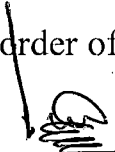


FORM OF ORDER SHEET

Court of _____

Case No. - 1677/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/11/2022	<p>The appeal of Mr. Muhammad Tariq resubmitted today by Naila Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>u</i></p>

The appeal of Mr. Muhammad Tariq PHE department Peshawar received today i.e. on 17.11.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.


- 1- Copy of judgment mentioned in grounds of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Copies of appointment and regularization order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.

No. 3244 /S.T,

Dt. 18/11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Jan Adv. Pesh.

Resubmitted by
Naila Jan Adv.
revised objection No. 1
while objection No. 2
appointment order of the
appellant is not available
to the appellant may kindly be
revised from the department.

25/11/2022

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1677/2022

Muhammad Tariq

Versus

Government of Khyber Pakhtunkhwa & others

INDEX

S#	Description of Documents	Annex	Pages
1.	SERVICE APPEAL		1-3
2.	Application For Condonation Of Delay		4
3.	Addresses of Parties		5
4.	Affidavit		6
5.			
6.	Copy of pay roll and service book of the appellant	"A & B"	7 to 19
7	Copy of the retirement order dated 12-08-2021	"C"	20
8	Copy of the departmental appeal	"D"	21
9	Copy of the reported judgment	"E"	22-23
4.	Wakalat Nama		

Dated: /11/2022

Tariq

Petitioner

Through

Naila Jan
Naila Jan

Advocate, High Court
Peshawar

D

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.**

SERVICE APPEAL NO 1677 /2022

Muhammad Tariq, Public Health Engineering Department, Khyber Pakhtunkhwa,
Peshawar..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department, Peshawar
 2. Secretary, Finance Department, Khyber Pakhtunkhwa Peshawar
 3. Executive Engineer Public Health Engineering Division Kohat.
- (Respondents)

Appeal under Section 04 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned office order dated 12-08-2021 and inaction of the respondents on the departmental appeal of the appellant.

Prayers

On acceptance of the instant appeal the impugned office order dated 12-08-2021 may be amended to the extent of granting pensionary benefits to the appellant. Any other relief specifically not prayed for may graciously be awarded in favor of the appellant if deemed appropriate by the honorable Tribunal.

Respectfully Sheweth;

1. That appellant was appointed as operator cum valve man (BPS-01) by the respondent No. 03 on contract / fixed pay basis vide order dated 29-08-2008
(Copy of the appointment order dated 29-08-2008 is not available may kindly be revert from the department.
2. That after appointment the appellant performs his duties with great zeal zest and enthusiasm to the entire satisfaction of high ups.



- 2
3. That the provincial government of Khyber Pakhtunkhwa for appointment of contract/ adhoc employees promulgated an Act "Khyber Pakhtunkhwa employees (Regularization of Services) Act 2009 and services of the appellant along with others were regularized by operation of law under section 3 of the ibid Act 2009.
 4. That after regularization under the Act 2009 the appellant was granted annual increment which is evident from service book and deductions were made including GP Fund like other regular employees of the department. **(Copy of pay roll and service book of the appellant are annex-A & B)**
 5. That the appellant thereafter were granted double up gradation from BPS-01 to BPS-03 vide finance department letter dated 30-06-2015 which is evident from page 08 of the service book already as annex-B.
 6. That thereafter the appellant on attaining the age of superannuation i.e 60 years was retired vide order dated 12-08-2021 w.e.f 12-04-2021 however, quite illegally pensionary benefits of the appellant was refused. **(Copy of the retirement order dated 12-08-2021 is annex-C)**
 7. That feeling aggrieved from the impugned retirement order dated 12-08-2021 the appellant filed a departmental appeal before respondent No. 03 however, the same has not been decided till date which is violation of Law, Rules and principle of natural justice. **(Copy of the departmental appeal is annex-D)**
 8. That the appellant has no other adequate remedy hence filing the instant appeal before this hon'ble Service Tribunal on the following grounds.

