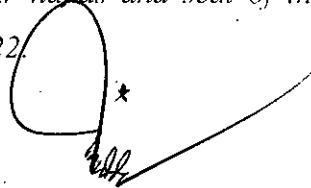


31<sup>th</sup> May, 2022

1. None present for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 31<sup>th</sup> day of May, 2022.*



(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman



17/8/21

Due to ~~Summer~~ vacations the case is adjourned to come up for the same as before on 21/2/2022

On  
Reade

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.05.2022 for the same as before.

Reade

19.01.2021

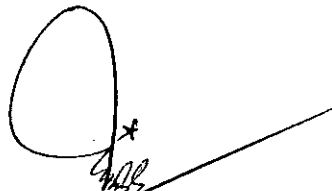
Counsel for the applicant and Mr. Muhammad Rashid, DDA for the respondents present.

Application No. 439/2019 has been moved for restoration of appeal No.602/2018, dismissed for non-prosecution on 13.11.2019.

It is the contention of learned counsel that the appellant/applicant was indisposed on the relevant date, therefore, could not attend the proceedings. Further, counsel for the applicant was engaged before the Peshawar High Court on the date fixed. He, therefore, could not put in appearance before the Tribunal. He also contended that junior counsel of the appellant had attended the Tribunal on 13.11.2019 and had marked attendance on the cause list.

As against that, learned Deputy District Attorney argued that the appellant/applicant had not appended any documentary evidence regarding his illness on 13.11.2019. Besides, no copy of cause list was attached with the application to reflect that learned counsel was engaged before the High Court.

It is clear from the record that the application in hand has been moved within time prescribed for the purpose. Besides, it is accompanied by a duly sworn affidavit. The grounds contained in the application are not unreasonable, however, the conduct of the applicant speaks of slackness on his part. The application is resultantly allowed and appeal No. 602/2018 is restored to its original number, but against payment of cost of Rs. 1000/-. To come up for arguments before D.B. on 23.04.2021



(Mian Muhammad)  
Member(E)


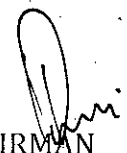
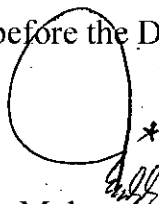


Chairman

Form-A  
FORM OF ORDER SHEET

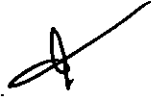
Court of \_\_\_\_\_

Restoration Application No. 439 /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.11.2019	<p>The application for restoration of appeal No.602/2018 submitted by Mr. Yaqub Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<u>16-09-2020</u>	<p>This restoration application is entrusted to D. Bench to be put up there on <u>09-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	09.11.2020	<p>Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.</p> <p>The Bar is observing general strike, therefore, the matter is adjourned to 19.01.2021 for hearing before the D.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

08.10.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Adjourn. To come up for arguments on 13.11.2019 before D.B. Appellant be put to notice for the date fixed.



Member



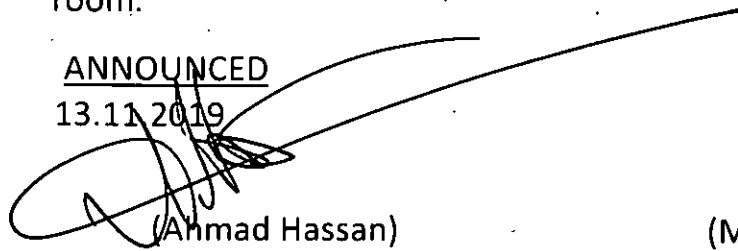
Member

13.11.2019

None present for appellant. Mr. Ziaullah, Deputy District Attorney alongwith M/S Qazi Ayaz Khan, Litigation Officer and Fazal Muhammad, Superintendent for the respondents present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person, therefore, the instant service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED

13.11.2019



(Ahmad Hassan)

Member



(M. Amin Khan Kundi)

Member

25.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Shamim, SO and Mr. Qazi Muhammad Ayaz, AD(Lit) for respondents present. Written reply on behalf of respondents not submitted. Requested for adjournment. Adjourned by way of last chance. Case to come up for written reply/comments on 20.08.2019 before S.B.



(Ahmad Hassan)  
Member

20.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan, Painsdakhel, Asstt. AG alongwith Muhammad Israr, Junior Clerk and Muhammad Shafique Senior Clerk for respondents No. 1, 2, 3 and 5 present. Nemo for respondents No. 4 & 6.


Parawise comments on behalf of respondents No. 1, 2, 3 and 5 have been submitted which are placed on record. Respondents No. 4 & 6 have not submitted their written reply/comments despite last opportunity. The appeal is posted to D.B for arguments on 08.10.2019. The appellant may submit rejoinder to the parawise comments of respondents 1, 2, 3 and 5, within a fortnight, if so advised.



Chairman

18.03.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Rehmat Khan, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 05.04.2019 before S.B.

  
Member  
(Ahmad Hassan)

08.04.2019

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Salim Jan, Senior Auditor for respondent no.6 and Mr. Rehmat, Supdt for respondent no.5 present. None present on behalf of respondents no. 1 to 4, hence, notices be issued to them for written reply/comments. Case to come of written reply/comments on 08.05.2019 before S.B.

  
(Ahmad Hassan)  
Member

08.05.2019

None present on behalf of the appellant. M/S Muhammad Irfan, AD on behalf of respondents No. 1 to 3 and Sajjad, Superintendent on behalf of respondent No. 5 present and requested for further time for filing of written reply. None present on behalf of respondents No. 4 & 6 therefore, notice be issued to respondents No. 4 & 6 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 25.06.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.12.2018

Learned counsel for the appellant present and seeks adjournment to render proper assistance that as to how the previous employment on contract basis under the Federal Government can be counted for Pay Protection and Pensionary benefits to the Provincial Government servant. Adjourn. To come up for preliminary hearing on 31.01.2019 before S.B



Member

31.01.2019

Counsel for the appellant Fazli Subhan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Physic Lecturer in the Federal Government on contract basis vide order dated 23.11.2004. It was further contended that the appellant was again appointed as Physic Lecturer in Khyber Pakhtunkhwa on regular basis vide order dated 05.01.2008. It was further contended that the appellant was relieved by the Federal Government vide order dated 23.01.2008 with effect from 31.01.2008 and joined service in Khyber Pakhtunkhwa on 01.02.2008. It was further contended that there was no break in the service of the appellant and the LPC was issued by the Federal Government on 31.01.2008 therefore, the respondent-department was required to count the previous service of the appellant for the purpose of pay protection and pensionary benefits but the respondent-department is reluctant to count the previous service of the appellant therefore, the appellant filed departmental appeal on 20.01.2017 but the same was not decided hence, the present service appeal. It was further contended that there is some delay in filing of departmental appeal but the matter pertain to the financial benefits and the appellant has recurring cause of action therefore, the delay in filing of departmental appeal is not fatal.

The Contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. 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 18.03.2019 before S.B.

Appellant Deposited  
Security & Process Fee



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



03.10.2018

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present. Arguments on restoration application heard. It was contended by the learned counsel for the petitioner that the main appeal was filed on 03.05.2018 and the petitioner was directed to appear before the Tribunal on 06.09.2018 but when the petitioner was personally appeared before the Reader of the court on 06.09.2018 he was told by the Reader that the appeal has already been dismissed in default on 02.08.2018 therefore, when the petitioner came to know about the dismissal order of the appeal on 06.09.2018, he immediately filed the present restoration application on the same day therefore, the application is well within time and prayed for restoration of application.

On the other hand, learned Additional AG for the respondents opposed the contention of learned counsel for the appellant and contended that the restoration application is time barred and prayed for dismissal of the same.

Perusal of the record reveals that the petitioner has claimed in the restoration application that he was given the date of preliminary hearing of 06.09.2018 and when he came to this Tribunal on that date he came to know that his appeal was dismissed in default on 02.08.2018 therefore, he submitted restoration application on that very day. There is nothing in rebuttal to the claim of the petitioner therefore, the application is accepted and the appeal is restored to its old number. To come up for preliminary hearing on 07.11.2018 before S.B.

