

09.12.2022

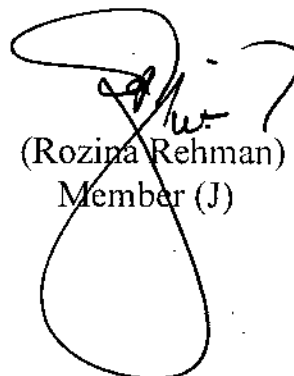
Counsel for the appellant present.

Arguments on office objection No. 7 heard and record perused. As per office objection No. 7 departmental appeal was having no date, therefore, the same was required to be dated. Learned counsel submitted that the same would be properly argued and clarified during the arguments as to when departmental appeal was filed. Points raised by learned counsel need consideration being genuine, therefore, objection is removed.

Perusal of record would reveal that better copies of Annexure A to H, N, & O are available on file. So far as delay in resubmission is concerned, the same is condoned as law favors adjudication on merits. Objection is, therefore, removed.

Preliminary arguments heard. Record perused.

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.

  
(Rozina Rehman)  
Member (J)

SCANNED  
KPST  
Peshawar

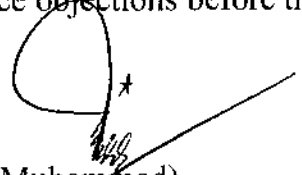
Rs-100/-  
Appellant Deposited  
Security & Process Fee

A. J. 20/12/22

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 ~~Declared~~ has been  
Declared as Public Holy Day Therefore  
case is adjourned to 9.12-2022 for  
The same Befor S.B

  
Reader

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 Counsel  
Yamir Khan  
22/9/22

  
Assistant Registrar  
5/8/22

WORTHY CHAIRMAN

objection is  
not before the  
bench  
  
06/09/22

The appeal of Mr. Tariq Mehmood son of Habib-ur-Rehman Special Education Complex Opposite Divisional Headquarters Hospital KDA 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- Annexure-E is missing.
- 7- Departmental appeal having no date be dated.
- 8- Annexures-A to H, N & O of the appeal are illegible which may be replaced by legible/better one.
- 9- Copy of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it.
- 10- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2111 /S.T,


Dt. 27/6 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

Respected Sir,

Objection removed, resubmitted  
after necessary completion.

  
Javed Iqbal Gulbella  
ASC

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

In Service Appeal No- 85 /2022

Tariq Mehmood

Versus

Government of KPK & Others

**I N D E X**

S#	Description of Documents	Annexure	Page#
1.	Grounds of Appeal		1-8
2.	Affidavit		9
3.	Addresses of parties		10
4.	Copies of the appointment letter as C.T dated 16 <sup>th</sup> October 1993, appointment letter trained graduate teacher bearing No. Esst-6(986) /96 dated 27.01.1997, notification dated: 03.10.2004 & notification No. F.2/2003 – All dated 14.06.2008	“A” “B” “C” “D”	11-12 13 14 15-16
5.	Copies of notification bearing No. F4-9/2003 CR/COORD dated 12.12.2007 & Copies of the ordinance 2013 & Act of 2016	“E” “F” & “G”	17 18-19 20 20-A 20-B
6.	Copies of judgment of Islamabad High Court, Islamabad dated 21.11.2016 & copies of Khyber Pakhtunkhwa civil servants Act 1973	“H” & “I”	21-24 25- 38
7.	Copies of the applications	“J”	3 9-40
8.	Other Documents	“K” to “N”	41-46
9.	Wakalat Nama		47

