

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.5374/2020

Date of Institution ... 12.05.2020
Date of Decision ... 23.09.2021

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman
P.O Sari Gambela Tehsil & District Lakki Marwat.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Civil Secretariat, Peshawar
and two others.

... (Respondents)

Umar Ali Shah Utmankhel,
Advocate

... For Appellant.

Fayyaz Khan Chamkani,
Legal Advisor

... For All Respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

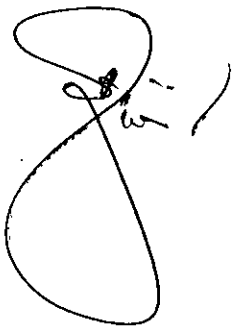
JUDGMENT

ROZINA REHMAN, MEMBER (J): The concise facts of the case are that appellant was appointed as Naib Qasid. His services were terminated on 31.08.2018. He preferred his departmental appeal which was not responded to, therefore, he filed writ petition which was disposed of with the observation that by virtue of Section-4 of Khyber Pakhtunkhwa Regularization Act No.10 of 2018, services of all project employees have been regularized and the termination from service in the month of August, 2018 after the commencement of the

said Act is to be challenged before the Service Tribunal and the appellant was directed to impugn his termination before the competent forum. He, therefore, filed service appeal No.1489 of 2018 before this Tribunal which was decided with direction to respondents to decide the departmental appeal through speaking order but to no avail. He, therefore, filed contempt petition before this Tribunal but to the utter surprise of the appellant, impugned order dated 10.03.2020 was passed, whereby, his appeal was rejected, hence, the present service appeal.

2. We have heard Umar Ali Shah Utmankhel Advocate appearing on behalf of appellant and Fayyaz Khan Chamkani Legal Advisor for the respondents and have gone through the record and the proceedings of the case in minute particulars.

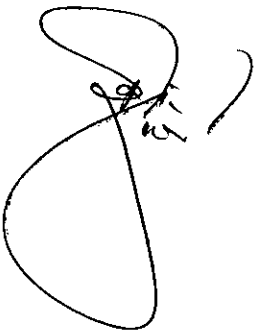
3. Learned counsel for appellant contended that the impugned order dated 10.03.2020 is against law and facts because as per Section-4 of the Khyber Pakhtunkhwa Regularization Act, 2018, the appellant was supposed to have been regularized by the respondents but the aforementioned law was not taken into consideration and instead of regularization, impugned order was passed. He contended that the appellant served the Department for almost 23 years and being overage, he is no longer fit for any other employment but this aspect of the case was not taken into consideration. He argued that other employees of the same status were regularized but unfortunately, appellant was treated at par with those employees which discrimination is not permissible in the eye of law. Lastly, he submitted that he was a regular employee of C&W Department and



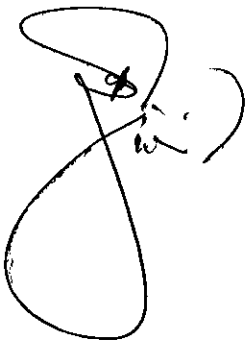
the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them.

4. Conversely Legal Advisor for respondents submitted that the respondents adopted and fulfilled all the requisite codal formalities while terminating the services of the appellant. He submitted that no doubt, the appellant served the Department for last 23 years but his service was no more required and the authority terminated his service by adopting all the codal formalities.

5. From the record, it is evident that appellant was appointed as Naib Qasid in B.P.S-01 vide order dated 10.07.1995. In response to his appointment order and medical fitness certificate, he submitted his arrival report in the office of Director-II (Project Cell) Farm to Market Roads, C&W Department Peshawar. It is also not denied that annual increments and up-gradation from time to time was also recorded in his Service Book and lastly, he was drawing salary in B.P.S-04. He was also a regular subscriber of G.P Fund. Similarly, Benevolent Fund and Group Insurance was being deducted regularly from his pay. It was on 01.08.2018 when order of termination of his service was issued and his services were terminated w.e.f 31.08.2018. Feeling aggrieved, he filed writ petition under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973 and it was held by the august Court that by virtue of Section-4 of Khyber Pakhtunkhwa Act No.10 of 2018, services of all the Project employees have been regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018 and thereafter, termination from service in the month of August, 2018 of a regular employee of the Government, is to be challenged before the



Service Tribunal. The appellant is no more a project employee, rather his services have been regularized which fact is very much evident from the order of Hon'ble Peshawar High Court, Peshawar. After filing service appeal in this Tribunal, the respondents were directed to decide the departmental appeal within 30 days and vide order dated 10th March, 2020, his appeal was rejected. He has now filed the instant service appeal. Once the august High Court declared the status of appellant to be one of the regular employee, the respondents instead of treating the appellant to be civil servant, passed the impugned order in the light of Project Policy. From the record, it is evident that the present appellant alongwith 8 others were terminated from service w.e.f 31.08.2018. One Gul Nawaz Driver was also terminated on the same date and in this regard, the Project Director vide his letter No. 7139/JICA-5 dated 30.08.2018, addressed to the Project Director, requested for the adjustment of all the nine office staff on humanitarian ground being low paid employees. One Gul Nawaz Driver was accordingly adjusted and his adjustment was not denied. In this regard, relevant documents were produced before this Bench which show that Gul Nawaz Driver is still drawing his salary and has been properly adjusted. The appellant was discriminated for the reasons best known to the respondents. He was not treated in accordance with law as neither show cause notice nor charge sheet and statement of allegations were every issued. He was not given the opportunity of personal hearing and despite request by the Project Director, he was not adjusted like Gul Nawaz, his co-employee. Thus,



he succeeded in making out a good case for indulgence of this Tribunal.

6. For what has been discussed above, this appeal is allowed, impugned order is set aside with direction to respondents to reinstate the appellant from the date of termination from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
23.09.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ROZINA REHMAN)
MEMBER (J)

Order

23.09.2021

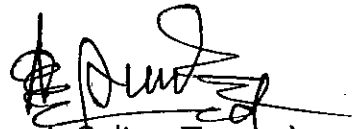
Appellant with counsel present.

Fayyaz Khan Chamkani Legal Advisor for respondents present.

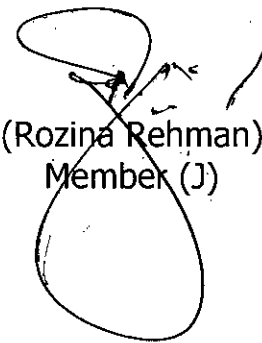
Vide our judgment of today of this Tribunal placed on file, this appeal is allowed, impugned order is set aside with direction to respondents to reinstate the appellant from the date of termination from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

23.09.2021



(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)

13.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned A.A.G for the respondents present.

File to come up alongwith connected Service Appeal No.5371/2020 titled Fayaz Muhammad Vs. Government of Khyber Pakhtunkhwa on 16.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

16.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

File to come up Service Appeal No.5371/2020 titled Fayyaz Muhammad Vs. Government of Khyber Pakhtunkhwa on 21.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

21.09.2021

Appellant in person present.

Muhammad Adeel Butt learned A.A.G for respondents present.

File to come up alongwith connected Service Appeal No.5371/2020 titled Fayyaz Muhammad Vs. Government of Khyber Pakhtunkhwa, on 23.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

17.06.2021

Appellant in person present. Mr. Kabirulah Khattak learned Additional Advocate General for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 08.09.2021 before D.B.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.09.2021

Counsel for petitioner present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Arguments heard. To come up for order on 13.09.2021 before D.B.



(Rozina Rehman)
Member (J)

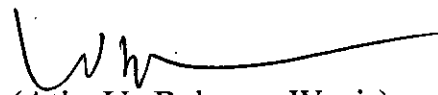


Chairman

07.12.2020

Junior to counsel for the appellant and Mr. Kabirullah Khattak, learned Additional Advocate General for respondents present.

Due to general strike of the bar, the matter is adjourned to 26.01.2021 for hearing before D.B.



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


Chairman

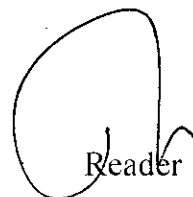
25.01.2021

Due to COVID-19, the case is adjourned for the same on 10.03.2021 before D.B.


READER

10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 17.06.2021 before the D.B.


