29.06.2022, 10 Company of the particle of the

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Irfan, Assistant for the respondents present.

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 further proceedings as mentioned in order sheet dated 13.12.2021 before the D.B on 06.10.2022.

(<del>Rozin</del>a Rehman) Member (J)

(Salah-ud-Din) Member (J)

06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate general respondents present.

Counsel for the appellant made a request for adjournment on the ground that he has not prepared the brief.

Adjourned. To come up for arguments on 07.12.2022 before

Ď.B.

(Mian Muhammad) Member (E) (Kalim Arshad Khan) Chairman

7<sup>th</sup> Dec. 2022

SCANNED KPST Peshawa

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Khalid Aziz, ASO for the respondents present.

- 02. Called several times, till rising of the court but nobody turned up on behalf of the appellant. The appeal is, therefore, dismissed in default. Consign.
- 03. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 7<sup>th</sup> day of December, 2022.

(Farceha Paul) Member(E)

(Rozina Rehman) -Member(J) 13.12.2021

Learned counsel for the appellant present. Mr. Irfan Anjum, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representative of the respondents stated that pension case of the appellant is under process and is going to be finalized in near future and sought further time for completion of process. Adjourned. Representative of the respondents is directed to produce copies of documentation/correspondence regarding pension papers of the appellant on the next date. To come up for further proceedings on 08.03.2022/before the D.B.

(Atiq-ur-Rehman Wazir) Member (Executive)

(Salah-ud-Din) Member (Judicial)

8-3-22 Due to bediement of the Hondle thouse

Radie

04.02.2021

Counsel for the appellant and Mr. Kabirullah Khattak learned Addi. AG for the respondents present.

Learned counsel representing appellant submitted that the pension case of the appellant is under process and is going to be prepared in near future and sought time for completion of the process. The case is adjourned, however, respondent No.1 is directed to depute a representative well conversant with the facts of case and rendering assistance to the Tribunal on the next date. To come up for arguments on

04.05.2021 before D.B.

(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

(MUHAMMAD JAMAL KHAN) MEMBER (J)

4.5.21

Due to covid-19, The cake is adjant new to 2.9. 2021 for the famme. After

02.09.2021

Mr. Zafar Ali Khan, Advocate, Advocate for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments0 before D.B on 13.12.2021.

(ATIQ UR REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Due to COVID19, the case is adjourned to 5/8/2020 for the same as before.

Realey

Due to summer vacation case to come up for the same on 06.10.2020 before D.B.

Reader

06.10.2020

Representative of appellant on behalf of appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, the case is adjourned to 24.11.2020 for arguments, before D.B.

(Atiq ur Rehman Wazir) Member (E) (Rozina Rehman) Member (J)

24.11.2020 Due to non-availability of D.B, the case is adjourned to 04.02.2021 for the same as before.

Reader

13.03.2020

Counsel for the appellant present. Asst: AG alongwith Mr. Muhammad Irfan, Assistant and Mr. Sajid, Supdt: for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.

Member

Member

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2020 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member

04.02.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.03.2020 for arguments before D.B.

(Ahmad Hassan) Member

(M. Amin Khan Kundi) Member

Changles of District Home Prior Light Confidence of the Confidence

(Clussain Shah) Meritara ক্রি:Afnin Khan Kuddi): ¶ Yambar 22:07.2019

Learned counsel for the appellant and Mr. Muhammad

Jan learned DDA for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.09.2019 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member

17.09.2019

Learned counsel for the appellant and Mr. Zia Ullah learned DDA present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.10.2019 before D.B.

Member

Member

29.10.2019 Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Shafique, Senior Clerk and Mr. Akhtar Hussain, Assistant for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 04.12.2019 before D.B.

(Ahmad Hassan) Member

(M. Amin Khan Kundi) Member 12.03.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zakiullah, Senior Auditor for respondents No. 8 present. Written replies on behalf of respondents No. 2 to 6 & 8 have already been submitted. Neither written reply on behalf of respondents No. 1 & 7 submitter nor their representatives present therefore, notice be issued to respondents No. 1 & 7 with the direction to direct the representative to attend the court and submit written reply on the next date by way of last chance.—Adjourned. To come up for written reply/comments on behalf of respondents No. 1 & 7 on 16.04.2019 before S.B.

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

16.04.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondents No.1 & 7 is still awaited. Rehmat Khan Superintendent representative present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 22.05.2019 before S.B.

Member

22.05.2019

Clerk to counsel for the appellant present. Written reply on behalf of respondents No.1 & 7 not received. Sajjad Superintendent representative of respondent No.1 absent.

The present service appeal pertaining to the pensionary benefits is lingering on at the stage of reply since 26.02.2018. The present case be therefore assigned to D.B for further proceedings. Respondents No.1 & 7 as well as the absent representative be put to notice for submission of reply on the next date before D.B. Adjourn. To come up for further proceedings on 22.07.2019 before D.B.

Member

26.09.2018

Appellant Akram Khan in person present. M/S Allah Nawaz, SDO for respondents No. 2 to 6 and Zakiullah, Senior Auditor for respondent No. 8 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Learned Addl. AG requested for adjournment to file written reply on behalf of respondents No. 1 and 7. Granted. To come up for written reply of respondents No. 1 and 7 on 14.11.2018 before S.B.

Chairmar

14.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 02.01.2019. Written reply not received. M/S Allah Nawaz SDO and Zakiullah Senior Auditor representatives of respondents absent.

READER

02.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written replies on behalf of respondents No. 2 to 6 & 8 have already been submitted. None present on behalf of respondents No. 1 & 7 therefore, notice be issue to respondents No. 1 & 7 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 & 7 on 12.03.2019 before S.B.

Muhammad Amin Khan Kundi Member 10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.

Reader

05.07.2018

Appellant in person and Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Allah Nawaz, SDO for the respondents No. 2 to 6 present. Written reply submitted on behalf of official respondents No. 2 to 6. Remaining respondents requested for adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1, 7 & 8 on <u>07.08.2018</u> before S.B.

Member

07.08.2018

Appellant and his counsel were absent, however, clerk of counsel for the appellant present. Mr. Allah Nawaz, SDO for respondent no.2 to 6 and Mr. Zakiullah, Senior Auditor for respondent no.8 alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondent no.8 submitted which is placed on file. Case to come up for written reply/comments of respondents no. 1 and 7 before S.Bon 26.09. 2018

Chairman

26.02.2018

Counsel for the appellant and Addl: AG for respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 13.03.2018 before S.B.

(Ahmad Hassan) Member(E)

Paindakhel, Assistant AG alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Written reply not submitted. Clerk of the counsel for appellant submitted an application for the correction of address of respondent No. 4 alongwith copies of memo appeal. Application is accepted. Thereafter fresh notices be issued to the respondents No. 4. To come up for written reply/comments on 12.04.2018 before S.B.

(M. Hamid Mughal) Member

12.04.2018

Appellant absent. Junior counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl. AG present. Zakiullah, Senior Auditor (Representative) of the respondent department is also absent. Therefore, fresh notices be issued to the respondent department to attend the court positively. Written reply not submitted on behalf of respondents. Requested for adjournment. Adjourned. To come up for written reply/comments on 10.05.2018 before S.B.

11.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Chowkidar in Public Health Engineering Department vide order dated 27.06.1995 on contract basis. It was further contended that the appellant was regularized on 30.07.2008 and he was retired from service on 30.06.2015 vide order dated 01.07.2015. It was further contended that according to rule 2.2 of West Pakistan Civil Services Pension Rules, 1963 when an employee remained for more than five years in service on contract or adhoc basis the same will be counted for pensionary benefits but the department is not paying pension to the appellant. It was further contended that the appellant also filed departmental appeal after some delay but since the matter pertain to the monitory benefits therefore, limitation does not run in such like matters. It was further contended that the department is legally bound to pay pension to the appellant and to count such service of the appellant remained in service on contract basis.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal exceptions. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 26.02.2018 before S.B.

