

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1700/2019

Date of Institution ... 05.11.2019

Date of Decision ... 19.11.2021

Muhammad Hayat Khan S/O Muhammad Akbar Khan R/o Mohallah Khudad Khel,
Tehsil & District Charsadda. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Education, Civil
Secretariat Peshawar and three others. ... (Respondents)

Present:

Mr. Asif Ali Shah, --- For Appellant.
Advocate

Mr. Kabirullah Khattak, --- For respondents.
Additional Advocate General

MIAN MUHAMMAD --- **MEMBER(Executive)**
MR. SALAH UD DIN, --- **MEMBER(Judicial)**

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The service appeal has been filed seeking adjudication against impugned letter of respondent No.3 dated 18.10.2017 whereby recovery on account of over payment for serving beyond the date of superannuation, retirement in BS-02 instead of BS-14 and non-action on his departmental appeal dated 29.06.2019.

FACTS.

02. Brief facts of the case leading to institution of the instant service appeal are that the appellant was appointed as Sweeper in the respondent-department on 13.02.1999 who served till 30.06.2017. However, his order of retirement was issued

on 22.08.2017 with retrospective effect from 29.05.2016 owing to his recorded date of birth in service book i.e 30.05.1956. His pension case was taken up on 16.09.2017 upon which respondent No.3 raised objections with regard to over payment and recovery thereof from the withheld amount of pension.

03. Official respondents were issued notices to submit reply/parawise comments. They, except respondent No.3, submitted their written reply/parawise comments. We have heard learned counsel for the appellant as well as learned Additional Advocate General and gone through record thoroughly.

ARGUMENTS.

04. Learned counsel for the appellant contended that the appellant regularly served the respondent-department as sweeper with devotion since 13.02.1999 till 30.06.2017. During his service, the post of Sweeper was also upgraded from BS-02 to BS-04 in 2015 consequent upon which his pay was fixed in BS-04. The respondent-department issued retirement order of the appellant on 22.08.2017 giving it effect from 29.05.2016 on the ground that recorded date of birth in respect of the appellant was 30.05.1956 and as such he had attained the age of superannuation on 29.05.2016. The appellant actually performed his duty during the period between 30.05.2016 to 30.06.2017 and monthly salary drawn is legal which cannot be recovered from his pension under plethora of judgements of the superior courts. Moreover, he has been denied pension in his upgraded position despite the fact that he is entitled to get pension in BS-04 instead of BS-02. His fundamental right is being violated and the appellant cannot be penalized for the wrong done by the respondent-department. In support of his arguments on the principle of locus poenitentiae, he relied on 2003 PLC (C.S) 1262 and 2020 SCMR 188. He requested

that the service appeal has merit may graciously be allowed and the respondents be directed to give the appellant pensionary benefits in BS-04 and declare the order of recovery wrong, illegal and void ab-initio.

05. Learned Additional Advocate General argued that the appellant is the victim of his own deeds who happens to have tempered his date of birth in service book from 30.05.1956 to 30.05.1959 and managed over stay in service beyond his actual date of superannuation. Fact of the matter is that the appellant passed his matric examination from BISE Peshawar under roll No. 2958 in 1976 (annual) and his date of birth as per SSC being 30.05.1956 the same was recorded in service book at the time of entry into service in 1999. Later on, he managed to temper with the recorded date of birth in service book and changed it to 30.05.1959 taking advantage of which he over stayed in service. However, taking cognizance of the misdeed, the authority issued his retirement order w.e.f 29.05.2016 vide order dated 22.08.2017. The appellant has therefore been rightly retired from service on attaining the age of superannuation as per recorded original date of birth in service book. The service appeal being devoid of merit and facts, may be dismissed.

CONCLUSION.

06. It is evident from record that the date of appellant as recorded at the time of his entry in to service was 30.05.1956 which can safely be traced from his SSC acquired in 1976. How, when and by whom the date of birth was changed? It was not investigated or inquired by the respondent-department except to attribute the tempering to appellant and considering him guilty for it but without any documentary evidence in support of their claim. However, it is also an established fact that service book of a civil servant remains in the safe custody of concerned

parent department for periodical necessary entries in it, as and when required. The tempering in date of birth and attestation thereof in service book subsequently, reveals that it was restored to original date of birth on 22.08.2017 i.e after nearly 15 months of his superannuation, and the same day his order of retirement was issued w.e.f 29.05.2016. It was after submission of his pension papers to respondent No.3 that over payment was pointed out to respondent No.4 with the advice for recovery of the amount from him.

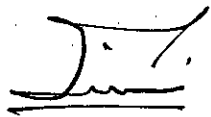
07. It is not disputed that the appellant served respondent department beyond the date of superannuation falling on 29.05.2016. His exact period of over stay can be taken from the date when his retirement order was issued on 22.08.2017 giving it effect from 29.05.2016 and as such he stayed in service beyond the date of superannuation for about 13 months till 30.06.2017. So far the question of his retirement in BS-04 instead of BS-02 is concerned, it also stands established that he was allowed up-gradation in BS-04 in pursuance of Finance department Notification dated 17.08.2015 and necessary entry to this effect made in his service book. This fact has been admitted at the internal processing stage of the pension case in the department of respondent No. 3 when it was recorded "please correct the Grade/Scale as per service book i.e BPS-04 instead of BPS-02"

08. In a nutshell, it can be concluded that the appellant served the respondent-department beyond the date of superannuation due to the negligence and apathy of respondent-department. He performed duty during the period 30.05.2016 to 30.06.2017 and has rightly drawn monthly salary against the work/service actually done/performed but is not countable towards pension benefits. Reliance is placed on Peshawar High Court, Peshawar judgement dated 09.02.2005 delivered in writ

petition No. 251 of 2004 titled Kair Wali Khan versus Government of Khyber Pakhtunkhwa and Peshawar High Court judgement dated 17.11.2015 in writ petition No. 3858-P/2014. Similarly, he was upgraded and his pay was fixed in BS-04 through due process under the Notification of Provincial government dated 17.08.2015. His right had therefore accrued well before his date of superannuation falling on 29.05.2016.

09. In the light of what has been discussed in the preceding paras, the appeal has its own merit and is therefore allowed as prayed for. Parties shall, however, bear their respective costs. File be consigned to the record room.

ANNOUNCED
19.11.2021


(SALAH UD DIN)
MEMBER(J)


(MIAN MUHAMMAD)
MEMBER(E)

ORDER

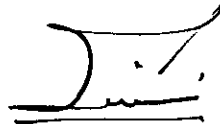
19.11.2021

Appellant alongwith his learned counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Shagufta Rani, ADEO (Litigation) for respondents present. Remaining arguments concluded/heard and record perused.

Vide our detailed judgement of today placed on file (containing 05 pages), the appeal has its own merit and is therefore allowed as prayed for. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

19.11.2021



(Salah-Ud-Din)
Member(J)

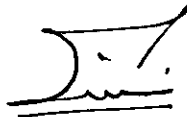


(Mian Muhammad)
Member(E)

21.10.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Shagufta Rani, ADEO (Litigation) for the respondents present.

The former requests for adjournment due to non-availability of his learned counsel. Case to come up on 18.11.2021 for arguments before the D.B.