Reader

06.08.2020

Counsel for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional AG request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 30.09.2020. File to come up for written reply/comments before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

30.09.2020

Appellant in person and Addl. AG present. Mr. Fayaz Khan Chamkani, Legal Advisor also appeared on behalf of the respondents and submitted Authority letter^{wa} his favour, which is placed on record.

Respondents have furnished Parawise comments. Placed on record. The matter is assigned to D.B for arguments on 07.12.2020 before S.B. The appellant may furnish rejoinder, within one month, if so advised.


Chairman

16.06.2020

Learned counsel for the appellant present.

Essentially, the question involved in the instant appeal is "Whether the service of appellant was protected by promulgation of the Khyber Pakhtunkhwa Employees (regularization of services) Act 2018 on 07.03.2018, being a project employee?"

In order to resolve the issue instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 10.07.2020 before S.B.

Along with the appeal there is an application for suspension of order dated 10.03.2020 passed by respondent No.1. Notice of application shall also given to the respondents for the date fixed.



Chairman

10.07.2020

Counsel for the appellant present.

Security and process fee has not been deposited. Counsel for the appellant requested for time; granted with direction to deposit the same within 03 days, where after notices be issued to the respondents for written reply/comments, for 06.08.2020 before S.B.


Appellant Deposited
Security & Process Fee


Member (J)

The appeal of Mr. Mashal Khan received today i.e. 12.05.2020 by Umar Ali Shah Utmankhel, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Annexures are not flagged which may be flagged.
- 2- Affidavit in r/o appellant is not attested by the oath commissioner which may be attested.
- 3- Application for condonation of delay may be drafted by computer instead of hand writing.

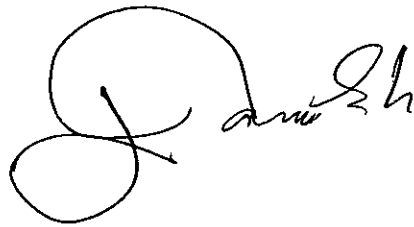
No. 1133 /S.T,

Dt. 13-05 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Umar Ali Shah Utmankhel Adv, Peshawar.

Re-submitted
after
completion



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No 5373 of 2020

Mashal KhanAppellant

VERSUS

Government of Khyber Pakhtunkhwa etcRespondents

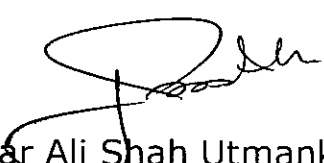
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Appellant

Through


Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

S.A No 5373 of 2020

Diary No. 3595

Dated 12-05-20

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman
P.O Sari Gambela Tehsil and District Lakki
Marwat.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Communication and Works Department Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Civil Secretariat Peshawar.
3. Project Director PMU C&W Department Civil Secretariat Peshawar.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER NO SOE/C&WD/3-442/2019 DATED 10-3-2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY THE RESPONDENTS AND HE WAS NOT REINSTATED IN HIS SERVICE.

Filed to-day

Registrar Prayer of Appeal

12/5/2020
On acceptance of this appeal, the office order NO SOE/C&WD/3-442/2019 dated 10-3-2020, whereby the departmental appeal of the appellant has been rejected by the respondents may kindly be adjudicated null and void and without any lawful authority and may be set aside and the appellant may very kindly be reinstated in his and be considered as regular employee since his appointment on his respective position with all back benefits.

Respectfully Sheweth

Brief facts of the case are as under:

1. That the appellant was appointed as Naib qasid on 10-7-1995 vide appointment order NO FMR 1-1/E/18 in the communication and works department, Peshawar. (Copies of the appointment order, service Book statement of salary/allowances are attached as Annexure A, A/1 and A/2 respectively).

Re-submitted to-day
and filed.

Registrar 5/16/2020

2. That the appellant performed his duty honestly and whole heartedly to the best of his abilities and to the entire satisfaction of his high ups, and during his service, the appellant never ever given a chance of complaint/ blame etc to his high ups. It is worth mentioning here that the appellant has got a stainless service record in the C&W department.
3. That to the utter surprise of the appellant the OFFICE ORDER NO 7120/JICA-5 dated 1-8-2018, without adopting Codal formalities, their own rules and regulation the respondents terminated the services of the appellant with effect from 31-8-2018 feeling highly aggrieved of which the appellant preferred his departmental appeal on the basis grounds mentioned therein which has not been adjudicated upon by the respondents. Resultantly the appellant instituted a writ petition before the hon'ble Peshawar High Court Peshawar which was disposed off with the observation that by virtue of section 4 of Khyber Pakhtunkhwa regularization act No 10 of 2018, the services of all project employees stand regularized with effect from the date of commencement of the said act i.e 7-3-2018 and thereafter, termination from service in the month of august 2018 of a regular employee of the government, is to be challenged before the service tribunal under Article 212 of the constitution of Islamic Republic of Pakistan 1973, the instant petition is not maintainable and the appellant was further directed to impugn his termination before the competent forum.(Copies of termination order dated 1-8-2018, departmental appeal and order of Peshawar High Court are attached as Annexure B, B/1 and C respectively.
4. That the appellant filed ~~service~~ appeal No 1489 of 2018 before this hon'ble tribunal which was decided on 21-6-2019 whereby this hon'ble tribunal directed the respondent No 1 to decide the departmental appeal of the appellant through speaking order within 30 days after the receipt of this judgment.(Copy of the order of this hon'ble tribunal dated 21-6-2019 is attached as Annexure D respectively).
5. That when the order of this hon'ble tribunal was not implemented by the respondent No 1 as directed by this hon'ble tribunal the appellant filed Contempt Petition before this hon'ble tribunal which is still pending.(Copy of contempt petition is attached as Annexure E respectively).
6. That to the utter surprise and shock of the appellant, the respondent passed an order dated 10-3-2020, whereby the appeal of the appellant has been rejected in the light of the policy, hence, this appeal on the following grounds

amongst other. (Copy of the order dated 10-3-2020 is attached as Annexure F respectively).

GROUND

- A. That the impugned order dated 10-3-2020 is illegal, unlawful without any legal authority and is ineffective against the precious rights of the appellant which is liable to be set aside.
- B. That as per section 4 of the regularization act 2018, the appellant was supposed to have been regularized by the respondents but unfortunately the aforementioned law was also not kept in consideration and instead of regularization the poor appellant who is the sole bread earner of his family was handed over the impugned order which shows that the respondents have made a state within a state and they do not have any respect and regard for the laws enacted.(Copy of regularization act 2018 is attached as Annexure G respectively).
- C. That the appellant has served the department for the last 23 years which is quite evident that the appellant has spent a huge portion of his life in the C&W department and as a result of which he has reached to such stage of his life, who as per law is over aged for any government services, therefore, he is no longer fit for any other employment, the respondents should have to consider the same and let the appellant to serve on his part keeping in view the said huge portion of his services, the respondents should had to regularized the services of the appellant instead of rejecting the departmental appeal of the appellant.
- D. That other employees in the same status were regularized by the respondents department and unfortunately the appellant was not treated at par with those employees who were regularized which clearly shows that the appellant has been dealt with discrimination which is not permissible in aye of law. (Copies of the document showing the details of employees regularized in the same project are attached as Annexure H and H/1 respectively).
- E. That the appellant was not a project employee at all, rather he was regular employee of C&W department since his appointment and the respondents were not warranted to have terminated the appellant in the mode and manner adopted by them. It is worth mentioning here that the appellant was taking all incentives/allowances taking by the regular employees and GP funds, benevolent fund and group insurance grant were also being deducted from his salary which makes the fact crystal clear that the appellant was a regular employee of the respondent's department. (Copies of documents

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF POLITICAL SCIENCE
POLITICAL SCIENCE 301
LECTURE NOTES
BY [Name]

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showing deduction of GP funds, benevolent fund and group insurance are attached as Annexure J, J/1 and J/2 respectively).

- F. That being regular employee the appellant was upgraded by the respondent's department and in the circumstances even if the appellant had to be terminated the respondents were supposed to have adopted all the legal procedures for the termination of the appellant.

It is, therefore, requested that On acceptance of this appeal, the office order NO SOE/C&WD/3-442/2019 dated 10-3-2020, whereby the appeal of the appellant has been rejected by the respondents may kindly be adjudicated null and void and without any lawful authority and may be set aside and the appellant may very kindly be reinstated in his service and be considered as regular employee since his appointment on his respective position with all back benefits.