(Muhammad Amin Khan Kundi) Member

Appellant Reposited
Security Access Fee

### Form-A

### FORMOF ORDERSHEET

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Case No.	1284/2017		

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S.No.	Date of order proceedings	Order or other proceedings with signature of judge
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1	16/11/2017	The appeal of Mr. Akram Khan presented today by
	<i>ε</i>	Mr. Zafar Ali Khan Advocate, may be entered in the Institution
		Register and put up to Worthy Chairman for proper order
	SET YES	please.
		REGISTRAR 16 [11]
2-	17/11/10	
2-	(90)(7	This case is entrusted to S. Bench for preliminary hearing
		to be put up there on $\frac{19/12/17}{}$ .
		CHAIRMAN
	19.12.2017	None present on behalf of the appellant. Case called but no one appeared on behalf of the appellant. Adjourned. To come up for Preliminary hearing on 11.01.2018 Before S.B  (Muhammad Hamid Mughal)
		MEMBER
ļ		
	<u> </u>	

## BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

#### INDEX

S.No.	Description of documents.	Annexure	Pages.
1 .	Memo of appeal.		1-3
2	Affidavit.		4
3 .	Addresses of the parties.		5
4	Copy of the appointment order	A	6
5	Copy of service book	В	7-15
5	Copy of retirement order	C	16
6	Copy of departmental appeal.	D	17
7.	Wakalatnama		18

Through

Appellant

ZAFAR ALI KHAN

Advocates High Court Peshawar 214 Syed Ahmad Ali Building Near Taj Autos, Sunehri Masjid Road, Peshawar Cantt. Office No.091-5279292

Cell: 0306-5965853 0333-9349442

Dated: 09.11.2017

## BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Khyber Pakhtukhwa Service Tribunal

S.A.No. 128 /2017

Diary No. 1323

Akram Khan s/o Shah Wazir Khan

#### VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
- 3) Chief Engineer Public Health Department, Peshawar Fort Road, PDA Peshawar Cantt. Circle Peshawar Hayatabad, Phase I, near PDA office, Peshawar.
- Superintendent Engineer Public Health, Department Fort Road, Peshawar Cantt. Bannu
- 5) Executive Engineer Public Health, Bannu.
- (6) Sub-Divisional Engineer Public Health, Bannu.
- 7) District Account Officer, Bannu

Registrar

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENT WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN DECIDED AND THE STIPULATED PERIOD HAS BEEN PASSED.

**Prayer:** 



On acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the respondents to issue pension, gratuity and other benefits immediately.

#### Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar on dated 37.06.1995. (Copy of the order is Annexed as Annexure "A").
- 2) That later on the services of the appellant was regularized, as BPS-01 on 30.08.2008. (Copy of service book is Annexure "R").
- 3) That the appellant has been retired from service on 30.06.2015 vide order No.1661/E-16/PHE. (Copy of the order is Annexure "C").
- 4) That appellant moved departmental appeal to the respondent No.2 for the issuance of pension, gratuity and other benefits on dated 25.07.2017 but still has not been decided by the respondents and the stipulated period has been passed. (Copy of departmental appeal is Annexure "D").
- 5) That aggrieved with, appellant has came before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for a direction to the respondents to issue pension along with other benefits to the appellant.

#### **GROUNDS:**

- a. That the respondent is not issuing pension, gratuity and other benefits to the appellant is against the facts and untenable in law.
- b. That the appellant has served in the education department for a period of almost 20 years, therefore, according to law and rules of services the appellant is entitled for the pension, gratuity and other benefits.



- c. That the respondents failed to appreciate the real point involved in the case in its perspective. Hence has arrived at an incorrect conclusion.
- d. That by not awarding/ issuing the pension to the appellant, respondents are violating the terms and conditions of service as well as the service laws and rules.
- e. That by not issuing the pension benefits to the appellant, respondents are violating the fundamental rights of the appellant because there is no source of income of appellant except this pension etc.
- f. That the respondents by not issuing the pension to the appellant are exercising the powers not vested to them under the law.
- g. That the non-disposal of departmental appeal by the respondents is perversant and against the settled principle of law and justice.

It is, therefore, requested that on acceptance of this appeal, the appellant may kindly be declared entitled for the pension, gratuity and other benefits and direct the respondents to issue pension, gratuity and other benefits immediately.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

Appellant

Through

ZAFAR ÅLI KHAN

Advocate High Court Peshawar

#### **CERTIFICATE:**

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.

Advocate



## BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No		/2017			
Akram Kh	ıan			• • • • • • • • • • • • • • • • • • • •	Appellant
	·		Versus	•	
Govt of K	P throug	h Secretary I	Finance and	others	Respondents

#### **AFFIDAVIT**

I, Akram Khan s/o Shah Wazir Khan R/o Aral Hathi Khel, District Bannu Bannu do hereby affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

ر Deponent

# (5)

### BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, <u>PESHAWAR</u>

S.A.N	No/2017
Akraı	m Khan
Govt	of K.P through Secretary Finance and othersRespondents
	ADDRESSES OF THE PARTIES
<u>APPE</u>	LLANT:
	n Khan s/o Shah Wazir Khan ral Hathi Khel, District Bannu
RESP	ONDENTS:
1)	Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
2)	Government of Khyber Pakhtunkhwa, through Secretary Public Health Civil Secretariat, Peshawar.
3)	Chief Engineer Public Health Department, Peshawar Fort Road, Peshawar Cantt.
4)	Superintendent Engineer Public Health, Department Fort Road, Peshawar Cantt.
5)	Executive Engineer Public Health, Bannu.
6)	Sub-Divisional Engineer Public Health, Bannu.
7) .	District Account Officer, Bannu
8)	Accountant General, Fort Road, Peshawar Cantt, Peshawar.

Appellant

Through

ZAFAR ALI KHAN
Advocate High Court Peshawar

Name Akram Khan

Date Of Appointment: 27-u6-1995

Chowkidar DDO BU6012

Public Health Engineering

Upgraded to Civil Servant under NWFP Civil Servant Act 1973 and awarded BPS-1 (Pay and Allowances are fixed since the date of appointment with no arrear upto 30-06-2008); Vide Deputy Secretary Budget-IV Govt: of NWFP Finance Department Peshawar No. BO-1/1-22/2007-08/FD Dated 29-01-2008

## Pay Scale 1994 BPS-1 ( 1245 - 35 - 1770 )

Rs. 1245/- PM w.e.f. 27-06-1995

Rs. 1280/- PM w.e.f. 01-12-1996

Rs. 1315/- PM w.e.f. 01-12-1997

Rs. 1350/- PM w.e.f. 01-12-1998 Rs. 1385/- PM w.e.f. 01-12-1999

Rs. 1420/- PM w.e.f. 01-12-2000

### Pay Scale 2001 BPS-1 ( 1870 - 55 - 3520 )

Rs. 2145/- PM w.e.f. 01-12-2001

Rs. 2200/- PM w.e.f. 01-12-2001

Rs. 2255/- PM w.e.f. 01-12-2002

Rs. 231u/- PM w.e.f. 01-12-2003

Rs. 2365/- PM w.e.f. 01-12-2004

### Pay Scale 2005 BPS-1 ( 2150 - 65 - 4100 )

Rs. 2735/- PM w.e.f. 01-07-2005

Rs. 2800/- PM w.e.f. 01-12-2005

Rs. 2865/- PM w.e.f. 01-12-2006

### Pay Scale 2007 BPS-1 ( 2475 - 75 - 4725 )

Rs. 3300/- PM w.e.f. 01-07-2007

Rs. 3375/- PM / w.e.f. 01-12-2007

### Pay Scale 2008 BPS-1 ( 2970 - 90 - 5670 )

Rs. 4050/- PM w.e.f. 01-07-2008

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### \* OFFICE OF THE EXECUTIVE ENGINEER, PUBLIC HEALTH ENGG: DIVISION BANNU





Ph/Fax#0928-9270049, E-mail:xenphedivision.bannu@gmail.com

No. 1661 /E-16/PHE

Dated Bannu, the 1 / 07/2015

#### OFFICE-ORDER

As recommended by Sub-Divisional Officer Public Health Engineering Stab-Division Bannu vide letter No. 01-02/E-16 dated 24/07/2015, on attaining the Age of Superannuation i.e. 60 (Sixty) Years Mr. Akram Khan S/O Shah Wazir Khan Chowkidar on AM&R Water Supply Scheme Aral Hathi Khel District Bannu is hereby retired with effect from 30/6/2015 (AN)

Sanctioned to the grant of 365-Days encashment in lieu of leave preparatory to retirement is also accorded under revised level Rule-1981.

EXECUTIVE ENGINEER,

#### Copy to:

- 1. The District Accounts Officer Bannu.
- 2. The DAO (Local) Bannu.
- 3. The SDO PHE Sub-Division Bannu with reference to above.
- 4. Official concerned.

