


04.04.2018


Counsel for the appellant and Addl; AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.06.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

06.06.2018


Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Adjournment requested. To come up for arguments on 08.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07.08.2018

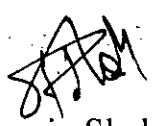
Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.10.2018 before D.B


(Muhammad Hamid Mughal)
Member


(Muhammad Amin Kundi)
Member

02.10.2018

Appellant absent. Learned counsel for appellant absent. The present case pertains to the year 2015. Absence of appellant as well as learned counsel for appellant depicts disinterest of the appellant in the present case. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.

02.10.2018

20.07.2017

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 22.11.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

22.11.2017

Clerk to counsel for the appellant present. Mr. Riaz Khan, Assistant Advocate General for the respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 30.01.2018 before D.B.

(Gul Zeb Khan)
MEMBER

(MUHAMMAD HAMID MUGHAL)
MEMBER

30.01.2018

Clerk of the counsel for appellant and Mr. Riaz Ahmed, Pinda Kheil, Assistant AG for the respondents present. Clerk of the counsel for appellant again seeks adjournment. The present appeal pertain to the year 2015 hence, last adjournment granted at the cost of Rs. 100/-. Adjourned. To come up for arguments on 04.04.2018 before D.B.

(Muhammad Amin Khan Kundi)
Member (J)

(Muhammad Hamid Mughal)
Member (J)

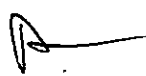
28.07.2016

Counsel for the appellant t and Addl. AG present. Written reply not submitted despite repeated adjournments including last opportunity which was further extended subject to payment of cost of Rs., 500/-. No further chance is granted. The appeal is assigned to D.B for rejoinder and final hearing for 2311.2016.


Chairman

23.11.2016

Counsel for the appellant and Additional AG for respondents present. Today the case was fixed for submission of rejoinder. Perusal of the previous order sheet reveals that the respondents have been placed ex-parte due to non-submission of written reply, therefore, there is no need to file rejoinder. To come up for arguments on 4.4.17 before D.B.


(ABDUL LATIF)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

04.04.2017

Counsel for the appellant and Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 20.07.2017 before D.B.


Chairman

7

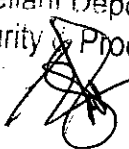
22.09.2015

Counsel for the appellant present. Security and process fee not deposited. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 30.11.2015 before S.B.


Chairman

30.11.2015

Counsel for the appellant present. Security and process fee not deposited. Requested for further adjournment. Last opportunity granted. The same be deposited within a three days, where-after notices be issued to the respondents for written reply/comments for 22.3.2016 before S.B.

Appellant Deposited
Security & Process Fee 


Chairman


22.03.2016

Counsel for the appellant and Mr. Zarghun Shah, AD alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 23.5.2016 before S.B.


Chairman

23.5.2016

Counsel for the appellant and Addl. AG for the respondents present. Written reply submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments of respondents and costs on 28.07.2016 before S.B.


Chairman

12.05.2015

Counsel for the appellant. Learned counsel for the appellant seeks adjournment. Adjourned to 26.05.2015 for preliminary hearing before S.B.


Chairman

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26.05.2015

None present for appellant. Due to strike of the Bar adjourned for preliminary hearing to 9.6.2015 before S.B.


Chairman

5.

09.06.2015

Mr. Zeeshan Khalid, Advocate on behalf of counsel for the appellant present. Learned counsel for the appellant is stated indisposed. Adjourned to 23.06.2015 for preliminary hearing before S.B


Chairman

6

23.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeals No. 1071, 1074, 1075, 1076, 1077 of 2014 etc have already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 22.9.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____

401/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1.	05/05/2015	<p>The appeal of Mr. Farid Ullah resubmitted today by Mr. Muhammad Imtiaz Khalil Advocate, may be entered in the institution register and put up to the Worthy Chairman for proper order.</p> <p align="right"><i>[Signature]</i> REGISTRAR</p>
2	11-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12-5-15</u></p> <p align="right"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Farid Ullah son of Essa Khan Instructor Computer Sciences Govt. College of Management Sciences Miran Shah received to-day i.e. on 23.04.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of pay roll mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Copy of Service Extension order of appellant mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- ④ Copy of judgment/order dated 8.3.2012 of Hon'ble Peshawar High Court mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file cover.


No. 625 /S.T,

Dt. 24/4 /2015


Muhammad Imtiaz Khalil Adv. Pesh.

*objection removed
and re-submitted*




REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 401 of 2015

Farid Ullah (Instructor Computer Sciences) .. Appellant

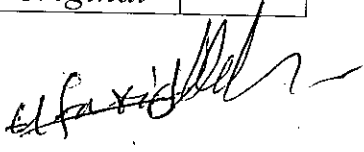
VERSUS


Province of Khyber Pakhtunkhwa, through Chief Secretary,
Peshawar & others Respondents

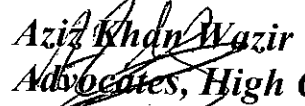
INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of appeal with affidavit and memo of addresses		1-8
2.	Copy of appointment order	"A"	9
3.	Copy of Extension of Contract	"B"	10
4.	Copy of the Act 2009	"C"	11-12
5.	Copy of the judgment dated 08/03/2012 31-5-2012	"D"	13-18
6.	Copy of Notification dated 31/12/2012	"E"	19-23
7.	Copy of Departmental appeal	"F"	24
8.	Wakalat Nama	In original	25

Dated 15/04/2015

Appellant 
Through


Muhammad Imtiaz Khalil


Aziz Khan Wazir
Advocates, High Court,
Peshawar.