شاه
Appellant

Through

Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

Dated: 12-5-2020

Certificate:

Certified that no such like appeal has earlier been filed by the appellant before this hon'ble tribunal.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

S.A No _____ of 2020

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman
P.O Sari Gambela Tehsil and District Lakki Marwat.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents

**APPLICATION FOR SUSPENSION THE OFFICE
ORDER NO SOE/C&WD/3-442/2019 DATED
10-3-2020, TILL THE FINAL DECISION OF THE
INSTANT APPEAL.**

Respectfully Sheweth:

1. That the above titled appeal is being filed before this hon'ble tribunal in which no date of hearing has been fixed so for.
2. That the applicant has got a prima facie case in his favour.
3. That balance convenience also hereby leans in favour of the applicant and there is every likelihood that the appeal of the applicant/appellant would be accepted by this hon'ble tribunal.
4. That the applicant/appellant will suffer irreparable loss if the operation of the impugned order is not suspended.

It is, therefore, prayed that on acceptance of this application, the operation of the impugned order dated 10-3-2020 may very kindly be suspended till the final decision of the instant appeal.


Appellant

Through


Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc Application _____/2020

In Re:

Service Appeal No _____/

Mashal Khan.....(Applicant/Appellant)

V E R S U S

Government of KPK.....(Respondent)

Application for the condonation of
delay, if any caused in the
institution of above captioned appeal

Respectfully Sheweth:-

The Applicant/Appellant humbly submits as under:-

- 1) That the above noted appeal being filled before this Honourable Tribunal, in which no date of hear is fixed so far.
- 2) That due to the pandemic spreading disease, all the Government/Public institution including this Honourable Tribunal remained closed, this Honourable Court cannot resumed its function in last week.
- 3) That if any delay being caused may kindly be condoned as technicalities could not hamper in the ways of justice.

It is therefore, most humbly prayed that on acceptance of this Application, the instant application may be accepted as prayed for.

Appellant/Applicant

Through:

(UMAR ALI SHAH)
Advocate,
High Court, Peshawar

Dated: -05-06-2020



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No _____ of 2020

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman
P.O Sari Gambela Tehsil and District Lakki Marwat.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents

Affidavit

I, Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman P.O Sari Gambela Tehsil and District Lakki Marwat, do hereby solemnly affirm on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been kept conceal from this hon'ble tribunal.



مَشَال خان
Deponent

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A No _____ of 2020

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman

P.O Sari Gambela Tehsil and District Lakki Marwat.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Communication and works department Civil Secretariat Peshawar
and othersRespondents

ADDRESSES OF THE PARTIES

APPELLANT

Mashal Khan S/O Sarwar Khan R/O Muhallah Wanda Lughman
P.O Sari Gambela Tehsil and District Lakki Marwat.


RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary
Communication and Works Department Civil Secretariat
Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Civil
Secretariat Peshawar.
3. Project Director PMU C&W Department Civil Secretariat
Peshawar.



Appellant

Through


Umar Ali Shah Utmankhel

Advocate High Court
Peshawar.

8

Ames

Ames "A"

OFFICE OF THE DEPUTY DIRECTOR-II "FARM TO MARKET ROADS"(PROJECT CELL) COMMUNICATION AND WORKS DEPARTMENT N.W.F.P PESHAWAR:

No. 161 / 111-E

Dated Peshawar the 10/7/95

OFFICE ORDER

Mr. Mashal Khan S/O Sarwar Khan Mohallah Haider Shah Town City Railway Station Peshawar is here-by appointed as Naib Qasid in BPS-1 (Rs:1245-35-1770) against the newly created post in the interest of public service with immediate effect on the following terms and conditions:-

- 1- His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- 2- His service will be governed by such Rules and orders as may be issued by Government from time to time.
- 3- He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
- 4- He will join duty at his own expenses.

He is directed to report for duty to the Office of the Deputy Director-II (Project Cell) "Farm to Market Roads" Communication and Works Department N.W.F.P Peshawar.

DEPUTY DIRECTOR-II (PROJECT CELL)
"FARM TO MARKET ROADS" NWFP
C&W DEPARTMENT PESHAWAR:

CC:

- 1- The Project Director Foreign Aided Projects Peshawar.
- 2- The Accountant General NWFP Peshawar.
- 3- The Divisional Accountant FMR-II Peshawar.
- 4- Mr. Mashal Khan S/O Sarwar Khan Mohallah Haider Shah Town City Railway Station Peshawar:

DEPUTY DIRECTOR-II (PROJECT CELL)
"FARM TO MARKET ROADS" NWFP
C&W DEPARTMENT PESHAWAR:

True copy

ATTESTED

9 Annex A/1

MEDICAL CERTIFICATE.

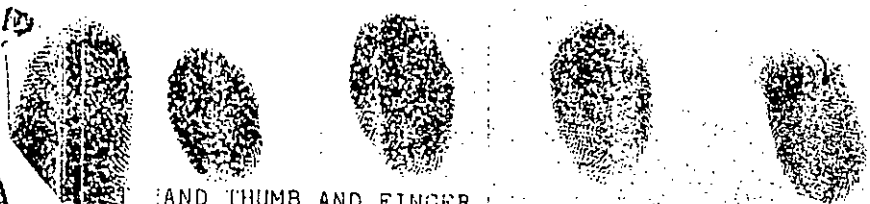


Name of Official Mashal Khan
 Color of race muslim
 Father's Name S/O Sarwar Khan
 Residence P.O. Wanda bighran P.O. Chumbiala
 Taluk - Distt Lalchi Marwat
 Date of birth 1974
 Exact height by measurement 5'3"
 Personal mark of identification Scar left side Fore head
 Signature of the Official [Signature]
 Signature of head of office

Seal of Office.....

I do hereby certify that I have examined Mr Mashal Khan a candidate
 for employment in the office of the C.R.W. Deptt
 and can not discover that he had any disease communicable or other constitu-
 tion defect or bodily infirmity except M.S.P.

I do not consider this as disqualification for employment in the office
 of the His age according to his own statement 21
 years and by appearance about 21 years.



THUMB AND FINGER
IMPRESSIONS

[Signature]
 Medical Superintendent
 Civil Hospital Peshawar

[Signature]
 Civil Hospital

1978

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Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name Mashal Khan Marwat

2. Race Muslim

3. Residence P/Addr Wanda Lagman P/o Grambila 2/Marwat
Postal Address: Haider Shahr town City Railway Station Peshawar

4. Father's name and residence Saawan Khan Haider Shahr town City Railway Station Peshawar

5. Date of birth by Christian era as nearly as can be ascertained 1974

6. Exact height by measurement 5' - 7"

7. Personal marks for identification Scar left side forehead

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant

Mashal Khan

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Dy. Director-II FWR g/w Dept

Deputy Director-II
Form to Market Roads (Project Cell)
O&W Dept. N.W.F.P. Peshawar

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1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Nature and position of the head of office or other officer in station of (i) to 8	9 Date term of appointment
Naib Qasid (B.P.S. I) 1245-35-1770			1280/- P.M.			12 1997		
			1315/- P.M.			12 97		
			1315/- P.M.			31 5 98 A.N.		

DC71 No. 268 dt. 8.7.98
 Pay to remain @ 1315/- till 6.9.98.