Dated: 23/06/2022

Appellant

Through

Javed Iqbal Gulbela  
ASC

①

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

Khyber Pakhtunkhwa  
Services Tribunal

In Service Appeal No. 12022

Page No. 545

Date 27-6-2022

Tariq Mehmoos S/o Habib-Ur-Rehman R/o Nishtar Special Education Complex, Opposite Divisional Headquarters Hospital, KDA, 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- 1978 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 on as SST in (BS-16) in GHS Distt Attock Dated: 1<sup>ST</sup> September 1993 under the Provincial Government Education Department of Punjab, wherein he served till 14<sup>th</sup> September 1994. Thereafter, he was

accordingly transferred and assumed charge in BPS-16 against the same designation as SST In GHSS Jand, Distt Attock under the Provincial Government of Punjab, through proper channel. As a sequence to Appellant's professional journey, he qualified the Federal Public Service Commission and was resultantly appointed as Senior Teacher in (BS-17) where took charge of the Post on 9<sup>th</sup> August 2001 at Nishter Special Education Centre, Kohat under the Directorate General of Special Education, Islamabad of the Federal Government. 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 (BS-18) as Vice Principal under the 4 tier formula structure. (Copies of the Appointment Letter as SST Dated: Sept 1993, Office Order bearing no. 584/D Dated: 14-09-1994, Notification Dated: 15-06-2000, Notification Dated: 22-10-2001 & Notification No-F.2/2008-All Dated: 14-06-2008 is annexed here as Annexure "A", "B", "C" "D" & "E" 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 "F")
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 "G &H")

- 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 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 "I")

- 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.14-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 "J")

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 "K")
  
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 form 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

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 "L")**
- 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

Through

Appellant

Javed Iqbal Gulbela  
Advocate,  
Supreme Court of Pakistan.

Saghir Iqbal Gulbela,

Ahsan Sarda  
&  
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.

9


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

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

**TARIQ MEHMOOD  
VERSUS  
GOVERNMENT OF KPK & OTHERS**

**AFFIDAVIT**

I, Falak Naz Khan S/o Mian Azad Gul R/o Ziarat Shiekh Allah-daad, Tehsil & District Kohat (Special Attorney for the Appellant), 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

**TARIQ MEHMOOD**

**VERSUS**

**GOVT. OF K.PK & OTHERS**

**ADDRESSES OF PARTIES**

**APPELLANT:**

Tariq Mehmood S/o Habib-Ur-Rehman R/o Nishtar Special Education Complex, Opposite Divisional Headquarters Hospital, KDA, 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

Appellant

Through

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

11

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Ann 'A'