GROUND:

- A. That the appellant has not been treated in accordance with Law, Rules and principle of natural justice hence the action and inaction of the respondents is not maintainable under the law.
 - B. That after promulgation of the Act 2009 the appellant become a regular civil servant by operation of law which is evident from granting of annual increment, deduction of GP Fund etc and up gradation of the appellant however refusing the appellant the benefits of his regular service is violation of Rule 4.4 of the West Pakistan Civil Services Pension Rules 1963.
- 17

- C. That even otherwise the Apex Court in a reported judgment 1997 SCMR 1477 laid down the principle that under Civil Services Regulation (CSR) 371A employees having put in more than 10 years temporary services was entitled to pensionary benefits however, the respondents violated the dictum of the Apex Court. (Copy of the reported judgment is annex-~~E~~)
- D. That the appellant having 12 years of qualifying service on his credit however benefits of the same has been refused to the appellant which is gross violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- E. That under Rule 371A of (CSR) temporary and officiating service of a government servant borne on temporary establishment who rendered more than 5 years continuous temporary service shall count for the purpose of pension and gratuity however by issuing the impugned notification the appellant has neither been treated under 371A (CSR) nor did in accordance with Rule 4.4 of Pension Rules 1963.
- F. That the Apex Court in a case titled "Secretary to Govt. of Punjab vs M. Ismail and others" reported as 2015 PLC (CS) 296 held that the pensionary benefits is not a bounty or Ex-gratia payment but a right in consideration of a past service.
- G. That the appellant seeks permission of this honorable Tribunal to adduce other grounds during final hearing of the case.

It is therefore requested that the instant Service Appeal may kindly be accepted as prayed for in the headings of the appeal.

Tariq
Appellant

Through

Naila Jan
Naila Jan
Advocate High Court
Peshawar.

9

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.**

SERVICE APPEAL NO. _____ /2022

Muhammad Tariq, Public Health Engineering Department, Khyber Pakhtunkhwa,
Peshawar..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa and others..... (Respondents)

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

1. That the petitioner/appellant is filing the above mentioned appeal before the honourable Tribunal today.
2. That though there is delay in filing the instant appeal however if there is any delay the same is condonable on the following grounds

GRONDS

- A. That the action and inaction of the respondents by not providing pensionary benefits to the appellant is violation of the vested and constitutional rights of the appellant which is void ab initio.
- B. That the appellant is subjected to discrimination which is violation of Art 25 of the Constitution hence no limitation runs against discriminatory action/inactions.
- C. That as per dictum of Apex Court matter pertaining to pension, seniority and promotions is recurring cause of action hence no limitation runs against it.
- D. That as per dictum laid down the apex court in 2021 SCMR 1151 that limitation does not affect financial matters.
- E. That as per reported judgments of the Apex Court cases is to be decided on merit rather than technicalities.

In view of the above it is therefore requested that the delay if any may graciously be condoned in the interest of justice.

Maria
Appellant

Through

Naila Jan
Naila Jan
Advocate High Court
Peshawar.

5

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. /2022

Muhammad Tariq

Versus

Government of Khyber Pakhtunkhwa & others

ADDRESSES OF PARTIES

PETITIONER

Muhammad Tariq, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department, Peshawar
2. Secretary, Finance Department, Khyber Pakhtunkhwa Peshawar
3. Executive Engineer Public Health Engineering Division Kohat.

Dated: /11/2022

Tariq
Petitioner

Through

Naila Jan
Naila Jan
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

SERVICE APPEAL NO. /2022

Muhammad Tariq

Versus

Government of Khyber Pakhtunkhwa & others

AFFIDAVIT


I, Muhammad Tariq, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that all contents of the instant amended petition are true and correct to the best of my knowledge & belief and nothing has been kept concealed or misstated from this Hon'ble Tribunal.

Muhammad Tariq
DEPONENT

Identified By

Naila Jan
Naila Jan
Advocate, High Court,
Peshawar.