[Signature]
 13/7

For the copy

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9 Signature of Government	10 Signature and designation of the head of office or other attesting officer in columns 1 to 8	11 Date of termination of appointment	12 Reason of termination (such as promotion, transfer, dismissal, etc.)	13 Signature of the head of the office or other attesting Officer	14 Leave		15 Reference to any recorded punishment or censure, or reward or praise of the Government Serv
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	
						Period	
						Service verified from 12 to 30-11-97 from office. Copies of pay bill. A quitance bill.	
			Annual Increment				
		12/97		<i>[Signature]</i> Deputy Director-II Farm to Market Roads (Project Cell) C&W Deptt. N.W.F. Peshawur		<i>[Signature]</i> Deputy Director-II Farm to Market Roads (Project Cell) C&W Deptt. N.W.F. Peshawur	
						Service verified for the period from 12/97 to 30/11/97	
						Transferred to D.I.Khan vide Secy: C&W Deptt. office letter No SO(E) C&W/D/17-11/78 dated 15.9.97	
						<i>[Signature]</i> Deputy Director-II Project Cell Farm to Market Roads N.W.F. C&W Deptt: D.I.Khan	
						Re-Transfer to Peshawar vide Secy: C&W Deptt. Notification No SO(E) C&W/ 30/1/78 dated 22.5.98	
						<i>[Signature]</i> Deputy Director-II Project Cell Farm to Market Roads N.W.F. C&W Deptt: D.I.Khan	

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15

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of the Officer or other person for attestation	9 Date of appointment
Naib Qasid BPS-1 1245-35-1770			1350			12/98	<i>[Signature]</i>	
							<i>[Signature]</i>	
							<i>[Signature]</i>	
Naib Qasid BPS-1 1245-35-1770			1385			12/98	<i>[Signature]</i>	
							<i>[Signature]</i>	
							<i>[Signature]</i>	
							<i>[Signature]</i>	
			142	1/10/00		12/2000	<i>[Signature]</i>	
							<i>[Signature]</i>	
							<i>[Signature]</i>	
							<i>[Signature]</i>	

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ATTESTED

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 8
Mashal Khan N. Qasid 1870-55-3520 BPS No. 1	officiating		2200/-	144	2005	12/2007	Revised in the
OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. DISTRICT OFFICE	2001	OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. DISTRICT OFFICE	2150/-	654/-	2005	12/2007	
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)	2255/-	144	2005	12/2007	Am
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					
Pay Scale 1870-55-3520 (B-01)	2001	Pay Scale 1870-55-3520 (B-01)					

3207/01
2737/01

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ATTESTED



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government servant
1870-55-3520 BPS 01					2310/2 PM	12 2-03	AU 30
do					Rs 2310/2 PM	30-6 2-04	Tran off 6/10 7/10 2/10 2/10 2/10
do					Rs 2310/2 PM	30-7-04	/

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9	10	11	12	3		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and name of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to a recorded punish or censure, or re or praise of Government
	Allowed annual increment						
12-2-03					Service verified for the period from 11-12-2002 to 30-11-2003 from Copy of Pay Bills		
			Deputy Director-II (PC) FMR W&S Deptt: Peshawar			Deputy Director-II (PC) FMR W&S Deptt: Peshawar	
3-6-2004		Transferred from this office to EDO W&S Deptt. Lakki Manwat vide Sanction W&S Deptt, letter/office order No. SO(E-II)W&S/11-268/2003, dt 17-07-2004 and reported departure on 30-6-2004 (FN), being effective from 1-7-2004.			Service verified for the period from 1-12-2003 to 30-06-2004 from Copy of Pay Bills		
			Deputy Director-II (PC) FMR W&S Deptt: Peshawar			Deputy Director-II (PC) FMR W&S Deptt: Peshawar	
30-7-04		Reported Arrival for duty on 30/7/04 (FN)					
			Deputy Director W&S Services Lakki Manwat			True copy	

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(21)

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government	9 Name and rank of the head officer or other officer in charge of the post	10 Date of issue
B.P.S. (01) 1870-55-3520	Naib Qasid		Rs. 2365/- PM	310/- PM		12/2004	[Signature]	Grant	
[Signature]		Cutter of [Signature]	2365/- PM ✓	310/- PM		12/2004 (F-1)	[Signature]	P	
NIQ BPS 2150-65-4100		[Signature]	2735/- PM ✓	?		12/2005	[Signature]	[Signature]	

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1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature and designation of the Officer or Authorizing Officer in attestation Columns 1 to 8
NR BPS-I 2150-65-4100			2850/2 PM			12/15/2005 (FN)	
ds			2850/2 PM			10/13/2006 (FN)	
NR BPS-I 2150-65-4100			2850/2 PM			12/12/2006 (FN)	D-33 W-1 A

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ATTESTED

10	11	12	13	14	15
Signature and designation of the head of the office or other attesting officer in attestation of column 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
(Fol)	30-11-2005 AN A Increment			17-10-2006 17-10-2006 17-10-2006	17-10-2006 17-10-2006 17-10-2006
(AN)		Post was created with 17-10-2006 as mentioned in A letter no recorded on page - 15 reverse.		17-10-2006	17-10-2006
(AN)	30-11-2006 AN	Fixed Annual Increment		17-10-2006	17-10-2006

T. No 18406 ✓

28/11/08 ✓

Drawn M-122746/ on A/L of Pay a all other

w.e.f 1-10-04 to 17-10-06 on 7/0 of F/Dept. Sanction

No-601/1-10/2006 Date 4-12-2007

Account Officer
FRONTIER PROVINCE
PESHAWAR

7/12/08

10230 m/s
Project Director (FAP)
INSP Department Peshawar

10230 m/s
Project Director (FAP)
INSP Department Peshawar

Service verified from
17-10-2006 to 30-11-2006 (AN)

ATTESTED

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(25)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Act 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8
N/O BPS-2 Rev B.P. 2 2530-85-5080	2007 OFFICE OF THE ACCOUNTANT GENERAL PAY FIXATION	2530-85-5080 (2)		3300/P.M.		1-7-2007 B	(Reverse)
2530-85-5080 OFFICE OF THE ACCOUNTANT GENERAL PAY FIXATION	2530-85-5080 (2) 3380	3380		3380	Cullberg	3-2007	
11				3465	3385/P.M.	12/2007 (FN)	
4035-100-6035	OFFICE OF THE ACCOUNTANT GENERAL PAY FIXATION	4035-100-6035 (2) 4235		4135/P.M.	Cullberg	1/2008	Pay
BPS-2				4235/P.M.		12/2008	Pay

① Sol's Incentive
Cullberg
OFFICE OF THE ACCOUNTANT GENERAL
PAY FIXATION
4035-100-6035 (2)
4235

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9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government		
2007/301	(Revision)	Pay fixed at Rs. P.M in Rev. B.P.S. No 2 introduced by Govt. N.W.F. P. F.D Deptt. Notification NO FD/PRC/1-1/2007 dated 20/7/2007 w.e.f. 1.7.2007 + Scale upgraded. 1st 2 vide F.D. Notification NO FD/S.O (F.R.) 7-2/2007 dated 28/7/2007 w.e.f. 1.7.2007.					
						109 cm 15 Project Director (FAP) W&S Department Peshawar	
JEN		30 th AN 2007	Granted Annual Increment			109 cm 15 Project Director (FAP) W&S Department Peshawar	
(FAP) Peshawar						Service verified for the period 1-12-2006 to 30-11-2007 from office copy of pay bills.	
			Pay fixed Rs: 4157 in the revised Payscale w.e.f. 1.7.2008			109 cm 15 Project Director (FAP) W&S Department Peshawar	
						Service verified for the period 1-12-2007 to 30-11-2008 from pay bills.	
			Granted annual increment			109 cm 15 Project Director (FAP) W&S Department Peshawar	

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1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	ii Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Secretary and signature of the head of office or other officiating officer in continuation of terms 1 to 8
BPS-2-N/A 4800-170-10000			Rs. 7700/pm			01/13/14	
BPS-2-N/A 4900-170-10000			Rs. 7960/pm			21/2/14	
BPS-2-N/A 4900-170-10000			Rs. 8130/pm			01/12/2014	

Office Of the Accountant General
 Khyber Pakhtunkhwa
 Pay Fixed in The R.E. PS 2011
 4900-170-10000 (2)
 Of Rs. 7280/-
 With Non-pecuniary Allowance
 Accountant General
 Pay Fixed in The R.E. PS 2011
 17/11/14

2014

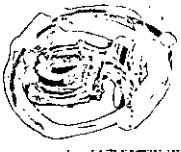
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9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
Signature and designation of the head of the office or other attesting officer in Government Service in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitible	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Serva
				Granted Annual Increment		Service identified for the period from 01-12-12 to 30-11-13 from office record.	
				Project Director PMU/FAP C&W Deptt Peshawar		Project Director PMU/FAP C&W Deptt Peshawar	
				Grant of Promotion Increment on Promotion within Same Scale vide Govt. of KPK F.D. Notification No. FD/SOS/1/2-123/2014 dated 5/1/2014.			
				Project Director PMU/FAP C&W Deptt Peshawar			
				Granted Annual Increment		Service identified for the period from 01-12-12 to 30-11-14 from office record.	
				Project Director PMU/FAP C&W Deptt Peshawar		Project Director PMU/FAP C&W Deptt Peshawar	

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The entries in this page should be renewed or re-attested at least every five years and the signature to lines 8 and 10 should be dated.

