
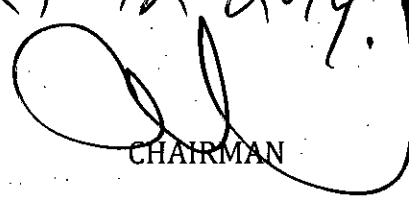


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1198 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/09/2014	<p>The appeal of Mr. Tariq Kamal presented today by Mr. Syed Younas Jan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR 29/9/14</p>
2	3-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-12-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Reader Note:

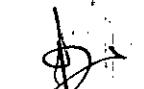
29.12.2014

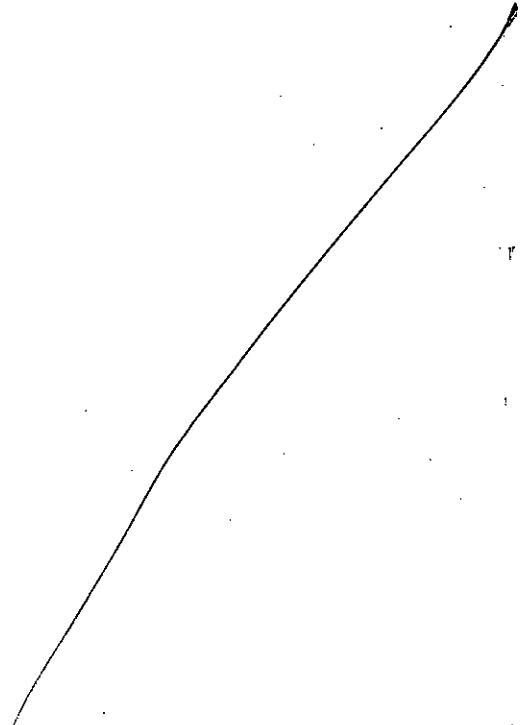
No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 09.03.2015 for the same.


Reader

09.03.2015

Counsel for the appellant present. Learned counsel for the appellant informed the Tribunal that due to departmental development he is not in a position to argue the case. Adjourned to 02.04.2015 for preliminary hearing before S.B.


Chairman

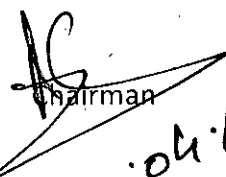


2.4.2015

Counsel for the appellant present. Learned counsel for the appellant submitted application for withdrawal of appeal with the permission to institute a fresh appeal in respect of the same cause of action.

In the light of application and grounds stated in the application, the appeal is dismissed as withdrawn with the permission to submit fresh appeal regarding the same cause of action subject to all legal objections. File be consigned to the record.

ANNOUNCED
2.4.2015


Chairman
02.04.15

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

FORM OF ORDER

Service No. 1198 of 2014

Tariq Kamal Lead Fire Rescuer (LFR)

..... Appellant

VERSUS

The Director General Emergency Rescue Services
(Rescue 1122) Khyber Pakhtunkhwa Peshawar &
others

..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Service appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of departmental appeal	"A"	9-11
5.	Copy of letter dated 03 March 2010	"B"	12
6.	Copy of judgment	"C"	13-14
7.	Copy of letter dated 07/12/2011	"D"	15
8.	Copy of order dated 30/03/2012	"E"	16
9.	Wakalat Nama	In original	17

Dated 29/09/2014

Appellant
Through



Syed Younus Jan
Advocate High Court,
Peshawar.

Cell # 0301-8826010

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

Service No. 1198 of 2014

Tariq Kamal Lead Fire Rescuer (LFR)
Rescue Services (Rescue 1122),
Khyber Pakhtunkhwa Peshawar.

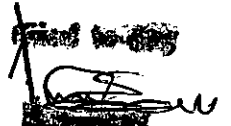
123.2
29-9-2014

..... Appellant

VERSUS

- 1- The Director General Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 2- The Director Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 3- The Secretary Relief, Rehabilitation & Settlement Deptt: Civil Secretariat Khyber Pakhtunkhwa Peshawar.
- 4- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 5- District Account Officer, District Peshawar.