Amira "A"
7

Accounts Office Khat
 PAYROLL RECEIPTER
 For the month of March 2021

Page : 2,478
 Date : 04.04.2021

SCU : RT7021 Executive Engineer PHE Division Kobat
 2264 Adhoc Relief All 201 1,350.00

Payroll Section : 002 Payroll 2

PAYMENTS		DEDUCTIONS		NET PAY			
Branch Code: 226435	LAHAT, BHD.	BRABU BANK LIMITED	1,670.00-	LAHAT, KKHAT.	22,615.00	01.03.2021	31.03.2021
SC439978 MULANEG TARIO		CNIC: 1430120375129		Desig: VALUERAN		Grade: 01 HTK:	
PAYMENTS		DEDUCTIONS		NET PAY		ACCOUNT	
AMOUNT		AMOUNT		AMOUNT		REPAID	BALANCE
0001 Basic Pay	17,900.00	3001 EPF Subscription	400.00-				
1000 House Rent Allowance	2,337.00	3501 Benevolent Fund	600.00-				
1210 Convey Allowance 20	2,365.00	4004 R. Benefits & Death C	300.00-				
1300 Medical Allowance	1,500.00						
2140 15% Adhoc Relief All	292.00						
2199 Adhoc Relief Allow P	154.00						
2211 Adhoc Relief All 201	800.00						
2224 Adhoc Relief All 201	1,290.00						
2247 Adhoc Relief All 201	1,290.00						
2264 Adhoc Relief All 201	1,290.00						
						47,477.00	

P/NO=4398782

PAYMENTS		DEDUCTIONS		NET PAY			
Branch Code: 226318	MASBAT KHEI, KKHAT.	BRABU BANK LIMITED	1,500.00-	MASBAT KHEI, KKHAT.	21,508.00	01.03.2021	31.03.2021
SC440418 ZAR NUCEN		CNIC: 1433118596179		Desig: VALUERAN		Grade: 03 HTK:	
PAYMENTS		DEDUCTIONS		NET PAY		ACCOUNT	
AMOUNT		AMOUNT		AMOUNT		REPAID	BALANCE
0001 Basic Pay	13,510.00	3002 EPF Subscription	770.00-				
1000 House Rent Allowance	1,413.00	3501 Benevolent Fund	600.00-				
1210 Convey Allowance 20	1,785.00	4004 R. Benefits & Death C	300.00-				
1300 Medical Allowance	1,500.00						
2140 15% Adhoc Relief All	72.00						
2199 Adhoc Relief Allow P	175.00						
2211 Adhoc Relief All 201	1,361.00						
2224 Adhoc Relief All 201	1,361.00						
2247 Adhoc Relief All 201	1,361.00						
2264 Adhoc Relief All 201	1,361.00						
						69,527.00	

PAYMENTS		DEDUCTIONS		NET PAY			
Branch Code: 03C003	KOHAT BRANCA CARTONMENT PLAZA	HYBER BANK LIMITED	1,870.00-	KOHAT BRANCA CARTONMENT PLAZA KKHAT	22,077.00	01.03.2021	31.03.2021
SC442510 UMAR SALED		CNIC: 1433119811709		Desig: EPANALIS		Grade: 06 HTK:	
PAYMENTS		DEDUCTIONS		NET PAY		ACCOUNT	
AMOUNT		AMOUNT		AMOUNT		REPAID	BALANCE
0001 Basic Pay	14,750.00	3003 EPF Subscriptions	950.00-				
1000 House Rent Allowance	1,244.00	3505 EPF Loan Principal Is	1,000.00-				
1210 Convey Allowance 20	1,722.00	3501 Benevolent Fund	1,200.00-				
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	450.00-				
2140 15% Adhoc Relief All	340.00						
2199 Adhoc Relief Allow P	237.00						
2211 Adhoc Relief All 201	1,219.00						
2224 Adhoc Relief All 201	1,678.00						
2247 Adhoc Relief All 201	1,678.00						
2264 Adhoc Relief All 201	1,578.00						
						48,048.00	
						95,000.00	

PAYMENTS		DEDUCTIONS		NET PAY			
Branch Code: 422701	KIRAN MUNICIPAL PLAZA, KING GATE	PAYMENT THROUGH BANK	6,600.00-	KIRAN MUNICIPAL PLAZA, KING GATEKOHAT	21,994.00	01.03.2021	31.03.2021
SC442510 UMAR SALED		CNIC: 1433119811709		Desig: EPANALIS		Grade: 06 HTK:	
PAYMENTS		DEDUCTIONS		NET PAY		ACCOUNT	
AMOUNT		AMOUNT		AMOUNT		REPAID	BALANCE
0001 Basic Pay	14,750.00	3003 EPF Subscriptions	950.00-				
1000 House Rent Allowance	1,244.00	3505 EPF Loan Principal Is	1,000.00-				
1210 Convey Allowance 20	1,722.00	3501 Benevolent Fund	1,200.00-				
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	450.00-				
2140 15% Adhoc Relief All	340.00						
2199 Adhoc Relief Allow P	237.00						
2211 Adhoc Relief All 201	1,219.00						
2224 Adhoc Relief All 201	1,678.00						
2247 Adhoc Relief All 201	1,678.00						
2264 Adhoc Relief All 201	1,578.00						
						48,048.00	
						95,000.00	