(Salah-ud-Din)
Member(J)

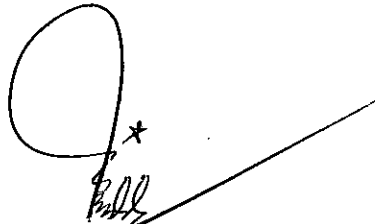


Chairman


18.11.2021

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Partially arguments heard. To come up for remaining arguments on 19.11.2021 before the D.B.



(Mian Muhammad)
Member(E)



(Salah-Ud-Din)
Member(J)

22.03.2021

Appellant with counsel present.


Addl: AG for respondents present.

Former requests for adjournment as issue involved in the present case is pending before a Larger Bench of this Tribunal.

Adjourned to 19/7/2021 for arguments before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member(J)

12.07.2021

Appellant in person present.

Mr. Usman Ghani, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 21.10.2021.



(ROZINA REHMAN)
MEMBER (JUDICIAL)



CHAIRMAN

29-12-2020

Due to summer vacation, case is adjourned to
2.3.2021 for the same as before.



Reader

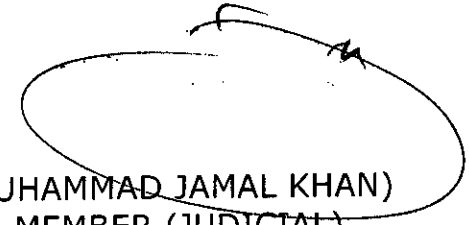
02.02.2021

Appellant is present alongwith his counsel namely, Mr. Fawad Jan, Advocate. Mr. Kabirullah Khattak, Additional Advocate General and Miss. Shagufta Rani, ADEO (Litigation), for the respondents are also present.

Learned counsel for appellant submitted that he has not prepared the brief as he was not conversant with the fact of fixing the instant appeal for arguments hence, he requested for adjournment. The request is accepted.

The learned Additional Advocate General at this juncture submitted that the service book is in the custody of appellant and he may be directed to produce it on the next date of hearing. The appellant admitted the aforesaid fact, therefore, he is directed to produce the service book on the next date of hearing. Adjourned to 22.03.2021 on which date file to come up for arguments before D.B.


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


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)



07.10.2020

Appellant in person and Addl. AG alongwith Shagufta Rani, ADEO for the respondents present.

Respondents have not furnished requisite reply/comments despite last chance. The matter is, therefore, posted to D.B for arguments on 11.11.2020.

Chairman

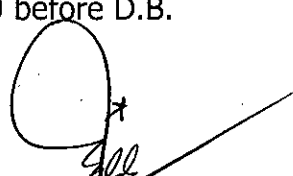


11.11.2020


Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Shagufta Rani ADEO for respondents present.

Written reply was submitted on behalf of respondent No.4. Lawyers are on general strike, therefore, case is adjourned to 29.12.2020 before D.B.



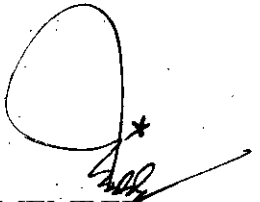
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

24.06.2020

Counsel for the appellant present. Addl:AG for respondents present. Written reply not submitted. Requested for time to submit the same on the next date of hearing. Adjourned. To come up for written reply/comments on 11.08.2020 before S.B.




MEMBER

11.08.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned to 08.09.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

08.09.2020

Appellant in person and Addl. AG for the respondents present.

The respondents have not submitted reply/comments despite adjournment on two previous occasions for the purpose. As a last chance, the matter is adjourned to 07.10.2020 for submission of reply/comments.



Chairman

19.02.2019

Appellant with counsel present. Preliminary arguments heard.

Learned counsel for the appellant contended inter-alia that the appellant was retired from service w.e.f 29.05.2016 but the appellant performed his duties till 30.06.2017 hence the order of recovery of salaries of the appellant w.e.f 29.05.2016 to 30.06.2017 vide order dated 22.08.2017 is not tenable. More so the appellant is entitled to the pensionary benefits of BPS-04 instead of BPS-02.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.04.2020 before S.B

Appellant Deposited
Security & Process Fee

19/2/20


Member

01.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.





Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1700/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/12/2019	<p>The appeal of Mr. Muhammad Hayat Khan resubmitted today by Mr. Asif Ali Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 5/12/19</p>
2-	06/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/01/19</u>.</p> <p> CHAIRMAN</p>
	09.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned to 19.02.2020 before S.B.</p> <p> Chairman</p>


P-9

The appeal of Mr. Muhammad Hayat Khan son of Muhammad Akbar Khan r/o Mohallah Khuadad Khel Tehsil and District Charsadda received today i.e. on 05.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Memorandum of appeal may be got signed by the appellant.
- ④ Copy of retirement order dated 29.5.2016 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ⑤ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1942 /S.T,

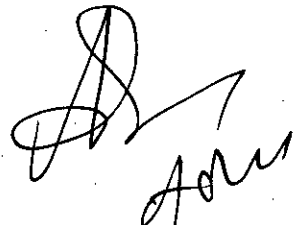
Dt. 5-11-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Asif Ali Shah Adv. Pesh.

8718
20/11/19 Request for further time

Time is extended upto 02-12-2019


Registrar 20/11/19

~~_____~~
R/s/m. The case is re-submitted after necessary correction.
may kindly be fixed before the Hon'ble Bench


Advocate

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

Appeal no. 1700/2019

Muhammad Hayat Khan.....Petitioner

Versus

Govt. KPK & Others.....Respondents

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4	Copy of Recovery letter, Recovery order and pension papers And salary slips.	B,C,D,E	8-24
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6	wakalatnama		25
7			

PETITIONER

Through:

Asif Ali Shah

Advocate High Court,
Peshawar

**Chamber: 3-A, Haroon
Mansion Khyber Bazaar,
Peshawar**

Cell No. 0333-9006806

Dated: 05.11.2019

(1)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1700/2019

**Muhammad Hayat Khan
S/O Muhammad Akbar Khan
R/O Mohallah Khuadad Khel, Tehsil & District
Charsadda.**

.....Petitioner Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1559

Versus

Dated 05/11/2019

1. Govt. of K.P.K., through Secretary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education K.P.K., G.T. road Hashatnagri, Peshawar.
3. District Account Officer, Charsadda.
4. District Education Officer (female) (Elementary & Secondary Education, District Charsadda.

.....Respondents

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED LETTER DATED
18.10.2017 & WHEREBY THE
APPELLANT HAS BEEN RETIRED
FROM SERVICE w.e.f. 30.06.2016
WITH PENSIONARY BENEFITS but
passed the impugned order of recovery
of paid salary during performance of
duty till 30.06.2017 and appellant was
retired in BPS-2 in lieu of BPS-4 AND
AGAINST NOT TAKING ANY ACTION
ON THE DEPARTMENTAL APPEAL
DATED 29.06.2019 OF THE
APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS**

Filed to-day

Registrar
05/11/19

**Re-submitted to -day
and filed.**

Registrar
5/12/19

PRAYER IN APPEAL:

**IT IS, THEREFORE, MOST RESPECTFULLY
PRAYED THAT ON ACCEPTANCE OF THIS WRIT**

PETITION THE RESPONDENTS MAY KINDLY BE DIRECTED TO:

- i. **DECLARE THE ORDER OF REFUND / RECOVERY OF MONEY IS WRONG, ILLEGAL & VOID ABI-INITIO, FROM THE PETITIONER PAID TO HIM IN SHAPE OF SALARY.**
- ii. **DIRECT THE RESPONDENTS TO GIVE THE PENSIONARY BENEFIT OF BPS-4.**

Respectfully Sheweth!