..... Respondents


29/9/14

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 ACCORDING TO THE
DEPARTMENTAL APPEAL OF THE
APPELLANT DATED 06/06/2014 WHICH IS
STILL PENDING IN THE DEPARTMENT
AND AFTER LAPSE OF STATUTORY
PERIOD NO ORDER, COMMUNICATION
WHATSOEVER HAS BEEN MADE ON THE
SAME SO FAR. (COPY OF DEPARTMENTAL
APPEAL AS ANNEXURE "A").**

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

Service No. 1198 of 2014

Tariq Kamal Lead Fire Rescuer (LFR)
Rescue Services (Rescue 1122),
Khyber Pakhtunkhwa Peshawar.

29-9-2014
123.2

..... Appellant

VERSUS

- 1- The Director General Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 2- The Director Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 3- The Secretary Relief, Rehabilitation & Settlement Deptt: Civil Secretariat Khyber Pakhtunkhwa Peshawar.
- 4- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 5- District Account Officer, District Peshawar.

..... Respondents

29/9/14

**APPEAL UNDER SECTION 4 OF THE
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SAME SO FAR. (COPY OF DEPARTMENTAL
APPEAL AS ANNEXURE "A").**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service No. 1198 of 2014

Tariq Kamal Lead Fire Rescuer (LFR)
Rescue Services (Rescue 1122),
Khyber Pakhtunkhwa Peshawar.

29-9-2014
123,2
29-9-2014

..... Appellant

VERSUS

- 1- The Director General Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 2- The Director Emergency Rescue Services (Rescue 1122) Khyber Pakhtunkhwa Peshawar.
- 3- The Secretary Relief, Rehabilitation & Settlement Deptt: Civil Secretariat Khyber Pakhtunkhwa Peshawar.
- 4- Accountant General, Khyber Pakhtunkhwa Peshawar.
- 5- District Account Officer, District Peshawar.

..... Respondents

29/9/14

APPEAL UNDER SECTION 4 OF THE
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STILL PENDING IN THE DEPARTMENT
AND AFTER LAPSE OF STATUTORY
PERIOD NO ORDER, COMMUNICATION
WHATSOEVER HAS BEEN MADE ON THE
SAME SO FAR. (COPY OF DEPARTMENTAL
APPEAL AS ANNEXURE "A").

Prayer in Appeal:

On acceptance of this appeal the respondents/deptt: may kindly be directed to pay to the appellant the arrears of his salary and other benefits for the intervening period i.e. from March 2010 to December 2011 in light of the letter dated 03, March 2010. Any other remedy /relief available in the circumstances of the case may also kindly be granted to the appellant.

Respectfully submitted;

- 1) That the appellant was selected as Lead Fire Rescuer (LFR) and sent for training to emergency services academy Lahore starting ⁱⁿ March 2010 vide order / letter dated 3, March 2010. (Copy of the same as Annexure "B").*
- 2) That unfortunately, malafidely and without legal justification when the then Director Emergency Rescue Service (Rescue 1122) withdrawn the appellant verbally from service force "basic Emergency Training in Lahore" without payment of his salary to him for no fault on the part of the appellant, the appellant filed an appeal before this Hon'ble Tribunal which ^{was} decided by the Hon'ble Member Bench on 27/10/2010 in terms that "As once the appellant was medically examined at Police Hospital Peshawar and found medically fit he should have been allowed to performed duty as per contents of the appointment letter" (Copy of the judgment is Annexure "C").*

- 3) That thereafter when the respondents/deptt: started the delaying tactic ~~and~~ implementing / executing the above referred judgment, the appellant filed an application for the execution / implementation of the same before this Hon'ble Tribunal in which also some favourable orders were passed and lastly the above referred judgment was executed / implemented on 07/12/2011 and as such the application for execution and implementation was disposed off with some favourable observations on 30/03/2012. (Copies of letter dated 07/12/2011 and order dated 30/03/2012 are Annexure "D&E" respectively).
- 4) That as execution / implementation of the judgment of this Hon'ble Tribunal ~~dated~~ 27/10/2010 was badly delayed by the respondents/deptt: and ^{for} no fault on the part of appellant due to which the appellant was deprived of his right of salary and other benefits available to him in light of the order / letter dated 03 March 2010 (The letter which was referred in the above referred judgment) so he filed a department appeal on 06/06/2014 for the said purpose which is still pending in the department and after lapse of statutory period no order / communication whatsoever has been made on the same so far, therefore, the appellant is constrained to approach this Hon'ble Tribunal for redress of his grievances and seeking justice on the following amongst other grounds:

GROUND:

A- That the act and omission of the respondents is illegal, unconstitutional, without jurisdiction, against the facts and materials on the record, therefore, need the interference of this Hon'ble Tribunal.

B- That the act and omission of the respondents is not only factually incorrect and legally untenable but also is based on malafide intention of the respondents which ^{is} neither legal, nor justified and is also the discrimination of the appellant.

C- That in light of the above referred judgment of this Hon'ble Tribunal the respondents were bound to allow the appellant to perform duty as per contents of the appointment letter i.e. (Letter dated 03 March 2010). But they malafidely delay^d the execution / implementation of the above referred judgment and thus deprived the appellant of his salary and other benefits available to him in light of the letter dated 03 March 2010, which act and omission of the respondents ~~was~~ not maintainable especially in the circumstances when the delay was caused for no fault on the part of the appellant.

GROUND:

A- That the act and omission of the respondents is illegal, unconstitutional, without jurisdiction, against the facts and materials on the record, therefore, need the interference of this Hon'ble Tribunal.

B- That the act and omission of the respondents is not only factually incorrect and legally untenable but also is based on malafide intention of the respondents which ^{is} neither legal, nor justified and is also the discrimination of the appellant.

C- That in light of the above referred judgment of this Hon'ble Tribunal the respondents were bound to allow the appellant to perform duty as per contents of the appointment letter i.e. (Letter dated 03 March 2010). But they malafidely delay^{ed} the execution / implementation of the above referred judgment and thus deprived the appellant of his salary and other benefits available to him in light of the letter dated 03 March 2010, which act and omission of the respondents ~~has~~ is not maintainable especially in the circumstances when the delay was caused for no fault on the part of the appellant.

D- That if the respondents had implemented the judgment of this Hon'ble Tribunal in time the appellant would become entitled not only to resume duty in light of the letter dated 03 March 2010 but to get salary and other benefits also in light of the same for the intervening period i.e. from March 2010 to December 2011 but the respondents maliciously delayed the execution / implementation of the above referred judgment of this Hon'ble Tribunal and thus has deprived the appellant of his legal right of salary and other benefits available to him in light of the letter dated 03 March 2010.

E- That during the whole intervening period the appellant was remained jobless which fact also goes in his favour entitling him to get the arrears of his salary and other benefits from March 2010 to December 2011.

F- That as during the whole intervening period the appellant has maintained himself and his large family on getting loans from his relatives and friends, therefore, the respondent / debit are not only on humanitarian ground but morally and legally also bound to pay to the appellant the arrears of his salary and other benefits for the said intervening period i.e. from March

— 4 —

GROUND:

A- That the act and omission of the respondents is illegal, unconstitutional, without jurisdiction, against the facts and materials on the record, therefore, need the interference of this Hon'ble Tribunal.

B- That the act and omission of the respondents is not only factually incorrect and legally untenable but also is based on malafide intention of the respondents which ^{is} neither legal, nor justified and is also the discrimination of the appellant.

C- That in light of the above referred judgment of this Hon'ble Tribunal the respondents were bound to allow the appellant to perform duty as per contents of the appointment letter i.e. (Letter dated 03 March 2010). But they malafidely delay^{ed} the execution / implementation of the above referred judgment and thus deprived the appellant of his salary and other benefits available to him in light of the letter dated 03 March 2010, which act and omission of the respondents ~~has~~ not maintainable especially in the circumstances when the delay was caused for no fault on the part of the appellant.

- D- That if the respondents implement^d the judgment of this Hon'ble Tribunal in time the appellant would become entitled not only to resume duty in light of the letter dated 03 March 2010 but to get salary and other benefits also in light of the same for the intervening period i.e. from March 2010 to December 2011 but the respondents malafidely delayed the execution / implementation of the above referred judgment of this Hon'ble Tribunal and thus has deprived the appellant of his legal right of salary and other benefits available to him in light of the letter dated 03 March 2010.
- E- That during the whole intervening period the appellant was remained jobless which fact also goes in his favour entitling him to get the arrears of his salary and other benefits from March 2010 to December 2011.
- F- That as during the whole intervening period the appellant has maintained himself and his large family on getting loans from his relatives and friends, therefore, the respondent / depts: are not only on humanitarian ground but morally and legally also bound to pay to the appellant the arrears of his salary and other benefits for the said intervening period i.e. from March

2010 to December 2011 in light of the letter dated 03 March 2010.

G- That the act and omission of the respondents is also against the well established principles of natural justice which has caused gross miscarriage of justice to the appellant by depriving him from his legal right guaranteed by law and letter dated 03 March 2010.

It is, therefore, most humbly prayed that on acceptance of this appeal the respondents/deptt: may kindly be directed to pay to the appellant the arrears of his salary and other benefits for the intervening period i.e. from March 2010 to December 2011 in light of the letter dated 03, March 2010. Any other remedy /relief available in the circumstances of the case may also kindly be granted to the appellant.

Dated 29/09/2014



Appellant

Through



**Syed Younus Jan
Advocate High Court,
Peshawar.**

7

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

Service No. _____ of 2014

Tariq Kamal Lead Fire Rescuer (LFR)

..... Appellant

VERSUS

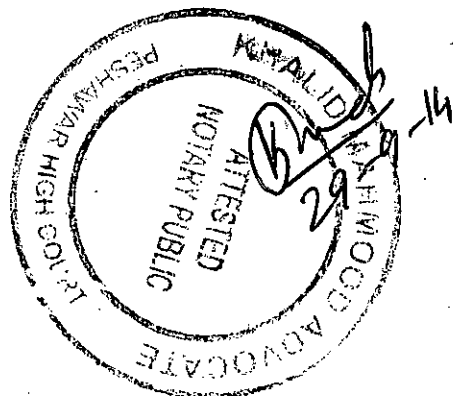
The Director General Emergency Rescue Services
(Rescue 1122) Khyber Pakhtunkhwa Peshawar &
others Respondents

AFFIDAVIT

I, Tariq Kamal Lead Fire Rescuer (LFR) Rescue
Services (Rescue 1122), Khyber Pakhtunkhwa
Peshawar the appellant do hereby solemnly affirm and
declare on oath that the contents of the accompanied
appeal are true and correct to the best of my knowledge
and belief and nothing has been concealed from this
Hon'ble Court.

[Handwritten Signature]

Deponent



8

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

Service No. _____ of 2014

Tariq Kamal Lead Fire Rescuer (LFR)

..... **Appellant**

VERSUS

*The Director General Emergency Rescue Services
(Rescue 1122) Khyber Pakhtunkhwa Peshawar &
others*

..... **Respondents**

ADDRESSES OF THE PARTIES

Appellant

*Tariq Kamal Lead Fire Rescuer (LFR)
Rescue Services (Rescue 1122),
Khyber Pakhtunkhwa Peshawar.*

Respondents

- 1- *The Director General Emergency Rescue Services
(Rescue 1122) Khyber Pakhtunkhwa Peshawar.*
- 2- *The Director Emergency Rescue Services (Rescue
1122) Khyber Pakhtunkhwa Peshawar.*
- 3- *The Secretary Relief, Rehabilitation & Settlement
Deptt: Civil Secretariat Khyber Pakhtunkhwa
Peshawar.*
- 4- *Accountant General, Khyber Pakhtunkhwa
Peshawar.*
- 5- *District Account Officer, District Peshawar.*

Dated 29/09/2014

Appellant

Through



**Syed Younus Jan
Advocate High Court,
Peshawar.**

Amex "A"
⑨

To,

The Director General, Emergency Rescue Services,
(Rescue 1122)
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION FOR
PAYMENT OF ARREARS TO THE APPELLANT /
APPLICANT FROM MARCH 2010 TO DECEMBER,
2011.

Respected Sir,

The applicant /appellant submits as under:


- 1) That the appellant /applicant was selected as Lead Fire Rescuer (LFR) and was sent for training to emergency services academy Lahore for training starting in March, 2011 vide Order / Letter dated 03 March 2010. (Copy attached).
- 2) That unfortunately, malafidely and without legal justification, the then Director Emergency Rescue Services (Rescue 1122) verbally withdrawn the appellant from service force "Basic Emergency Training" at Lahore without payment of his salary for no fault on the part of the applicant.
- 3) That due to the above fact the appellant was constrained to approach the Hon'ble KPK Service Tribunal Peshawar and the Hon'ble Members bench of the Hon'ble Tribunal send the case of the appellant to the respondent/department with favourable observations contained in the last Para i.e. Para No.6 of the judgment. (Copy attached) and

SYED YOUSUF JAN
B.A., B.S., B.Ed., Certificate holder
Advocate High Court Peshawar
Federal Shariat Court.

Amex
⑨

then during the implementation proceedings once again a favourable order was passed on 30/03/2012. (Copy attached).

- 4) That in light of **the** judgment of the Hon'ble Service Tribunal Peshawar **the** applicant / appellant **was** entitled to perform his duty as per contents of **the** appointment letter i.e. Letter dated 3 March, 2010 but the same was delayed by the department for **one** reason or the other, however, for no fault on the part of the appellant / applicant. (order/letter dated - Dec 2011 attached)
- 5) That in light of the judgment and order above referred the applicant / appellant was not **only** entitled to resume **duty** in light of the letter dated 03 March 2010 but **was also** entitled to get salary for the intervening **period** i.e. from March, 2010 to December 2011.
- 6) That during the whole intervening period **the** appellant / applicant **was** remained jobless which fact also goes in **favour** of the appellant / applicant entitling him to get the arrears for the above mentioned intervening period.
- 7) That as during the above said intervening period it was very difficult for **the** applicant to maintain himself as well as his **large** family so he started to get loans so the department not only on humanitarian grounds but morally also bound to pay


SYED YUNUS JAN
 B.A., B.L.S., B.Ed., Certificate Sherah Das
 Advocate High Court Peshawar
 Federal Shariat Court.

to the appellant / applicant the arrears of his pay for the whole intervening period especially in the circumstances when the appellant / applicant was jobless during the whole intervening period.

It is, therefore, prayed that on the acceptance of this departmental appeal /representation the arrears of the pay of the applicant / appellant for the above mentioned intervening period may kindly be paid to the applicant / appellant without any further delay.

Dated 06/06/2014

Tariq Kamal
Applicant /appellant

Tariq Kamal LFR
Rescue Services Rescue 1122
Khyber Pakhunkhwa Peshawar.

SHI- Act 66
Recam enclosed
to respectable
immediate assistance
on humanitarian grounds
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E.O.

Attested
Younus

SYED YOUNUS JAF
B.A., B.L.S., B Ed. Certificate Sharia Law
Advocate High Court Peshawar
Federal Shariat Court.



Annex "B"

(12)

Mr. Tariq Kamal
S/O Amir Kamal

CONDITIONAL SELECTION IN EMERGENCY RESCUE SERVICE, RESCUE 1122,
NWFP (PHASE II)

It is to inform that you have been conditionally selected as LER in the Project "Development of Emergency Rescue Service, Rescue 1122, NWFP, (Phase II)", for the project period on contract/temporary basis, subject to following conditions:

- i. Clearance of your medical examination to be held at Police Hospital Peshawar.
- ii. Verification of your documents which include CNIC, academic/qualifications/experience certificates and Police verification, to be held under arrangement of the Rescue 1122, NWFP.
- iii. Executing an undertaking attached to this letter of selection affirming the terms and conditions of selection.
- iv. Successful completion of Basic Emergency Training of fourteen weeks at Emergency Service Academy, Lahore starting in March 2010, followed by Hospital Attachment at Peshawar. During this training period, you will be on probation. Your services shall be terminated in case you are not able to complete the training due to any reason. You will receive monthly salary as admissible/ appropriate to your basic pay scale as per the Project PC-1. After successful completion of training you will also be entitled to suitable monthly emergency incentive allowance with back arrears with effect from the issue date of this letter of selection.
- v. Documentary proof to the effect that your employer has duly relieved you of your job, if you are currently doing one in public or private sector. You are not allowed to do any part time job during service in the Project.

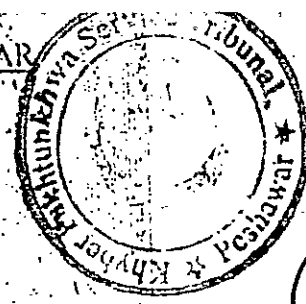
(Khushal Khan)
Director General

No. Rescue 1122/Rec/Pesh/2010 dated 03 March 2010
Copy to:

1. AG NWFP
2. Medical Superintendent, Police Hospital, Peshawar with a request to undertake medical examination of the abovementioned trainee.
3. Personal File

SYED YOUSUF JAFAR
B.A.B.L.D. 3 Ed. Certificate Sharifabad
Advocate High Court Peshawar
Federal Shariat Court.

(Khushal Khan)
Director General



Annex 'C'

Appal No. 1394/2010

Date of institution - 27.07.2010
Date of decision - 27.10.2010

13

Tariq Kamal, LFR, P&D Department, Directorate of Emergency Rescue Services (Rescue 1122), K.P.K Peshawar..... (Appellant)

VERSUS

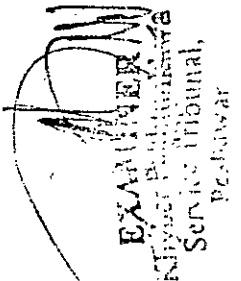
1. Director Emergency Rescue Services (Rescue 1122).
2. Director General Emergency Rescue Services (Rescue 1122).
3. Additional Chief Secretary, P&D, Emergency Rescue Services (Rescue 1122) K.P.K Peshawar..... (Respondents)

Appeal under Section 4 of the KPK Service Tribunals Act 1974 against the verbal order of Respondent No. 1 of having withdrawn the appellant from service course of "Basic Emergency Training" at Lahore and non-payment of his salaries/wages etc

Mr. Fazli Mahmood, Advocate For Appellant
Mr. Tahir Iqbal Khattak A.G.P For Respondent

MR. ABDUL JALIL MEMBER
SYED MANZOOR ALI SHAH MEMBER

ATTESTED



JUDGMENT

ABDUL JALIL, MEMBER: This appeal has been filed by the appellant against the verbal order of Respondent No. 1 of having withdrawn the appellant from service course of "Basic Emergency Training" at Lahore and non-payment of his salaries

2. Brief facts of the case are that the appellant was appointed as L.F.R (Lead Fire Rescuer) vide employer office order dated 3.3.2010. As per appointment order the appellant was medically examined at Peshawar Hospital Peshawar and found to be medically fit. His HCV test was also conducted from Aga Khan University Hospital Karachi and private laboratory Dabgari Garden Peshawar. Both the laboratories have given negative result. The respondent P.A. told the appellant that he would undertake medical examination in private laboratory, City Medical Laboratory, United laboratory.

and E). The appellant preferred a departmental appeal but with no response. Hence, the instant appeal.


3. Arguments heard and file perused.

4. The learned counsel for the appellant argued that the order is violative of Section 24-A of the General Clauses Act, 1937. He referred Section 19(a) of Civil Servants Act. "Civil servant means appointed and by virtue of appointment order. locus-poenitentia is applied because valuable rights have been created in his favour. The appointment order cannot be withdrawn by a verbal order. His appointment order was issued by the competent authority and the same authority while withdrawing the order should give reasons for the same. In the instant case the appellant has been stopped from performing his lawful duties.

5. The A.G.P argued that the written reply of the respondents has not been received and ex-parte proceedings are being initiated against them, therefore, he is not in a position to argue the case.

6. In view of the above, the case is sent to the respondent department for sympathy/merit consideration as once the appellant was medically examined at Police Hospital Peshawar and found ~~him~~ medically fit, he should have been allowed to perform duty as per contents of the appointment letter. No order as to costs. File be consigned to the record.


ANNOUNCED:
27.10.2010.


(SYED MANZOOR ALI SHAH)
MEMBER.


(ABDUL JALIL)
MEMBER.

Certified to be true copy

Date of Presentation of Application 2.10.20
Number of Voids 300
Copying Fee 6
Urgent 2
Total 8


EXAMINEE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Annex "D"

(15)

No. /Rescue-1122/Gen (V-II)/2010-11/1700/23 Peshawar 07th December, 2011

OFFICE ORDER

On the recommendation of the Selection Committee Mr./Mrs. TARIQ KAMAL S.O/D. AMIR KAMAL, CNIC NO: is provisionally and conditionally enlisted as trainee for the post of LEAD FIRE RESCUER (BFS-12) in the project "Development of Emergency Rescue Service (Rescue 1122), Khyber Pakhtunkhwa, Peshawar, subject to the following conditions:

- i. Clearance of medical examination to be held at Police Hospital Peshawar, on 10-12-2011 as per requirement of training in Punjab Emergency Services Academy, Lahore.
- ii. Verification of documents which includes CNIC, domicile, qualification and experience certificates.
- iii. Executing an undertaking on Stamp Paper duly attested by Oath Commissioner as per attached sample, affirming the terms and conditions of the enlistment.
- iv. Successful completion of the required basic Emergency Training at Punjab Emergency Services Academy, Lahore starting in December 2011, followed by Hospital Attachment. During this training period, you will be on probation. Your enlistment shall be terminated in case you are not able to complete the training due to any reason. You will be paid monthly stipend equal to one basic pay scale of your post. After successful completion of training you will be appointed temporarily against your post as per Project policy.
- v. Documentary proof to the effect that your employer has duly relieved you from your job, if you are currently doing one in public or private sector. You are not allowed to do any part time job/study during service in the Project.

(Dr. Shamsul Haq)

Director General

Emergency Rescue Service (Rescue 1122),
Khyber Pakhtunkhwa, Peshawar.

Copy to:-

- 1- Medical Superintendent, Police Hospital Peshawar, with the request to undertake medical examination of the above mentioned trainee.
- 2- PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
- 3- Personal File.

(Dr. Shamsul Haq)

Director General

Emergency Rescue Service (Rescue 1122),
Khyber Pakhtunkhwa, Peshawar.

SYED YOUNUS JAN
B.A., B.L.S., B.Ed., Certificate Sharia Law
Advocate High Court Peshawar
Federal Shariat Court.

1950
JAN 20 1950
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

30.3.2012

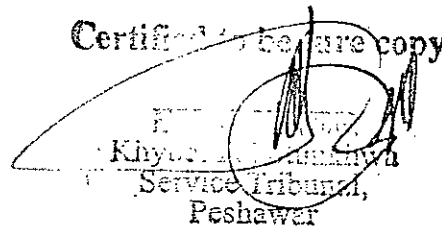
Petitioner with counsel and Mr. Muhammad Arif, Litigation Officer on behalf of the respondents with AAG present. The petitioner has been enlisted as trainee for the post of Lead Fire Rescuer (BPS-12) vide office order dated 7.12.2011, and, thereby, judgment/order of the Tribunal dated 27.10.2010 stands implemented, with which the petitioner is also satisfied; but the learned counsel for the petitioner stated that they reserve the right to seek legal remedy for the outstanding issue, if any. Since the judgment/order of the Tribunal stands implemented, the implementation/execution petition is disposed of as having served the purpose. The petitioner may seek his legal remedy, if any, available to him under the law. File be consigned to the record.

ANNOUNCED
30.3.2012

*sd/-
Member*

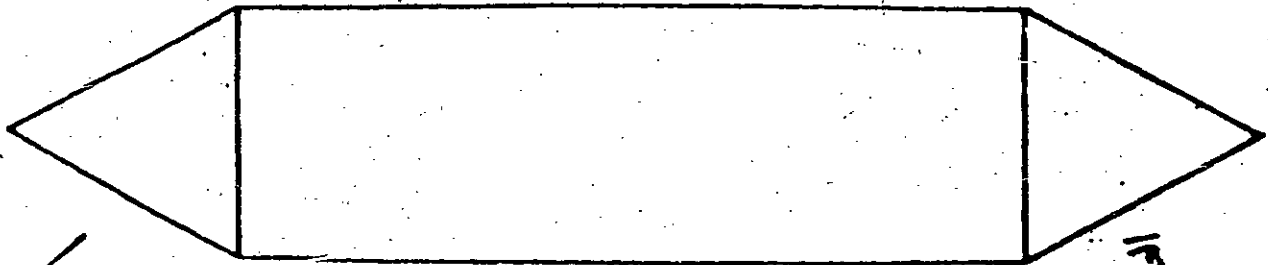
*sd/-
Chairman*

Certified to be true copy



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بعدالت KPK سروس ٹریسپول لاء



ماہنامہ منجانب طارق علی ایبلڈ منٹ
بنام ڈائریکٹر جنرل (Rescue 1122)
KPK کا دفتر — ریسپانڈنٹ

موزن 29 ماہ ستمبر
مقدمہ طارق کمال

دعویٰ ایبل نمبر — ایبلڈ منٹ
جولائی 2014ء

باعث حکم سرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل
کارروائی متعلقہ آن مقام لاء کے لئے سید لولیس صاحب ایبلڈ منٹ لاء
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔
وکیل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برطرف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک زر پیہ اور عرضی دعویٰ اور درخواست ہزیم کی تصدیق
نہ رہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکفر یا اپیل کی برآمدگی اور سنی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پیداقت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا۔
اگلے کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ذرا کات نامہ لکھ دیا کہ سند رہے۔

المرقوم 29 ماہ ستمبر 2014ء

طارق علی ایبلڈ منٹ
Accepted

بقام KPK سروس ٹریسپول لاء کے لئے منظور ہوا
Attested & Accepted
BYED YOUNUS JAN
B.A.L.L.B. B Ed. Certificate Shari Law
Advocate High Court Peshawar
Federal Shariat Court.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

service Appeal No. _____ / 2014

Tariq Kamal Appellant

versus

Director General, Rescue Services
(Rescue-1122) K.P.K. and others Respondents.

APPLICATION FOR WITHDRAWAL OF THE ABOVE
MENTIONED APPEAL WITH THE PERMISSION TO FILE
FRESH APPEAL ON THE SAME CAUSE OF ACTION.

Respected sir,

1. That the appellant has filed the above mentioned appeal for the recovery of arrears of his pay before this Hon'ble Tribunal which is fixed for preliminary hearing today on 2-04-2015.
2. That during the pendency of his above mentioned appeal before this Hon'ble Tribunal his departmental appeal was responded in the following terms :-

"that you have not presented this appeal to the competent forum and as such this office is unable to process your appeal (copy of order/letter dated 15-12-2014 is attached).

3. That thereafter the appellant filed another departmental appeal to the competent authority i.e. to the secretary Relief, Rehabilitation and Settlement Department, K.P.K. Peshawar (Respondent No. 3) ^{which is} still pending before him and after lapse of statutory period no order communication has been made on the same so far.

— 2 —

4. That now the appellant wants to withdraw his above mentioned appeal and to file a fresh appeal before this hon'ble tribunal on the same cause of action according to his subsequent departmental appeal.
5. That no legal hurdle lies in the way of the appellant to withdraw his above mentioned appeal with the permission to file afresh appeal before this hon'ble tribunal on the same cause of action.

It is, therefore, humbly prayed that on acceptance of this application in the best interest of justice the appellant may kindly be allowed/permitted to withdraw his above mentioned appeal and to file afresh appeal on the same cause of action.

Any other remedy/relief available in the circumstances of the case may also kindly be granted to the appellant.

[Signature]
Appellant

through

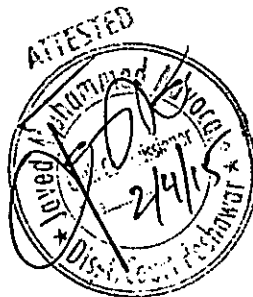
[Signature]
(Syed Younas Jan)
Advocate, High Court, Peshawar

PESHAWAR

2-04-2015

AFFIDAVIT

I, Tariq Kamal, (the appellant) do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.



[Signature]
Deponent



DIRECTORATE OF
EMERGENCY RESCUE SERVICE (RESCUE - 1122),
GOVERNMENT OF KHYBER PAKHTUNKHWA
info@rescue1122pk.com www.rescue1122pk.com



3


No. 1-20- General, DG, 1122/Estt: 8062-60 Peshawar, 15.12.2014

To

The Tariq Kamal
Lead Fire Rescuer
Relief, Rehabilitation & Settlement Department,
Government of Khyber Pakhtunkhwa.

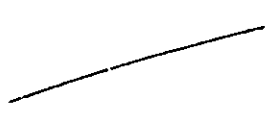
Subject: RESPONSE OF DEPARTMENTAL APPEAL/ REPRESENTATION FOR
PAYMENT OF ARREARS TO THE APPELLANT/ APPLICANT FROM MARCH
2010 TO DECEMBER, 2011.

I am directed to refer to your departmental appeal dated.06.06.2014 and to
communicate that you have not presented this appeal to the competent forum and
as such this office is unable to process your appeal.


ADMIN OFFICER
Emergency Rescue Service (Rescue 1122)
Khyber Pakhtunkhwa.

Copy to:-

1. Mr. Tariq Kamal designated (LFR), ERS (Rescue-1122), Peshawar.
2. PA to Director General, ERS (Rescue-1122) Khyber Pakhtunkhwa.
3. Office File.


ADMIN OFFICER
Emergency Rescue Service (Rescue 1122),
Khyber Pakhtunkhwa, Peshawar.