R

8
Aust
B

SERVICE BOOK

سروس بک

کتاب بلازمت

P No 200439878



حضرت رول

Name	Muhammad Tariq
Father's Name	Muhammad Akbar
Qualification	تالیت
Designation	Operator in Urdu
Department	300-1
Permanent Address	300-1

- 1. Signature (نام) Mt. Muhammad Tariq
- 2. Nationality and Religion Pakistani Muslim
(قومیت اور مذہب)
- 3. Residence Nabat Khel K. Dist.
(مستقر رہائش)
- 4. Father's Name and Residence Muhammad Akram
(والد کا نام اور پتہ)
- 5. Date of birth Christian era as 12.4.1961
nearly as can be ascertained NIC No. 14361-2037512-9
(تاریخ پیدائش مطابق سن عیسوی)
- 6. Exact height by measurement 5-7
(قد و قامت)
- 7. Personal mark of identification Scar over forehead
(نشان شناخت)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگلی) Ring Finger (چھنگلیا کے ساتھ کی انگلی) Middle Finger (انگشت میاں)

Fore Finger (انگشت شہادت) Thumb (انگوٹھا)

Mt. Tariq

9. Signature of Govt. Servant (سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Officer or other Attesting Officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

[Signature and Stamp of the Head of the Officer]

Note: The entries in this page should be renewed, or re-aggested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔ انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

11

9	10	11	12	13		14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer other Attesting Officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitible to another Government	Signature of the Head of the office other attesting officer	Reference to any recorded punishment of censure, or reward, or praised to the Government servants
دستخط افسر مجاز	تاریخ انتقال ملازمت	وجوہات انتقال ملازمت ترقی تدارک یا برطرفی	دستخط افسر مجاز	رضعت کی نوعیت و معیار	چار ماہ تک کی رضعت کے لئے اور ساتھ خواہ کاتین Period Government to which debitible رضعت کے	دستخط افسر مجاز	سزا یا جزا غیر مناسب کارکردگی کا ریکارڈ
<p>Appointment as Deputy Com. Valm. in P.P. I on 29.8.2008. Total 29.8.2008. Hospital Manual on 01/09/2008. AC will not be entitled for Pension.</p>							
30-11-2009	Annual Increment	Granted					
30-11-2010	Annual Increment	Granted					
30-11-2011	Annual Increment	Granted					

5 (A) 12

1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	It officiating state. (1) substantive appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of government servant
	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو یہاں سے مطابق پیشکش کا مستحق ہے؟	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
			Rs. Ps.	Rs. Ps.			
4800-150-9300	(BPS-7)			Rs. 5400/- ✓		1/12/2012	
4500-50-8300	(B.P.S-1)		Rs.	5350/- ✓		1/12/2013	
	Pre-mature 9 months			Rs 5700/- PM		1/7/2014	
4800-150-9300	(BPS-1)		Rs.	5850/- (5700/-)		1/12/2014	

6 13

9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 دستخط افسر مجاز	10 Date of termination or appointment تاریخ انقطاع ملازمت	11 reason of termination (such as promotion, transfer, dismissal etc.) وجوہات انقطاع ملازمت ترقی تاراج یا برطرفی	12 Signature of the head of the officer other Attesting Officer دستخط افسر مجاز	13 Nature and duration of leave taken رخصت کی نوعیت ومعیار	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debit to another Government چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تین Government to which debit is کردہ ہے	14 Signature of the Head of the office other attesting officer دستخط افسر مجاز	15 Reference to any recorded punishment of censure, or reward, or praised of the Government servants سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
30/11/2012	Annual Increment						are granted.
30/11/2013	Promotion						
	Promotion given						12 copies of pay bills & acquittances are retained in this office
Public Health Engg. Division Kohat							
30/11/2014	Annual Increment						are granted.
						Public Health Engg. Division Kohat	