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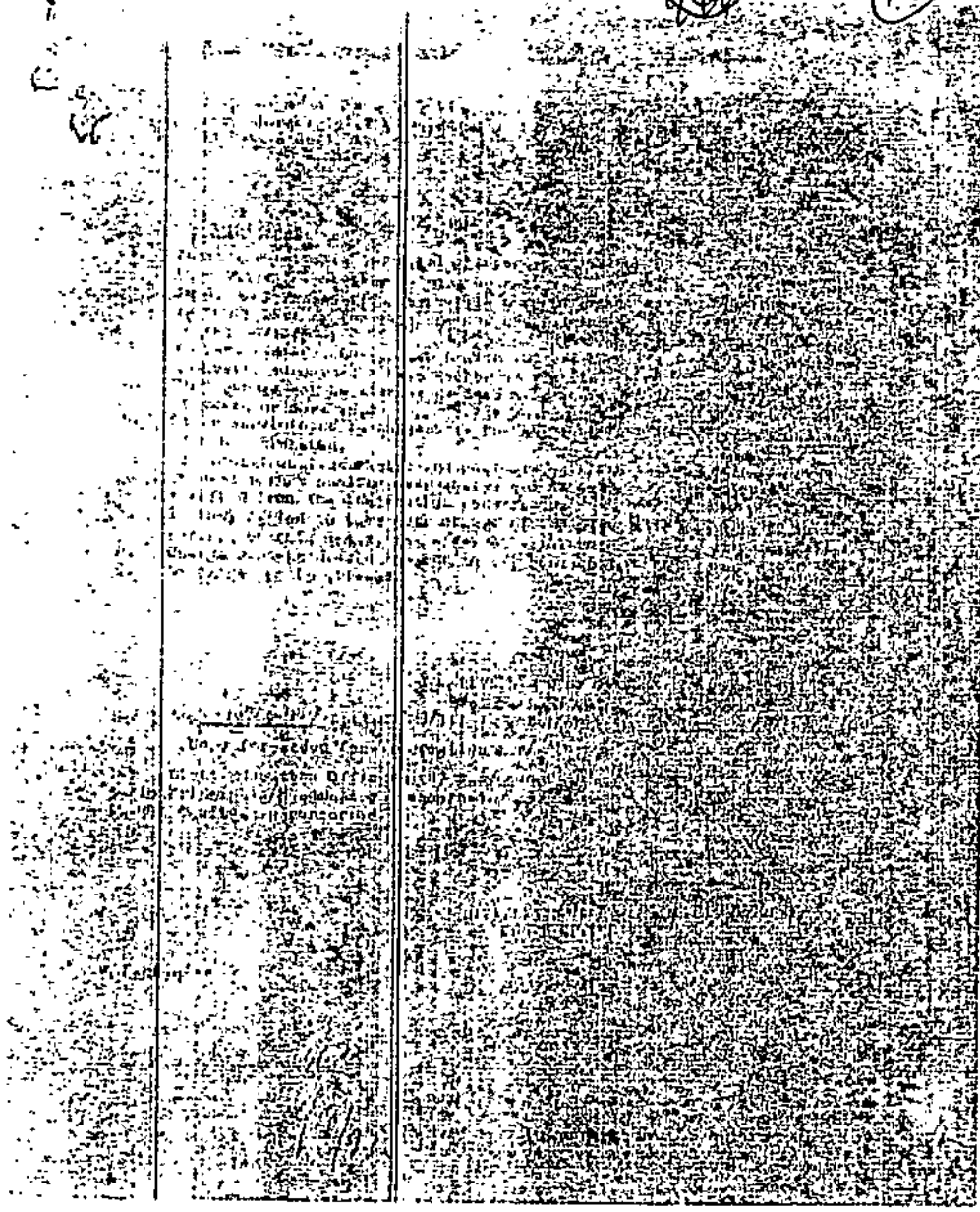
JAVED IQBAL QURESHI  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5217)



~~(1)~~

(12)

~~Handwritten signature~~



JAVED IQBAL QALISELA  
Supreme Court of Pakistan  
(ASQ # 2022/1)

6/10/2022, 9:41 PM

Ann A

**BETTER COPY**

OFFICE OF THE DEPT. 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 effect 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 ISMAL, 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 GUL  
Advocate  
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.K HIZAR SHAH S/O AKTHER SHAH R/O ZA-HOOR-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.

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

(13)

Ann "B"  
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-16) 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

JAVED ICH  
GULSELA  
Supreme Court of Pakistan  
(ASCP 5317)

NO.F-2-172000-A-11  
GOVERNMENT OF PAKISTAN  
MINISTRY OF WOMEN DEVELOPMENT,  
SOCIAL WELFARE & SPECIAL EDUCATION  
DIRECTORATE GENERAL (SPECIAL EDUCATION)

REGISTERED  
Islamabad, the 24 August 2001

MEMORANDUM

Mr. Falak Naz Khan is informed that on the recommendation made by the Public Service Commission, he/she has been selected for appointment as Teacher (MPS-17) in the Special Education Centres/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 MPS-17 i.e. Rs. 290,290-700 plus total 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 of payment, in lieu of the notice of a sum 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 claim of 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.
- viii. Other terms and conditions of service will be usual as applicable to the other employees of same cat. post and the 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 incharge, Special Education Centre Visually Handicapped Children, H No 14 A Happy Valley Kohat Cantt immediately but not later than 24.08.2001 failing which the offer of appointment shall stand cancelled.

3. No TADA will be admissible on this account.

(SAIF ULLAH BUFI)  
DEPUTY DIRECTOR (ADMIN)

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

JAVED IQBAL GULBERGA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5347)

- Copy to -
- 1. Raja Pervez Akhtar, Director (Recruitment), F.P.S.C., Islamabad with their letter No F-4-07/2000-R-11 dated 1.07.2001
  - 2. Director (R-I, H&M)
  - 3. ✓ Officer incharge, SFC (Visually Handicapped Children) Kohat

(DEPUTY DIRECTOR (ADMIN))

By No. 71-11-11  
Dated 1-8-2001

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 GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

- viii. Other terms and condition of service will be usual as applicable to the other employees of same category under the 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 GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 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

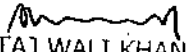
JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



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

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

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.4-9/2003-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.

JAVED IQBAL SUIFOLA  
ADVOCATE  
Supreme Court of Pakistan  
(ASC # 5317)

  
DEPUTY DIRECTOR (A & C)

18

Ann "F"

REGISTERED No. M-302  
L-7646

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 IQBAL GULBEILA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

Price Rs. 15.00

1834 (2013)/Ex Gaz.

19

71

## 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, in 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 pursuance of 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

(ASC # 5317)

REGISTERED No. M - 302  
L - 7646

The Gazette  of Pakistan

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. 9(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)

JAVED IQBAL SULEELA  
Att. Opate  
Supreme Court of Pakistan  
(ASC # 5317)

Page # 3

20-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  
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Islamabad High Court  
Islamabad



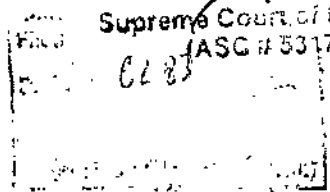
.....Petitioners

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.

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

14-5-14



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- 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

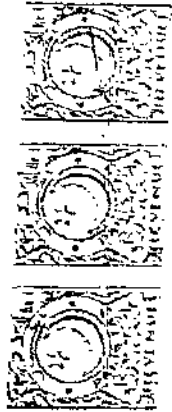
Respectfully Sheweth :

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.



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 Examiner  
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 Authorized Officer, Article-87 of  
 Qandome-3 Qandol, District-1880  
 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 IQBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC #5317)



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.
-----------------------------	---------------------------	---

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.

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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 Islamabad High Court  
 Islamabad

JAVED Iqbal  
 Advocate  
 Supreme Court of Pakistan  
 In SC # 53171

4  
-2-

4

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.

4

(NOOR-UL-HAQ N. QURESHI)  
JUDGE

Zawar

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Supreme Court of Pakistan  
Islamabad High Court

JAVED NOOR GULDELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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"I"

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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4. Tenure of office of civil servants.
5. Appointment.
6. Probation.
7. Confirmation.
8. Seniority.
9. Promotion.
10. Posting and transfers.
11. Termination of services.
- <sup>3</sup>[11A. Absorption of civil servants rendered surplus.]
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1. Substituted vide Khyber Pakhtunkhwa Act, IV of 2011.  
 2. Substituted vide Khyber Pakhtunkhwa Act, IV of 2011.  
 3. Inserted vide Khyber Pakhtunkhwa Ordinance No. VI of 2001.  
 4. Inserted vide Khyber Pakhtunkhwa Act No. XXXVIII of 2015.

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

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<sup>1</sup>[12A. Certain persons to be liable to removal or reversion.]

<sup>2</sup>[13. Retirement from service.]

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14. Employment after retirement.
15. Conduct.
16. Disciplinary action.
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<sup>5</sup>[23-B. Jurisdiction barred.]

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4. Inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.  
5. Inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.

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

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3 | Page

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

1. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
2. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
3. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
4. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
5. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.  
6. Substituted vide Khyber Pakhtunkhwa Act.IV of 2011.

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

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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 contingencies; 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

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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> 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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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:

<sup>1</sup> The word "or grade" omitted by Khyber Pakhtunkhwa Ord.No.IV of 1985 Section 2.  
<sup>2</sup> The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 3.  
<sup>3</sup> The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 2.  
<sup>4</sup> The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985 Section 3.  
<sup>5</sup> The word "Grade" substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985 Section 3.  
<sup>6</sup> The word "Grade" substituted by Khyber Pakhtunkhwa Ord No.IV of 1985 Section 3.  
<sup>7</sup> 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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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.”]

