

17.06.2022

Nemo for appellant.

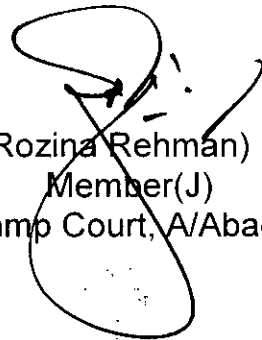
Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for non-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced.  
17.06.2022



(Fareeha Paul)  
Member(E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member(J)  
Camp Court, A/Abad

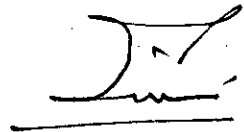
20.01.2022

Nemo for the appellant. Mr. Naseeb Khan S.O (Litigation) and Mr. Waqar Ahmad Senior Auditor alongwith Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel <sup>through registered post</sup> and to come up for arguments on 20.04.2022 before the D.B at Camp Court, Abbottabad. 7.



(Rozina Rehman)  
Member (J)  
Camp Court A/Abad

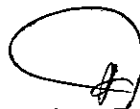


(Salah-Ud-Din)  
Member (J)  
Camp Court A/Abad

20.04.2022

Appellant in person present. Mr. Amanatullah Qureshi, Deputy Secretary (Litigation), Mr. Waqar Ahmed, Senior Auditor and Shakeel Ahmed, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is indisposed today. Adjourned. Last opportunity granted. To come up for arguments on 17.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court Abbottabad



(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

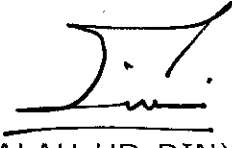
21.09.2021

Nemo for the appellant. Mr. Muhammad Shakeel, Professor alongwith Mr. Usman Ghani, District Attorney 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 and to come up for arguments before the D.B on 16.11.2021 at Camp Court Abbottabad.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COURT ABBOTTABAD



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

16.11.2021

Lubna Khan Advocate present and submitted Wakalat Nama in favor of appellant.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Former made a request for adjournment being freshly engaged. Request is accorded. To come up for arguments on 20.01.2022 before D.B at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)



Chairman  
Camp Court, A/Abad

16.01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.

  
READER

17.02.2021

~~Nemo for appellant/counsel.~~

Noor Zaman Khattak, learned District Attorney alongwith Sajid Superintendent for respondents present.

Preceding date was adjourned on a reader's note, therefore, appellant/counsel be put on notice for 20.04.2021 before D.B for arguments at Camp Court, Abbottabad.



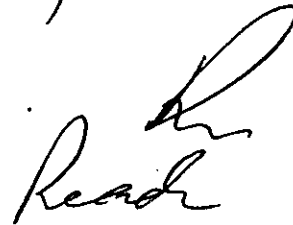
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad



(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

20-4-21

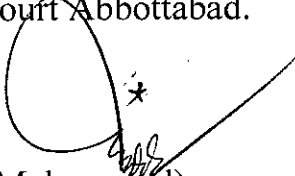
Due to covid-19, case is adjourned to 21-9-21 for same.

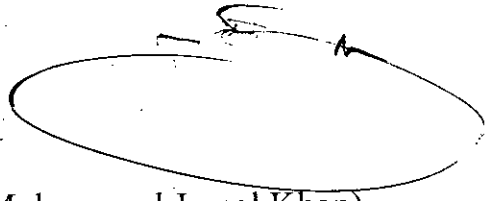
  
Reader

16.11.2020

Assistant to counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Naseem Khan, SO and Mr. Asif Khan, Litigation Officer for respondents present.

The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar, therefore, the case is adjourned to 19.01.2021 for arguments before D.B at camp court Abbottabad.

  
(Mian Muhammad)  
Member(E)

  
(Muhammad Jamal Khan)  
Member(J)  
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /  
at camp court abbottabad.

Reader

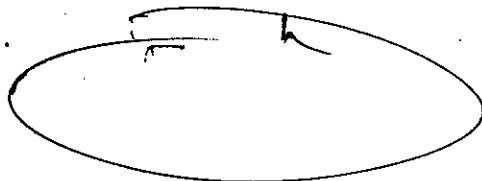
Due to summer vacation case to come up for the same on 1/6  
9 / 20 at camp court abbottabad.

  
Reader

16.09.2020

Appellant has not forth come at the moment i.e 12:14 P.M  
Mr. Usman Ghani, District Attorney alongwith representatives of  
the department Mr. Qazi Muhammad Ayaz, Section Officer and  
Mr. Saleem Sajid, Superintendent are present.

Consequent upon the submission of written reply on behalf  
of respondent-department, the instant appeal is fixed for  
arguments on 16.11.2020 before D.B at Camp Court,  
Abbottabad. Notice be also issued to appellant as well as his  
respective counsel for the date fixed.

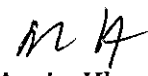


(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

Service Appeal No. 1351/2018

16.12.2019

Appellant in person present. Professor Malik Muhammad Saddique on behalf of respondent No. 1 and Muhammad Sohail, Assistant on behalf of respondent No. 2 alongwith Mr. Usman Ghani, District Attorney present. Written reply on behalf of respondent No. 1 has already submitted while representative of respondent No. 2 stated at the bar that respondent No. 2 relies on the written reply already submitted by respondent No. 2 before the Hon'ble Peshawar High Court. Neither written reply/comments on behalf of respondents No. 3 & 4 submitted nor their representatives are present therefore, notices be issued to respondents No. 3 & 4 with the direction to direct the representatives to attend the court and submit written reply/comments on the next date positively. Case to come up for written reply/comments on behalf of respondents No. 3 & 4 on 21.01.2020 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


21.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Shamim S.O representative of respondent No.2 present. Sardar Saleem DAO representative of respondent No.3 absent. Respondents No.3 & 4 as well as absent representative be put to notice for reply. Adjourn. To come up for written reply/comments on 20.02.2020 before S.B at Camp Court Abbottabad.

  
Member  
Camp Court, Abbottabad


16.09.2019

Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith M/S Khushi Muhammad, Section Officer on behalf of respondent No. 1, Muhammad Shamim, Section Officer on behalf of respondent No. 2 and Shamraiz Khan, Assistant Treasure Officer on behalf of respondent No. 4 present. Written reply on behalf of respondents not submitted. Representatives of the department requested for further adjournment. Case to come up for written reply/comments on 23.10.2019 before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

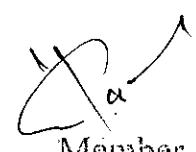
23.10.2019

Appellant in person present. Mr. Usman Ghani, District Attorney present. Mr. Mohammad Sohail, Assistant for respondent No. 3 present and seeks adjournment. No one is present on behalf of respondents No. 1, 3 and 3. Fresh notices be issued to them. Adjourn. To come up for written reply/comments 19.11.2019 before S.B at camp court, Abbottabad.

  
Member  
Camp court, A/Abad

19.11.2019


Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Malik Siddique Professor (for respondent No.1) present and submitted written reply/comments. No one present on behalf of respondents No.2 to 4. Shamim S.O for respondent No.2 absent. Respondents No.2 to 4 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 16.12.2019 before S.B at Camp Court, Abbottabad.

  
Member  
Camp Court, A/Abad




21.05.2019

Appellant alongwith his counsel present. M/S Professor Malik Muhammad Saddique on behalf of respondent No. 1 and Muhammad Shamim, Section Officer (Litigation) on behalf of respondent No. 2 alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present and requested for further time for filing of written reply. None present on behalf of respondents No. 3 & 4 therefore, notice be issued to respondents No. 3 & 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 08.07.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

08.07.2019

Counsel for the appellant present. M/S Malik Muhammad Saddique, Professor, Shamim, Section Officer, Khushi Muhammad, Section Officer (litigation) and Yasir Iqbal, Assistant Account Officer for alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Representatives of the department requested for further adjournment. Adjourned to 16.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.


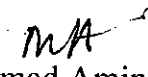
  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

## Form-A

## FORM OF ORDER SHEET

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

Case No. 1351/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/10/2018	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 16.10.2018 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19-11-2018 18.02.2019	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on 18.02.2018 Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjournment to 19.04.2019 for preliminary hearing before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad</p>

19.04.2019

Appellant in person present.

States that the restoration of pension granted to the appellant is in violation of judgment reported as 2012-SCMR-1914 and 2014-SCMR-1336. The respondents have allowed restoration but under the old formula.

Honourable Peshawar High Court has transmitted Writ Petition No. 803-A/2016 for its adjudication as service appeal by this Tribunal. The same has been numbered as such by the office.

In view of the submissions by the appellant the appeal/petition is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 21.05.2019 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee

Chairman  
Camp Court, A/Abad



THE  
**PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Ph: 0992-9310058  
Fax: 0992-9310055

No: 243

Dated Abbottabad 24 October, 2018

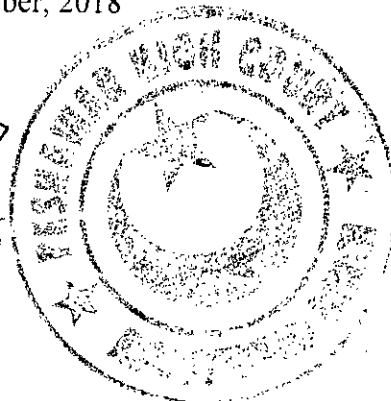
From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2067

Dated 29-10-18



To

The Chairman,  
Service Tribunal KPK Peshawar.

Subject:

**WRIT PETITION NO. 803-A OF 2016.**

**Syed Mehboob Ahmed Shah**

**Petitioner.**

**Versus**

**Provincial Govt. of KPK & others**

**Respondents.**

*Mama. Sai*

I am directed to forward herewith file WP No. 803-A/2016 titled "Syed Mehboob Ahmed Shah VS Provincial Govt. of KPK & others" Total Sheets (66) alongwith judgment of the Honourable Division Bench for further necessary action *pl.*

*[Signature]*  
Additional Registrar  
*2*

PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH

FORM 'A'  
FORM OF ORDER SHEET

Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
16.10.2018	<p><b><u>W.P No. 803-A/2016.</u></b></p> <p><b>Present:-</b> Mr. Munir Ahmed Bhatti, Advocate for the petitioners.</p> <p>Mr. Yasir Zahoor Abbasi, AAG for official respondents.</p> <p style="text-align: center;">***</p> <p><b><u>SYED ARSHAD ALI, J.-</u></b> Through the present writ petition, the petitioner seeks constitutional jurisdiction of this Court praying that:-</p> <p style="text-align: center;"><i>“On acceptance of instant writ petition, the respondents may kindly be directed to restore the full pension after expiry of commutation period inclusive of periodic increases in pension during the commuted period.”</i></p> <p>2. In essence, the claim of the petitioner pertains to restoration of his pension, which is one of the terms and conditions of the service, therefore, the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is barred to entertain any</p>

petition relating to terms and conditions of service of a civil servant or who has been a civil servant.

3. In this view of the matter, this petition be transmitted to the worthy Service Tribunal for adjudication in view of the law laid down by the august Supreme Court of Pakistan in "*WAPDA Vs. Fida Hussain (2004 PLC (C.S) 1240*) and *Muhammad Akram Vs. DCO, Rahim Yar Khan and others (2017 PLC (C.S) 692*". The office shall, however, retain the photocopies of file for record.

Announced.

16.10.2018

  
JUDGE

  
JUDGE

**IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**OPENING SHEET FOR WRIT PETITION**

Case No. _____
Date of Filing: _____
District: <u>Abbottabad</u>

Case Type: Writ Petition Nature of Original Proceedings: Departmental refusal to restore full pension.

Original Order		Review/ Appellate/ Revision			Order	Bench
Forum	Date	S.No	Forum	Date		
Accountant General of Pakistan / District Accounts Office, Abbottabad					<input type="checkbox"/> Interlocutory	<input type="checkbox"/> Singe Bench
					<input type="checkbox"/> Final Order	<input checked="" type="checkbox"/> Divisional Bench
						<input type="checkbox"/> Full Court

1. Petitioner(s)\*: Syed Mehboob Ahmed Shah CNIC\*\* 

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 Mobile No. 0300-9118235

Address. Office No.9, Sher Pao Lawyers Plaza, District Courts, Abbottabad.

2. Petitioner(s) Counsel\*: Munir Ahmad Bhatti CNIC\*\* 

13101	3485338	9
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 Mobile No. 0314-5019572

Address. Office No.43, Ayub Tanoli Lawyers Plaza, District Court, Abbottabad.

3. Respondent (s) Counsel\*: \_\_\_\_\_ CNIC\*\* 

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 Mobile No. 0300-9118235

Address. \_\_\_\_\_

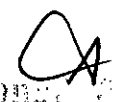
**Original Order/ Action / inaction Complained of**  
 Full pension of the petitioner not sanctioned restored even after expiry of the commutation period of 17 years w.e.f 01.10.2002 till date.

**SCANNED**  
 07 MAY 2016

**Prayer (in brief)**  
 On acceptance of instant Writ Petition, the respondents may kindly be directed to restore the full pension after expiry of commutation period w.e.f 01-10-2002 inclusive of periodic increases in pension during the commuted period at a rate at which he was drawing 50% remaining pension in accordance with principle of law laid down by the Apex Court and directions issued by the provincial government vide office letters dated 16.02.2015 and 14.04.2016. Any other relief which this Hon'ble Court deems appropriate may also be granted.

Law/rules governing the original proceedings/ Action/inaction

- The Constitution of Islamic Republic of Pakistan, 1973.
- Manual of services laws.
- Other case law related books will be cited at the Bar.

**FILED TODAY**  
  
 Additional Bench Officer  
 Peshawar High Court  
 Abbottabad Bench

Signature of Petitioner or Counsel: M. A. Malik Dated: 17-08-2016

22/08/16

- 1 -

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

*Service Appeal No. 1351/2018*

W.P.No. 803 /2016

Syed Mehboob Ahmed Shah S/o Syed Nisar Ahmed Shah, caste Syed, Lecturer (Retired), Post Graduate College No.1, Abbottabad presently Advocate High Court, Abbottabad.

...PETITIONER

**V E R S U S**

1. Provincial Government of KPK, through Secretary Education Department, Peshawar.
2. Secretary Finance, Finance Department, KPK, Peshawar.
3. Accountant General of KPK, Accountant General Office, Peshawar.
4. District Accounts Officer, Abbottabad.

...RESPONDENTS

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WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 SOLICITING DECLARATION TO THE EFFECT THAT THE RESPONDENTS ARE DUTY BOUND TO DETERMINE THE INCREASE IN THE COMMUTED PENSION OF THE PETITIONER FROM THE DATE OF RESTORATION OF HIS COMMUTED PENSION I.E 01-10-2002 TILL DATE AT RATE AT WHICH HE WAS DRAWING 50% REMAINING PENSION IN ACCORDANCE WITH PRINCIPLE OF LAW LAID DOWN BY THE APEX COURT IN CIVIL APPEALS DECIDED ON 24<sup>TH</sup> APRIL, 2012 AND 31<sup>ST</sup>

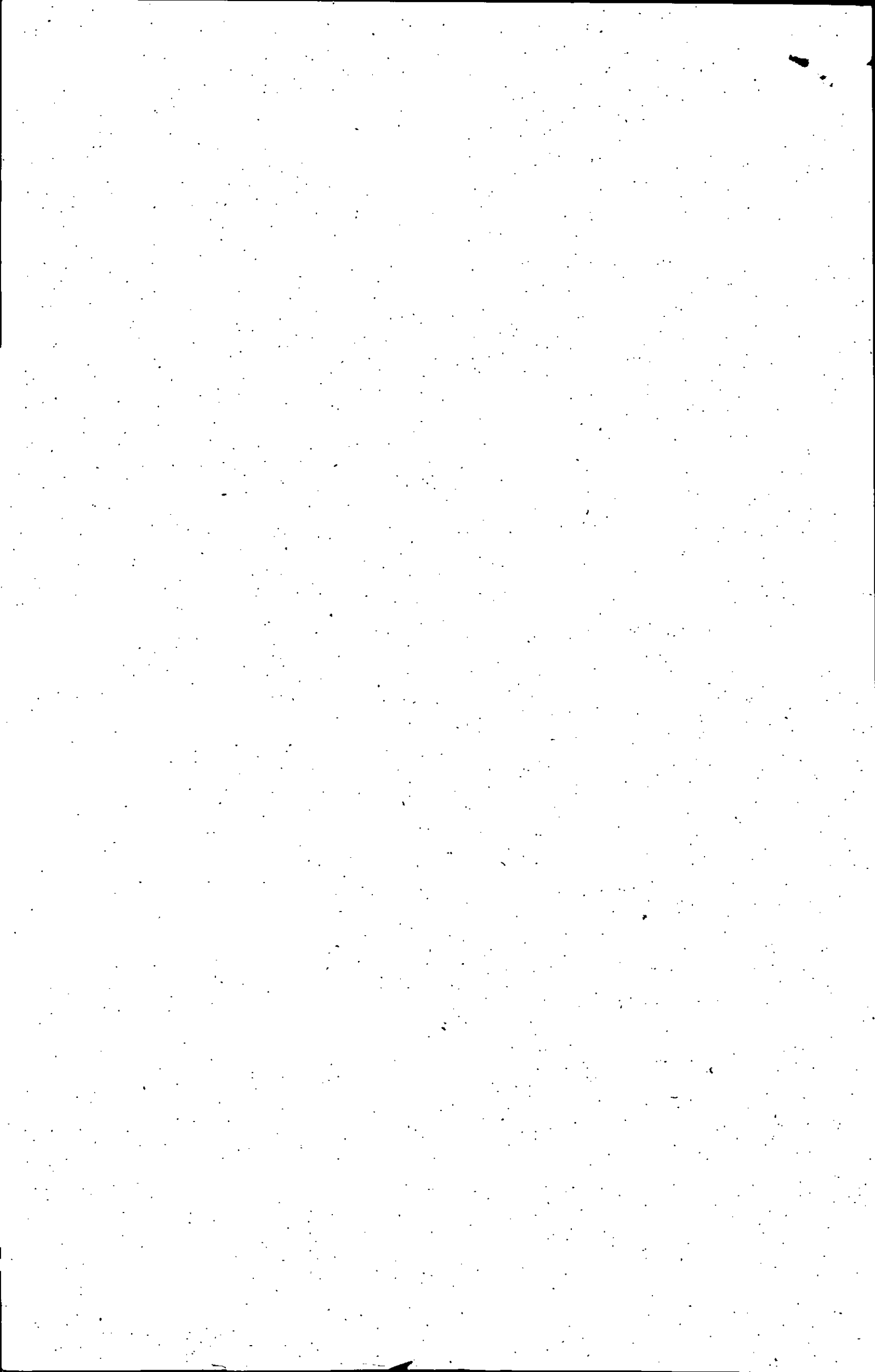
*No: 32007*  
*24.08.16*

**FILED TODAY**

*CA*  
Additional Registrar  
Peshawar High Court  
Abbottabad Bench

*24/08/16*





17.06.2022

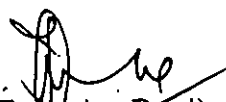
Nemo for appellant.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

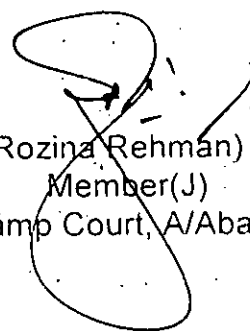
Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is hereby dismissed in default for non-prosecution. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

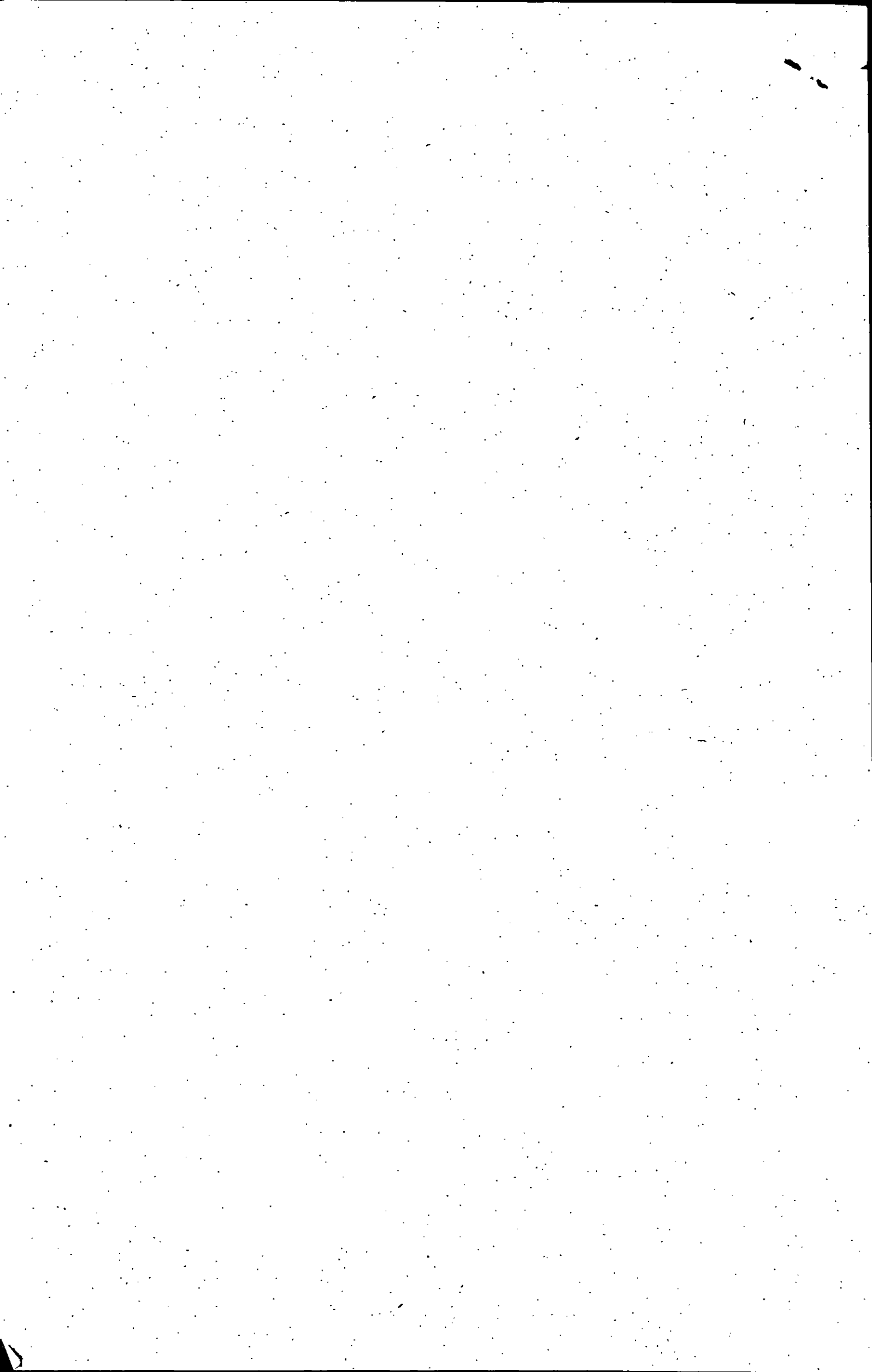
17.06.2022



(Farzeha Paul)  
Member(E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member(J)  
Camp Court, A/Abad



**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

W.P.No. 803 /2016

Syed Mehboob Ahmed Shah

*Service Appeal No. 1351/2018*

...PETITIONER

**VERSUS**

Provincial Government of KPK, through Secretary Education Department,  
Peshawar and others

...RESPONDENTS

**WRIT PETITION**  
**INDEX**

S.No.	Description of Document	Annexure	Page No.
1.	Writ Petition alongwith affidavit	--	1-11
2.	Addresses of the Parties	--	12
3.	List of Books	--	13
4.	Copies of judgments / orders of the Apex Court and office letter dated 16.02.2015 and dated 14.04.2016	"A", "B", "C" & "D"	14-16, 17-27 28-29, 30-30
5.	Copy of the pension book	"E"	31-32
6.	Copy of the appeal / representation	"F"	33-40
7.	Copies of the intimation notice and receipts	"G" & "H"	41-
8.	Court fee stamp paper worth Rs.500/-	--	43
9.	Vakalat Nama	--	44

...PETITIONER *Mahar*  
**SYED MAHBOOB AHMAD SHAH**  
Professor M.A LL.B.  
Peshawar High Court

Through:

*M. O. Maud*

**(MUNIR AHMAD BHATTI)**

Advocate High Court, Abbottabad.

Dated:- 17/08/2016

**FILED TODAY**

*CA*  
Additional Judge  
Peshawar High Court  
Abbottabad Bench

*22/09/16*

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

*Service Appeal No. 1351/2018*

W.P.No. 803 /2016

Syed Mehboob Ahmed Shah S/o Syed Nisar Ahmed Shah ; caste Syed ,  
Lecturer (Retired), Post Graduate College No.1, Abbottabad presently Advocate  
High Court, Abbottabad.

...PETITIONER

**V E R S U S**

1. Provincial Government of KPK, through Secretary Education Department,  
Peshawar.
2. Secretary Finance, Finance Department, KPK, Peshawar.
3. Accountant General of KPK, Accountant General Office, Peshawar.
4. District Accounts Officer, Abbottabad.

...RESPONDENTS

-----  
WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973 SOLICITING DECLARATION TO  
THE EFFECT THAT THE RESPONDENTS ARE DUTY  
BOUND TO DETERMINE THE INCREASE IN THE  
COMMUTED PENSION OF THE PETITIONER FROM  
THE DATE OF RESTORATION OF HIS COMMUTED  
PENSION I.E 01-10-2002 TILL DATE AT RATE AT  
WHICH HE WAS DRAWING 50% REMAINING  
PENSION IN ACCORDANCE WITH PRINCIPLE OF  
LAW LAID DOWN BY THE APEX COURT IN CIVIL  
APPEALS DECIDED ON 24<sup>TH</sup> APRIL, 2012 AND 31<sup>ST</sup>

*No: 3000*  
*24/08/16*

**FILED TODAY**

*JA*  
Additional Registrar  
Peshawar High Court  
Abbottabad Bench

*24/08/16*

MARCH, 2014 AND DIRECTIONS ISSUED BY THE  
PROVINCIAL GOVERNMENT VIDE OFFICE LETTERS  
DATED 16.02.2015 AND 14.04.2016.

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**PRAYER:-**

ON ACCEPTANCE OF INSTANT WRIT  
PETITION, THE RESPONDENTS MAY KINDLY BE  
DIRECTED TO RESTORE THE FULL PENSION  
AFTER EXPIRY OF COMMUTATION PERIOD  
INCLUSIVE OF PERIODIC INCREASES IN PENSION  
DURING THE COMMUTED PERIOD.

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*Respectfully Sheweth,*

1. That, the petitioner was appointed as Primary School Teacher in Education Department on 10.12.1954 and served for approximately 31 years and retired on 01.10.1985 after availing LPR from 01.12.1984 to 30.09.1985.
2. That, the petitioner, after retirement joined legal profession, honouring his professional commitments as an active member of District Bar Association and High Court Bar Association Abbottabad.

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

24/09/16

3. That, meanwhile in accordance with principle of law laid down by the Honourable Supreme Court of Pakistan, reported in 2012 SCMR 1914 and 2014 SCMR 1336, the respondent No.2 vide office letter No.FD(SOSR-11)4-92/2015 dated 16.02.2015 and office letter No.FD(SOSR-11)/4-92/2016 dated 14.04.2016 allowed restoration of commuted portion of pension of all pensioners who retired prior to 01-12-2001 and on or after 01-12-2001 and to determine the pension of the pensioners from the date of restoration of their commuted pension at the rate at which they were drawing 50% remaining pension and the arrears were also allowed to be paid to them. *(Copies of judgments / orders of the Apex Court and office letter dated 16.02.2015 and dated 14.04.2016 are annexed as Annexures "A", "B", "C" & "D" respectively)*

4. That, in the year 1985 the petitioner, applied for issuance of pensionary benefits after availing LPR and was retired on 01-10-1985 in BPS-17.

5. That, the petitioner forwarded another application to the respondents for issuance of full pension after expiry of 17 years of commutation period in accordance with principle of law laid down by the

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/05/16

Apex Court and office letters dated 16.02.2015 and 14-04-2016 issued by the Finance Department (Regulation Wing) Government of Khyber Pakhtunkhwa.

6. That, the petitioner in pursuance of the office letters of the provincial Government of KPK dated 16.02.2015 and 14-04-2016 twice submitted his pension book NO.8864-H through proper channel to the Respondent No.4 for ascertainment of amount due and proper entries in the pension book but the same was returned to the petitioner without complying the instructions mentioned in the office letters dated 16.02.2015 and 14-04-2016. *(Copy of the pension book is annexed as Annexure "E")*
7. That, feeling aggrieved, the petitioner approaches this Honourable Court for due redressal, inter-alia, on the following grounds:-

GROUNDS:-

- a) That, the orders/ judgments dated 24.09.2012 and 31.03.2014 passed by the Apex Court, reported in SCMR editions of year 2012 at page 1914 and 2014 at page 1336 respectively wherein the Respondents were duty bound to determine

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

27/00/16



the increase in commuted pension of the petitioner from the date of restoration w.e.f 01-10-2002 of his commuted pension at the rate at which he was drawing 50% remaining pension but no cogent step was taken by them in this regard till date.

b) That, it is the statutory duties/ functions of the respondents to take an appropriate step in compliance of the orders / judgments of the Apex Court and directions issued by the provincial government and it was the right of the petitioner to have the matter decided in accordance with law.

c) That, when the Honourable Supreme Court of Pakistan decides a point of law regarding a service matter, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to the other civil servants who may not be party to that litigation instead of compelling them to approach the Honourable Supreme Court of Pakistan or any other legal forum. Additionally in accordance with the provisions of Article 189 of the Constitution of Islamic Republic of Pakistan all the Executive

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/09/16

Authorities are duty bound to follow the dictates of the Honourable Supreme Court of Pakistan, violation thereof amounts to Contempt of Court.

- d) That, the respondent No.4 after receiving the pension documents from the petitioner, only added the actual surrendered portion of the commuted value of the pension without allowing the benefit of periodical increases so as to bring it at par to a rate at which he was drawing 50% remaining pension. Additionally the petitioner has neither received arrears nor relevant entries in the pension book, thus the petitioner is penalized by inactions of the respondents who may not be allowed to keep the case of pensionary benefits pending for indefinite period on one pretext or the other.
- e) That, the assertion of the respondent No.4 that increase in commuted pension has already been actualized, is not borne out from the record and is absurd as the petitioner, as per requirement, has neither submitted an affidavit in this regard nor it can be done by the respondent No.4 before the notification dated 16.02.2015 issued by the provincial Government.

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/05/16

f) That, the pensionary benefits is the amount deducted from the monthly salaries of the employee so that a lump sum amount is paid to them after their retirement. It is very painful that after years of his retirement, the petitioner is in search of his own money. Pension like salary of the petitioner is not a bounty but a right acquired after putting in satisfactory service for prescribed minimum period.

g) That, the respondents may not be permitted to make the petitioner strive for no fault on his part and to withhold the amount due despite rendering services to the respondents, in whimsical and arbitrary way, which is glaring example of the violation of the fundamental rights as guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973.

h) That, it is ironical to note that majority of the officers who were allowed increase in commuted pension vide aforementioned orders/ judgments of the Apex Court had already received emoluments and arrears from their dates of

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

- f) That, the pensionary benefits is the amount deducted from the monthly salaries of the employee so that a lump sum amount is paid to them after their retirement. It is very painful that after years of his retirement, the petitioner is in search of his own money. Pension like salary of the petitioner is not a bounty but a right acquired after putting in satisfactory service for prescribed minimum period.
- g) That, the respondents may not be permitted to make the petitioner strive for no fault on his part and to withhold the amount due despite rendering services to the respondents, in whimsical and arbitrary way, which is glaring example of the violation of the fundamental rights as guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973.
- h) That, it is ironical to note that majority of the officers who were allowed increase in commuted pension vide aforementioned orders/ judgments of the Apex Court had already received emoluments and arrears from their dates of restoration of commuted pension. However petitioner is still deprived from his valuable rights

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/09/16

which is discriminatory and amounts to failure on part of respondents to discharge their statutory duties and violation of the fundamental rights as enshrined in Article 4 and 25 of the Constitution of Islamic Republic of Pakistan wherein it is laid down that all citizens are equal before the law and entitled to equal protection of law.

- i) That, the petitioner also filed an Appeal/ representation to the respondent No.3 through proper channel, which is still pending for disposal. ***(Copy of the appeal / representation is annexed as Annexure "F")***
- j) That inspite of repeated requests nothing more has been done so far to implement the orders/judgments of the Apex Court and directions issued by the provincial government.
- k) That, the respondents are bound to fulfill their obligations as per law.
- l) That, no other alternate, efficacious or speedy remedy is available for the petitioner, hence the present Writ Petition.

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/09/16

m) That, Court fees stamp paper worth Rs.500/- is attached herewith.

n) That, the intimation notices are already been sent to the respondents. ***(Copies of the intimation notice and receipts are annexed as Annexure "G" & "H" respectively)***

***It is, therefore, humbly prayed that on acceptance of instant Writ Petition, the respondents may kindly be directed to restore the full pension after expiry of commutation period - w.e.f 01-10-2002 inclusive of periodic increases in pension during the commuted period at a rate at which he was drawing 50% remaining pension in accordance with principle of law laid down by the Apex Court and directions issued by the provincial government vide office letters dated 16.02.2015 and 14.04.2016. Any other relief which this Hon'ble Court deems appropriate may also be granted.***

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

22/05/16

**INTERIM RELIEF:**

As an interim relief, it is further prayed that the respondents may kindly be directed to determine the increase in the commuted pension of the petitioner provisionally as anticipatory pension, till the decision of the instant Writ Petition.

...PETITIONER

Through:

*Munir Ahmad Bhatti*

(MUNIR AHMAD BHATTI)  
Advocate High Court, Abbottabad.

Dated: - 17/08 /2016

**VERIFICATION:-**

*Verified that the contents of the instant Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.*

Dated: - 17/08 /2016

*Munir Ahmad Bhatti*

...PETITIONER  
SYED MAHMOOD AHMAD SHAH  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

FILED TODAY

*CA*  
Additional Registrar  
Peshawar High Court  
Abbottabad

*22/08/16*

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

W.P.No. \_\_\_\_\_ /2016

Syed Mehboob Ahmed Shah

...PETITIONER

**VERSUS**

Provincial Government of KPK, through Secretary Education Department,  
Peshawar and others

...RESPONDENTS

**WRIT PETITION**

**AFFIDAVIT**

I, **Syed Mehboob Ahmed Shah S/o Syed Nisar Ahmed Shah , caste Syed , Lecturer (Retired), Post Graduate College No.1, Abbottabad presently Advocate High Court, Abbottabad petitioner,** do hereby solemnly affirm and declare on Oath that the contents of instant **Writ Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

**DEPONENT**

Dated:- 17/08/2016

13101-0873716-9

*(Signature)*  
...PETITIONER  
**SYED MEHBOOB AHMED SHAH**  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

**AFFIDAVIT**

S.No: 4770/310 Receipt No: 310

Certified that the above was verified on Solemn affirmation ..... 17/08 ..... before me on this 22 day of AUG 20016 by Syed Mehboob Ahmed s/o Syed Nisar Ahmed Caste Syed Presently Advocate was identified by ..... Who is personally know is me.

**FILED TODAY**

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

*(Signature)*  
22/08/16

Oath Commissioner  
(Additional Registrar)  
Peshawar High Court (Circuit) Bench  
Abbottabad

*(Signature)*  
22/08/16



**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

W.P.No. \_\_\_\_\_ /2016

Syed Mehboob Ahmed Shah

...PETITIONER

**VERSUS**

Provincial Government of KPK, through Secretary Education Department,  
Peshawar and others

...RESPONDENTS

**WRIT PETITION**

**ADDRESSES OF THE PARTIES**

*Respectfully Sheweth;*

The addresses of the parties are as under;

**PETITIONERS:**

Syed Mehboob Ahmed Shah S/o Syed Nisar Ahmed Shah , caste Syed, Lecturer  
(Retired), Post Graduate College No.1, Abbottabad presently Advocate High  
Court, Abbottabad.

**RESPONDENTS:**

1. Provincial Government of KPK, through Secretary Education Department,  
Peshawar.
2. Secretary Finance, Finance Department, KPK, Peshawar.
3. Accountant General of KPK, Accountant General Office, Peshawar.
4. District Accounts Officer, Abbottabad.

Through:

*Munir Ahmad Bhatti*

(MUNIR AHMAD BHATTI)  
Advocate High Court, Abbottabad.

Dated:- 17/08 /2016

**FILED TODAY**

*CA*  
Additional Registrar  
Peshawar High Court  
Abbottabad Bench

*224/08/16*

*Mahboob*  
...PETITIONER  
**SYED MAHBOOB AHMAD SHAH**  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

W.P.No. \_\_\_\_\_ /2016

Syed Mehboob Ahmed Shah

...PETITIONER

**VERSUS**

Provincial Government of KPK, through Secretary Education Department,  
Peshawar and others

...RESPONDENTS

**WRIT PETITION**

**LIST OF BOOKS**

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. Manual of services laws.
3. Other case law related books will be cited at the Bar.

Dated: - 17/08/2016

*Munir Ahmad Bhatti*  
(MUNIR AHMAD BHATTI)  
Advocate High Court, Abbottabad.

*Nehal*  
SYED MAHMOOD AHMED NAH  
Professor, B.A., B.L., B.B.  
Advocate High Court  
Abbottabad

**FILED TODAY**

*A*  
Additional Registrar  
Peshawar High Court  
Abbottabad Bench

*27/08/16*

reference in this respect may be made to the cases of Syed Muhammad Firdaus and others v. The State (2005 SCMR 784), Lughan Ali v. Hazaro and another (2010 SCMR 611) and Criminal Appeal No. 56 of 1986 (Raham Dad v. Syed Mazhar Hussain Shah) decided by this Court on 14-1-1987). At different times different High Courts had also rendered conflicting judgments on the issue. It is, therefore, imperative that such conflicts should be removed or resolved at the earliest so as to restore certainty in the matter for the guidance of all the courts in the country. In this view of the matter leave to appeal is granted in both these petitions and the Office is directed to fix the appeals for regular hearing at the earliest possible, preferably within a period of one month. The petitioners in Criminal Petition No. 549-L of 2011 have already been admitted to ad interim pre-arrest bail by this Court vide order dated 11-8-2011. Their ad interim pre-arrest bail shall continue till the next date of hearing.

MWA/M-52/SC

Leave granted.

2012 S C M R 1914

[Supreme Court of Pakistan]

Present: *Iftikhar Muhammad Chaudhry, C.J.,  
Khilji Arif Hussain and Tariq Parvez, JJ*

FEDERATION OF PAKISTAN---Petitioner

versus

GHULAM MUSTAFA and others---Respondents

Civil Petitions Nos. 549 to 559 and 575 to 589 of 2012, decided on 24th April, 2012.

(Against judgment dated 5-1-2012 passed in Appeals Nos. 888(R)CS/2011 to 890(R)CS/2011, 912 to 915, 922 to 925, 930 to 934, 1166, 1265, 1416 to 1420, 1455, 1575 and 1794(R)CS/2011).

*Constitution of Pakistan---*

*---Arts. 212(3) & 25---Civil service---Increase in commuted pension---  
Equality of citizens---Entitlement to equal relief---Two pensioners were  
granted increase on their commuted pension by the High Court and  
Supreme Court---Federal Service Tribunal in view of Art.25 of the  
Constitution, which guaranteed equal treatment to all, granted same*

2012]

Federation of Pakistan v. Ghulam Mustafa  
(Iftikhar Muhammad Chaudhry, CJ)

1915

*relief to the pensioners in the present case (respondents)---Validity--- Pensioners, in the present case, had to be treated at par with the pensioners in whose favour decision had been taken by the High Court and Supreme Court---In absence of any reasonable classification, no exception could be taken to the impugned judgment of the Federal Service Tribunal---No question of public importance within the meaning of Art.212(3) of the Constitution had been pointed out--- Petitions for leave to appeal were dismissed in circumstances, and leave was refused. [p. 1916] A, B, C & D*

Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others Civil Appeal No.254-L of 2011 ref.

Syed Zafar Abbas Naqvi, Advocate Supreme Court along with Ehsan Ahmed and Muhammad Khalid, Section Officers for Petitioner.

Nemo for Respondents.

Date of hearing: 24th April, 2012.

**ORDER**

**IFTIKHAR MUHAMMAD CHAUDHRY, C.J.**---The listed petitions have been filed under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 for leave to appeal against judgment dated 5-1-2012, passed by the Federal Service Tribunal, Islamabad; relevant paras, therefrom are reproduced hereinbelow:--

*"2. The issue has been resolved in that judgment. However, the objection of the respondents is that in the said appeals Finance Division was not a party. Today we have heard the Finance Division also. Two persons namely Mr. A.A. Zuberi and Syed Abrar Hussain Naqvi had filed Writ Petition in the High Court and had succeeded in getting increase on the commuted pension. Their appeals in the Hon'ble Supreme Court were dismissed as time barred. It means that the judgment of the High Court had attained finality. The two pensioners were granted increase on the commuted pension. Article 25 of the Constitution of Pakistan guarantees equal treatment to all. When two pensioners had been granted increase it shall have to be granted to other pensioners also. Thus the judgment of the Tribunal, mentioned above, has relevance when read in the light of the judgment of the High Court. Relevant part of the judgment of the Tribunal is as under:-*

*"9. In the light of judgments of the Lahore High Court confirmed*



by the apex Court and the judgment of the Punjab Service Tribunal we accept the appeals. The respondents are directed to determine the pension of the appellants from the date of restoration of their commuted pension at the rate at which they were drawing 50% remaining pension. The arrears shall also be paid to them. It is also clarified that the appellants shall not be entitled to claim arrears for the period prior to restoration of their commuted pension."

3. In the above circumstances, we find that present cases are similar to the one decided by the Tribunal on the strength of the judgment of the High Court, confirmed by the Hon'ble Supreme Court. We accordingly hold that appellants are entitled to increase in their commuted pension in the same manner. Appeals are allowed."

2. When we have inquired from the learned counsel as to whether in view of the principles laid down by this Court under Article 25 of the Constitution as to why the respondents should not be treated at par with the employees named in the above para for the purposes of getting relief, he could not answer satisfactorily except saying that in another judgment announced by this Court in "Akram ul Haq Alvi v. Joint Secretary (R-II), Government of Pakistan, Finance Division, Islamabad and others (Civil Appeal No.254-L of 2011)", it has been held that the petitioners shall not be entitled for increase on the commuted pension. We failed to understand the distinction, which the learned counsel wanted to create in view of the judgment relied upon.

3. After hearing the learned counsel and having gone through the operative paras of the impugned judgment, we are of the opinion that as far as the respondents are concerned, they have to be treated at par with the employees in whose favour decision has been taken by the High Court as well as by this Court. Therefore, in absence of any reasonable classification, no exception can be taken to the impugned judgment.

4. Additionally, no question of law of public importance within the meaning of Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 has been pointed out.

5. Accordingly, the listed petitions are dismissed and leave refused.

MWA/F-9/SC

Petition dismissed.

1336

## SUPREME COURT MONTHLY REVIEW

[Vol. XLV]

2. The law is quite settled by now that a short order passed by the Court has all the effects of a judgment of this Court if such short order has been signed by all or a majority of the Hon'ble Judges hearing the matter even if for some reason such order is not followed by a detailed judgment. A reference in this respect may be made to the cases of *The State v. Asif Adil and others* (1997 SCMR 209), *Chief Justice of Pakistan v. Iftikhar Muhammad Jhaudhry v. President of Pakistan through Secretary and others* (PLD 2010 SC 61) and *Dr. Agha Ijaz Ali Pathan v. The State* (2010 SCMR 322). In the case in hand all the Hon'ble Judge hearing the above mentioned appeal and jail petition had signed the short order passed on 11-11-2008 and, thus, for all intents and purposes that has to be treated as a final disposition of the above mentioned matters and absence of any detailed judgment does not require rehearing of the same. In these circumstances these matters are returned to the office.

MWA/D-3/SC

Order accordingly.

2014 S C M R 1336

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jilani, C.J.,  
Khilji Arif Hussain and Sh. Azmat Saeed, JJ

SECRETARY, GOVERNMENT OF PUNJAB,  
FINANCE DEPARTMENT and 269 others---Appellants

versus

M. ISMAIL TAYER and 269 others---Respondents

Civil Appeals Nos. 971 to 1012, 1013 of 2012, C.M.As. Nos. 5314, 1014 to 1017 of 2012, 289-L, 386-L to 401-L of 2013, 61 to 223, 274 of 2014 and Civil Petitions Nos. 1040-L, 1049-L, 1070-L of 2013, 46-L to 58-L, 92-L to 94-L, 106-L, 213-L, 219-L to 225-L, 239-L, 257-L, 277-L, 293-L, 307-L to 315-L and 330-L of 2014, decided on 31st March, 2014.

(On appeal from the judgment dated 5-5-2011 of the Punjab Service Tribunal, Lahore, passed in Appeals Nos. 773 of 2009 and the judgments/orders dated 17-1-2012, 17-11-2011, 27-2-2012, 17-1-2012, 2-2-2012, 17-1-2012, 23-4-2012, 21-11-2011, 31-5-2012, 8-10-2012, 1-11-2012, 22-10-2012, 30-10-2012, 1-11-2012, 16-10-2012, 1-11-2012, 13-12-2012, 18-12-2012, 24-12-2012, 14-12-2012, 10-7-2013, 31-7-2013, 30-1-2013, 15-1-2013, 22-1-2013, 16-1-2013, 4-2-2013, 8-1-2013, 15-1-2013, 2-5-2013, 24-5-2013, 22-5-2013, 10-6-2013,

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28-5-2013, 28-6-2013, 3-7-2013, 25-6-2013, 25-6-2013, 28-6-2013,  
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18-9-2013, 10-9-2013, 19-9-2013, 20-9-2013, 17-9-2013, 16-9-2013,  
15-1-2013, 16-9-2013, 21-10-2013, 26-9-2013, 27-9-2013, 30-9-2013,  
19-9-2013, 30-9-2013, 3-10-2013, 4-10-2013, 1-10-2013, 24-9-2013,  
26-9-2013, 27-9-2013, 30-9-2013, 1-10-2013, 7-10-2013, 14-10-2013,  
23-10-2013, 7-10-2013, 24-10-2013, 10-10-2013, 21-10-2013,  
28-10-2013, 29-10-2013, 30-10-2013, 2-10-2013, 21-10-2013,  
4-10-2013, 14-10-2013, 31-10-2013, 21-10-2013, 22-10-2013,  
23-10-2013, 24-10-2013, 7-10-2013, 28-10-2013, 31-10-2013,  
30-10-2013, 4-11-2013, 6-11-2013, 13-12-2013, 24-5-2013, 17-5-2013,  
2-5-2013, 11-11-2013, 12-11-2013, 13-11-2013, 15-1-2013,  
18-11-2013, 29-11-2013, 19-11-2013, 20-11-2013, 20-11-2013,  
4-11-2013, 4-11-2013, 7-11-2013, 20-11-2013, 18-11-2013,  
17-12-2013, 19-12-2013, 17-11-2013, 23-12-2013, 26-12-2013,  
19-12-2013, 17-12-2013, 23-12-2013, 20-11-2013, 19-12-2013 and  
23-12-2013 of the Lahore High Court, Lahore/Bahawalpur  
Bench/Rawalpindi Bench/Multan Bench, passed in W.Ps. Nos.29579,  
6293, 20379, 20380, 20383, 20385 to 20393, 21546, 21547, 21550,  
25402, 25403, 20376, 20377, 20381, 20382, 20384, 20394, 21548,  
21551, 20378, 21549 of 2011, I.C.A. No.50 of 2012, W.Ps. Nos.324,  
326, 327 of 2012, 11141, 24765 of 2011, 325, 299, 1653, 1654, 1914,  
679, 3521 of 2012, 23058 of 2011, 13248, 13249, 10644, 298, 8745,  
8746, 26478, 25760, 8747, 17077, 27183, 24652, 29155, 29287,  
30862 to 30867 of 2012, 1480, 19144, 1899 of 2013, 29536, 31347 of  
2012, 859, 1942, 2264, 2265, 2589 of 2013, 539, 29593, 29332 of  
2012, 1373, 5058, 5069, 5071, 5073, 5499, 5501 to 5503, 5561, 5866,  
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8038, 1372, 8837, 10973 to 10975, 14337, 13122, 13168, 3487, 3486  
of 2013, 21301 of 2012, 14297, 15537, 15950 of 2011, 345, 4643,  
7349, 8640, 11504 of 2012, 3216, 894, 1853, 2689, 3216, 8984, 4507,  
3485, 17937 of 2013, 25742 of 2011, 5102 of 2012, 8122, 933, 21918,  
22183, 17118, 20381, 22028, 22166, 22144, 23519, 23665, 23770,  
23093, 22912, 29332, 22888, 6162, 14635, 24551, 24664, 24850,  
23493, 24769, 25276, 25197, 25012, 24099, 24211, 24437, 24645,  
24713, 24757, 24939, 24957, 25692, 26431, 26923, 25685, 3946,  
26059, 26131 of 2013, 6035, 6044/2013/BWP, 26111, 22115, 24286,  
25495, 25161, 22102, 22103, 23375, 24618, 24949, 24953, 25055,  
25239, 25484, 25670, 25984, 26140, 26738, 27343, 27480, 27559,  
27730, 25103, 21989, 25196, 25517, 26516, 26557, 26611, 26636,  
27804, 23183, 23230, 23823, 25703, 26820, 19412, 19413, 26878,  
27151, 25682, 27487, 27796, 27690, 28166, 28424, 2547, 1878, 12157,  
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(a) Punjab Civil Servants Act (VIII of 1974)---

---S. 18---Punjab Civil Services Pension Rules, 1963, Rr. 4.4, 8.1 & 8.12---Constitution of Pakistan, Arts. 25, 185 & 212---Pension---Commutation of pension for a certain period---Periodic increase in pension during commutation period---Expiry of commutation period---Effect---Full pension would be restored inclusive of periodic increase in pension during the commutation period---Pension of retired civil servants of Provincial Government was commuted to one half for a period of 15 years---Upon expiry of commutation period full pension was restored---Provincial Government issued an Office Memorandum whereby increase in pension granted during the commutation period was deducted from the pension paid to retired employees---Legality---When a retired civil servant's portion of pension was commuted for a particular period of time, he surrendered his right to receive full pension in lieu of lump sum payment received by him, and on expiry of the commuted period, his right and entitlement to receive full pension, as prescribed, was restored and re-vested in him---Restoration of the right to receive pension in terms of R. 8.12 of Punjab Civil Services Pension Rules, 1963 was without any rider, and upon re-vesting of such right, the status of such retired civil servant in law was brought at par with the other retired civil servants, who had not exercised their option of seeking commutation of their pension---Retired civil servant on expiry of the period of commutation could not be discriminated against by being paid less pension, than his colleagues, who had not sought commutation, as there was no valid justification available in law between the two--- If the Government were to adopt such a course of (discriminative) action, as had been attempted in the present case, it would offend Art. 25 of the Constitution---Restored pension payable to a retired civil servant upon expiry of period of commutation would obviously include any increase in pension granted by the Government during the intervening period of commutation---Even retired civil servants of the Federal Government were being paid their pension inclusive of the increases sanctioned during the commutation period; after the Supreme Court struck down an Office Memorandum, which deprived increase in pension sanctioned during the commuted period---Appeal was dismissed accordingly. [pp. 1342, 1344, 1346] A, C, D & F

Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others 2012 SCMR 106 distinguished.

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

*---S. 19---Pension, right of---Nature---Acquired and vested right--- Pension formed a part of a civil servant's retirement benefits---Pension was not a bounty or an ex-gratia payment but a right acquired in consideration of past services---Pension was a vested right and a legitimate expectation of a retiring civil servant---Right to pension was conferred by law and could not be arbitrarily abridged or reduced except in accordance with law. [p. 1343] B*

The Government of N.-W.F.P. through the Secretary to the Government of N.-W.F.P. Communication and Works Departments Peshawar v. Muhammad Said Khan and another PLD 1973 SC 514; I.A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others 1991 SCMR 1041; Deokinandan Prasad v. State of Bihar and others AIR 1971 SC 1409 and State of Punjab and another v. Iqbal Singh AIR 1976 SC 667 ref.

*(c) Words and phrases---*

*---"Restored"--- Definition. [p. 1344] E*

Words and Phrases, Permanent Edition, Volume 37A; Corpus Juris Secundum, Volume 77 and Stroud's Judicial Dictionary of Words and Phrases, Fourth Edition, Volume 4 ref.

Ch. Muhammad Iqbal, Additional A.-G., Khalid Mehmood, Additional Secretary (Regulation), Finance Department, Government of the Punjab, Lahore for Appellants.

Khadim Nadeem Malik, Advocate Supreme Court, Asif Ch., Advocate Supreme Court, Abrar Hasan Naqvi, Advocate Supreme Court, Talat Farooq Sh., Advocate Supreme Court, Nazeer Ahmed Qureshi, Advocate Supreme Court, Afshan Ghazanfar, Advocate Supreme Court, Mian Ashiq Hussain, Advocate Supreme Court and Mrs. Tasneem Amin, Advocate-on-Record for Respondents.

Date of hearing: 31st March, 2014.

**JUDGMENT**

SH. AZMAT SAEED, J.---Through this common judgment, it is proposed to decide the above-captioned Civil Appeals and Civil Petitions for Leave to Appeal, involving primarily a common question of law.