Cell # 0301-5945654

①

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 401 of 2015

Farid Ullah Son of Essa Khan (Instructor Computer Sciences), Govt College of Management Sciences, Miran Shah NW Agency.

..... Appellant **A.W.F. Province
Service Tribunal**

VERSUS

Diary No. 405
Dated 23/4/2015

- 1- Province of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
- 2- Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- Secretary, Industries, Commerce & Technical Education, Government of Khyber Pakhtunkhwa, Peshawar.
- 4- Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa, Benevolent Fund Building, Peshawar Saddar.
- 5- Director, Technical Education, FATA, FATA Secretariat, Wasak Road, Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1973 FOR PAYMENT OF SALARY TO THE APPELLANT FROM 1ST JANUARY 2009 TILL THE ISSUANCE OF THE OFFICE ORDER NO. SO III(IND)TE/3-9/2012 DATED 31/12/2012, WHEREBY THE APPELLANT'S SERVICES WERE (REGULARIZED UNDER KHYBER PAKHTUNKHWA) ACT, 2009 AND THE DETERMINATION OF HIS SENIORITY AS PER SECTION 4 OF THE SAID ACT.

Prayer in Appeal:

To treat the appellant as regularize from 1st January 2009 and to release him the salary from 1st January 2009 and seniority with all back benefits

Filed to the
Registrar
23/4/15

re-submitted to-day
and filed.

Registrar
8/5/15

till the issuance of the notification dated 31/12/2012 and the determination of his seniority accordingly.

Humbly Sheweth;

Facts:

Facts leading to the institution of the instant appeal are as under:

- 1- That the appellant was appointed on contract vide Office Order Endst No. DTE/FATA/Admn/ Apptt:/1823-29(1-7) dated 24/10/2005 as Director Physical Education by the Directorate of Technical Education FATA, FATA Secretariat in Government College of Management Sciences Miran Shah North Waziristan Agency. (True Copy of the appointment letter is annexed herewith as Mark "A").*
- 2- That the appellant was performing his duties to the best of his abilities and the respondents extended his services on contract from time to time. It is important to mention that the appellant was holding his post on contract 31st December 2008. (True Copy is annexed herewith as Mark "B").*
- 3- That the Provincial Government of Khyber Pakhtunkhwa passed an Act NWFP Employees (Regularization of Services) Act, 2009 (NWFP Act No. XVI of 2009) whereby the services of all the employees who were holding a post "on contract or Adhoc basis and holding that post on 31/12/2008 or till the commencement of this Act shall be deemed to have been validly appoint on regular basis having the same qualification and experience for a regular post".*

(True Copy of the Act is annexed herewith as Mark "C").

- 4- That appellant being equally entitled to benefits granted through the Act, applied to the respondents for regularization of his services under the Act. And on refusal of the respondents, the appellant filed a writ petition before the Hon'ble Peshawar High Court, Peshawar. The relief sought by the appellant from the Hon'ble Court was the regularization of his services under the beneficial provisions of NWFP Employees (Regularization of Services) Act, 2009. It would be appropriate to mention that the respondents stopped payment of salaries to the appellant since 30th June 2010 and the appellant was performing his duty without getting any salary.
- 5- That the appellant writ petition was allowed by the Hon'ble Court vide judgment and order dated 08/03/2012 wherein directions were given in the following words " We therefore, issue writ in favour of the petitioners and against the respondents to the effect that the petitioners shall be deemed to be regular and permanent employees of respondent No.1 & 2 Department within the meaning of NWFP (Regularization of Services) Act, 2009 and the respondents are directed to issue notification of their regularization within a period of one month". (True Copy of Order dated 08/03/2012 are annexed as Mark "D").

- 6- That in spite of the elapsed of one month period, respondents failed to comply with the clear directions of the Hon'ble Court. It was finally on 31/12/2012, that a notification was issued by the respondents whereby the services of the appellant were regularized under the Regularization Act of 2009. Relevant portion of the Notification is reproduced below:

"In pursuance of the Peshawar High Court, Peshawar judgment dated 08/03/2012 announced in Writ Petition No.1289/2010 the competent authority has been pleased to regularize the service of the following employees of Technical Education Under the NWFP (Regularization of Services) Act 2009 with immediate effect." (True Copy of the notification dated 31/12/2012 are annexed herewith as Mark "E").