[(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

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

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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

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<sup>1</sup> The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
<sup>2</sup> 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.  
<sup>3</sup> The word "Grade", substituted by Khyber Pakhtunkhwa Ord.No.IV of 1985.  
<sup>4</sup> Inserted vide Khyber Pakhtunkhwa Ordinance No.VI of 2001.  
<sup>5</sup> 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.

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

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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.

<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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<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.

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The word "grade" omitted by Khyber Pakhtunkhwa Ord. No. IV of 1985 Section 8.

The word "grade" omitted by Khyber Pakhtunkhwa Ord. No. IV of 1985.

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.

(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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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.

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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.





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

Ann "J"

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To  
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 18<sup>th</sup> 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 2<sup>nd</sup> 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 28<sup>th</sup> January, 2009 pertaining to civil servant promotion policy 2009 at Para 1, length of service is as under:-

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(ASC # 5317)

**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-111).

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 wing) under No. SO (FR) 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 IGBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC# 6317)

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



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Ann "K"

**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.

**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:

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

<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, IHC) 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, IHC) 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. Hanid 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-18
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 IQBAL GULBELA  
Advocate.  
Supreme Court of Pakistan  
(ASC # 5317) (MUHAMMAD ALTAJ)  
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  
(ASC # 3317)

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# SPECIAL EDUCATION COMPLEX

Government of Punjab, Department of Education  
 Special Education Department  
 Lahore

19.6.66

May 16, 2016

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## PROMOTION OF DEVELOVED EMPLOYEES

The Government of Punjab, Department of Education, Lahore, has concluded finally the promotion of employees of the Special Education Department, Lahore, who were developed by the Government of Punjab, Lahore, in the year 1965. The employees consist of the following:-

- Director (B-18)
- Physiotherapist (B-17)
- Audiologist (B-17)
- Speech Therapist (B-17)
- Senior Teacher (B-17)
- Junior Officer (B-16)
- Assistant Secretary (B-16)
- Assistant Teachers (B-15)
- Computer Instructor (B-15)
- Special Teacher (B-15)
- Learning Instructor (B-15)
- Office Assistant (B-14)
- Librarian (B-14)
- Para-Entry Operators (B-14)
- Attendants (B-13)
- Peon (B-13)
- Hotel Warden (B-16)

The Special Education Complex, Lahore, has been established for the benefit of the physically handicapped children, hearing impaired children, mentally retarded children and physically disabled persons, one each in Peshwar and Mardan. Two hospitals at Peshwar and Mardan were also included among the developed institutions.

The Government of Punjab, Department of Education, Lahore, has been notified by the Directorate of S.V., S.P. and Women's Education, Lahore, that the performance of the institutions mentioned above has been adversely affected by the development of the employees. A sense of deprivation has been developed among the employees and the Government of Punjab, Department of Education, Lahore, has been notified by the Directorate of S.V., S.P. and Women's Education, Lahore, that the performance of the institutions mentioned above has been adversely affected by the development of the employees.

JAVED IQRA GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 TASC 75317

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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), Braillist (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), Malis (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 IQBAL GULRELA  
Advocate  
Supreme Court of Pakistan  
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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 QULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



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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)



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**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. Mushaq Ahmad	- do -	17

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

(46)

51.	Mr. Noushad Ali		
52.	Mr. Yasin Wa	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. Faqihah Rafiq	- do -	17

sd-

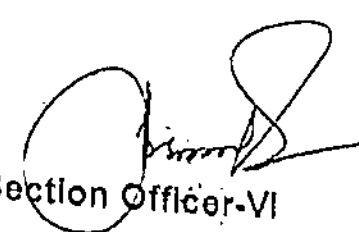
Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

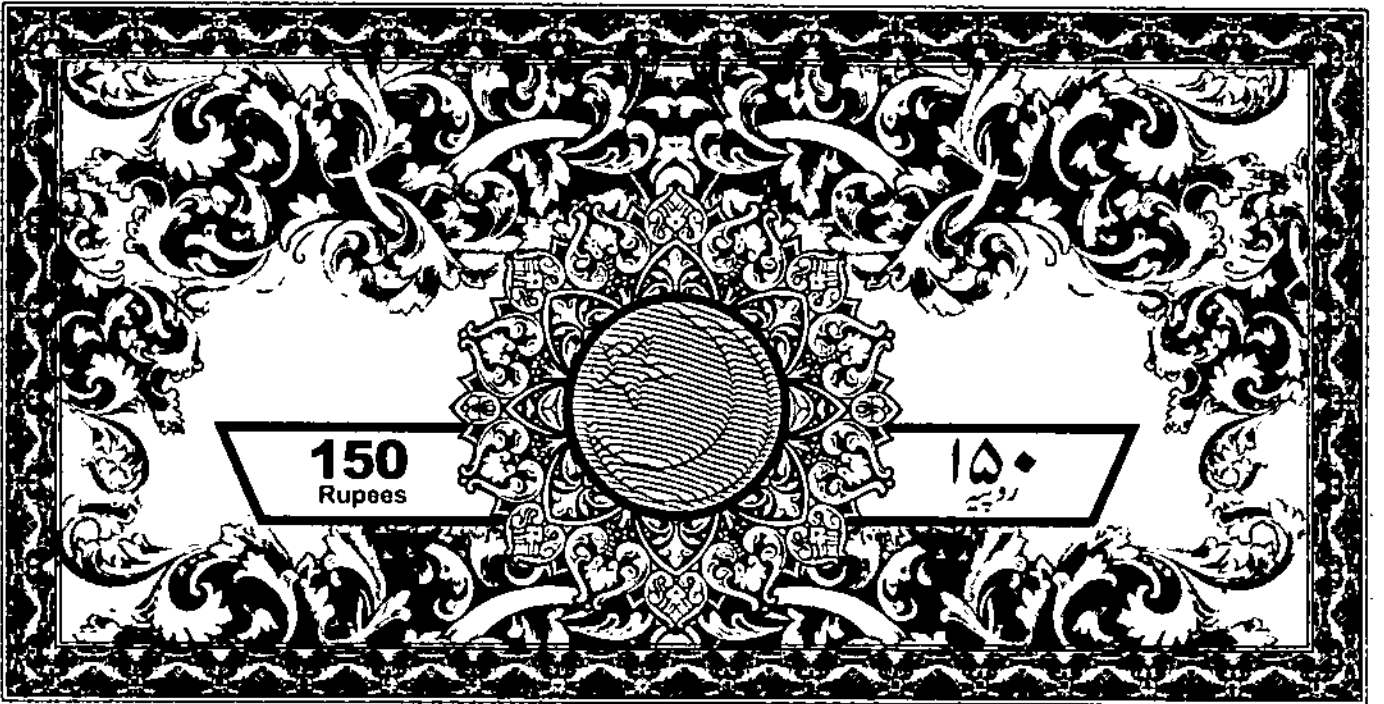
ndst No. and Date even:

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, W. D, Khyber Pakhtunkhwa.
11. All concerned.
12. Personal Files.