Name: Mushal Khan

Race: Muslim

Residence: P. Waada Eastman Gambisa Colles Road

Father's name and residence: Sawla Khan Waada Eastman Gambisa Colles Road

Date of birth by Christian era as nearly as can be ascertained: 1974

Exact height by measurement: 5' 7"

Personal marks for identification: Scar left side forehead.

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

Signature of Government Servant: [Signature]

Signature and designation of the Head of the Office, or other Attesting Officer: [Signature]

ATTESTED



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	(a) District, state, appointment, or (b) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government Servant
BPS-2- N/A and 6335-198-12060			Rs. 10517/- PM			01/07/2015	R.N. Mehta
BPS-4- N/A and 6330-300-15730			Rs. 10630/- PM			01/07/2016	R.N. Mehta
		Office Of The Accountant General Hyder Pakhtunkhwa Peshawar Pay Fixed in The R.P.S 2015 R.P.S 6331-220-12982 At Rs. 10517.50/- With Next Increment M. Mehta Accountant General Hyder Pakhtunkhwa Peshawar				01/07/2015	
BPS-4- N/A 6730-300-15730 10517.15			Rs. 10830/- PM			01/12/2015	R.N. Mehta
BPS-4- N/A 8280-370-19380 pay wef 1/12/2015			Rs. 13030/- AM			01/07/2016	R.N. Mehta

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1	2	3	4	5	6	7	Signature of Government Servant
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	
BPS-4 N/A 8280-370-19380				Rs. 13460/- PM		01/11/16	
BPS-4- N/A 9900-440-23100				Rs. 16060/- PM		01/07/2017	
BPS-4- N/A 9900-440-23100				Rs. 16500/- PM		01/11/2017	

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(A.T.M. 80)

(See para. 252, Audit Manual)

Office of the Asst. Secy. P.S.
Year of Account 2011-12

Account No. 10/122-185387/11

Name of Subscriber Mahesh Khera

Opening Balance	Deposits during the year	Particulars of missing credits of previous years adjusted during the year		Interest for the year		withdrawals during the year	Balance (1)+(2)+(4)+(6)+(7)	Months of the current year for which credits have not been included in column (2)
		Months and year	Amount adjusted	Rate	Amount			
1	2	3	4	5	6		8	9
Rs.	Rs.		Rs.		Rs.	Rs.	Rs.	
60212	3457	—	—	12.70%	5724	—	49443	

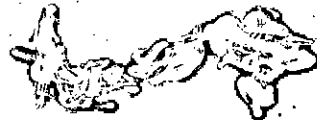
Signature [Signature]
Designation [Signature]
Date [Signature]

- NOTE: 1- The subscriber is requested to state whether he desires to make any alteration in any nomination made under the rules of the Fund.
- 2- In case where the subscriber had made no nomination in favour of member of his family owing to his having a family at the time but acquired a family thereafter the fact should be reported to the Accounts Officer forthwith together with a formal nomination.
- 3- The subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer, within three months from the date of its receipt.

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Government of Khyber Pakhtunkhwa Communication & Works Department, Peshawar

Statement of Salary in Respect of the following Staff of Project Director Project Management Unit, C&W Department Peshawar for the Month of August 2018

Sl. No.	Name of Employee	Designation	Basic Pay 001 2016	HRA 1001	CA 1210	PA 1544	MA 1300	Personal Pay / Audit /Qualification	Washing Allowance	Dress Allowance	Deputation/ Adm. Charge Allowance 20%	Adhoc Relief All. 2017 10%	Adhoc Relief All. 2013 (5%)	Adhoc Relief All. 2015 (2.5%)	Adhoc Relief All. 2016 (10%)	Adhoc Relief All. 2018 (10%)	Pension Contribution	Arrears	Gr
1	Muhammad Ayaz	Administrative Officer	74,070	6,648	5,000	30,000	3,075	-	-	-	12,000	7,407	1,640	1,100	5,632	7,407	17,790	-	1
2	Sahibzada Oasim Noor	Manager Finance	-	-	-	30,000	-	-	-	-	-	-	-	-	-	-	-	240,000	2
3	Fayaz Khan Chamkani	Legal Advisor	144,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
4	Muhammad Fayaz Khan	Assistant	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Muhammad Iftak	Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Shahid Iqbal	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Ittikhar Hussain	Senior Auditor	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Arshad Iqbal	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	Muhammad Fahim	Computer Operator	96,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10	Tanzeem ur Rasool	Junior Clerk BPS-11	23,130	2,777	2,656	8,000	1,500	-	-	-	4,626	2,313	530	362	1,865	2,313	-	-	-
11	Salman Parbid	Junior Auditor	48,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	Soulu Rasool Driver	Driver BPS-7	25,850	2,255	1,932	4,000	1,500	300	-	-	5,370	2,685	690	490	2,197	2,685	-	-	-
13	Mir Ahmad Shah	Driver BPS-7	21,970	2,255	1,932	4,000	1,500	300	-	-	4,384	2,197	543	416	1,789	2,197	-	-	-
14	Sadique Khan	Driver BPS-7	17,090	2,255	1,932	4,000	1,500	300	-	-	4,026	2,014	491	374	1,536	2,014	-	-	-
15	Gul Nawaz	Driver BPS-7	20,140	2,255	1,932	4,000	1,500	300	-	-	4,026	2,014	491	374	1,536	2,014	-	-	-
16	Muhammad Fayaz S/o Zamin Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	Malang Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	Amin Jan S/o Ghulam Jan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	Tahir Shah	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	Taimur Khan s/o Muhammad Aslam Khan	Driver BPS-5	33,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Handwritten notes and signatures on the left margin, including a large signature and the number 37 in a circle.

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20	Ashfaq Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
21	Mashal Khan	Naib Qasid BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
22	Fayaz Mohammad	Naib Qasid BPS-4	17,380	2,048	1,785	2,000	1,500	300	100	100	3,476	1,738	424	333	1,420	1,738	-	34,311	
23	Zia ur Rehman	Naib Qasid BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430	-	29,626	
24	Saleem Khan	Chowkidar BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
25	Munaf Khan	Chowkidar BPS-4	16,500	2,048	1,785	2,000	1,500	300	100	100	3,300	1,650	407	318	1,346	1,650	-	33,003	
26	Mohammad Javed	Chowkidar BPS-4	14,300	2,048	1,785	2,000	1,500	300	100	100	2,860	1,430	347	266	1,161	1,430	-	29,626	
27	Inamullah Khan	Naib Qasid	25,600															25,600	
28	Muhammad Arif	Naib Qasid	25,600															25,600	
29	Noman Masood	Naib Qasid	25,600															25,600	
30	Muhammad Ali	Naib Qasid	25,600															25,600	
31	Fahim Shah	Naib Qasid	25,600															25,600	
32	Muhammad Shiraz	Naib Qasid	25,600															25,600	
33	Shahzad Khan	Naib Qasid	25,600															25,600	
Total			1,407,433	32,775	26,975	30,000	21,075	3,300	700	700	56,232	29,523	7,050	5,191	23,626	29,523	17,790	240,000	2,690,993

[Signature]
 Project Director
 MU, C&W Department Peshawar

True copy
[Signature]

ATTESTED

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Am B



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
Communication & Works Department Khyber Pakhtunkhwa
House No.08-BC, Park Road, Fouwara Chowk University Town, Peshawar.
Phone No.91-9216991, Fax: 091-9216949 Email pdpmujica@gmail.com

No. 7119 /JICA-5

Dated: Peshawar the 01/8 2018

To

Mr. Mashal Khan,
Naib C as d,
PMU, C&W Department,
Peshawar.

Subject: TERMINATION OF SERVICE

Since you were adjusted and have been drawing salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed therefore, your services are no more required in this office. You are informed that your services are hereby terminated w.e.f. 31-08-2018.

[Signature]
Project Director
PMU C&W Department Peshawar

c.c.

- 1- Secretary to Govt of KPK Communication & Works Department Peshawar.
- 2- Deputy Director (Coord) PMU C&W Peshawar.
- 3- Finance Manager PMU C&W Peshawar.

[Signature]
Project Director

True copy
ATTESTED

(40)



Annex B/1

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department Peshawar.

Subject:- DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE ORDER NO.7119/JICA-5, DATED 01-08-2018 WHERE AS THE APPELLANT HAS BEEN REMOVED/ TERMINATED FROM SERVICE.