*M.A.*  
(Muhammad Amin Khan Kundi)  
Member

7-11-2018

*Due to Retirement of Honorable  
Chairman the Tribunal is non functional  
Therefore the case is adjourned to come  
up the same on 25-12-2018*

*Reader*

Form-A  
FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 272/2018

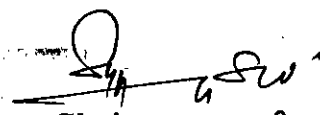
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.09.2018  7-9-18	The application for restoration of appeal no. 602/2018 submitted by Mr. Fazli Subhan through yaqub Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.  REGISTRAR 6/9/18
2		This restoration application is entrusted to S. Bench to be put up there on <u>3-10-18</u>  MEMBER

02.08.2018

Neither the appellant nor his counsel present. On the previous two dates neither appellant nor his counsel was present and this conduct on his part is suggest that he is not interested to pursue his case, hence this Tribunal is left with no option but to dismiss the appeal in default. Parties are left to bear their own costs. File be consigned to the record room.

Announced:

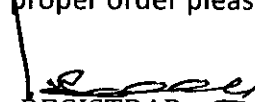



02.08.2018

  
Chairman 2.8.2018

Form-A  
FORM OF ORDERSHEET

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

Case No. 602/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>03/05/2018</p> <p>15/05/18.</p> <p>25.05.2018</p> <p>12.07.2018</p>	<p>The appeal of Mr. Fazle Subhan resubmitted today by Mr. Yaqub Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>None present on behalf of the appellant. Adjourned. To come up for preliminary hearing on 12.07.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p> <p>Neither appellant nor his clerk of the counsel present. Preliminary arguments could not be heard due to killing of a lawyer Barrister Haroon Bilour in a suicide attack during the election campaign. To come up for preliminary hearing on <u>02.08.2018</u> before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Fazli Subhan son of Habibi Rehman Lecturer GDC Swabi received today i.e. on 20.04.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Appeal may be page marked.
- 4- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 848 /S.T.

Dt. 20/04 /2018.


  
REGISTRAR 20/4/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yaqoob Khan Adv. Mardan.

Sir,

objections removed, completed  
and re-submitted please.

Dated 28/4/2018

Yaqub Khan  
Advocate.  


Before The Service Tribunal KPK Peshawar

Appeal no. 602/2018

Fazli Subhan

.....Appellant

VERSUS

Secretary Higher Education etc

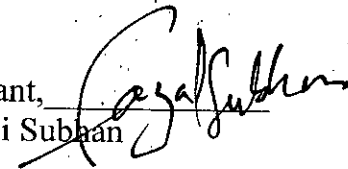
.....Respondents

SERVICE APPEAL

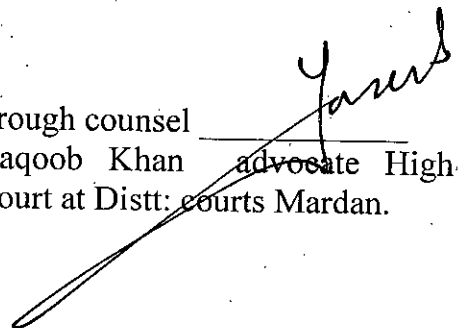
INDEX

S.No	Descriptions	Annex:	Pages	
			From	to
1	Grounds of appeal		1	6
2	Copy of order dated 23/11/2004	"A"	7	8
3	Copy of order dated 05/01/2008	"B"	9	11
4	Copy of charge report and PLC	"C"	12	15
5	Copy of order dated 02/05/2017	"D"	16	-
6	Copy of application & letter dated 10/05/2017	"E"	17	18
7	Copy of notification	"F"	19	25
8	Copy of departmental appeal	"G"	26	31
9	Wakalat Nama		-	32

Appellant,  
Fazli Subhan



Trough counsel  
Yaqoob Khan advocate High  
Court at Distt: courts Mardan.



Dated 19/01/2018

Before The Hon'able Service Tribunal of KPK at  
Peshawar

D

Appeal No. 602/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 604

Dated 20/4/2018

Fazli Subhan son of Habib Rehman Lecturer (BPS-17) Govt, Degree  
College Swabi R/o Vilalge Corl: Sher Kalay Tehsil Razzar Distt:  
Swabi .....Appellant

VERSUS

- ✓1. Chief Secretay KPK Peshawar
- ✓2. Secretary Higher Education KPK Peshawar.
- ✓3. Director of College Higher Education KPK Peshawar.
4. Director of College Higher Education Federal Govt Islamabad.
- ✓5. Secretary Finance KPK Peshawar.
6. District Account Officer Swabi. .... Respondents

*Appeal U/S-4 of the Service Tribunal Act 1974, for*

*counting of services of appellant already rendered on  
ad hoc w-e-f 23/11/2004 to 31/01/2008 be count for pay*

*protection and pensionary benefits on the basis of Govt*

*services with all back benefits.*

Filed to-day  
Registrar  
20/4/18

Re-submitted to -day  
and filed.

Registrar  
3/5/18

Respectfully Sheweth;

Appellant humbly submits as under

1. That the petitioner is posted as a Lecturer (BPS-17) with  
respondents department since 23/11/2004.

- (2)
2. That appellant was appointed as a Lecturer (BPS-17) on 23/11/2004 with respondent No.3 after completion of codal formalities vide order No. F-1-1/04 dated 23/11/2004. (Copy of order is attached as Anenx: "A").
  3. That appellant has taken over charge of the post and performed his duty till 31/01/2008.
  4. That Govt of KPK has advertized the post of Lecturer (BPS-17) and appellant has applied for the same through proper channel.
  5. That after qualifying the public service commission exam, appellant was appointed as lecturer in physics (BPS-17) in Govt Degree College Katlang Mardan vide order dated 05/01/2008 and taken over charge on 01/02/2008. (Copy of order is attached as Anenx: "B").
  6. That appellant has relieved his charge as a lecturer in Federal Directorate of Education Islamabad vide charge report dated 31/01/2008 and issued last pay certificate to the appellant vide LPC dated 27/08/2008. (Copy of charge report and PLC are attached as Annex: "C").
  7. That appellant approached before respondent NO.3 for grant of pay protection and counting appellant's service for pensionary benefit who accept the claim of appellant and directed the



- appellant to approached before the Distt; Account officer swabi vide order dated 02/05/2017. (Copy of order is attached as annex: "D").
8. That appellant approached before respondent No.6 through an application dated 10/05/2017 for implementation of order of respondent NO.03 dated 02/05/2017, through covering letter dated 10/05/2017. (Copy of application & letter dated 10/05/2017 are attached as Annex: "E").
9. That the petitioner filed departmental appeal/ representation before respondent No.1 but in vain. (Copy of departmental appeal and postal receipt are attached as Anenx: "F").
10. That appellant is entitled for counting of appellant's service already rendered with respondent No.4 w-e-f 23/11/2004 to 31/01/2008 for pensionary benefit and pay protection and break in service if any be condoned as per law and rule on the following grounds.

#### GROUNDS

- A. That appellant was served as a lecturer (BPS-17) with Federal Govt in Education Department w-e-f 23/11/2004 to 31/01/2008 as a civil servant and he was properly applied for the post of lecturer (BPS-17) in Education Department through proper channel and qualified the public service commission exam and after qualify the

4

exam, the appellant was appointed as lecturer (BPS-17) on regular basis , so he is entitled for pay protection and pensionary benefit for the service already rendered with Govt department i-e Education department.

B. That as per judgment of Apex Supreme court of Pakistan, if an official is resigned the Government Service and appointed in other department, he is entitled for pay protection and pensionary service already rendered in other department.

C. that other similarly placed officials were granted the same benefit in numerous appeals decided by this Hon'able court as well as decided by worthy S.M.B.R Peshawar.

D. That as per the reported judgment of Apex Supreme Court of Pakistan (PLC-2008 page-1462) coupled with the judgment of service Tribunal KPK Peshawar title as "Momin Khan Vs Secretary Education" and "Ali Zaman Vs Secretary Education" in which, an official has resigned a post and joint a new departments through a fresh appointment those officials are declared entitled for pay protection and pensionary benefits for the service already rendered in the previous department.

E. That as per reported judgment of Apex Supreme Court of Pakistan 1996 SCMR P-1077 wherein, apex Supreme Court of Pakistan/ Service Tribunal Peshawar have granted a benefits through a decision for demand of good governors that benefits can be extended the other civil servants too who were not litigant in that very case hence, appellant is also entitled for the same benefit/ relief.

**(Copies of judgments are enclosed herewith).**

F. That as per notification of Finance department KPK Peshawar dated 04/06/2011, those officers/ officials who ave resign a post of one department and joined other as a fresh appointment are entitled for pay protection and pensionary benefit of that previous service vide notification dated 04/06/2011 so, appellant is entitled for pay protection and pensionary benefit for the service already rendered in Federal Govt, Education Department w-e-f 23/11/2004 till 31/01/2008 with al back benefit.

