

27.09.2022

Clerk of learned counsel for the appellant present.

Due to general strike of the legal fraternity, the case is adjourned. To come up for arguments on office objections before the S.B on 09.11.2022

(Mian Muhammad)  
Member (E)

9-11-2022

Since 9th November has been declared as Public Holy Day therefore case is adjourned to 9-12-22 for the same Befor S.B

09.12.2022

Counsel for the appellant present.

Arguments on office objection No. 7 heard and record perused. As per office objection No. 7 Annexure A, C, G, F, & M were illegible, therefore, learned counsel was directed to replace the same by better one.

**SCANNED**  
**KPST**  
**Peshawar**

Perusal of record would reveal that better copies of Annexure C, F, G & M are available on file. So far as delay in resubmission is concerned, the same is condoned as law favors adjudication on merits. Objection is removed.

Rs-100/-  
Appellant Deposited  
Security & Process Fee

Preliminary arguments heard. Record perused.

A. J. J. with  
20/12/22

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 30.01.2023 before S.B.

All the respondents were put on notice

(Rozina Rehman)  
Member (J)

Respected Sir,

It is submitted that the present appeal was received on 27-06-2022 after thoroughly scrutinizing the same many deficiencies were found in it, which was returned to the counsel for the appellant for completion and resubmission within 15 days on 27-06-2022, which was to be resubmitted 12-07-2022 but the appellant resubmitted the same on 03-08-2022, late by 21 days and without removing objection no. 7.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order, please.

*Noted  
for Council*  
*James Akbar*  
*20/9/22*

WORTHY CHAIRMAN

*Objection be  
present before  
Hon. J. 19/09/22*

*A*  
Assistant Registrar  
*5/8/22*

The appeal of Mr. Falak Naz Khan son of Mian Azad Gul r/o Ziarat Shiekh Allah Daad Tehsil and District Kohat received today i.e. on 27.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/ marked with annexures marks.
- 3- Annexures of the appeal are unattested.\*
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Departmental appeal having no date be dated.
- 7- Annexures-A, C, F, G & M of the appeal are illegible which may be replaced by legible/better one.
- 8- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2110 /S.T,


Dt. 27/6 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

Respected Sir,

objections removed, resubmitted after  
necessary completions.

  
Javed Iqbal Gulbella  
ASC

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

In Service Appeal No. 84 /2023

**FALAK NAZ KHAN**  
**VERSUS**  
**GOVT. OF KPK & OTHERS**

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Dated:23-06-2022

*Falak Naz Khan*  
Appellant

Through

*Javed Iqbal Gulbena*  
Advocate,  
Supreme Court of Pakistan  
0302-5990617

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES**  
**TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

In Service Appeal No. 84 /2022

Registry No. 544

Dated 27-6-2022

Falak Naz Khan S/o Mian Azad Gul R/o Ziarat Shiekh Allah-daad,  
Tehsil & District Kohat

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary.
2. Secretary Social Welfare, Special Education at Women Empowerment Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Director Special Education, Directorate of Special Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Secretary Establishment, Govt. of Khyber Pakhtunkhwa, Peshawar.
5. Secretary Finance, Govt. of Khyber Pakhtunkhwa, Peshawar.

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL ACT- 1974 FOR**  
**DIRECTIONING**  
**THE RESPONDENTS TO PROVIDE SERVICE**  
**STRUCTURE, i.e., 4-TIER FORMULA AS PREVALENT**  
**& APPLIED TO THE APPELLANT PRIOR TO**  
**DEVOLUTION TO PROVINCIAL GOVT. &**  
**THEREAFTER TO PROMOTE THE APPELLANT TO**  
**NEXT PROMOTION POST OF SENIOR PRINCIPAL**  
**(BPS-20) W.E.F 2015 & PRINCIPAL (BPS-19) W.E.F,**  
**2012.**

**RESPECTFULLY SHEWETH,**

1. That the Appellant is naturally born bona fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That initially the Appellant was appointed as Certified Teacher (C.T) in (BS-14) in Kohat Dated: 16<sup>th</sup> October 1993 under the Provincial Government Education Department of NWFP, where the Appellant served till 19<sup>th</sup> November 1996 and after selection by the PAEC assumed charge as Trained Graduate Teacher in

BPS-16 in Pakistan Atomic Energy Commission under Center for Nuclear Studies (Nilore) Islamabad, on 19<sup>th</sup> November 1996 through proper channel. Whereafter the Appellant for serving there for about five years, qualified the Federal Public Service Commission and resultantly was appointed as Senior Teacher in BPS-17 wherein he took charge of the post on 18<sup>th</sup> August 2001 at Nishter Special Education Centre, Kohat Under the Directorate General of Special Education, Islamabad (Federal Government). In 2004, he was transferred from Nishter Special Education Center Kohat to Special Education Complex Hayatabad, Peshawar. On 14<sup>th</sup> June 2008, he along with his other colleagues of the same cadre and post, were promoted on regular basis as per holding the requisite/prescribed merit standard by the Federal Government to BPS-18 as Vice Principal under the 4-tier formula structure. (Copies of, the Appointment Letter as C.T Dated: 16<sup>th</sup> October 1993, Appointment Letter of Trained Graduate Teacher bearing no. Esst-6(986)/96 Dated: 27-01-1997, Notification Dated: 03-10-2004 & Notification No-F.2/2008-All Dated: 14-06-2008 is annexed here as Annexure "A", "B", "C" & "D" respectively)

3. That before going to vent out spleen upon the stagnant and sluggishness of the Respondent and there candid and indifferent approach towards their statutory obligation, it is pertinent to mention here that the respective department of the Appellant had been used to be under the Federal Govt. under its Ministry of Social Welfare and Special Education, Government of Pakistan.
4. This department devolved to provinces in the light of the 18<sup>th</sup> Constitutional (Amendment) Act of 2010, and since then this Department of Special Education, or rather the Directorate of Special Education is run & managed by provincial Governments; Department of Social Welfare, Special Education & Women Empowerment Department. Initially, all the employees/civil

servants were sent/transferred to provincial supervision under Section 10 of the Civil Servants Act- 1973, i.e., on "Deputation" basis & thereafter, passing the relevant enactment from the Provincial Assembly, all the employees who had initially been transferred under section 10 of the Civil Servants Act-1973 became the Provincial Civil Servants for all intents & purposes.

5. That before transfer of the employees of the Special Education, to Provincial Autonomy, a notification bearing no. F4-9/2003CR/COORD Dated: 12 -12-2007 was issued by Govt. of Pakistan, Ministry of Social Affairs & Special Education, Director General of Special Education in the gazette of Pakistan whereby the 4-tier formula of service structure was sanctioned & implemented in the Department of Special Education. **(Copies of Notification bearing No. F4-9/2003CR/COORD Dated: 12 -12-2007 is annexed here as Annexure "E")**
6. That the aforementioned notification was followed by devolution plan in the light of the 18<sup>th</sup> Constitutional Amendment of 2010, whereafter in ordinance called as Civil Servant (Amended) Ordinance 2013 was issued & published in extra ordinary gazette of Pakistan on 24-05-2013 which provided, inter-alia.

**"Section 11-B**

**(2) All such Federal Govt. employees; -**

**(a) If their relevant cadre is available in Govt., shall be absorbed in the said cadre in the prescribed manner; and**

**(b) If no relevant cadre is available in Govt., shall be deemed to have been appointed on regular basis to various cadres' posts to be created for this purpose.**

**Provided that on such appointment or absorption, as the case may be.**

**(i) Their seniority shall be determined in accordance with the provision of this Act; and**

**(ii) Their liabilities about pension, gratuity, group insurance, benevolent fund and leave encashment shall**

*be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.*

*(3) Govt. shall constitute a committee consisting of Secretary to Govt. Establishment Department, Secretary to Govt, Finance Department, Secretary to Inter-Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section."*

This ordinance was later replaced or rather, further authenticated by an Act of the Parliament which reproduced the same S. (2) & (3) when it was published in the extra-ordinary gazette of Pakistan 22-03-2016, under the rules of Civil Servant (Amendment) Act 2016. **(Copies of the Ordinance 2013 & Act of 2016 are annexed here as "F & G")**

7. That by saying so the Appellant & all other his colleagues are entitled for the same *4-tier* formula as their basic service structure, and they were accordingly entitled for their pending promotion but alas this is not the case.
8. That this was dubious situation rather a violative and vague scenario that erupted in the eve of devolution pan which put the whole future career of the Appellant and all their colleagues in doldrum, which constraints the colleagues of the Appellant to approach the Islamabad High Court, Islamabad for the needful to be done, creation for protection of service rules and applicability of the *4-tier* formula in a Writ Petition No. 2350 of 2014, under the title of **Qismat Khan etc. v/s Federation of Pakistan**. The Hon'ble Islamabad High Court, Islamabad by disposing the Writ Petition, hold that such:

*"The Secretary Special Education Department Government of Sindh, Karachi categorically stated in his written statement that rules are likely to be framed within two weeks therefore formalities would be completed for adjustment/absorption of Petitioners as Sindh Civil Servants. Likewise, it is stated that all other Departments of respective Governments of KPK, Punjab & Baluchistan have also*



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amended the law and in this regard, committees have been constituted. At this verge, the Petitioner No. 1 & 6 appeared and disclosed that they have joined their respective departments in their respective provinces, but other formalities about other benefits have not been fulfilled. It is pointed out by learned counsel for Respondent No. 5 that committee is to be constituted for finalization of rules for which approval of competent authority is awaited. In view of above, the grievances of the Petitioners raised through present writ petition seem to be redressed, else the Petitioners would be at liberty to file a fresh petition. This writ petition stands disposed of with the direction that above process initiated by various provinces be completed within one month from receipt of this order. Compliance report be submitted."

**(Copies of Judgment of Islamabad High Court, Islamabad  
Dated: 21-11-2016 is annexed here as Annexure "H")**

9. That although the Islamabad High Court, Islamabad issued sections for completion of the given task i.e., providing a 4-tier service structure & other job guarantees to the Appellant and rest of the employees of the Special Education, but till now the Appellant is steering their ways for any needful to be done, but all become mirage.
10. That although the Provincial Act i.e., Khyber Pakhtunkhwa Civil Services Act-1973, has been amended by including S.11-B therein which specially provides for absorption of the Appellant & his colleagues and which has categorically provided, inter-alia, that all employees of devolved department i.e., the Appellant etc., shall be deemed to be Civil Servants of the Province of Khyber Pakhtunkhwa for all intents & purposes but even then they could not provide the basic right of service structure etc., to the Appellant which was provided to them where they were under the Federal Govt., but was made deprived of the same in the eve of devolution plan, which although had repeatedly been given protection via Ordinance and Act of Parliament as well as the Islamabad High Court,

Islamabad Judgments besides Khyber Pakhtunkhwa Civil Servants Act-1973. (Copies of Khyber Pakhtunkhwa Civil Servants Act-1973 is annexed here as Annexure "I")

11. That this is the background, wherein the Appellant moved repeated applications for promotions and for 4-tier formula but all efforts on part of the Appellant went futile. (Copies of the Applications are annexed here as Annexure "J")
12. That feeling highly aggrieved, the Appellant approaches this Hon'ble Tribunal for service structure, 4-tier formula, and his due promotion with all back benefits, upon the following grounds, inter-alia:

**GROUND:**

- A. That the Appellant is a naturally born *bonafide* citizen of Islamic Republic of Pakistan where law requires a thing to be done in a manner, the same is to be done in that very manner and not otherwise.
- B. That where all the rights that Appellant had been enjoying prior to devolution plan had protected, not once but repeatedly via different mechanisms, then how come the devolution plan can snatch or strip off all such rights from the Appellant?
- C. That even otherwise the Appellant is from Education Sector and the same 4-tier formula is made applicable to all the Education Sector and Education Departments across the provinces whether it is Higher Education Department or the Elementary & Secondary Education of Khyber Pakhtunkhwa.
- D. That where the same 4-tier formula is sanctioned and implemented across the province even besides HED, E&SE Departments even in Commerce Colleges, Technical Colleges etc. then how come the Appellant or rather the employees of

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the Secondary Education can be kept at abbey form the same 4-tier formula.

- E. That even otherwise when the Hon'ble Islamabad High court Islamabad issued directions for framing rules and all most more than a decade gas passed away even then no service structure is provided in the Special Education Department, which speaks volumes of the sluggishness and indifferent attitude of the Respondents.
- F. That no matter the Appointment, Posting & Transfer (APT) Rules-1989 in the Section 3 are categorically if rules are to be framed by the concerned Department but the concerned department with the concurrence of the Establishment & Finance Department, but SRC meeting could never took place in more than a decade. So, what can be the other example of this classical & unfettered discretionary power vested in the Respondents.
- G. That the Appellant had been entitled to BPS-20 back in the year 2015, if had not been envisaged to such formidable consequences of arbitrariness of the Respondents, but alas the Appellant is still serving as VP in BPS-18.
- H. That even otherwise as per the clarification issued from establishment wing, providing a defined length of service structure in each grade, the Appellant is entitled to BPS-20, since 2015. **Copy of Clearance of Establishment Wing is annexed here as Annexure "K"**
- I. That from every angle the appellant is liable to be promoted as Principal (BPS-19) w.e.f 2012 & Senior Principal (BPS-20) w.e.f 2015 with all back benefits.

J. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the Appellant be declared & held extended to BPS-19, as Principal w.e.f 2012, and as Senior Principal BPS-20 w.e.f. 2015 and Respondents be directed to promote the Appellant as such with all back benefits w.e.f. 2012 & 2015 respectively.

It is further prayed that the Respondents be directed to frame rules & apply the 4-tier formula of service structure to the Appellant & Special Education and thereafter carry out the due promotion of the Appellant strictly as per law.

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 23-06-2022

Appellant

Through

Javed Iqbal Gulbela  
Advocate,  
Supreme Court of Pakistan.

Saghir Iqbal Gulbela,

Ahsan Sardar  
&  
Hamza Durrani  
Advocates, High Court  
Peshawar.

**NOTE:**

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2022


**FALAK NAZ KHAN  
VERSUS  
GOVERNMENT OF KPK & OTHERS**

**AFFIDAVIT**

I, Falak Naz Khan S/o Mian Azad Gul R/o Ziarat Shiekh Allah-daad, Tehsil & District Kohat, do hereby solemnly affirm & declare on oath that all contents of the instant service appeal are true & correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

Deponent-   
CNIC: 14301-2070052-7  
Phone No. 0300-9890053

Identified by:

  
Mr. Javed Iqbal Gulbela  
Advocate Supreme Court,  
Pakistan

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

In Service Appeal No. \_\_\_\_\_ /2022

**FALAK NAZ KHAN**

**VERSUS**

**GOVT. OF KPK & OTHERS**

**ADDRESSES OF PARTIES**

**APPELLANT:**

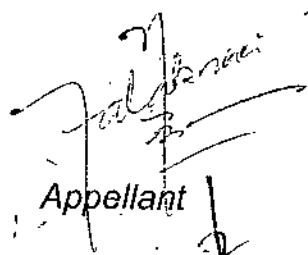
Falak Naz Khan S/o Mian Azad Gul R/o Ziarat Shiekh Allah-daad, Tehsil District Kohat.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary.
2. Secretary Social Welfare, Special Education at Women Empowerment Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Director Special Education, Directorate of Special Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Secretary Establishment, Govt. of Khyber Pakhtunkhwa, Peshawar.
5. Secretary Finance, Govt. of Khyber Pakhtunkhwa, Peshawar.

Dated:23-06-2022

Through

  
Appellant  
Javed Iqbal Gulbela  
Advocate,  
Supreme Court of Pakistan  
0302-5990617

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Ann 'A'

*[Faint, mostly illegible text, possibly a list or table of data]*

Supervisor  
(Handwritten signature)

~~(12)~~

(12)

Handwritten signature

Handwritten notes

Handwritten notes



Ann A

**BETTER COPY**

OFFICE OF THE DI VL. DIRECTOR OF THE EDUCATION (SCHOOLS) KOHAT DIVN, KOHAT.

**APPOINTMENT**

On the recommendation of the Departmental Selection committee appointment of the following trained candidates are hereby ordered against the vacant post of C.T. on temporary and adhoc basis in BPS-9 Graded pay scale, plus usual allowances as admissible to under the rules at the institutions noted against each with affect from the dates of their taking over charge.

<u>S.NO.</u>	<u>NAME/FATHER'S NAME/ADDRESS</u>	<u>POSTED AT</u>	<u>REMARKS</u>
1.	ZAHID SHAH S/O NOOR BADSHAH PTC,GPS DOHA,KOHAT.	GHS SHADI KHEL, KOHAT.	Against the vacant CT post
2.	MOHAMMAD SHARIF,S/O ABDULLAH JAN PTC,GPS LACHI,KOHAT.	GHS SUMARI PAYAN KOHAT.	-DO-
3.	ARSHAD NAEEM,S/O ALLAH BUKHASH PTC,GPS PAF BAZAR KOHAT.	GPS MOHAMMAD ZAI, KOHAT	-DO-
4.	ZAHOOR-UD-DIN PTC GPS SENGARH HANGU,KOHAT	GMS SHAHU KHEL,KOHAT	-DO-
5.	HUSLIMUD DIN, PTC ; GPS CITY CENTURE KOHAT.	GMS KOT,KOHAT	-DO-
6.	ZULFIQAR ALI, PTC,GPS CITY CENTURE, KOHAT.	GHS NO.2, KOHAT	-DO-
7.	DAMSAZ KHAN, PTC, GPS SHER BAT KARONA ,KARAK.	GMS ZIARAT SHEIKH ISMAIL, KOHAT	-DO-
8.	SHAFIUR REHMAN, PTC ,GMPS ABDUL NAWAZ KARONA,KARAK.	GMS CHAMBA GUL KOHAT.	-DO-
9.	AQIL SHAH, PTC, GPS JANGLE KHEL,NO.2 KOHAT.	GHS SAROZAI,KOHAT	-DO-
10.	MANZOOR QADIR, PTC, GPS BOGARA,KARAK.	GHS TOLANJ JADID KOHAT	-DO-
11.	MOHAMMAD SAJAD IQLIM,S/O IQLIM KHAN,R/O MITHA KHEL, KARAK.	GHS WOUCH BAZAR HANGU (KOHAT)	-DO-
12.	ARBAB KHAN S/O HABIB KHAN R/O WARANA, KARAK.	GHS MARAI PAYAN KOHAT	-DO-

JAVED IQBAL  
& CO. CHARTERS  
Supreme Court of Pakistan  
(ASC # 5317)

13. FALAK NAZ S/O AZAD GUL, R/O  
ZIARAT SHEIKH ALLAH DAD, KOHAT

GHS Z.S. ALLAH DAD

-DO-

14. MUBASHIR SAEED S/O MOHAMMAD SAEED  
R/O BEHZADI CHIKER KOT, KOHAT

GHS IBRAHIMZAI  
KOHAT.

-DO-

15. S.KHIZAR SHAH S/O AKTHER SHAH R/O  
ZAHOOR-UL-ALAM ROAD, KOHAT MIR  
AHMED KHAL, KOHAT.

GHS KHADIQT  
KOHAT

-DO-

### BETTER COPY

### TERMS & CONDITIONS

1. Their appointments are purely temporary and liable to termination at any time without assigning reasons or notice.
2. In case of resignation they will have to submit one month's prior notice to the department or forfeit one month's pay to the department thereof to the Govt.
3. They are Required to produce health and fitness certificate from the Medical authority concerned before taking over charge.
4. They should not be allowed to take over their charge if their age is less than 18 years or more than 30 years.
5. Their appointment is subject to further condition that they are domiciled of Kohat division.
6. All educational, character and domical certificates should be thoroughly checked before handing over charge, and if necessary they should be verified from the institution concerned.
7. If they failed to take over charge of the post within 15 days of the receipt of this order, the offer of appointment shall stand cancelled.
8. Charge reports should be send to all concerned.
9. No TA/DA etc is allowed.

SAVED 10/2/2014 10:51:14 AM  
Supreme Court of Pakistan  
(ASC # 5317)

(13)

Ann<sup>B</sup> 164

PAKISTAN ATOMIC ENERGY COMMISSION  
P.O. BOX NO. 1114  
ISLAMABAD

No. Estt-6(986)/96

Dated: 27-1-1997

OFFICE ORDER NO. 81 / 97

Subject:- APPOINTMENT AS TRAINED GRADUATE TEACHER  
IN PAEC - MR. FALAK NAZ

Having accepted the terms and conditions of the offer of appointment as contained in this Commission's O.M. No. Estt-2(1178)/96 dated 30-10-96, Mr. Falak Naz S/o Azad Gul has been appointed as Trained Graduate Teacher (B-15) at PINSTECH Model School (CNS), Islamabad at a pay of Rs.2535/-p.m in the scale of Rs.2535-197-5490 plus usual allowances as admissible under the rules with effect from 20-11-1996 (F.N) and until further orders.

( SALAH-UD-DIN ZAMAN )  
Pr. Establishment Officer-II

DISTRIBUTION:

1. Director General, CNS, Islamabad
2. Director, Dte. of Security, PAEC, Islamabad - with the request that security clearance is also required from IB, DIG Special Branch and Local Police.
3. Director(Accounts/Audit/Finance/Budget), PAEC, Islamabad
4. Director(Estt), PAEC, Islamabad (with 2 extra copies)
5. Administrator, CNS, Islamabad- The appointment of Mr. Falak Naz is subject to the condition that he will furnish a copy of B.Ed degree within one year. The same may be obtained and furnish to this HQrs. before termination of probation period.
6. Head, LAO, CNS, Islamabad
7. Sr.Accounts Officer(Gen), PAEC, Islamabad - alongwith a copy of offer of appointment, assumption of charge report and final medical board's report.
8. Mr. Falak Naz, TGT, CNS, Islamabad. He is required to provide a copy of B.Ed degree within one year before termination of his probation period
9. Master file

*[Handwritten signature]*

JAVEL  
Supreme  
(1507/11/97)

Islamabad, the 23/5/01 August, 2001

MEMORANDUM

Mr. Falak Naz Khan is informed that on the recommendation made by the Federal Public Service Commission, he/she has been selected for appointment as Senior Teacher (SPS 17) in the Special Education Centre/Institutions under the Directorate General of Special Education, Ministry of Women Development, Social Welfare and Special Education, Islamabad. He/She is hereby advised the above mentioned post on the following terms and conditions:

- i. The post carries PPS 17 pay scale and other physical allowances as applicable under the rules.
- ii. The vacancy against which he/she is being appointed is purely temporary but likely to continue.
- iii. The appointment will be on probation for a period of one year extendable by order under the rules or other instructions by a further period not exceeding one year. The termination of probation is subject to satisfactory performance.
- iv. During the period of probation his/her service will be liable to be terminated without any notice if his/her work or conduct is found unsatisfactory or if he/she shows that he/she is not likely to become efficient.
- v. His/her services are liable to be terminated at any time without assigning any reasons by giving a notice for a period not less than 14 days or payment in lieu of the notice of a period equivalent to the period of 14 days or for the period which the notice falls short of 14 days in case he/she wishes not to continue his service under Government of Islamabad. He/she shall be deemed to have resigned if he/she does not tender his/her resignation in writing and shall thereafter be liable to disciplinary action if his/her resignation by Government he/she shall be liable to disciplinary action which may result in disqualification from further employment under Government.
- vi. The appointment would be provisional subject to confirmation of character antecedents and being declared fit for Government service.
- vii. The appointment would be provisional subject to confirmation of medical fitness by medical officer of the Government of Islamabad.
- viii. The conditions and rules of service will be read as applicable to the other employees of the Government of Islamabad.
- ix. He/she will be liable to move through the course of his/her service to any part of Pakistan.

If the offer of appointment on the above terms and conditions is acceptable to him/her, Mr. Falak Naz Khan should give his/her consent in writing to the undersigned and report for duty to the Office, In-charge, Special Education Centre Visually Handicapped Children, H.N. No. 5, Clapper Avenue, Khatonee, Islamabad, but not later than 20.08.2001. For which this certificate of appointment should be duly forwarded.

No. FA/AD/SPS 17/2000-AD/1001

(SAH ULLAH BUTTY)  
DEPUTY DIRECTOR (ADMIN)

JAVED ...  
Supervisor ...  
(333-3337)

Mr. Falak Naz Khan  
Punsteek Model School Nilore,  
Islamabad.

- Copies to:
- 1. Liaison Officer, Director (Recruitment), FPSC, Islamabad
  - 2. Mr. Khalid, No. F-107 2000-R Related FA/07 2001
  - 3. Director, (R-Ed III)
  - 4. Officer in-charge, SPC (Visually Handicapped Children), Kohat

(DEPUTY DIRECTOR (ADMIN))

By No. 77...  
Date: 23/5/01

7/8

Ann C

**BETTER COPY**

Islamabad, the 3<sup>rd</sup> August, 2001

**MEMORANDUM**

Mr. Falak Naz Khan is informed that on the recommendation made by the Federal Public Service Commission, he/she has been selected for appointment as Senior Teacher (BPS-17) in the Special Education Centre/ institutions under the Directorate General of Special Education, Ministry of Women Development, Social Welfare and Special Education, Islamabad. He/She is hereby offered the above mentioned post on the following terms and conditions: -

- i. The post carries BPS-17 i.e. Rs 3880-290-7360 plus usual allowances as admissible under the rules,
- ii. The vacancy against which he/she is being offered appointment is purely temporary but likely to continue,
- iii. The appointment will be on probation for a period of one year, extendable by order either before or after its termination by a further period not exceeding one year. The termination of probation is subject to satisfactory performance
- iv. During the period of probation his/her service will be liable to be terminated without any notice if his/her work or conduct is found unsatisfactory or if he/she shows that he/she is not likely to become efficient.
- v. His/her services are liable to be terminated at any time without assigning any reasons by giving a notice for a period not less than 14 days on payment, in lieu of the notice of a said equivalent to his/her pay for 14 days or for the period which the notice falls short of 14 days, in case he/she wishes to terminate his/her services under Government at any time he/she shall resign in writing and shall thereafter continue to serve Government until his/her resignation is accepted, if he/she absents himself/herself from duty before acceptance of his/her resignation by government he/she shall be liable to disciplinary action which may result in disqualification from further employment under Government.
- vi. The appointment would be provisional subject to verification of character antecedents and being declared fit for Government Service.
- vii. The appointment would be provisional subject to being declared medically fit by medical authority to be designated by the Government.

JAVED IQBAL QULBELA  
Att. Secy  
Supreme Court of Pakistan  
(MSO # 5317)

- viii. Other terms and condition of service will be usual as applicable to the other employees of same category under tie Directorate General of Special Education.
- ix. He/she will be liable to transfer through the course of his/her service, to any part of Pakistan.

2. If the offer of appointment on the above terms and conditions is acceptable to him/her. Mr. Falak Naz Khan should give his/her consent in Writing to the undersigned and report for duty to the Officer in charge, Special Education Centre for Visually Handicapped Children, House No 14-A, Happy Valley, Kohat Cantt immediately but not later than 20,08,2001 failing which the offer of appointment shall stand cancelled

3.No TA/DA will be admissible on this account.

(SAIF ULLAH BUTT)

DEPUTY DIRECTOR(ADMIN)

MR.FALAK NAZ KHAN,  
PINSTECH MODEL SCHOOL NILORE,  
ISLAMABAD.

JAVED IQBAL  
Advocate  
Supreme Court of Pakistan  
(ASG # 5317)

Government of Pakistan  
Ministry of Social Welfare & Special Education  
Directorate General of Special Education  
\*\*\*\*

Islamabad the 14<sup>th</sup> June, 2008

**NOTIFICATION**

No.F.2-3/2008-A.II. Having been recommended by the Departmental Promotion Committee and approved by the competent authority i.e Secretary, Ministry of Social Welfare and Special Education, the following Senior Teachers (BS-17) working in the various Special Education Centre/ Institutions under the Directorate General of Special Education are appointed against the up-graded/ re-designated posts of Vice Principals (BS-18) w.e.f. 14-06-2008 under 4-Tier Service Structure:-

S.No	Name of Candidate	Name of Centre
1	Ms. Shaheena Begum	SEC for HIC, Karachi
2	Syed Riaz-Ur-Rehman	SEC for MRC, Mardan
3	Mrs. Feroza Khanum	SEC for HIC, Lahore
4	Miss Rukhsana Yasmin	SEC for HIC, Islamabad
5	Mrs. Shahida Mumtaz	SEC for HIC, Islamabad
6	Mr. Qismat Khan	SEC for MRC, D.I. Khan
7	Mr. Sartaj Msood	SEC for MRC, Mardan
8	Mrs. Musarrat Nahid	SEC for HIC, Lahore
9	Miss Anjum Ara Dhami	SEC for MRC, Lahore
10	Mr. Javed Yousaf Ali	IPHC, Peshawar
11	Mrs. Ghazal Naqvi	SEC for HIC, Islamabad
12	Mrs. Rukh-e-Naz	SEC for MRC, Islamabad
13	Miss Tasneem Akhtar	SEC for VHC, Islamabad
14	Miss Azra Batool	SEC for HIC, Islamabad
15	Mr. Ismatullah Khan	SEC for HIC, Peshawar
16	Mr. Abdul Sattar Soomro	SEC for MRC, Sibi
17	Mrs. Fakhra Jabeen	IPHC, Peshawar
18	Mrs. Shaheen Kausar	SEC for VHC, Lahore
19	Ms. Naila Iqbal	SEC for MRC, Islamabad
20	Mrs. Shahnaz Javed	SEC for HIC, Islamabad
21	Mr. Altaf Ahmed Jagirani	SEC for PHC, Dadu
22	Syeda Nusrat Jabeen	SEC for HIC, Islamabad
23	Mrs. Nighat Ahmed	SEC for VHC, Lahore
24	Mrs. Nasim Qureshi	IPHC, Quetta
25	Mrs. Farkhanda N. Hayat	SEC for PHC, Lahore
26	Mian Masood Ahmed	SEC for PHC, Faisalabad
27	Mrs. Rahat Sultana	SEC for MRC, Islamabad
28	Mrs. Parveen Fatima	SEC for VHC, Karachi
29	Mrs. Nasira Noor	SEC for PHC, Lahore
30	Mr. Muhammad Yaqoob Waqar	SEC for HIC, Lahore
31	Miss Ghazala Ahmed	SEC for VHC, Karachi
32	Mrs. Rukh-e-Afzal Sajjad	SEC for MRC, Islamabad
33	Mr. Muhammad Akbar	SEC for MRC, Nawabshah
34	Mir Akram Shah	SEC for VHC, Peshawar
35	Mrs. Rashida Jabeen	SEC for PHC, Islamabad
36	Mrs. Rubina Qureshi	SEC for HIC, Islamabad
37	Mr. Muhammad Shafi	NISE, Islamabad
38	Mr. M. Ghulam Durrani	SEC for HIC, Islamabad
39	Miss Musharraf Fatima	SEC for HIC, Jhang
40	Miss Fahmida Naseem	SEC for HIC, Islamabad

JAVED IOB / GULDELA  
Supervisor of Promotion  
(ASC # 5317)

3. The appointment against the up-graded/ re-designated posts as Vice Principal (BS-18) are on the following conditions:-

- a. These will be governed by such recruitment rules as framed / shall be framed from time to time for filling up the up-graded posts by appointment / recruitment as per prescribed rules.
- b. The upgraded incumbents shall continue performing their duties, at their present place of postings.

The Manager,  
Printing Corporation of Pakistan Press,  
Karachi

(TAJ WALI KHAN)  
DIRECTOR (ADMN)

Copy to:-

1. AGPR, Islamabad.
2. AGPR, Sub-Office, Lahore.
3. AGPR, Sub-Office, Karachi.
4. AGPR, Sub-Office, Peshawar.
5. AGPR, Sub-Office, Quetta.
6. PS to Minister for Social Welfare and Special Education
7. PS to Secretary, M/o SW&SE.
8. PA to Joint Secretary, M/o SW&SE.
9. PA to Director General (SE).
10. District Accounts Officers concerned.
11. Director (CR), DGSE, Islamabad.
12. Director (NR), DGSE, Islamabad.
13. Director (SR), DGSE, Islamabad.
14. All Vice Principal/Incharge concerned.
15. All officers concerned.

(SYED TAHIR HUSSAIN)  
ADMINISTRATIVE OFFICER

JAWED IGEM. QULBELA  
Vocate  
Supreme Court of Pakistan  
ASC # 53171



Government of Pakistan  
Ministry of Social Welfare and Special Education  
Directorate General of Special Education

Islamabad, the 12<sup>th</sup> December, 2007

NOTIFICATION

No.F.4-9/2682-CR-Coord. The competent authority has been pleased to approve 4-Tier formula of service Structure in the ratio of 1:15:34:50 for cadre of the Teachers (BPS-17 and above) working in the Special Education Schools/Institutions under the Directorate General of Special Education, Islamabad.

2. Subsequently 216 posts of Senior Teachers (BPS-17) as on 01.07.2004 are up-graded and re-designated as detailed below:-

Senior Principal (BPS-20) 1% of total strength	Principal (BPS-19) 15% of total strength	Vice Principal (BPS-18) 34% of total strength	Senior Teacher (BPS-17) 50% of total strength	Total
02	32	74	108	216

3. The above revised up-gradation/re-designation will be subject to the following conditions :-

- (i) Framing of separate recruitment rules of teaching posts with the concurrence of Establishment Division and FPSC and filling of the posts (under revised service structure) in the prescribed manner.
- (ii) Amendment in the Existing Recruitment Rules of the DGSE and its Institutions, deleting there-from teaching posts in BS-17 and above.
- (iii) Appointment to teaching posts in BS-17 and above in the Schools/ Institutions under DGSE (under 4-tier service structure) shall be governed by the Recruitment Rules mentioned at (i) above.
- (iv) Separate seniority lists shall be maintained by the Ministry of Social Welfare and Special Education for teachers in BS-17 and above in the Schools/Institutions under the DGSE.
- (v) Directors and Deputy Directors of the DGSE shall not be eligible for promotion to teaching posts under the 4-tier service structure.
- (vi) The additional expenditure involved will be met from within the sanctioned Budget grant of Ministry of Social Welfare and Special Education.

(M. MUSTAQUEEM SIDDIQUI)  
DEPUTY DIRECTOR (A & C)  
Ph:9262189

The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad

Copy to:-

1. AGPR, Islamabad.
2. AGPR, Sub-Office, Lahore, Karachi, Peshawar, Quetta and Gilgit.
3. All District Accounts Officer concerned.
4. Deputy Secretary (Regulation), Finance Division, with reference to their O.M. No.2(6)R-2/2007-1246, dated 22.11.2007.
5. Principal/Vice Principal concerned.
6. Muhammad Arshad, D.S (Regulation), Establishment Division, Islamabad.
7. Mr. Muhammad Arjumand, Director (R), FPSC, Islamabad.
8. Officer concerned.

AGPR, Islamabad  
Advt No  
Ministry of Social Welfare and Special Education  
ASG # 53175

(M. MUSTAQUEEM SIDDIQUI)  
DEPUTY DIRECTOR (A & C)

18

Ann "F"

REGISTERED No. M-307  
L-7016

The Gazette



of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, MAY 24, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND JUSTICE

Islamabad, the 24th May, 2013

No. F. 2(1).2013-Pub.—The following Ordinance promulgated by the President is hereby published for general information:—

ORDINANCE NO. V OF 2013

AN

ORDINANCE

Further to amend the Civil Servants Act (LXXI of 1973)

WHEREAS it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session having been dissolved on completion of its term and the Senate is also not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(305)

JAVED IZZAT GULBEIJA  
Secretary  
(ASC # 5317)

Price : Rs. 3.00

[834 (2013)/Ex Gaz.]

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306 THE GAZETTE OF PAKISTAN, EXTRA., MAY 24, 2013 [PART I]

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2013.
- (2) It shall come into force at once.
2. Amendment of section 3, Act LXXI of 1973.— In the Civil Servants Act, 1973 (LXXI of 1973), in section 3, after sub-section (2) the following new sub-sections shall be added, namely:—
  - (3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.
  - (4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Department or Subordinate Office pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division, Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.
  - (5) The seniority of the civil servants transferred by virtue of sub-sections (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be, in accordance with the rules.
  - (6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and working in FATA, Gilgit Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf.

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(43623017)

REGISTERED No. M-302  
L-7646



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MARCH 22, 2016

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 21st March, 2016

No. F. 3(26)2015-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 17th March, 2016:

ACT No. IX of 2016

*An Act further to amend the Civil Servants Act, 1973*

Whereas it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973), for the purpose hereinafter appearing:

1. Short title and commencement.—This Act may be called the Civil Servants (Amendment) Act, 2016.

(2) It shall come into force at once.

(111)

[26th(2016) Pt. I Gaz.]

Price Rs 3.00

JAVED IQBAL SULTANA  
ASSTANT  
Supreme Govt. of Pakistan  
(ASC 23317)

Page # 3

70-B

Provided that no such power shall be exercised after expiry of one year from the coming into force of the aforesaid Act.

4. Omission of section 12A, Act LXXI of 1973.—In the said Act, section 12A, shall be omitted.

AMJED PERVEZ,  
*Secretary.*

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 2350/2014.

1. Qismat Khan, Principal, Special Education Centre (SEC) for MRC, M/o Capital Administration and Development (CAD), Islamabad.
2. Azizullah Khan Sumbal, Rohtas SEC, M/o CAD, Islamabad.
3. S. Mehdi Hussain, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.
4. Muhammad Waqas Javed, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.
5. Arifullah Khan, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.
6. Fida Hussain, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.
7. Muhammad Amjad, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.
8. Mussarat Jehan, Vice Principal, SEC for MRC, M/o CAD, Islamabad.
9. Mahjabeen Abbasi, Senior Teacher, SEC for MRC, M/o CAD, Islamabad.

For Private Use  
 22 OCT 2019  
 Examiner  
 Copy Supply Section  
 Islamabad High Court  
 Islamabad

.....Petitioners

Versus

1. Federation of Pakistan through Secretary, Establishment Division, Cabinet Secretariat, Islamabad.
2. Capital Administration and Development through Secretary, D-Block, Pak. Sectt., Islamabad
3. Director General, Directorate General of Special Education, Social Welfare, Child Welfare and Development, Islamabad.

AAVEG KIDAI GULBERGA  
 Supreme Court of Pakistan  
 (ASC # 5317)

Shahid  
 14-10-14



- 4. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5. Chief Secretary, Government of Sindh, Sindh Civil Secretariat, Karachi.
- 6. Chief Secretary, Government of the Punjab, Civil Secretariat, Lahore. .... Respondents

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

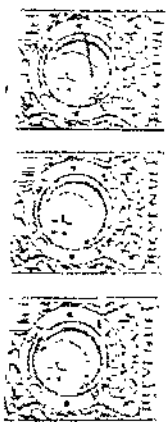
Respectfully Sheweth :

The Petitioners above-named prefer the captioned Writ Petition in the backdrop of the following facts :-

FACTS

1. That since the facts relating to the Petitioners herein are necessary for adjudication of present Petition as also the questions of law arising therefrom as well as the grievance of the Petitioners, and the facts narrated hereinbelow have been confined only to those as would comprehensively assist this Honourable Court for just decision and substantial justice in the instant Petition.

2. That the Petitioners are citizen of Pakistan and have been guaranteed Fundamental Rights as contained in Chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan and the Petitioners are also entitled for equal enjoyment and protection of all such Fundamental Rights.



Certified to Be True  
 22 OCT 2019  
 Examiner  
 Chief Scribe Section  
 Attorney General's Office  
 Government of Punjab  
 Islamabad High Court  
 Islamabad

That the Petitioners were working in the Special Education Centre for MRC, D.I. Khan, National Special Education Centre, Karachi, Special Education Centres, Sahiwal and Jhelum, in different capacities under the administrative control

JAVED IZAM QURESHI  
 Advocate  
 Supreme Court of Pakistan  
 (ASC #53171)

ORDER SHEET.  
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.  
JUDICIAL DEPARTMENT.

W.P. No.2350-2014

Qismat Khan etc.

Vs. /

Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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21.11.2016	Petitioner Nos.1 & 6 in person. Mr. Ahsan Hameed Dogar, Advocate for respondent No.5. Mr. Rashid Hafeez, Additional Advocate General, Punjab for respondent No.6. Raja Khalid Mahmood Khan, DAG with Zarnab Khattak, Superintendent, Establishment Division.
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The Secretary, Special Education Department, Government of Sindh, Karachi categorically stated in his written statement that rules are likely to be framed within two weeks therefore formalities would be completed for adjustment/absorption of petitioners as Sindh Civil Servants. Likewise, it is stated that all other departments of respective Governments of KPK, Punjab & Baluchistan have also amended law and in this regard, committees have been constituted. At this verge, petitioners No. 1 & 6 appeared and disclosed that they have joined their respective departments in their respective provinces, but other formalities with regard to other benefits have not been fulfilled. It is pointed out by learned counsel for respondent No.5 that committee is to be constituted for finalization of rules for which approval of competent authority is awaited.

2. In view of above, the grievances of the petitioners raised through present writ petition seem

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22 OCT 2019  
Examiner  
Joint Registry Section  
Adherence to Order Article-87 of  
Constitution of Pakistan Order 1984  
Islamabad High Court  
Islamabad

JAVED Iqbal  
Advocate  
Supreme Court of Pakistan  
SC # 53171



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to be redressed, else the petitioners would be at liberty to file a fresh petition.

- ✓ 3. This writ petition stands disposed of with the direction that above process initiated by various Provinces be completed within one month from receipt of this order. Compliance report be submitted.

(NOOR-UL-HAQ N. QURESHI)  
JUDGE

Certified to E... Copy

22 OCT 2019

Secretary  
Government of Punjab  
Administrative Services Department  
Ministry of Information & Public Relations  
Islamabad High Court  
Islamabad

JAVED IFTIKHAR BULDELA  
JUDGE  
Supreme Court of Pakistan  
(ASC # 5317)

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"I"

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THE <sup>1</sup>[KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.

<sup>2</sup>[KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973)

[11<sup>th</sup> November, 1973].

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act. IV of 2011.  
<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act. IV of 2011.  
<sup>3</sup> Inserted vide Khyber Pakhtunkhwa Ordinance No. VI of 2001.  
<sup>4</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXXVIII of 2015.

JAVED IQBAL QURESHI  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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<sup>1</sup>. Inserted vide Khyber Pakhtunkhwa Ordinance No. IX of 1978.  
<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act No. XI of 2021.  
<sup>3</sup>. Substituted vide Khyber Pakhtunkhwa Act No. XI of 2021.  
<sup>4</sup>. Inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.  
<sup>5</sup>. Inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.

JAVED IZAT SULEELA  
Candidate  
SUPREME COURT OF PAKISTAN  
(SC # 3317)

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THE <sup>1</sup>[KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.

[11th November, 1973].

<sup>2</sup>[KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973)

(Received the assent of the Governor of the <sup>3</sup>[Khyber Pakhtunkhwa] on 11th November, 1973).

AN  
ACT

to regulate the appointment of persons to, and the terms and conditions of service of persons in the service of the <sup>4</sup>[Khyber Pakhtunkhwa].

WHEREAS it is expedient to regulate by law, the appointment of persons to and the terms and conditions of service of person in the service of the <sup>5</sup>[Khyber Pakhtunkhwa], and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the <sup>6</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

(3) It shall come into force at once.

CHAPTER-1  
PRELIMINARY.

2. (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say, —

Definitions.

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed

<sup>1</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>3</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>4</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>5</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>6</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.

JAVED IZBA GULBELA  
ADVOCATE  
SUPERIOR COURT OF PAKISTAN  
LASC# 53/71

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method of recruitment, pending recruitment in accordance with such method.

- (b) "civil servant" means a person who is member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
- (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
  - (ii) a person who is employed on contract, or on work-charged basis or who is paid from contingences; or
  - (iii) a person who is "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the <sup>1</sup>[Khyber Pakhtunkhwa];
- (d) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (e) "pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be pay;
- (f) "permanent post" means a post sanctioned without limit of time;
- (g) "prescribed" means prescribed by rules;
- (h) "Province" means the <sup>2</sup>[Khyber Pakhtunkhwa];
- (i) "rules" means rules made or deemed to have been made under this Act;
- (j) "selection authority" means the <sup>3</sup>[Khyber Pakhtunkhwa] Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on

JAVED IFTIKHAR QURESHI  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 3317)

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.

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the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;

(k) "temporary post" means a post other than a permanent post.

2. For the purpose of this Act, an appointment, whether by promotion or otherwise shall be deemed to have been made on regular basis if it is made in the prescribed manner.

**CHAPTER - II**  
**TERMS AND CONDITIONS OF SERVICE OF SERVANTS**

3. The terms and conditions of service of a civil servant shall be as provided in this Act and the rules. Terms & conditions.

4. Every civil servant shall hold office during the pleasure of the Governor. Tenure of office of civil servant.

5. Appointments to a civil service of the Province or to a civil post in connection with affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf. Appointment.

6. (1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed. Probation.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise. -

(a) if he was appointed to such service or post by initial recruitment be discharged; or

(b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that in the case of initial appointment to a service or post a civil servant shall not be deemed to have completed his period of probation satisfactorily

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Supreme Court of Pakistan  
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until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. (1) A person appointed on probation shall on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed. Confirmation.

(2) A civil servant promoted to a post <sup>1</sup>[\* \* \*] on regular basis shall be eligible for confirmation, after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. (1) For proper administration of service, cadre or <sup>2</sup>[post] the appointing authority shall cause a seniority list of the members for the time being of such service cadre or <sup>3</sup>[post] to be prepared but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or <sup>4</sup>[post] as the case may be. Seniority.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or <sup>5</sup>[cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>6</sup>[Cadre] or post shall be determined as may be prescribed.

<sup>7</sup>[(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

1. The word "or grade" omitted by Khyber Pakhtunkhwa Ord.No.IV of 1985 Section 2.  
2. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 3.  
3. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 2.  
4. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 3.  
5. The word "Grade" substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985 Section 3.  
6. The word "Grade" substituted by Khyber Pakhtunkhwa Ord No.IV of 1985 Section 3.  
7. Substituted vide Khyber Pakhtunkhwa ordinance No. IV of 1985 Section 3.  
Note:- Amendments made vide Khyber Pakhtunkhwa Ordinance No. IV of 1985, has been given effect from the first day of July, 1983.

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Supreme Court of Pakistan  
LASC 1987

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post retain their interse seniority as in the lower post.”]

<sup>1</sup>[(5) The seniority lists prepared under sub-section (1) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.]

9. (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a <sup>2</sup>[higher] post for the time being reserved under the rules for departmental promotion in <sup>3</sup>[\* \* \*] the service or cadre to which he belongs. Promotion.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed —

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority — cum- fitness.

10. Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government: Posting and transfers.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. (1) The service of civil servant may be terminated without notice,- Termination of services.

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one <sup>4</sup>[service] cadre or post to

<sup>1</sup> Added vide Khyber Pakhtunkhwa Act No.1 of 1989.  
<sup>2</sup> The word "higher" inserted vide Khyber Pakhtunkhwa Ord.No.V of 1985 Section 4.  
<sup>3</sup> The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ord.No. IV of 1985 Section 4.  
<sup>4</sup> The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.

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 Supreme Court of Pakistan  
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another <sup>1</sup>[service] as he holds a lien against his former post in such <sup>2</sup>[service] or cadre but he shall be reverted to his former <sup>3</sup>[service] cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made *ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of post in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2) the service of a civil servant in temporary employment or appointed *ad hoc* shall be liable to termination on fourteen days notice or pay in lieu thereof.

<sup>4</sup>[11A. Notwithstanding anything contained in this Act, the rules made thereunder, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfills other conditions applicable to that post:

Absorption of civil servants rendered surplus.

Provided that where no equivalent post is available, he may be offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

<sup>5</sup>[11B. (1) Notwithstanding anything contained in this Act, all those employees of the Federal Government, who are holding various posts in Federal Government entities on regular basis, before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and the said entities being devolved to Province in pursuance of aforesaid amendment, shall be deemed to be the civil employees

Absorption or appointment of Federal employees

1. The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
 2. The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
 Note:- Amendments made vide Khyber Pakhtunkhwa Ordinance No. IV of 1985, has been given effect from the first day of July, 1983.  
 3. The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
 4. Inserted vide Khyber Pakhtunkhwa Ordinance No. VI of 2001.  
 5. Inserted vide Khyber Pakhtunkhwa Act No.XXXVIII of 2015.  
 Note:- Amendments made vide Khyber Pakhtunkhwa Ordinance No. IV of 1985 has been given effect from the first day of July, 1983.

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 Supreme Court of Pakistan  
 (ASD 5317)

servants of the Province for all intents and purposes under this Act.

- (2) All such Federal Government employees,-
  - (a) if their relevant cadre is available in Government, shall be absorbed in the said cadre in the prescribed manner; and
  - (b) if no relevant cadre is available in Government, shall be deemed to have been appointed on regular basis to various cadres posts to be created for this purpose:

Provided that on such appointment or absorption, as the case may be,-

- (i) their seniority shall be determined in accordance with the provision of this Act; and
- (ii) their liabilities with regard to pension, gratuity, group insurance, benevolent fund and leave encashment shall be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.

(3) Government shall constitute a committee consisting of Secretary to Government, Establishment Department, Secretary to Government, Finance Department, Secretary to Government, Law, Parliamentary Affairs and Human Rights Department, Secretary to Government, Inter Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section.]

12. A civil servant appointed to a higher post or <sup>1</sup>[To a higher post or before the commencement of the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants (Amendment) Ordinance, 1985 to a higher <sup>3</sup>[grade] adhoc or on temporary or officiating basis shall be liable to reversion to his lower post <sup>4</sup>[\* \* \*] without notice. Reversion to a lower [post.]

<sup>5</sup>[12-A] Notwithstanding anything contained in his terms and conditions of service a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977, may be removed from service or reverted to his lower post <sup>6</sup>[\* \* \*] as the case may be without notice by the Governor or a person authorized by him in this behalf on such date as the Governor or as the case may be, the person so authorized may, in the public interest, direct.] Certain persons to be liable to removal or reversion

1. Inserted by Khyber Pakhtunkhwa Ord.No.IV of 1978.  
 2. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
 3. In the margin the word "Grade or service" substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
 4. The word "Grade" omitted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
 5. Section 12-A, inserted by Khyber Pakhtunkhwa Ord.No.IX of 1978.  
 6. The word "Grade" omitted by Khyber Pakhtunkhwa Ord.No.IV of 1985 Section 2.

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 Supreme Court of Pakistan  
 (REG # 1317)

<sup>1</sup>[13. (1) A Civil Servant shall retire from service on the completion of sixtieth (60<sup>th</sup>) year of his age.

Retirement  
from service.

(2) A Civil Servant may opt to retire early from service, after completion of twenty five (25) years of qualifying service or attaining the age of fifty five (55) years, whichever is later.

(3) Notwithstanding anything contained in sub-section (1) and (2), the competent authority may in the public interest, direct that a Civil Servant may retire from service, from such date, as may be determined by the competent authority, after he has completed twenty (20) years of service, qualifying for pension or other retirement benefits, in the manner as may be prescribed:

Provided that no direction under this sub-section shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation.- In this section, the expression "competent authority" means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.]

<sup>2</sup>[13A. (1) All the Civil Servants, who were conditionally retired from service on or after 31<sup>st</sup> day of July, 2019 shall, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60<sup>th</sup>) years of age.

Protection of  
certain acts.

(2) Any Civil Servant, who has completed sixty (60) years of age but is not retired from service, by virtue of or in pursuance of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019, shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31<sup>st</sup> day of July, 2019 shall be deemed to be validly received and drawn.]

14. (1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Employment  
after retirement.

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(ASC # 5317)

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XI of 2021.

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. XI of 2021.

Provided that, where the appointing authority is the Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Probation) Act, 1966 (Act XII of 1966), a civil servant may during leave preparatory to retirement, or after retirement from Government service, seek any Private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. The conduct of a civil servant shall be regulated by rules made or instructions issued by Government or a prescribed authority whether generally or in respect of a specified group or class of civil servants. Conduct.

16. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure. Disciplinary action.

17. Civil servant appointed to a post <sup>1</sup>[\* \*\*] shall be entitled, in accordance with the rules, to the pay sanctioned for such post <sup>2</sup>[\* \* \*]: Pay.

Provided that, when the appointment is made on a current charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where civil servant has , under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. A civil servant shall be allowed leave in accordance with the leave rule applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority. Leave.

<sup>3</sup>[19.] (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed. Pension and gratuity.

JAVED QAZI, JULES  
ASSTANT  
SECRETARY  
(ASSTANT SECRETARY)  
(ASSTANT SECRETARY)

<sup>1</sup>. The word "grade" omitted by Khyber Pakhtunkhwa Ord. No. IV of 1985 Section 8.

<sup>2</sup>. The word "grade" omitted by Khyber Pakhtunkhwa Ord. No. IV of 1985.

<sup>3</sup>. Substituted vide Khyber Pakhtunkhwa Act No. III of 2013.

Note:- Substitution of section 19 has been given effect from 30<sup>th</sup> day of June, 2001.

Note:- Amendments made vide Khyber Pakhtunkhwa Ordinance No. IV of 1985 has been given effect from the first day of July, 1983.

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(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but government may sanction compassionate allowance to such civil servant, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family:

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1<sup>st</sup> July, 2001 till 23<sup>rd</sup> July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment Department shall constitute a Committee comprising of the Secretary to Government, Finance Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty.]

20. (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to including the interest accruing thereon, if any and withdrawals or advances from, his provident fund during the preceding financial year.

Provident Fund.

(2) Where any subscription made by a civil servant to his provident fund has not been shown credited in the account by the Accounts Officer or other officer required to maintain such account such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

21. All civil servants and their families shall be entitled to the benefits Benevolent

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admissible under the West Pakistan Government Employments Welfare Fund Ordinance, 1969 (W.P. Ord I of 1969) or the <sup>1</sup>[Khyber Pakhtunkhwa] Government Servants Benevolent Fund Ordinance, 1972 <sup>2</sup>[Khyber Pakhtunkhwa] Ord. VII of 1972), and the rules made thereunder. Fund and Group Insurances.

22. (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed be made within thirty days of the date of such order. Right of appeal or representation.

(2) Where no provisions for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may within thirty days of the communication to him of such order make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

### CHAPTER – III MISCELLANEOUS.

23. Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable: Saving.

Provided that where this Act or any rule is applicable to the case of a civil servant the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

<sup>3</sup>[23A. No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued thereunder. Indemnity.

23B. Save as provided under this Act and the Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No.I of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Jurisdiction barred.

<sup>1</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
<sup>3</sup>. Inserted vide Khyber Pakhtunkhwa Ordinance No.XIV of 2002

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Supreme Court of Pakistan  
(ASC # 5317)

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Governor or any officer authorised by him shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made, or proceedings taken in pursuance of any power conferred by or under this Act or the rules made thereunder.]

24. If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Removal of difficulties.

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

25. The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work charged basis or who are paid out of contingencies:

Appointment of persons on contract, etc.

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

26. (1) The Governor or any person authorized by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

Rules.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconstant with the provisions of this Act, be deemed to be rules made under this Act.

27. The <sup>1</sup>[Khyber Pakhtunkhwa] Civil Servants Ordinance 1973 (<sup>2</sup>[Khyber Pakhtunkhwa] Ordinance No. VI of 1973) is hereby repealed.

Repeal.

JAVED IQBAL SULTBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

<sup>1</sup>. Substituted vide Khyber Pakhtunkhwa Act. IV of 2011.

<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act. IV of 2011.

Ann "J"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
Social Welfare, Special Education & Women Empowerment Department  
Special Education Complex B/2 Plot 5 Hayatabad Phase V  
Tel. 091. 9217256, 7 Fax. 091. 9217393

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The Director  
Directorate of S W S E & W E,  
Khyber Pakhtunkhwa, Peshawar

**SUBJECT: REQUEST FOR PROMOTION/PERSONAL UPGRADATION I/R OF FALAK NAZ KHAN VICE PRINCIPAL (BS-18) SPECIAL EDUCATION COMPLEX, HAYATABAD, PESHAWAR:**

In pursuance of Section 11B of the Khyber Pakhtunkhwa civil servant Amendment (Act 1973) The devolved employees of Federal Government holding various posts in Federal government entities on regular basis before the commencement of the 18th constitutional Amendment Act 2010. Act No X of 2010 converted the status of those devolved federal government employees to the civil servants of the province for all intents and purposes. (copy enclosed at Annex-1)

2. As per the seniority list the undersigned is on the 2nd of the serving employees in the cadre scale and served for 14 years after promotion in 2008. Moreover the undersigned has almost about to reach to ceiling of the scale salary of (BS-18) and thus Promotion /up gradation would not involved any financial implications therein. (Annex -11)

3. Reference Notification of Establishment and Administration Department Government of Khyber Pakhtunkhwa vide, letter No. SOE .111 (E&AD) 1-3/2008 Peshawar dated the 28th January, 2009 pertaining to civil servant promotion policy 2009 at Para 1, length of service is as under:-

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5117)

**A-Minimum Service for Promotion.**

- Basic Scale 18: 5 years, service in BPS -17
- Basic Scale 19: 12 years, service in BPS -17 & above
- Basic Scale 20: 17 years, service in BPS -17 & above



(40)

According to the above stated chart for promotion to (BS-19) the undersigned has regular length of service that exists and prerequisite to the Promotion policy has already fulfilled by the undersigned who has been working for 14 years against the same post and in the same scale hitherto. (Annex-III).

1. My predecessor Mr. Javed Khan Ex-Deputy Director (BPS-18) was promoted / upgraded to (BPS-19) on the basis of personnel individual hardship case (Annex-IV)
2. The existing position of sanctioned posts in (BPS-19) are three, two are in Special Education Complex Hayatabad, Peshawar, while the third one is in Special Education Complex, Mardan. All the three posts of (BPS-19) have been vacant yet since April 2021. (Annex-V)
4. The provincial government is kind enough to upgrade the personnel sufferings from the aforesaid circumstances under the provision of policy and criteria for up gradation of posts vide Finance Division (Regulation wind) under No. SO (FPI) FD/7-2/2008 Dated 11-10-2020 (Annex-VI)
5. Keeping in above views and facts, it is humbly requested in your kind honor that the case of promotion /personal up gradation of the undersigned may kindly be awarded for peace of mind and passion of heart to dedicate services with full zeal.
6. Forwarded for further submission to Honorable Secretary Finance/ Chairman Committee for up gradation of posts on the basis of individual hardship cases please!

JAVED IZZAT GULSHELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

FALAK NAZ KHAN  
VICE PRINCIPAL (BS-18)  
SPECIAL EDUCATION COMPLEX, PESHWAR.

Ann "K"

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GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)

SUBJECT:- NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009,

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority. for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19 :	7 years' service in BS-18
Basic Scale 20 :	10 years' service in BS- 18 and above or 3 years' service in BS-19.

JAVED ICHHA GULBELA  
13/1/2009  
Secretary  
Government of Pakistan  
(ASG # 5317)

II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

<sup>1</sup> Notified vide letter No. SOE-III (E&AD)1-3/2008 Dated Peshawar the 28<sup>th</sup> January, 2009

Islamabad, the 2<sup>nd</sup> April, 2011

**NOTIFICATION**

In supersession of this Ministry's notification of even number dated 1<sup>st</sup> April, 2011 on transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khawa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the following officers of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar are transferred to the Government of Khyber Pakhtoon Khawa on deputation under Section 10 of the Civil Servants Act, 1973 on their existing post in the same Basic Scales of pay:

S. No.	Name	Designation	Pay Scale
1.	Mr. Asad Khan	Director	BS-19
2.	Mr. Ismat Ullah Khan	Vice Principal	BS-18
3.	Mr. Javid Yousaf Ali	Vice Principal	BS-18
4.	Mr. Sartaj Masood	Vice Principal	BS-18
5.	Mrs. Fakhara Jabeen	Vice Principal	BS-18
6.	Mr. Falak Naz	Vice Principal	BS-18
7.	Mr. Mir Akram Shah	Vice Principal	BS-18
8.	Mrs. Khalida Gulistan	Vice Principal	BS-18
9.	Mr. Hamid Ullah	Senior Teacher	BS-17
11.	Mr. Arbab Khan	Senior Teacher	BS-17
12.	Mr. S. Shahid Akram	Senior Teacher	BS-17
13.	Mrs. Kiran Ghafoor	Senior Teacher	BS-17
14.	Mr. Nazir Shah	Senior Teacher	BS-17
15.	Mr. Tariq Khan	Senior Teacher	BS-17
16.	Mr. Karim Shah	Senior Teacher	BS-17
17.	Mr. Rizwan Ahmad	Senior Teacher	BS-17
18.	Mr. Yasin Wali	Physiotherapist	BS-17
19.	Mr. Sharafat Ali	Physiotherapist	BS-17
20.	Mr. Rafiq Ahmad	Physiotherapist	BS-17
21.	Mr. Mohammad Karim	S. Case Worker	BS-17
22.	Ms. Siana Hiader	Speech therapist	BS-17
23.	Mr. Nasir Ahmad Khan Lodhi	Admin Officer	BS-16
24.	Mr. Muhammad Rauf	Admin Officer	BS-16

JAVED IGENI ALBELA  
Associate  
Supreme Court of Pakistan  
(ASC # 5317) (MUHAMMAD ALTAF)  
Section Officer

The Manager,  
Printing Corporation Pakistan Press,  
Islamabad.

Contd.....P/2.....

- 1. Secretary, Inter-Provincial Coordination Division Islamabad
- 2. Secretary, Finance Division, Islamabad
- 3. Secretary, Cabinet Division Islamabad
- 4. Secretary, Establishment Division, Islamabad
- 5. Chief Secretary, Government of Khyber Pakhtoon Khawa, Peshawar
- 6. Mr. M. Feroze Khan, Director General, M.S Wing, Establishment Division, Islamabad
- 7. Mr. Muhammad Shahid Siddique, Director General, M.S Wing, Establishment Division, Islamabad.
- 8. Secretary, Social Welfare Department, Government of the Khyber Pakhtoon Khawa
- 9. AGPR sub office Peshawar
- 10. Accountant General, Peshawar.
- ✓ 11. DDO, National Special Education Centres; (PHC, MRC, VHC, HIC) Peshawar
- 12. Officer Concerned.
- 13. Office Copy.

JAVED IQBAL GULBEELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASG # 5317)

42

76 15  
19

# SPECIAL EDUCATION COMPLEX

Government of Punjab, Pakistan  
Ministry of Education, Government of Punjab  
Special Education Department  
Special Education Complex, Sector 14, Phase 1, Faisalabad

14/6

Am-M  
2

## PROMOTION OF DEVOIDED EMPLOYEES

The following employees are eligible for promotion to the following posts:

- 1. B-10: Deputy Director (B-10) - 01
- 2. B-9: Deputy Director (B-9) - 01
- 3. B-8: Deputy Director (B-8) - 01
- 4. B-7: Deputy Director (B-7) - 01
- 5. B-6: Deputy Director (B-6) - 01
- 6. B-5: Deputy Director (B-5) - 01
- 7. B-4: Deputy Director (B-4) - 01
- 8. B-3: Deputy Director (B-3) - 01
- 9. B-2: Deputy Director (B-2) - 01
- 10. B-1: Deputy Director (B-1) - 01

The following employees are eligible for promotion to the following posts:

- 1. B-10: Deputy Director (B-10) - 01
- 2. B-9: Deputy Director (B-9) - 01
- 3. B-8: Deputy Director (B-8) - 01
- 4. B-7: Deputy Director (B-7) - 01
- 5. B-6: Deputy Director (B-6) - 01
- 6. B-5: Deputy Director (B-5) - 01
- 7. B-4: Deputy Director (B-4) - 01
- 8. B-3: Deputy Director (B-3) - 01
- 9. B-2: Deputy Director (B-2) - 01
- 10. B-1: Deputy Director (B-1) - 01

20/01/2018

JAVED IQBAL GULBELA  
Associate  
Supreme Court of Pakistan  
(ASC # 5317)

44

Ann<sup>9</sup> M<sup>11</sup>**BETTER COPY**

The Director,  
SW, SE & WE  
Khyber Pakhtunkhwa  
Peshawar

Subject: **PROMOTION OF DEVOLVED EMPLOYEES**

Dear Sir/Madam,

As your honor knows well, the process of devolution of Federally devolved employees which was promulgated on 1st April 2011, concluded finally in the month of Jan 2018 A total number of 464 employees of the defunct Ministry of Social Welfare & Special Education Islamabad were devolved to the Government of KP. These employees consist of a Diversified group of professionals including Director (B-19), Dy. Director (B-18), Vice Principals (B-18), Senior Physiotherapist (B-18), Physiotherapist (B-17), Audiologist (B-17), Principal (B-19), Medical Officer (B-17), Speech Therapist (B-17), Senior Teacher (B-17), Social Case Worker (B-17) Admn Officer (B-16) Assistant Private Secretary (B-16), Vocational Instructors (B-15), Vocational Teachers (B-12), Computer Instructors (B-14), Brailist (B-13) & Braille Teacher (B-12), Physical Training Instructor (B-08) Qari (B-9) Music Teacher (B-16), Assistant (B-16) UDC (B-14) LDC (B-11) Data Entry Operators (B-16) Stenotypists (B-14) Drivers (B-07) Attendants (B-05) Ayas (B-05) Mais (B-04) N/Qasids (B-04) Chowkidars (B-04) Sanitary Workers (B-04) Hostel Warden (B-16) and Hostel Bearers (B-05) etc.

1. The devolved Institutions include fifteen Special Education Centres for children with different disabilities viz Physically Handicapped Children, Hearing Impaired Children, Visually Handicapped Children, Mentally Retarded Children and Vocational Training Centres for Disabled Persons one each at Peshawar and Mardan. Two hostels for special children one each at Peshawar and Mardan were also included among the devolved Institutions along with staff.

2. Out of 464 posts, 112 posts are lying vacant due to retirement or death of employees etc some of which have been filled by the Directorate of SW, SE and Women Empowerment Government of KP. This has adversely affected the performance of Institutions on one hand while on the other hand a sense of deprivation has been developed among the affected employees of the devolved institution due to non-availability of opportunities to their right of promotion to next higher posts during the all long seven years with effect from **01-04-2011 to January 2018**

3. Out of 404 posts, 112 posts are lying vacant due to retirement or death of employees etc some of which have been filled by the Directorate of SW, SE, and Women Empowerment Government of KP. This has adversely affected the performance of Institutions on one hand while on the other hand a sense of deprivation has been developed among the affected employees of the devolved institution due to non-availability of opportunities to their right of

JAVED IGHAN QULAI  
30/08/18  
Supreme Court of Pakistan  
(ASC # 5317)

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44

promotion to next higher posts during the all long seven years with effect from 01-04-2011 to January 2018.

4. Since these employees have now been declared as the civil servants of the Government of Khyber Pakhtunkhwa w.e.f. Jan 2018, many of the employees have submitted their application for promotion. Therefore all the vacant posts available in the devolved entities may be filled by promotions of the devolved employees against the vacant posts for which they have been waiting so anxiously, while the posts likely to become vacant subsequently may be filled by the direct recruitment.

5. There used to be a 4 tier service structure for teachers, while working under the Directorate General of Special Education (DGSE) Islamabad, including those who have now been declared as civil servants of the Government of KP. As evident from its name, the 4 tier service structure for teachers provide opportunities to make progress in their careers in the following ratio against total posts (Copy enclosed).

Senior Principal (B-20) 1%	Principal (B-19) 15%	Vice Principal (B-18) 34%	Senior Teacher (B-17) 50%
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6. Therefore the same formula needs to be implemented Khyber Pakhtunkhwa so that the teaching cadre could make progress in their careers. The same be implemented in light of Para No.4 of the Ministry of Law and Justice Notification No.F.2(1)/2013-Pub dated 24 May 2013 with the approval of the President of Pakistan and Gazette Notification of Senate Secretariat No.F.9(26)2015 Legis dated 21-03-2016. It has been declared in both the Notifications that the employee of the Federal Government are transferred to the respective province on the same terms and conditions of service as were applicable to them before such transfer.

There are 81 sanctioned posts of officers of teaching cadre in Special Education devolved institutions. On adoption of the 4 tier service structure for teaching cadre, the number of posts in various cadres of this structure would become as follows.

Senior Principal (B-20) 1% (1)	Principal (B-19) 15% (12)	Vice Principal (B-18) 34% (27)	Senior Teacher (B-17) 50% (41)
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It is proposed that approval may kindly be accorded to above 4 tier service structure formula in the best public interest.

JAVED IQBAL QURESHA  
Advocate  
Supreme Court of Pakistan  
(ASC # 8317)

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7. Employees of few cadres in the devolved institution do not have higher vacant posts in their channel of promotion e.g, Assistant private secretary (BS-16) and Office Assistants (BS-16). There is a dire need of creation of posts of Private Secretary (BS-17) & Superintendent (BS-17) for promotion of Assistant Private Secretary (BS-16) & Office Assistants (BS-16) against these proposed posts.

8. In view of the above it is requested that the same rules on which the devolved employees have been appointed may be notified and implemented for all cadres of the devolved employees.

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)





46

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
SOCIAL WELFARE SPECIAL EDUCATION AND WOMEN  
EMPOWERMENT DEPARTMENT**

Peshawar, dated the 12<sup>th</sup> January, 2018

Ar-2

**NOTIFICATION:**

No. SO-VIISWD/1-21/2017-18/757-68 In pursuance of Section 11B of the Khyber Pakhtunkhwa Civil Servant Amendment Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following Devolved Employees of the Federal Government, holding various posts in Federal Government entities, on regular basis before the commencement of the 18<sup>th</sup> Constitutional (amendment) Act, 2010 (Act No. X of 2010), shall be deemed to be civil servants of the province for all intents and purposes under the Act *ibid*.

S.No	Name	Designation	BPS
1.	Syed Riaz Ur Rahman	Principal	19
2.	Mr. Qismat Khan	- do -	19
3.	Mr. Javed Khan	Vice Principal/Deputy Director	18
4.	Mr. Javed Yousaf Ali	Vice Principal	18
5.	Mr. Said Ali Bakhsh	- do -	18
6.	Mr. Falak Naz Khan	- do -	18
7.	Mr. Tariq Mehmood	- do -	18
8.	Mr. Shahid Latif Durrani	- do -	18
9.	Mr. Nazir Shah	Senior Teacher	18 (personal)
10.	Mr. Fazal Haq	- do -	18 (personal)
11.	Mr. Fida Hussain	- do -	18 (personal)
12.	Mr. Mehdi Hasnain	- do -	18 (personal)
13.	Mr. Shahid Akram Shah	- do -	18 (personal)
14.	Mr. Hameed Ullah Khan	- do -	18 (personal)
15.	Mr. Arif Ullah Khan	- do -	18 (personal)
16.	Mr. Usman Ali Shah	- do -	17
17.	Mr. Abdul Khaliq	- do -	17
18.	Mr. M. Anwar Khan	- do -	17
19.	Mr. Mushtaq Ahmad	- do -	17


JAVED IZZAT GULW...  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

The appeal of Mr. Falak Naz Khan son of Mian Azad Gul r/o Ziarat Shiekh Allah Daad Tehsil and District Kohat received today i.e. on 27.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/ marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Departmental appeal having no date be dated.
- 7- Annexures-A, C, F, G & M of the appeal are illegible which may be replaced by legible/better one.
- 8- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2110 /S.T,

Dt. 27/6 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

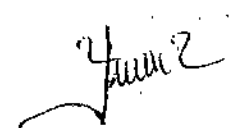
Respected Sir,

objections

necessary

removed, resubmitted after

completions.

  
Javed Iqbal Gulbela  
ASC

46

51.	Mr. Noushad Ali		
52.	Mr. Yasin Wali	Audiologist	17
53.	Mr. M. Sharafat Ali Khan	Physiotherapist	18 (personal)
54.	Mr. Rafiq Ahmad	- do -	17
55.	Mr. Ashraf Zaman	- do -	17
56.	Mrs. Saima Haider	- do -	17
57.	Mr. Muhammad Karim	Speech Therapist	17
58.	Mr. Muhammad Ayaz	Social Case Worker	17
59.	Mr. Fahad Ashraf	- do -	17
60.	Mrs. Nusrat Jabeen	Social Welfare Officer	17
61.	Mrs. Faqihha Rafiq	- do -	17

sd-

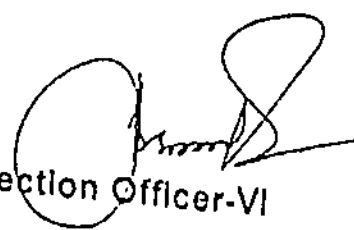
Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

ndst No. and Date even:

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Deptt.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Accountant General, Khyber Pakhtunkhwa.
7. Director, SW, SE & WED, Khyber Pakhtunkhwa.
8. Director, Information, Khyber Pakhtunkhwa.
9. All the Incharge of the Special Education Institutions, Khyber Pakhtunkhwa.
10. PS to Secretary SW, SE, WL D, Khyber Pakhtunkhwa.
11. All concerned.
12. Personal Files.

JAVED IZBAL GUL9ELA  
Advocate  
Supreme Court of Pakistan  
(ASL # 5317)

  
Section Officer-VI

وکالت نامہ

KPK Services Tribunal, Peshawar

FALAK NAZ KHAN (فلک ناز خان) نام GOVERNMENT.

SERVICE APPEAL دعویٰ APPELLANT. منجانب

تاریخ 22 - 06 - 2022

- 1) Saghir Iqbal Gulbela
- 2) Hamza Durrani
- 3) Ahsan Sardar

باعتبار تیسرے نمبر پر آئیے مقدمہ نمبر رجسٹرڈ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام پشاور سیکرٹریٹ جاوید اقبال گل بیلہ کنڈو کیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کی کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا ایئر سٹریٹ کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دینی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔

MR. FALAK NAZ KHAN (HIMSELF)

مورخہ 22 - 06 - 2022 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted By:-

- 1) Javed Iqbal Gulbela,
- 2) Saghir Iqbal Gulbela,
- 3) Hamza Durrani,
- 4) Ahsan Sardar.

2. BC-10-7924.  
17301-1496065-7.  
javed.iqbal.gulbela1980@gmail.com

Hamza Durrani

*(Signature)*

"B"

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

No. *Recd 14/1*

Appeal No. *84985* of 20 *23*

*Falak Naz 30 Connected* Appellant/Petitioner

*Through Chief Secy Peshawar* Respondent

Respondent No. *(2)*

Notice to: *Secy Social Welfare, Special Education at Women Empowerment deptt: KPK Peshawar.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*30/01/2023*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....*3/1*.....  
Day of.....*Jan*.....20*23*

*For Regy*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

“B”

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

No. REGDAS

Appeal No. 84985 of 20 23 SB  
Falak Naz & Co Connected Appellant/Petitioner  
 Through Chief Secy Peshawar Respondent  
 Respondent No. (3)

Notice to: — Director Special Education, Directorate of special Education PPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....30/01/2023.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~ DSH

Given under my hand and the seal of this Court, at Peshawar this.....  
 Day of.....Jan.....20 23

for Regd

[Signature]

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

84 & 85

SB

Appeal No. .... of 20 23

Falak Noz & Oather Connected

Appellant/Petitioner

Through Chief Secy Peshawar

Versus

Respondent

Respondent No. (1)

Notice to: —

Govt of KP through Chief Secy Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....30/01/2023.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....Jan.....20 23

For Reply

ISSUED BY  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa  
Peshawar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

84988

SB

Appeal No. of 20 23

Falak Naz & Connected

Appellant/Petitioner

Through Chief <sup>versus</sup> Sery Peshawar

Respondent

Respondent No.

Notice to: —

Sery Establishment, KPT, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 30/01/2023 .....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....  
Day of..... Jan ..... 2023

For Reply

Stamp: Date 18.1.23, FTS No., Diary No., PS/ISS, F&AD/KP

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



**"B"**

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

No.

84385

SB

Appeal No. .... of 20 <sup>23</sup>

Falak Naz 30 Connected

Appellant/Petitioner

Through Chief Secy Peshawar

Respondent

Respondent No. ....

Secy Finance Govt of KPK Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 30/01/2023 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this: .....

Day of Jan 20 <sup>23</sup>

For Regr

Secy Finance  
Date

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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2. Always quote Case No. While making any correspondence.