- 7- That the Respondents regularize the services of the appellant under the Regularization Act of 2009 as mentioned in the Notification, however, the salary that has been given to the appellant is of fresh candidate. And except for appointment of the appellant on regular basis, the respondents have not given any benefit to the appellant to which he is entitled under the regularization Act. (~~True Copy of the~~ ~~Notification~~ ~~is~~ ~~annexed~~ ~~herewith~~ ~~as~~ ~~mark~~ ~~"E"~~).
- 8- That the appellant duly filed his Departmental Representation before the competent authority, wherein he prayed for payment of his salary as per his entitlement under the Act (from the date of the regularization of his service i.e. 1st January, 2009) as extended to other contract employees whose services were regularize under the Act and also prayed for the release of his salary from 30/06/2010 till the date of his regularization. At the same time, the appellant also requested for determination of his seniority as per mandate of Section 4 of the Act, but no heed has been paid by the respondents to his representation. (True Copy of the Departmental Appeal is annexed herewith as mark "F").

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9- That on failure of the respondents to decide his departmental representation dated 13/12/2014 dairy No.5447, within the statutory period of ninety (90) days, the appellant being dissatisfied by the action and inaction of the respondents, approaches this Hon'ble Tribunal and challenges and seeks the release of his salary / payment as per his entitlement in view his regularization of services under the Act and accordingly his seniority inter alia on the following grounds;

GROUND:

- A) Because the inaction of the respondents whereby the appellant services has not been regularized in accordance with the mandate of employees Regularization Act of 2009 and the refusal of the respondents to pay him his salaries from 1st January 2009 violates the right guaranteed and secured to him under the law.
- B) Because it offends the provision of Art; 4 of the Constitution to enjoy the protection of the law and to be treated in accordance with law which is the inalienable right of every citizen, wherever he may be and of every other person for the time being within Pakistan.
- C) Because the action of the respondents is discriminatory and in blatant violation of Article of every citizen, wherever he may be, and of every other person for the time being within Pakistan.
- D) Because the action of the respondents is bad in law.
- E) Because the appellant was entitled to regularization from the commencement of the employees regularization of services Act, and also entitled to the pay and other benefits from 1st January 2009. Moreover, the appellant was not paid any salary from 30th June, 2010 till the issuance of the aforementioned notification on 31st December, 2012 though he was performing his duty in the his College, malafide is apparent.
- F) Because the seniority of the appellant has also not yet been determined in spite of the specific

provision provided for in the Act itself i.e. Section 4 of the Act.

- G) Because the appellant crave fro leave to add further grounds at the time of his oral arguments before this Hon'ble Tribunal highlighting further contraventions of the provisions of the law which adversely affected the appellant.

It is, therefore, most humbly prayed that on acceptance of this appeal, may be allowed and his salary and seniority with all back benefits be determined in the light of NWFP (Regularization of Services) Act, 2009.

Any other better relief may also kindly be granted in the circumstances of the appellant's case.

Dated 15/04/2015

Appellant
Through



Muhammad Imtiaz Khalil

Aziz Khan Wazir
Advocates, High Court,
Peshawar.

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2015

Farid Ullah (Instructor Computer Sciences), .. Appellant

VERSUS

*Province of Khyber Pakhtunkhwa, through Chief Secretary,
Peshawar & others Respondents*

AFFIDAVIT

*I, Farid Ullah Son of Essa Khan (Instructor
Computer Sciences), Govt College of Management
Sciences, Miran Shah NW Agency do hereby solemnly
affirm and declare on oath that the contents of the
accompanied appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Court.*

u Farid Ullah

DEPONENT

Identified by

M. Imtiaz Khalil
Muhammad Imtiaz Khalil
Advocate High Court,
Peshawar



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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2015

Farid Ullah (Instructor Computer Sciences) Appellant

VERSUS

*Province of Khyber Pakhtunkhwa, through Chief Secretary,
Peshawar & others Respondents*

ADDRESSES OF THE PARTIES

Appellant

Farid Ullah Son of Essa Khan (Instructor Computer Sciences), Govt College of Management Sciences, Miran Shah NW Agency

Respondents

- 1- Province of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.*
- 2- Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.*
- 3- Secretary, Industries, Commerce & Technical Education, Government of Khyber Pakhtunkhwa, Peshawar.*
- 4- Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa, Benevolent Fund Building, Peshawar Saddar.*
- 5- Director, Technical Education, FATA, FATA Secretariat, Wasak Road, Peshawar.*

Dated 15/04/2015

Appellant

Through

M. A. K.
Muhammad Imtiaz Khalil

Aziz Khan Wazir
Aziz Khan Wazir
Advocates, High Court,
Peshawar.

NOTIFICATION:

The competent authority is pleased to re-appoint/ extend the services of the following fixed pay staff working in GTIs, and GCMS (FATA) on the existing terms and conditions w.e.f. 04-07-2009 to 30-06-2010.

S.No.	Name and Designation
1)	Government College of Management Science, Jamrud (Khyber Agency)
1-	Sadat Khan, Instructor English.
2-	Muhammad Fayaz Afridi, Instructor (C.S)
3-	Rahim Dad Khan, Instructor (Comp: Science)
4-	Waqar Ahmad, Instructor (Comp: Science)
2)	Government College of Management Science, Khar (Bajuar Agency)
1-	Irfan Ullah, