

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.5816/2021

Date of Institution ... 07.06.2021

Date of Decision ... 13.09.2022

Mr. Sardar Ur Rehman, Ex-Office Superintendent (BPS-17), DPO Office,
Mardan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber
Pakhtunkhwa, Peshawar and five others.

... (Respondents)

Zartaj Anwar,
Advocate

... For appellant.

Naseer Ud Din Shah,
Assistant Advocate General

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)

... Member (E)

JUDGMENT

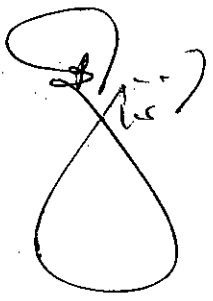
ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer as
copied below:

“On acceptance of this service appeal the appellant may
kindly be declared fit and eligible for payment of
Benevolent fund at increased rate, at the time of
Retirement and Funeral charges to the appellant,
furthermore the inaction of the respondents by not paying
the increase rate of benevolent Fund may also be declared
as illegal, unlawful, unconstitutional and violation of
fundamental rights of the appellant”.



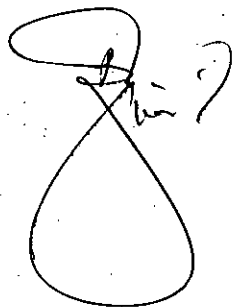
2. Brief facts of the case are that appellant was enlisted in Police Department as Daftari (BS-02) on 22.10.1977 and he performed his duties with great zeal, devotion and to the entire satisfaction of his superiors. On attaining the age of superannuation, appellant got retired from Police Department on 22.01.2018 as Office Superintendent (BPS-17) which was notified on 13.11.2017. During his entire service, regular subscription/deduction of benevolent fund at the prescribed rates was made from his salary in Part-I and Part-II of the said fund while serving as Gazetted and Non-Gazetted employee respectively. As per Government of Khyber Pakhtunkhwa Benevolent Fund Administration Department Letter dated 02.11.2017, the Board of Management, Government Servants Benevolent Fund enhanced Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges with immediate effect. On attaining the age of superannuation, besides pension, appellant also applied for the Benevolent Grant of Rs.500,000/--, however, respondent No.5 turned down the same and refused to grant at the enhanced rates and insisted upon to pay Rs.55,000/- only, duly accumulated in Part-I of the aforesaid fund. Being aggrieved from this act and omission of the respondents, appellant approached the august Peshawar High Court in writ petition which was disposed in terms to approach proper forum. Appellant filed a departmental appeal which was not responded to, hence, the present service appeal.

3. We have heard Zartaj Anwar, Advocate learned counsel for the appellant and Naseer Ud Din Shah, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.



4. Zartaj Anwar Advocate, learned counsel for appellant argued that by not paying the enhanced rate of Benevolent Fund at the time of retirement to the appellant despite its regular contribution by the appellant is unconstitutional, without lawful authority, therefore, not tenable; that appellant was deprived from contributed amount which he had contributed regularly from his monthly salaries till his retirement. Thus, such act on the part of respondents is totally against the norms of justice and clear violation of the mandate of Khyber Pakhtunkhwa Government Servants Benevolent Fund Ordinance, 1972 and Articles-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel submitted that state shall guarantee fundamental rights including equality of status of opportunity but in the instant case, the appellant has been deprived of his due rights. He, therefore, requested for acceptance of the instant appeal.

5. Conversely, learned AAG submitted that appellant was retired from service on attaining the age of superannuation vide Notification dated 22.01.2018. He submitted that Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges were revised/enhanced with immediate effect vide Notification dated 02.11.2017 but the same is not applicable to the employees of Police Department in the light of Notification dated 31.01.2017, wherein in Para-02 of the notification it has been clearly mentioned that revised Subscription Rates, Retirement Grant and Funeral Charges are not applicable to the employees of Police Department. Therefore, appellant is not entitled to get grant on revised rates in the light of Notification dated 31.01.2017.



6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that that appellant was enlisted in Police Department as Daftari (BPS-02) on 22.10.1977. On attaining the age of superannuation, appellant got retired from Police Department on 22.01.2018 as Office Superintendent (BPS-17) which was notified on 13.11.2017. During his entire service, regular subscription/deduction of benevolent fund at the prescribed rates were made from his salary in Part-I and Part-II of the said fund while serving as Gazetted and Non-Gazetted employee respectively. As per Government of Khyber Pakhtunkhwa Benevolent Fund Administration Department Letter dated 02.11.2017, the Board of Management, Government Servants Benevolent Fund enhanced Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges with immediate effect. On attaining the age of superannuation, besides pension, appellant also applied for the Benevolent Grant of Rs.500,000/-, however, respondent No.5 turned down the same and refused to grant at the enhanced rates and insisted upon to pay Rs.55,000/- only, duly accumulated in Part-I of the aforesaid fund. Perusal of Notification dated 31.01.2017 would reveal that Board of Management Government Servants Benevolent Fund decided to revise the Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges with immediate effect. Para-02 of the Notification would reveal that enhanced rates were applicable with immediate effect and cases of the Retirement Grant and Funeral Charges were to be entertained on revised rates, however, the revised Subscription Rates, Retirement Grant and Funeral Charges were held not applicable to the employees of Police Department. The appellant has relied on Notification No.AD/BF/16-




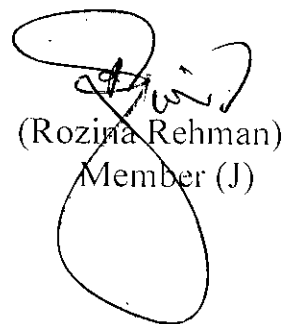
17/3010-14 Dated Peshawar the 02/11/2017 vide which the Board of Management Government Servants Benevolent Fund in its meeting held on 20.12.2016 revised Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges with immediate effect. It is worth mentioning that this notification was issued on 02.11.2017 with reference to Office Circular of Even Number dated 31.01.2017 on the subject of increase in rates of Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges. However, Para-02 mentioned in the earlier Notification dated 31.01.2017 was not reproduced in the subsequent Notification dated 02.11.2017. It is crystal clear that the enhanced rates are not applicable to the employees of Police Department and it is the duty of Police Department to have informed its employees in respect of monthly Benevolent Fund Subscription Rates, Retirement Grant and Funeral Charges as they were contributing at the prescribed rates from their salary in Part-I and Part-II of the said fund.

7. Keeping in view the above discussion, instant service appeal is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

13.09.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

ORDER

13.09.2022


Appellant present through counsel.

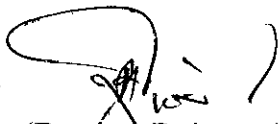
Naseer Ud Din Shah, learned Assistant Advocate General for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

13.09.2022

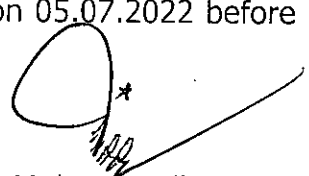

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

23.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Sajid Khan, Superintendent on behalf of respondent No. 2 and Mr. Wisal Khan Reader on behalf of respondents No. 3 & 5 present.

Written reply/comments on behalf of respondents No. 2, 3 & 5 submitted which is placed on file. Copy of the same is handed over to learned counsel for the appellant. Written reply/comments on behalf of respondent No. 6 have already been submitted. Written reply/comments on behalf of respondent No. 4 is still awaited, therefore, notice be issued to respondent No. 4 for submission of written reply/comments. To come up for written reply/comments on 05.07.2022 before S.B.


(Mian Muhammad)
Member (E)

05th July, 2022

Counsel for appellant present. Mr. Kabir Ullah Khattak, Additional AG alongwith Tariq Shah Senior Auditor for respondent No.4 and Atta-ur-Rehman for respondent No.5 present.

Written reply/comments on behalf of respondents No.2,3,5 & 6 submitted. Respondents No.4 have also submitted written reply/comments which is placed on file. Copy of the same is handed over to counsel for the appellant. To come up for arguments on 13.09.2022 before D.B.


(Kalim Arshad Khan)
Chairman

08.12.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel, Addl: AG alongwith Mr. Wisal, H.C for official respondents and counsel for respondent No.6 present.


Written reply/comments on behalf of respondent No. 6 submitted which is placed on file. To come up for written reply/comments on behalf of respondents No. 1 to 5 on 17.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

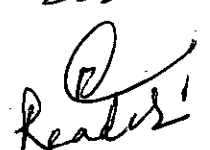
17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Naseeb Khan S.O for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for time to furnish reply/comments. Last opportunity is granted. To come up for reply/comments before the S.B on 03.03.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

3-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 23rd 2022

Reza

02.08.2021

Junior to counsel for the appellant present.
Preliminary arguments heard.

This appeal has been preferred to impugned order dated 12.08.2020, whereby penalty of dismissal from service was imposed upon the appellant. Subject to all just and legal objections, this appeal is accepted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents, for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

12/8/21

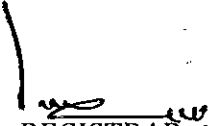
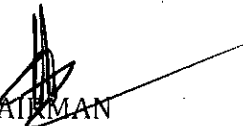

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5816 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/06/2021	<p>The appeal of Mr. Sardar-ur-Rehman presented today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be up there on <u>02/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2021

Mr. Sardar-ur-Rehman, Ex-Office Superintendent (BPS-17)
DPO Office Mardan.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa & Others.

(Respondents)

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5	Copy of certificate is attached	D	15
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9	Vakalatnama		36.

Appellant

Through


ZARTAJ ANWAR

Advocate, Peshawar

Office: FR-3 Fourth Floor

Bilour Plaza Saddar Road

Peshawar Cantt

Cell: 0331-9399185

Email: zartaj9@yahoo.com

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

5816
Appeal No. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5887

Dated 07/6/2021

Mr. Sardar-ur-Rehman, Ex-Office Superintendent (BPS-17),
DPO Office Mardan.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Finance Division, Khyber Pakhtunkhwa Peshawar.
3. Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
6. Assistant Secretary (F&A), Benevolent Fund Cell, Peshawar.

(Respondents)

Filed to-day

Registrar

7/6/2021

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against illegal acts of the respondents whereby denying the revised Benevolent fund to the appellant against which the appellant filed the departmental appeal dated 15.02.2021, which is not yet responded even after lapse of 90 days of statutory period.

Prayer:

On acceptance of this Service appeal the appellant may kindly be declared fit and eligible for payment of Benevolent fund at increase rate, at the time of Retirement and Funeral charges to the Appellant furthermore the inaction of the respondents by not paying the increase rate of benevolent Fund may also be declared as illegal, unlawful, unconstitutional, violation of fundamental rights of the Appellant. Or any other remedy not specifically asked for and deemed proper in the circumstances of the case may also be allowed.

RESPECTFULLY SUBMITTED:

1. That the Appellant is law abiding citizen of Islamic Republic of Pakistan and a bonafide resident of district Mardan. **(Copy of CNIC is attached as annexure A)**
2. That on 22.10.1977, the appellant was enlisted in Police department as Daftari (BS-02) and performed his duties with great zeal, devotion and to the entire satisfaction of his superiors, thereby dedicated valuable period of his life to the respondent department.
3. That on attaining the age of Superannuation, the appellant got retired from the Police Department on 22.01.2018, as an "Office Superintendent (BPS-17), which was also Notified by the Respondent Department vide their Notification No.6900-08/E.V dated 13.11.2017. **(Copy of Computerized Pension slip & Notification are attached as annexure B & C)**
4. That during the entire service of the appellant, regular subscription/ deduction of Benevolent Fund at the prescribed rates were made from his salary in Part-I and Part-II of said fund while serving as gazetted and non-gazetted employee respectively. In this regard the District Police Officer Mardan issued a certificate bearing

No.6003/A dated 16/07/2018, wherein it was certified that **“Benevolent Fund contribution has already been deducted from the Pay of Ex-Office Superintendent Sardar Ur Rehman (BPS-17) under account No.3501-Benevolent Fund.”** (Copy of certificate is attached as annexure D)

5. That as per Govt. of Khyber Pakhtunkhwa, Benevolent Fund, Administration Department letter No.AD/BF/16-71/2017/3010-14 dated 02.11.2017, the Board of Management, Govt. Servant Benevolent Fund revised/enhanced the Benevolent Fund Subscription rates, Retirement Grant and Funeral Charges with immediate effect, detail of which are as under:-

Pay Slab	Monthly BF Subscription		Retirement Grant		Funeral Charges	
	Old	Revised	Old	Revised	Old	Revised
BS-01 to BS-04	Rs.12 0/-	Rs.300/ -	Rs.20,00 0/-	Rs.2,30,00 0/-	Rs.6,000 /-	Rs.10,000/ -
BS-05 to BS-15	Rs.18 0/-	Rs.600/ -	Rs.30,00 0/-	Rs.3,30,00 0/-	Rs.6,000 /-	Rs.10,000/ -
BS-16 & Above	Rs.25 0/-	Rs.800/ -	Rs.55,00 0/-	Rs.5,00,00 0/-	N/A	N/A

6. That the appellant on attaining the age of superannuation, besides Pension, also applied for the Benevolent Grant of **Rs.500,000/- (Rupees Five Hundred Thousand only)** however, the Respondent No.05, turned down the same and flatly refused to grant at the revised/enhance rates of B-fund, and insisted upon to pay Rs.55,000/- only, duly accumulated in Part-I of the aforesaid Fund.
7. That denial on the part of the Respondents is volume of injustice and clear violation of the mandate of the Khyber Pakhtunkhwa Government Servants Benevolent Fund Ordinance, 1972, besides gross violation of Article 4 and 25 of the constitution of Pakistan 1973.
8. That regular subscription/ deduction of benevolent fund was made by the respondent department under the relevant head

of account at the prevalent/ prescribed rates duly fixed by the Govt. from time to time.

9. That the being aggrieved from the act and omission of the respondents the appellant approached to the Honourable Peshawar High Court Peshawar in Writ Petition No 6066/2019 title Sardar ur Rahman vs Govt of KPK, which was disposed in a term to approached a proper forum. *(Copy of the Writ petition and order is attached as annexure E).*
10. That thereafter the appellant filed a departmental appeal before the respondents for the redressal of his grievances vide dated 15.02.2021, which is not yet responded by the respondents even laps of statutory period of 90 days. *(Copy of the departmental appeal is attached as annexure F).*
11. That now the Appellant has got no other efficacious and adequate remedy available in law is constrained to approach this Honourable Court for the issuance of an appropriate writ inter alia on the following grounds.

GROUND OF PETITION:

- A. That not paying the enhance rate of the Benevolent Fund at the time of retirement to the Appellant despite its regular contribution by the Appellant is unconstitutional, without lawful authority, therefore not tenable.
- B. That the Appellant has been deprived from the contributed amount, which he has contributed regularly from their monthly salaries till their retirement. Thus such act on the part of the respondents is totally against the norms of justice.
- C. That the According to the constitution of the Islamic Republic of Pakistan 1973 **“That state shall guarantee fundamental rights including equality of status of opportunity and before law, social, economic and political justice,** But in case of Benevolent Fund, the Appellants have been deprived from the payment of assured

political justice, But in case of Benevolent Fund, the Appellants have been deprived from the payment of assured amount at the time of retirement which is the violation guarantee given for social and economic justice..

- D. That the Appellant has regularly contributed from his salary till retirement and at the event of retirement no payment of enhance rate of the Benevolent Fund is made, which is the violation of Article-8, 8, 24 of the Constitution, because the act of respondents for not paying Benevolent Fund amount at the time of retirement amount to depriving the Appellant from his contributed amount which is in violation and derogation of the fundamental rights, Thus the same is not tenable in the eyes of law and norms of justice.
- E. That the contribution for enhance rate of the Benevolent Fund is to be made for providing financial relief to the Govt. servants. The Appellant has also contributed the same till his retirement but in the event of retirement the Appellant has not been paid his contribution amount which ultimately affect their life in the age of their last years after superannuation. Thus the non-payment of Benevolent Fund is the Violation of Article-8 of the Constitution.
- F. That the Appellant contributed amount towards enhance rate of the Benevolent Fund is the property of the Appellant, lying with the Govt., and non-payment of the same to the Appellant at the time of their retirement is the violation of the Article-24 of the Constitution, which guarantees that no person shall be deprived from his property.
- G. That the non-payment of enhance rate of the Benevolent Fund to the Appellant at the time of his retirement is unlawful, without lawful authority, unconstitutional and is o in total violation of fundamental rights of the Appellant.
- H. That the Appellant seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this Petition.

It is therefore prayed that On acceptance of this Service appeal the appellant may kindly be declared fit and eligible for payment of Benevolent fund at increase rate, at the time of Retirement and Funeral charges to the Appellant furthermore the inaction of the respondents by not paying the increase rate of benevolent Fund may also be declared as illegal, unlawful, unconstitutional, violation of fundamental rights of the Appellant. Or any other remedy not specifically asked for and deemed proper in the circumstances of the case may also be allowed.



Appellant

Through



ZARTAJ ANWAR

Advocate, Peshawar

&

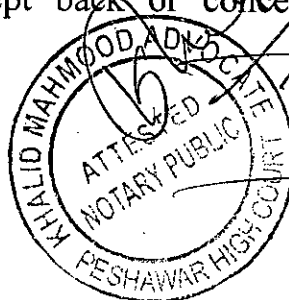


IMRAN KHAN

Advocate, Peshawar

AFFIDAVIT

I, Sardar-ur-Rehman S/O Shams-ur-Rehman R/O Miraj Colony No.01, Malakand Road, Tehsil Takhtbai District Mardan, do hereby solemnly affirm and declare that the contents of the above petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Court.




Deponent

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2021

Mr. Sardar-ur-Rehman, Ex-Office Superintendent (BPS-17)
DPO Office Mardan.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa & Others.

(Respondents)

ADDRESSES OF PARTIES

Appellant:

Mr. Sardar-ur-Rehman, Ex-Office Superintendent (BPS-17)
DPO Office Mardan.

Respondents:

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Finance Division, Khyber Pakhtunkhwa Peshawar.
3. Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
6. Assistant Secretary (F&A), Benevolent Fund Cell, Peshawar.


Appellant

Through


ZARTAJ ANWAR
Advocate, Peshawar

Answer A
8

حکومت پاکستان
قومی شناختی کارڈ

16102-7374815-3

نام: سید احمد علی
والد/سرکار کا نام: سید محمد رحمان
شناختی طاقت: کوئی نہیں

تاریخ پیدائش: January 23, 1958

21910774480671

دستخط: سید احمد علی
کشیہ کارڈ لینے پر قریبی پولیس میں ڈال دیں

شناختی کارڈ نمبر: 16102-7374815-3

مختراج کالونی نمبر 1 ملاکنڈ روڈ، ضلع مردان، بھٹی

مهران کالونی نمبر 1 ملاکنڈ روڈ، بھٹی، ضلع مردان

21910774480671

129-58-171692

21910774480671



ATTESTED


PENSION ROLL DATA SHEET & PENSION SLIP

Approved 9-B

Date of Issue : 28.03.2018
 P.O. Title : FRESH
 P.O. Number : 00120826-01
 Pensioner ID : 00120826
 Pension Register No:
 Pensioner's Name : SARDA UR REHMAN
 Father / Husband name : SHAMSUR REHMAN
 Designation : SUPERINTENDENT
 NIC No.: 1610273748153
 Grade / Scale : 17
 Department.Min: LAW AND ORDER MARDAN
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth : 23.01.1958
 Date of appointment: 27.10.1977
 Date of retirement: 22.01.2018
 Date of Death:
 Date of commence : 23.01.2018
 Date of Restoration :
 Accounts office ID : MR
 Accounts office Name : Mardan
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 40 years, 2 months, 26 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. : NO-69/PC
 DATED 02.01.2018
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: MIRAJ COLONY MKD ROAD MARDAN.

Note :
 Age : 61 years
 Last Drawn pay/Emoluments(Rs.): 51070.00
 Gross Pension(Rs.) : 35749.00
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 12512.15
 Net Pension (Rs.) : 23236.85
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 1857589.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 11.86
 Recovery on A/C of :
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

Attested


 District Police Officer
 Mardan.

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
	JUL.2011	15.00 %	3485.53	24.01.2018
	JUL.2015	10.00 %	2672.24	24.01.2018
	JUL.2016	10.00 %	2939.46	24.01.2018
	JUL.2017	10.00 %	3233.41	24.01.2018
	0.	Rs. 0.00	0.00	
0				
1				
2				
3				
4				
5				
6				
7				
8				
9				
0				
1				
2				
3				
4				
5				
6				
7				

PENSION SLIP

Month: March
 Year: 2018

Pension roll details

Wage Type	Wage Type Text	Amount
1559	Payment	94765.00
0100	Monthly Pension - Self	23237.00
0101	Pension Increases - Self	12331.00
1599	Medical Allow - Pensioner	4647.00
1600	Med. Ali. 2015 Pensioner	1162.00
5901	Arrears of Pension	53388.00

Bank Details

Bank Account Number : 4045239676
 Bank Branch : MARDAN MAIN BRCH
 MARDAN MAIN BRCH
 Payment Mode : NATIONAL BANK OF PAKISTAN

ATTESTED

FINGER PRINTS OF PENSIONER

Left/Right hand thumb & finger impression of Mr/Mrs. Sardar-wr-Rahman
Designation office Supdt.

THUMB



INDEX



MIDDLE



RING



LITTLE



Signature [Signature]
Designation office Supd

[Signature]
District Police Officer,
District Police Officer
Mardan.

LIST OF LEGAL HEIRE IN RESPECT OF MR/MRS. Sardar-wr-Rahman
DESIGNATION. Office Supdt

S.No	Name	Relationship	Age	Marital Status
1	Nasreen Rahman	wife	46 year	married
2	Shahid-wr Rahman	Son	28 "	"
3	Sajma Rahman	Daughter	25 "	"
4	Sajid-wr Rahman	Son	24 "	un-married
5	Sobia Rahman	Daughter	21 "	married
6	Zahid-wr Rahman	Son	19 "	un-married
7	Saadia Rahman	Daughter	15 "	"
8				

Attested.

Signature [Signature]
Designation office

[Signature]
District Police Officer,
District Police Officer
Mardan.

Attested.
[Signature]

~~ALTES~~

MR/PR-I/L-POL-Volune 3 - p 123
 Pension cell (Local)
 The NCA Mardan

Dated 11/1/2018
 P.No. 120826

(A.T.C.-5)

(See Para. (5) of Annex. A to Chap. 2 of Section IV Audit Code)

LAST PAY CERTIFICATE

Last pay certificate of Mr. Sardar Ur Rehman ^{B-17}
 of the Distt. Police Officer
 proceeding on Retirement ^{Supernumerary}

2. He has been paid up to and for 22-01-2018 at the following rates:-

Particulars:	Rate
Substantive Pay	51070/- PM
Officiating Pay	2955
Exchange Compensation Allowance	5220
Med	2134
AR-13	1100/-
AR-15	789/-
AR-16	4088/-
AR-17	5107/-
Total	72243

Handwritten notes on the left side of the table:
 Deductions:
 C.P.F. 4270/-
 B.F. 80/-
 P.W.F. 775/-
 R.R.D.C. 236/-
 In Tax 1930/-
 Total = 10110/-

3. He made over charge of the office of Distt. Police Officer
Tarapur on the 22-01-2018

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period	Rate	Amount
From..... to..... at Rs.....	 a month.
From..... to..... at Rs.....	 a month.
From..... to..... at Rs.....	 a month.

- 6. He is entitled to draw the following:-
- 7. He is also entitled to joining time for days.
- 8. The details of the income-tax recovered from him up to the date from the beginning of the current year are noted on the reverse.

Dated _____ 19 _____
 (Signature) _____
 (Designation) Distt. Comptroller of Accounts
Mardan P.T.C.

Attested:

ATTESTED

12

AMOUNT	DEDUCTIONS	AMOUNT	PRINCIPAL	REPAID	BALANCE
48,770.00	3017 EPF Subscription - Rs	4,270.00-			266,779.00
2,955.00	3501 Benevolent Fund	800.00-			13,506.15
5,000.00	3530 Police hel:FOI RS-1 t	975.00-			
2,134.00	4004 H. Benefits & Death C	2,134.00-			
1,100.00	3609 Income Tax	1,930.00-			
789.00					
4,000.00					
4,877.00					
69,713.00	DEDUCTIONS	10,111.00-	NET PAY	59,602.00	01.11.2017
HARDAN HAIN BRCH	NATIONAL BANK OF PAKISTAN	HARDAN HAIN BRCH	HARDAN	Accst.No: 13867-8	30.11.2017

GPF# EDL 037123
INCOME TAX 23,155.56

ATTESTED

[Signature]
District Police Officer
Marwan.

13

CERTIFICATE

It is certified that the following funds / contribution has already been deducted from the pay of **Sardar Ur Rehman Office Superintendent Mardan.**

1. GP Fund	Rs. 4270/-
2. Income Tax	Rs. 1930/-
3. B-Fund	Rs. 800/-
4. Police Welfare	Rs. 975/-
5. R-Benefit & D.Comp:	Rs. 2136/-

Attested



✓ **District Police Officer
Mardan**



**District Police Officer
Mardan,**

ATTESTED

14
Approved - C

FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE INSPECTOR GENERAL
OF POLICE KHYBER PAKHTUNKHWA
PESHAWAR

NOTIFICATION

Dated, Peshawar 13/11, 2017

No. 6922-08 /E-V, RETIREMENT ON SUPERANNUATION: - On attaining the age of Superannuation i.e. 60 years, Mr. Sardar-Ur-Rehman Office Supdt: (BPS-17) of DPO Office Mardan is hereby retired from service with effect from 22.01.2018.

Sd:-

Addl: IGP/HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the: -


- Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Regional Police Officer, Mardan w/r to his office letter No. 4406-07/GB, dated 23.10-2017.

- District Police Officer, Mardan.
- District Accounts Officer Mardan.
- Registrar CPO, Peshawar.
- Office Supdt: Secret CPO Peshawar.
- Incharge Central Registry Cell CPO, Peshawar.

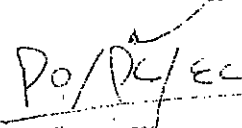
Attested


District Police Officer
Mardan.

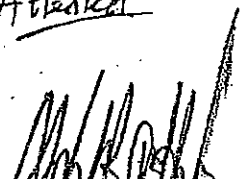


Attested

(ARIF SHAHBAZ KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

9.11.17.

Attested

PO/PC/EC
For a/c


DPO 17-01

Attested

District Police Officer
Mardan.

ATTESTED



OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

Tele No. 0937-9230109

Fax No. 0937-9230111

No. 6003/A

Dated 16/07/2018

✓ Annex E
15

CERTIFICATE

It is certified that B-Fund contribution has already been deduction from the Pay of Ex Office Superintendent Sardar Ur Rehman (BPS-17) under account No.3501 Benevolent fund as per detail below:-

On introduction of Scheme (03/2016)
With effect from 02/2017
To date of retirement i.e 22.01.2018

Rs.250/-
Rs.800/-

✓ District Police Officer
District Police Officer
Mardan

ATTESTED

ANNEX. E

16



IN THE PESHAWAR HIGH COURT PESHAWAR

W. P No. 60367/2019.

Mr. Sardar-ur-Rehman, Ex-Office Superintendent (BPS-17),
DPO Office Mardan.

(Petitioner)

V E R S U S

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Finance Division, Khyber Pakhtunkhwa Peshawar.
3. Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
6. Assistant Secretary (F&A), Benevolent Fund Cell, Peshawar.

(Respondents)

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

Prayer in Writ Petition:

On acceptance of this Writ Petition an appropriate Writ may please be issued that the non-payment of increase rate of Benevolent Fund, Retirement grant and Funeral charges to the petitioner at the time of his retirement by the respondents may declared as illegal, unlawful, unconstitutional, violation of fundamental rights of the petitioner. The respondents may further be directed to make arrangements for the payment of increase rate of Benevolent Fund, Retirement grant and Funeral charges amount to the petitioner to save the retired pensioner/petitioner from the hard ships in his old age.

or any other remedy not specifically asked for and deemed proper in the circumstances of the case may also be allowed.

FILED TODAY
Deputy Registrar
13 NOV 2019.

M. Q. I.
ATTESTED
EXAMINER
Peshawar High Court

RESPECTFULLY SUBMITTED:

1. That the addresses of the above mentioned parties are correct and notices could rightly be served in the instant Writ Petition.
2. That the Petitioner is law abiding citizen of Islamic Republic of Pakistan and a bonafide resident of district Mardan. **(Copy of CNIC is attached as annexure A)**
3. That on 22.10.1977, the Petitioner was enlisted in Police department as Daftari (BS-02) and performed his duties with great zeal, devotion and to the entire satisfaction of his superiors, thereby dedicated valuable period of his life to the respondent department. ~~Copy of CNIC is attached as annexure A~~
4. That on attaining the age of Superannuation, the Petitioner got retired from the Police Department on 22.01.2018, as an "Office Superintendent (BPS-17), which was also Notified by the Respondent Department vide their Notification No.6900-08/E.V dated 13.11.2017. **(Copy of Computerized Pension slip & Notification are attached as annexure B)**
5. That during the entire service of the Petitioner, regular subscription/ deduction of Benevolent Fund at the prescribed rates were made from his salary in Part-I and Part-II of said fund while serving as gazetted and non-gazetted employee respectively. In this regard the District Police Officer Mardan issued a certificate bearing No.6003/A dated 16/07/2018, wherein it was certified that "*Benevolent Fund contribution has already been deducted from the Pay of Ex-Office Superintendent Sardar Ur Rehman (BPS-17) under account No.3501-Benevolent Fund.*". (Copy of certificate is attached as annexure C.)
6. That as per Govt. of Khyber Pakhtunkhwa, Benevolent Fund, Administration Department letter No.AD/BF/16-71/2017/3010-14 dated 02.11.2017, the Board of Management, Govt. Servant Benevolent Fund revised/enhanced the Benevolent Fund Subscription rates,

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Deputy Registrar
13 NOV 2019

ATTESTED
EXAMINER
Peshawar High Court

18

Retirement Grant and Funeral Charges with immediate effect, detail of which are as under:-

Pay Slab	Monthly BF Subscription		Retirement Grant		Funeral Charges	
	Old	Revised	Old	Revised	Old	Revised
BS-01 to BS-04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.2,30,000/-	Rs.6,000/-	Rs.10,000/-
BS-05 to BS-15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.3,30,000/-	Rs.6,000/-	Rs.10,000/-
BS-16 & Above	Rs.250/-	Rs.800/-	Rs.55,000/-	Rs.5,00,000/-	N/A	N/A

7. That the Petitioner on attaining the age of superannuation, besides Pension, also applied for the Benevolent Grant of **Rs.500,000/- (Rupees Five Hundred Thousand only)** however, the Respondent No:05, turned down the same and flatly refused to grant at the revised/enhance rates of B-fund, and insisted upon to pay Rs.55,000/- only, duly accumulated in Part-I of the aforesaid Fund.
8. That denial on the part of the Respondents is volume of injustice and clear violation of the mandate of the Khyber Pakhtunkhwa Government Servants Benevolent Fund Ordinance, 1972, besides gross violation of Article 4 and 25 of the constitution of Pakistan 1973.
9. That regular subscription/ deduction of benevolent fund was made by the respondent department under the relevant head of account at the prevalent/ prescribed rates duly fixed by the Govt. from time to time.
10. That now the Petitioner has got no other efficacious and adequate remedy available in law is constrained to approach this Honourable Court for the issuance of an appropriate writ inter alia on the following grounds.

GROUND'S OF PETITION:

- A. That not paying the enhance rate of the Benevolent Fund at the time of retirement to the Petitioner despite its regular contribution by the Petitioner is unconstitutional, without lawful authority, therefore not tenable.

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Deputy Registrar
13 NOV 2019

ATTESTED
EXAMINER
Peshawar High Court


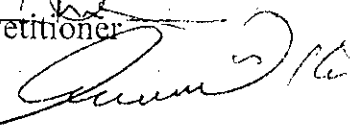
- B. That the Petitioner has been deprived from the contributed amount, which he has contributed regularly from their monthly salaries till their retirement. Thus such act on the part of the respondents is totally against the norms of justice.
- C. That the According to the consitution of the Islamic Republic of Pakistan 1973 "That state shall guarantee fundamental rights including equality of status of opportunity and before law, social, economic and political justice, But in case of Benevolent Fund, the Petitioners have been deprived from the payment of assured amount at the time of retirement which is the violation guarantee given for social and economic justice..
- D. That the Petitioner has regularly contributed from his salary till retirement and at the event of retirement no payment of enhance rate of the Benevolent Fund is made, which is the violation of Article-8, 8, 24 of the Constitution, because the act of respondents for not paying Benevolent Fund amount at the time of retirement amount to depriving the Petitioner from his contributed amount which is in violation and derogation of the fundamental rights, Thus the same is not tenable in the eyes of law and norms of justice.
- E. That the contribution for enhance rate of the Benevolent Fund is to be made for providing financial relief to the Govt. servants. The petitioner has also contributed the same till his retirement but in the event of retirement the Petitioner has not been paid his contribution amount which ultimately affect their life in the age of their last years after superannuation. Thus the non-payment of Benevolent Fund is the Violation of Article-8 of the Constitution.
- F. That the Petitioner contributed amount towards enhance rate of the Benevolent Fund is the property of the Petitioner, lying with the Govt., and non-payment of the same to the Petitioner at the time of their retirement is the violation of the Article-24 of the Constitution, which guarantees that no person shall be deprived from his property.

FILED TODAY
 Deputy Registrar
 13 NOV. 2019

May
ATTESTED
 EXAMINER
 Peshawar High Court

- G. That the non-payment of enhance rate of the Benevolent Fund to the Petitioner at the time of his retirement is unlawful, without lawful authority, unconstitutional and is o in total violation of fundamental rights of the Petitioner.
- H. That the Petitioner seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this Petition.

It is therefore prayed that on acceptance of this Writ Petition an appropriate Writ may please issued in favor of the petitioner and against the respondents as prayed for.


 Petitioner
 Through 
ZARTAJ ANWAR
 Advocate, Peshawar

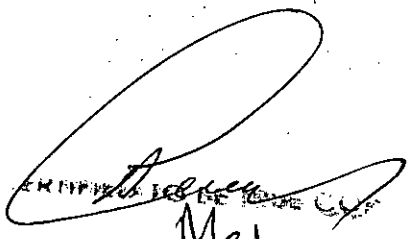
&
IMRAN KHAN
 Advocate, Peshawar

CERTIFICATE

Certified that no writ petition on the same subject and between the same parties has been filed previously or concurrently.


 Petitioner

FILED TODAY
 Deputy Registrar
13 NOV 2019

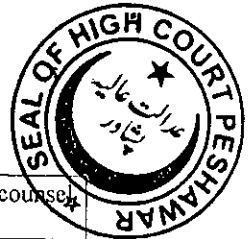

 Advocate
 High Court, Peshawar
 authorised Under Article 87 of
 the Constitution of Pakistan Order 195-
04 JUN 2021



21

PESHAWAR HIGH COURT PESHAWAR

Form "A"

Order Sheet



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
19.01.2021	<p><u>W.P 6086-P/2019.</u></p> <p>Present:</p> <p>Mr. Zartaj Anwar Khan, Advocate, for the petitioner.</p> <p>Mr. Muhammad Riaz Khan, AAG, for the respondents.</p> <p>*****</p> <p><u>S M ATTIQUE SHAH, J:-</u> In view of Article 212 of the Constitution of the Islamic Republic of Pakistan, the petitioner being Civil Servant cannot approach this Court under its writ jurisdiction Article 199 of the Constitution; therefore, he is directed to approach the property forum i.e. Khyber Pakhtunkhwa Service Tribunal for redressal of his grievance, if so advised. The petition is, disposed of in the above terms.</p> <p><u>Announced:</u> 19.01.2021</p> <p style="text-align: right;">JUDGE  JUDGE </p>

Nazir

(D.B)

Hon'ble Mr. Justice S M Attique Shah, J
Hon'ble Mr. Justice Syed Arshad Ali, J

No. 37415

Date of Presentation of Application 04/16/21

No of Pages 6

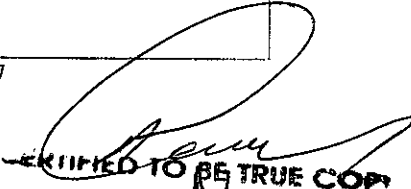
Copying fee 1

Total 24

Date of Preparation of Copy 04/16/21

Date of Delivery of Copy 04/16/21

Received By [Signature]



VERIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Announced Under Article 87 of
the Constitution of Pakistan Order 199.

04 JUN 2021

22 ANNEX-F

To: Inspector General of Police KPK Peshawar

5107/B3

Subject: Payment of Benevolent Fund

Respected/Sir,

With due respect, the following few lines are submitted here with for your kind personal, sympathetic consideration as well as favourable action please.

1. I have retired an superannuation Pension w.e.f 22.01.2018 as Office Superintendent (BPS-17) from Mardan District Police.

2. My B.Fund case was sent to Regional Police Officer Mardan vide District Police Officer Mardan Memo No.3286/PC dated 02.04.2018, where from submitted to CPO Peshawar vide Regional Police Officer Mardan Memo No.1615-16/GB dated 05.04.2018. CPO Peshawar forwarded my case to So(Police) Government of Khyber Pakhtunkhwa, Home & TAs Department over letter No.5253-54/B-III, dated 17.04.2018 and as such Home Department forwarded the case to Asstt: Secretary B.Fund Cell, Government of Khyber Pakhtunkhwa Peshawar vide letter No.SO(Police II)HD/S.26/Ex Office Superintendent Sardar-ur-Rahman, Peshawar dated 20th April 2018.

3. According to Government of KPK, Benevolent Fund Cell Administration Department (www)BKPK.Org No. AD/DF/16-71/2017/3010-14 dated Peshawar the 02-11-2017. I am entitled to get Rs: 500000/- but I was paid only Rs: 55000/-.

4. I was visited B.Fund Cell Peshawar just after receiving the cheque and inquired why I was paid Rs: 55000/- instead of Rs: 500000/-, while it violation of Government orders/Instruction (above).

5. The relevant staff told me that before issuing the said orders/Instructions, several letters were sent to CPO Peshawar to attend the meeting on the subject to settle the issue, as B. Fund deductions have been made from all (BPS-01 TO 15) at CPO level, which was not deposited to B.Fund cell, but unfortunately no one (Police representative) of CPO Peshawar attend the single meeting.


6. Dear Sir, B. Fund deductions on monthly basis have been regularly made from my salaries from the date of appointment i.e 27.10.1977 to date of retirement 22.01.2018, but B.Fund Cell consider my case only from my BPS 16 & 17.

7. As per statement B.Fund Cell, either deducted amount from BPS 01 to 15 may be deposited to B.Fund Cell or it may be got from Police Department.

It is humbly requested that either my all deductions made from me on account of B.Fund may kindly be deposited to B.Fund Cell, so that the difference could be recouped or the remaining amount of Rs:4,45,000 be paid to me form CPO.

For this act of kindness, I shall pray for your long life and all round prosperity.

24-7/11/B-14
18-2-21
B-3
17/02/2021


Sardar-ur-Rehman
Ex Office Superintendent,
DPO Office Mardan
(Meraj Colony Distt & Tehsil Takht Bhai Mardan)
Mobile No.03459366399
dt 15.02.2021


ATTESTED

Complete Case 23



**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpo_mardan@yahoo.com
Facebook: District Police Officer
Twitter: @dpomardan

No 3286 /PC

Dated 02/04/2018

To : The Regional Police Officer,
Mardan

Subject: **BENEVOLENT FUND**

Memo:-

Enclosed please find herewith the following documents in respect of retired Office Superintendent Sardar ur Rahman for the grant of B.Fund amount as the officer was regular member of B.Fund under new subscription rate i.e Rs.800/PM has been deducted from his pay regularly.

1. Prescribed Application Form,
2. Attested copy of CNIC.
3. Attested Retirement notification.
4. List of family members.
5. Attested copy of LPC & Pay Roll.
6. B Fund Regular Contribution Certificate.
7. Attested copy of Pension Payment Order.
8. Original Check Book Leaf of the Operating Bank attached.

Moreover, his bank account detail are as under: -

Operating Bank Account No. : 0365004045239676
Bank Name : National Bank of Pakistan
Branch Name : Main Branch Bank Road Tehsil & District Mardan.
Branch Code : 0365
Address : Bank Road, Tehsil & District Mardan

It is, therefore, requested that the quarter concerned may please be addressed to sanction the retirement grant of Rs.500,000/- out of Benevolent Fund under the revised rate letter of Govt: Khyber Pakhtunkhwa Benevolent Fund Cell Administration Department vide No.AD/BF/16-71/2017/3010-14, dated 02.11.2017. Copy enclosed.


District Police Officer
Mardan

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

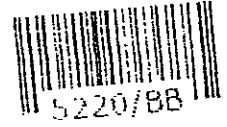
No. E & A (HD) 7-75/2017

Dated Peshawar the November 9, 2017

24

To

1. The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General, of Prisons,
Khyber Pakhtunkhwa, Peshawar.
3. The Director General Prosecution,
Khyber Pakhtunkhwa, Peshawar.
4. The Director, PPSC,
Khyber Pakhtunkhwa.
5. The Director,
Reclamation and Probation,
Khyber Pakhtunkhwa, Peshawar.



Subject: - INCREASE IN RATE OF B/FUND SUBSCRIPTION. RETIREMENT
GRANT AND FUNERAL CHARGES

Dear Sir,

I am directed to enclose herewith copy of letter No.AD/BF/16-71/2017/3010-14 dated 2/11/2017 received from benevolent fund cell Administration Department Government of Khyber Pakhtunkhwa, which is self-explanatory for further necessary action, please.

Yours faithfully,

SECTION OFFICER (GENERAL)

Copy to:

- 1- PA to Deputy Secretary (Admn) Home Department.

SECTION OFFICER (GENERAL)

2/10/11

B-111

Dy: 3787/A
15/11/17

~~ATTESTED~~



25

Government of Khyber Pakhtunkhwa
Office of the Regional Police Officer,
Mardan
Phone No.0937-9230113, 0937-9230115

To:

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 1615-16 /GB, Dated Mardan the 05/04 /2018.

Subject: **GRANT OF BENEVOLENT FUND.**

Memo:

Enclosed kindly find herewith the following documents in r/o retired Office Superintendent Sardar ur Rehman of Mardan District for the grant of B-fund amount as the officer was regular member of B-fund under new subscription rate i.e. Rs 800/pm has been deducted from his pay regularly.

1. Prescribed application form. ✓
2. Attested copy of CNIC. ✓
3. Retirement notification. ✓
4. B Fund regular contribution certificate.
5. List of family members. ✓
6. Attested copy of LPC. ✓
7. Attested copy of Pay Roll. ✓
8. Attested copy of Pension payment order. ✓
9. Original Cheque Book Leaf. ✓

Moreover, his Bank Account detail is as under:-

Operating Bank Account No. :0365004045239676.
Bank Name : NBP.
Branch Name : Main Branch Mardan.
Bank Code : 0365.
Address : Bank Road, Mardan.

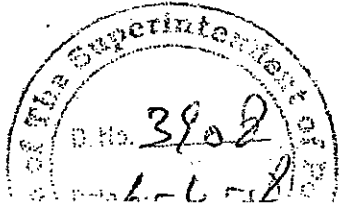
It is therefore, requested that quarter concerned may please be addressed to sanction the retirement grant of Rs.500, 000/- out of B-fund under the revised rate letter of Govt: Khyber Pakhtunkhwa B-fund cell Administration Department vide No.Ad/BF/16-71/2017/3010-14 dated 02.11.2017 copy enclosed.

Sali-10

Regional Police Officer,
Mardan.

Copy to the:-

District Police Officer, Mardan for information w/r to his office Memo:
No.3286/PC, dated 02.04.2018.



PC
For information

ATTESTED



DB

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar
No. 5253-54/B-III, Dated Peshawar 17/4/2018

To The Section Officer (Police),
Government of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.

Subject: RETIREMENT GRANT OUT OF BENEVOLENT FUND.

Memo:

Enclosed Please find herewith the following documents along with connected Papers in respect of Ex- Office Superintendent Sardar Ur Rehman, of District Mardan, for retirement grant out of B-Fund Rs. 55,000/- is send here with for consideration please.

1. Prescribed Application form signed by the Addl:IGP
2. Attested copy of CNIC.
3. Attested copy of retirement order.
4. List of family members.
5. Attested copy of LPC & Pay Roll.
6. Attested copy of Pension payment Order (PPO)
7. Details of Operating Bank acc No. Bank name, Code & Address.
8. B-Fund Regular Contribution Certificate.

B/ As above.

(Abdul Bashir)
Superintendent Budget & Accounts,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. & date is even:-

Copy of above is forwarded for information to Regional Police Officer, Mardan Region w/r to his office letter No.1615-16/GB, dated 05.04.2018.

(Abdul Bashir)
Superintendent Budget & Accounts,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED



27

GOVERNMENT OF KHYBER PAKHTUNKHWA
BENEVOLENT FUND CELL, ADMINISTRATION DEPARTMENT
(WWW.BFKP.ORG)

No. AD/BF/16-71/2017/3010 - 14
Dated Peshawar the 02/11/2017

To

1. The Additional Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
P&D Department.
2. The Senior Member,
Revenue & Estate Department
Govt. of Khyber Pakhtunkhwa.
3. All Administrative Secretaries,
To Government of Khyber Pakhtunkhwa.
4. The Secretary,
Provincial Assembly Khyber Pakhtunkhwa,
Peshawar.
5. The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: - INCREASE IN RATE OF B/FUND SUBSCRIPTION, RETIREMENT GRANT AND FUNERAL CHARGES.

Sir,

I am directed to refer to this office circular of even number dated 31.01.2017 on the subject cited above and to state that Board of Management Government Servant Benevolent Fund in its meeting held on 20.12.2016 has revised the Benevolent Fund subscription rates, Retirement Grant and Funeral Charges with immediate effect, details of which are as under:-

Pay Slab	Monthly BF Subscription		Retirement Grant		Funeral Charges	
	Old	Revised	Old	Revised	Old	Revised
BS-01 to BS-04	Rs. 120/-	Rs. 300/-	Rs. 20,000/-	Rs. 2,30,000/-	Rs. 6000/-	Rs. 10000/-
BS-05 to BS-15	Rs. 180/-	Rs. 600/-	Rs. 30,000/-	Rs. 3,30,000/-	Rs. 6000/-	Rs. 10000/-
BS-16 & Above	Rs. 250/-	Rs. 800/-	Rs. 55,000/-	Rs. 5,00,000/-	N/A	N/A

2. As enhanced rates are applicable with immediate effect i.e. decision of Board of Management on 20.12.2016, cases of Retirement Grant and Funeral Charges on or after 20.12.2016 are entitled to be entertained on revised rates. Similarly, Benevolent Fund subscription is also required to be deducted on revised rates w.e.f 20.12.2016.

PTO

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9/11

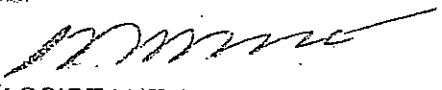
2011

ATTESTED

3. However, in several cases, which have come to the knowledge of this office, the effect of the notification has been applied/made w.e.f 31.01.2017 or 01.02.2017.

4. In this regard it is clarified that all such cases, who have retired from service on or after 20.12.2016, shall be processed on revised rates. Similarly, cases of all such grantees who have retired on or after 20.12.2016 but their cases have been processed on old rates shall also be re-processed for imbursement of balance grant after deduction of Benevolent Fund subscription on revised rates.

5. I am, therefore, to request to kindly circulate the aforesaid information amongst all the subordinate offices / formations and Attached Departments for the information of the Provincial Government Servants and bereaved families of the deceased Government Servants, please.

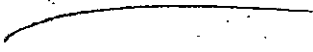

ASSISTANT SECRETARY (E&A)
BENEVOLENT FUND CELL

Endst:-No.AD/BF/167/11/2017

Dated Peshawar the 02/11/2017

Copy forwarded for information and necessary action to the: -

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Registrar, Peshawar High Court, Peshawar.
4. All Districts & Session Judges in Khyber Pakhtunkhwa.
5. Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar.
6. All Commissioners / DCs / Political Agents in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
9. All District / Agency Account Officers in Khyber Pakhtunkhwa.
10. Station Director, Pakistan Broadcasting Corp. Peshawar.
11. Director of Information KPK Peshawar.
12. PS to Chief Secretary KPK.
13. PS to Secretary, Benevolent Fund Cell.


ASSISTANT SECRETARY (E&A)
BENEVOLENT FUND CELL

ATTESIED

29



NATIONAL BANK OF PAKISTAN
0365-HAIN BRANCH MARDAN NBP MAIN BRANCH BANK ROAD MARDAN

Cheque No 07720606

Date

D	D	M	M	Y	Y	Y	Y
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Pay _____ or bearer

Rspees

*For Pension
DulPope
order*

PKR _____

PK69NBPA0365004045239676
SARDAR UR RAHMAN SO SHAMS UR RAHMAN 0345

Please do not write below this line.

Signature

⑈0??20606⑈0?00365⑈0365004045239676⑈000⑈

ATTESTED

APPLICATION FORM FOR THE RETIREMENT GRANT OUT OF KHYBER
PAKHTUNKHWA GOVERNMENT SERVANTS BENEVOLENT FUND PART-I & PART-II

1.	Name of Government Servant	Sardar-ur-Rahman		
2.	Designation	O A/c Supdt		
3.	Pay Scale	BPS-017		
4.	CNIC No.	16102-7374815-3		
5.	Date of Birth	23-01-1958		
6.	Date of Entry into Service	27-10-1977		
7.	Date of Retirement	22-01-2018		
8.	Detail of Family Members	Name	Relation	Age
		Nasir-ur-Rahman	Wife	40 yrs
		Shahid-ur-Rahman	Son	28 "
		Saima-Rahman	Daughter	25 "
		Sajid-ur-Rahman	Son	24 "
		Sobia-Rahman	Daughter	21 "
		Zahid-ur-Rahman	Son	19 "
		Saadia-Rahman	Daughter	15 "
9.	Contact No.	0345-9366395		

I do hereby solemnly affirm and verify that the contents of the above application are true to the best of my knowledge and nothing has been concealed.

I know that in the event of making a willful mis-representation or suppression of facts, I shall be liable to criminal prosecution.

Signature of the Applicant: _____

Name of the Applicant: Sardar-ur-Rahman

Temporary Address: Miran Colony, I, Miran Road
J. Bhui Distt Mardan

Permanent Address: " " "

I certify and attest the details furnished above are available in the record of this office.

In case of Government Servants in
BPS-1 to BPS-15

In case of Government Servants in BPS-
16 and above including Non-Gazetted
Staff of Civil Secretariat

Signature & Name of the Head of Office
with Official Seal

Signature & Name of the Head of
Department with Official Seal

Signature & Name of the Head of
Department with Official Seal

Signature & Name of the Head of
Administrative Department with Official Seal

Note:- For Attachment see overleaf of the application form

ALLIED

31

GOVERNMENT OF KHYBER PAKHTONKHWA
ADMINISTRATION DEPTT: BENEVOLENT FUND CELL.

Dated Peshawar the _____

All Administrative Secretaries
to Govt: of Khyber Pakhtunkhwa.

Subject: GRANTS OUT OF BENEVOLENT FUND.

I am directed to refer to the subject noted above and to say that the Provincial Benevolent Fund Board of Management in its meeting held on 15.4.2010 has launched/introduced the following new financial Schemes out of Benevolent Fund for the financial relief of provincial Govt: Servants and bereaved families of the deceased Govt: Servant.

Name of Grant.	Category of Subscribers.	Amount of Grans.
Retirement Grant.	EPS I to PES 4.	Rs. 20,000/-
	EPS 5 to PBS 15	Rs. 30,000/-
	EPS 16& Above.	Rs. 55,000/-
Lump Sum Grant.	EPS 1 to PBS 4	Rs. 2,50,000/-
	EPS 5 to EPS 15	Rs. 3,50,000/-
	EPS 16& Above.	Rs. 5,00,000/-

Applicants on attached proscribed forms are invited along with its enclosures completed in all respects for Retirement Grant from the retired Govt: Servants who have retired from Service on or after 1st: July 2010 and for lumps sum grant from widows/departments of the deceased Govt: Servant who have expired on or after 1st: July 2010 through their respective Head of Deptt: /Head of Administrative Departments.

It may be noted that the Lumps sum Grant Scheme will replace the existing monthly grant Scheme (15 years) for the deceased Govt: Servant w.e.f. 1.7.2010 and payment of Lump Sum Grant will be made by the concerned Benevolent Fund Board in the shape of National Saving Certificate fetching fix monthly return and encashment on maturity in five years.

It may also be noted that Provincial Benevolent Fund board deals with the case of Provincial Govt: Servants in EPS 16 and above of attached departments, whereas the case of Govt: Servants in EPS I to 15 are being dealt with by the concerned DCO's/Political Agency's at Distt and Agencies level. The cases of Civil Secretariat Employees, Peshawar High Court etc are dealt with by the Civil Secretariat, Benevolent Fund Section Administration Deptt:.

ATTESTED

for the information of the Provincial Govt: Servants and bereav-
ed of the deceased Govt: Servants Please.

Encl: As above.

Yours Faithfully,

ASSISTANT SECRETARY-I
BENEVOLENT FUND CELL.

Endst: NO. AD/BF/12-71/2010 Dated Peshawar the 13.4.2011

Copy forwarded for information and necessary action to the-

1. PS to Secretary to Governor KPK.
2. PS to Secretary to Chief Minister KPK.
3. All District Co-Ordination Officers in KPK/Political Agents.
4. All Heads of Attached Departments in KPK.
5. Registrar Peshawar High Court Peshawar.
6. Registrar Public Service Commissioner Peshawar.
7. Registrar Services Tribunal KPK.
8. All District & Sessions Judge in KPK.
9. Additional Secretary (Admn), Administration Department.
10. Director of information KPK, Peshawar for wide publicity.
11. Station Director, Pakistan Broad Casting Corporation, for wide publicity.

ASSISTANT SECRETARY-I
BENEVOLENT FUND CELL.

Endst: NO. AD/BF/12071/2010

Copy of the above is forwarded for information to the:-

1. Private Secretary of Chief Secretary, KPK.
2. Additional Secretary, Benevolent Fund Cell.

ASSISTANT SECRETARY-I
BENEVOLENT FUND CELL.

ATTESTED



33

GOVERNMENT OF KHYBER PAKHTUNKHWA
BENEVOLENT FUND CELL, ADMINISTRATION DEPARTMENT
([www.bf\[kp.org](http://www.bf[kp.org))

No. E&AD/BF/16-71/2017/
Dated Peshawar 31/01/2017

To

1. The Additional Chief Secretary (FATA),
Khyber Pakhtunkhwa.
2. All Administrative Secretaries,
to Government of Khyber Pakhtunkhwa.

Subject: - INCREASE IN RATE OF BENEVOLENT FUND SUBSCRIPTION,
RETIREMENT GRANT AND FUNERAL CHARGES.

Dear Sir,

I am directed to refer to the subject cited above and to state that Board of Management Government Servants Benevolent Fund has decided to revise the Benevolent Fund subscription rates, Retirement Grant and Funeral Charges with immediate effect, details of which are as under:-

					Funeral Charges (Per Case)	
	Old	Revised	Old	Revised	Old	Revised
BS-01 to BS-04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.230,000/-	Rs.6,000/-	Rs.10,000/-
BS-05 to BS-15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.330,000/-	-	-
	Rs.250/-	Rs.900/-	Rs.55,000/-	Rs.500,000/-	-	-

2. As enhanced rates are applicable with immediate effect, cases of Retirement Grant and Funeral Charges may be entertained on revised rates. It may also be noted that revised subscription rates, retirement grant and funeral charges are not applicable to the employees of Police Department.

3. It may also be noted that Provincial Benevolent Fund Board deals with the cases of Provincial Government Servants in BPS 16 and Above of attached departments, whereas the cases of Government Servants in BPS 1 to 15 are being dealt with by the concerned DC's/ Political Agents in Districts and Agencies level. The cases of Civil Secretariat Employees, Peshawar High Court etc are dealt with by the Civil Secretariat, Benevolent Fund Section, Administration Department.

①

ATTESTED

Better copy
34

GOVERNMENT OF KHYBER PAKHTUNKHWA
BENEVOLENT FUND CELL ADMINISTRATION DEPARTMENT

No.E&AD/BF/16-71/2017/
Dated Peshawar 31/01/2017

To

1. The Additional Chief Secretary (FATA),
Khyber Pakhtunkhwa
2. All administrative Secretaries
To Government of Khyber Pakhtunkhwa

Subject: **INCREASE IN RATE OF BENEVOLENT FUND SUBSCRIPTION,
RETIREMENT GRANT AND FUNERAL CHARGES**

Dear Sir,

I am directed to refer to the subject cited above and to state that Board of Management Government servants Benevolent Fund has decided to revise the Benevolent Fund subscription rates, Retirement Grant and Funeral charges with immediate effect, details of which are as under:

Pay Slip					Funeral Charges (per case)	
	Old	Revised	Old	Revised	Old	Revised
BS-01 to BS-04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.230,000/-	Rs.6000/-	Rs.10,000/-
BS-05 to BS-15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.330,000/-		
BS-16 & above	Rs.250/-	Rs.600/-	Rs.55,000/-	Rs.500,000/-		

2. As enhanced rates are applicable with immediate effect, cases of retirement grant and funeral charges may be entertained on revised rates, it may also be noted that revised subscription rates, retirement grant and funeral charge are not applicable to the employees of police Department.

3. It may also be noted that Provincial Benevolent fund Board, deals with the cases of Provincial Government Servants, in BPS-16 and above of attached departments, whereas the cases of Government Servants in BPS-1 to 15 are being dealt with by the concerned DC's/ Political Agents in Districts and Agencies level. The cases of civil Secretariat Employees, Peshawar High Court etc are dealt with by the civil secretariat, Benevolent Fund Section, Administration Department.

ATTESTED

35

4. I am, therefore, to request to kindly circulate the aforesaid information amongst all Government Departments / Attached Departments / Subordinates formations.

Your's faithfully,

332

Endst: No. E&AD/BF/16-71/2017/334-332 Dated Peshawar the 31/01/2017

Copy of above is forwarded for information with the request for onward circulation to all subordinate offices for necessary action to the:-

1. P.S to Secretary to Governor, Khyber Pakhtunkhwa.
2. P.S to Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Commissioners in Khyber Pakhtunkhwa.
4. Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
5. All Heads of Attached Departments in Khyber Pakhtunkhwa.
6. All Deputy Commissioners / Political Agents in Khyber Pakhtunkhwa.
7. Registrar Peshawar High Court, Peshawar.
8. Registrar Khyber Pakhtunkhwa Public Service Commission, Peshawar.
9. Registrar Khyber Pakhtunkhwa Services Tribunal, Peshawar.
10. All Districts & Session Judges in Khyber Pakhtunkhwa.
11. Additional Secretary (Admn), Administration Department.
12. Director Medical LRH, KTH, HMC Peshawar, ATH Abbottabad.
13. Director Information, Khyber Pakhtunkhwa, Peshawar.
14. Station Director, Pakistan Iron and Steel Corporation, Peshawar.
15. Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
16. Private Secretary to Secretary Establishment Department.
17. Private Secretary to Secretary Administration Department.
18. Private Secretary to Secretary Benevolent Fund Cell.

Mmmmm
ASSISTANT SECRETARY (E&A)

Endst: No. E&AD/BF/16-71/2017/333-334 Dated Peshawar the 31/01/2017

Copy of above is forwarded for information, necessary action and deduction at enhanced rates with immediate effect from all Provincial Government employees, except Police employees to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All District Account Offices in Khyber Pakhtunkhwa.

ASSISTANT SECRETARY (E&A)

ATTESTED

POWER OF ATTORNEY

In the Court of Khush Rakhtia Qureshi Senior Federal Judge
Sardar Us Rehman

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK and others } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

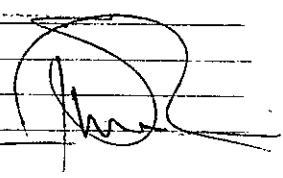
ZARAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____



Imran Khan
IMRAN KHAN
Advocate High Court
Mob: 0345-9090648

Muhammad Zeb
Adalat
Zaraj Anwar
ZARAJ ANWAR
Advocate High Courts

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

17/01

03/03/22

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

Service Appeal No. 5816/ 2021.

Sardar Ur Rehman..... (Appellant)

VERSUS

Govt: of KP etc..... (Respondents)

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-3
2.	Affidavit		4
3.	Copy of retirement notification dated 22.01.2018	A	5
4.	Copy of Benevolent Fund Notification dated 31.01.2017	B	6
5.	Copy of judgment dated 19.01.2021 of Honorable Peshawar High Court, Peshawar in Writ Petition No. 6086-P/ 2019	C	7

DEPONENT



(TARIQ UMAR)
DSP/ Legal,
CPO, Peshawar.

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

Service Appeal No. 5816/ 2021.

Sardar Ur Rehman..... (Appellant)

VERSUS

Govt: of KP etc..... (Respondents)

PARA-WISE COMMENTS BY RESPONDENT NO. 3 & 5.

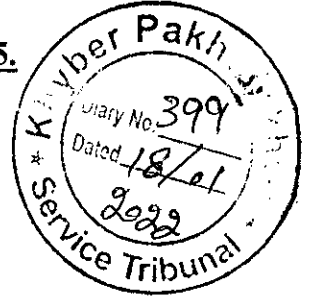
RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appellant has got no cause of action and locus standi to file present appeal.
- c) That the appeal is bad for non-joinder and miss-joinder of necessary and proper parties.
- d) That the appellant is estopped by his own conduct to file the present service appeal.
- e) That the appeal is not maintainable in the present form.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.

FACTS:

1. Pertains to personal information of the appellant needs no comments.
2. Pertains to service record of the appellant needs no comments.
3. Correct to the extent that appellant was retired from service on attaining the age of superannuation vide Notification No. 6900-08/ E-V, 22.01.2018. (Copy is annexed as "A").
4. Correct to extent of District Police Officer, Mardan office Letter No. 6003/A, dated 16.07.2018.
5. Correct to the extent of Notification No. AD/BF/16-71/2017/3010-14, dated 02.11.2017, in which the Benevolent Fund Subscription Rates, retirement grant and Funeral Charges were revised/ enhanced with immediate effect but it is pertinent to mention here that the same is not



applicable to the employees of Police department in light of Notification No. E&AD/BF/16-71/2017, dated 31.01.2017, wherein in Para No. 2 of the Notification it has been clearly mentioned that revised subscription rates, retirement grant and funeral charges are not applicable to the employees of Police Department. (Copy is annexed as "B").

6. Incorrect. The appellant is not entitled to get grant on revised rates in light of Notification already enclosed as "B".
7. Incorrect. No violation of the mandate of the Khyber Pakhtunkhwa, Government Servants Benevolent Fund Ordinance, 1972 and Constitution of Islamic Republic of Pakistan, 1973 exist on part of answering respondents.
8. Incorrect. It is pertinent to mention here that the deduction for Police Department is less than as compared it with other departments hence; the revised rates of retirement benefits and death compensation rates are not applicable to the employees of Police Department.
9. Correct to the extent that appellant approached Peshawar High Court, Peshawar through Writ Petition No. 6086-P/ 2019 but the same was disposed of by Peshawar High Court vide judgment dated 19.01.2021, with the directions to petitioner (present appellant) to approach proper forum. (Copy of judgment dated 19.01.2021 is annexed as "C").
10. Incorrect. As already explained above that appellant is not entitled for revised rates of retirement benefits and death compensation grant.
11. The instant service appeal of the appellant is misleading and misconceived may be dismissed on the following Grounds.

GROUND:

- A. Incorrect. As already explained in preceding paras that appellant is not entitled for revised rates of retirement benefits and death compensation grant hence acts of answering respondents are lawful, in accordance with constitution of Islamic Republic of Pakistan, 1973.
- B. Incorrect. The appellant has been paid regular amount of retirement benefits and death compensation as per policy of the Provincial Government.

- C. Incorrect. As already explained that appellant was treated in accordance with policy of Provincial Government hence he was not deprived from his fundamental rights.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. As already explained in preceding paras.
- F. Incorrect. No Article of Constitution of Islamic Republic of Pakistan, 1973 has been violated by the answering respondents.
- G. Incorrect. As already explained in preceding paras appellant is not entitled for revise rate.
- H. The answering respondents may also be allowed to raise additional Grounds at the time of hearing/ arguments.

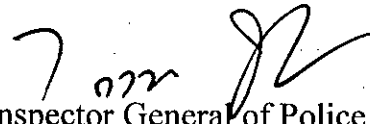
PRAYERS:

In view of the above narrated facts, it is, humbly prayed that the instant service appeal is not maintainable being devoid of merits may kindly be dismissed with costs, please.



Secretary,
Government of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.
(Respondent No. 3)

**Home Secretary,
Khyber Pakhtunkhwa**

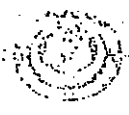


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 5)

Annexure 'A'

19

APR 15 2018



FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II, ORDERS BY THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

Dated, Peshawar 13/11, 2017

No. 692-08 /E-V, RETIREMENT ON SUPERANNUATION: - On attaining the age of Superannuation i.e. 60 years, Mr. Sardar-Ur-Rehman Office Supdt: (BPS-17) of DPO Office Mardan is hereby retired from service with effect from 22.01.2018.

Sd:-
Addl: IGP/HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

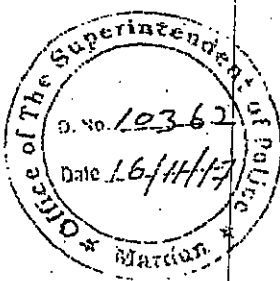
Copy forwarded to the:-

- Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Regional Police Officer, Mardan w/r to his office letter No. 4406-07/GB, dated 23.10.2017.
- District Police Officer, Mardan.
- District Accounts Officer Mardan.
- Registrar CPO, Peshawar.
- Office Supdt: Secret CPO Peshawar.
- Incharge Central Registry Cell CPO, Peshawar.

Attested

District Police Officer
Mardan.

(ARIF SHAHBAZ KHAN) BSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.



Attested

District Police Officer
Mardan.

PO/PC/EC
For file

DPO 17-18

Annex
4/



**GOVERNMENT
BENEVOLENT FUND**

No. E&AD/...
Dated Peshawar 31/01/2017

To

1. The Additional Chief Secretary (FATA),
Khyber Pakhtunkhwa.
2. All Administrative Secretaries,
to Government of Khyber Pakhtunkhwa.

Subject: - **INCREASE IN RATE OF BENEVOLENT FUND SUBSCRIPTION,
RETIREMENT GRANT AND FUNERAL CHARGES.**

Dear Sir,

I am directed to refer to the subject cited above and to state that Board of Management Government Servants Benevolent Fund has decided to revise the Benevolent Fund subscription rates, Retirement Grant and Funeral Charges with immediate effect, details of which are as under: -

Pay Scale	Monthly Subscription		Retirement Grant		Funeral Charges (Per Case)	
	Old	Revised	Old	Revised	Old	Revised
BPS 16	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.230,000/-		
BPS 15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.330,000/-	Rs.6,000/-	Rs.10,000/-
BPS Above	Rs.250/-	Rs.800/-	Rs.55,000/-	Rs.500,000/-		

2. As enhanced rates are applicable with immediate effect, cases of Retirement Grant and Funeral Charges may be entertained on revised rates. It may also be noted that revised subscription rates, retirement grant and funeral charges are not applicable to the employees of Police Department.

3. It may also be noted that Provincial Benevolent Fund Board deals with the cases of Provincial Government Servants in BPS 16 and Above of attached departments, whereas the cases of Government Servants in BPS 1 to 15 are being dealt with by the concerned DC's/ Political Agents in Districts and Agencies level. The cases of Civil Secretariat Employees, Peshawar High Court etc are dealt with by the Civil Secretariat, Benevolent Fund Section, Administration Department.

D.C.

B.T.

Sd/-

407/DN

13.6.7

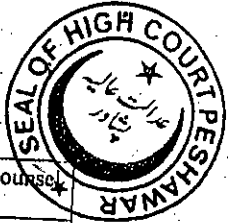
3-2-17

Annexure
"C" 21

PESHAWAR HIGH COURT PESHAWAR

Form "A"

Order Sheet



Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary 3
19.01.2021	<p>W.P 6086-P/2019.</p> <p>Present:</p> <p>Mr. Zartaj Anwar Khan, Advocate, for the petitioner.</p> <p>Mr. Muhammad Riaz Khan, AAG, for the respondents.</p> <p>*****</p> <p>S M ATTIQUE SHAH, J:- In view of Article 212 of the Constitution of the Islamic Republic of Pakistan, the petitioner being Civil Servant cannot approach this Court under its writ jurisdiction Article 199 of the Constitution; therefore, he is directed to approach the property forum i.e. Khyber Pakhtunkhwa Service Tribunal for redressal of his grievance, if so advised. The petition is, disposed of in the above terms.</p> <p>Announced: 19.01.2021</p> <p>JUDGE JUDGE</p>

"Nazir"

(D.8)

Hon'ble Mr. Justice S M Attique Shah, J
Hon'ble Mr. Justice Syed Arshad Ali, J

No. 37415
Date of Presentation of Application 04/16/21
No of Pages 6/1
Copying fee 1
Total 24
Date of Preparation 04/16/21
Date of Delivery 04/16/21
Received by rules

EXHIBIT TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Subscribed Under Article 167 of the Constitution of Pakistan Order 198.
04 JUN 2021

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

Service Appeal No. 5816/ 2021.

Sardar Ur Rehman..... (Appellant)

VERSUS

Govt: of KP etc..... (Respondents)

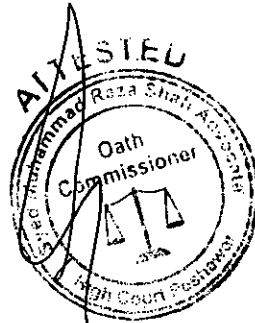
AFFIDAVIT

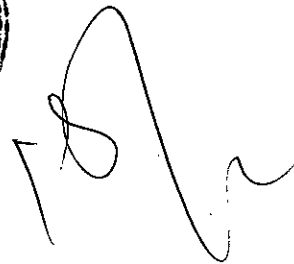
I, Tariq Umar Acting DSP/ Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 3 & 5 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

Respondents through

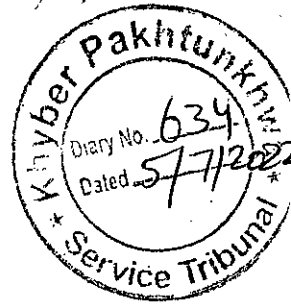


(TARIQ UMAR)
DSP/ Legal,
CPO, Peshawar.
17301-4997553-7
0333-8878882





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Appeal No.5816/2021

Mr. Sardar Ur Rehman.....Appellant.

Vs

Chief Secretary Govt of Khyber Pakhtunkhwa,
Peshawar and others.....Respondents.

Reply on behalf of Respondent No. 4

Respectfully Sheweth:-

Para 1 to 11 :

It is submitted that the matter, being administrative in nature, relates to Respondent No.2 & 6 and they are in a better position to redress the grievances of the appellant. Besides, the appellant has raised no grievances against Respondent No.4.

Keeping in view the above mentioned facts, it is humbly prayed that the name of Respondent No.4 may kindly be deleted from the list of Respondents.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Mr . Sardar Ur RehmanAppellant .

Vs

Chief Secretary Khyber pakhtunkhawa Peshawar & others....Respondents.

Reply on behalf of Responent No.4

AFFIDAVIT

I ,Syed Tariq Shah ,Senior Auditor ,Office of the Accountant General Khyber Pakhtunkhawa Peshawar do here solemnly affirms & declare that the contents of reply submitted on behalf of Responent No. 4 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Syed Tariq Shah
DEPONENT

S. Tariq Shah

Cell. 0346-9191985

Nic . 17301-1327637-9

ATTESTED



2015-07-20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.5816/2021

Mr. Sardar Ur Rehman.....Appellant.

Vs

Chief Secretary Govt of Khyber Pakhtunkhwa,
Peshawar and others.....Respondents.

Reply on behalf of Respondent No. 4

Respectfully Sheweth:-

Para 1 to 11 :

It is submitted that the matter, being administrative in nature, relates to Respondent No.2 & 6 and they are in a better position to redress the grievances of the appellant. Besides, the appellant has raised no grievances against Respondent No.4.

Keeping in view the above mentioned facts, it is humbly prayed that the name of Respondent No.4 may kindly be deleted from the list of Respondents.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Mr. Sardar Ur RehmanAppellant .

Vs

Chief Secretary.Khyber pakhtunkhawa Peshawar & others....Respondents.

Reply on behalf of Responent No.4

AFFIDAVIT

I ,Syed Tariq Shah ,Senior Auditor ,Office of the Accountant General Khyber Pakhtunkhawa Peshawar do here solemnly affirms & declare that the contents of reply submitted on behalf of Responent No. 4 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Yammi
DEPONENT

S. Tariq Shah
Cell. 0346-9191985
NIC . 17301-1327637-9

ATTESTED

Azmat Ali
C
05-07-2022

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.5816/2021

Mr. Sardar Ur Rehman

Ex-Office Superintendent (BPS-17) DPO Office, Mardan

Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

Respondents

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02	Affidivit		02

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Sardar-ur-Rehman,
Ex-Office Superintendent (BPS-17) DPO Office, Mardan.
Service Appeal No. 5816/2021

Appellant

VERSUS

1. Govt. of Khyber pakhtunhwa through Chief Secretary. Khyber Pakhtunkhwa, Peshawar.
2. Govt. of Khyber Pakhtunhwa through Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
6. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
7. Assistant Secretary (F&A) Benevolent Fund Cell, Peshawar.

Respondents

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENT NO.02

Respectfully Sheweth.

Secretary to Government of Khyber Pakhtunkhwa, Finance Department (Respondent No.02) do hereby endorse/relies on the Para-wise Comments already filed before the honorable Services Tribunal Khyber Pakhtunkhwa by the principal Respondents No.03 & 05.

The Para-wise Comments of Respondents No. 03 & 05, may be treated as reply of (Respondent No.02) Secretary Finance Department Government of Khyber Pakhtunkhwa as well.



**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
FINANCE DEPARTMENT
(RESPONDENT NO.02)**

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.5816/2021

Mr. Sard Ur Rehman

Ex-Office Superintendent BPS-17 DPO Office, Mardan.

Appellant

Versus

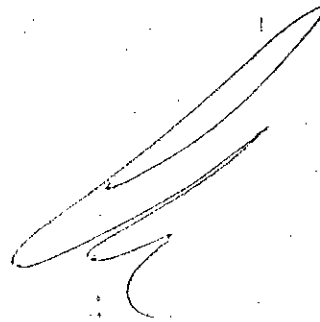
Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

Respondents

Joint Para-wise Comments on Behalf of Secretary Finance Govt. of Khyber Pakhtunkhwa Respondent No.02.

AFFIDAVIT

I Naseeb Khan, Section Officer Govt. of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Para-wise Comments in Service Appeal No. 5816/2021 on behalf of Secretary to Govt. of Khyber Pakhtunkhwa Finance Department is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.



Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

Appeal No. 5816/2021

Mr. Sardarur Rehman, Ex- Office Superintendent

Appellant.

Versus

Government of KPK through Chief Secretary & others.

Respondents.

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4	BOM Meeting	B	9-11
5	Notification	C	12-13
6	Judgment of PHC, A/Abad	D	14-17.

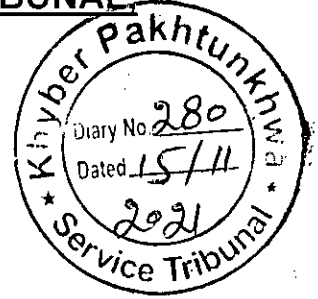
Next date 04-12-21


Deponent

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Appeal No. 5816/2021



Mr. Sardarur Rehman, Ex- Office Superintendent

Appellant.

Versus

Govt: of Khyber Pakhtunkhwa through Chief Secretary & others

Respondents.

Para-Wise comments of Assistant Secretary (E&A), Benevolent Fund Cell, Peshawar
(Respondent No.6)

Respectfully Sheweth,

Preliminary Objections:-

- i. That the appellant has got no cause of action and locus standi to file the instant appeal.
- ii. That the Appellant is estopped by his own conduct to file the appeal in hand.
- iii. That the appellant have not come to the tribunal with clean hands.
- iv. That the appeal is barred by law and limitation.
- v. That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary and proper parties.
- vi. That the Honorable Services Tribunal has got no jurisdiction to hear / entertain the appeal in hand.

On Facts:-

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pare No.4 of the appeal is correct to the extent that the appellant since his appointment contributed Benevolent Fund towards Police Benevolent Fund / Police Welfare Fund upto his promotion to the post of Superintendent (BS-17).
5. Para No. 5 is correct to the extent that through the Government of Khyber Pakhtunkhwa Benevolent Fund, Administration Department letter No.AD/BF/16-71/2017/3010-14 dated 02/11/2017 Police Department

Employees were excluded from enhanced Rate of Contribution and enhanced rate of Retirement Grant. Details of current contribution and grants are as under:-

Pay Scale	Monthly Benevolent Fund Subscription		Retirement Grant	
	Civil Servant	Police Employees	Civil Servant	Police Employees
1-4	600	---	230,000	---
5-15	1200	---	330,000	---
16 & Above	1500	250	500,000	55,000

6. Para No.6 of the appeal is correct to the extent that on the recommendation of the Committee the Board of Management has decided that the entire contribution of Benevolent Fund of the Police Officers promoted from lower grade to BS-16 may be transferred with Provincial Benevolent Fund enabling Provincial Benevolent Fund Board to extend the enhanced facility / contribution for Retirement Grant to the Police Employees who are in BPS-16 and above, however no response received from Police Department attending the meeting, not the Benevolent Fund Contribution has been transferred from the Police Welfare Fund to the Provincial Benevolent Fund upto date. On the said reason the Provincial Benevolent Fund Board of Management in its meeting on the recommendations of the Committee decided not to enhance the contribution rate of Police Employees nor the revised rates of Retirement Grant, whereas, clear cut directions have been given to the concerned Accountant General Office, Khyber Pakhtunkhwa not to deduct the revised Benevolent Fund contribution from the Police Employees. (Copy of the Minutes of meeting dated 20/12/2016 is attached at **Annexure-A & B** and circular letter copy dated 31/01/2017 is attached at **Annexure-C**).
7. Not correct hence denied, detail comments are noted in the above Para on Facts.

- 8. Para No.8 of the appeal relates to respondent No.4, hence needs no comments of answering respondent.
- 9. Para No. 9 of the appeal is correct to the extent that earlier Writ Petition No.159-A/2018 Titled Ghulam Mustafa, Ex-Superintendent, Police Department VERSUS Government of Khyber Pakhtunkhwa through Secretary, Benevolent Fund Cell has already been disposed off by the Peshawar High Court, Abbottabad Bench, **(Annexure-D)**.
- 10. In reply to Para No. 10 of the appeal, it is submitted that no departmental appeal have been filed to the answering respondent and appeal of the appellant **(Annexure F of appeal)** is addressed to the Police Department.
- 11. That the appellant have no cause of action and locus standi to invoke the jurisdiction of this Honorable Tribunal.

Grounds:-

- A. In-correct. hence denied, retirement grant out of Government Servants Benevolent Fund is being paid as per the under mentioned details **(Annexure- A, B & C)**.


Pay Scale	Monthly Benevolent Fund Subscription		Retirement Grant	
	Civil Servant	Police Employees	Civil Servant	Police Employees
1-4	600	---	230,000	---
5-15	1200	---	330,000	---
16 & Above	1500	250	500,000	55,000

- B. In-correct. hence denied, the enhanced rates of subscription as well as grants are not applicable on employees of Police Department **(Annexure- A, B & C)**.
- C. In-correct. hence denied. The Fundamental rights of the appellant have not been violated by the respondent No. 6. Detail reply has been given in the above paras.
- D. In-correct. hence denied. The appellant has contributed towards Police Benevolent Fund / Police Welfare fund in lower grades, while in higher grade the appellant has not contributed towards Benevolent Fund on the enhanced rates.

- E. In-correct, hence denied. The appellatant has not contributed on the enhanced rates as other Government Servants contributes.
- F. In-correct. hence denied, the appellatant is not contributor of Provincial Benevolent Fund at the enhanced rates as notified by the respondent No. 6 vide notification No.AD/BF/16-71/2017/3010-14 dated 02/11/2017.
- G. In-correct. hence denied. The Fundamental rights of the appellatant has not been violated, the appellatant is not entitle / illegible to Retirement Grant at enhanced rates under notification dated 02/11/2017.
- H. The answering respondent seeks permission to raise further grounds during the arguments.

Prayers:-

It is, therefore, most humbly prayed that on acceptance of these Para-Wise Comments the Appeal of the Appellant may very graciously be dismissed.

Respondent No.6 
Assistant Secretary (E&A)
Benevolent Fund Cell
Administration Department
Government of Khyber Pakhtunkhwa

Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Appeal No. 5816/2021

Mr. Sardarur Rehman, Ex- Office Superintendent

Appellant.

Versus

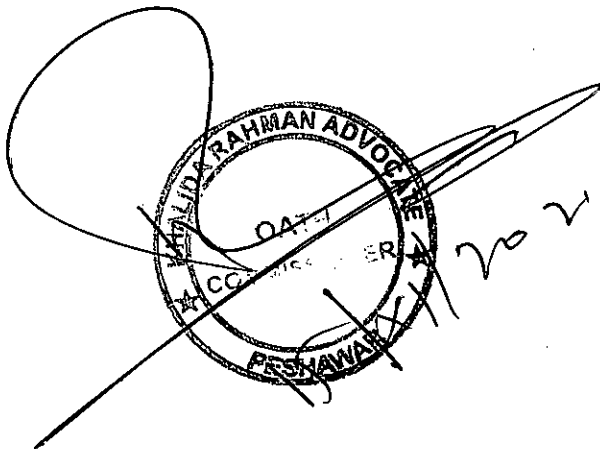
Govt: of Khyber Pakhtunkhwa through Chief Secretary & others

Respondents.

AFFIDAVIT

I, Salar Muhammad S/O Misal Khan, R/O Gul Abad, Charpareeza, Tehsil & District Peshawar, Assistant Litigation, Benevolent Fund Cell, Government of Khyber Pakhtunkhwa, Administration Department do hereby solemnly affirm and declare on oath that all the contents of the accompanied Para-wise comments in the Appeal No. 5816/2021 Titled Sardarur Rehman Versus Government of Khyber Pakhtunkhwa etc are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honorable Services Tribunal.

ATTESTED



Salar Muhammad
Deponent

17301-4198976-3

MINUTES OF 48TH MEETING OF BOARDS OF MANAGEMENT GOVERNMENT SERVANTS BENEVOLENT FUND

(20TH DECEMBER, 2016)

48th joint meeting of the Boards of Management Government Servants Benevolent Fund was held on December 20, 2016 at 11:00 Hrs. under the Chairmanship of the Chief Secretary Khyber Pakhtunkhwa. List of the participants is at "Flag-A". The meeting started with recitation from the Holy Quran. The Chair welcomed the participants. The forum considered the agenda and decided as under:-

ITEM # 1 MINUTES OF LAST BOM MEETING

2. The Board confirmed minutes of the last meeting dated 12/03/2015.

ITEM # 2 MONTHLY GRANT CASES.

3. The Board confirmed the payments of Thirty-One (31) Monthly Grant cases, which were provisionally approved during 01/03/2015 to 24/11/2016.

ITEM # 3 LUMP-SUM GRANT CASES.

4. The Board confirmed the payments of One Hundred and Seventy-Eight (178) Lump Sum Grant cases, which were provisionally approved during 01/03/2015 to 24/11/2016.

ITEM # 4 RETIREMENT GRANT CASES.

5. The Board confirmed the payments of Two Thousand and Seventy-Two (2072) Retirement Grant cases, which were provisionally approved during 01/03/2015 to 24/11/2016.

ITEM # 5 MERIT SCHOLARSHIP 2013 & 2014.

6. The Board confirmed the payments of Two Hundred and Six (206) Merit Scholarship cases of 2013 and Two Hundred and One (201) cases of 2014, which were provisionally approved by the Chairman.

Attested
Mmm
Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

B. RECOMMENDATIONS OF COMMITTEE CONSTITUTED BY BOM

42. The Board was informed that the Committee constituted by the Board in its last meeting has submitted its report after holding series of meetings and consultation with all the stakeholders. The recommendations of the Committee are detailed under item mentioned hereunder from 25 to 33.

ITEM # 25 ENHANCEMENT IN RETIREMENT GRANT

43. The Board approved the recommendations of the Committee to increase the Benevolent Fund subscription and Retirement Grant, as per following details with immediate effect: -

Pay Slab	Subscription		Retirement Grant	
	Existing	Revised	Existing	Revised
BS-01 to BS-04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.2,30,000/-
BS-05 to BS-15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.3,30,000/-
BS-16 & Above	Rs.250/-	Rs.800/-	Rs.55,000/-	Rs.5,00,000/-

ITEM # 26 ENHANCEMENT IN RATE OF FUNERAL CHARGES.

44. On the recommendations of the Committee the Board approved the increase in the Funeral Charges from Rs.6,000/- to Rs.10,000/- for the employees in BS-01 to BS-15 with immediate effect.

ITEM # 27 UPGRADATION OF POST OF PA (Bs-16) TO PS (Bs-17).

45. The Board approved the recommendation of the Committee to upgrade the post of PA (BS-16) to PS (BS-17) along with its present incumbent with immediate effect. The existing post of PA (BS-16) will stand abolished.

ITEM # 28 ESTAB. EXPENSES OF B/FUND EMPLOYEES FROM GOVT. EX-CHEQUER

46. On the recommendation of the Committee, the Board directed to take up a case with Finance Department to arrange grant equal to the establishment expenses of Benevolent Fund Cell, till absorption of services of all the employees of Benevolent Fund Cell and simultaneously Establishment Department may process necessary enactment for absorption of Benevolent Fund employees as Civil Servant.

[Handwritten Signature]
Assistant Secretary
 Govt. of Khyber Pakhtunkhwa
 BFG Administration Department

8

ITEM # 29 ENHANCEMENT IN RATE OF GRANT IN AID.

47. The Board approved the recommendations of the Committee regarding no change in rates of Grant in Aid (continued cases under 15 years programme) and its payment in lump-sum.

ITEM # 30 INCREASING THE NUMBER OF MERIT SCHOLARSHIPS CASES.

48. The Board approved the recommendations of the Committee regarding no increase in the number of merit scholarship cases for the time being.

ITEM # 31 DEMAND OF DRIVERS ASSOCIATION OF CIVIL SECTT.

49. On the recommendations of the Committee, the Board did not agree to take representative of Drivers Association, Civil Secretariat on the Board as representative of Class-IV employees is already on Board.

ITEM # 32 DEMAND OF ALL PAKISTAN PENSIONERS ASSOCIATION.

50. On the recommendations of the Committee, the Board did not agree to grant representation to All Pakistan Pensioners Association because retired employees are not subscriber towards Benevolent Fund after retirement.

ITEM # 33 INCLUSION OF POLICE EMPLOYEES (BS-01 TO BS-15) IN THE B/FUND.

51. ~~On the recommendations of the Committee, the Board did not agree to allow benefits, as approved in Item No.25 above, to Police employees until the issue of transfer of entire Benevolent Fund subscription upon promotion from BS-15 to BS-16 is resolved.~~

C. OTHER PROPOSALS

ITEM # 34 UPGRADATION OF POSTS OF CLASS-IV & TECHNICAL STAFF.

52. The Board approved the upgradation of pay scales, notified vide Finance Department Notification No.FD/SO(FR)7-20/2015 Dated 30/06/2015 w.e.f 01.07.2015, for Benevolent Fund staff.

Imma
**Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department**

Annex B

9

FINAL CONSOLIDATED MINUTES OF MEETING

The Board of Management in its 47th meeting, held on 12/03/2015, was pleased to constitute a committee comprising the following (**Annex-I**) to consider various agenda items and submit recommendations to Board of Management in its next meeting:-

i.	Secretary Administration	Chairman
ii.	Secretary Benevolent Fund	Member
iii.	Rep: of Finance Department	Member
iv.	Rep: of Law Department	Member
v.	Rep: of Officers Association	Co-Opted Member
vi.	Rep: of PS / PAs / Steno Association	Co-Opted Member
vii.	Rep: of Assistants & Clerks Association	Co-Opted Member

Three meetings of the Committee were held on 23.06.2015, 05.04.2016 and 01.11.2016 wherein all items were discussed deliberately and following proposals were finalized which will be submitted to Board of Management in its forthcoming meeting for approval: -

Item #1 Enhancement in Retirement Grant

Retirement Grant to the Provincial Government employees, out of Benevolent Fund, was introduced back in July, 2010 at the following rates:-

BS-01 to BS-04	Rs.20,000/-
BS-05 to BS-15	Rs.30,000/-
BS-16 and above	Rs.55,000/-

The Khyber Pakhtunkhwa Secretariat Employees Coordination Council had demanded for the increase of Retirement Grant at par with Lump Sum Grant along with 100% increase in the monthly contribution from all the subscribers.

The Committee initially perused the financial implication submitted by Employees' Associations (**Annex-II**), however, later on it was highlighted by Benevolent Fund that the financial implication submitted by Employees' Associations are based on anticipated figures which cannot be acceded to.


Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

The Committee directed the Employees' Associations to reassess the financial implication and various options may be prepared, which was submitted to the committee in its last meeting held on 01-11-2016. The committee after deliberate discussions following recommendations were finalized: -

- a. Financial implication worked out on data provided by Employee's Associations (**Annex-III**) for increase of Benevolent Fund subscription and Retirement Grant, summarized as under, was approved: -

Pay Slab	Subscription		Retirement Grant	
	Existing	Revised	Existing	Revised
BS-01 to BS-04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.2,30,000/-
BS-05 to BS-15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.3,30,000/-
BS-16 & Above	Rs.250/-	Rs.800/-	Rs.55,000/-	Rs.5,00,000/-

- b. 5% annual increase in Lump Sum Grant and Retirement Grant should also be calculated, which, if feasible, will increment the grant amount automatically every year.
- c. Actual financial implication based on revised Pay Slabs (i.e. BS-03 to BS-05, BS-06 to BS-15 and BS-16 and Above) be calculated to determine the actual requirements. Increase in subscription rate may also be examined on annual / periodical basis.
- d. The increase, described in (a) above will be with effect from the date of approval.
- e. No slabs will be introduced, keeping in view the past precedents, and enhanced rate of grant will be applicable to all employees.

Item #2 Enhancement in Rate of Grant in Aid.

The proposal with regard to enhancement in rate of Grant in Aid (continued cases under 15 years programme) with regard to inflation and its payment in lump-sum was discussed at length, however, the Committee was not agreed for any such increase / enhancement.

mm
Assistant Secretary
 Govt. of Khyber Pakhtunkhwa
 BFC Administration Department


Item # 10 Inclusion of Police Employees (BS-01 to BS-15) in the Benevolent Fund Contribution. (11)

The issue was raised by employees' association that Police employees from BS-1 to BS-15 are not contributors / beneficiaries of the Benevolent Fund Schemes but when an official promotes to BS-16 he become beneficiaries out of Benevolent Fund even if he had only contributed for a month. It was proposed that employees of Police Department from BS-1 to BS-15 may also be included in the Benevolent Fund Scheme, on the analogy Population Welfare Department.

The committee recommended to take-up the case with the Police Department to transfer the entire contribution of such employee to Benevolent Fund, soon after promotion to BS-16, so as to give him benefits out of Benevolent Fund, however, no representative of the of the Police Department attended the meetings.

The committee recommended that increase in subscription rates and Retirement Grant, recommended in Item # 1 above, will not be applicable to Police employees and the item will remain pending until the issue is resolved with Police Department.

The meetings concluded with the vote of thanks to and from the chair.


Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

Annexure - C

92



GOVERNMENT OF KHYBER PAKHTUNKHWA
BENEVOLENT FUND CELL, ADMINISTRATION DEPARTMENT
(www.bfkip.org)

No. E&AD/BF/16-71/2017/
Dated Peshawar 31/01/2017

To

1. The Additional Chief Secretary (FATA),
Khyber Pakhtunkhwa.
2. All Administrative Secretaries,
to Government of Khyber Pakhtunkhwa.

Subject: - **INCREASE IN RATE OF BENEVOLENT FUND SUBSCRIPTION,
RETIREMENT GRANT AND FUNERAL CHARGES.**

Dear Sir,

I am directed to refer to the subject cited above and to state that Board of Management Government Servants Benevolent Fund has decided to revise the Benevolent Fund subscription rates, Retirement Grant and Funeral Charges with immediate effect, details of which are as under: -

17/1/2017
Assistant Secretary
Govt of Khyber Pakhtunkhwa
BFC Administration Department

Pay Slab	Monthly BF Subscription		Retirement Grant		Funeral Charges (Per Case)	
	Old	Revised	Old	Revised	Old	Revised
BS 01 to 04	Rs.120/-	Rs.300/-	Rs.20,000/-	Rs.230,000/-	Rs.6,000/-	Rs.10,000/-
BS 05 to 15	Rs.180/-	Rs.600/-	Rs.30,000/-	Rs.330,000/-		
BS 16 & Above	Rs.250/-	Rs.800/-	Rs.55,000/-	Rs.500,000/-	-	-

2. As enhanced rates are applicable with immediate effect, cases of Retirement Grant and Funeral Charges may be entertained on revised rates. It may also be noted that revised subscription rates, retirement grant and funeral charges are not applicable to the employees of Police Department.

3. It may also be noted that Provincial Benevolent Fund Board deals with the cases of Provincial Government Servants in BPS 16 and Above of attached departments, whereas the cases of Government Servants in BPS 1 to 15 are being dealt with by the concerned DC's/ Political Agents in Districts and Agencies level. The cases of Civil Secretariat Employees, Peshawar High Court etc are dealt with by the Civil Secretariat, Benevolent Fund Section, Administration Department.

Attested
M. S. Salim
Asst. Secy. 1,
BFC

4. I am, therefore, to request to kindly circulate the aforesaid information amongst all Government Departments / Attached Departments / Subordinates formations.

Your's faithfully,

ASSISTANT SECRETARY (E&A)

Endst: No. E&AD/BF/16-71/2017/334³³² Dated Peshawar the 31/01/2017

Copy of above is forwarded for information with the request for onward circulation to all subordinate offices for necessary action to the:-

1. P.S to Secretary to Governor, Khyber Pakhtunkhwa.
2. P.S to Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Commissioners in Khyber Pakhtunkhwa.
4. Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
5. All Heads of Attached Departments in Khyber Pakhtunkhwa.
6. All Deputy Commissioners / Political Agents in Khyber Pakhtunkhwa.
7. Registrar Peshawar High Court, Peshawar.
8. Registrar Khyber Pakhtunkhwa Public Service Commission, Peshawar.
9. Registrar Khyber Pakhtunkhwa Services Tribunal, Peshawar.
10. All Districts & Session Judges in Khyber Pakhtunkhwa.
11. Additional Secretary (Admn), Administration Department.
12. Director Medical LRH, KTH, HMC Peshawar, ATH Abbottabad.
13. Director Information, Khyber Pakhtunkhwa, Peshawar.
14. Station Director, Pakistan Broadcasting Corporation, Peshawar.
15. Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
16. Private Secretary to Secretary Establishment Department.
17. Private Secretary to Secretary Administration Department.
18. Private Secretary to Secretary Benevolent Fund Cell.

Mmm
Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

Mmm
ASSISTANT SECRETARY (E&A)

Endst: No. E&AD/BF/16-71/2017/332-34 Dated Peshawar the 31/01/2017

Copy of above is forwarded for information, necessary action and deduction at enhanced rates with immediate effect from all Provincial Government employees, except Police employees to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. All District Account Offices in Khyber Pakhtunkhwa.

ASSISTANT SECRETARY (E&A)



THE
PESHAWAR HIGH COURT
ABBOTTABAD BENCH.

PH: 0992-9310058
FAX: 0992-9310055

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No: 93

Dated Abbottabad 24/5 /2021

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

To

The Secretary,
Benevolent Fund Cell, Administration Department,
Govt. of KPK, Peshawar.



Subject: WRIT PETITION NO. 159-A of 2018.

Ghulam Mustafa S/o Sher Ahmed, R/o Mohallah Ghani Jee, Dhamtour,
Tehsil & District, Abbottabad.

.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Benevolent Fund Cell,
Administration Department & others.

.....Respondents

Memo,

I am directed to forward herewith a copy of judgment dated
18.05.2021, passed by the Honourable Division Bench in the above noted case for
information and compliance.

OK
ALFEDAD

Additional Registrar

B.F.C. Diary No 1246
Date 06.06.2021

Pl. put up immediately
10
1/6/21

SARAR

Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

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
18.05.2021.	<p data-bbox="537 657 841 700"><u>WP No. 159-A/2018.</u></p> <p data-bbox="537 712 1370 755">Present: Mr. Zulfiqar Ahmed, Advocate for petitioner.</p> <p data-bbox="732 787 1438 874">Sardar Muhammad Asif, AAG with Shamraiz Ahmed ASI, legal.</p> <p data-bbox="922 912 976 936">***</p> <p data-bbox="537 1024 1446 1310">MOHAMMAD IBRAHIM KHAN, J. Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner <i>Ghulam Mustafa</i> has invoked the jurisdiction of this Court with the following prayer:-</p> <p data-bbox="748 1348 1292 2257"><i>On acceptance of instant writ petition, the order/notification of respondent No. 1 may graciously be ordered to be modified and any further proceeding in consequence of impugned notification may also be set aside/modified and the respondents are directed to release the benevolent fund amount as per new rates effected from 31/1/2017 as denial of it has violated the rights of petitioner causing huge loss.</i></p>

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Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department

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2. In response to the writ petition, the respondent No.1 filed parawise comments wherein, it is submitted that on recommendation of committee, the Board of Management has decided that the entire contribution of Benevolent fund of the police officers promoted from lower grade to PBS-16 may be transferred with the Provincial Benevolent Fund Board enabling it to extend the enhanced facility/contribution for retirement grant to police employees who are in PBS-16 and above. Till so far, neither any response received from police department nor any authorized representative attended the meeting and also no benevolent contribution ever transferred from the Police Welfare Fund to the Provincial Benevolent Fund up to date. Thus, the Provincial Board of Management in its meeting on the recommendation of committee decided not to enhance the contribution rates of police employees and did not revise the rates of retirement grant.

3. After arguing the case to some extent, learned counsel for petitioner on second thought submitted that petitioner would not press this writ petition anymore, if the matter in question is sent to the respondent No.1 (Secretary Benevolent Fund Cell, Administration Department) for its decision in accordance with law.

4. In view of the above, without commenting upon merits of the case, we dispose of this writ petition with directions to the respondent No.1 (Secretary Benevolent Fund

Mme
 Assistant Secretary
 Govt. of Khyber Pakhtunkhwa
 BFC Administration Department

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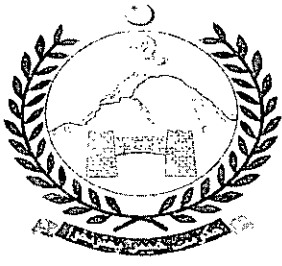
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Cell, Administration Department) to look into the grievance of petitioner and decide the same at the earliest preferably within three months, in accordance with law/rules.

Syed
JUDGE

Judge
JUDGE

M. M. M.
Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
BENEVOLENT FUND CELL, ADMINISTRATION DEPARTMENT

No.AD/BF/1976-2004/2020/
Dated Peshawar the 12/11/2021

AUTHORITY LETTER

Mr. Salar Muhammad S/O Misal Khan, R/O Gul Abad, Charpareeza, Tehsil & District Peshawar, Assistant Legal, Benevolent Fund Cell, Administration Department Government of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Services Tribunal, Peshawar and execute Affidavit & Para Wise Comments in the Appeal No. 5816/2021 Titled Sardarur Rehman VERSUS Government of Khyber Pakhtunkhwa through Chief Secretary etc.

M. Salar
ASSISTANT SECRETARY (E&A)
BENEVOLENT FUND CELL

Assistant Secretary
Govt. of Khyber Pakhtunkhwa
BFC Administration Department