EXECUTIVE ENGINEER,

ATTENED

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Area D" Ju, Jich Secretary No. 234

Dated: 25.219 me intime stories is the service 1. Almélus 3.30/6/2015 Des Not les 1 grand Lied سار مراوره سے رسازہ ہوا ہوں میں ایران سے اسکا مذره میں لؤیا کہ سال ملائمت کی ہے اور ا ایک دادی اسی طریقے سے تھے کی ا L'ouisin cin't de ville cour! حقرار بول لیرا من ایدان کو بنش و فنره جاری رت کا علم حمادر وسال کے سول میں رسان اور اس 3 on bes 317 dim son sour د منبر کر د نسان کا کا نوج کے حق کے Joseph Cipicol No Clas Pril

Jelle oil of the property of the self Joseph Service Appeal. الماعث تحرمرا نكه مقدمه مندرجه عنوان بالامیں ابنی طرف سے واسطے بیردی وجواب دہی دکل کاردائی متعلقہ س أن مام روا ور سيم كله كلوع الحادي / ميل مقرركر كاقراركياجا تاب كهما حب موصوف كومقدمه كى كل كاروائى كاكال اختيار ، وكاينيز وكيل صاحب كوراضى نامه كرنے وتقرر د ثالت و فيصله برحلف ديسيج جواب د ہى اورا قبال دعوى اور بسورت ومرى كرني اجراءا ورصولي چيك وروپيار عرضي دعوى اور درخواست برنتم كي تقيدين زراین پردسخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری بیکطرفہ یا پیل کی برامدگی ادرمنسوخی نیز دائز کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ ذکوج کے کل یا جزوی کاروائی کے واسطے اوروکیل یا مخارقا نونی کواپنے ہمراہ یا اپنے بجا سے تقر کر ہوگا۔اورصاحب مقررشدہ کو بھی وہی جملہ مذکورہ باا ختیارات حاصل ہوں کے اوراس کام اخت برواخت منظور قبول ہوگا۔دوران مقدمہ میں جوخر چدد ہرجاندالتوائے مقدمہ کے سبب سے دہوں کا کوئی تاریخ بیشی مقام دورہ برہویا حدسے باہر ہوتو وکیل صاحب پابند ہوں مے۔ کہ بیروی مذکورکریں۔لہذاوکالت نامہ کھدیا کہ سندرہ۔ بمقام (العرفان)

### BEFORE THE KHYBER PAKHTUNKHWA SERVICES

#### TRIBUNAL, PESHAWAR.

13,3,518

S.A.No.1284/2017

Akram Khan.....Appellant

Versus

Govt. of K.P through Secretary Finance and others.....Respondents

# APPLICATION FOR BRINGING ON RECORD THE CORRECT ADDRESS OF RESPONDENT NO.4.

Respectfully Sheweth;

- 1) That the above noted appeal is pending adjudication before this Hon'ble Tribunal and fixed for today i.e. 13.03.2018.
- 2) That as per directions of this hon'ble Tribunal, the correct address of respondent No.4 is as under:

Superintendent Engineer Public Health Department circle Peshawar Hayatabad, Phase-I, near PDA office, Peshawar

It is, therefore, requested that correct address of respondent mentioned above may kindly be brought on record and served accordingly.

Petitioner

Through

Zafar Ali Khan Advocate, Peshawar.

## BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

S.A.No.1284/2017

#### **AFFIDAVIT**

I, Akram Khan s/o Shah Wazir R/o Aral Hathi Khel, District Bannu do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

S.A.No.1284/2017

Akram Khan.....Appellant

Versus

Govt. of K.P through Secretary Finance and others.....Respondents

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Deponent

OFFICE OF THE SUPERINTENDING ENGINEER PUBLIC HEALTH ENGINEERING CIRCLE PESHAWAR PLOT NO. 40/B-II PHASE-V, HAYATABAD, PESHAWAR. PHONE NO. 091-9219564

NO. 02 / C-/ SE

Dated Peshawar the 3 / 04 / 2018

Khyber Pakhinkhuh Service Tribunal

Τo

The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.

Subject: -

APPEAL NO: 1284 OF 2017 IN RESPECT OF MR. AKRAM KHAN V/S GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY FINANCE ETC.

It is submitted that the subjected case received to this office is pertaining to PHE Circle Bannu.

Therefore it is requested that the same may be sent to PHE Circle Bannu for further necessary action please.

DA/As above

Superintending Engineer PHE Circle, Peshawar

but up to the court with

Dasdy

# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

S.A.No.1284/2017

Akram Khan.....Appellant

Versus

Govt. of K.P through Secretary Finance and others....Respondents

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# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

S.A.No.1284/2017

Akram Khan.....Appellant

Versus

Govt. of K.P through Secretary Finance and others......Respondents

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Deponent

N1.204/A4C

### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

## **Appeal No. 1284/2017**

Akram Khan Ex-Chowkidar

(Appellant)

### **VERSUS**

Secretary to PHE Department & other

(Respondent)

of other field of any Khot

Proper appropriate and from

Respectfully Sheweth:-

### Preliminaries objection from Respondent No.2 to 6

1. That the appellant has no locus standing and cause of action.

2. That this court has no jurisdiction to adjudicate the matter.

3. That the appellant has not come to this honorable tribunal with clean hand,

4. That the appellant has been estopped by his own conduct to file the appeal

### Para-wise reply / comments on behalf of respondents

- 1. Para No-1 is correct to the extent to the entry in Service Book vide which the appellant was appointed as Chowkidar on Water Supply Scheme Aral Hathi Khel vide Executive Engineer, Public Health Engg: Division Bannu appointment office order No. 01-05/E-16 on fixed pay basis (1<sup>st</sup> page of Service Book photo copy attached). Annexure-A
- 2. Para No-2 of the petition it is stated that Policy for appointment of all Class-IV employee on fixed pay basis introduced with effect from 04/11/1992. Later on, in light of policy 2008 their pay was fixed just like a regular employee from the date of initial appointment. However their salary was fixed from initial appointment. (Finance Department Notification copy attached). Annexure-B
- 3. Para No-3 is correct.

Regarde (1915) Regular ve di 19 Admirilar (1916)

4. Para No-4 is correct. In this context FD letter No. BOI/FD/1-22/2008-09 dated 30/07/2008 all the Class-IV fixed pay employees have been regularized in BPS-01 and giving them the status of Civil servant with effect from 01/07/2008 (But not from the date of their appointment) as per provision of section 19 of the Civil servant Act 1973 (read with Civil servants) (Amendment Act 2005. Under the Act ibid. These employees are entitled for contributory, provident Fund (C.P Fund) instead of Pension / Gratuity and G.P.Fund. (Photo copy of Finance Department letter attached). Annexure-C

Recently Peshawar High Court Peshawar decided that fix pay employees are regular from 01/07/2008 in writ petition No. 1224/2015 (Photo copy attached). **Annexure-D** 

Gratuity case of the petitioner is sent to District Accounts Office Bannu vide this office letter No. 106/E-16 dated 22/01/2016 for collection of gratuity, but the petitioner are not trying to collect the pension gratuity. (Photo copy attached).

Annexure-E

### **GROUNDS:-**

- a). Para No.a is incorrect. Detailed reply has been given in Para No-4.
- b). Para No.b is correct to the extent that the appellants served in the Department of the respondents.
- c). Para No.c is incorrect.
- d). Para No.d is also incorrect.
- e). Para No.e is incorrect.
- f). Para No.f is incorrect.
- g). Para No.g is incorrect.

It is humbly prayed that this Honorable court may graciously be pleased to dismiss the service appeal of the appellants against respondents.

Sub-Divisional Officer,

Public Health Engg: S/Division

Bannu

(Respondent No.06)

Executive Engineer,

Public Health Engg: Division

Bannu

(Respondent No.05)

Superintending Engineer,

Public Health Engg: Circle

Bannu

(Respondent No.04)

Chief Engineer (South),

Public Health Engg: Deptt:

K.P.K Peshawar

(Respondent No.03)

Secretary,

Govt: of Khyber Pakhtunkhwa
PHE Department Peshawar

(Respondent No.02)

Page - 4 SERVICE

P. No. 364882

Permanent Address \_\_\_\_\_ الكاناء \_\_\_\_\_ الكاناء \_\_\_\_ الكاناء \_\_\_ الكاناء \_\_\_\_ الكاناء \_\_\_\_ الكاناء \_\_\_\_ الكاناء \_\_\_ الكاناء \_\_ الكاناء \_\_\_ الكا

Paroge-5 1 3 6 II officially Name ((I Whether Substantive re and 8 state (i) substative gnation of or officialing appointment or Nationality and Pieligionic counts for Addillonal emolum-Date of pay for ollicialing ents failing ander th appoint-Gove permanent or position Name of Post pension under Signature and designation of the Head of the temporary Residence d Dist ·lead pay Teh: J. w. office or other Father's name and residence تاريج atesting officer app in attestation of تواه ديگر تغردى دەرول كےمطابق column 1 to 8 Date of birth by Christian era as nearly as can be ascertaineds. Pota. 6 Exact height by measurment 35 د نددانا مت Public Healt! Engineering Jef t E Ye Cof identification Sub Division Bunnu, Fiscio chocotic das 8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer) د مرای موبات پر ، پر Wradie Fing LoLittle Finger Ring Finger HE 5 Kerne 99 Fore Finger ٥7 do 07 9. Signature of Govt. Servent do-07 10. Signature and designation of the Head of the Otto original public for 12 Resting of the Division and Hosel Division Sab Diversity Raying 40000C The entries in this page should the property of the entries in this page should be controlled at least every five years adn the signatures in lines of the state of the dated. Finger prints need not be taken after every 5 years under this Pule. Note: -i | يق ويمتغلون ك نيج الاثابون جاسية اغليول 1223102 إ يخ مال مح بعدك لمعدية ك مزدرت بل. HAN SSI

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						<b>,</b>	Works and	District Co Services (V/	Ticer S & S)
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حُکومت صوبه سرحد محکمه خزانه

مراسله نمبر بی اورارا ۱۸۰۲۸ میرالید. و کارالید. و کارالید. و کاراید. و کاراید. و کاراید. و کارالید. و کارالید.

. *نگذ*مرت

ا - تمام انتظامی معتمدین حکومت صوبه مرحد \_

۲۔ معتمد برائے گور نرصوبہ مرحد، بیثاور۔

٣- ينيل سان آفيسر برائه وزيراعلى صوبه مرحد

۳- تمام سربرامان ما تحت محکمه جات صوبه سرحد \_

۵- تمام شلعی رابطها فسران صوبه سرحد

۲- ۲ رہشرار پینا در بائی کورٹ، بینا در۔

. ٤ - البحشران مردى ٹريبونل ، صوبهمرعد ، پيثاور

۸ - سیکرنری ،صوبائی پلک سردس کمیش ،صوبه سرحد ، پیناور ـ

ا - ميرزي بورهٔ آف راوينو، صوبه سرعد

النوان - بحیث تقریر ۸۸ میل درجه جیارم کے مقررہ تخواہ بانے والے (Fixed pay) ملازین کے لیے کا فنڈ کا اعلان - ملازین کے لیے کا فنڈ کا اعلان -

جناب عالى!

بی سدایت کی گئے ہے کہ عنوان بالاگا موالددیتے ہوئے مرتی کرون کہ صوبا کی حکومت نے تمام درجہ پہناری سر اس میں ایس فرائی کا موالد بین کو سم جولائی ۸ و ۲۰ سے این فرائی و بلین الفت بی سول پہناری سر کی منظوری دی دی منظوری دی منظوری دی در دی منظوری دی در دی منظوری دی دی دی در دی دی در دی دی در دی در دی در دی در دی دی در دی دی دی در دی دی دی در دی در دی دی در در دی در

سے ال کسلے میں پہلے سے جاری شدہ تمام پالیسی رہدایات کیم جولائی مندوج تصور تصور میں اللہ میں اللہ میں اللہ میں ا

مرا(شرافت فان ربانی) نائب معتد (میرایت ۲۰)

FINANCE DEPARTMENT

No.BO1/FD/1-22/2008-09/ Dated Peshawar, the 30/7/2008

The Accountant General, NWFP, Peshawar.

Subject:-

BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV INTO REGULAR BPS-1 CP. FUND SCHEME,

Dear-Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixedia Payz Employees have been regularized in BPS-1 giving them the status of Civil Servant With effect from 12 July, 2008 (but not from the date of their appointments) asper provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, In order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entified for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rule:/Regulations.

Yours faithfully,

ida Muhammad) ນັບຕ່ຽນເປັດໃກ້ປະທານ

#### Endst No. & Date even:

Copy is forwarded wir to Finance Dept's circular letter No.601/1-22/2007 08/FD dated 29/1/2008, for information & necessary action to:-

- All Administrative Secretaries to Government of NWFP 1)
- Secretary to Governor, NWFP, Peshawar 2)
- Principal Secretary to Chief Minister, NWFP, Peshawar, 3)
- All District Coordination Officers in NWFP 4)
- All Heads of Attached Departments in NWFP 5)
- The Registrar, Pachawar High Court, Peshawar 6)
- The Registrar, NY FP Service Tribunal, Peshawar 7)
- The Secretary Provincial Assembly, NWFP, Peshawar
- 8) 9) . The Secretary, Board of Revenue, NWFP, Peshawar
- All District Accounts Officers in NWFP 10)

All Budget/Section Officers in Finance Department, Peshawar

AUDGET OFFICER-

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR No.11-24(113)/RBPS-2006-07/Prov: Corresponds file/ 906 Dated: 07-08-2003

Copy of the above is forwarded for information and necessary notion to all concerned.

- L. All DAOS/AAOS in SIV/FP.
- 2. All Payrolls Scotion (1.).
- 3. Pan jo DAGs.
- Ponsion (M).

Judgment Sheet

## PESHAWAR HIGH COURT PESHAWAR

(Judicial Department)

## Writ Petition No. 1224-P/2015

Habib ur Reliman

Versus

Chief Secretary to Govt: of KPK and others.

Date of hearing.

10.01.2018

Petitioner By Shahid Rlean Advocale

Respondents. By Offichar uddin Yours of fair AHIG

## <u>JUDGMENT</u>

\*\*\*\*

MUSARR AT HILACI.I:- The instant writ

petition has been filed by the petitioner under Article 199 of the Islamic Republic of Pakistan, 1973 praying that a writ may be issued to respondents to release the pension and pensionery benefits to the petitioner without any further delay.

2. Brief facts, as per averments of the writ petition are that the petitioner worked as Chowkidar in the Education Department from 1.09.1998 to 11.5.2012

hinain

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 1224-12015

Habib ur Rahman S/O Mahabat Khan R/O Libas Khan Koroona P/

Tehsil Takht Bhai, District Mardan



#### <u>VERSUS</u>

1 Paradul

Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

Charles In

The Secretary Education Department, Govt. of Khyber Pakhtunkhwa Peshawar.

Divisional Education Officer Mardan.

Executive District Education Officer, Mardan

Accountant General, Khyber Pakhtunkhwa, Peshawar.

6: Secretary Finance Gaust g-KPK Perhausun Respondents.

?: Districis Accounts Oficer Mardan

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

## PRAYER IN WRIT.

ON ACCEPTANCE OF THIS PETITION, THE AN APPROPRIATE DIRECTION BE ISSUED TO RESPONDENTS TO ISSUE/ RELEASE THE PENSION AND PENSIONERY BENEFITS TO THE PETITIONER

WITHOUT ANY FURTHER DELAY.
FILED TODAY

EXAMINER COURT

and at the age of 60, a sanction letter regarding his retirement from Executive District Office (E&S). Education Mardan was issued on 01.05.2012. That despite of fulfillment of all the codal formalities, the respondents are reluctant to release the pension and pensionary benefits to the petitioner. Feeling aggrieved with the actions of respondents, the instant writ petition has been filed.

Arguments of learned counsel for the parties heard and record perused.

The case of petitioner is that he served the respondent department from 01.09.1998 till 11.5.2012, however, on his retirement, he was not paid pension till date. Comments were called from the respondents which were accordingly submitted wherein they have submitted that since the petitioner was a fix pay employee, therefore, he is not entitled to the pension/pensionary benefits as per the relevant rules/policy. The same has been clarified by the letter of Government of NWFP Finance Department No. BO

onaw

EXAMINER Shayar High Cours 1/FD/1-22/2008-09 dated 30.07.2008 addressed to the Accountant General, NWFP, Peshawar in the following terms:-

haves been regularized in BPS-1 giving them the status of Civil Servant with effect from 14 July 2008 (but not from the date of their appointments) as per provision of Section 10 of the Civil Servant Act. 1973 (read with Civil Servants (Amendment)) Act. 2005) Under the Act ibid, these employees are entitled for Contributory Bravidents Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund

In view of the above, the petitioner being fix pay employee is not entitled to the relief prayed for i.e. release of pension and pensionery benefits. In the circumstances, the instant writ petition being devoid of merit stands dismissed.



