana Khan, Advocate-

Attorney  
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on-Record for Respondents.

Date of hearing: 16th November, 2017.

## ORDER

**SAJJAD ALI SHAH, J.**---The appellants who are retired civil servants have impugned the order of the Service Tribunal dated 26.8.2016 declining the reckoning of increment by way financial relief of Rs. 300/- per month in the monthly salary for computing, pensionary emoluments from the date of retirement for want of impugned order as required by section 4(1)(a) of the Service Tribunals Act, 1973.

2. Briefly, the Prime Minister's Secretariat on 11.3.1997 issued an U.O. No.16(P)PMDIR/931/97 in compliance of Prime Minister's address to the Nation on 23.2.1997 regarding financial relief of Rs.300/- per month to the low paid employees. The appellants were allowed such relief till the date of their retirement but such benefit was not included in their last pay for commuting pension and other post-retirement benefits on the ground that it was an ad hoc relief. It appears that the appellants, in the year 2016, filed departmental appeals and after getting no response approached the Service Tribunal. The Tribunal, after hearing the parties, through the impugned order, dismissed their appeals by holding that "there is a yawning gap of over eighteen years since the appellant retired w.e.f. Feb, 1998. The appellant should have come within the statutory period as prescribed under Rule-4 of the Service Tribunals Act, 1973, when came to know that Rs.300/- per month announced by the Prime Minister had not been computed in the pensionary benefits" and that "it is admitted position that in the file at hand there is no impugned order; hence, appeal filed by the appellant is hit by section 4(1)(a) of the Service Tribunal Act, 1973. When there is no impugned order, there should be no representation or appeal, hence, as a corollary no appellate order":-

3. Leave was granted by this Court vide order dated 27.1.2017 which reads as under:-

"that the non or deficient grant of pension is a recurring cause of action and thus to hold that the petitioners have been sleeping over their rights since long; besides that they have failed to avail any departmental remedy such as that of appeal or representation is misconceived because no departmental appeal to a retired employee for pensionary benefits is available under the law and thus a civil servant aggrieved of the short payment or non-payment of the pensionary benefits can directly approach the learned Service Tribunal for the claim of their pensionary benefits. Leave is granted to consider the above."

4. Learned ASC for the appellants contended that this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad v. Muhammad Asghar (2003 SCMR 1037) has held that the increase of Rs.300/- per month announced by the Prime

Minister in his address to the nation granting financial relief to the low paid employees was neither ad hoc nor a temporary relief and was liable to be included for calculating pension and other post-retirement benefits and, therefore, the Tribunal has erred in rejecting the appellants' claim for want of the impugned order. Per counsel since the pensionary benefit being terms and conditions of the service and available under the law, therefore, the civil servants aggrieved of short payment or non-payment of pensionary benefits could directly approach the Service Tribunal to claim such benefits or their short fall and that there was no requirement of any impugned order.

5. On the other hand, learned counsel for the respondents initially tried to argue that the relief so allowed in consequent to the Prime Minister's address was an ad hoc relief but in view of the pronouncement of this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra), did not press this argument, however, contended that the claim is hit by laches and, therefore, was rightly declined. It was lastly submitted that since such relief was discontinued w.e.f. 1.12.2001 vide Finance Division's O.M. No.F(1)(5)IMP 2001 dated 4.9.2001 on introducing revised pay scales, therefore, the employees who retired after 1.12.2001 were not entitled to such benefit. However, the entitlement of the appellants to the relief claimed was not disputed on factual plane.

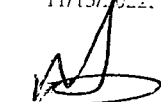
6. In response, learned ASC for the appellants submitted that none of the appellant retired after 1.12.2001, therefore, such submission is not even relevant for the purposes of instant controversy.

7. We have heard the contentions of learned counsel for the respective parties and have perused the record. The procedure to be followed by a civil servant in case where his conditions of service in respect of pay, allowances or pension are altered, interpreted to his disadvantage, reduced or withheld etc. is detailed in section 4(1)(a) to (c) of the Civil Servants (Appeal) Rules, 1977, which reads as under:-

"4.(1) A civil servant shall be entitled to appeal to the appellate authority from an order passed by an authority which -

- (a) alters to his disadvantage, his conditions of service, pay, allowances or pension; or
- (b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or
- (c) reduces or withholds the maximum pension, including an additional pension, admissible to him under the rules governing pensions; or
- (d) ...."