1 Name of Post	2 Whether Substantive of officiating any whether permanent or temporary	3 If officiating state. (1) substantive appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume II اگر عارضی ہے تو رول کے مطابق پیشین کا مستحق ہے؟	4 Pay in substantive position	5 Additional pay for officiating	6 Other emoluments falling under the term pay	7 Date of appointment	8 Signature of government servant
			Rs. Ps.	Rs. Ps.	مانسوانے، تنخواہ، دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
BPS-1 (210-195-12060)	عارضی مستقل یا قائم مقام						(19)
	Pay Fixed for					7575/- PM 28/7/2015	
						Rs 7775/- PM 1/12 2015	
	Sub-Divisional Officer Public Health Division Kohat	7640-300-16545					
	Sub-Divisional Officer Public Health Division Kohat	13715-03					
	Sub-Divisional Officer Public Health Division Kohat	7548-300-16545					
	Sub-Divisional Officer Public Health Division Kohat	8040-325-17790					
	Sub-Divisional Officer Public Health Division Kohat	7545-300-16545					
	Sub-Divisional Officer Public Health Division Kohat	8040-325-17790					

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9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 دستخط افسر مجاز	10 Date of termination or appointment تاریخ انقطاع ملازمت	11 reason of termination (such as promotion transfer, dismissal etc.) دروما انقطاع ملازمت ترقی تاراج یا طرفی	12 Signature of the head of the officer other Attesting Officer دستخط افسر مجاز	13 Nature and duration of leave taken رخصت کی نوعیت ومعیار	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government پارہ نام کی رخصت کے لئے اوسط خواہ کا قین Period گورنمنٹ Government to which debitable گورنمنٹ ہے	14 Signature of the Head of the office other attesting officer دستخط افسر مجاز	15 Reference to any recorded punishment of censure, or reward, or praised o the Government servants سزا یا جزایا غیر مناسب کارکردگی کا ریکارڈ
---	---	---	--	--	---	---	--

Revised Entry

Pay on 30-6-2015 RS: 6700/Pm
 Pay fixed of Fibre Dept: KPK
 No - FD(CPRC) 1-1/2015 dt: 27/7/2015 RS 7380/Pm
 DOUBLE UPGRADATION OF
 PAY SCALES 2015
 Pay fixed in BPS-03 vide
 Fibre Dept - No. FD/30(FR)
 7-20/2015 dt: 30-6-2015 RS 7575/Pm
 one no remotive increment RS 250/
 RS 7835

Sub Divisional Officer
Public Health Engg. Division
Kohat

30/6/2016

Annual increment granted

General Manager
1-7-2016

Sub Divisional Officer
Public Health Engg. Division
Kohat

Sub Divisional Officer
Public Health Engg. Division
Kohat

30/6/2016

Annual increment granted

General Manager
1-12-2016

Sub Divisional Officer
Public Health Engg. Division
Kohat

Sub Divisional Officer
Public Health Engg. Division
Kohat

1 Name of Post	2 Whether substantive appointment (i) or temporary (ii) or officiating (iii) or acting (iv)	3 If officiating, state (a) nature of service (b) whether person under commission (c) SR (Ph)	4 Pay in substantive position	5 Additional emoluments payable	6 Other emoluments falling under the term pay	7 Date of appointment	8 Signature of government servant
Sub Divisional Officer Public Health and KSMH			103.15/PM	1560/-	216	12.7.217	12.3.46/19501
RS 253	9610-392-21310		12.7.30/PM	12740/-	118-2017	12.7.217	12.3.46/19501
K						12.7.217	12.3.46/19501
K						12.7.217	12.3.46/19501
K						12.7.217	12.3.46/19501

17

17

9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	10 Date of termination or appointment.	11 reason of termination (such as promotion transfer, dismissal etc.)	12 Signature of the head of the officer other Attesting Officer	13 Nature and duration of leave taken	14 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	15 Signature of the Head of the office other attesting officer	16 Reference to any recorded punishment of censure, or reward, or praised o the Government servants
دستخط افسر مجاز	تاریخ انتقال ملازمت	وجوبت انتقال ملازمت ترقی تدارک یا برطرفی	دستخط افسر مجاز	رضت کی نوعیت وسعیار	چار ماہ تک کی رخصت کے لئے اس پر اذواہ کا احصیہ Period Government to which debttable کے لئے	دستخط افسر مجاز	سزا یا جزا غیر مناسب کارکردگی کا ریکارڈ
11 30- 2-16	Annual	Annual	Annual	Annual			
11 30- 2-17	Annual	Annual	Annual	Annual	1-12-2016	11 30- 2-17	
11 30- 2-17	Annual	Annual	Annual	Annual	1-12-2017	11 30- 2-17	
11 30- 2-18	Annual	Annual	Annual	Annual	1-12-2018	11 30- 2-18	
11 30- 2-19	Annual	Annual	Annual	Annual	1-12-2019	11 30- 2-19	
11 30- 2-20	Annual	Annual	Annual	Annual	1-12-2020	11 30- 2-20	

Sub Divisional Officer
Public Health Dept. Division
Korla

Sub Divisional Officer
Public Health Dept. Division
Korla

Service Verified for the Period
From 1-12-2018 to 30-11-2019
From the office of the
Baluch. Retd. (Korla) in the
Baluch. Retd. (Korla) in the

Service Verified for the Period
From 1-12-2018 to 30-11-2019
From the office of the
Baluch. Retd. (Korla) in the

Sub Divisional Officer
Public Health Dept. Division
Korla

Sub Divisional Officer
Public Health Dept. Division
Korla

(18)

Tareq. PNO: 00939878.

Position code: 80099171 BPS-203

B. Pay = 13900/-

H.R = 1337/-

C.A = 1785/-

MA = 1500/-

AN20132 292/-

AN20152 194/-

20162 980/-

20172 ~~1390~~ 1390/-

20182 1390/-

20192 1390/-

24156/-

G.P.F. = 600

B.F = 600

Death.C = 300

1300/-

Net Pay: 22856/-

H.B.L. Nusrat Khel.

B/code = 220338

A/No = 7900016503.

19
19
جناب ایس ایچ او، P.H.E. ڈویژن کوہاٹ

جناب عالی۔

مزاحمت کے مسائل کا تاریخ سدائش 6/12/1961 سے
اب جوئے مسائل کا عمر 60 سال ہو گیا ہے۔ گنڈا سے
رزولوت کے مسائل کو 60 سال کی عمر تک بنا کر پیش
ہرگز رہا ہے۔ مسائل میں پیش ہونے کا حکم
ہرگز نہیں

(WSS: Nasrat Khel)

SDO/HK

12/4/2021

ایس ایچ او کوہاٹ
ڈی ایچ او کوہاٹ
ڈی ایچ او کوہاٹ

Village = Nasrat Khel Kohat
DAO CES/
Establishment clerk

XEN P.H.E.D, Kohat

Recommended.

2/6-18 dt. 12-4-2021

For further necessary
actions under the Rules
M. Tariq

E



**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION KOHAT.**

20

Amir C

OFFICE ORDER

As recommended by the Sub Divisional Officer PHE Sub Division Kohat vide his letter No. 01/E-18 dated 12/04/2021 after attaining the age of superannuation i.e (60) sixty year age of Mr. Muhammad Tariq S/o Ikram Operator Cum Valve Man BPS-03 on water supply Scheme Nasrat Khel attached to this Division is hereby retired from Service with effect from 12/04/2021 (A.N) without any benefits.

✓

Executive Engineer
Public Health Engg: Division
Kohat

No. 01-3 /E-20

Dated

Kohat

the 12/08 /2021.

Copy to the:-

1. District Account Officer Kohat for information and necessary action.
2. The SDO PHE Sub Division Kohat Lachi at kohat w/r to his letter No .01/E-18 dated 12/04/2021 for information.
3. The applicant.

im
Musa
as

Executive Engineer
Public Health Engg: Division
Kohat

g

تہہ D اردو نثر ضباب و گلشن بیگ بیگتو، ہندو کوہاٹ

21

ایپل نڈا نڈا آڈیٹ 12/08/2021 جس سے رو سے درخواست گزار
ایپل نڈا کو لغت میں سے اپنا سر ڈر دیا گیا

ضباب عالی
سائل / ایپل نڈا صوبہ ذیل عمر لسن کہاں ہے

1- یہ کہ سائل کو حوزہ 29/08/2008 کو بطور اوال میں / آڈیٹ
Appoint کر دیا گیا

2- یہ کہ سائل / ایپل نڈا نے تین برس سے اپنے فرائض انجام دیئے ہیں

3- یہ کہ سائل کے سرورس، رفتار ڈیس کوئی عطلت درج نہ ہے

4- یہ کہ سائل / ایپل نڈا کو حوزہ 12/08/2021 کو 65 سال تک عمر
پورے ہوئے اور اپنا سر ڈر دیا گیا اور کوئی / کسی بھی قسم کے حراکات /
نیشن کا فقدان نہیں کیا گیا ہے (آڈیٹ لف ہے)

5- یہ کہ آڈیٹ 12/08/2021 عدالت عالیہ کے فیصلہ جان کے خلاف
ہے جس سے اس کے ملازم جس کی شروس 10 سال پورے ہوں
حراکات و نیشن کا فقدان ہے

لہذا جواب سے بسد الکرام ایپل کی جاتی ہے کہ سائل / ایپل نڈا
المرقوم 03/08/2021 کے درخواست گزار ایپل کے سرورس درانہ حوزہ فرمائیں اور عدالت
عالیہ کے فیصلے مطابق نیشن و دیگر حراکات عطاء فرمائی
جائیں
محمد طارق ولد محمد اکرم
X-وال میں PHE سٹیٹواری

F 22

1997 S C M R 1477

[Supreme Court of Pakistan]

Present: Nasim Hassan Shah, CJ., Fazal Ilahi Khan and Manzoor Hussain Sial, JJ

Amir E

Mir AHMAD KHAN---Appellant

versus

SECRETARY TO GOVERNMENT and others---Respondents

Civil Appeal No.574 of 1992, decided on 7th February, 1994.

(On appeal from the judgment of the Federal Service Tribunal, dated 13-11-1991, in Appeal No.270(P) of 1991).

(a) Civil Service Regulations---

--- Regln. 371-A---Constitution of Pakistan (1973), Art. 212(3)---Employee of Afghan Refugees Organization---Termination of service---Entitlement to pensionary benefits---Leave to appeal was granted to consider whether such employee was entitled to any pensionary benefits under Regln. 371-A, Civil Service Regulations.

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

---S. 2---Civil Service Regulations, Regln. 371-A---Temporary employees of Afghan Refugees Organization ---Pensionary benefits---Entitlement---Employees of Afghan Refugees Organization were Government servants and, thus, entitled to pensionary benefits---Employee having put in more than 10 years' temporary service was entitled to pensionary benefits under Regln. 371-A(i), Civil Service Regulations.

Commissioner, Afghan Refugees, N.-W.F.P. and others v. Fazli Hakim Civil Appeal No. 22(P) of 1988; Appeal No. 123(R) of 1991 and Roohullah Jan v. Federation of Pakistan Appeal No. 318(P) of 1992 ref.

Nemo for Appellant.

Mumtaz Ali Mirza, Deputy Attorney-General and Mian Shakirullah Jan, Advocate-on-Record (absent) and Imtiaz Muhannad Khan, Advocate-on-Record for Respondents.

Date of hearing: 30th November, 1993

JUDGMENT

MANZOOR HUSSAIN SIAL. J.--Facts of the case are that on 6-12-1980, the appellant was appointed as Senior- Clerk in Afghan Refugees Organization, lie was promoted on 29-12-1985, as Assistant. On 27-3-1991, vide office order, services of various officials of different categories were terminated with effect from 31-3-1991, but the appellant's name was not included in that -list. Nevertheless on 7-4-1991, another office order was issued wherein his name was included in list of the officials whose services were terminated with effect from 31-3-1991.

2. The appellant represented against the order of his termination from service, before the departmental authority and after receiving no reply filed Appeal No.270(P) of 1991, which was dismissed vide impugned judgment dated 13-11-1991, passed by the Federal Service Tribunal.