Announced on; Dated. 10.01.2018 STY MUDGE

DYO BE TRUE COPY

AN 2018

No D.B Hon'ble Mr. Justice Wagar Ahmad Seth and Hon'bl	le Justice Musarrat Hilali
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OFFICE OF THE EXECTUIVE ENGINEER PUBLIC HEALTH ENGG: DIMESTON DANNE.

NO 106 /E-16/PHE

Dated Bannu 22/0//2015

T e

The Wistrict Account Officer, Bannu.

Subject:-

PENSION PAPERS IN RESPECT OF MR. AKRAM KHAN

CHCKIDAR OF THIS DIVISION.

The pension papers in respect of above named Chowkidar complete in all respect along with original Service Book (in two parts) is sent herewith for favour of further necessary action Please.

DA:

Pension papers with Original Service Book. EXECUTIVE ENVINEER

Executive Engineer

Apublic Health Engineer

Division Bannu

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

## Appeal No. 1284/2017

Akram Khan Ex-Chowkidar

(Appellant)

## **VERSUS**

Secretary to PHE Department & other

(Respondent)

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2	Para-Wise comments		02-03
3	1st Page of S/Book	Annexure-A	04-06
4	FD Urdu Notification	Annexure-B	. 07
5	Finance Deptt: fixed Payregularization Notification from 01/07/2008.	Annexure-C	08
6	Peshawar High Court Peshawar decision	Annexure-D	. 09-12
7	Letter to DAO Bannu collection of Pension / Gratuity.	Annexure-E	13

Executive Engineer, Public Health Engg: Division

Bannu

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR Appeal No. 1284/2017

Akram Khan Ex-Chowkidar

(Appellant)

**VERSUS** 

Secretary to PHE Department & other

(Respondent)

## AFFIDAVIT

I Mr. Khan Muhammad Khan Executive Enigneer, Public Health Engineering Division Bannu solemnly declares on oath that the contents of the Para-wise reply are true and correct to the best of my knowledge and belief and that the nothing has been concealed from the Honourable Court.

Executive Engineer,

Public Health Engg: Division

Bannu

(Respondents),5

### Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 1284-/2017

Akram Khan Appellant.

V/S

Government of Khyber Pakhtunkhwa through Secretary Finance Peshawar and others Respondents.

### (Para wise reply on behalf of Respondent No.8)

### **Preliminary Objections.**

- 1). That the Appellant have no cause of action.
- 2). That the Appellant have no locus standi.
- 3). That the Appeal in hand is not maintainable.
- 4). That the instant Appeal is time barred.
- That the identical case Writ Pitition No. 1224-P/2015 Habib-Ur-Rehman V/S Provicial Government of KPK, has already been dismissed by the Peshawar High Court Peshawar (Annex-A).
- That writ petition No.1188-P/2014, titled Baghi Shah v/s Secretary Finance Department Peshawar and others, Provincial Government of Khyber Pakhtunkhwa has filed CPLA in the Apex Court (Annex-B).

### Respectfully Sheweth:-

- Para 1:- Proved by record, however liable to be proved by the Appellant.
- Para 2 Correct, that the Appellant was regularized with effect from 1<sup>st</sup> July, 2008 (but not from the date of his appointment) in light of Finance Department Peshawar notification No.BOI/FD/1-22/2008-09, dated 30.07.2008. Hence he had not completed the qualifying Service for pension that is 10 years (Annex-C).
- Para 3:- Proved by record , however liable to be proved by the Appellant.
- Para 4:- As mentioned in para "2" above the Appellant is not entitled for pension.
- Para 5:- As mentioned in para "2" Above the Appellant is not entitled for pension.

ge.

#### **GROUNDS:-**

- A:- That Respondent No.8, is bound to follow the rules and instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time.
- B:- Incorrect , to the extent that the Appellant has not completed the qualifying service for pension that is 10 years.
- C:- Incorrect, that in light of Finance Department Peshawar vide letter No. BO/FD/1-22/2008-09, dated 30.07.2008 the appellant was regularized with effect from 01.07.2008. Hence the Appellant did not complete the qualifying service for pension and not entitled for any pension under the rule.
- D:- Incorrect. As mentioned in Para "A" above, Respondent No.8 has not violated any rule or law.
- E:- That an identical case Writ Petition No. 1224-P/2015 Habib-Ur-Rehman V/S

Provincial Government of KPK, has already been dismissed by the Peshawar

High Court Peshawar. Hence the Appellant is not entitled for pension.

- F:- As mentioned in Para "A" above.
- G:- Relates to respondent No. 2, Hence no comments.

Keeping in view the above mentioned facts, it is humbly prayed that the writ in hand, having no merits, may be dismissed with coat

ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA

Annon A

Judgment Sheet

## PESHAWAR HIGH COURT, PESHAWAR

(Indicial Department

### Writ Petition No. 1224-P/2015

Habib ur Rehman

Versus

Chief Secretary to Govt: of KPK and others.

Date of hearing.

10.01.2018

Petitioner By Chahid Clean Advocale

Respondents By Offichar uddin Yours of Zon All Ch

**JUDGMENT** 

petition has been filed by the petitioner under Article
199 of the Islamic Republic of Pakistan, 1973 praying
that a writ may be issued to respondents to release the
pension and pensionery benefits to the petitioner
without any further delay.

2. Brief facts, as per averments of the writ petition are that the petitioner worked as Chowkidar in the Education Department from 1.09.1998 to 11.5.2012

EXAMINER COM

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BEFORE THE HON BLE PESHAWAR HIGH COURT, PESHAWAR
W.P.No. 12015
Habib ur Rahman S/O Mahabat Khan R/O Libas Khan Koroona POHathian,
Tehsil Takht Bhai. District Mardan

VERSUS

Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

The Secretary Education Department, Govt. of Khyber Pakhtunkhwa. Peshawar.

Divisional Education Officer Mardan.

Executive District Education Officer, Mardan

Accountant General, Khyber Pakhtunkhwa, Peshawar.

O Scenicior y Finance Gauc 9-16 Pestiacion Respondents.

Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

PRAYER IN WRIT.

ON ACCEPTANCE OF THIS PETITION, THE AN APPROPRIATE DIRECTION BE ISSUED TO RESPONDENTS TO ISSUE/ RELEASE THE PENSION AND PENSIONERY BENEFITS TO THE PETITIONER

WITHOUT ANY FURTHER DELAY.

Pelan Register Depart Register 15 are 215 Pashawar stight Court
2'y JAN 2018

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and at the age of 60, a sanction letter regarding his retirement from Executive District Office (E&S) Education Mardan was issued on 01.05.2012. That despite of fulfillment of all the codal formalities, the respondents are reluctant to release the pension and pensionary benefits to the petitioner. Feeling aggrieved with the actions of respondents, the instant writ petition .. has been filed.

Arguments of learned counsel for the parties heard and record perused.

The case of petitioner is that he served the respondent department from 01.09.1998 till 11.5.2012, however, on his retirement, he was not paid pension till date. Comments were called from the respondents which were accordingly submitted wherein they have submitted that since the petitioner was a fix pay employee, therefore, he is not entitled to the pension/pensionary benefits as per the relevantrules/policy. The same has been clarified by the letter of Government of NWFP Finance Department No. BO

1/FD/1\*22/2008-09 dated 30.07.2008 addressed to the Accountant General, NWFP, Peshawar in the following terms:-

"all the Class-IV fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1" July, 2008 (but not from the date of their appointments) as per provision of Section 10 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund."

In view of the above, the petitioner being fix pay employee is not entitled to the relief prayed for i.e. release of pension and pensionery benefits. In the circumstances, the instant writ petition being devoid of merit stands dismissed.

Herry Scott

Annou Dated.

Announced on; Dated. 10.01.2018 SP no pured Afel

U.B Hon'ble Mr. Justice Wagar Ahmad Seth and Hon'ble Justice Musarrat Hilali

Prise of Procentation of Application Additional Prises

CERTIFIED TO BE TRUE COPY

23 JAN 2018

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#### **BETTER COPY**

Annex-C

GOVERNMENT OF NWFP FINANCE DEPARTMENT No. BO1/FD/1-2/2008-09 Dated Peshawar, the 30/07/2008

To,

The Accountant General,

NWFP, Peshawar.