**(Copy of notification is attached as Annex: "G").**

6

It is, therefore, humbly prayed that on acceptance of this appeal, appellant may please be granted pay protection and pensionary benefit for the service already rendered w-e-f 23.11.2004 till 31/01/2008 with all back benefits. Any other remedy according to law may also be graciously awarded.

Appellant, Fazli Subhan  
Fazli Subhan


Trough counsel Yaquob Khan  
Yaquob Khan advocate High  
Court at Distt: courts Mardan.

Dated 19/01/2018

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of the appeal mentioned above are true and correct to the best of my knowledge and belief and noting has been concealed from this Hon'able court.

Advocate Yaquob Khan

Attested Yaquob Khan  


No. F. 1-1/2004-(CA)-FDE  
Government of Pakistan  
Federal Directorate of Education

Aux A

Islamabad, the 23rd<sup>th</sup> Nov. 2004

From: DR. SHAHNAAZ A. RIAZ  
DIRECTOR (COLLEGES).

To: Mr. Fazli Subhan  
S/O Mr. Habib-ur-Rahman  
F.G. Sir Syed College,  
The Mall,  
Rawalpindi

Subject: **EMPLOYMENT ON CONTRACT BASIS**

Dear Sir,

I am directed to say that you have been selected for appointment on contract basis as Lecturer in Physics (BPS-17) under the Federal Government on the following terms and conditions:-

1. Post: Lecturer (BPS-17)
2. Place of Posting: F.G. College for Men F-10/4 Islamabad
3. Period of Contract: One (01) Year with effect from the date he declared Medically Fit by the Central Medical Board.
4. Pay: (BPS-17) i.e. (Rs. 6210-465-15510). Annual Increment shall be admissible under the normal rules.
5. Allowances: As admissible to corresponding civil servants.
6. Traveling Allowance: As admissible to Civil Servants of the corresponding pay scale under the rules.
7. Seniority: This contract appointment does not confer any right for being placed in the gradation/seniority list of the cadre/group to which the subject post belongs.
8. Leave: As admissible under the Revised Leave Rules, 1980. However, provisions contained in rules 5(c), 8, 11, 14, 16, 17, 18, 18-A, 19, 27, 33, 34, 35, 36 and 39 of Rules ibid shall not apply. All leave at your credit will lapse on the termination of this contract
9. Medical Facilities: As admissible to the official of Federal Government under the rules.
10. Pension: Service rendered under this contract shall not qualify for a pension or gratuity. Pension in respect of previous service, if any, shall Continue to be drawn in addition to pay.

Attested  
Director

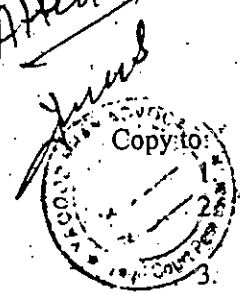
8

- 11 General Provident Fund: No contribution towards G.P. Fund shall be required.
- 12 Conduct and Discipline: Rules made and instructions issued by the Government or a prescribed authority as for Civil Servants under Section 15 and 16 of the Civil Servants Act, 1973 as amended from time to time shall apply.
- 13 Appeal: Civil Servants (Appeal) Rules, 1977 with amendments if any shall apply.
- 14 Termination of Contract: The appointment during the period of contract shall be liable to termination on thirty days notice on either side or payment of basic pay in lieu thereof, without assigning any reason.
- 15 Whole time employment posting and transfer: Whole time of the contract appointee would be at the disposal of the Government. She may be employed in any manner required by appropriate authority without claim for additional remuneration. She shall at all times obey the rules prescribed for the time being for the regulation of the service or cadre to which the post in which he/she has been employed belongs.
- 16 Other matters: In respect of other matters not specified in this contract, the rules/regulations as applicable to Federal Civil Servants shall apply.
- 17 Accommodation The persons employed on contract shall not be entitled to Government Accommodation. However, they will be entitled to such house rent allowance as may be prescribed by Government from time to time.

Instructions

- 1. If the above terms and conditions of appointment are acceptable to you, please send your written confirmation by registered post or personally so as to reach the undersigned immediately but not later than ten days from the date of issuance of this letter.
- 2. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof or resume duty within the time specified in para-1 above.
- 3. This is issued with the approval of the competent authority.

Attested



(DR. SHAHNAAZ AHRIAZ)  
DIRECTOR (COLLEGES)

- 1. The A.G.P.R. Islamabad
- 2. Education Officer (Training Wing) M/o Education, Islamabad w.r.t. her letter No. F. 5-23/04/MC dated 11.11.2004.
- 3. The Principal concerned
- 4. The Personal file

(JAMIL AHMED RANA)  
ADMINISTRATIVE OFFICER ©



GOVERNMENT OF NWFP  
HIGHER EDUCATION, ARCHIVES & LIBRARIES  
DEPARTMENT

Dated Peshawar the 05/01/2008

Aux B  
9

**NOTIFICATION**

N.S.O(COLLEGES)2-5/2007. Consequent upon the recommendation of NWFP Public Service Commission, the Competent Authority is pleased to appoint the following recommendees as Lecturers in Physics (BF 3-17) of College Cadre in Higher Education Department with immediate effect and to post them in the Colleges noted against their names:-

S.No.	Name with Father's Name	Domicile	Name of College	Remarks
1.	Abdul Sattar S/o Ahmad Postal Address:- Village Dipani, Malta, Swat.	Swat	Govt. Degree College Malta (Swat)	Against vacant post
2.	Asid Ahmad S/o Fazal Wadood Postal Address:- Village & P/O Maini, Mohalla Ismail abad Swabi.	Swabi	Govt. Postgraduate College Kohat.	Against vacant post
3.	Fazli Subhan S/o Habib-ur-Rehman Postal Address:- Moh. Khumari Khan Village & P/O Karnal Sher Kili Tehsil & District Swabi.	Swabi	Govt. Degree College Katlang (Mardan).	Against vacant post
4.	Ishad Ahmad S/o Gul Dad Khan Postal Address:- C/o Haji Zer Eki and Sons Dargai Bazar Tehsil & P.O Dargai Malakand Agency. Permanent Address:- Village Garhi Usmani Tehsil and P/O Dargai Malakand Agency.	Malakand Agency	Govt. Degree College Booni (Chitral)	Against vacant post
5.	Imail S/o Rahim Shah Postal Address:- Village & P/O To wa sak Tehsil Daggar Mohallah Musakhai District Buner.	Buner	Govt. Degree College Jowar (Buner)	Against vacant post
6.	Johar Ali S/o Aman Khan Postal Address:- Mohallah Kooz Chini Village & P/O and Tehsil Lahor District Swabi.	Swabi	Govt. Degree College Lahor (Swabi).	Against vacant post
7.	Khizar Hayat S/o Mukaram Khan Postal Address:- Khizar Hayat S/o Mukaram Khan, Associate Professor, Govt Superior Science College Peshawar City. Permanent Address:- Khizar Hayat S/o Professor Mukaram Khan, Faqir Road No.2, Street No.5, Near Madani Masjid, Alzal General Store Peshawar City.	Nowshera	Govt. College Peshawar.	Against vacant post
8.	Shurshid Alam S/o Mukaram Khan Postal Address:- House No.C-17 C-R-B-C Colony WAPDA D.I.Khan. Permanent Address:- Village Talsi Jabeen Chalian South Waziristan Agency (F.T.A).	South Waziristan Agency	Govt. Degree College Hangu.	Against vacant post
9.	Muhammad Israr S/o Amir Din Postal Address:- Hostel No.2,3 var No.95 Quad-e-Azam University Islamabad. Permanent Address:- Village & P/O Tayori District & Tehsil Lakki Marwat.	Lakki Marwat	Govt. Postgraduate College Banru.	Against vacant post

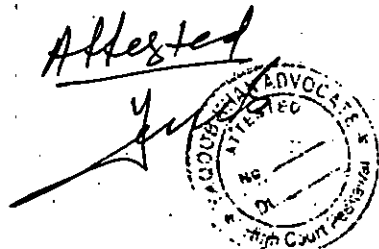
Attested  
Yusuf

10	Muhammad Naheed Ahmad S/o Muhammad Ashraf Postal Address:- C/o Usman Book Depot, P/O Islampur Lub Mail Tehsil Tasila District Rawalpindi. Permanent Address:- District & Tehsil Abbottabad Village and P/O Birangana Mohallah Barri.	Abbottabad	Govt. Degree College Mandian (Abbottabad)	Against vacant post
11	Muhammad Nawaz S/o Muhammad Ayaz Postal Address:- Madina Tailoring Shop Dub No.1 Manshra (NWFP). Permanent Address:- House No.123 Madina Colony / Dub No.2 Manshra.	Manshra	Govt. Degree College Oghi (Manshra)	Against vacant post
12	Shafiq Ahmad S/o Muhammad Parwaz Postal Address:- Moh. School, Village, P.O. and Tehsil Barikot, District Swat.	Swat	Govt. Degree College Gul Abad (Dir Lower)	Against vacant post
13	Shahdab Gul S/o Jan Gul Postal Address:- Mohallah Haqdad Abd, District and P/O Lakki Marwat.	Lakki Marwat	Govt. Degree College Ghazni Khel (Lakki Marwat)	Against vacant post
14	Shanid-ur-Rehman S/o Aziz-ur-Rehman Postal Address:- Village Kurvi, P.O. Baru Abba, Tehsil & District Nowshera.	Nowshera	Govt. Degree College Mathra (Peshawar)	Against vacant post

The appointment of the above mentioned Lecturers will be subject to the following terms and conditions:-

#### TERMS AND CONDITIONS

- They shall, for all intents and purposes be Civil Servant, except for the purpose of Pension and Gratuity. In lieu of the same, they shall be entitled to receive Contributory Provident Fund. For the said fund 10% contribution will be made by the Provincial Government and 10% by the Civil Servant concerned in the prescribed manner. Provided further that, in the event of death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has not already been received by the concerned deceased civil servant.
- They will have all rights and privileges contained in NWFP Civil Servants Act, 1973 with all amendments made therein including NWFP Civil Servants (Amendment) Act, 2005 and Rules made thereunder.
- In case of resignation, the lecturers will have to give one-month prior notice. In absence of such notice one month's pay shall be forfeited to Government.
- The selectees must join their post within 30-days of the issue of this Notification. The Director Higher Education NWFP Peshawar must furnish a certificate to the effect that the selectees have joined the post or otherwise, after one month of the issue of this Notification.
- In case of disciplinary matters, NWFP Civil Servants Act, 1973 and NWFP Civil Servants Removal from Service (Special Powers) Ordinance 2000 shall be applicable.
- They will get pay i.e. initial pay of BPS-17 including usual allowances as admissible under the rules. They will be entitled to annual increments like other Civil Servants.
- They will be equally considered for appointment against higher post if found eligible on the basis of competence, expertise and experience.

*Attested*  


SECRETARY TO GOVT. OF NWFP  
 HIGHER EDUCATION DEPARTMENT

10



Endst: Number & Date as above.

Copy of the above is forwarded to

11

- 1- Accountant General NWFP Peshawar.
- 2- P.S. to Chief Secretary NWFP Peshawar.
- 3- Director Higher Education NWFP Peshawar, with reference to his office No.19023/CA-II/Estab Branch dated 17/10/2007.
- 4- Director of Education (FATA) Civil Secretariat (FATA) Warsak Road Peshawar.
- 5- Director Recruitment NWFP Public Service Commission Peshawar, w/r to his office No.SRF/43714 dated 27/8/2007.
- 6- District/Agency Accounts Officers concerned.
- 7- Principals, Government Colleges (Male) concerned.
- 8- Section Officer (FATA) Civil Secretariat FATA Warsak Road Peshawar.
- 9- Section Officer (General) Higher Education Department Peshawar.
- 10- Manager, Government Printing Press, NWFP, Peshawar.
- 11- Officers concerned.

SECTION OFFICER (COLLEGES)

Attested



**TO BE PUBLISHED IN PART-III OF THE GAZETTE OF PAKISTAN**

Government of Pakistan  
Federal Directorate of Education

Islamabad, the 23<sup>rd</sup> January 2008

*Aux c*  
*12*

**NOTIFICATION**

No. F. 1-316/04-(CA)-FDE----- Consequent upon selection as Lecturer in Physics (BS-17) on the recommendation of N.W.F.P Public Service Commission, Mr. Fazli Subhan, Lecturer in Physics (on contract) F.G. College for Men F-10/4 Islamabad is relieved of his duties with effect from 31.01.2008 to join the new assignment under Government of N.W.F.P.

2. This is issued with the approval of Director General Education.

(MUHAMMAD RAFIQUE TAHIR)  
DIRECTOR (COLLEGES & TRAINING)

To

The Manager,  
Gazette of Pakistan,  
Printing Corporation of Pakistan Press,  
University Road, Karachi No.05

Copy t

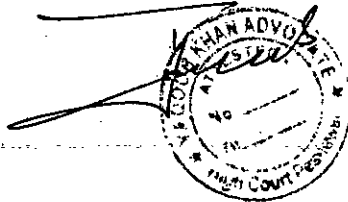
1. A.G.P.R. Islamabad
2. Estate Office, Islamabad,
3. A.D. ACR FDE Islamabad
4. Principal, FGCM, F-10/4 Islamabad
5. S.O (Colleges) Government of N.W.F.P. Higher Education Archives & Libraries Department Peshawar with reference to Notification No. S.O. (Colleges) 2-5/2007 dated 05.01.2008
6. Person concerned
7. Notification file

*M Rafique*

(MUHAMMAD RAFIQUE TAHIR)  
DIRECTOR (COLLEGES & TRAINING)

Shafi

*Attested*



# Contract

13

## OFFICE OF THE ACCOUNTANT GENERAL PAKISTAN REVENUES

Islamabad/Lahore/Peshawar/Karachi/quetta/gilgit

A.T.C-5

(See para. (5) of annex. To chap 2 of section iv audit code)

### LAST PAY CERTIFICATE

Last pay certificate of FAZLI SUBHAN LECTURER (BPS-17) (Contract)  
Officer of the F.G. College for men F-10/4 (EBD)  
Proceeding on appointment as lecturer through Ppsc (VWP)

2. He has been paid up to and for 31/08 at the following rates:-

Substantive Pay:	Pay Rs. 10055-00
Officiating Pay:	45% HRA 3694-00
Special Pay:-	CA 1240-00
Qualification Pay:	SRA 931-00
Personal Pay:	AR 931-00
Allowances:	Teaching All 1000-00
	15% DA 1231-00
	<u>Total Rs. 19082/-</u>

### 3. Deductions

GPF	-----	GPF Advance	-----	BF	-----
IF	-----	% HR	-----	I.T	25/-
HBA	-----	ICA	-----	Other	-----

4. He made over charge of the office of Lecturer (BPS-17) F.G. Coll.  
on the 31/08/2008 noon of -----

5. Recoveries are to be made from the pay of the Government Servant a detailed on the reserve.

6. He is entitled to draw the following:-

- i) Pay & Allowance from ----- to -----
- ii) He is also entitled to joining time for ----- easy.

7. The details of the income-Tax recovered from him up to the date from the beginning of the current year are noted on the reserve

No. GA-VIII(PF-ES/AR-57/2792) Date: 27-08-08

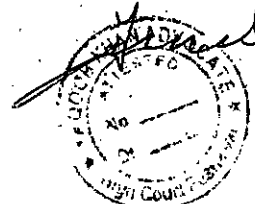
To: 1. B.O. Peshawar - IT AG-NWEP.  
2. Officer concerned.

Asst. Dir. Accounts  
**ACCOUNTS OFFICER**  
Accounts Officer  
**ASSISTANT ACCOUNTANT GENERAL P.G.P.B**  
Office **ISLAMABAD**

Note: The officer was on contract.  
No. G.P. Fund has been deducted from his D. Salary.

Continue on next page

Attested



I, Mr / Miss / Mrs FAZLI SUBHAN

(14)

Designation LECTURER this day the 31/01/2008

~~ASSTANT~~ / Relinquished the charge of office of the LECTURER IN PHYSICS.

F.G. College (Men), F-10/4, Islamabad.

on account of selection as Lecturer in Physics (B-17) in compliance with Ministry of Education / Federal recommendation of N.W.F.P Public Service Commission, Peshawar. Directorate of Education's Notification No. F.1-316/04-(CA)-FDE.

dated 23rd January 2008.

Signature Fazli Subhan

Name FAZLI SUBHAN

Designation LECTURER

Subject PHYSICS

Dated: 31/01/2008

\*\*\*\*\*

No. PF. 15/04 - FGCM/02

Government of Pakistan

F.G. College (Men), F-10/4, Islamabad.

\*\*\*\*\*

Islamabad, the 31-01-2008

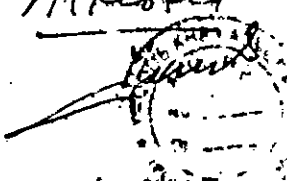
To,  
The Accountant General,  
Pakistan Revenues, G-8/4,  
Islamabad.

Forwarded a certificate declaring the charge of office of the LECTURER IN PHYSICS

F.G. College (Men), F-10/4, Islamabad. was ~~ASSTANT~~ / Relieved by

Mr / Miss / Mrs FAZLI SUBHAN on the 31/01/2008

at after noon.

Attested  
  
Head of Institution  
**Principal**  
Federal Government College  
for Men, F-10/4, Islamabad

Copy to:-

1. The Director ( Colleges ) FDE, Islamabad.
2. The Officer concerned.
3. Personal File.
4. The Joint Estate Officer, \_\_\_\_\_ with reference to House No. \_\_\_\_\_

15

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and received charge of this office of the Lecturer in Physics Post-  
G.D.C. Katlang (Mardan) Govt. of NWFP, Mardan, FATA, NWFP, Pakistan, N.D.  
S.O. Col. 22-5/2007 dt. 05-01-2008.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.—

Signature of relieved Government servant Vacant

Station G.D.C. Katlang

Designation Lecturer in physics

Signature of relieving Government servant Fazli Subhan (FAZLI SUBHAN)

Dated 01-02-2008

Designation Lecturer in physics

Forwarded to the P.T.O

S.W.F.P. Asst: Tryl No 421

Principal  
Govt; Degree College  
Katlang (Mardan)

Attested



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211803

No. 12074

/ CA-II/ Estt. Branch/ A-11/ Fazli Subhan/ Physics

Aux D  
16

Dated Peshawar the 02/05/17

To

The Principal  
Govt. Post Graduate College, Swabi.

SUBJECT

PAY PROTECTION OF CONTRACT SERVICE OF FAZLI  
SUBHAN, ASSISTANT PROFESSOR OF PHYSICS.

Memo:

I am directed to refer to your letter No. 1950 dated 31.03.2017 on the subject cited above and to ask you to approach the District Accounts Officer, concerned for the said purpose.

*M. Zahid* 26/4/17

BY: DIRECTOR (ESTABLISHMENT)

*Attested*  
*Fazli*



*Fazli Subhan*

*[Signature]*

*10/5/17*

Aux E

17

To

The District Account Officer,  
Swabi.

**Subject: Pay Protection of Contract Service**

R/Sir,

With due respect it is stated that;

1. I have served as lecturer on contract basis in F G College for Men, F-10/4, Islamabad from 07-12-2004 to 31-01-2008 during which I have earned three annual increments.
2. I applied through proper channel and was selected as lecturer by public service commission Khyber Pakhtunkhwa, Peshawar.
3. I joined my service on 01-02-2008 in Higher Education Department when properly relieved by Federal Government.
4. In provincial government my pay was not protected.
5. Finance Division, Islamabad has issued an office memorandum F.No. 4 (2) R-2/2014-237 dated 7<sup>th</sup> April, 2015 in which it is clearly mentioned that "Pay of gazetted contract employee on his appointment on regular basis will be protected" (copy attached).
6. I applied for the above to the directorate higher education but they replied me to approach to District Account Officer.
7. As I fulfill the prescribed criteria, therefore it is requested that my pay may please be protected and oblige.

The following documents are being attached;


- Office Memorandum by Finance Division, Islamabad.
- Last Pay Certificate of Federal Government

Yours Sincerely,

*Fazli Subhan*  
FAZLI SUBHAN (A/P Physics).  
Govt Post Graduate College,  
Swabi.

10/5/17

Attested

*Yusuf*  


18



PRINCIPAL  
GOVT: POST GRADUATE COLLEGE  
SWABI  
Phone and Fax # 0938-530215  
E. mail: [gpgcswabi@yahoo.com](mailto:gpgcswabi@yahoo.com)



Ref # ..... 2055 .....

Date # ..... 10-05-2017 .....

To

The District Account Officer  
swabi

Subject:

PAY PROTECTION OF CONTRACT SERVICE OF FAZLI SUBHAN  
ASSTT: PROFESSOR OF PHYSICS

Memo:

Reference to the letter No 12074/CA-II/Estt: Branch/A-12/Fazli Subhan/Physics dated 2-5-2017 on the subject cited above by Directorate of Higher Education Khyber Pakhtunkhwa Peshawar an application of Mr. Fazli Subhan Asstt: Professor of Physics is hereby forwarded for necessary action and your perusal.

O/C

*[Handwritten Signature]*  
10/5/17

PRINCIPAL  
GOVT: POST GRADUATE COLLEGE  
SWABI

Attested

*[Handwritten Signature]*





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Aux of

11310  
07/6/11

NO. FD (SR-1) 12-1/2011  
Dated Peshawar the: 4<sup>th</sup> June, 2011

19

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

Subject: FIXATION / PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER.

Dear Sir,

I am directed to refer to the Government of Pakistan, Finance Division, Islamabad letter No.FNo.4(2)R-II/1996-235/2010, dated 08-06-2010 and Judgment dated 01-08-2009 of Federal Service Tribunal, Islamabad in appeal No.1921(R) CS/2005 in respect of *Mr. Sajjad Rashid* and others on the subject noted above and to state that in pursuance of the above quoted letter, the Government of Khyber Pakhtunkhwa has decided that the benefit of protection of pay to the employees of autonomous bodies on their subsequent appointment in Government Service is not admissible as the employees of autonomous bodies are not civil servants within the meaning of Civil Servant Act 1973. However, the benefit of pay protection will be admissible to employees of such autonomous organizations who have adopted scheme of basic pay scales in to-to on their appointment in government offices, provided they have applied for the post through proper channel.

(MASOOD KHAN)  
Deputy Secretary (Reg-II)

Ends: of even No. & date.

Copy forwarded for information to:

1. All the Heads of Autonomous / Semi Autonomous Bodies of Khyber Pakhtunkhwa.
2. Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
3. Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. All District Comptrollers of Accounts, Senior District Accounts Officers and District/Agency Accounts Officer in Khyber Pakhtunkhwa / FATA.
5. Director, FMIU, Finance Department
6. PS to Minister Finance, Khyber Pakhtunkhwa.
7. P.S to Secretary Finance.
8. PA to Spl: Secretary Finance.

Attested

(KHURSHID ALAM)  
Section Officer (SR-I)





**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

(P)  
20

NO. KC/FD (SR-1)12-4/2011  
Dated Peshawar the: 14-11-2011

To:

1. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Law, Parliamentary Affairs & Human Rights Department,  
Peshawar.

Subject: - PAY PROTECTION.

Dear Sir,

I am directed to refer to the subject noted above and to state that one *Mr. Fazli Subhan*, Lecturer in Physics (BS-17) Government Post Graduate College, Swabi has requested this Department through Higher Education, Archives & Libraries Department for protection of pay of his previous service.

2. The above named officer had served as Lecturer in Physics on contract basis in the Federal Directorate of Education, Islamabad w.e.f **07-12-2004** to **31-01-2008**. The officer concerned applied for the post of Lecturer in the Khyber Pakhtunkhwa Public Service Commission through proper channel and after selection was appointed and posted at GPGC Swabi. He was relieved of his duties by the Federal Directorate of Education, accordingly.

3. In view of the above, it is requested as to whether the officer concerned can be extended the benefit of Khyber Pakhtunkhwa Civil Servants (Amendment) Act 2005 and 2009 or otherwise.

Yours Faithfully,

091-9213416  
0302-8851228

(KHURSHID ALAM)  
Section Officer (SR-1)

Attested

(2)

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*\*

F. No. 4 (2) R-2/2014-237

Islamabad, the 7<sup>th</sup> April, 2015

OFFICE MEMORANDUM

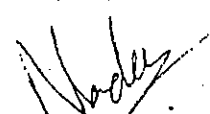
Subject:- PROTECTION OF PAY OF GAZETTED CONTACT EMPLOYEES ON REGULARIZATION/APPOINTMENT ON REGULAR BASIS

The proposal for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance Division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of gazetted contract employees on their regularization. The Courts have held from time to time that the pay of gazetted contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

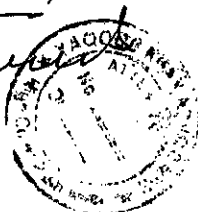
- i. That the contract appointment has been made in a BPS on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii. That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii. That regularization/regular appointment has been made with the approval of competent authority.
- iv. That there is no break/interruption between contract service and regular service.
- v. That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi. That in case of regular appointment from higher grade to lower grade, pay shall not be protected.