"Another ground which was raised during the course of the hearing of the appeal but not noted in the leave granting order was that the respondent could not be treated as a Federal Government employee and had to be dealt with under the Provincial Law being for all purposes governed by the Civil Servants Act of the Province of N.-W.F.P. We find at page 21 of the Service Tribunal's record a determination of the Government of Pakistan, States and Frontier Regions Division, dated 21st March, 1982, wherein it was made clear that the posts were civil in nature, were connected with the affairs of the Federation and were to be paid from the Federal Budget and the employees were to be 'Federal Government employees, and governed by rules applicable to the Federal Government employees'."

The Federal Service Tribunal itself in Appeal No. 123(R) of 1991 M/s.. Muhammad Iqbal and Mr. Minollah, held, the employees of the Afghan Refugees Organization as civil servants within the meaning of Civil Servants Act, 1973.

In this view of the matter, the appellant and other employees of the Afghan Refugees Organization are Government servants and they are entitled to pensionary benefits of their cases are covered by Regulation No.371-A of the Civil Services Regulation which reads:-- '

"371-A. Notwithstanding anything contained in Articles 355(b), 361, 368 and 371 of these Regulations, temporary and officiating service, in the case of Government servants who retired on or after the 1st January, 1949, or who joined service thereafter, shall count for pension according to the following rule:--

(i) Government servants borne on temporary establishments who have rendered more than 5 years' continuous temporary service shall count such service for the purpose of pension or gratuity excluding broken periods of temporary service, if any, rendered previously, and

(ii) temporary and officiating service followed by confirmation which does not qualify for pension under the rules in this section shall also count for pension or gratuity subject to the exclusion of the broken periods of temporary or officiating Service, if any."

Note.--The pension of Government servants who have already retired after the 1st January, 1949, shall be revised under this Article but the increased pension shall have effect from the 17th August, 1952, or from the date as determined under Article 930, whichever is later.

"Government orders see Serial Nos.2, 8 and 10, Chapter II and Serial Nos. 1 and 10 of Chapter III in Section VI."

Learned counsel for the appellant also referred to parawise comments and summary of the case, filed by the Government, in the Appeal No.318(P) of 1992, Roohullah Jan v. Federation of Pakistan, available on pages 28/29 of the file wherein it was conceded by the Government that the claim of the appellant in that case for pensionary benefits under Rule 371-A was justified.

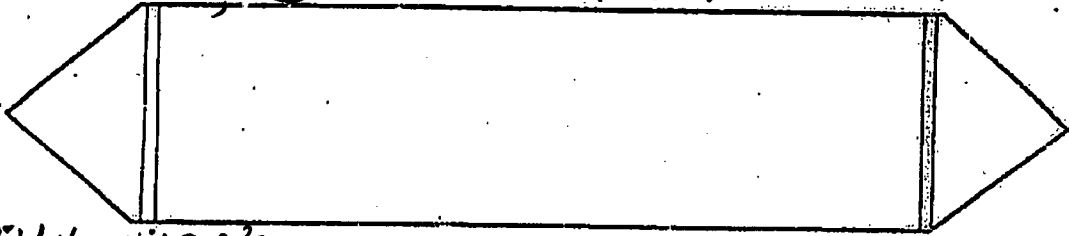
Admittedly the appellant put in more than ten years' temporary service before his services were terminated he was, therefore, entitled to pensionary benefits under Regulation 371-A(i) of Civil Service Regulations. It appears that this provision of the Civil Service Regulation was not cited before the Tribunal otherwise the observation to the contrary could not have been made in the impugned judgment.

Resultantly, the appellant and similarly placed other employees of the Afghan Refugees Organization, being Government civil servants, are held entitled to pensionary benefits if 'their cases are covered by Regulation No. 371-A of Civil Service Regulations. We allow this appeal, set aside the impugned judgment of the Federal Service Tribunal with no order as to costs.

A.A./A-1450/S

Appeal accepted.

بعدالت جناب سپیکر ایس ٹی بیونل ایشیاء



2022ء جناب امپرائیٹ

محمد طارق بنام PHE

موزخہ	-----
مقدمہ	-----
دعویٰ	-----
پیرم	-----

باعث تحریر آئنگ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے نانالہ جان ایڈوکیٹ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے سے وقتقر رٹالیت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بایدورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کیٹرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سامنتہ
پر واخبتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

محمد طارق (امپرائیٹ)

المترجم کا
ماہ نومبر 2022

واہ العبد

پشاور
Accepted by Fairplay