The Appellant humbly submits as under:-

Brief facts:

1. That the Appellant is the permanent and bona fide resident of Mohallah Khuadad Khel, Tehsil & District Charsadda.
2. That the Appellant was appointed as Sweeper, per **"Appointment Order"** vide letter dated: 13.02.1999 being the deserving / successful candidate. After taking over the charge the Appellant was transferred so many times.
3. That the petitioner served the education department till 30.6.2017 and in compliance of the oral direction of respondents No.3 & 4 the Appellant applied for retirement and in pursuance of that application the Appellant was retired from service on 29.05.2016. **{Copy of the retirement Order is attached as annexure-A}**
4. That the Appellant has performed the duties to the satisfaction of the respondent No. 4 and there is no adverse remarks / complaints against the Appellant throughout the service.

3

5. That the Appellant was retired from service w.e.f. 30.05.2016 but the Appellant performed his duties till their retirement i.e. 14.10.2017 but it was shocking moment for the Appellant when the respondent No.3 asked the respondent No. 4 for recovery from the poor Appellant for one year salary besides the fact the Appellant served and the p Appellant pay was fixed in BPS-4 but the respondents illegally prepared the pension papers of the appellant and the Appellant was retired as BPS-2 civil servant and pensionery benefits of BPS-4 were refused to petitioner. **{Copy of recovery Letter, recovery Order, pension papers and salary slips is attached as annexure-B,C,D,E}**
6. That keeping in view the agonies and the financial constraints of the family of the low paid employees the provincial governments were pleased to promulgate the Regularization Acts and revised the pay scales of the government employees and the Appellant performed his duties as permanent employee of Education Department in Charsadda till his retirement.
7. That the Appellant keeping in view of the above circulation were hopeful to get pension benefits after his retirement and as such waited for the same. The Appellant was shocked when the respondents informed the petitioner regarding repayment of paid salary in lieu of service and that the petitioner is not qualifying for pension benefits of BPS-4.
8. That the Appellant approached to Respondents through written application

4

and finally filed department appeal and but till date no positive response. {Copy of appeal is attached as Annexure-F }

9. That the Appellant having no other alternate adequate remedy, hence this appeal is filing on the grounds inter-alia:-

GROUND:


- A. That the Appellant has been appointed by the Respondents department on permanent basis and after joining of the said post the Appellant is performing his duties regularly and upgraded in BPS-4 but not awarding the pensionary benefit BPS-4 to petitioner is against law and unjustifiable.
- B. That the Appellant for the sake to keep his service safe regularly providing his services till 14.10.2017 but the respondents department issued direction of recovery / repayment and not paying the pension benefit of PBS-4 to Appellant is violating his fundamental rights, hence, this August Court have the prerogative to interfere in such like matters.
- C. That the Appellant has excellent service record and has been performed duty and was too excellent, hence not paying the pension benefit to Appellant by the Respondents is a great discrimination.
- D. That the Appellant having minor children, and the Appellant is only person to earn livelihood for his family, so the illegal and unlawful act of the Respondents has fallen the Appellant r as well as his family in a great financial crises, so needs interference of this August Court on humanitarian grounds too.


- E. That the Appellant, after running from pillar to post but of no avail, finally decided to approach this Hon'ble Court for seeking justice as no other adequate and efficacious remedy is available to him.
- F. That the Appellant reserves rights to advance other points at the time of hearing this petition.

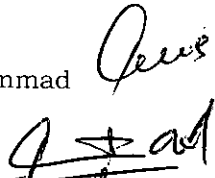
IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS WRIT PETITION THE RESPONDENTS MAY KINDLY BE DIRECTED TO:


- iii. **Declare the order of refund / recovery of money is wrong, illegal & void ab-initio, from the petitioner paid to him in shape of salary.**
- iv. **Direct the respondents to give the pensionary benefit of BPS-4.**

ANY OTHER RELIEF DEEMS FIT IN THE CIRCUMSTANCES, WHICH IS NOT SPECIFICALLY ASKED FOR MAY PLEASE ALSO BE GRANTED TO THE PETITIONER.


 Appellant
 through
 Asif Ali Shah


 Qaiser Abbas Muhammad Zai


 Malak Noor Muhammad


 Syed Bilal Bacha
 Advocates, Peshawar

Dated:05.11.2019

Certificate
 Certified that no appeal has earlier been filed by the PETITIONER on the above subject before this Honourable Court.

Advocate. 

6

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

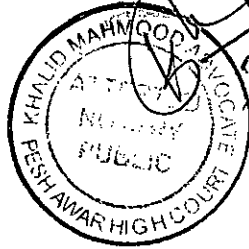
Muhammad Hayat Khan.....Petitioner

Versus

Govt. KPK & Others.....Respondents

AFFIDAVIT

I, **Muhammad Hayat Khan S/O Muhammad Akbar Khan** R/O Mohallah Khuadad Khel, Tehsil & District Charsadda., do hereby solemnly affirm and declare upon oath that the contents of accompanied Writ Petition are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this honorable court.



Deponent
Muhammad Hayat Khan

Dated:04.11.2019

Annexure - A:

⑦

OFFICE OF THE DISTRICT EDUCATION OFFICER,
FEMALE CHARSAKDA.

NO 12523 /Dated 27/01/2018

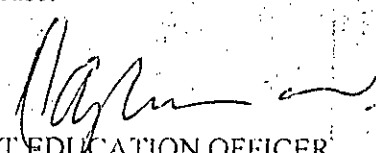
To

The Deputy Commissioner,
Charsakda.

Subject;- RETIRMENT GRANT OUT OF BENEVOLENT FUND.

Memo;-

The original application along with other relevant document for retirement grant out of B/Fund in respect of Mr; Muhammad Hayat Khan Ex- Sweeper GGMS Rajjar Charsakda retired from service on 29/05/2016 is hereby submitted for further necessary action please.


DISTRICT EDUCATION OFFICER,
FEMALE CHARSAKDA.


glossed

OFFICE OF THE
DISTT A/CS OFFICER
CHARSADDA

No. EK- no/dao/chd/pen/17-18/m-36(1628) 11009

To

The Drawing & Disbursing Officer,
DISTT EDUCATION OFFICER FEMALE
CHARSADDA

Sub:- COMMUTATION PAYMENT AUTHORITY IN R/O
MOHAMMAD HAYAT KHAN EX SWEEPER GGMS RAJJAR

Please refer to your letter No. DEO F CHD NO. 7159 DATED 16.09.2017
Dated forwarding these in pension case in respect
of above named officer / official.

2. You are hereby authorized to submit a bill for Rs. 231468.00
(Rupees: TWO HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED SIXTY-EIGHT)
at the counter of this office for issuance of cross cheque in favour
of Mr. Mrs. Miss. Mst. MOHAMMAD HAYAT KHAN-EX-SWEEPER-GGMS-RAJJ.
(Per.No : 00151092)
NIC.NO 17101-4491993-7 on account of Commutation of pension.