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

  
Section Officer-VI



بعدالت جناب سر جسٹس شمس الدین عظیمی

عنوان مقدمہ:

**مختیار نامہ برائے بیروی مقدمہ**

مکتبہ کی اس مہتممہ طارق محمود ولد اختر ازوجہ ایجوکیشن ٹرسٹ، کھڑکی ہاؤس اور بیٹی ہوں۔ کہ میرا ایک مقدمہ عنوان یا طارق محمود نامہ ہجرت دہلی کی عدالت میں زیر سماعت ہے جس میں بوجہ گھریلو معروضیات کے مقدمہ ہذا کی بیروی کرنے سے قاصر ہوں۔ لہذا اس جانب سے فکس ناراض خان ولد آرزو احمد کھڑکی ہاؤس اور بیٹی ہوں۔ کو مقدمے میں مختیار خاص مقرر کر کے اختیار دینا اور بیٹی ہوں۔ کہ وہ بیروی جانب سے مقدمہ کی بیروی کرے، بیان مقرر کرے، راضی نامہ کرے، مقدمہ واپس لے، وکیل مقرر کرے، بیان حلفی جمع کرے، درخواست بند کرے، شہادت دیوے، درخواست جواب اور درخواست دیوے نیز جملہ کارروائی جو وقتاً فوقتاً ضروری ہو کر نے کا مجاز ہے، اپیل نگرانی نظر ثانی کرے، مقدمہ بے دخلی دائر کرے اور ہمارے خلاف دائر شدہ مقدمہ میں بیروی وغیرہ داخل کرے اور من اختیار و ہندہ اس جملہ اقدامات کا کارروائی کا پابند رہیگا اور ہوگی۔ مختیار موصوف عدالت ہذا سے تاعدالت عالیہ و سپریم کورٹ میں کارروائی بیروی جانب سے کرنے کا مجاز ہے۔

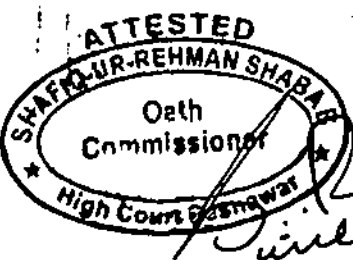
لہذا مختیار نامہ خاص جتن حد ناراض خان لکھ دیا تاکہ سزا ہے اور بوقت ضرورت کام آدے۔  
المرقوم: 22-06-2022

مختیار و گوریننگہ طارق محمود  
شاختی کارڈ نمبر: 14301-2070052-7

مختیار و ہندہ طارق محمود  
شاختی کارڈ نمبر: 37104-1901066-1


گواہ شدہ 2 سرحد - منیر شمس الدین عظیمی  
ولد شمس الدین عظیمی کھڑکی ہاؤس اور بیٹی ہوں  
14301-8899098-3

گواہ شدہ 1 سرحد - شمس الدین عظیمی  
ولد شمس الدین عظیمی کھڑکی ہاؤس اور بیٹی ہوں  
17301-1444121-7



البحران بن محمد بن قاسم  
حسب N، 22 6 22

District: Municipality of Boushara  
16 JUN 2022  
Municipality of Boushara

  
Resnetar Treasury  
Licence No. 25/1988  
Date 21.5.1988  
Akhtar Gul Shahzad

B588096

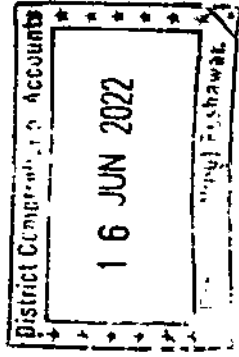
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**150**  
Rupees

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روپیہ

الحسابات العامة رقم ٢٢٦  
مكتب الحسابات العامة



  
Fashawa Treasury  
Licence No 23/1996  
Date 21-9-1998  
Akhbar qul Shazari

# وکالت نامہ

## KPK SERVICES TRIBUNAL

بعد الت:

TARIQ MEHMOOD نام GOVT.

SERVICE APPEAL دعویٰ APPELLANT منجانب

22 - 06 - 2022

تاریخ

- ① Saghir Iqbal
- ③ Hamad Durrani
- ④ Ahsan Sardar

باعتنا تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام PESHAWAR کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ 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 ہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر و الت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا 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 ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری 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 ہونگے۔ مجھے کوکل پر داخست 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 منوفی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادا لگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا ایڈووکیٹ کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے 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 کرونگا 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 سندر ہے۔

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

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