8. Perusal of the reproduced provision reflects that a civil servant has to file an appeal

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against an order may it be an order fixing his pension which alters, interprets to his disadvantage, reduces or withholds his pay, allowances or pension including any additional pension etc. The time frame for filing such appeal is provided in section 22 of the Civil Servant Act, 1973 which lays down that where a right to prefer an appeal or apply for a review in respect of any order relating to the terms and conditions is provided to a civil servant under any rules applicable to him such appeal or application shall, except as may be otherwise prescribed, be made within 30 days of the date of such order. It is further provided in subsection (2) of section 22 of the said Act that the remedy of filing representation within 30 days from the date of an order causing grievance to the civil servant is available in cases where under the relevant rules no provision for appeal or review exist in respect of any order or class of orders.

9. Under the circumstances, there has to be an order altering, interpreting to his disadvantage, reducing or withholding maximum pension and allowances of a civil servant for preferring an appeal in terms of Rule 4 of the Civil Servant (Appeal) Rules, 1977. In such grievances/proceedings no particular form of order is required and even pension fixation notices could be treated as an order for the purposes of availing the remedy of appeal under section 4 of the Civil Servants (Appeal) Rules, 1977. Likewise Section 4 of the Service Tribunals Act, 1973 provides that any civil servant aggrieved by any final order whether original or appellate made by the departmental authority in respect of any of the terms and conditions of his service may within 30 days of the communication of such order to him, prefer an appeal to the Tribunal. The proviso to Section 4 further provides that if an appeal or representation or review preferred to the departmental authority is not decided within a period of 90 days, then, such person may prefer an appeal before the Service Tribunal. Consequently, the obvious conclusion which one can draw is that an order which is the root of grievance coupled with an un-responded appeal or representation and/or the order of appellate authority deciding such appeal or representation would entitle a civil servant to approach the Service Tribunal for redressal of his grievance and in this particular case in respect of his pay allowances or pension.

10. Though it has been repeatedly held by this Court that pension is in fact a deferred part of the pay of an employee while he was putting his best efforts in rendering service to his employer during his hay days and this part is deferred to be paid to him periodically or otherwise to meet his old age needs as such pensionary benefits were neither a bounty nor a concession from any one and in the latter case are paid month wise and therefore, grievance in respect thereof provides a recurring cause, consequently, the limitation could not come in the way of such relief. Reference can readily be made to the case of Chief Executive Progressive Paper Ltd./The Chairman National Press Trust, Islamabad v. Sh. Abdul Majeed (2005 PLC (C.S.) 1439). However, in our opinion, where such pensionary benefit is altered or interpreted to the disadvantage of a civil servant or his pension is reduced or his maximum pension is withheld including an additional pension admissible to him under the rules then his grievance to that extent has to be regulated in terms of Rule 4(1) of the Civil Servant (Appeal) Rules, 1977.

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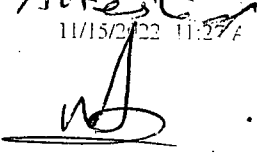
11. However, the controversy herein need to be decided in the light of the background that one Muhammad Yousuf an employee of respondent had first voiced his grievance on non-inclusion of financial relief of Rs.300/- P.M. while reckoning his pensionary benefits and the Service Tribunal gave verdict in his favour on 28.12.1998 in Service Appeal No.295(R) of 1998. The respondent implemented the decision but again refused such benefit to their another employee namely, Muhammad Asghar compelling him to prefer the departmental appeal by asserting the pension fixation notices as order causing grievance. The representation remained un-responded forcing him to approach the Service Tribunal. The Service Tribunal while accepting his appeal directed the Pakistan Railways to include Rs.300/- in his monthly salary for computing pensionary benefits. The respondent instead of implementing the order of the Tribunal as in the case of Muhammad Yousaf approached this Court by impugning the order of the Tribunal and this Court vide its judgment referred to as Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra), held that such financial relief of Rs.300/- was reckonable towards the pensionary emoluments. The relevant part of the said judgment reads as under:-

"Prime Minister's Secretariat U.O. No. 15(P) PMDIR/931/97, dated 11.3.1997 issued in response to Prim Minister's address to the Nation on 23.2.1997 regarding financial relief to the low paid employees on the face of it does not speak of ad hoc or temporary relief. On the contrary, it mentions that a financial relief of Rs.300/ per month was allowed to all the employees from BS-1 to BS-16 with effect from 1.3.1997. Thus it being permanent increase in the pay scale would be reckonable towards the pensionary emoluments".

12. The Court further in the concluding paragraph observed as follows:-

"We are constrained to observe that the petitioner/department while refusing the relief to the respondent has not only discriminated but has shown double standard, as such, while maintaining the finding of the Tribunal, we uphold the reckoning of the increase of Rs.300/ - in the basic pay towards calculating the pensionary emoluments of the respondent."

13. The appellants are also the employees of the Pakistan Railways and once the controversy regarding the nature of the financial relief granted by the Prime Minister was determined and its inclusion for the purpose of reckoning pensionary emoluments was directed by this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra) back in the year 2003, we wonder why the appellants were compelled to approach this Court. The respondents under the principle of good governance laid down by this Court in the case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Govt. of Pakistan and others (1995 SCMR 1185) were bound to include the amount of financial relief of Rs.300/- in the pensionary benefits of all their employees at least till the discontinuation of such relief on introducing revised pay scales. So far as the question of laches is concerned, in our opinion, such plea is not available to

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respondents on two counts; firstly, that after determination of this controversy by this Court in above referred case where the respondents unsuccessfully had challenged the inclusion of such financial relief towards pensionary benefits, it was their bounden duty to include such benefit at least in the cases of employees who, like the present appellants, were entitled to such relief even if their argument of discontinuation of such relief on 1.12.2001 i.e. upon introduction of revised pay scales is accepted Secondly, neither the representation of the appellants was rejected by the respondents on the ground of being barred by time nor the Service Tribunal gave any specific finding or held the petition barred by time.

14. In the instant case the employees of the respondent/Pakistan Railways who were granted relief by this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra) had preferred representation by treating the pension fixation notices as an order interpreting the financial relief of Rs.300/- P.M. to their disadvantage. The Tribunal accepted their appeal by redressing their grievances and directing the respondent/Pakistan Railways to include the financial relief of Rs.300/- P.M. allowed by the Prime Minister in reckoning their pensionary benefits which order was maintained by this Court in the judgment referred and reproduced above. Following their colleagues, the appellants herein instead of filing appeal in terms of Rule 4 of the Civil Servants (Appeal) Rules, 1977, had moved the representation to the appellate authority which could be treated as an un-responded appeal, had approached the Tribunal which, in our opinion, appears to be sufficient compliance of section 4(1)(1) of the Service Tribunals Act, 1973 specially when the claim of the appellants was backed by the judgment of this Court.

15. In the foregoing circumstances, all these appeals are allowed and the respondent/Pakistan Railways is directed to include the financial relief of Rs. 300/- P.M. for computing post retirement benefits. Parties to bear their own costs.

MWA/A-36/SC

Appeals allowed.

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Annex E

21-23

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Case Judgement

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

2019 F.L.C (C.S.) 103

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

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

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

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

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

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

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

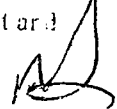
Muhammad Arshad Naseer District Attorney.

**ORDER**

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

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

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

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

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

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

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

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

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

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

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

4. I have considered the arguments of both parties and perused the record.
5. It is established from the record that the appellants were appointed as female lecturers through



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Case Judgement

<http://www.plsbeta.com/LawOnline/Law/casedescription.asp?case-de...>

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

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

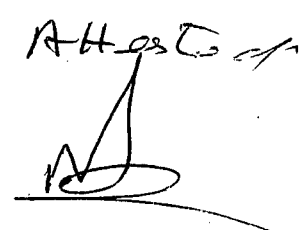
In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

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

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

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

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Appeal allowed.

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## SERVICE QUALIFYING FOR PENSION

1. **Conditions of Qualifications:-** The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-

- First:- The Service must be under Government.  
 Second:- The service must not be Non-pensionable.  
 Third:- The service must be paid by Government from the Provincial Consolidated Fund. Rule.2.1.

### SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

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

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

Rule 2.2.

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

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

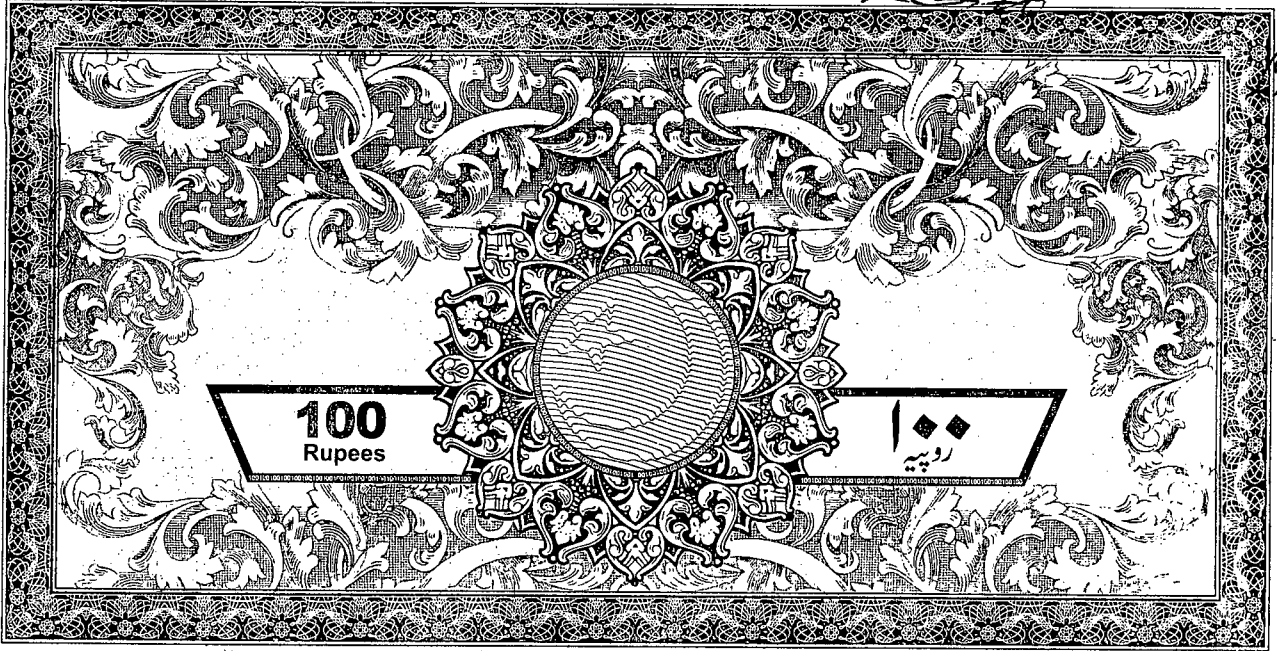
### CLARIFICATION OF PHRASE - QUALIFYING SERVICE

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

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

Accepted

Accepted



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بیان صلح

من مسی تانہ محمد ولد فتح الرحمن سنانی حارثی مہر 1-0936988-0302-1302  
 بھلا مہر 2971 سیاہی متعلقہ تانہ حکمہ دہرہ دہرہ صلحہ سنانی رانا  
 سے کہ میں انفا پیل سروس ٹریبونل ساہیوہہ سہراہیہ میں  
 داخل رہا ہوں اور میرے پیل کو ساہیوہہ سروس ٹریبونل  
 نے ذریعہ فیصلہ فرمایا ہے۔  
 کیونکہ ساہیوہہ سے سورت تک وکیل کا ضرر پہنچا تھا  
 اس کے ساتھ جوئے اس شہوہہ میں کچھ نہ ہوگا مالنا بھی  
 ہوا مشعل کے صلحہ بیان کرنا ہوں کہ مندرجہ مال تحریروہ  
 درست اور صلحہ ہے۔

محمد تانہ  
 محمد تانہ محمد ولد فتح الرحمن سنانی حارثی مہر 1-0936988-0302-1302  
 موہاٹل مہر - - 03469381631

Attested

WAKALAT NAMA

26

IN THE COURT OF

Taj Muhammad  
s/o Fatah Rahman

VERSUS

Govt. of Khyber Pakhtunkhwa  
through Chief Secretary & others

Accused/  
Petitioner/  
Appellant/   
Plaintiff.

Respondent/   
Defendant/  
Complainant

FIR No. .... Dated: ..... Police Station: .....

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

**Muhammad Anwar Khan**, (Pushton Ghari),  
Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for  
the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or  
any of them, that is to say:

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

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

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.  
IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this \_\_\_\_ day of \_\_\_\_ 201\_\_

Accepted, |

**Muhammad Anwar Khan**, (Pushton Ghari),  
Advocate High Court, Peshawar:  
Cell No:- 0333-9262374

Signature/ thumb impression  
of party / parties.

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