Subject:-

BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV INTO REGULAR

**BPS-1 CP FUND SCHEME.** 

Dear sir,

I am directed to refer to your letter No. H.24(85)/ Kohistan /Vol-II/851 dated 18.06.2008, on the subject noted above and to clarify that all the class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but from the date of their appointments) as per Provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005): Under the Act ibid, these employees are entitled for Contributory Provident Fund (CP Fund) instead of Pension / Gratuity and GP Fund. Since length of service of the employee was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension / Gratuity and GP Fund, unless otherwise provided in the relevant Rules / Regulations.

Yours faithfully,

(Fida Muhammad) Budget Officer-1

#### Endst:No. & Date even:

Copy is forwarded w/r to Finance Department Circular letter No. BO1/1-22/2007-08/FD dated 29.01.2008, for information & necessary action to:-

- 1). All Administrative Secretaries to Government of NWFP.
- 2). Secretary to Governor, NWFP Peshawar.
- 3). Principal Secretary to Chief Minister, NWFP Peshawar.
- 4). All District Coordination Officers in NWFP.
- 5). All Heads of Attached Department in NWFP.
- 6). The Registrar, Peshawar High Court, Peshawar.
- 7). The Registrar, NWFP Service Tribunal, Peshawar.
- 8). The Secretary Provincal Assembly NWFP, Peshawar.
- 9). The Secretary, Board of Revenue NWFP Peshawar.
- 10). All Distrcit Accounts Officers in NWFP.
- 11). All Budget / Section Officer in Finance Department Peshawar.

**SECTION OFFICER-1** 



### GOVT: OF KHYBER PAKHTUNKHWA PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the May 07, 2018

## **AUTHORITY LETTER**

NO.SO (LIT)PHE/HC-101/Peshawar Mr. Allah Nawaz, Sub Divisional Officer No. II Bannu is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, on each date of hearing, in connection with the defense of the case titled as Appeal NO. 1284/2017 AKRAM KHAN VERUS SECRETARY PHED AND OTHERS, on behalf of the PHE Department.

(IHSAN ULLAH) SECTION OFFICER (LIT)



## OFFICE OF THE CHIEF ENGINEER (SOUTH) PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9212984 Fax#091-9210228 E-mail: Ce.s.phed.pr5419@gmail.com

No. <u>01</u> /9-4-A/ST /PHE, Dated Peshawar, the <u>07</u> / <u>5</u> /2018

### **AUTHORITY LETTER**

The Sub Divisional Officer PHE Sub Division-II Bannu is hereby authorized to attend the honourable Court of Service tribunal Peshawar in connection with the case titled "Akram Khan Ex-Chowkidar Versus Govt: of Khyber Pakhtunkhwa and others an Appeal No.1284/2017" on behalf of the Department.

Chief Engineer (South)

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

## **AUTHORITY**

Sub Divisional Officer No.II PHE Bannu is hereby authorized to attend the Honourable Court of Sevice Tribunal Peshawar on 10-05-2018 at 8.00 A.M on behalf of the under signed and every date of hearing in the following case.

**Appeal No.** 1284/2017

Title

Mr. Akram Khan VS Public Health Engineering Department

SUPERINTENDING ENGINEER PHE CIRCLE BANNU



### OFFICE OF THE EXECUTIVE ENGINEER, PUBLIC HEALTH ENGG: DIVISION BANNU

Ph/Fax#0928-9270049, E-mail:xenphedivision.bannu@gmail.com

## **AUTHORITY**

Sub-Divisional Officer PHE Sub Division No.II Bannu is hereby authorized to attend the Honourable Court of Service Tribunal Peshawar on 10-05-2018 at 08:00 A.M on behalf of the undersigned and every date of hearing in the following case.

**Appeal No.** 1284/2017

**Title**Mr. Akram Khan VS Public Health Engineering Department.

EXECUTIVE ENGINEER

No. 201/1AA)

### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

## Appeal No. 1284/2017

Akram Khan Ex-Chowkidar

(Appellant)

### **VERSUS**

Secretary to PHE Department & other

(Respondent)

Respectfully Sheweth:-

### Preliminaries objection from Respondent No.2 to 6

- 1. That the appellant has no locus standing and cause of action.
- 2. That this court has no jurisdiction to adjudicate the matter.
- 3. That the appellant has not come to this honorable tribunal with clean hand.
- 4. That the appellant has been estopped by his own conduct to file the appeal

### Para-wise reply / comments on behalf of respondents

- 1. Para No-1 is correct to the extent to the entry in Service Book vide which the appellant was appointed as Chowkidar on Water Supply Scheme Aral Hathi Khel vide Executive Engineer, Public Health Engg: Division Bannu appointment office order No. 01-05/E-16 on fixed pay basis (1<sup>st</sup> page of Service Book photo copy attached). Annexure-A
- 2. Para No-2 of the petition it is stated that Policy for appointment of all Class-IV employee on fixed pay basis introduced with effect from 04/11/1992. Later on, in light of policy 2008 their pay was fixed just like a regular employee from the date of initial appointment. However their salary was fixed from initial appointment. (Finance Department Notification copy attached). Annexure-B
- 3. Para No-3 is correct.
- 4. Para No-4 is correct. In this context FD letter No. BOI/FD/1-22/2008-09 dated 30/07/2008 all the Class-IV fixed pay employees have been regularized in BPS-01 and giving them the status of Civil servant with effect from 01/07/2008 (But not from the date of their appointment) as per provision of section 19 of the Civil servant Act 1973 (read with Civil servants) (Amendment Act 2005. Under the Act ibid. These employees are entitled for contributory, provident Fund (C.P Fund) instead of Pension / Gratuity and G.P.Fund. (Photo copy of Finance Department letter attached). Annexure-C

Recently Peshawar High Court Peshawar decided that fix pay employees are regular from 01/07/2008 in writ petition No. 1224/2015 (Photo copy attached). **Annexure-D** 

Gratuity case of the petitioner is sent to District Accounts Office Bannu vide this office letter No. 106/E-16 dated 22/01/2016 for collection of gratuity, but the petitioner are not trying to collect the pension gratuity. (Photo copy attached). Annexure-E

#### **GROUNDS:-**

- a). Para No.a is incorrect. Detailed reply has been given in Para No-4.
- b). Para No.b is correct to the extent that the appellants served in the Department of the respondents.
- c). Para No.c is incorrect.
- d). Para No.d is also incorrect.
- e). Para No.e is incorrect.
- f). Para No.f is incorrect.
- g). Para No.g is incorrect.

It is humbly prayed that this Honorable court may graciously be pleased to dismiss the service appeal of the appellants against respondents.

Sub-Divisional Officer,

Public Health Engg: S/Division

Bannu

(Respondent No.06)

Executive Engineer,

Public Health Engg: Division

Bannu

(Respondent No.05)

Superintending Engineer,

Public Health Engg: Circle

Bannu

(Respondent No.04)

Chief Engineer (South),

Public Health Engg: Deptt:

K.P.K Peshawar

(Respondent No.03)

Secretary,

Govt: of Khyber Pakhtunkhwa PHE Department Peshawar

(Respondent No.02)

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P. No. 364882 Name\_\_\_\_(t. والدكانا [ Father's Name Permanent Address\_

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## حَاثُومت صنوبه سرحد محكمه خزانه

<u>. کذمرت</u>

ا - تمام انظای معتدین حکومت صوبه مرحد \_

۲ - متمتز برائے گور نرصوبہ مرحد، بیثاور۔

س- بنیل سان آنیسر برائے وزیراعل عوب مرحد

س- تمام ربرابان ما نحت تحكه جات صوبه مرحد.

۵- تمام شلى رابطه افسران سوبه سرحد

۲۔ رجشرار پاور بائی کورٹ، پٹاور

۲- د جسرار، سردی ٹر بیونل، صوبہ سرحد، بیثاور

۸ میکرنری ،صوبانی بیلک مردی کمیشن ،صوبه مرحد، پیاور ـ

- سيکرٹري بورڈ آف ريوينيو، صوبه سرجد۔

النوان - بحث تقرير ۱۰۰ من النور المورد جهادم كمقررة تخواه بان والے (Fixed pay) مقررة تخواه بان والے (Fixed pay) مازین كے ليے تا - في النان -

جناب عالى!