2. Accountant General of Pakistan Revenues (AGPR) will make fixation of pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of this Division is required.

Attested

  
(Nadeem Ijaz Ahmad)  
Section Officer (R-2)  
Ph. 9245846

All Ministries/Divisions/Departments



Endst: No .FD (SOSR-1) 12-7 /2014

Dated 6<sup>th</sup> Feb, 2014

**Copy for information & necessary action to the:-**

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.

**(MASOOD KHAN)**  
Deputy Secretary (Reg-II)

**Endst: No. & Date Even**

**Copy for information is forwarded to:-**

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

**(Wazir Muhammad Afgar)**  
Section Officer (SR-1)

*Attested*  
*Wazir*  


(21)

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*\*

F. No. 4 (2) R-2/2014-237

Islamabad, the 7<sup>th</sup> April, 2015

**OFFICE MEMORANDUM**

Subject:- **PROTECTION OF PAY OF GAZETTED CONTACT EMPLOYEES ON REGULARIZATION/APPOINTMENT ON REGULAR BASIS**

The proposal for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance Division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of gazetted contract employees on their regularization. The Courts have held from time to time that the pay of gazetted contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i. That the contract appointment has been made in a BPS on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii. That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii. That regularization/regular appointment has been made with the approval of competent authority.
- iv. That there is no break/interruption between contract service and regular service.
- v. That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi. That in case of regular appointment from higher grade to lower grade, pay shall not be protected.

2. Accountant General of Pakistan Revenues (AGPR) will make fixation of pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of this Division is required.

*Attested*

*Nadeem Ijaz Ahmad*  
(Nadeem Ijaz Ahmad)  
Section Officer (R-2)  
Ph. 9245846

All Ministries/Divisions/Departments

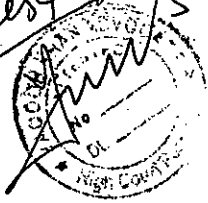


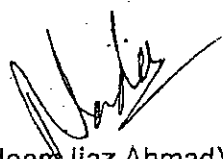
22

-: 2 :-

Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir & Gilgit-Baltistan.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8<sup>th</sup> Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.
35. Web Master

*Attested*  


  
(Nadeem Ijaz Ahmad)  
Section Officer(R-2)  
Tele: 9245846

TO BE SUBSTITUTED FOR THE SAME NUMBER AND DATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (SR-1) 12-1/2011

Dated Peshawar the: 4<sup>th</sup> June, 2011

TO:

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

Subject: FIXATION / PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER.

Dear Sir,

I am directed to refer to the Government of Pakistan, Finance Division, Islamabad letter No.FNo.4(2)R-II/1996-235/2010, dated 06-06-2010 and Judgment dated 01-08-2009 of Federal Service Tribunal, Islamabad in appeal No,1921(R) CS/2005 in respect of *Mr. Sajjad Rashid* and others on the subject noted above and to state that in pursuance of the above quoted letter, the Government of Khyber Pakhtunkhwa has decided that henceforth the benefit of protection of pay to the employees of autonomous bodies on their subsequent appointment in Government Service is not admissible as the employees of autonomous bodies are not civil servants within the meaning of Civil Servant Act 1973. However, the benefit of pay protection will be admissible to employees of such autonomous organizations who have adopted scheme of basic pay scales in to-to on their appointment in government offices, provided they have applied for the post through proper channel.

Yours Faithfully,

*Attested*

(MASOOD KHAN)  
Deputy Secretary (Reg-II)

Endst: of even No. & date.

Copy forwarded for information to:

1. All the Heads of Autonomous / Semi Autonomous Bodies of Khyber Pakhtunkhwa.
2. Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
3. Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. All District Comptrollers of Accounts, Senior District Accounts Officers and District/Agency Accounts Officer in Khyber Pakhtunkhwa / FATA.
5. Director, FMIU, Finance Department
6. PS to Minister Finance, Khyber Pakhtunkhwa.
7. P.S to Secretary Finance.
8. PA to Spl: Secretary Finance.

(SHAUKAT ULLAH)  
Section Officer (SR-I)



24

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

NO. FD (SOSR-1) 12-7/2014  
Dated Peshawar the 6<sup>th</sup> February, 2014

To:

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

Subject:

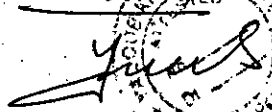

**PROTECTION OF PAY OF CONTRACT EMPLOYEES ON  
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.**

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-I/2012 dated 31<sup>st</sup> May, 2013, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,

*Razaullah Khan*  
  


**(RAZAULLAH KHAN)**  
Addl: Secretary (Regulation)

P.T.O



Endst: No .FD (SOSR-1) 12-7 /2014

Dated 6<sup>th</sup> Feb, 2014

**Copy for information & necessary action to the:-**

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.


**(MASOOD KHAN)**  
Deputy Secretary (Reg-II)

**Endst: No. & Date Even**

**Copy for information is forwarded to:-**

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

**(Wazir Muhammad Afsar)**  
Section Officer (SR-1)

*Attested*  
*Wazir*  


BEFORE THE CHIEF SECRETARY K.P.K, PESHAWAR


Aux G  
(27)

Fazli Subhan S/O Habib Ur Rehman Lecturer  
( BPS-17 ) Govt: Degree College Swabi.....Appellant

VS

1. Secretary Higher Education KPK Peshawar.
  2. Director of Colleges Higher Education KPK Peshawar.
  3. Director of Colleges Higher Education Federal Govt: Islamabad.
  4. Secretary Finance KPK Peshawar.
  5. District Account Officer, Swabi.
- .....Respondents

REPRESENTATION/DEPARTMENTAL APPEAL  
FOR COUNTING OF APPELLANT SERVICE  
w.e.f 23.11.2004 to 31.01.2008 BE  
COUNTED FOR PAY PROTECTION AND  
PENSIONARY BENEFIT ON THE BASIS OF  
GOVT: SERVICES WITH ALL BACK BENEFIT.

*Attested*  
*[Signature]*  


RESPECTFULLY SHEWETH :-

1. That appellant is posted as a Lecurer (BPS-17) with respondents department since 23.11.2004.

Contd.....2

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2. That appellant was appointed as a Lecturer ( BPS-17) on 23.11./04 with respondents No.03 after completion of codal formalities vide order No. F-1-1/2004, dated 23.11.2004.  
  
( Copy of Order is Attached as Annex- A )
3. That appellant has taken over charge of the post and performed his duty till 31.01.2008.
4. That Govt: of KPK has advertized the post of Lecturer ( BPS-17 ) and appellant has applied for the same through proper channel.
5. That after qualifying the public service commission exam, appellant was appointed as lecturer in Physics ( BPS-17 ) in Govt: Degree College Katlang Mardan vide order dated 05.01.2008 and taken over charge on 01.02.2008.  
  
( Copy of Order is Attached as Annex-B )
6. That appellant has relieved his charge as a lecturer in Federal Directorate of Education Islamabad vide charge report dated 31.01.2008 and issued last pay certificate to the appellant vide LPC dated 27.08.2008.  
  
( Copy of charge report and LPC is Attached as Annex- C ).
7. That appellant approached before Respondent No.2 for grant of pay protection and counting appellant as Service for Pensionary benefit, who accept the claim of appellant and directed

to appellant to approached before the Distt:  
account officer Swabi vide order dated  
02.05.2017.

( Copy of Order is Attached as Annex-D )

8. That appellant approached before respondent  
No.05 through an application dated 10.05.17  
for implementation of order of respondent No.  
02 dated 02.05.2017, through covering letter  
dated 10.05.17 ~~dated~~.

( Copy of appl: & Letter dated 10.05.2017  
is attached as Annex-E ).

9. That appellant is entitled for counting of  
appellant's service already rendered with  
respondent No.03 w.e.f 23.11.2004 to 31.01.08  
for pensionary benefit and pay protection as  
per law and rule on the following grounds.

G R O U N D S :-

- A. That appellant was served as a lecturer  
( BPS-17 ) with Federal Govt; in Education  
Department w.e.f 23.11.2004 till 31.01.2008  
as a Civil Servant and he was properly applied  
for the post of lecturer ( BPS-17 ) in Education  
Department through proper channel and qualifide

(30)

the public service commission exam, and after ~~qualify~~ qualify the exam, the appellant was appointed as lecturer ( BPS-17 ) on regular basis, so he is entitled for pay protection and pensionary benefit for the service already rendered with Govt: department i.e Education department.

B. That as per Judgment of Apex Supreme Court of Pakistan, if an official is resigned the Government Service and appointed in other department, he is entitled for pay protection and pensionary service already rendered in other department.

C. That other similarly placed officials were granted the same benefit in numerous appeals decided by this Hon'ble Court as well as decided by worthy S.M.B.R, Peshawar.

D. That as per the reported judgment of Apex Supreme Court of Pakistan, ( PLC-2008 Page-1462) coupled with the judgment of Service Tribunal KPK Peshawar title as " Momin Khan VS Secretary Education " and Ali Zaman Vs Secretary Education " in which, an official has resigned a post and joined a new department through a fresh appointment those official are *declared* entitled for pay protection and pensionary

benefits for the service already rendered in the previous department.

- E. That as per reported judgment of Apex Supreme Court of Pakistan, <sup>21996</sup> SCMR Page 1185 and 2003 SCMR P-1077, wherein, Apex Supreme Court of Pakistan/Service Tribunal KPK Peshawar have granted a benefits through a decision, for demand of good governors that benefit can be extended the other civil servant too who were not litigant in that very case hence, appellant is ~~is~~ also entitled for the same benefit/relief.

( Copies of judgments are attached )

- F. That as per notification of Finance Department KPK Peshawar dated 04.06.2011, those officers/officials who have resign a post of one department and joined other as a fresh appointment <sup>en</sup> are titled for pay protection and pensionary benefit of that previous service vide notification dated 04.06.2011. So appellant is entitled for pay protection and pensionary benefit for the service already rendered in Federal Govt; Education Department w.e.f 23.11.2004 till 31.01.2008 with all back benefit.

( Copy of notification dated 04.06.2011 is attached as Annex-F )

It is therefore, humbly prayed that on acceptance of this appeal, appellants may please be granted pay protection and pensionary benefit for the service already rendered w.e.f 23.11.2004 till 31.01.2008 with back benefit.

Dated: 20.12.2017

Appellant Fazli Subhan  
through Counsel Yaqub Khan Adv  
High Court At Distt:  
Courts Mardan.



# بعدالت مندرجہ عنوان پر سوال جواب

20/4/2018

2 منجانب اہل منظر

بنام  
صاحب

فعل مکان

موزہ

مقدمہ

دعویٰ

جرم

پر وی اہل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام اور کیلئے لکھنؤ صاحب منصف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر 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 مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ مندر ہے۔

*Legal Services*

20 / 4 / 2018

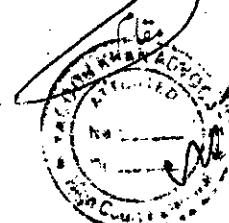
المرقوم

*Allesia*

العہدہ العہدہ العہدہ

کے لئے منظور ہے۔

*Allesia*



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

SA # 602/2018

Mr. Fazli Subhan..... Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary,

And others..... Respondents

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<b>S.No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page No.</b>
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2.	Affidavit		3
3.	Copy of pension correspondence	A, B, B1, C, D	4-8

  
Respondent



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

SA # 602/2018

Mr. Fazli Subhan..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary,  
And others.....

Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 AND 3**

**Respectfully Sheweth: -**

**Preliminary Objections: -**

1. That, the Appellant has got neither cause of action nor locus standi to file the instant service appeal.
2. That the Appellant has not come to this Honourable Court with clean hands and is trying to conceal material facts.
3. That the instant service appeal is hit by doctrine of laches.
4. That the Appellant is estopped by his own conduct to file the instant service appeal.
5. That the case of the appellant is under process and will be decided in accordance with prevailing rules and policy.

**Facts: -**

- 1- Pertains to the reply of respondent No. 4.
- 2- Incorrect. That the appellant was appointed with respondent No. 4 instead of respondent No. 3
- 3- Pertains to the reply of respondent No. 4.
- 4- Correct.
- 5- Correct.
- 6- Pertains to the reply of respondent No. 4.
- 7- Correct.
- 8- Pertains to the reply of respondent No. 6.
- 9- Pertains to record.
- 10- Correct to the extent that the case of the appellant for counting of service as well as pensionary benefit is being processed as per prevailing rules/policy. (Copy of correspondence is attached as **Annex-A, B, C and D**).

**Grounds: -**

- A. Correct that the case of the appellant is under process and will be decided in accordance with the prevailing rules and policy in vogue.
- B. As already explained in the preceding paras of facts.
- C. Pertains to record.
- D. Pertains to Court Judgment.
- E. Correct.
- F. Pertains to record.

**Prayers: -**


It is, therefore, humbly prayed that the instant case is under process and will be finalized in accordance with prevailing rules/policy, hence the instant appeal may be disposed of accordingly.



**Chief Secretary,**  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 01



**Secretary,**  
Higher Education Department  
Respondent No. 02



**Secretary,**  
Finance Department  
Respondent No. 05



**Director,**  
Higher Education Department  
Respondent No. 03

18/11/19

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

SA # 602/2018

Mr. Fazli Subhan..... Appellant

Versus


Govt. of Khyber Pakhtunkhwa

Through Chief Secretary,

And others..... Respondents

**AFFIDAVIT**

I, Irfan Ullah Khan, Assistant Director Litigation Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Court.

  
Deponent

CNIC No.11101-6409112-3

Identify by

Annex-A

4  
87  
DPA



**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**  
**KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail:- [dhekpsh@gmail.com](mailto:dhekpsh@gmail.com) Facebook.com/dhekpshawar Twitter.com/dhekpshawar1

No. 798 / CA-I / Estt: Branch/A-12/Fazal Subhan/Physics Dated Peshawar the 11 / 4 / 2019

To

The Principal  
Govt; Post Graduate College, Swabi.

SUBJECT

PAY PROTECTION OF CONTRACT SERVICE OF MR. FAZLI SUBHAN, ASSISTANT PROFESSOR OF PHYSICS.

Respected Sir,

السلام عليكم

I am directed to enclose herewith Finance Department letter No. FD (SOSR-I)/12-4/2019 dated 15.03.2019 on the subject cited above and to request you to direct Mr. Fazle Subhan, Assistant Professor of Physics of your College to provide information/ documents to this office in order to proceed further into the matter.

*Sub*  
11/4/19  
DY: DIRECTOR (ESTABLISHMENT)  
*90*

Annu-B

5 86



**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

No. SO (C-II)HED/13-17/2016/Fazali Subhan/Physics/1779  
Dated Peshawar the 01.04.2019.

To

✓ The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: - PAY PROTECTION OF CONTRACT SERVICE OF MR. FAZLI  
SUBHAN, ASSISTANT PROFESSOR OF PHYSICS.

Dear Sir,

I am directed to refer to your letter No. 736/CA-I/Estt: Branch/A-12/Fazli Subhan/ Physics dated 20.02.2019 on the subject cited above and to enclose herewith a copy of Finance Department letter No. FD (SOSR-1)12-4/2019 dated 15.03.2019 and to request to provide the requisite information as asked for therein.

Encl:- As above.

(M. FAZAZ KHAN)  
SECTION OFFICER (C-II)

*Sub*

*Pl. do the needful.*

*Dr. (E)*

*CAI*  
*3/4*

*4/4/19*

RECEIVED ON  
04 APR 2019  
Page # 4



Annex-B1

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPRD](https://www.facebook.com/GoKPRD)

[twitter.com/GoKPRD](https://twitter.com/GoKPRD)

NO. FD (SOSR-1) 12-4/ 2019  
Dated Peshawar 15-03-2019

To:

The Section Officer (C-II),  
Higher Education, Archives & Libraries Department,  
Peshawar.

Subject:-

PAY PROTECTION OF CONTRACT SERVICE OF MR. FAZLI  
SUBHAN ASSISTANT PROFESSOR OF PHYSICS.

Please refer to your letter No.SO ((C-II))/HED/13-17/2016/Fazli  
Subhan/Physics/282 dated 07-03-2019 on the subject noted above and to  
state to furnish the following documents for processing the case further:-

- i. Copy of 1<sup>st</sup> appointment order as Lecturer in Federal Govt  
College for Men, Islamabad.
- ii. Copy of charge assumption report.
- iii. Last Pay Certificate of the Lecturer concerned.
- iv. Copy of Relieving order of the Lecturer concerned.
- v. Copy of present appointment order of the Lecturer  
concerned.
- vi. Copy of present service charge assumption report of the  
Lecturer concerned.
- vii. Copy of present service 1<sup>st</sup> pay roll of the Lecturer  
concerned.

*Sub*

  
(BARKAT KHAN)  
SECTION OFFICER (SR-1)

*BK*  
*20/3*  
*4/18*

Annex. C

7 DS

**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**  
**KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025 Fax # 091-9210215

E-mail:- [dhekpkes@pesh@gmail.com](mailto:dhekpkes@pesh@gmail.com) Facebook.com/dhekpkespeshawar Twitter.com/dhekpkespeshawar1

No. 736 / CA-1/ Estt: Branch/A-12/Fazli Subhan/Physics

Dated Peshawar the 20 / 2019

To

The Secretary  
Govt; of Khyber Pakhtunkhwa  
Higher Education Department Peshawar.

SUBJECT PAY PROTECTION OF CONTRACT SERVICE OF MR. FAZLI SUBHAN, ASSISTANT PROFESSOR OF PHYSICS.

Respected Sir, السلام عليكم

I am directed to refer to your office letter No. SO (Colleges-II) / HED/13-17/2018/974 dated 22.01.2019 on the subject cited above and to enclose herewith the following documents/ information in respect of Mr. Fazli Subhan, Assistant Professor of Physics, Govt; Post Graduate College, Swabi for appropriate action as desired, please.

- i. Self-contained application alongwith other relevant documents.
- ii. Copy of Departmental Permission Certificate from F.G College, Islamabad.
- iii. Relieving Notification of Govt; of Pakistan, Federal Directorate of Education alongwith relinquish Certificate.
- iv. LPC from office of the AGPR, Islamabad.
- v. Appointment letter as Lecturer in Physics at Higher Education Department alongwith Charge report.

Yours Faithfully,

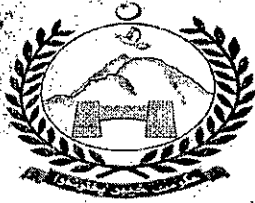
*M 20/2/19*  
(Mohammad Bashir)

20  
DY: DIRECTOR (ESTABLISHMENT)

Amner-D

83

84



**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

NO. SO (C-II)/HED/13-17/2018/974  
Dated Peshawar the 22.01.2019.

To

The Director,  
Higher Education Department,  
Peshawar.

SUBJECT: - PAY PROTECTION OF CONTRACT SERVICE OF FAZLI SUBHAN,  
ASSISTANT PROFESSOR OF PHYSICS.

I am directed to refer to your letters No. 23322/CA-I/Estt: Branch/A-12/Fazli Subhan/Physics dated 20.12.2018 on the subject noted above and to state that the complete case alongwith supporting documents may be submitted in order to proceed further in the matter please.

*Fazli*

*DD (E)*

RECEIVED ON  
24 JAN 2019  
Diary # 421 Page # 707  
D/Mark

*13*  
*25/1/19*

*24/1*

**(Muhammad Fayaz Khan)**  
SECTION OFFICER (COLLEGES-II)



Acknowledgement certificate

It is certified that I received Rs. 1000/- Fine  
from appellant side in connection R/A No 439/2019 in  
S.A 602/2018 on behalf of Addl. Advocate General  
on 27/1/2021

M. H. G. 27/1/2021  
PB to Addl. AG ICPA

Before the Hon' able service Tribunal kpk  
Peshawar

Restoration Application No. 278/2018  
Appeal No. 602/2018

Fazli Subhan ..... Appellant

Vs

Sectary higher education etc..... Respondents

Service appeal

Khyber Pakhtunkhwa  
Service Tribunal

Subject: Application for restoration of Appeal of appellant

Diary No. 966

Sir,

Dated 6-9-18

Appellant humbly submits as under:-

1. That above captioned case was fixed for preliminary hearing on 02/08/2018 , which was dismissed in default (copy of appeal and order sheet is attached).
2. That counsel for appellant was personally appeared before the reader of the court of preliminary hearing, how given the date for preliminary hearing on 06/09/2018 , which has entered by counsel appellant diary for 06/09/2018 in infirm appellant for said date.
3. That today when counsel for appellant along with appellant appeared before this hon'able tribunal and got knowledge that case has already been dismissed in default on 02/08/2018, which is illegal , against law and facts.
4. That no any notice has been issued to the appellant as well as counsel for appellant , due to which appellant as well as counsel for appellant has got no information/ knowledge regarding the date fixed.
5. That absence of appellant is not willful but due to no knowledge of the date fixed.
6. That superior courts are given preference to the decision on merit.
7. That appellant has valuable rights attached with instant case .

It is therefore, humbly requested that order dated 02/08/2018 may please be set aside and the case of appellant may please be re-fixed .

Appellant. Fazli Subhan  
Fazli Subhan

Trough counsel Yaqoob Khan  
Yaqoob Khan Advocate High  
court at Distt: courts Mardan

Dated: 06/09/2018

Affidavit

I undersigned declared on oath that the contents are true and correct .

Advocate Yaqoob Khan

**ATTESTED**  
IRFAN ULHAQ ADVOCATE  
NOTARY PUBLIC

01/9/18

Before The Hon'able Service Tribunal of KPK at  
Peshawar



Appeal No. 602 /2018

Diary No. 604

Dated 20/4/2018

Fazli Subhan son of Habib Rehman Lecturer (BPS-17) Govt, Degree  
College Swabi R/o Vilalge Corl: Sher Kalay Tehsil Razzar Distt:  
Swabi .....Appellant

VERSUS

1. Chief Secretay KPK Peshawar
2. Secretary Higher Education KPK Peshawar.
3. Director of College Higher Education KPK Peshawar.
4. Director of College Higher Education Federal Govt Islamabad.
5. Secretary Finance KPK Peshawar.
6. District Account Officer Swabi. ....Respondents

Appeal U/S-4 of the Service Tribunal Act 1974, for

counting of services of appellant already rendered on-

ad hoc w-e-f 23/11/2004 to 31/01/2008 be count for pay

protection and pensionary benefits on the basis of Govt.

services with all back benefits.

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Respectfully Sheweth;

Appellant humbly submits as under

1. That the petitioner is posted as a Lecturer (BPS-17) with

respondents department since 23/11/2004.

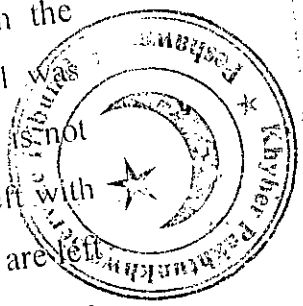
Filed to-day  
Registrar  
20/4/18

Re-submitted to -day  
and Filed  
Registrar  
3/5/18

Appeal No. 602/2018  
Fazal Subhan vs Govt

02.08.2018

Neither the appellant nor his counsel present. On the previous two dates neither appellant nor his counsel present and this conduct on his part is suggest that he is not interested to pursue his case, hence this Tribunal is left with no option but to dismiss the appeal in default. Parties are left to bear their own costs. File be consigned to the record room.



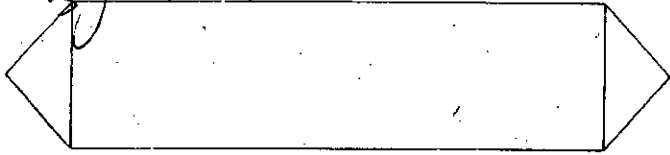
Announced  
02.08.2018 *Self-Chairman*

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation	06-09-18
Number of Words	800
Copying Fee	6-00
Urgent	2-00
Total	8-00
Name of Applicant	<i>[Signature]</i>
Date of Receipt	06-09-18
Date of Delivery of Copy	06-09-18

بعدالت سکرور سکرور سکرور سکرور سکرور



6/9/18

2 مخائب

فضل سبحان صاحب سکرور سکرور سکرور سکرور سکرور

مورخہ

مقدمہ

دعویٰ

جرم

اسپی

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لہذا در کیلئے لکھنؤ صاحب سکرور سکرور سکرور سکرور سکرور  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

فضل سبحان صاحب سکرور سکرور سکرور سکرور سکرور

2017

6 ماہ سکرور

المرقوم

العبد العبد العبد العبد العبد العبد العبد العبد العبد العبد العبد

کے لئے منظور ہے۔

لکھنؤ

مقام

Attested & Accepted  
Jures

عدالت