Respected Sir,

With due respect it is humbly submitted, that services of few employees including the undersigned have been terminated by Project Director Project Management Unit C&W Department Peshawar vide order No.7119/JICA-5, dated 01-08-2018.

2. In this regard it is submitted that the undersigned was appointed as Naib Qasid in BPS-I Rs.1245-35-1770 plus usual allowances against existing vacancy sanctioned vide Secretary to Govt. of NWFP C&W Department letter No.21-Bud/94-95/SNE ©/1485, dated 03-08-1994, vide office order No.161/1/1-E, dated 10-07-1995, (Annex-I).

3. In response to appointment order, I, obtained medical fitness certificate from Civil Hospital Peshawar (Annex-II).

4. In response to my appointment order and medical fitness certificate, I submitted my arrival report in office of Deputy Director-II (Project Cell) Farm to Market Roads, C&W Department Peshawar and since then I am performing my duties as a regular employee. (Copy of service book enclosed Annex-III).

5. It is worth mentioned here that the Department granted me Annual Increment and up gradation from time to time as recorded in Service book and presently I am drawing my salary in BPS-4. (Copy enclosed Annex-IV).

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6. Furthermore I am a regular subscriber of G.P.Fund and Accountant General Office issue me G.P.Fund balance sheet from time to time vide G.P.Fund Account No.IV-IRR-18538. Similarly Benovlent Fund, Group Insurance is being deducted regularly from my pay as per prescribed Govt. Rates. (Annex-V).

7. That the order of Termination from service is being illegal, unlawful, without jurisdiction, based on malafide intention of the concerned authorities is liable to be set aside on the following grounds.

- a. That the undersigned was served with no show cause notice, charged sheet, and illegally removed from service without assigning any reason.
- b. That the appellant was just handed over the impugned order of termination without adopting the legal and lawful procedure laid down by the code.
- c. That the appellant has neither being heard in person nor provided proper chance to defance and was condemned un-heard.
- d. That the impugned order is not only against the essence of Justice but such practice is highly discourage by the apex Courts of Law.

8. It is therefore requested that by accepting my instant appeal, my services may please be restored w.e.f. the date of termination i.e. (31-08-2018).

Yours sincerely

Dated 10-09-2018

Dr. Sheed
21-9-18

Mashal Khan
Mashal Khan
Naib Qasid
JICA C&W Department
Peshawar

Diary No: 8107
Date: 11-9-18
Secretary C&W Deptt.

ATTESTED *one copy*

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Annex "C"

[Handwritten notes and stamps]

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P.No. _____/2018

1. Fayaz Muhammad S/o Taj Muhammad,
R/o Mohallah Sadrikhel, Village Pirpai District Nowshera.
2. Mashal Khan S/o Sarwar Khan
R/o Mohallah Wanqa Lughman P.O Sari Gambela District
Lakki Marwat.
3. Sarfaraz Khan S/o Haji Shahzada
R/o Mohallah Tarikhel Village Adizai Tehsil And District
Peshawar
..... Petitioner

VERSUS

1. Govt of Pakistan through Secretary Communication &
Works Deptt Civil Secretariat Peshawar.
2. Deputy Director (Coordination) PMU C &W Deptt Civil
Secretariat Peshawar.
3. Project Director PMU, C&W Deptt Civil Secretariat
Peshawar.
..... Respondents

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

PRAYER

**ON ACCEPTANCE OF THIS WRIT PETITION
OFFICE ORDER NO. 7120/JICA-5 OFFICE
ORDER NO. 7119/JICA-5, DATED 1.08.2018**

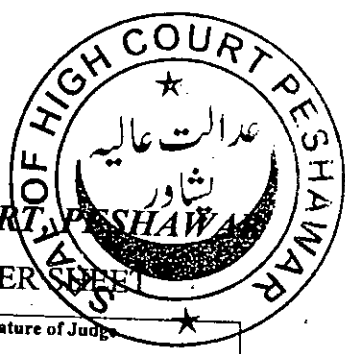
wp5163 2018 fayaz Mohammad vs govt USB 109 pags

ATTESTED
EXAMINER
Peshawar High Court

16 NOV 2018

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PESHAWAR HIGH COURT

FORM OF ORDER SHEET

Date of Order or Proceedings	Order/Proceedings with Signature of Judge
07.11.2018	<p><u>W.P No.5163-P/2018</u></p> <p>Present:</p> <p>Mr. Umar Ali Shah Utmankhel, Advocate, for the petitioners.</p> <p>****</p> <p>WAQAR AHMAD SETH, CJ. Through the petition in hand, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have prayed as under:-</p> <p><i>"On acceptance of this writ petition, office order No. 7120/JICA-5, office order No. 7119/JICA-5, dated 01.08.2018 and office order No. 7124/JICA-5 dated 03.08.2018, whereby the petitioners were terminated from their services by the respondents, may be adjudicated null & void and without any lawful authority and the petitioners may very kindly be reinstated, be considered as regular employees since their appointment on their respective positions with all back benefits".</i></p> <p>2. By virtue of Section 4 of Khyber Pakhunkhwa Act No.10 of 2018, the services of all</p>

~~ATTESTED~~
EXAMINER
Peshawar High Court

16 NOV 2018

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project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018 and thereafter termination from service, in the month of August, 2018 of a regular employee of the government, is to be challenged before the Services Tribunal. Under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the instant petition is not maintainable.

3. Resultantly, instant petition stands dismissed, however, the petitioners are at liberty to impugn their termination before the competent forum, but within due time.

[Signature]
CHIEF JUSTICE

[Signature]
JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER
High Court, Peshawar
Under Article 8.7 of
the Service Tribunal Order 1984

16 NOV 2018

Amjy/PS DB Hon'ble Mr. Justice Waqar Ahmad Seth, CJ & Hon'ble Mr. Justice Muhammad Ayub Khan

No. 12272

Date of Presentation of Application 2-11-18

No of Pages 37

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Total 161178

Date of Preparation of Copy 16-11-18

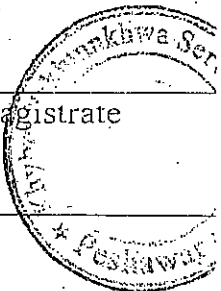
Date of Delivery of Copy 16-11-18

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Annex -

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245



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 1487/2018

Date of Institution 23.11.2018
Date of Decision 21.06.2019

Sarfaraz Khan S/o Haji Shahzada R/o Mohallah Tarikhel Village
Adizai Tehsil and District Peshawar.

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary
Communication & Works Department Peshawar.
2. Deputy Director (Coordination) PMU C&W Department Peshawar.
3. Project Director PMU, C&W Department Peshawar.

Respondents

Mr. Muhammad Hamid Mughal-----Member(J)
Mr. Hussain Shah-----Member(E)

21.06.2019

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned
counsel for appellant and Mr. Zia Ullah learned Deputy District
Attorney present.

2. This Single/common judgment/order in the above captioned
service appeal shall also dispose of appeal bearing No.1488/2018 filed
by Mashal Khan (Ex-Naib Qasid) and appeal bearing No. 1489/2018
filed by Fayaz Muhammad (Ex-Naib Qasid) being identical in nature in
that similar questions of law and facts are involved therein.

3. The appellant (Ex-Driver) has filed the present appeal against the

ATTESTED

[Signature]
Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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order dated 03.08.2018 whereby his services were terminated w.e.f 31.08.2018 on the ground that he was adjusted and having drawn salary in the project "JICA Assisted Khyber Pakhtunkhwa Emergency Rural Roads Rehabilitation Project Loan No. PK-P-62" and most of the road projects have been completed, therefore, his services were no more required.

4. Arguments of Learned counsel for the appellant and learned Deputy District Attorney heard. File perused.

5. Needless to mention that the Hon'ble Peshawar High Court Peshawar vide its judgment dated 07.11.2018 passed in Writ Petition No.5163-P/2018 filed by the appellants, observed that by virtue of Section 4 of Khyber Pakhtunkhwa Act No.10 of 2018, the services of all project employees stand regularized w.e.f the date of commencement of the said Act i.e. 07.03.2018.

6. Learned counsel for the appellant pleaded that against the original impugned order of termination of services, the appellant filed departmental appeal but the same was not responded. On the other hand in their joint reply the respondents have pleaded that the appellant has not preferred departmental appeal to the higher authority but annexed the copy only to fill up the formalities.