بخصصدایت کی گئے ہے کہ عنوان بالاکا حوالددیتے ہوئے عرض کردن کہ صوبائی حکومت نے تمام درجہ بہتاری آفردہ تخواہ (Fixed pay) پانے والے لمازین کو سیم جولائی ۱۰۰۸سے این ڈبلیو الف پی سول کا زین کا درجہ دیکر بنیادی سکیل تا (BPS-1) دینے کی منظوری دی

ان کی بھرتی کے تاری (Fixation of pay) ان کی بھرتی کے تاری (Date of کی اور الدونیز وغیرہ کی میرتی کے تاری (Appointment) کی بقایا ہے۔ ایم یہ طان (arrears) کے مقدار نہیں ہوئے۔

س۔ اس ملے میں پہلے ہے جاری شدہ تمام پالسی رہدایات کم جولائی رہوہ ہے سور تصور

آنگانگان

الرشرات خان ربان) المستنز (میزاند)

Annexuret

## FINANCE DEPARTMENT

No.BO1/FD/1-22/2008-09/ Dated Peshawar, the 30/7/2008

To

The Accountant General, NWFP, Peshawar.

Subject:-

BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV

INTO RECULAR BPS-1 CP. FUND SCHEME.

Dear-Sir.

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 direct 18/6/2008 on the subject noted above and to clarify that all the class-IV Fixedial Pays Employees thave been regularized in BPS-1 giving them the status of Civil Servant (with effects from 12 July 2008 (but not from the status of civil Servant Act, 1973 (read appointments) as their provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act bld, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. Flowever, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund; unless otherwise provided in the relevant Rules/Regulations.

. Yours faithfully,

Fida Muhammad) Budget Officer-I

### Endst No. & Date event

Copy is forwarded w/r to Finance Dept's circular letter No.801/1-22/2007-08/FD dated 29/1/2008, for information & necessary action to:

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attoried Departments in NWFP
- 6) The Registrar, Perhawar High Court, Peshawar
- 7) The Registrar, NV/FP Service Tribunal, Peshawar
- 8) The Secretary Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar

AUDGET OFFICER-

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR No.H-24(113)/RBPS-2006-07/Prov. Corresponds file/ 9-6 Dated: 07-08-2008

Copy of the above is forwarded for information and necessary action to all concerned.

- L. All DAOJAAOs in MYFP.
- 2. All Payrolls Scetion (-).
- . 3. Pas to DAGs.
- 4. Pousion (M).

CHAN SON

Judgment Sheet

## PESHAWAR HIGH COUR

PESHAWAR

(Judicial Department)

Writ Petition No. 1224-P/2015

Habib ur Rehman

Versus

Chief Secretary to Govt: of KPK and others.

Date of hearing.

10.01.2018

Petitioner By Chahid Clean Advocale

Respondents. By Offichar uddin Yours of fair AM

<u>JUDGMENT</u>

\*\*\*\*

MUSARR AT HILALI.I:- The instant writ

petition has been filed by the petitioner under Article 199 of the Islamic Republic of Pakistan, 1973 praying that a writ may be issued to respondents to release the pension and pensionery benefits to the petitioner without any further delay.

2. Brief facts, as per averments of the writ petition are that the petitioner worked as Chowkidar in the Education Department from 1.09.1998 to 11.5.2012

brain

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 12

Habib ur Rahman S/O Mahabat Khan R/O Libas Khan Koroona P

Tehsil Takht Bhai, District Mardan



### VERSUS

Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

The Secretary Education Department, Govt. of Khyber Pakhtunkhwa Peshawar,

Divisional Education Officer Mardan.

Executive District Education Officer, Mardan

Accountant General, Khyber Pakhtunkhwa, Peshawar.

istricis Accounts Officer Mardan

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

PRAYER IN WRIT.

ON ACCEPTANCE OF THIS PETITI

DIRECTION BE ISSUED TO RESPONDENTS TO issue/ RELEASE THE

PENSION AND PENSIONERY BENEFITS TO

WITHOUT ANY FURTHER DELAY.

and at the age of 60, a sanction letter regarding his retirement from Executive District Office (E&S). Education Mardan was issued on 01.05.2012. That despite of fulfillment of all the codal formalities, the respondents are reluctant to release the pension and pensionary benefits to the petitioner. Feeling aggrieved with the actions of respondents, the instant writ petition has been filed.

- Arguments of learned counsel for the parties heard and record perused.
- The case of petitioner is that he served the respondent department from 01.09.1998 till 11.5.2012, however, on his retirement, he was not paid pension till date. Comments were called from the respondents which were accordingly submitted wherein they have submitted that since the petitioner was a fix pay employee, therefore, he is not entitled to the pension/pensionary benefits as per the relevant rules/policy. The same has been clarified by the letter of Government of NWFP Finance Department No. BO

braw

Poshawar Migh Cours

1/FD/1-22/2008-09 dated 30.07.2008 addressed to the Accountant General, NWFP, Peshawar in the following terms:-

have been regularized in BPS 1. giving them the status of Civil Servant with effect from 14. July 2008 (but not from the date of their appointments) as per provision of Section 10 of the Civil Servant Act 1973

"Section 10 of the Civil Servant Act 1973

"(read swith Civil Servants (Amendment))

(Auto 2005) Minder the Act bidge these for Contributory Pension Gratuity and (C.P. Fund) instead of

fix pay employee is not entitled to die relief prayed for it.e. release of pension and pensionery benefits. In the circumstances, the instant writ petition being devoid of merit stands dismissed.

Announced on; Dated, 10.01.2018 SOF MY DOGE

cth'and Hon'ble Justice Musariat Hilali

No	6819	D.B Hon'ble Mr. Justice Wager Al
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Ammescuro-B

OFFICE OF THE EXECTUIVE ENGINEER
PUBLIC HEALTH ENGG: DIMINION NAMED.

NO 106 /E-16/PHE

Dat ed Bannu 22/66/2016

T c

The District Account Officer, Bannue

Subject:-

TPENSION PAPERS IN RESPECT OF MR. AKRAMEKHAN

The pension papers in respect of above named Chowkidar complete in all respect along with original Service Book (in two parts) is sent herewith for favour of further necessary action Please.

DA:

Pension papers with Original Service Book.

EXECUTIVE ENGINEER

Executive Engineer

Newblic Health Engineer

Division Bannu

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR Appeal No. 1284/2017

Akram Khan Ex-Chowkidar

(Appellant)

**VERSUS** 

Secretary to PHE Department & other

(Respondent)

## **INDEX**

S.No	Particular of Documents	Annexure	Page
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4	FD Urdu Notification	Annexure-B	07
5	Finance Deptt: fixed Payregularization Notification from 01/07/2008.	Annexure-C	08
6	Peshawar High Court Peshawar decision	Annexure-D	09-12
7	Letter to DAO Bannu collection of Pension / Gratuity.	Annexure-E	13

Executive Engineer

Public Health Engg: Division

Bannu

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR Appeal No. 1284/2017

Akram Khan Ex-Chowkidar

(Appellant)

VERSUS

Secretary to PHE Department & other

(Respondent)

## **AFFIDAVIT**

I Mr. Khan Muhammad Khan Executive Enigneer, Public Health Engineering Division Bannu solemnly declares on oath that the contents of the Para-wise reply are true and correct to the best of my knowledge and belief and that the nothing has been concealed from the Honourable Court.

Executive Engineer,

Public Health Enge: Division

Bannu

(Respondents) 5

## Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

1289 Appeal No. 1248-/2017

	•
ce Pesha	
	Respondents

## Preliminary Objections.

- 1). That the Appellant have no cause of action.
- 2). That the Appellant have no locus standi.
- 3). That the Appeal in hand is not maintainable.
- 4). That the instant Appeal is time barred.
- That the identical case Writ Pitition No. 1224-P/2015 Habib-Ur-Rehman
   V/S Provicial Government of KPK, has already been dismissed by the Peshawar High Court Peshawar (Annex-A).
- That writ petition No.1188-P/2014, titled Baghi Shah v/s Secretary Finance
   Department Peshawar and others, Provincial Government of Khyber Pakhtunkhwa has filed CPLA in the Apex Court (Annex-B).