Bank Name :
A/c No :

3. The amount involved in charged / other than charged
and debitale to the Federal Govt. under the following head
of accounts:-

01	- General Administration.	A04	- Transfer payment.
0112	- Fiscal administration.	A041	- Pensionary benefits.
011210	- Pension.	A04102	- Commuted value of pension.
		A04103	- Gratuity value of pension.

Withheld amount

Amount Payable:	231,468.00
Amount With Held:	0.00
Amount Paid:	231,468.00

Recoveries OVERPAYMENT IN PAY OF RS, 285777 MAY BE RECOVERED PLEASE

Note:- This authority letter may please be attached with the bill in original
along with the Office order/notification of retirement. Vendor No, Name of Bank
and A/c No of payee may also be recorded on the bill

Remarks:-

Copy for information to :-

Mr. Mrs. Mst. Miss. MOHAMMAD HAYAT KHAN EX SWEEPER GGMS RAJJAR

ACCOUNTS OFFICER (PENSION)

SR Distt A/cs Office
Charsadda

ACCOUNTS OFFICER (PENSION)

Handwritten signature and text:
A
collected

(9) *Ann "C"*

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADDA.
RETIREMENT ORDER.

On reaching the age of superannuation Mr. Mohammad Hayat Khan Ex-Sweeper GGMS Rajjar Charsadda is hereby allowed to retired from Government service w.e.f 29/05/2016 A.N with full pensioner benefit as admissible under the rules. her/his date of Birth according to her/his service book is 30/05/1956

Sanction to the encashment of 365 days leave in lieu of LPR is also accorded in her/his favour.

Note: - *Recovery of over payment w.e.f 29/05/2016 to 30/06/2017 should be made from his gratuity/pension etc. under intimation to this office. Necessary entry to this effect should be made in her/his service book.*

(MST: SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

Endst:No. 6449-51 Dated 22/8 /2017

Copy forwarded for information to the:-

1. District Accounts Officer Charsadda.
2. B&AO local office.
3. Official Concerned.
4. Office/Master File.

[Signature]
DISTRICT EDUCATION OFFICER
FEMALE CHARSADDA

(10)

Ann 'D'

Office of the District Education Officer Female District Charsadda



☎ 0919220086/0916514623 ✉ emischarsadda.deof@yahoo.com

Dated 16/9 2017

To, 295
016 No. 7159

Pr. 151092
B2

The District Accounts Officer,
Charsadda.

SUBJECT: PENSION PAPERS

Memo: The pension papers along with other relevant documents in r/o Mr. Mohammad Hayat Khan Ex-Sweeper GGMS Rajjar Charsadda retired from service on 29/05/2016 signed by this office is submitted for further process please.

Note: Recovery of over payment w.e.f 29/05/2016 to 30/06/2017 should be made from his gratuity/pension etc. under intimation to this office

Reaction for Pension

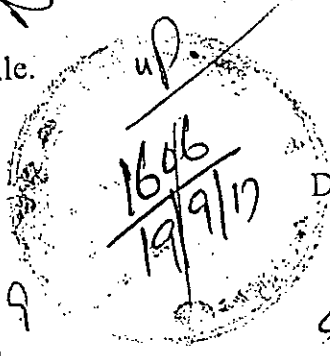
DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA

Endst: No. _____ /Dated _____ /2017.

Copy for Information:

- 1. Office/Master File.

Pension 9/9/17



DISTRICT EDUCATION OFFICER
FEMALE CHARASADDA

Sayfullah Khan

Sayfullah Khan 7/10/16

Allesed

PENSION ROLL DATA SHEET & PENSION SLIP

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(11)

Date of issue : 28.11.2017
 PPO Type : FRESH
 PPO Number : 00151092-01
 Pensioner ID : 00151092
 Pension Register No: M-36/17-18
 Pensioner's Name : MOHAMMAD HAYAT KHAN
 Father / Husband name : MUHAMMAD AKBAR KHAN
 Designation : NAIIB QASID
 NIC No.: 1770144919937
 Grade / Scale : 02
 Department Min: GOVT MIDDLE SCHOOLS (FEMA)
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth : 30.05.1956
 Date of appointment: 13.02.1999
 Date of retirement: 29.05.2016
 Date of Death:
 Date of commence : 30.05.2016
 Date of Restoration :
 Accounts office ID : CA
 Accounts office Name : Charsadda
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 17 years, 3 months, 16 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. : DEO F CHD NO.7159 DATED 16.09.2017
 and the date of the other Audit and Accounts officer authorising the Pension/Gratuity/Commutation
 Permanent Address: MOH KHUADAD KHEL CHARASADDA TOWN

Note :
 Age : 60 years
 Last Drawn pay/Emoluments(Rs.): 11230.00
 Gross Pension(Rs.) : 4454.57
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 1559.10
 Net Pension (Rs.) : 6000.00
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 231468.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of :
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share :
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases

Sl. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2015	10.00 %	600.00	
2	JUL.2016	10.00 %	660.00	01.11.2017
3	JUL.2017	10.00 %	726.00	01.11.2017
4	0.	Rs. 0.00	0.00	01.11.2017
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

Faridullah Hoji sb
The Grade/Scale as per books is BPS-02 instead BPS-02
[Signature]

PENSION SLIP

Month: November
 Year: 2017

Pension roll details

Wage Type	Wage Type Text	Amount
7559	Payment	150958.00
0100	Monthly Pension - Self	6000.00
0101	Pension Increases - Self	1986.00
1599	Medical Allow - Pensioner	750.00
1600	Med. All. 2015 Pensioner	187.00
5901	Arrears of Pension	126089.00
5905	Adj. Penroll Medical All.	15946.00

Bank Details

Bank Account Number : PLS-8348-1
 Bank Branch : CHARASADA
 CHARASADA
 Payment Mode : MUSLIM COMMERCIAL BANK

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selected

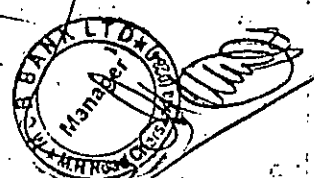
(12)

OPTION FORM FOR DIRECT CREDIT OF PENSION THROUGH BANK ACCOUNT
Pensioner Information (To be filled in by the Pensioner)

P.P.O. No:	
SAP PERSONNEL NO:	00151092
ACCOUNTS OFFICER: (FROM WHERE PPO ORIGINALLY ISSUED)	DAN CHAR SODAG
NAME OF PENSIONER:	Hari Mulsomant Haxal Khan
FATHER / HUSBAND NAME:	Hari Mulsomant - Ashkar Khan
FAMILY PENSIONER NAME:	-
SPOUSE / FATHER / MOTHER NAME:	-
PENSIONER NIC NO: (OLD)	-
PENSIONER CNIC NO:	17101-4481993-7
FAMILY PENSIONER CNIC NO:	-
RESIDENTIAL ADDRESS (CURRENT)	PO Charadag, Taluk Kharwar, District Chitral
RESIDENTIAL ADDRESS (PERMANENT)	Charadag, Taluk Kharwar, District Chitral
DESIGNATION & GRADE (AT TIME OF RETIREMENT)	Sweeper (BPS 4)
MINISTRY / DIVISION / DEPARTMENT	Edu.
PRESENT MCB ADDRESS & CODE NO:	126089
CONTACT NO:	126089
I HEREBY OPT TO DRAW PENSION THROUGH DIRECT CREDIT SYSTEM AND HAVE ALSO SUBMITTED * INDEMNITY BOND TO THE BANK...	
The Pensioner shall produce an Indemnity Bond to keep the indemnified about liabilities with all sums of money whichever including mark up of his/her Pension Account. The pensioner would further undertake that his/her legal heirs, successors, executors shall be liable to refund excess amount, if any, credited to his/her Pension Account either in full or in installments (as agreed manually) equal to such excess amount.	
PENSIONER'S SIGNATURE / THUMB IMPRESSION	
Dated: / / 20	

ACCOUNT VERIFICATION (To be verified by the Bank)

ACCOUNT TITLE (NAME)	Hari Mulsomant Haxal-Khan
ACCOUNT NO:	0028402010083481
BANK NAME:	MCB MCB Charadag
BRANCH ADDRESS:	Charadag
BRANCH CODE:	0284
INDEMNITY BOND SUBMITTED BY THE PENSIONER:	


SIGNATURE /
STAMP OF BANK MANAGER

TO BE ISSUED BY ACCOUNTS OFFICER

Acknowledgement Receipt No: _____ Signature of Officer: _____
Date: / / 20

NO: 12
6/11/17



Pensioner Data Verification Sheet

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Issue : 18.10.2017
 Type : FRESH
 File No. : 00151092-01
 Pension Register No: M-36/17-18
 Pensioner's Name : MOHAMMAD HAYAT KHAN
 Father / Husband name : MUHAMMAD AKBAR KHAN
 Designation : NAIB QASID
 NIC No.: 1710144919937
 Grade / Scale : 02
 Department.Min: GOVT MIDDLE SCHOOLS (FEMA)
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth : 30.05.1956
 Date of appointment: 13.02.1999
 Date of retirement: 29.05.2016
 Date of Death:
 Date of commence : 30.05.2016
 Date of Restoration: 09.10.2028
 Accounts office ID : CA
 Accounts office Name : Charsadda
 Federal / Province : Dist. Govt. KP-Provincial
 Length of Qualifying Service : 17 years, 3 months, 16 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. : DEO F CHD NO.7159 DATED 16.09.2017
 and the date of the other Audit and Accounts officer authourising the Pension/Gratuity/Commutation
 Permanent Address: MOH KHUADAD KHEL CHARASADDA TOWN

Note :
 Age : 60 years
 Last Drawn pay: Emoluments (Rs.) : 11250.00
 Gross Pension (Rs.) : 4454.57
 1/11th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 1559.10
 Net Pension (Rs.) : 2895.47
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation (Rs.) : 231468.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of
 Debitable to Govt : Dist. Govt. KP-Provincial
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00
 Payment Mode :
 Bank Branch :
 Bank Account Number :
 Employee Station : DISTRICT OFFICER SCHOOL AND LITERAC

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2010	15.00 %	434.32	30.05.2016
2	JUL.2011	15.00 %	499.47	30.05.2016
3	JUL.2013	15.00 %	574.39	30.05.2016
4	JUL.2014	10.00 %	440.37	30.05.2016
5	JUL.2015	10.00 %	484.40	30.05.2016
6	JUL.2017	10.00 %	586.13	30.05.2016
7	JUL.2016	10.00 %	532.84	01.07.2016
8	0.	Rs. 0.00	0.00	

A sum of Rs. 231468.00 (Rupees TWO HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED SIXTY-EIGHT) on account of commuted value of pension is also payable.

The Payment value is debitible to the head.

Major Object A04 Transfer Payments.
 Minor Object A041 Superannuation Allowance and Pens
 Detailed Object A04101 Pension
 A04102 Commuted value Pension.
 A04103 Gratuity Civil
 A04104 Other Pension
 A04105 Gratuity Pension (Where Pension is mature)
 A04170 Others

Total over payment = 285777
 Recovery made in the bill = 131648
 Recoverable Amount Rs = 154129
 may be recovered in monthly Pension

(Signature).....
 SR Dist/Acs Officer
 Charsadda
 (Signature).....

The MANAGER NATIONAL BANK OF PAK.

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14

Benefit of extra service beyond 30 years.

Total Pension

Rs. 4456/57
Rs. 4456/57
Rs. —
Rs. 1589/10
Rs. 2895/57

Less 1/4th (in case of family pension for death while in service) OR

Less commuted portion of pension.

Net pension.

SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION (IN CASE OF FAMILY PENSION FOR DEATH WHILE IN SERVICE)

Length of total qualifying service.

17 Years.

Amount of pension surrendered.

Rs. —

Rate of gratuity for every rupee surrendered (on page next birth day basis).

Rs. —

Lump-sum gratuity admissible.

Rs. —

SECTION (6) COMMUTED VALUE OF PENSION

(i) Amount of pension to be commuted.

Rs. 1589/10

(ii) Age next birth day.

60 Years.

(iii) Rate of commuted value for every one rupees (on age next birth day basis).

Rs. 16846.28

(iv) Commuted value of pension.

Rs. 267468/35

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY

1. The undersigned is satisfied that the service of Hon. Ch. Lakshman Reddy - 11/8/57 has been satisfactory. The grant of fully pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned. OR

The undersigned is satisfied that the service of has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:-

Amount or percentage of reduction in pension.....

Amount or percentage of reduction in gratuity.....

Sanction is hereby accorded to the grant of pension and/or gratuity as so reduced.

2. The payment of pension and/or gratuity may commence from 30.5.2016. Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate have been received by him. In case the Last Pay Certificate and/or No Demand Certificate has/have not been received with the pension papers, the Audit Officer should issue P.P.O. Subject to the production of the Last Pay Certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

Signature [Signature]
District Engineer
Designation (Female) Charasadda

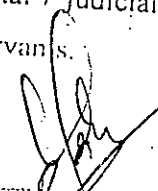
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15

NO DEMAND CERTIFICATE

Certified that Mr. / M/s: Haji Muhammad Hayat Khan Designation Sweeper
is neither involved in any departmental / judicial / Anti Corruption case nor dues are
outstanding against the government servants.

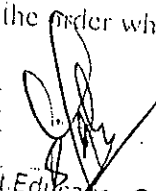
ATTESTED


Signature [Signature]
Designation [Signature]
[Signature] District Education Officer
(Female) Charsadda

DECLARATION CERTIFICATE

I declare that I have nether applied for nor received any pension or gratuity for any
portion of this service and shall not submit any application hereafter without quoting
reference to this application and to the order which may be passed on it.


ATTESTED


Signature [Signature]
Designation Sweeper
[Signature] District Education Officer
(Female) Charsadda

UNDER TAKING

I Mr. / M/s. Haji Muhammad Hayat Khan given undertaking that any over
Designation Sweeper payment coming to notice within one year of my proceeding on pension may be
recovered from my pension etc.

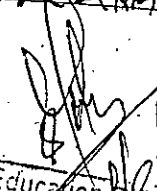
ATTESTED



Signature [Signature]
Designation Sweeper
[Signature] District Education Officer
(Female) Charsadda

OPTION

I Mr. / M/s. Haji Muhammad Hayat Khan opted to commute 35% of my gross
pension.

ATTESTED


Signature [Signature]
Designation Sweeper
[Signature] District Education Officer
(Female) Charsadda


collected

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Specimen Signature of Mr. / Mrs. Haji Muhammad Hayat Khan

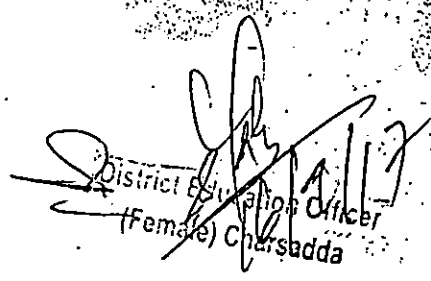
Designation: Sweeper
1. _____
2. _____
3. _____

ATTESTED

Left / Right hand thumb and finger impression of Mr. Mrs. Haji Muhammad Hayat Khan
Designation: Sweeper

THUMB INDEX MIDDLE RING LITTLE

ATTESTED


District Estimation Officer
(Female) Charsadda

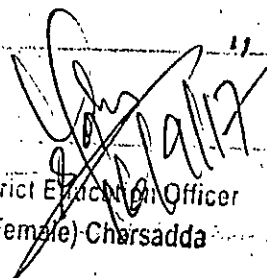

Witnessed

(17)

List of Surviving Family & Members of Haji Muhammad Hayat Khan
Son of Haji Muhammad Akbar Ex Sleeper

S.No	Name	Approximate date Of Birth / Age	Relation-ship	Married / un- married
------	------	------------------------------------	---------------	--------------------------

- | | | | | |
|----|-----------------------|------------|----------|------------|
| 1. | Sarkis | 1963 | wife | wife |
| 2. | Bibi Raimak Hayat- | 15-12-1987 | Daughter | Married |
| 3. | Hadrat Usman Khan | 10-9-1981 | Son | " |
| 4. | Bibi Fatma Gul | 8-3-1988 | Daughter | " |
| 5. | Hadrat Aman Khan | 20-9-1990 | Son | un-married |
| 6. | Muhammad Akbar Hayat- | 20-3-2007 | " | " |


District Education Officer
(Female) Charsadda


collected

18

14

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary.	3 If Officiating, state (i) Substantive appointment (ii) whether service counts for pension under Art. 371	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 Servant
Revised Entries Sweeper post	Per-	BPS-102	10515	6335	-220-12935	1-7-2015	
4	4		10735-			1-12-2015	
BPS-04							
Gymnast Kappu			10930-300			2 nd 12 2015	
Gymnast Kappu			11230			29-5 2016	

Approved

9	10	11	12	13		14	15	
Signature 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	Nature and duration of leave taken	Leave		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
					Allocation of period of leave on average pay upto four months for which leave salary is debutable to another Government	Period Government to which debutable		
Signature District Education Officer (Female) Charsadda	Signature	Signature	Signature District Education Officer (Female) Charsadda	Signature			Signature	
Signature District Education Officer (Female) Charsadda	6/1/2015	Retired from	Signature District Education Officer (Female) Charsadda	Signature	Allowed two pay scale	upgradation to all govt. KPK	Signature	employers from BPS no. 07 to 04
Signature District Education Officer (Female) Charsadda	29/5/2016	Retired from	Signature District Education Officer (Female) Charsadda	Signature	Order from dept. Notification	No. K.C. 1ED/50 CER/7-20/2015	Signature	dated 17-08-2015
Signature DEO (SECY) CHARSADDA	29-5-2016	Retired from	Signature DEO (SECY) CHARSADDA	Signature	Medical leave allowed	wef 02-02-2017 to 16-2-2017	Signature	(15 days) with pay under Sec 80C
Signature District Education Officer (Female) Charsadda	29-5-2016	Retired from	Signature District Education Officer (Female) Charsadda	Signature	Charsadda No. 2300-5	dated 13/07/2017	Signature	Option
Signature DEO (SECY) CHARSADDA	29-5-2016	Retired from	Signature DEO (SECY) CHARSADDA	Signature	I do hereby opt	for re-fixation of	Signature	my pay in BPS-14
Signature DEO (SECY) CHARSADDA	29-5-2016	Retired from	Signature DEO (SECY) CHARSADDA	Signature	after availing one annual	leave on BPS-102	Signature	on 1-12-2015
Signature District Education Officer (Female) Charsadda	29-5-2016	Retired from	Signature District Education Officer (Female) Charsadda	Signature	e/s	Signature	Signature	Signature

Dist. Govt. NWFP-Provincial
District Accounts Office Charsadda
Monthly Salary Statement (April-2017)

ANA "E" (B) 20


Personal Information of Mr MOHAMMAD HAYAT KHAN d/w/s of ABC

Personnel Number: 00151092 CNIC: 99993193939 NTN:
Date of Birth: 07.01.1979 Entry into Govt. Service: 07.01.1999 Length of Service: 18 Years 03 Months 025 Days

Employment Category: Active Temporary

Designation: NAIB QASID 80001118-DISTRICT GOVERNMENT KHYBE
DDO Code: CA6098-DISTRICT OFFICER SCHOOL AND LITERAC (FEMALE SECONDARY) CHARSADDA
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: EDUCA005564 Interest Applied: Yes GPF Balance: 89,520.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 02 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,290.00	1000	House Rent Allowance	911.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1833	Integrated Allowance (2005)	450.00	1948	Adhoc Allowance 2010@ 50%	2,217.00
2148	15% Adhoc Relief All-2013	398.00	2199	Adhoc Relief Allow @10%	263.00
2211	Adhoc Relief All 2016 10%	1,329.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3002	GPF Subscription - Rs 596	-596.00	3501	Benevolent Fund	-300.00
3990	Emp.Edu. Fund KPK	-60.00	4004	R. Benefits & Death Comp:	-300.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till April-2017: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 22,143.00 Deductions: (Rs.): -1,256.00 Net Pay: (Rs.): 20,887.00

Payee Name: MOHAMMAD HAYAT KHAN

Account Number: PLS-8348-1

Bank Details: MCB BANK LIMITED, 240284 CHARSADA CHARSADA,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: CD

City: CHARSADDA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

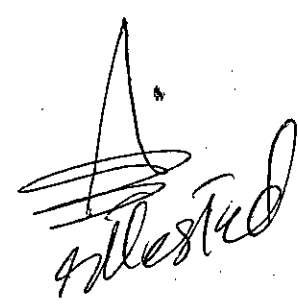
City:

Email: mohammadhayatkhan1@gmail.com

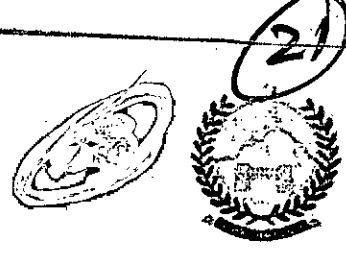
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* All amounts are in Pak Rupees

* Errors & omissions excepted


collected

**Dist. Govt. NWFP-Provincial
District Accounts Office Charsadda
Monthly Salary Statement (February-2017)**



Personal Information of Mr MOHAMMAD HAYAT KHAN d/w/s of ABC

Personnel Number: 00151092 CNIC: 99993193939 NTN:
Date of Birth: 07.01.1979 Entry into Govt. Service: 07.01.1999 Length of Service: 18 Years 01 Months 023 Days

Employment Category: Active Temporary

Designation: NAIB QASID 80001118-DISTRICT GOVERNMENT KHYBE
DDO Code: CA6098-DISTRICT OFFICER SCHOOL AND LITERAC (FEMALE SECONDARY) CHARSADDA

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: EDUCA005564 Interest Applied: Yes GPF Balance: 88,328.00
Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 02 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,290.00	1000	House Rent Allowance	911.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1833	Integrated Allownce (2005)	450.00	1948	Adhoc Allowance 2010@ 50%	2,217.00
2148	15% Adhoc Relief All-2013	398.00	2199	Adhoc Relief Allow @10%	263.00
2211	Adhoc Relief All 2016 10%	1,329.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3002	GPF Subscription - Rs 596	-596.00	3501	Benevolent Fund	-300.00
3990	Emp.Edu. Fund KPK	-60.00	4004	R. Benefits & Death Comp:	-300.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2017: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 22,143.00 Deductions: (Rs.): -1,256.00 Net Pay: (Rs.): 20,887.00

Payee Name: MOHAMMAD HAYAT KHAN
Account Number: PLS-8348-1
Bank Details: MCB BANK LIMITED, 240284 CHARSADA CHARSADA,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: CD
City: CHARSADDA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: mohammadhayatkhan1@gmail.com

*System generated document in accordance with APPM 4.6.12.9 (SERVICES/27.02.2017/10.02:08/v1.1)
* All amounts are in Pak Rupees
* Errors & omissions excepted*

Handwritten signature and the word "collected" written below it.

**Dist. Govt. NWFP-Provincial
District Accounts Office Charsadda
Monthly Salary Statement (June-2017)**



Personal Information of Mr MOHAMMAD HAYAT KHAN d/w/s of ABC

Personnel Number: 00151092 CNIC: 99993193939 NTN:
Date of Birth: 07.01.1979 Entry into Govt. Service: 07.01.1999 Length of Service: 18 Years 05 Months 025 Days

Employment Category: Active Temporary

Designation: NAIB QASID 80001118-DISTRICT GOVERNMENT KHYBE
DDO Code: CA6098-DISTRICT OFFICER SCHOOL AND LITERAC (FEMALE SECONDARY) CHARSADDA

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: EDUCA005564 Interest Applied: Yes GPF Balance: 90,712.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 02 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,290.00	1000	House Rent Allowance	911.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1833	Integrated Allownce (2005)	450.00	1948	Adhoc Allowance 2010@ 50%	2,217.00
2148	15% Adhoc Relief All-2013	398.00	2199	Adhoc Relief Allow @10%	263.00
2211	Adhoc Relief All 2016 10%	1,329.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3002	GPF Subscription - Rs 596	-596.00	3501	Benevolent Fund	-300.00
3990	Emp. Edu. Fund KPK	-60.00	4004	R. Benefits & Death Comp:	-300.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till June-2017: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 22,143.00 Deductions: (Rs.): -1,256.00 Net Pay: (Rs.): 20,887.00

Payee Name: MOHAMMAD HAYAT KHAN
Account Number: PLS-8348-1
Bank Details: MCB BANK LIMITED, 240284 CHARSADA CHARSADA,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address; CD

City: CHARSADDA

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: mohammadhayatkhan1@gmail.com

Val 27
P-31

2016-17
83151
6824
9809
99884

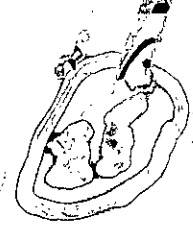
[Signature]

System generated document in accordance with APPM 4.6.12.9 (SERVICES/20.06.2017/10:31:07/v1.1)

* All amounts are in Pak Rupees

* Errors & omissions excepted

[Signature]
attested



کھجور خواتین دستاویز اکاؤنٹ انجینئر علی حارث پورہ

درخواست سر اور دستاویزی پیشین و ریٹائرمنٹ
کاغذات کے مطابق اندراجات سر پرست
و ادائیگی تقابلات

922
8/7/17

PAUL'S OFFICE
8/8

خواتین!

1۔ یہ کہ سائل تحکمہ میں لکھو زمانہ تا صد ڈیوٹی سر انجام
دے رہا تھا۔ اور مورخہ 29/05/2016 کو ملازمت سے ریٹائر
ہو چکے ہیں۔

2۔ یہ کہ سائل نے مورخہ 30/06/2017 کا باقاعدگی سے ڈیوٹی سر انجام
دی ہے کہ تحکمہ کے سائل نو باقاعدہ طور پر تنخواہ کی ادائیگی کی ہے

3۔ یہ کہ سائل کی پینشن BPS-4 میں ہوئی تھی۔ اور تحکمہ نے
سائل کو BPS-2 میں ریٹائر کیا ہے۔ جو کہ سائل کے ساتھ
بالخصوص ہے۔ کہ عدل و انصاف کے اصولوں کے منافی ہے۔

4۔ یہ کہ سائل کو ڈیوٹی سر انجام دینے کے بدلے جو تنخواہ دی
تھی تھی۔ اس میں اب تحکمہ سائل سے 4000 روپے
مابعد کوٹھی کرتا ہے۔ جو کہ ناقابل ہے کہ سائل
کے حقوق کے منافی ہے۔ اسی طرح 131647 روپے کی نقد
کوٹھی ہوئی ہے اور اب سال کا 9 ماہ بھی غیر قانونی طور پر کوٹھی کی ہے



قیمت 50 روپے	31638			
ایڈوکیٹ: آصف علی سہاہ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 10-7418-be				
رابطہ نمبر: 4006906-333-0				

بعدالت جناب:

مخانب: Appellants	دعویٰ:
فہرست حق	علت نمبر:
بنام	مورخہ:
ملکیت ملکہ	جرم:
سائید	تھانہ:

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے ایڈووکیٹ آصف علی سہاہ کی طرف سے دائر کی گئی ہے۔ کوڈیکل مقرر
 کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرائیں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظرقامی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی 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 داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوا سے 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
 المرقوم: 11/11/2019

مقام کے لیے منظور ہے۔
 Accepted

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔
 (Signature)

04. Learned counsel for the appellant contended that the appellant had been charged in a false and frivolous criminal case under Section 302/34 PPC by Police Station Hangu City. He was facing court proceedings and convicted for 14 years imprisonment by the Trial Court on 19.04.2018. However, his conviction was set aside and he was acquitted from the charges by Peshawar High Court on 27.11.2019. On acquittal, he approached the authority for reinstatement in service but his departmental appeal was regretted on the sole ground that it was brought before incorrect forum. Moreover, absence from duty was due to the prevailing circumstances beyond the control of appellant. He was behind the bar when departmental proceedings were conducted in absentia and on the back of appellant. He was condemned unheard as no opportunity of personal hearing and fair trial has even been provided before imposition of major penalty of dismissal from service. The ends of justice have not been met and proper procedure of inquiry has been ignored. His fundamental rights guaranteed under the constitution have been violated. The order with regard to the recovery of drawl of monthly pay w.e.f 19.04.2018 is illegal and untenable on the ground that the appellant was convicted by the Trial Court on the very date which was later on set aside by the Peshawar High Court, Peshawar on 27.11.2019. He was not gainfully employed anywhere during the relevant period. To strengthen his arguments, he placed reliance on 2006 SCMR



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2483 /ST

Dated: 14/12 /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 District Education Officer Female,
Government of Khyber Pakhtunkhwa
Charsada.

Subject: JUDGMENT IN APPEAL NO. 1700/2019 MR. MUHAMMAD HAYAT KHAN.

I am directed to forward herewith a certified copy of Judgement
dated 19.11.2021 passed by this Tribunal on the above subject for strict
compliance.

Encl: As above

o/c

h. c. w.
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARASDDA.

AUTHORITY LETTER.

It is hereby certified that Mst: Shagufta Rani CNIC No. 17101-6293694-8 is authorized to attend the Honorable Peshawar High Court Peshawar & Service Tribunal Peshawar High Court Peshawar on behalf of District Education Officer (Female) Charsadda.



**DISTRICT EDUCATION OFFICER
(FEMALE) CHARASDDA**

Note:— The entries on this page should be renewed or re-attested at least every five years and the Signature to last 10 years should be used.

1 Name HAJI MUHAMMAD HAYAT KHAN

2 Race AFGHAN

3 Residence _____

4 Father's name and residence HAJI MUHAMMAD AKBAR KHAN

5 Date of birth by _____
month of _____
(Thirty may N.H. FIFTY Nine)
30-05-1959
30 05 - 1956

6 Height by measurement _____

7 Description for identification _____

8 _____

Little Finger _____ Ring Finger _____

_____ Middle Finger _____ Fore Finger _____

_____ Thumb _____

Signature of Government Servant H. M. Hayat

[Handwritten signature]
Charcoal

S. No. 201786

Roll No. 2928

Board of Intermediate and Secondary Education
PESHAWAR, N.W.F.P. (PAKISTAN)



Secondary School Certificate Examination
SESSION 1976 (ANNUAL)

This is to certify that MOHAMMAD HAYAT
Son/Daughter of MOHAMMAD KABIR
and a resident of PESHAWAR DISTRICT
has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION** of
the Board of Intermediate and Secondary Education, Peshawar held in March/April, 1976
as a private candidate. He/She obtained 362 Marks out of 900/1000,
and has been placed in Grade D REPRESENTING (FAIR)

The candidate passed in the following Subjects :

1. English
2. Urdu
3. Islamiyat
4. SOCIAL STUDIES.
5. GENERAL SCIENCE.
6. ISLAMIC STUDIES.
7. PASHTO.

Date of birth according to admission form is THIRTEETH MAY
one thousand nine hundred and FIFTY-SIX (30.5.1956)

15th July, 1976

Asst. Secretary

SECRETARY

This certificate is issued without alteration or erasure.

Board of Intermediate and Secondary Education
Peshawar

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEAL NO.1700/2019

Mr; Muhammad Hayat Khan.....Appellant

Vs

District Education Officer (Female) Charsadda.....Respondent

AFFIDAVIT

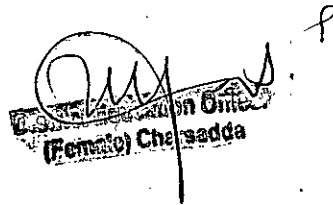
I Mst; Shagufta Rani ADEO Litigation (F) Charsadda do hereby solemnly affirm that the information convey to me by DEO (F) the contents of Para wise Comments submitted by respondents are true and correct and nothing has been concealed intentionally.

Identified By

Deponent

Advocate General:

Shagufta Rani ADEO Litigation
O/O DEO (F) Charsadda
CNIC: 17101-6293694-8


District Education Officer
(Female) Charsadda

4

ON GROUNDS:


- A. Incorrect as stated under Para '05' above.
- B. Incorrect as stated under Para '05' above.
- C. The was treated as per law.
- D. As above.
- E. As replied in preceding paras.
- F. That this department shall seeks permission of the Hon'able service tribunal Peshawar to address additional grounds at the time of hearing.

PRAY:

It is humbly prayed that the Appeal of the Appellant may be dismissed with *cost*.

RESPONDANT No. 04:

District Education Officer (Female) Charsadda.


Distt. Education Officer
(Female) Charsadda

H. That the Hon'able Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.

I. That the Appeal is not maintainable under section (4) of Service Tribunal Act.

J. That the appeal is barred by law .

ON FACTS:

1. No comments subject to record.
2. Correct to the extent that the appellant was appointed on 13/02/1999 as class IV.
3. Incorrect the appellant is trying to mislead the Hon'able service tribunal that according to his SSC certificate Roll No. 2958 issued on 15 July 1976 that as per SSC certificate of the appellant the retirement date of the appellant was 28/06/2016 at the age of 60 years, Photo Copy of SSC certificate of the appellant is attached as Annexure "A".
4. No comment subject to record.
5. Incorrect as stated under Para '03' above that the appellant was entitled for retirement on 28/06/2016 that the appellant is trying to conceal the material fact from Hon'able service tribunal and found guilty of tempering in service book in his date of birth at page "03" of service book as stated above according to his secondary school certificate his date of birth is 30/05/1956 and according to his service book tempered by the appellant his date of birth is 30/05/1959 by doing this the appellant wants to take extra pensionary benefits that of two years. Photo Copy of service book attached as Annexure "B".
6. Incorrect as stated under Para '05' above.
7. Incorrect as stated under Para '04' and '05' above that by changing his date of birth in service book the intention of the petitioner is to take extra pensionary benefits from the department to which he is not entitled.
8. No Comments.
9. No Comments.

H. That the Hon'able Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.

I. That the Appeal is not maintainable under section (4) of Service Tribunal Act.

J. That the appeal is barred by law .

ON FACTS:

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4. No comment subject to record.

5. Incorrect as stated under Para '03' above that the appellant was entitled for retirement on 28/06/2016 that the appellant is trying to conceal the material fact from Hon'able service tribunal and found guilty of tempering in service book in his date of birth at page "03" of service book as stated above according to his secondary school certificate his date of birth is 30/05/1956 and according to his service book tempered by the appellant his date of birth is 30/05/1959 by doing this the appellant wants to take extra pensionary benefits that of ^{three} two years. Photo Copy of service book attached as Annexure "B".

6. Incorrect as stated under Para '05' above.

7. Incorrect as stated under Para '04' and '05' above that by changing his date of birth in service book the intention of the petitioner is to take extra pensionary benefits from the department to which he is not entitled.

8. No Comments.

9. No Comments.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.1700/2019

Mr; Muhammad Hayat Khan.....Appellant

Vs

District Education Officer (Female) Charsadda.....Respondent

Comments on behalf of Respondent

Respectfully Sheweth:

Preliminary Objections:

- A. The Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless hence not tenable in the eyes of law, and not maintainable, it shows no cause to be taken for adjudication, therefore the same Appeal is liable to be rejected/dismissed.
- C. That the Appeal is bad for misjoinder and no joinder of necessary parties.
- D. That no legal right of the appellant has been violated, therefore the appellant has no right to file the instant Appeal.
- E. That the Appeal is wholly incompetent, misconceived & not maintainable in its present form.
- F. The Appellant is completely Stopped/Precluded by her conduct to file this Appeal.
- G. Appellant has not come to this Hon'able Tribunal with clean hands. The Appeal also suffers from miss-statements and concealments of facts and as such the Appellant is not entitled to equitable relief.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTOONKHWA

Service Appeal No 1700/2019

Mst: Muhammad Khayat..... Appellant

Versus

District Education officer (F) charsadda..... Respondents.

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