2. The essential facts necessary for adjudication of the *lis* at hand are that the private respondents in the instant Civil Appeals and Civil Petitions for Leave to Appeal are former employees of the Government of Punjab, who on their retirement were sanctioned commutation of one

half of their pension for a period of 15 years in terms of the Punjab Civil Services Pension Rules, 1963 (hereinafter referred to as the Rules of 1963). During the period of commutation i.e. 15-years, periodic increase in pension was effected by the Government of the Punjab. On expiry of the commuted period, the pension of the respondents was restored and full pension inclusive of the afore-said periodic increase was disbursed to the respondents. On 22-3-2008, the Finance Department, Government of the Punjab issued a letter, in light of an Office Memorandum No.F.13(6)-Reg-6/2003, dated 29-2-2008, issued by the Government of Pakistan, Finance Division (Regulation Wing), as a consequence whereof the increase in pension granted during the commuted period was deducted from the pension paid to the respondents. Being aggrieved the private respondent in Civil Appeal No.971 of 2012, invoked the jurisdiction of the learned Punjab Service Tribunal, Lahore (hereinafter referred to as "the learned Tribunal") through an Appeal praying that the respondents (present appellants) be directed to allow the increase in pension periodically granted, while the private respondents in the remaining above-captioned Civil Appeals and Civil Petitions for Leave to Appeal, invoked the constitutional jurisdiction of the learned Lahore High Court through various Writ Petitions, seeking a similar remedy with regards to their individual pensions. The learned Tribunal allowed the Appeal bearing No.773 of 2009, filed by the present private respondent in Civil Appeal No.971 of 2012. Similarly, the private respondents in the remaining above-captioned cases were also successful before the learned High Court and appropriate Orders granting them relief were variously passed in their favour. In some of such cases, the Accountant-General, Punjab/Government of the Punjab filed Intra Court Appeals, which were dismissed. The Accountant-General, Punjab/Government of the Punjab challenged the judgment of the learned Tribunal and the judgments of the learned Lahore High, Court passed in various Writ Petitions and Intra Court Appeals, referred to above through Civil Petitions for Leave to Appeal and this Court allowed the same and leave was granted, while the Civil Petitions for Leave to Appeal filed thereafter were directed to be heard along with the Civil Appeals in which leave had been granted. These are the aforesaid matters, which have now come up for hearing before this Court.

3. It is contended by the learned Additional Advocate-General, Punjab, that a retired Civil Servant in terms of section 18 of the Punjab Civil Servants Act, 1974 (hereinafter referred to as "the Act of 1974") are entitled only to the pension, as may be prescribed. The said provision, it is contended, empowers the Government to fix the pension and also to increase the same from time to time. The matter of increase in pension has not been provided for in the Rules framed under the Act

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of 1974, leaving this aspect to be effected through the exercise of the Executive Authority, as has been done in the instant matter. Furthermore, the grant of any increase in pension and the quantum thereof is a matter of Government Policy, therefore, immune from Judicial Review. In the circumstances, impugned judgments of the learned Tribunal as well as the learned Lahore High Court are illegal, void and liable to be set aside.

It is further contended that by way of the impugned judgments, the real matter in controversy has been side-stepped and the findings have been rendered on moral rather than legal grounds. It is added that the law as laid down by this Court, has either not been taken into consideration or misinterpreted by the learned Tribunal and the learned High Court. It is further contended that the judgments with regard to the employees of the Federal Government have been erroneously pressed into service despite the fact that the same were inapplicable to the cases in hand.

4. With regards to the impugned judgments passed by the learned High Court, the learned Additional Advocate-General, Punjab, additionally contended that the said Court had no jurisdiction to adjudicate upon the matter in view of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973. In support on his contentions, the learned Additional Advocate-General, Punjab, referred to the judgment, reported as Akram ul Haq Alvi v. Joint Secretary (R-II) Government of Pakistan, Finance Division, Islamabad and others (2012 SCMR 106).

5. Learned counsel for the private respondents controverted the contentions raised by the Additional Advocate-General, Punjab, by contending that the pension is a right of a retired Civil Servant conferred by law and not charity. It is added that the learned Tribunal as well as the learned High Court has correctly interpreted the law in the light of the judgments of this Court by striking down the attempt of the appellants/petitioners to deprive the respondents of their vested rights by treating them in a discriminatory manner without any valid classification. Hence, these Civil Appeals/Civil Petitions merit dismissal.

6. Heard. Record perused.

7. Adverting first to the legal objection raised by the appellants that the learned High Court had no jurisdiction to entertain the Constitutional Petitions filed by the respondents, it may be noted that in pith and substance, it is canvassed by the learned Additional Advocate-General, Punjab, that such Writ Petitions were barred by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, as the learned Tribunal was vested with the jurisdiction to adjudicate upon the matter.

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The respondents, on the other hand, have vehemently argued that the Office Memorandum, in dispute was not a final order, passed by a designated Departmental Authority, hence, the jurisdiction of the learned Tribunal could not be invoked and validity of the Office Memorandum in dispute could always be called into question through a petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Be that as it may, one of the Civil Appeals i.e. Civil Appeal No.971 of 2012, arises from the judgment passed by the learned Tribunal to which no such objection has been taken by the appellants and any adjudication thereupon qua the legal issues involved and rights affirmed would enure to the benefit of all other retired Civil Servants placed in similar circumstances including all the respondents, as has been repeatedly held by this Court *inter alia* by the judgment, reported as Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others v. Sameena Parveen and others (2009 SCMR 1). In the circumstances, the objection is of no legal consequence or effect.

8. A perusal of the offending Office Memorandum dated 22-3-2008 reveals that the same has been issued in the light of the Government of Pakistan, Finance Division (Regulations Wing), Office Memorandum dated 29-2-2008 whereby the Civil Servants of the Federation were deprived of the increase in their pension sanctioned during the commuted period. The said Office Memorandum of the Federal Government was called into question before the learned Lahore High Court. The Office Memorandum was struck down by a learned Single Judge of the said High Court in the case, reported, as A.A. Zuberi v. Additional Accountant General Pakistan Revenue, Lahore [2010 PLC (C.S.) 1211]. The said judgment of the learned Single Judge was challenged in appeal through an Intra Court Appeal, which was dismissed by a learned Division Bench of the said High Court vide judgment dated 16-6-2010, reported as Additional Accountant-General Pakistan Revenue, Lahore v. A. A. Zuberi [2011 PLC (C.S.) 580]. Whereafter, Civil Petitions for Leave to Appeals Nos.2393 and 2394 of 2010 were filed before this Court challenging the aforesaid judgment of the learned Division Bench of the High Court, which too were dismissed vide judgment dated 10-12-2010, as barred by limitation. The said judicial pronouncements have been implemented by the Federal Government vide Office Memorandum dated 10-9-2009, whereby the retired Civil Servants of the Federal Government are being paid their pension inclusive of the increases sanctioned during the commuted period. Thus, the very decision of the Federal Government in the light whereof the Office Memorandum dated 22-3-2008 had been issued is no longer in force having been struck down through a judicial decision, which has been implemented.

9. Furthermore, the meaning and true import of the term "pension" came up for interpretation before this Court in the case, reported as The Government of N.-W.F.P. through the Secretary to the Government of N.-W.P.P. Communication and Works Departments, Peshawar v. Mohammad Said Khan and another (PLD 1973 SC 514), wherein it was held as follows:--

"It must now be taken as well-settled that a person who enters Government service has also something to look forward after his retirement, to what are called retirement benefits, grant of 'pension being the most valuable of such benefits. It is equally well-settled that pension like salary of a civil servant is no longer a bounty but is a right acquired after putting in satisfactory service for the prescribed minimum period. A fortiori, it cannot be reduced or refused arbitrarily except to the extent and in the manner provided in the relevant rules."

The aforesaid view was quoted and approved by this Court in the case, reported as I.A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041), wherein it was further held:--

"A pension is intended to assist a retired civil servant in providing for his daily wants so long he is alive in consideration of his past services, though recently the above benefit has been extended inter alia in Pakistan to the widows and the dependent children of the deceased civil servants. The raison d'etre for pension seems to be inability to provide for oneself due to old-age. The right and extent to claim pension depends upon the terms of the relevant statute under which it has been granted."

A similar view has been taken by the Indian Supreme Court in the cases, reported as Deokinandan Prasad v. State of Bihar and others (AIR 1971 SC 1409) and State of Punjab and another v. Iqbal Singh (AIR 1976 SC 667).

10. The afore-said dictum makes it clear and obvious that with regard to a retired Civil Servant, pension forms a part of his retirement benefits. It is not a bounty or an ex-gratia payment but a right acquired in consideration of past services. Such right to pension is conferred by law and cannot be arbitrarily abridged or reduced except in accordance with such law, as it is a vested right and legitimate expectation of a retiring Civil Servant.

11. The right to pension of a Civil Servant of the Province of the Punjab has been conferred by law, i.e. section 13 of the Punjab

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Civil Servants Act, 1974. The relevant portion thereof reads as follows:--

"(18) Pension and gratuity: (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed."

A perusal of the afore-said provision clearly manifests that upon retirement, a Civil Servant is entitled to receive such pension, as may be prescribed. Section 2(1)(g) of the above-said Act of 1974, defines the word 'prescribed' to mean "prescribed by rules". Apparently, no Rules pertaining to pension payable to Civil Servants were made after the promulgation of the Act of 1974 i.e. 4th June, 1974. However, section 23(2) of the Act of 1974 lays down that any Rules in force immediately before the commencement of the Act of 1974 shall be deemed to be the Rules under the Act of 1974. The Punjab Civil Services Pension Rules, 1963 were in force when the Act of 1974 was enacted and, therefore, by virtue of section 23(2) of the said Act, the same are the Rules as contemplated by section 18 of the Act of 1974 and are applicable to the matter in hand.

12. Chapter VIII of the Rules of 1963 deals with the Commutation of Civil Pensions, Rule 8.1 of the Rules of 1963 provides that the Competent Authority may sanction the commutation for lump-sum payment of a portion of the pension. In this behalf, a Commutation Table is also provided setting forth the number of years for which a portion of pension may be commuted and paid in lump-sum. Such period has been indexed to the age of the Civil Servant. Rule 8.12 of the Rules of 1963 lays down that the commuted portion of pension would be restored on completion of the number of years for which the commuted pension was paid.

13. The amount of pension payable has been dealt with in Chapter IV of the Rules of 1963 and Rule 4.4 includes a scale of pension. The said Rule also envisages increases or indexation of pension sanctioned from time to time. It is a matter of record that variously such periodic increases in pension have been granted through Office Memorandum issued in this behalf by the Government of the Punjab. The validity and effectiveness of such increase is not disputed by the appellants/petitioners.

14. The term "restored" has been variously defined. Some of such definitions are reproduced hereunder:--

I. Words and Phrases, Permanent Edition, Volume 37A:

"The word "restored", as used in Rev. St. c. 9, §§ 78, 79, declaring that, if an attaching officer has notice of a mortgagee's



prescribed by the Rules payable on the date of restoration and would obviously include any increase in pension granted by the Government during the intervening period of commutation, as such increase is

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debt, the property shall be restored to the mortgagee, means that it shall be surrendered and delivered to the mortgagee, from whom it was detained by the officer. *Esson v. Tarbell*, 63 Mass. (9 Cush.) 407, 415.

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Statute providing that wife, for whose aggression husband is granted divorce, shall be "restored" to whole or part of her realty, acquires that realty she had when married or acquired during marriage be returned to or reinvested in her. *Sidwell v. Sidwell*, Del. Super., 165 A. 334, 335, 5 W.W. Harr. 322."

II. Corpus Juris Secundum, Volume 77:

"The word "restore" relates to something having a previous existence, and is defined as meaning to bring back; to bring back or put back to a former position or condition; to bring back to a former and better state. It is also defined as meaning to heal.

"Restore" has been held equivalent to or synonymous with, "deliver" see 26 C.J.S. p 696 note 10.1, "repair" see 76 C.J.S. p 1174 note 15, "restate" see ante p 322 note 83, and "substitute."

III. Stroud's Judicial Dictionary of Words and Phrases, Fourth Edition, Volume 4:

"(1) "When the statute, Larceny Act 1826 (c.29), S. 57, says that the stolen property 'shall be restored,' it may mean the chattel stolen shall be restored; but at all events it means the restoration of the right" (per Patteson J., *Scattergood v. Sylvester*, 15 Q.B. 511), and the right to the property re-vested on conviction of the thief, so that the owner could recover it even against one who purchased it in MARKET OVERT (ibid. 19 L.J.Q.B. 447; *Nickling v. Heaps*, 21 L.T. 754, which case followed the principle of *Horwood v. Smith*, 2 T.R. 750, on (21 Hen. 8, c. 11); see further *Chichester v. Hill*, 52 L.J.Q.B. 160). The same ruling applied to the similar phrase in S. 100 of the Larceny Act 1861 (c.96) (*Bentley v. Vilmon*) 12 App. Cas. 471). In all the cases the principle was upheld that no order for restitution was necessary to perfect the statutory restoration of the right to the chattel. See hereon *Moss v. Hancock* [1899] 2 Q.B. 111, cited MONEY.

(2) An obligation to "restore" a ROAD interfered with under compulsory powers, semble, is to make it as nearly as possible identical with the load before the interference (*R. v. Birmingham & Gloucester Railway*, 2 Q.B. 47)."

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15. With reference to the context of the Rules of 1963, more particularly, Rule 8.12 the term "restored" appears to mean the restoration of the right to pension with the retired Civil Servant being re-vested therewith.

16. Thus, under section 18 of the Act of 1974, a retired Civil Servant is entitled to receive pension as may be prescribed. In case a portion of pension is commuted for a particular period of time, he surrenders his right to receive full pension in lieu of lump-sum payment received by him and on expiry of the commuted period, his right and entitlement to receive full pension, as prescribed, is restored and re-vested in him. The restoration of the right to receive pension in terms of Rule 8.12 of the Rules of 1963, is without any rider and upon re-vesting of such right, the status of such retired Civil Servant in law is brought at par with the other retired Civil Servants, who had not exercised their option by seeking commutation of their pension. Such is the obvious effect of the term "restoration" as used in the Rules in question. In the circumstances, a retired Civil Servant, on expiry of the period of commutation, cannot be discriminated against by being paid less pension, than his colleagues, who had not sought commutation, as there was no valid classification available in law between the two. If the Government were to adopt such a course of action as has been attempted to be done, it would offend against Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Such right in terms of section 18 of the Act of 1974 would obviously mean the pension, as prescribed by the Rules payable on the date of restoration and would obviously include any increase in pension granted by the Government during the intervening period of commutation, as such, increase is envisaged by the Rules.

17. The reliance attempted to be placed by the learned Additional Advocate General, Punjab, in the case, reported as Akram ul Haq Alvi (supra) is misconceived. By way of the said judgment, the law as laid down by this Court in Civil Appeals Nos. 1305 to 1327 of 2003, has been reiterated and reproduced in-extenso. The dictum, as laid down is merely that a retired Civil Servant is entitled to the pension as may be prescribed and a decision granting increase in pension has been interpreted by upholding the legal fiction of a net-pension created for the purpose of calculating the increase as granted by the decision under consideration.

18. With regards to Civil Servants in the service of the Federation, an attempt was made to press the judgment, reported as Akram ul Haq Alvi (supra) to deprive the said Civil Servants of the increases sanctioned during the commuted period of pension. Such argument was resoundingly repelled by this Court in its judgment, reported as

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(Tassaduq Hussain Jillani, CJ)

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Federation of Pakistan v. Ghulam Mustafa and others (2012 SCMR 1914).

19. The afore-said are the detailed reasons of our short Order dated 31-3-2014, which is reproduced hereunder:--

"For reasons to be recorded later in the detailed judgment; we are persuaded to hold that the interpretation being accorded to Rule 8.1 read with 8.12 of the Punjab Civil Services Pension Rules vide the office memorandum issued by the Government of Punjab dated 22-10-2001 is not only violative of those Rules but also of Article 25 of the Constitution of Islamic Republic of Pakistan. These appeals and petitions are, therefore, dismissed with no orders as to costs."

MWA/S-15/SC

✓ Order accordingly.

2014 S, C M R 1347

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani, C.J.,  
Nasir-ul-Mulk and Ejaz Afzal Khan, JJ

MUHAMMAD IRFAN---Petitioner

versus

The STATE and others---Respondents

Criminal Petition No.1277-L of 2013, decided on 3rd January, 2014.

(On appeal from the order dated 25-10-2013 passed by the Lahore High Court, Lahore in Criminal Miscellaneous No.11215-B of 2012)

*Criminal Procedure Code (V of 1898)---*

*---S. 497(2)---Penal Code (XLV of 1860), Ss. 302 & 34---Qatl-e-amd. common intention---Bail, grant of---Further inquiry---Non-attribution of any firearm injury---Effect---Accused was not alleged to have caused any firearm injury either to the deceased or the eye-witnesses---Deceased received only one firearm injury, which was attributed to co-accused---Question of accused's guilt required further inquiry in such circumstances---Accused was granted bail accordingly. [p. 1348] A*

Hammad Akbar Wallana, Advocate Supreme Court for Petitioner.

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TO BE SUBSTITUTED BEARING SAME NO. & DATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

No.FD(SOSR-II)/4-92/2015  
Dated Peshawar the 16/02/2015

From:

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department,  
Peshawar

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. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject:

RESTORATION OF COMMUTED PORTION OF PENSION OF CIVIL  
SERVANTS OF GOVERNMENT OF KHYBER PAKHTUNKHWA  
RETIRED ON 01-12-2001 OR EARLIER AT REVISED RATES

Dear Sir,

I am directed to refer to the above noted subject and to state that in light of orders dated 24-04-2012 passed by the Supreme Court of Pakistan in appeals No. 887 to 890, 912 to 915, 922 to 925, & 930 to 934 (R) CS-2011, 1166, 1265, 1416 to 1420, 1455, 1575 & 1794 (R) CS-2011, the competent authority has been pleased to allow restoration of commuted portion of pension of all pensioners (civil servants) who retired before 01-12-2001 and those who opted to draw pay and pension/commutation in the basic pay scale of 1994, at the rates at which they were drawing 50% remaining pension, from the date of restoration and that the arrears should also be paid to them from the date of such restoration. It is also clarified that such pensioners shall not be entitled to claim arrears for the period prior to restoration of their commuted pension and subject to the condition that if the constitutional petition filed / to be filed by the Federal Govt. / Provincial Government is accepted by the apex court, the Govt. would recover the amount of increases in pension on the restored portion of the pension being allowed to them.

C.T.C

Yours Faithfully,

*M. A. Bhatti*

Musir Ahmad Bhatti  
Advocate High Court,  
Abbottabad

*R. Ullah*  
(Razaullah)

Additional Secretary (Reg)


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Endst: No. FD(SOSR-II)4-92/2015.

Dated Peshawar the 16<sup>th</sup> February, 2015

A Copy is forwarded for information to the:-

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department

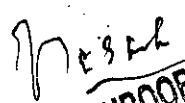
  
 (Raees Khan Afridi)  
 Deputy Secretary (Reg-I)

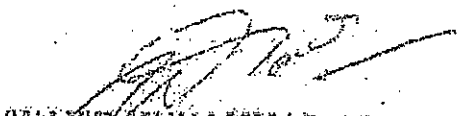
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A copy for information is forwarded to:-

- 1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- 2. All the District Comptrollers of Accounts in Khyber Pakhtunkhwa.
- 3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 4. The Director, FMU, Finance Department.
- 5. The Treasury Officer, Peshawar.
- 6. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 7. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.
- 8. Mr. Javid Ashraf (Operation Group) National Bank of Pakistan, Head office 7<sup>th</sup> floor, 1-1 Chandigar Road Karachi. (Phone 02199243172, Fax 02199220500) for circulation amongst all concerned for further necessary action please.
- 9. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 10. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
- 11. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.
- 12. Section Officer (Reg.6) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M. No.F.13 (13)-Reg.6/2011 dated 11-03-2013 and dated 21/01/2013 for information and record.

C.P.C.

  
**SYED MAHBOOB AHMAD SHAH**  
 Professor, M.A LL.B.  
 Advocate High Court  
 Abbottabad

  
 (WAZIR MUHAMMAD AFGAR)  
 Section Office (SR.II)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

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No.FD(SOSR-II)/4-92/2016  
Dated Peshawar the 14/04/2016

To

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

Subject: RESTORATION FOR COMMUTED PORTION OF PENSION

Dear Sir,

I am directed to refer to this department circular of even number dated 14/07/2015 and to state that in light of Finance Division Islamabad O.M No.F.5(2)-Reg.6/2015-1210 dated 09/02/2016, the competent authority has been pleased to allow the benefit of periodical increases on surrendered portion of commuted value of pension after restoration, to those pensioners who retired on or after 01/12/2001 as has already been allowed to the pensioners who retired prior to 01/12/2001 in accordance with this Department circular letter dated 16/02/2015.

Yours Faithfully,

  
(RAZAULLAH)

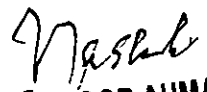
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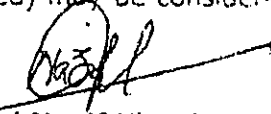
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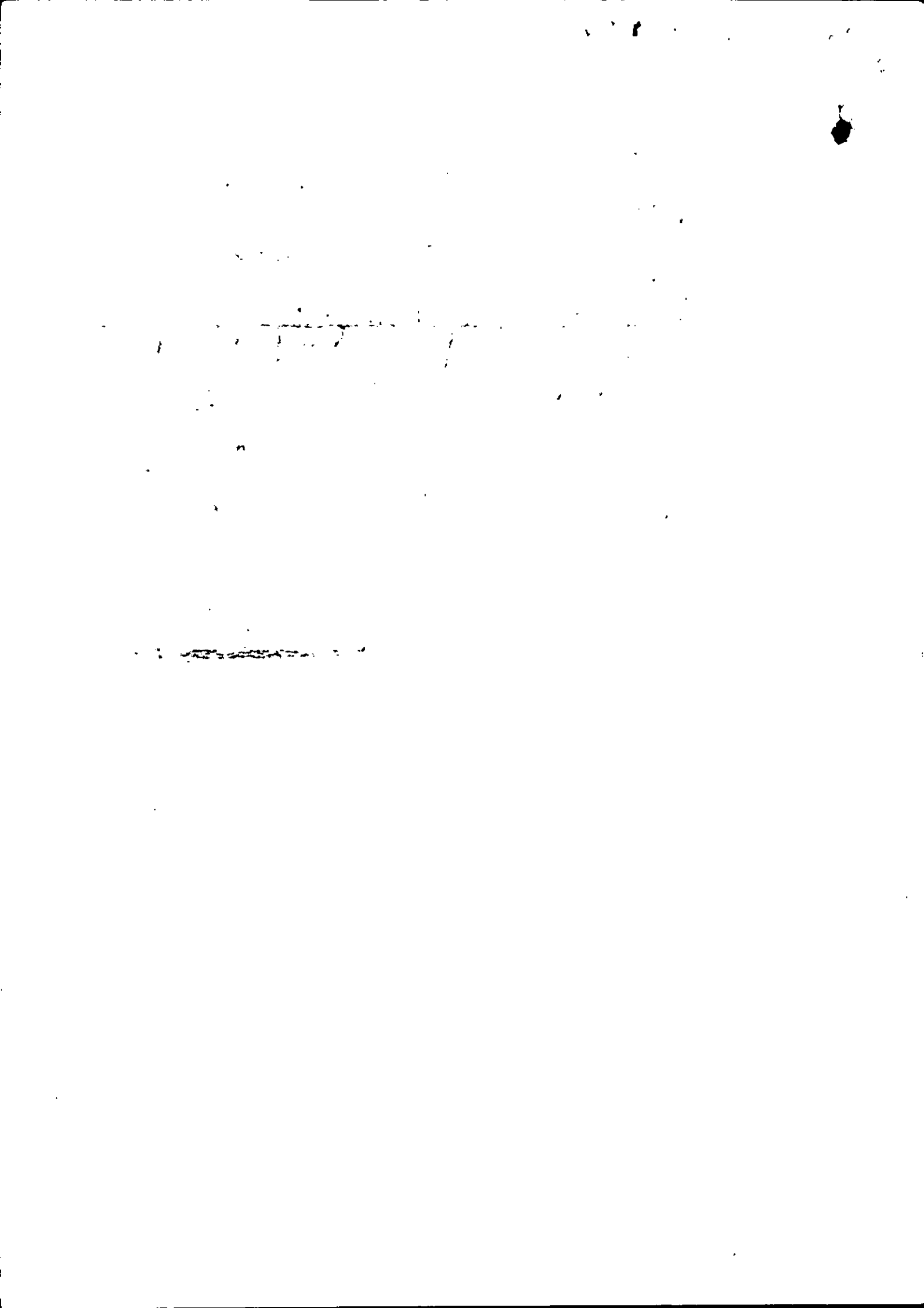
1. Secretaries to Government of Punjab, Sindh and Balochistan Finance Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar with reference to his letter No.H-24(74)/Pension/Vol-III/2014-15/3409 dated 10/09/2015. This Department letter of even number dated 23/09/2015 (Copy enclosed) may be considered as withdrawn.

CTC

  
**MAHBOOB AHMAD SHAH**  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

  
(Gul Nazif Khan)  
Deputy Secretary (Reg-I)

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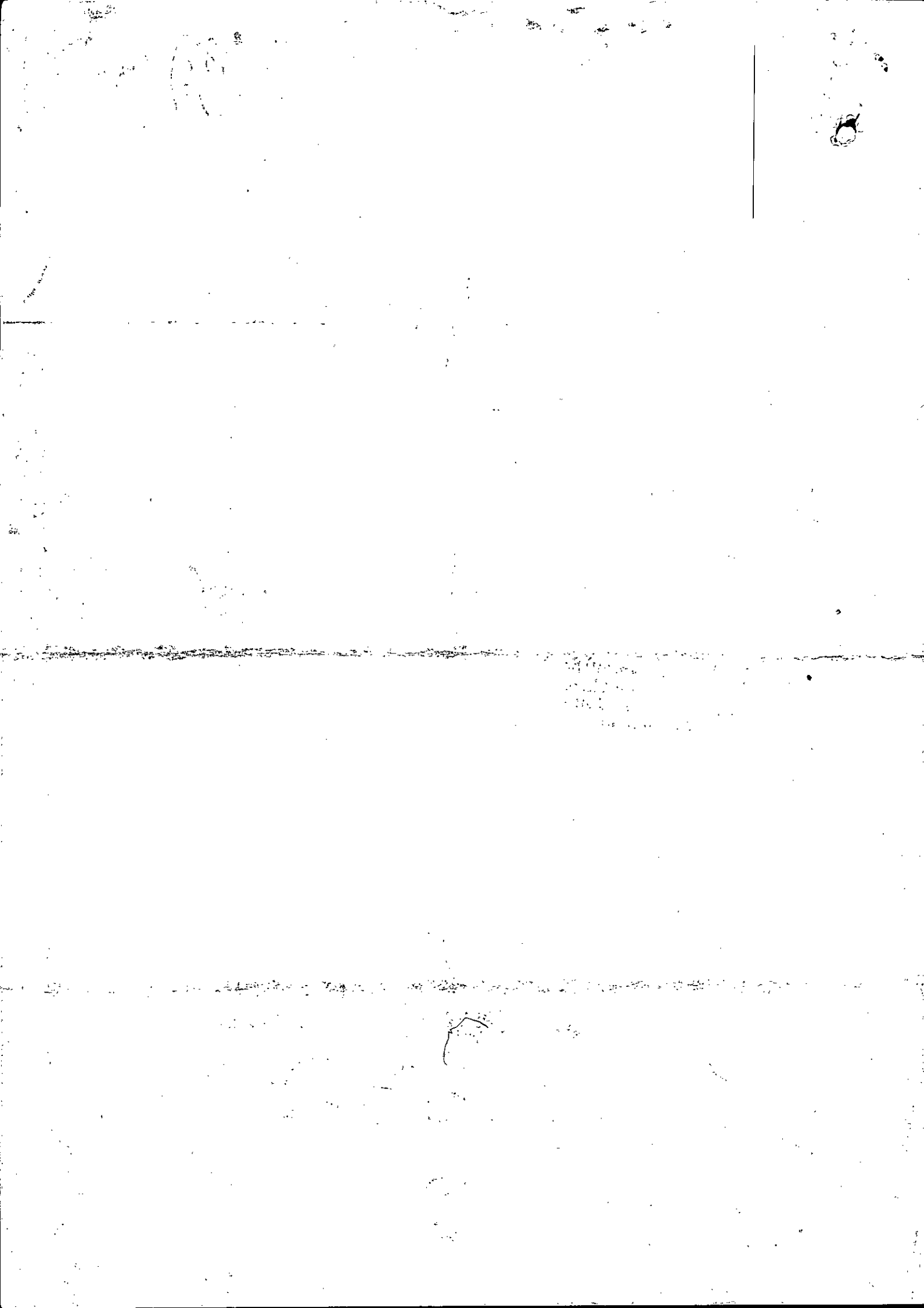
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2. All the District Comptrollers of Accounts in Khyber Pakhtunkhwa.
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4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.
8. Mr. Javid Ashraf (Operation Group) National Bank of Pakistan Head office: 7<sup>th</sup> floor, 1-1 Chandrigar Road Karachi. (Phone 02199213172, Fax 02199220500) for circulation amongst all concerned for further necessary action please.
9. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
10. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
11. The Private Secretary to Secretary / P.As. to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.
12. Section Officer (Reg.6) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his No.F.5(2)-Reg.6/2015-1210 dated 09/02/2016 for information and record.
13. HR Finance Department (Assistant Director Web).

*Attested C.F.E*  
*Nshah*

**SYED MAHBOOB AHMAD SHAR**  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

*(Signature)*  
**(WAZIR MUHAMMAD AFGAR)**  
Section Office (SR.II)





Ann- E

(31)

~~1183~~

A.T.M. 43 A  
(See Para. 154 of  
Audit Manual)

A/c No. 51

8864-H  
NWFP

SI

Pension Payment Order

PENSIONER'S PORTION

S. Mahboob Ahmed Shah

Go

S. Nasir Ahmed Shah

NBP main Bk. No.

C.T.C

*M. A. Bhatti*

Munir Ahmad Bhatti  
Advocate High Court,  
Abbottabad

(3) A/c No. 51  
DISTRICT ACCOUNTS OFFICER  
ABBOTTABAD

Office of the  
No 8864-H ..... the 23-8-1994  
NWFP

UNTIL FURTHER NOTICE, and on the expiration of  
every month please pay to S. Mahboob Ahmed Shah  
the sum of Rupees Two thousand Two hundred 1/2

(Rs 2200-99...) (less income tax) being the amount  
of PENSION.

as Ex. Lecture (B-18)

Upon the production of this order and a receipt in the usual  
form. The payment should commence from 1-6-91.

2. As Mr ..... has  
exercised the option admissible under the Liberalised Pen-  
sion Rules 1977-a lump-sum/gratuity of Rs  
(Rupees ..... ) in lieu of his 1/4th  
pension of Rs ..... surrendered under  
the rules; is also payable.

The gratuity is debitable to the head:

- Major Object . . . 600 . . . Transfer Payments.
- Minor Object . . . 660 . . . Superannuation Allowance  
and Pension.
- Detailed Object . . . 663 . . . Gratuity value of Pension.



temporary increase of  
..... )  
al conditions. A sum of  
..... )  
pension is also payable.  
ble to the head.  
nsfer Payments.

- Minor Object . . . 660 . . . Superannuation Allowance  
and Pension.
- Detailed Object . . . 663 . . . Commuted value of pension

*S. H. Khan*  
(Signature)  
DISTRICT ACCOUNTS OFFICER  
ABBOTTABAD  
29/8/94

To  
The Treasury Officer/D.A.O.  
Manager National Bank of Pakistan.

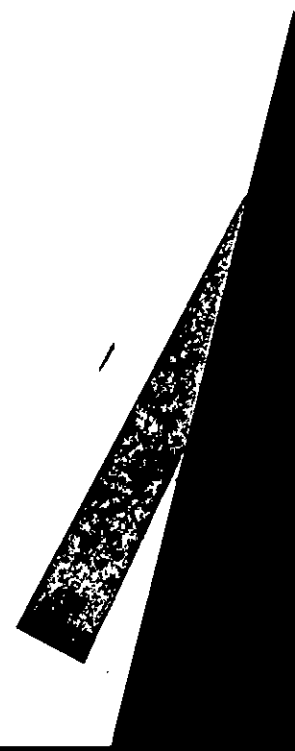
27/03 30 6 24 4881-  
 18/03 31-7 24 5613  
 19/03 31 8 24 15613  
 20/03 30 5 21 15613  
 14/03 31 10 24 5613  
 12/03 30 11 24 5613  
 21/04 1 12/03 to 31 12/03 5613  
 28/007 31-1007 15613  
 4/04 29-2 24 5613

1/04 31-3 24 5613  
 4/04 30 4 24 5613  
 16/04 31-8 24 15613

32  
 Insurance = 3757-00  
 ROC = 1123-64  
 Total = 4881-00 PM  
 Wef 1-10-2002-  
 2/10/02

100

100



## بخدمت جناب اکاؤنٹ جنرل صوبہ خیبر پختونخوا ایشیا اور

حکمانہ اپیل؛ برخلاف ڈسٹرکٹ اکاؤنٹ آفیسر، ضلع ایبٹ آباد۔

بدیں طور کہ افسر موصوف حالیہ اضافہ جات بابت Commuted Pension آف پنشنرز فیصلہ صادر شدہ ازاں فاضل عدالت سپریم کورٹ آف پاکستان شائع شدہ در قانونی جریدہ 2014 SCMR 1336 جس کی رو سے پنشنرز کی فروخت شدہ 50% پنشن 15 سال کے بعد جتنی پنشن وصول کرتا ہے اس کے برابر اس کو Restore ہوگی۔ اس طرح ایپلٹ / سائل کی پنشن 01/10/1985 جو فروخت و مبلغ -/1123 روپے تھی۔ جو مورخہ 01/10/2002 کو Restore ہوئی۔ جبکہ اس وقت 01/10/2002 ایپلٹ جو 50% وصول کرتا تھا وہ 3775.00 روپے تھی مگر ڈسٹرکٹ اکاؤنٹ آفیسر ایبٹ آباد نے صرف اور صرف -/1123 روپے بحال کی اور جب فاضل عدالت سپریم کورٹ کے فیصلہ کے بعد مذکورہ دفتر میں Fixation of Pension کیلئے کاپی پیش کی گئی تو مذکورہ ڈسٹرکٹ اکاؤنٹ آفیسر نے پنشن کو Double یعنی 50% لگانے سے انکاری ہے۔ اور یہ فاضل سپریم کورٹ آف پاکستان کے فیصلہ کی صریحاً توہین ہے۔ ہمراہ سپریم کورٹ آف پاکستان کے فیصلہ اور لاہور ہائی کورٹ کا فیصلہ ہمراہ لف ہیں۔

استدعا :- مشمولہ اپیل کے ساتھ یہ امر بھی پیش کیا جاتا ہے کہ سائل / ایپلٹ کی پنشن 01/12/1984 کو BPS-17 میں منظور ہو چکی تھی جبکہ سائل 01/12/1984 سے 30/09/1985 تک LPR پر اور 01/10/1985 کو ریٹائرڈ ہوا۔ جبکہ دوران LPR 27/01/1985 کو BPS-17 سے BPS-18 میں ترقی ہوئی۔ مگر سائل کی پنشن BPS-18 کے مطابق Revise نہ کی گئی۔ اس امر کیلئے بھی استدعا ہے کہ اولاً بمطابق مشمولہ نوٹیفیکیشن مورخہ 01/12/1984 سے من سائل کی پنشن Revise فرمائی جاوے۔ جس کی من سائل کو ایک انکر سینٹ دی جائے۔ اور 01/10/2002 کو جو پنشن علی الحساب 01/12/1984 بنے گی اس کے جملہ فوائد بابت Commutation وغیرہ کا حساب فرمایا جا کر 01/10/2002 تک بقایا دیا جائے اور پھر 01/10/2002 سے پنشن جو وصول ہوگا 50% لگایا جائے۔ اور بمطابق فیصلہ فاضل سپریم کورٹ اس کا بھی بقایا عنایت فرمائے جانے کا حکم ڈسٹرکٹ اکاؤنٹ آفیسر کو عملدرآمد کرنے کا حکم صادر فرمایا جاوے۔ نقل اپیل جناب سیکریٹری ایجوکیشن صوبہ خیبر پختونخوا ایشیا کو بھی بھیجی جا رہی ہے۔

المرقوم: 2016/ 18/06

منجانب؛ سید محبوب احمد شاہ ایڈووکیٹ ہائی کورٹ ڈسٹرکٹ بار ایبٹ آباد دفتر نمبر 9 شیر پاؤ لارز پلازہ، کچھری ایبٹ آباد

*M. S.*  
SYED MAHBOOB AHMAD SHAH  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

C.T.C

18/06/2016

*M. S.*

بخدمت جناب اکاؤنٹنٹ جنرل صاحب صوبہ خیبر پختونخوا، پشاور

درخواست برخلاف اکاؤنٹ آفیسر ضلع ایبٹ آباد کہ اکاؤنٹ آفیسر مذکور مطابق فیصلہ جات مصدرہ جناب فاضل عدالت عظمیٰ درج ذیل جن کی رو سے من سائل پنشن کی پنشن ڈبل ہو جاتی ہے۔ مذکورہ اکاؤنٹ آفیسر اور اس کے ماتحت عملہ اپنی طرف سے ایک ضروری اور بالکل ایک مختلف تشریح و توجیح کر کے کہتے ہیں کہ گزشتہ سالوں میں سالانہ اضافہ جات 10%، 15% وغیرہ گراس پنشن پر ہونے سے من سائل کی پنشن پوری ہو گئی ہے۔ لہذا وہ من سائل کی Fixation کرنے اور مطابق فیصلہ بقایا جات سے انکاری ہیں اس طرح ڈسٹرکٹ اکاؤنٹ آفیسر ایبٹ آباد اور اس کے چند ماتحت فاضل سپریم کورٹ کے درج ذیل فیصلہ جات کو ماننے اور من اپیلانٹ کی پنشن جو مورخہ 01/10/2002 سے Restore ہونی ہے پر عملدرآمد سے انکاری ہیں؛

۱۔ فیصلہ جات درج ذیل ہیں جو شائع ہو کر درج ذیل قانونی رسالہ جات میں شائع ہوئے۔

i۔ 2004 سپریم کورٹ آف پاکستان منتقلی ریویو صفحہ 1336 میں فاضل عدالت عظمیٰ نے جملہ سابق فیصلہ جات جس میں پنجاب سروس ٹریبونل کا فیصلہ جس کے بعد لاہور ہائی کورٹ کا فیصلہ شائع شدہ 2011 PLC (CS) 580 جس میں فاضل ہائی کورٹ لاہور نے پنشن کی Commuted حصہ کے بعد مدت 15 سال یا جو بھی مدت ہوگی۔ جتنی پنشن پنشن اس وقت Draw کر رہا ہوگا اس کی پنشن بوقت Restoration بھی اس کے برابر Restore ہوگی جس کی تشریح فاضل عدالت لاہور ہائی کورٹ نے اپنے فیصلہ شائع شدہ 2011 PLC 580 پر چند ایپیلوں پر بعنوان آئین کی 25 (3) Article 212 پر فیصلہ صادر فرماتے ہوئے فیصلہ صادر فرمایا اور پنجاب سروس ٹریبونل کے فیصلہ کو منظور فرماتے ہوئے فیصلہ صادر فرمایا اور حکومت جو کہ رسپانڈنٹ تھی کو ہدایت کی؛

" The respondents are directed to determine the pension of appellants from the date of restoration of their commuted pension at the rate at which they were drawing 50% or whatever the revised pension shall become remaining pension. The arrears shall also be paid to them"

نقل فیصلہ سپریم کورٹ فیصلہ ہائی کورٹ لاہور مذکورہ بالا اور بعد اسی قسم کا شائع شدہ بر صفحہ 1914 ہمراہ لف ہے۔

C.T.C

Muhammad Ahmad Bhatti  
Advocate High Court,  
Abbottabad

-ii یہ کہ چونکہ فیصلہ مذکورہ بالا چند اپیل ہائے پر تھا مگر بعد میں لاتعداد اپیل ہائے بھی دائر کی گئیں جن پر فاضل عدالت عظمیٰ نے اسی طرح ایک تفصیلی اور اجتماعی فیصلہ جو کہ ملک کے تمام پنشنرز کے لئے بطور ایک قانون کا درجہ رکھتا ہے۔ سال 2014ء میں صادر فرمایا جو کہ سپریم کورٹ (2014 SCMR Page 1336) ریویوشائع پر رپورٹ ہوا۔ لہذا یہ فیصلہ پورے ملک کے لئے ایک قانون کا درجہ رکھتا ہے۔ جس کی نقل ہمراہ برائے ملاحظہ لف ہے۔

-iii یہ کہ من سائل محکمہ تعلیم میں بطور پرائمری سکول ٹیچر کے مورخہ 10/07/1954 کو بھرتی ہوا اور اس دوران پرائیویٹ تعلیم حاصل کرتا رہا اور بالآخر سال 1985ء میں 48 سال کی عمر میں گورنمنٹ پوسٹ گریجویٹ کالج نمبر 1، ایبٹ آباد سے لیکچرار کی پوسٹ پر 01/10/1985 کو باقاعدہ طور پر 48 سال کی عمر میں اپنی مرضی سے ریٹائرمنٹ گریڈ 17 میں ریٹائرمنٹ کی درخواست دی مگر ساتھ قبل از ریٹائرمنٹ کی رخصت سال 1984ء میں گزاری جو سائل کو گریڈ 17 کی تنخواہ پر رخصت قبل ریٹائرمنٹ کی منظوری ہوئی اور مورخہ 01/12/1984 سے سائل رخصت قبل از ریٹائرمنٹ (LPR) پر چلا گیا۔ جبکہ دوران رخصت سال کو مورخہ 27/01/1985 سے نوٹیفیکیشن سے ترقی دے کر گریڈ BPS-17 سے BPS-18 کا نوٹیفیکیشن ہوا۔ جبکہ قبل اس کے 01/12/1984 سے من سائل کی پنشن BPS-17 میں متعین ہو کر من سائل کو رخصت قبل از ریٹائرمنٹ مل چکی تھی بلکہ نوٹیفیکیشن مورخہ 27/01/1985 کی رو سے من سائل گریڈ 17 کی تنخواہ پر 01/12/1984 سے رخصت کیا گیا۔ حالانکہ نوٹیفیکیشن منسلک کی رو سے سائل کو 1983ء کے سول سرونٹ کے رول 6(c)(d) کے تحت Fringe benefits of provincial civil servants 1983 کے تحت سائل کو ایک انگری منٹ ملنی تھی جو کہ نہ دی گئی ہے جس کا سائل قانوناً حقدار ہے۔ نقل نوٹیفیکیشن ہمراہ لف ہے۔ جس کے تحت سائل کی پنشن قابل Revise ہے جس کے تحت 01/12/1984 سے ایک ترقی دے کر سائل کی پنشن کو Revise فرمائے جانے کی استدعا ہے۔ جبکہ دوران رخصت سائل کو 27/01/1985 کے نوٹیفیکیشن No. S.O (College) XI/2/84/c dated Peshawar سے 01/12/1984 سے BPS-17 سے BPS-18 میں ترقی دی گئی۔ مگر چونکہ من سائل کی 01/12/1984 سے قبل گریڈ 17 میں پنشن منظور ہو چکی تھی۔ لہذا سائل کو Upgradation کا کوئی benefit نہ دیا گیا ہے حالانکہ مذکورہ بالا نوٹیفیکیشن جس کی نقل ہمراہ لف ہے میں یہ بالکل واضح کہا گیا ہے کہ تحت + (c) Rule 6 Under the provision of (d) of the scheme of basic pay scales and fringe benefits

C.T.C

Munir Ahmad Khattar  
Advocate High Court,  
Abbottabad

of provincial civil servants (1983) کے تحت من سائل گریڈ 18 کی ایک Increment دے کر من سائل کی پنشن کا تعین فرمایا جاتا تھا۔ اور سائل کی پنشن کو Revise فرمایا جاتا۔ مگر ایسا نہیں کیا گیا۔ سائل نے بارہا اس کے بعد سے درخواست ہائے دی مگر ڈسٹرکٹ اکاؤنٹ آفیسر نے اس پر عمل نہیں کیا۔ لہذا من سائل کی استدعا ہے کہ اولاً من سائل کی پنشن 01/12/1984 سے انکریمنٹ لگا کر کا تعین فرمایا جاوے۔ اور قانوناً جو بقایا جات ہوں ادا فرمائیں دوئم جو فیصلہ فاضل عدالت نے مطابق فیصلہ شائع شدہ 2014SCMR پر صفحہ 1336 صادر فرمایا اس کے مطابق سائل کی پنشن 01/10/2002 مطابق فیصلہ %50 جتنی من سائل کی پنشن ہے حالانکہ لے رہا تھا سے Commute شدہ پنشن تھی بجائے 1123/64 روپے کے مطابق فیصلہ %50 Restore کیا جائے اور اس طرح جو بقایا پنشن یعنی 2633/36 روپے بنتی شمار کر کے جملہ بقایا جات دیے جائیں کی استدعا ہے۔

iv - یہ کہ ڈسٹرکٹ اکاؤنٹ آفیسر اور اس کا عملہ سپریم کورٹ آف پاکستان کے محلولہ بالا فیصلہ جات کے منافی سالانہ اضافہ %10 یا %15 کی غلط تشریح کر کے کہ وہ گراس پنشن پر اضافہ بڑھاتے رہے ہیں سراسر غلط ہے اور فاضل عدالت عظمیٰ کے فیصلہ جات کی سراسر توہین ہے۔ ایسی صورت میں فاضل عدالت میں مقدمہ لے جایا جائے گا۔ اور اسی صورت میں جملہ غیر ضروری اخراجات کی ذمہ داری ڈسٹرکٹ اکاؤنٹ آفس، ایبٹ آباد ہوگی۔

**استدعا:** آپ سے استدعا ہے کہ اکاؤنٹ آفس ایبٹ آباد کو مطابق فیصلہ سپریم کورٹ آف پاکستان مورخہ 01/10/2002 سے %50 پنشن لگا کر مطابق فیصلہ بقایا جات ادا کرنے کا حکم صادر فرمایا جاوے۔

جناب عالی! مفصل تفصیلات سروس و کوائف ذیل عرض ہیں۔

vi - کوائف:

- (1) - سید محبوب احمد شاہ ولد سید ثار احمد شاہ۔
- (2) - آغاز ملازمت بطور پرائمری سکول ٹیچر: مورخہ 10/07/1954
- (3) - انجام/اختتام ملازمت بمر 48 سال: مورخہ 15/09/1984 LPR
- (4) - پوسٹ گریجویٹ کالج نمبر 1 ایبٹ آباد: مورخہ 15/09/1984 تا 30/09/1985 from



مورخہ 15/09/1985 کو برائے پنشن درخواست دی اور قبل ریٹائرمنٹ چھٹی 01/12/1984  
تا 30/09/1985 منظور ہوئی اور مورخہ یکم اکتوبر 1985 کو یعنی 01/10/1985 بمقام  
سال ریٹائرمنٹ BPS-17 سے ہوئی۔ حالانکہ

II یہ کہ بدوران LPR محکمہ تعلیم سیکشن کالج پشاور نے اپنے نوٹیفکیشن نمبر S.O (Colleges) XI/2/84/C of  
27/01/1985 کے تحت من سائل کو BPS-17 سے BPS-18 میں ترقی دے دی۔ جس میں یہ لکھا؛

From BPS-17 to BPS-18 w.e.f 01/12/1984 under provision of Rule  
(6) (c)+(d) of the scheme of basic pay scales and fringe benefits of  
provincial Civil Servants (1983)

یہ کہ اس طرح من سائل اگلے گریڈ یا اسی گریڈ میں ایک ترقی دے کر Fixation کی جانی تھی مگر چونکہ من  
سائل کی ریٹائرمنٹ اس سے قبل گریڈ 17 میں منظوری اور چھٹی LPR ہو چکی تھی۔ اس ضمن میں من سائل نے  
ایک درخواست بابت benefit دئے جا کر پنشن کو Revised کئے جانے کے لئے ڈسٹرکٹ اکاؤنٹ  
آفس میں دی ہوئی تھی۔ جو پہلے مسؤل علیہم نہیں مان رہے تھے۔ مگر سال 2014ء میں مسؤل علیہم نے کہا کہ  
آپ کی سابقہ سروس اور گریڈ کی ترقی کے ذیل میں آپ کو فوائد کے بقایا جات دے رہے ہیں۔ اس طرح انہوں  
نے چند اقساط میں رقمات نکلو کر میرے دفتر میں لائے اور نصف رقم شکرانہ کے طور پر رکن کر لے گئے۔ مگر اب  
جب Restoratio of Commuted of pension کو 50% بحال کرنے کے احکامات  
آئے ہیں مسؤل علیہم بالکل پلٹ گئے ہیں کہ انہوں نے وہ رقم مجھ سائل کو ادا کر دی ہے۔

5- حالانکہ اس ضمن میں من سائل نے نہ تو کوئی درخواست دی ہے۔ اور نہ ہی کوئی حلف نامہ مبلغ 50 روپے کے

اسٹامپ پر دیا ہے۔ اور نہ ہی من سائل پینشنر عدالتی فیصلہ کے مطابق ڈبل کیا جا رہا ہے۔ (نقل درخواست

بابت Revise of Pension w.e.f 01/02/1984 کئے جانے کے مطابق گریڈ BPS-18

جواب بھی سائل حاصل کرنے کا قانونی طور پر حق دار ہے۔ تاہم مسؤل علیہم نے من سائل کو جھانسنہ/فریب

دے کر من سائل کی ماہوار پنشن کے اضافہ کو سخت نقصان پہنچایا ہے۔ پنشن کے کوائف ذیل ہیں۔

Munir Ahmad Vohra  
Advocate High Court,  
Abbottabad

i - PPO No. 8864-H N.W.F.P تاریخ پیدائش: 18/11/1937 تاریخ ریٹائرمنٹ

01/10/1985 تاریخ بحالی پنشن 01/10/2002 موجودہ پنشن معہ میڈیکل: Rs. 38017

ماہوار جس میں میڈیکل: Rs 3642 اور خالص پنشن Rs. 34375 ہے۔

ii - یہ کہ من سائل بحالی پنشن کے بعد از مورخہ 01/10/2002 بقایا کا حقدار ہے۔

iii - نقل درخواست بابت Revise کئے جانے در BPS-18 از مورخہ 01/12/1984 ہمراہ

لف ہے۔

iv - یہ کہ صوبائی حکومت خیبر پختونخواہ کے اعلان اور نوٹیفیکیشن مورخہ 18/02/2015 کے بعد پنشن بک

نمبر H-8864 پہلی بار مورخہ 07/04/2015 کو سپرینٹنڈنٹ سے مارک کروا کر مسئول علیہ نمبر

3 کے پاس مورخہ 07/04/2015 کو حسب ضابطہ جمع کروائی گئی کہ پنشن میں اضافہ کر کے دی

جائے جو اس نے مورخہ 13/04/2015 کو واپس بھیج دی کہ اضافہ دے دیا ہے۔ دوسری بار

مورخہ 24/08/2015 کو پنشن بک مسئول علیہ نمبر 1 کو پیش کی گئی۔ جو مسئول علیہ نمبر 3 نے

مورخہ یکم ستمبر 2015 کو پھر واپس کر دی۔ جس پر من سائل کو مجبوراً سپریم کورٹ آف پاکستان کے

واضح فیصلہ کی خلاف ورزی پر درخواست ہذا کے پیش کرنے کی ضرورت پڑی۔

iii - یہ کہ سائل نے 01/10/1985 کے ریٹائرڈ ہونے کے بعد سے وکالت کا پیشہ اختیار کر رکھا ہے۔

i - مسئول علیہم ایک منظم گروہ ہے جنہوں نے جان بوجھ کر من سائل کو جھانسنہ/دھوکہ دے کر اپنے اختیار

اور فرائض سے ہٹ کر ایک واضح ڈیکلینڈ کار تکاب کیا۔

ii - یہ کہ جن کے خلاف تحت کرپشن ایکٹ، الضابطی قوانین کے تحت کارروائی کئے جانے کی استدعا ہے۔

ان سے غیر قانونی طور پر بے جا اور غلط اور زائد رقم جو وہ نکال کر نصف رقم لے کئے ان سے وصول کئے

جانے اور حسب ضابطہ خزانہ میں جمع کرانے کے بعد سائل کی ماہوار، پنشن کو مطابق فاضل عدالت،

اضافہ فرمایا جائے۔ اور بقایا حات دلائے جانے کی استدعا ہے۔



حکیمانہ اپیل بنام اکاؤنٹنٹ جنرل مرچنٹس ٹریڈ ایسوسی ایشن

Registered Post. Post office  
Kutchery Abbottabad-  
No. 1043 Dated 18/06/2016

No. 1043 For Insurance Notices see reverse.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Rs. 60 Ps.

18/06/16

Received a registered\*  
addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_  
\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Rs. \_\_\_\_\_ Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_  
Name and address of sender \_\_\_\_\_

18/6/16

By Petitioner:

Nasir  
SYED MAHBOOB AHMAD SHAH  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

C.T.C  
)

M. o. Mall  
Munir Ahmad  
Advocate High Court,  
Abbottabad

Ann - 2

41

**NOTICE UNDER REGISTERED A.D**

To

1. Provincial Government of KPK, through Secretary Education Department, Peshawar.
2. Secretary Finance, Finance Department, KPK, Peshawar.
3. Accountant General of KPK, Accountant General Office, Peshawar.
4. District Accounts Officer, Abbottabad.

**SUBJECT: INTIMATION NOTICE REGARDING THE WRIT PETITION TITLED "SYED MEHBOOB AHMED SHAH VS PROVINCIAL GOVT OF KPK AND OTHERS"**

*Undersigned* has filed a Writ Petition titled "**Syed Mehboob Ahmed Shah VS Provincial Govt of KPK and others**" before the Honourable Peshawar High Court, Abbottabad Bench, regarding increase in the commuted pension of the petitioner from the date of restoration of his commuted pension i.e is 01-10-2002 you are hereby served with the instant notice under the requirement of law for information please.

*Copy of the writ petition is also annexed herewith for ready reference.*

Yours Sincerely,

*Munir Ahmad Bhatti*

**(MUNIR AHMAD BHATTI)**

Advocate High Court, Abbottabad.

Dated:- 17/08/2016

Ann- "A"

42

No. 1373

Ann- 11 "42"

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered\* addressed to DAO Date-Stamp

Initials of Receiving Officer DAO \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. Insured for Rs. (in figures) 1000 (in words) one thousand Rs. Ps. 00 Weight 10 Kilo Grams 00 Insurance fee Rs. 00 Ps. 00 Name and address of sender DAO

No. 1374

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered\* addressed to Secela Date-Stamp

Initials of Receiving Officer Secela \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. Insured for Rs. (in figures) 1000 (in words) one thousand Rs. Ps. 00 Weight 10 Kilo Grams 00 Insurance fee Rs. 00 Ps. 00 Name and address of sender Secela

No. 1375

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered\* addressed to DAO Date-Stamp

Initials of Receiving Officer DAO \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. Insured for Rs. (in figures) 1000 (in words) one thousand Rs. Ps. 00 Weight 10 Kilo Grams 00 Insurance fee Rs. 00 Ps. 00 Name and address of sender DAO

No. 1376

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered\* addressed to Secela Date-Stamp

Initials of Receiving Officer Secela \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. Insured for Rs. (in figures) 1000 (in words) one thousand Rs. Ps. 00 Weight 10 Kilo Grams 00 Insurance fee Rs. 00 Ps. 00 Name and address of sender Secela

**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**Writ Petition No. 803-A/2016**

Syed Mehboob Ahmad Shah.....**Petitioner.**


Versus

Government of Khyber Pakhtunkhw & others.....**Respondents.**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 2 i.e SECRETARY TO GOVT OF KHYBER Pakhtunkhwa FINANCE DEPARTMENT**

**INDEX**

Serial No.	Particular	Annexure	Page No.
01	Para wise comments.		01-02
02	Affidavit		03

  
TOLAA  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  


1

**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**Writ Petition: 803-A/2016**

Syed Mehboob Ahmed shah, caste syed Lecturer (Retired).: .....

**Petitioner**

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others .....

**Respondents**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 02 and 03.**

**Preliminary Objections.**

1. That the petitioners has no cause of action.
2. That the petitioner has no locus standi.
3. That the writ having no merit is not maintainable.
4. That eh petitioner is stopped to sue due to his own conduct.
5. That the instant writ is not maintainable due to not joinder & mis joinder of the necessary parties.

**Factual Objections:**

1. That the para No.1 of the writ petition pertains to record hence no comments.
2. That para No.2 relating to record needs no comments.
3. That the para to the extent of restoration of the commuted portion of the pensioners is correct hence no comments.
4. That para pertains to record hence no comments.
5. That the commuted portion of the pensioner restored on 01-10-2002 & the increase relating to 01-12-2001 was also allowed to the petitioner on the gross pension. When the petitioner visited office of District Comptroller of Accounts Abbottabad his case was thoroughly checked & examined & having been impelled to the conclusive that pension of the petitioner stands at par as the petitioner received the periodical increase on the gross & as such result of the calculations remained intact.
6. Pension of the petitioner was reckoned up in the light of letter dated 16-02-2015 & as stated in the preceding para no benefit was reflected & as such the pension of the petitioner remained same.
7. That the assertion of the petitioner is based on misconceived technical grounds not pursuant to the factual calculations. It is evident that the instant petition having no weight age & merit is required to be filed.

**Grounds:-**

- A) The petitioner has been receiving recurring periodical increases on pension & his pension has never been slashed to the net & as such his pension did not undergo any letup.
- B) The pension of the petitioner was checked and analyzed in pursuance of the order of the apex court & it has been found that increase on the pension of the petitioner has been accruing on gross & as such there is no change.
- C) That the petitioner misconstrued & instituted the instant petition in this honorable court whereas his pension was vigorously determined and this office tried to satisfy the petitioner that his claim bears no further increase but it is stated that the petitioner being not familiar with the procedure did not satisfy.  
That the petitioner is an honorable person who remained teacher of the maximum staff of this office and he was accorded due attention and respect.
- E) That he comprehensive reply has already been recorded in the preceding paras.
- F) That this office always been discharging honestly and up to the mark and never left the assigned duties.
- G) That detailed reply has been given in the preceding paras.
- H) That comprehensive submission with regard to the comments has already beer recorded in the preceding paras.

No. 2374  
14/2/12

RECEIVED  
TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
14/2/12



- 2
- I) That hectic effort has already been made to satisfy the petitioner when he visited the office.
  - J) That it has been awfully mentioned that no further increase etc accrue on the pension of the petitioner and assertion of the petitioner are not cogent.
  - K) As explained as Para above.
  - L) As explained as Para above.

**Prayer:-**

It is therefore humble preyed that in view of the submissions narrated above the instant petition may graciously be dismissed with costs.

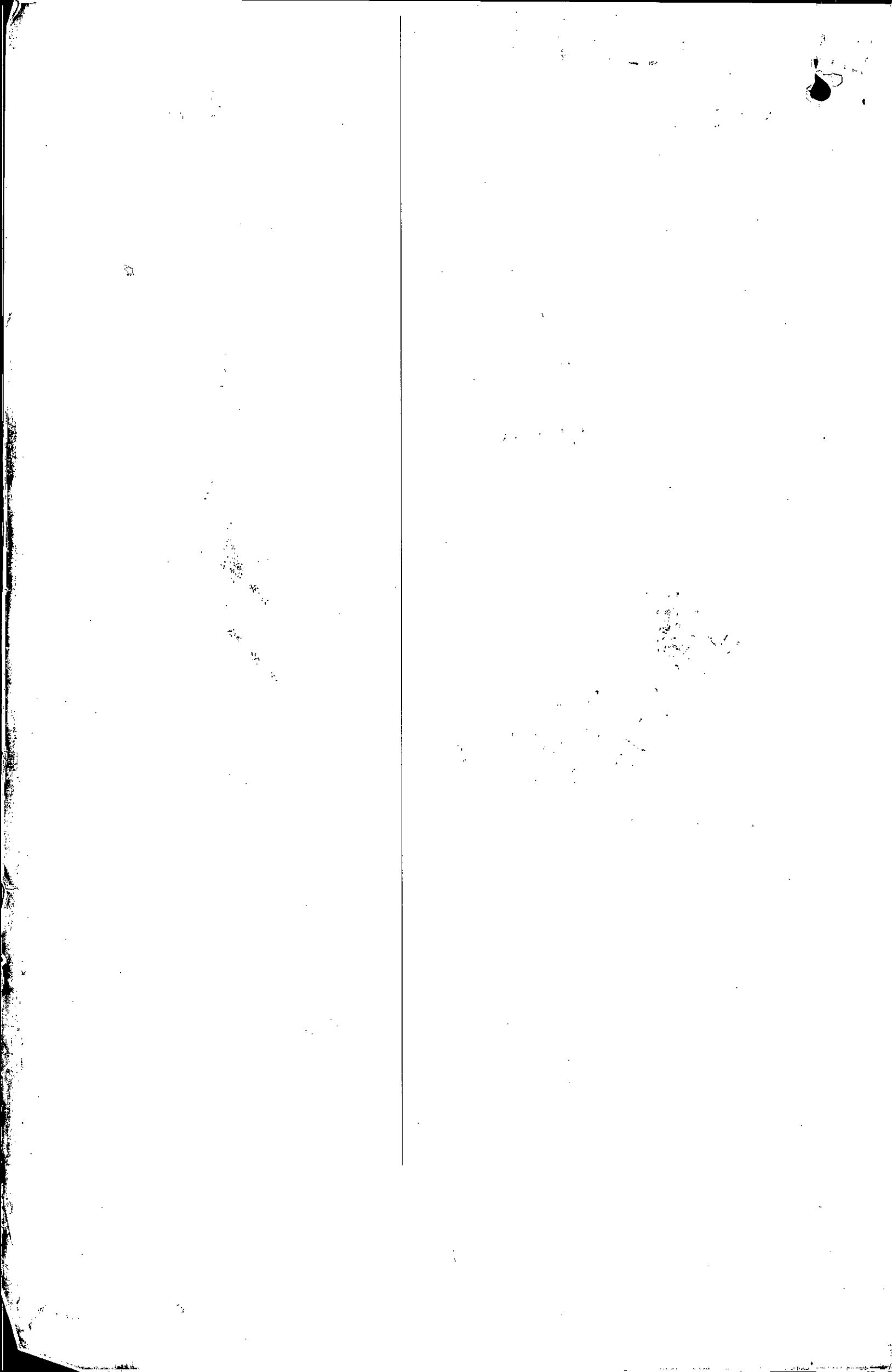
**FILED TODAY**

ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
BENCH

*W*

Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department  
Respondent No. 02.

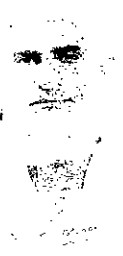
*Vetted*  
*16/5/17*



**BEFO**

**AR HIGH**

103



حکومت پاکستان

قومی شناختی کارڈ

11101-1483473-5

نام : شاکر اللہ خان

جنس : مرد

والد کا نام : عنایت اللہ خان

شناختی صلاحیت : دائیں ہتھیلی پر لٹکانہ زخم

تاریخ پیدائش : 28/06/1965



عثمان یوسف مبین

دستخط مسٹر جنرل

دستخط مال کارڈ

WP No: 803-A

Syed Mehboob

..... Petitioner

Govt of KPK and Others..... Respondents.

**AFFIDAVIT**

I, Shakirullah Khan, Superintendent Lit\_I, Finance Department, Khyber Pakhtunkhwa, Peshawar solemnly affirm and declare on oath that the contents of these parawise comments are true and correct to the best of my knowledge and belief & nothing has been concealed from this August Court.

Identified by:

*[Handwritten signature]*  
16/5/17

11101-1483473-5

*[Handwritten signature]*  
Deponent

S.No: 2833/302

302

Certified that the above is a true and correct copy of the original affidavit filed on 16/5/17

Shakirullah Khan Superintendent  
Lit\_I, Finance Department  
Peshawar

FILED TODAY

ADDITIONAL REGISTRAR  
PESHAWAR

16/5/17

High Court (Circuit) Bench  
Peshawar

16/5/17

**BEFOR E PESHAWAR HIGH COURT ABBOTTABAD BENCH**

W.P.No. 803.A/2016

Syed Mehboob Ahmed Shah S/O Syed Nisar Ali Shah, caste Syed Lecturer (Retired).

.....PETITIONER

VERSUS

- 1 Secretary Education Department, Government of KPK, Peshawar.
- 2 Secretary Finance Department, Government of KPK, Peshawar.
- 3 Accountant General of KPK Peshawar.
- 4 District Accounts Officer, Abbottabad.

.....RESPONDENTS

**PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.3 & 4**

**INDEX**

S.NO	DESCRIPTION	PAGE NOS	ANNEXURE
1.	Comments along with affidavit	1-4	
2.			
3.			
4.			

THROUGH

  
District Account office

Abbottabad

**FILED TODAY**

**ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

29/11/16

BEFORE PESHAWAR HIGH COURT ABBOTTABAD BENCH

W.P.No. 803.A/2016

SYED MEHBOOB SHAH EX-LECTURER, GOVERNMENT POST GRADUATE COLLEGE  
ABBOTTABAD...PETITIONER

VERSUS

GOVERNMENT OF KPK COMMENTS ON BEHALF OF S.NO. 3 & 4

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the petitioner has no cause of action.
2. That the petitioner has no locus standi.
3. That the writ having no merit is not maintainable.
4. That the petitioner is stopped to sue due to his own conduct.
5. That the instant writ is not maintainable due to non joinder & mis joinder of the necessary parties.

Factual Objections:

1. That para No.1 of the writ petition pertains to record hence no comments.
2. That para No.2 relating to record needs no comments.
3. That the para to the extent of restoration of the commuted portion of the pensioners is correct hence no comments.
4. That para pertains to record hence no comments.
5. That the commuted portion of the pensioner restored on 01-10-2002 & the increase relating to 01-12-2001 was also allowed to the petitioner on the gross pension. When the petitioner visited our office his case was thoroughly checked & examined & having been impelled to the

No 5080  
28-11-16

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

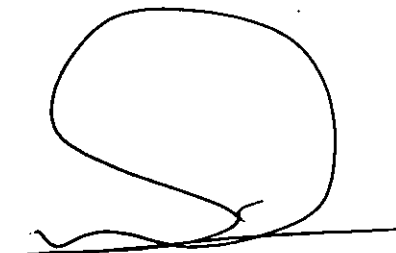
29/11/16

BEFORE THE HIGH COURT BENCH, ABBOTTABAD.

It is very humbly prayed that pension case of the petitioner has been thoroughly checked & worked out & it has been found that the petitioner has been receiving his pension according to the orders of the honorable court & as such the present institution has no justification & may very graciously be dismissed with cost.

ACCOUNT GENERAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*Vetted.*  
  
Additional Advocate General  
Khyber Pakhtunkhwa  
Abbottabad

  
District Comptroller of Accounts  
Abbottabad.

**FILED TODAY**

*2*  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

*28/11/10*

①

BEFORE THE PESHAWAR HIGH COURT,  
BENCH, ABBOTTABAD

W.P No. 803-A/2016

Syed Mahboob Ahmad Shah son of Nisar Ahmad Shah, caste Syed Lecturer  
(Retired) of Post Graduate College No. 1, Abbottabad.

....PETITIONER

VERSUS

1. Provincial Govt. of KPK through secretary of Education Department Peshawar.
2. Secretary Finance, Finance Department of KPK Peshawar.
3. Accountant General of KPK Accountant General Office, Peshawar.
4. District Account Officer, District Office, Abbottabad.

...RESPONDENTS

WRIT PETITION

REPLICATION TOWARDS PARA-WISE REPLY  
OFFERED BY RESPONDENT NO. 4

Respectfully Sheweth;-

That the replication towards the para-wise reply of respondent No. 4, without having any authority and sanction of other respondents is submitted as under:-

I. PRELIMINARY OBJECTIONS:-

1. Para No. 1 is wrong, hence denied. The petitioner has got a cause of action.
2. Para No.2 is wrong, therefore, denied. The petitioner has got locus-standi to bring this writ petition.
3. Para No.3 is totally wrong hence denied.
4. This objection is also wrong, therefore, is denied.

*No. 1426*  
*27/3/17*

*Rejoudh*  
*20/3/17*

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**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**  
*27/3/17*

5. Para No. 5 is wrong, therefore, this objection is denied.

## II. FACTUAL OBJECTIONS:-

1. As this para of petition is admitted as correct, by respondent No. 4 hence, need not to be replicated.
2. Para No.2 of reply also admits the para of petition, hence, need not to replicated.
3. This para of petition is also admitted as correct. Hence it is also need not to be replicated. It is further submitted that respondent No. 4 did not act upon the judgments of the August Supreme Court of Pakistan, in respect of petitioner, and respondent No. 4, i.e. District Account Officer, Abbottabad refused to fixation of pension of petitioner, as it is per the judgment of August Supreme Court of Pakistan published in 2012 SCMR at page 1914 and again 2014 SCMR at page 1336, annexed as Annexure "A" "B" at page 14 and 17 of this petition, regarding, periodical increases upon the commuted 50% during the commuted period, at a rate at which he was drawing 50% remaining pension on according with principle of law laid down by the Apex Court and directions issued by the provincial government, vide office letters dated 16/02/2015 and 14/04/2016, annexed as Annexure "C" & "D" at pages 28, 29, 30 & 31 of the petition. But the Account Officer Abbottabad, refused to implement the judgments as well as the notifications of KPK government and committed contempt of the judgments of August Court though para No. 3

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**ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

*2/2/11*



3  
of petition is admitted as correct, still he ignored to give benefits to petitioner and illegally discriminated the petitioner.

4. Para No.4 of reply is wrong hence, denied. This is a true fact, that petitioner was granted L.P.R w.e.f 01/12/1984 to 30/09/1985, and the petitioner was retired on his request at the age of 48 years on 01/10/1985, it is also a fact that the petitioner was promoted in BPS-18, during his leave duration on 27/01/1985, but prior to that on 01/12/1984, the petitioner was granted his retirement in BPS-17. No benefit of BPS-18 which was legally due to petitioner was not given to the petitioner, which right, the petitioner reserves to agitate before the proper forum.
5. Para No. 5 of the reply is totally wrong, hence, denied. On 01/10/2002, only the 50% commuted pension of the totally pension which was Rs. 2246 and the commuted 50% was Rs. 1123/- was restored Annexure "E" at page 31-32 of the writ petition may graciously be perused. It is further submitted that no increase on gross pension is granted to the petitioner, nor it was granted by the Govt. of KPK. If it was the fact that government granted the periodical increases on gross pension then why the Honourable, Apex Court, in the judgments has decided annexed as Annexure "A" & "B". Respondent No. 4, in this para negates, both the Honourable Judgments of 2012 SCMR at page 1914, and 2014 SCMR at page 1336. Moreover, the pension book of the petitioner is also can be perused, nor the respondent produced any of the

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PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

K 27/3/11

Notification regarding the periodical increases on gross pension.

6. Totally wrong, hence, denied. No such fixation is done, the pension, copy of the petitioner can be perused that on 01/10/2002 after 17 years of commutation, while the petitioner was drawing his 50% pension:-

Pension = Rs. 3757--00

R.O.C = Rs. 1123--64 While, as per judgments of Honourable Supreme Court, the R.O.C 50% should have to be restored as Rs. 3757—00 instead of Rs. 1123—64 and in this was difference is less Rs. 2634—36 and on 01/10/2002 the total pension becomes Rs. 7514—00 and thereafter the periodical increase should have to be accorded as per Notifications issued by the Govt. of KPK which is not done.

7. Wrong, therefore in the light of above replication is denied.

**GROUND:-**

- a. In replication to the grounds of reply towards para a to i,j,k. It is submitted that all the reply of respondent No. 4 is wrong, without any documentary proof. Therefore, is wrong and without any proof, hence, denied. The petitioner can produce his pension book from which the Honourable Bench can peruse, that no benefit or fixation in pension of the petitioner is granted as it is decided by the Honourable Supreme Court of Pakistan.

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**ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

*KM31A*

It is, therefore, humbly prayed that the writ petition of the petition may graciously be accepted as prayed for.

Syed Mehboob Ahmad Shah  
...PETITIONER

Through

Dated: \_\_\_\_\_/2017

*M. A. Bhatti*

(MUNIR AHMAD BHATTI)  
Advocate High Court, Abbottabad

*Munir Ahmad Bhatti*  
Advocate High Court,  
Abbottabad

**AFFIDAVIT:**

I, Syed Mahboob Ahmad Shah son of Nisar Ahmad Shah, caste Syed Lecturer (Retired) of Post Graduate College No. 1, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing replication are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Syed Mehboob Ahmad Shah  
DEPONENT

Identified by:

*M. A. Bhatti*

(MUNIR AHMAD BHATTI)  
Advocate High Court, Abbottabad

*Nisar*  
SYED MAHBOOB AHMAD SHAH  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

13101 - 0873716 - 9

**AFFIDAVIT**

S.No. 14051/360 Receipt No. 360

Certified that the above was verified on Solemn affirmation ..... *Adh* ..... on this ..... 17 ..... 2017 by Syed Mahboob Ahmad Shah 14051/360 Adh Adh by ..... Adh ..... know is me.

*Adh*

Commissioner  
(Additional Registrar)  
Peshawar High Court (Circuit) Bench

17/2/17

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
*12/17/17*

Before the Peshawar High Court, Bench, Abbottabad

W.P. No 803-A/2016

Re-joinder - Service done to Respondent

District Account Officer A. Abad No 4

Syed Mahboob Ahmad Shah... [petitioner]

Versus

Provincial Govt. of K.P.K. Peshawar and

Others - - - [Respondents]

Contested only Respondent No. 4.

Service done vide Receipt No 17

Through Registered Post-office Kutchery Abbottabad Dated 21/03/2017

No. 17

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_ Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_

Dated: \_\_\_\_\_

SYED MAHBOOB AHMAD SHAH  
Professor, M.A LL.B.  
Advocate High Court  
Abbottabad

## وکالت نامہ

کورٹ فیس

بعدالت جناب پشاور صوبائی کورٹ، ایبٹ آباد سٹر

عنوان: سید محبوب احمد شاہ بنام صوبائی حکومت و

منجانب: پٹنرز

نوعیت مقدمہ: Writ Petition

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

سید محبوب احمد شاہ، ملک منیر لونس، محمد لونس ایڈووکیٹس جناب

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختمہ مجھ کو منظور و

قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 18/08/16

بمقام: ایبٹ آباد

S. Farukh Advocate

Farukh

accepted by

Munir A. Bhelli

Adv. High Court, AFD

M. Y. Yousuf  
Adv.  
B.C.  
A.F.D.S. Farukh Advocate  
Munir A. Bhelli  
Adv. High Court, AFD

Munir A. Bhelli

Adv. High Court, AFD

(14)



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**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**

**FORM OF ORDER SHEET**

Court of.....

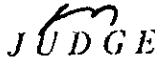

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
03.05.2018	<p><u>W.P.No.803-A/2016.</u></p> <p>Present:- Mr. Munir Ahmed Bhatti, Advocate for petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Asstt: A.G for official respondents.</p> <p style="text-align: center;">***</p> <p>In view of the previous order of this Court, the former seeks further time, in order to prepare the case for arguments. Adjourned to a date in office.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.****FORM OF ORDER SHEET**

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
27.06.2018	<p><b><u>WP No. 803-A/2016.</u></b></p> <p>Present: Mr. Munir Ahmed Bhatti, Advocate, for petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assist: AG for official respondents.</p> <p style="text-align: center;">***</p> <p>In view of the peculiar facts and circumstances of the case, learned AAG is directed to assist the Court on the question involved in the present case, on a date to be fixed by the office.</p> <p style="text-align: right;">   <b>JUDGE</b> </p> <p style="text-align: right;">   <b>JUDGE</b> </p>



## PESHAWAR HIGH COURT, ABBOTTABAD BENCH



FORM 'A'  
FORM OF ORDER SHEET

Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
20.09.2016	<p data-bbox="427 596 758 637"><u>W.P No.803-A/2016.</u></p> <p data-bbox="427 682 1193 759">Present: Mr. Munir Ahmed Bhatti, Advocate, for petitioner.</p> <p data-bbox="842 843 898 868">***</p> <p data-bbox="427 970 1313 1085">Comments of respondents No.3 and 4 be called for so as to reach this Court within a fortnight.</p> <p data-bbox="1106 1217 1273 1251">JUDGE</p> <p data-bbox="1106 1391 1273 1424">JUDGE</p>

(Ayub)

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.  
FORM "A"

FORM OF ORDER SHEET.

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	19.12.2016.	<p><u>W.P.No.803-A/2016.</u></p> <p><u>Present.</u> Mr.Munir Ahmad Bhatti, Advocate for the petitioner.</p> <p>=====</p> <p>Seeks time to go through the comments filed by the respondents No.3 and 4.</p> <p>Allowed. Adjourned to a date in office.</p> <p style="text-align: right;">   <b>JUDGE</b> </p> <p style="text-align: right;">   <b>JUDGE</b> </p>

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**

**FORM OF ORDER SHEET**

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
17.10.2017	<p><b><u>WP No. 803-A/2016.</u></b></p> <p>Present: Mr. Munir Ahmed Bhatti, Advocate, for petitioner.</p> <p>Raja Muhammad Zubair, AAG for respondents.</p> <p style="text-align: center;">***</p> <p>At the very outset learned AAG raised objection regarding maintainability of present writ petition on the ground that the petitioner being retired Civil Servant cannot invoke the constitutional jurisdiction of this Court due to bar contained in Article 212 of the Constitution. In this view of the matter, learned counsel for the petitioner is directed to assist the Court on the question of maintainability. Adjourned to a date in office.</p> <p style="text-align: right;"><i>MJ</i> JUDGE</p> <p style="text-align: right;"><i>Stc</i> JUDGE</p>

Tahir (P.S)

Hon'ble Justice Syed Muhammad Attique Shuh & Hon'ble Justice Syed Arshad Ali

M. Ahmad Khan  
Lahore

21/5/2019

Accepted  
[Signature]

بندوبست نامہ پر ترقی دینا کہ بندوبست ہے۔

تعمیراتی کاموں کو بندوبست کرنا ہے۔

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کوریج فیس

والت نامہ

به نام خداوند  
مبارک و تعالی

که در این روزها  
بسیار پیوسته

است

در این روزها

بسیار پیوسته

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در این روزها  
بسیار پیوسته

DBA number 63  
 BC No. 10-1090  
 Name of Advocate سید محبوب احمد شاہ

S.No 95048



Secretary  
 District Bar Association  
 Abbottabad

وکالت نامہ

بعدالت چیمبریں صاحب مسروٹر سٹریٹجی ہاؤس کیمپ ایسٹ آباد  
 عنوان: بیتد محبت احمد شاہ  
 منجانب: سید محبوب احمد شاہ  
 نوعیت مقدمہ منشن ویرہ  
 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی پر پیشی یا تصفیہ مقدمہ بمقام ایسٹ آباد کے لیے  
محمد منیر حسین بھٹی ایڈووکیٹ یا مسطورہ ایسٹ آباد  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روز عدالت حاضر ہوتا رہوں گا اور بروقت پکارے  
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ  
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے  
 علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا روز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ  
 سماعت ہونے پر یا روز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے  
 کسی معاوضہ کے ادا کرنے یا عتقانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف  
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظرتانی اپیل گرائی و ہر قسم  
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے  
 اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات  
 از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب  
 موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے  
 کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
 کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔  
 مورخہ: 15-05/19  
 دن 15 ماہ 05 سال

Accepted

M. O. Malik  
 Adv. High Court,  
 Abbottabad

SYED MAHBOOB AHMAD SHAH  
 Professor, M.A LL.B.  
 Advocate High Court  
 Abbottabad

8/1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, AT CAMP COURT**  
**ABBOTTABAD**

**SA No. 1351/2018**

**Syed Mehboob Ahmad Shah**

.....Appellant

**VERSUS**

**Govt. of Khyber Pakhtunkhwa & others**

.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/ locus standi to file the instant Service Appeal.
2. That the appellant is trying to conceal material facts from this Hon'ble Tribunal and is not entitled to the extraordinary relief of this Tribunal.
3. That the appellant has not come to this Hon'ble Tribunal with clean hands.
4. That the instant service appeal is hit by doctrine of laches.
5. That the appellant is stopped by his own conduct to file the instant service appeal.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

**ON FACTS:**

1. Not pertains to answering respondents, therefore, needs no comments to be offered.
2. Not pertains to answering respondents, therefore, needs no comments to be offered.
3. That the para to the extent of restoration of the commuted portion of the pensioners is correct hence no comments.
4. That para pertains to record hence no comments.
5. That the commuted portion of the pensioner restored on 01.10.2002 & the increase relating to 01.12.2001 was also allowed to the petitioner on the gross pension. When the petitioner visited office of District Comptroller of Accounts Abbottabad his case was thoroughly checked & examined & having been impelled to the conclusive that pension of the petitioner stands at par as the petitioner received the periodical increase on the gross & as such result of the calculations remained intact.
6. Pension of the petitioner was reckoned up in the light of letter dated 16.02.2015 & as stated in the preceding para no benefit was reflected & as such the pension of the petitioner remained same.
7. That the assertion of the petitioner is based on misconceived technical grounds not pursuant to the factual calculations. It is evident that the instant petition having no weight age & merit is required to be filed.


**On Grounds: -**

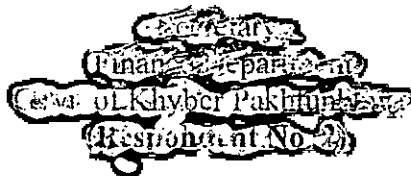
- A. The petitioner has been receiving recurring periodical increases on pension & his pension has never been slashed to the net & as such his pension did not undergo any letup.

- B. The pension of the petitioner was checked and analyzed in pursuance of the order of the apex court & it has been found that increase on the pension of the petitioner has been accruing on gross & as such there is no change.
- C. That the petitioner misconstrued & instituted the instant petition in this honorable court whereas his pension was vigorously determined and this office tried to satisfy the petitioner that his claim bears no further increase but it is stated that the petitioner being not familiar with the procedure did not satisfy.
- D. That the petitioner is an honorable person who remained teacher of the maximum staff of this office and he was accorded due attention and respect.
- E. That he comprehensive reply has already been recorded in the preceding paras.
- F. That this office always been discharging honestly and up to the mark and never left the assigned duties.
- G. That detailed reply has been given in the preceding paras.
- H. That comprehensive submission with regard to the comments has already beer recorded in the preceding paras.
- I. That hectic effort has already been made to satisfy the petitioner when he visited the office.
- J. That is has been awfully mentioned that no further increase etc accruse on the pension of the petitioner and assertion of the petitioner are not cogent.
- K. As explained as para above.
- L. As explained as para above.

**PRAYER:**

It is therefore humble prayed that in view of the submissions narrated above the instant petition may graciously be dismissed with costs.

  
 Secretary,  
 Higher Education Department  
 Govt. of Khyber Pakhtunkhwa  
 (Respondent No. 1)

  
 Secretary,  
 Higher Education Department  
 Govt. of Khyber Pakhtunkhwa  
 (Respondent No. 2)



Writ Petition: 803-A/2016

Syed Mehboob Ahmed Shah, caste syed Lecturer. (Retired). .....

Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa and others .....

RespondentsPARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 02 and 03.Preliminary Objections.

1. That the petitioners has no cause of action.
2. That the petitioner has no locus standi.
3. That the writ having no merit is not maintainable.
4. That the petitioner is stopped to sue due to his own conduct.
5. That the instant writ is not maintainable due to not joinder & mis joinder of the necessary parties.

Factual Objections:-

1. That the para No.1 of the writ petition pertains to record hence no comments.
2. That para No.2 relating to record needs no comments.
3. That the para to the extent of restoration of the commuted portion of the pensioners is correct hence no comments.
4. That para pertains to record hence no comments.
5. That the commuted portion of the pensioner restored on 01-10-2002 & the increase relating 01-12-2001 was also allowed to the petitioner on the gross pension. When the petitioner visited office of District Comptroller of Accounts Abbottabad his case was thoroughly checked & examined & having been impelled to the conclusive that pension of the petitioner stands at place as the petitioner received the periodical increase on the gross & as such result of the calculations remained intact.
6. Pension of the petitioner was reckoned up in the light of letter dated 16-02-2015 & as stated in the preceding para no benefit was reflected & as such the pension of the petitioner remained same.
7. That the assertion of the petitioner is based on misconceived technical grounds not pursuant to the factual calculations. It is evident that the instant petition having no weight age & merit required to be filed.

Grounds:-

- A) The petitioner has been receiving recurring periodical increases on pension & his pension has never been slashed to the net & as such his pension did not undergo any set up.
- B) The pension of the petitioner was checked and analyzed in pursuance of the order of the apex court & it has been found that increase on the pension of the petitioner has been accruing on gross & as such there is no change.
- C) That the petitioner misconstrued & instituted the instant petition in this honorable court whereas his pension was vigorously determined and this office tried to satisfy the petitioner that his claim bears no further increase but it is stated that the petitioner being not familiar with the procedure did not satisfy.
- D) That the petitioner is an honorable person who remained teacher of the maximum strength of this office and he was accorded due attention and respect.
- E) That the comprehensive reply has already been recorded in the preceding paras.
- F) That this office always been discharging honestly and up to the mark and never left any assigned duties.
- G) That detailed reply has been given in the preceding paras.
- H) That comprehensive submission with regard to the comments has already been recorded in the preceding paras.

No. 2374  
14/2/12

2

23/1/12

- I) That hectic effort has already been made to satisfy the petitioner when he visited the office
- J) That it has been awfully mentioned that no further increase etc accrue on the pension of the petitioner and assertion of the petitioner are not cogent.
- K) As explained as Para above.
- L) As explained as Para above.

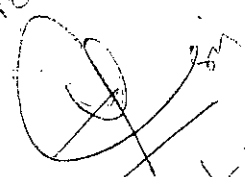
Prayer:-

It is therefore humbly prayed that in view of the submissions narrated above the instant petition may graciously be dismissed with costs.



Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department  
Respondent No. 02.

*Handwritten initials*

*Checked*  
  
*16/5/17*

BEFORE PESHAWAR HIGH COURT ABBOTTABAD BENCH

W.P.No 803 A/2016

SYED MEHROOB SHAH EX-LECTURER, GOVERNMENT POST GRADUATE COLLEGE  
ABBOTTABAD...PETITIONER

VERSUS

GOVERNMENT OF KPK COMMENTS ON BEHALF OF S.NO. 3 & 4

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the petitioner has no cause of action.
2. That the petitioner has no locus standi.
3. That the writ having no merit is not maintainable.
4. That the petitioner is stopped to sue due to his own conduct.
5. That the instant writ is not maintainable due to non joinder & mis joinder of the necessary parties.

Factual Objections:

1. That para No.1 of the writ petition pertains to record hence no comments.
2. That para No.2 relating to record needs no comments
3. That the para to the extent of restoration of the commuted portion of the pensioner is correct hence no comments
4. That para pertains to record hence no comments.
5. That the commuted portion of the pensioner restored on 01-10-2002 & the increase related to 01-12-2001 was also allowed to the petitioner on the gross pension. When the petitioner visited our office his case was thoroughly checked & examined & having been impelled to the

Ms. Soeda  
28-11-16

**FILED TODAY**

ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

23/11/16

conclusive conclusion that pension of the petitioner stands at par as the petitioner received the periodical increase on the gross & as such result of the calculations remained intact

6. That pension of the petitioner was reckoned up in the light of the letter dated 16-02-2015 & as stated in the preceding para no benefit was reflected & as such the pension of the petitioner remained same.
7. That the assertion of the petitioner is based on misconceived technical grounds not pursuant to the factual calculations. It is evident that the instant petition having no weight age & merit is required to be filed.

GROUNDS:-

- a. That the petitioner has been receiving recurring periodical increases on pension & his pension has never been slashed to the net & as such his pension did not undergo any letup.
- b. That the pension of the petitioner was checked and analyzed in pursuance of the order of the apex court & it has been found that increase on the pension of the petitioner has been accruing on gross & as such there is no change.
- c. That the petitioner misconstrued & instituted the instant petition in this honorable court whereas his pension was vigorously determined and this office tried to satisfy the petitioner that his claim bears no further increase but it is stated that the petitioner being not familiar with the procedure did not satisfy.
- d. That the petitioner is an honorable person who remained teacher in the secondary staff of this office and he was accorded due attention and respect.
- e. That the comprehensive reply has already been recorded in the preceding paras.
- f. That this office always been discharging honestly and up to the mark & never left the assigned duties.
- g. That detailed reply has been given in the preceding paras.
- h. That comprehensive submission with regard to the comments has already been recorded in the preceding paras.
- i. That hectic effort has already been made to satisfy the petitioner when he visited the office.

J,k,&l. That it has been awfully mentioned that no further increase in course on the pension of the petitioner & assertion of the petitioner are not cogent

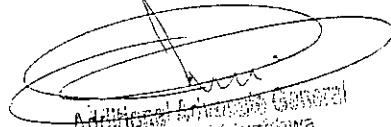
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PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

29/11/16

It is very humbly prayed that pension case of the petitioner has been thoroughly checked & worked out & it has been found that the petitioner has been receiving his pension according to the orders of the honorable court & as such the present institution has no justification & may very graciously be dismissed with cost.

ACCOUNT GENERAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*Vetted*  
  
Additional Account General  
Khyber Pakhtunkhwa  
Abbottabad

  
District Comptroller of Accounts  
Abbottabad.

FILED TODAY

2  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

28/11/70

S.No. 154351

Name of Advocate

لبنی خان



وکالت نامہ  
Sajid Anwar Masood  
Finance Secretary  
District Bar Association  
Abbotabad

DBA NO. 680

TBA NO.

BC No.

1 5 - 6 0 7 7

R.s. =

200

بعدالت جناب سرور سروسز Tribunal راج صاحب

عنوان: محبوب احمد شاہ  
بنام گورنمنٹ KPIIC سیکرٹیری ایجوکیشن

مخانب: مولیٰ  
نوعیت مقدمہ

باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹ آف اید و ٹریٹ لٹری مال یا سکولڈٹ ایسٹ آف اید کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ مکمل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرتے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا معافی کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل سناختہ پر داخلہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذمگی و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ذمگی کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثانی وراثی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پٹھن صدر اپیل و برآمدگی مقدمہ یا ہنسوخنی ذمگی کی طرف درخواست حکم امتناعی یا قری یا گرفتاری قبل از گرفتاری و اجراء کے ذمگی بھی صاحب موصوف کو بشرط ادا ایلی علیحدہ محتا نہ بیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2021/11/16  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی Accepted

Lubna Khan  
LUBNA KHAN.

Syed Mehboob Ahmed Shah