## Respectfully Sheweth:-

- Para 1:- Proved by record, however liable to be proved by the Appellant.
- Correct, that the Appellant was regularized with effect from 1<sup>st</sup> July, 2008 (but not from the date of his appointment) in light of Finance Department Peshawar notification No.BOI/FD/1-22/2008-09, dated 30.07:2008. Hence he had not completed the qualifying Service for pension that is 10 years (Annex-C).
- Para 3:- Proved by record , however liable to be proved by the Appellant.
- Para 4:- As mentioned in para "2" above the Appellant is not entitled for pension.

  As mentioned in para "2" Above the Appellant is not entitled for pension.

Ge.

### **GROUNDS:-**

- A:- That Respondent No.8 , is bound to follow the rules and instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time.
- B:- Incorrect , to the extent that the Appellant has not completed the qualifying service for pension that is 10 years.
- C:- Incorrect, that in light of Finance Department Peshawar vide.letter No. BO/FD/1-22/2008-09, dated 30.07.2008 the appellant was regularized with effect from 01.07.2008. Hence the Appellant did not complete the qualifying service for pension and not entitled for any pension under the rule.
- D:- Incorrect. As mentioned in Para "A" above , Respondent No.8 has not violated any rule or law.
- E:- That an identical case Writ Petition No. 1224-P/2015 Habib-Ur-Rehman V/S

Provincial Government of KPK, has already been dismissed by the Peshawar

High Court Peshawar. Hence the Appellant is not entitled for pension.

- F:- · As mentioned in Para "A" above.
- G:- Relates to respondent No. 2 , Hence no comments .

Keeping in view the above mentioned facts, it is humbly prayed that the writ in hand, having no merits, may be dismissed with coat

ACCOUNTANT GENERAL · KHYBER PAKHTUNKHWA

#### **BETTER COPY**

GOVERNMENT OF NWFP FINANCE DEPARTMENT No. BO1/FD/1-2/2008-09 Dated Peshawar, the 30/07/2008

To,

The Accountant General,

NWFP, Peshawar.

Subject:-

**BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV INTO REGULAR** 

BPS-1 CP FUND SCHEME.

Dear sir,

I am' directed to refer to your letter No. H.24(85)/ Kohistan /Vol-II/851 dated 18.06.2008, on the subject noted above and to clarify that all the class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but from the date of their appointments) as per Provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005): Under the Act ibid, these employees are entitled for Contributory Provident Fund (CP Fund) instead of Pension / Gratuity and GP Fund. Since length of service of the employee was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension / Gratuity and GP Fund, unless otherwise provided in the relevant Rules / Regulations.

Yours faithfully,

(Fida Muhammad) Budget Officer-1

#### Endst:No. & Date even:

Copy is forwarded w/r to Finance Department Circular letter No. BO1/1-22/2007-08/FD dated 29.01.2008, for information & necessary action to:-

- 1). All Administrative Secretaries to Government of NWFP.
- 2). Secretary to Governor, NWFP Peshawar.
- 3). Principal Secretary to Chief Minister, NWFP Peshawar.
- 4). All District Coordination Officers in NWFP.
- 5). All Heads of Attached Department in NWFP.
- 6). The Registrar, Peshawar High Court, Peshawar.
- 7). The Registrar, NWFP Service Tribunal, Peshawar.
- 8). The Secretary Provincail Assembly NWFP, Peshawar.
- 9). The Secretary, Board of Revenue NWFP Peshawar.
- 10). All Distrcit Accounts Officers in NWFP.
- 11). All Budget / Section Officer in Finance Department Peshawar.

**SECTION OFFICER-1** 

ASSTT. ACCOUNTS OFFICER Olo A.G. Khyber Pakniunknwa

#### PENSION ROLL DATA SHEET & PENSION SLIP

Data of issue : 29.06.7022 r in Especi

TRESH

SEO Number: 00364892-01 (5 asioner ID); 00364892

Pension Register No:5207/BU-PR Pensioner's Name: AKRAM KHAN Father / Husband name : SHAH WAZIR

Designation: CHOWKIDAR NIC No.: 1110165311133

Grade / Scale :01

Department.Min: EXECUTIVE ENGINEER PUBLIC

ham ioner's Type: SELF

SUPERANNUATION if salor Exper

a o Budh .01.07.1955 Date of appointment:16.06,1995 Date of retirement: 30.06.2015

Disc of Death:

Date of commence :01.07.2015 Date of Restoration :30.06.2027

a canno office ID :BU Courts office Name (Bannu

. Jon J. Province :Khyber Pakhtunkhwa

2th of Qualifying Service :20 years,0 months,14 days

: PPO Number

No. and Date of sanction of pension / Letter No. :

and the date of the other Audit and Accounts officer authourising

the Pension/Gratuity/Commutation

Permanent Address:PATOOL KHEL DOMEL BANNU

母号14040181

Note:

Age: 60 years

Last Drawn pay/Emoluments(Rs.): 8470.00 3952.67

Gross Pension(Rs.)

1/4th Surrendered Portion (Rs.)

Commuted Portion (Rs.) 1383.43 Net Pension (Rs.) 2569.24 Net Family Pension (Rs.) 0.00Amount of Commutation(Rs.) 205388.00 With Held Amount (Rs.) 0.00 Life Time Arrears (Rs.) 0.00 Arrears Of Pension (Rs.) 0.00

Special Additional Pension (Rs.): Commutation Percentage Commutation Table value

0.00 35.00 12.37

Recovery on A/C of Debitable to Gove

:Khyber Pakhtunkhwa

Total Net Share

Federal: 0.00 Punjab: 0.00 Sindh: 0.00 NWFP: 0.00 Balochistan: 0.00 Military: 0.00

AJK: 0.00

Autonomous:

### Less also entitled to the following increases

۱.) ۲.	Period	Increase % or amount	Increase Amount	W.E.F.
1	9 1 2016	15 00 %	385.39	01.07 2015
-	JUI_2010	Rs. 15.50	45.50	01.07.2015
	JET 2011	15 00 %	450.02	01.07.2015
	18/1/2012	20 00 %	690,03	01.07.2015
	5 2011	13.60%	621.03	01.07.2015
	para Mara	184, 239.00	239.60	01 07 2015
	1 to 2011	10111196	500 02	01.07.2015
	$\beta \sim 2004$	Rs 500,00	500.00	01.07.2015
	JEE 2015	10 00.9%	600.02	01.07.2015
1	11/4, 2916	10 00 %	660 03	01.07.2015
	H 1 2015	10 00 %	726.03	01.07.2015
-	JI 1 2018	10 00 %	798.63	01.07.2015
	11 3 JOH	105 1215,40	1215.40	01.07.2015
	10.4 2000	10 69 %	1000.03	01,07,2015
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### PENSION SLIP

Month: June 2022

Pension roll details

Wage Type	Wage Type Text	Amount
559 51190 51101 11599 1600	Payment Monthly Pension - Self Pension Increases - Self Medical Allow - Pensioner Med. All. 2015 Pensioner	13037.00 2569.00 9531.00 750.00 187.00

Bank Details

Bank Account Number: 13734-00-1

Bank Branch : LAKKI GATE BRANCH BANNU

LAKKI GATE BRANCH BANNU

Payment Mode :KHYBER BANK LIMITED

0332-9276298 20/15 & 3/29 29 6 2022

TO BE SUBSTITUTED BEARING SAME NO. & DATE.



# GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar the 22-05-2019

## NOTIFICATION

No.FD(SOSR-II)4-36/2017. In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Pinance Department policy letter No.BO-I/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-I/2-1/92-93/I dated: 04.11.1992 and No.B-I/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest.

SECRETARY TO GOVERNMENT OF KHBYBER PAKHTUNKHWA FINANCE DEPARTMENT

Endst: No & date even

Copy for information and necessary action is forwarded to the.

- 1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
- 2. The Provincial Police Officer, Khyber Pakhtunkhwa.
- 3. The Accountant General Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 7. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 945 The Director Treasuries & Accounts Khyber Pakhtunkhwa.
- 10. The Director, Local Fund Audit, Khyber Pakhtunkhwa,
  - 11. Director, FMIU, Finance Department.
  - 12. Budget Officer-XI, Finance Department.
  - 13. Budget Officer-I, Finance Department with reference to their letters quoted above.
  - 14. All District Controller of Accounts Khyber Pakhtunkhwa.
  - 15. All District Account Officers in Khyber Pakhtunkhwa.
  - 16. PS to Chief Secretary, Khyber Pakhtunkhwa.
  - 17. PS to Secretary Finance, Khybel Pakhtunkhwa.
  - 18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
  - 19. PA to Additional Secretary (Regulation), Finance Department.