7. In view of the above scenario, copy of departmental appeals of the appellants available on files be sent to the appellate authority i.e. respondent No.1 who is directed to decide the same through speaking order within 30 days of the receipt of this judgment.

8. The present service appeal and the connected service appeals as

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JULY 2019

mentioned in para-2 of this judgment are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

[Signature]

(Hussain Shah)
Member

[Signature]

(Muhammad Hamid Mughal)
Member

ANNOUNCED.

21.06.2019

Certified to be true copy

[Signature]
Khalid Ahmad
Services Tribunal,
Feshawar

Date of Presentation of Appeal 24-6-18

Number of Words 1200

Copying Fee 16-00

Urgent

Total 16-00

Name of Clerk *[Signature]*

Date of Completion of Copy 25-7-18

Date of Delivery of Copy 25-7-18

Annex ⁴⁸ E

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No _____/2020

In Re:

Service Appeal No 1487/2018

Sarfaraz Khan S/O Haji Shahzada R/O Mohallah Tarikhel village
Adizai Tehsil and District Peshawar.....(Applicant/Appellant)

V E R S U S

1. Mr. Shahab Khattak, Secretary C&W Department Civil
Secretariat, Peshawar
2. Director PMU, C&W Department, Khyber Pakhtunkhwa,
Peshawar.....(Respondents)

Application for initiating contempt of
Court proceedings against the Respondents
for violating the order dated 21st June,
2019 passed by this Honourable Tribunal

Respectfully Sheweth: -

The Applicant/Appellant humbly submits as under:-

- 1) That the Applicant/Appellant filed a Service Appeal No
1487/2018 before this Honourable Tribunal against the
Respondents, in which this Honourable Court accepted the
service appeal vide order dated 21-06-2019. (Copy of the
order dated 21-06-2019 is as Annex 'A').

- 2) That after passing the order, the Petitioner visited the Respondents office for implementation of this Honourable Tribunal order, but the same was deaf ear.
- 3) That despite having knowledge about the above referred order, the Respondents hurriedly did not considering the Applicant/Appellant and in this way flagrantly violated the order of this Honourable Tribunal.
- 4) That the Respondents have intentionally committed the contempt of Tribunal by violating the order passed by this Honourable Tribunal, therefore, they are liable to awarded exemplary punishment.
- 5) That any other ground will be raised at the time of arguments with the permission of this Honourable Court.

It is, therefore, respectfully prayed that on acceptance of this Application, contempt of Court proceedings may be initiated against the Respondents and they may be awarded exemplary punishment in violation of order of this Honourable Tribunal.

Applicant/Petitioner

Through:

(JAWAD KHAN)
Advocate,
High Court, Peshawar

Dated: -16-01-2020

Regtd

Annex. 50



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/3-442/2019
Dated Peshawar, the March 10, 2020

To

- i. Mr. Sarfraz Khan S/O Haji Shahzada
Mohallah Tari Khel village Adizai
Tehsil and District Peshawar
- ii. Mr. Mashal Khan S/O Sarwar Khan
Mohallah Wanda Lughman P.O. Sari Gambela
District Lakki Marwat
- iii. Mr. Fayyaz Muhammad S/O Taj Muhammad
Mohallah Sadri Khel village Pirpai, District Nowshera

Subject: SERVICE APPEAL NO.1487/2018 SARFARAZ KHAN, SERVICE APPEAL NO.1488/2018 MASHAL KHAN, SERVICE APPEAL NO.1489 FAYAZ MUHAMMAD GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY C&W AND OTHERS

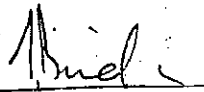
I am directed to refer to the subject noted above and to state that Khyber Pakhtunkhwa Service Tribunal disposed your service appeals with the directions to decide the same through speaking order within 30 days of the receipt of the judgment.

2. In this regard, the project policy says that:

"On completion of the project or its conversion into current budget, the services of the project staff appointed on contract basis shall stand terminated".

3. Therefore, your appeals were examined in light of aforesaid project policy and rejected by the competent authority.

4. You are therefore informed accordingly.


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

Endst even No. & date
Copy forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
2. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 7TH MARCH, 2018.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 7th March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills/2018/5031.—The Khyber Pakhtunkhwa Employees (Regularization of Services) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 2nd March, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 7th March, 2018).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

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196 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified, -
(i) ~~one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and~~

(ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;

(f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;

(g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;

(h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;

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- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "ad hoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of ad hoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and

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(iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

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

8. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.

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38. Establishment of Planning Cell in Energy and Power Department.
 39. Computerization of Land Record.
 40. Creation of MRS Cell in C&W Department.
 41. Enhancement of existing facilities in MIS/GIS for C&W Department.
 42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
 43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
 44. Afghan Management and Repatriation Cell at Home Department.
 45. Traffic Control Management System and FM Radio 693-120173.
 46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.
 47. Establishment of 100 Family Welfare Centers.
 48. Establishment of Population and Research Training Institute and Social Mobilization.
 49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
-
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
 51. Establishment of Zoo for Peshawar Division.
 52. Development and Management of National Park in Khyber Pakhtunkhwa.
 53. Conservation and Management of Wildlife in Central and Northern Division.
 54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
 55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
 56. Carbon Stock Assessment in Khyber Pakhtunkhwa.

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202 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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Annex H 59

OFFICE OF THE PROJECT DIRECTOR
FOREIGN AIDED PROJECT W&SD PESH

No. 1602 / 1-E

Dated Peshawar the 16 / 19 / 2005

To

The Section Officer (Etab: II),
Works & Service Department,
Peshawar.

Subject:- MUTUAL TRANSFER.

Reference Your letter No. SO(E)/W&SD/205/2005
dated 14.9.2005.

In this context it is stated that Mir Ahmad Shah
S/o Gubhan Shah working as a Driver in this Directorate is a
regular employee of the Govt. and this office has no
objection for mutual transfer amongst the Drivers please.

M. M. M. M. S.
Project Director
Foreign Aided Project,
Works & Service Deptt.
Peshawar.

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Annex H/1



60



OFFICE OF THE DEPUTY DIRECTOR-II FARM TO MARKET ROADS (PROJECT CELL), COMMUNICATION & WORKS DEPARTMENT N.W.F.P., PESHAWAR.

No. FMR-II/11/E/60

Dated Peshawar the 6/1/1995.

OFFICE ORDER.

Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eidgah, Village Badrashi, Teh: & Distt: Nowshera, is hereby appointed as Naib Qasid in EPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt: of NWFP., Communication & Works Department No.21-Bud/94-95/SNE(C)/1485-90, dated 3-8-1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

[Signature]
DEPUTY DIRECTOR-II PROJECT
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR.

C.C.

1. The Project Director Foreign Aided Project C&W Deptt: Peshawar.
2. The Accountant General NWFP., Peshawar.
3. The Divisional Accountant FMR-II Peshawar.
4. Mr. Munsif Ali Khan S/O Sadullah Khan, Mohallah Eid Gah Village Badrashi, Teh: & Distt: Nowshera.

[Signature]
ACCEPTED

DEPUTY DIRECTOR-II PROJECT CI
FARM TO MARKET ROADS N.W.F.P.
C&W DEPTT: PESHAWAR

OFFICE OF THE DEPUTY DIRECTOR II FARM TO MARKET
ROADS" (PROJECT. CELL), COMMUNICATION & WORKS
DEPARTMENT NWFP, PESHAWAR.

No. FMR-II. 11-1/E/18

Dated Peshawar the 6./1995.

OFFICE ORDER

Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eidgah Village Badrashi, Tehsil and District Nowshera is hereby appointed as Naib Qasid in BPS-I, i.e. Rs. 245-35-1770 plus usual allowances as admissible under the Rules against the existing vacancy in the office of the undersigned sanctioned vide Secretary to Govt. of NWFP., Communication & Works Department letter No. 21-Bud/94-95/SNE (C) /1485-90, dated 3.8.1994 with immediate effect in the public interest, subject to the following conditions:-

1. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
2. His service will be governed by such rules and orders as may be issued by Government from time to time.
3. He will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar.
4. He will join duty at his own expenses.

He is directed to report for duty to the office of the undersigned on or before 30th April, 1995.

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP
C&W Department Peshawar.

CC:

5. The project to Director Foreign Aided projects Peshawar.
6. The Accountant General NWFP Peshawar.
7. The Divisional Accountant FMR-II Peshawar.
8. Mr. Munsif Ali Khan S/o Sadullah Khan, Mohallah Eid gah Village Badrashi Tehsil and District Nowshera

Deputy Director-II (Project Cell)
Farm to Market Roads NWFP
C&W Department Peshawar.

62

Annex



Head of Account
Jan, Feb & March

G.P. Fund
2015

G06103
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		GP ACCT. NO	Name of designation and address of the person on whose behalf money is paid		Amount	Head of Account G06214		No. of Installment	Order to the Bank
S.No.	P.No		Name	Designation		BPS	Deduction		
1	13794	IVIRRO15110	Said Rasool	Driver	7	465	3	1395	
2	41841	IVIRRO18295	Mir Ahmad Shah	Driver	5	465	3	1395	
3	13797	IVIRRO15783	Pervez Khan	Naib Qasid	2	373	3	1119	
4	41842	IVIRRO18296	Ashfaq Khan	Naib Qasid	2	373	3	1119	
5	42097	IVIRRO18475	Fayaz Mohammad	Naib Qasid	2	373	3	1119	
6	13798	IRRO18370	Mohammad Iqbal	Naib Qasid	2	373	3	1119	
Total					2	373	3	1119	
7266									

Finance Manager
Project Management Unit
C&W Department Peshawar

28

Head of A/C Verified
Treasury Office
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar CANTT (03556)
16 SEP 2015
CALL RECEIVED

True copy
ATTACHED

Fayaz Mohammad
MIA

63

Amox 5/1



Head of Account Benevolent Fund
Jan, Feb & March 2015

G06214
Challan of Cash paid into the
Chalan-No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and adress of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank	
S.No.	P.No.	Name	Designation	BPS	Deduction		Total Deduction Amount	
1	13794	Said Rasool	Driver	7	180	3	540	
2	41841	Mir Ahmad Shah	Driver	5	180	3	540	
3	96027	Sarfaraz Khan	Driver	5	180	3	540	
4	13797	Pervez Khan	Naib Qasid	2	120	3	360	
5	41842	Ashfaq Khan	Naib Qasid	2	120	3	360	
6	42097	Fayaz Mohammad	Naib Qasid	2	120	3	360	
7	96432	Zia Ur Rehman	Naib Qasid	2	120	3	360	
8	13798	Mohammad Iqbal	Naib Qasid	2	120	3	360	
Total							360	3420

Finance Manager
Project Management Unit
C&W Department Peshawar

Head of A/C Verifica
Assistant Treasury Offices
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar CANTT (3388)
16 SEP 2015
RECEIVED

True copy

ATTESTED

69

Annex

J/2

Handwritten scribbles and marks at the top right.

Head of Account Group Insurance
Jan, Feb & March 2015

G06408
Challan of Cash paid into the
Chalan No.

NON GAZZATED
Treasury / Sub-Treasury

PROVINCIAL

State Bank of Pakistan

To be filled in by remitter

To be filled in by the Departmental
Officer or the Treasury

By Whome Tendered		Name of designation and address of the person on whose behalf money is paid		Amount	Head of Account G06214	No. of Installment	Order to the Bank
S.No.	P.No	Name	Designation	BPS	Deduction		Total Deduction Amount
1	13794	Said Rasool	Driver	7	44	3	132
2	41841	Mir Ahmad Shah	Driver	5	44	3	132
3	96027	Sarfraz Khan	Driver	5	44	3	132
4	13797	Pervez Khan	Naib Qasid	2	38	3	114
5	41842	Ashfaq Khan	Naib Qasid	2	38	3	114
6	42097	Fayaz Mohammad	Naib Qasid	2	38	3	114
7	96432	Zia Ur Rehman	Naib Qasid	2	38	3	114
8	13798	Mohammad Iqbal	Naib Qasid	2	38	3	114
Total							966

Finance Manager
Project Management Unit
C&W Department Peshawar




Assistant Treasury Officer
Peshawar

NATIONAL BANK OF PAKISTAN
Main Br. Peshawar CANTT (23061)
16 SEP 2015
RASHID KHAN

True copy

ATTESTED

(65)

قیمت 50 روپے	45183	  
ایڈویٹ: <u>عمر علی شاہ اٹکھاگل</u> بار کونسل ایسوسی ایشن نمبر: <u>BC 12-2553</u> رابطہ نمبر: <u>0332-9808066</u>		
پشاور بار ایسوسی ایشن، خیبر پختونخوا		

بعدالت جناب: خیر علی صاحب

مخاطب: <u>مسائل خان</u>	دعویٰ: <u>سب</u>
<u>مسائل خان</u> <u>بنام</u> <u>حکومت خیبر پختونخوا</u>	علت نمبر: <u>---</u>
	مورخہ: <u>---</u>
	جرم: <u>---</u>
	تھانہ: <u>---</u>

بابت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام پشاور کیلئے عمر علی شاہ اٹکھاگل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 12/5/2020

العبد واہ شد العبد

مقام پشاور

Attested
 A
 نوٹ: اس وکالت نامہ کی فونو کالی ہونا چاہیے۔

مسائل خان
 No 11201-04030007



OFFICE OF THE PROJECT DIRECTOR PROJECT MANAGEMENT UNIT
COMMUNICATION AND WORKS DEPARTMENT KHYBER PAKHTUNKHWA
PESHAWAR

House No. 8BC Park Road Mardan House University Town Peshawar
E-mail: pdpmujica@gmail.com Phone No. 92-91-9224270-72 Facsimile 92-91-9216949

AUTHORITY LETTER

Title: MASHAL KHAN VS GOVT: OF KPK ETC
APPEAL NO. 373/2020

We respondents hereby authorized Mr. Fayyaz Khan Chamkani, Legal Advisor PMU, C&W Department Peshawar, to file Para wise comments on behalf of the respondents and to conduct the preceding in services Tribunal Khyber Pakhtunkhwa Peshawar in the subject titled above .

Deputy Director (Coord)
Project Management Unit
C&W Department Peshawar

Project Director
Project Management Unit
C&W Department Peshawar

Secretary
Communication & Works Department
Peshawar

4. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
5. That the present petition is liable to be dismissed for mis-joinder and non-joinder of necessary party.

O N F A C T S:

1. Para 1 pertains to record, hence needs no comments.
2. Para 2 is incorrect, the appellant has not attached anything in this respect.
3. Para 3 is also incorrect. The respondents had adopted and fulfilled all the requisite codal formalities / requirement while terminating the service of the appellant.
4. Para 4 needs no comments.
5. Para 5 is incorrect, hence needs no comments.
6. Para 6 as stated is correct, hence needs no comments.

GR OUN DS:

A. Para A as stated is incorrect, the service of the appellant was terminated as per law and rules and adopted all in cordal formalities.

B. Para B as stated is incorrect, the Respondents had acted as per law laid down by the statute.

C. Para C as stated is correct to the extent that the appellant had served this department for the last 24 years, the remaining para is incorrect, the service of the appellant was no more required to this department hence, the authority terminated his service by adopting all the cordal formalities.


D. Para D is incorrect, no discrimination has been caused with the appellant.

E. Para E is incorrect, the appellant himself has admitted for implementation of the provision as per regularization Act 2018 vide Para B of the ground above.


F. Para F needs no comments detailed reply has been given in this preceding Paras.

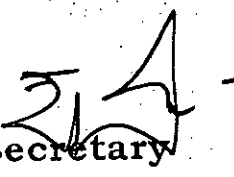
PR

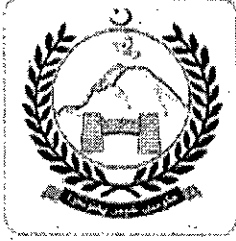
It is, therefore, humbly prayed that on acceptance of this parawise comments the appeal may kindly be dismissed with cost.


Deputy Director
Coordination PMU
C&W Department
Peshawar

Project Manager/301 Unit
C&W Department Peshawar


Project Director
Coordination PMU
C&W Department
Peshawar


Secretary
C&W Department
Peshawar



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2037 /ST

Dated: 12/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Project Director PMU C&W Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 5373/2020, MR. MASHAL KHAN.

I am directed to forward herewith a certified copy of Judgement dated 23.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR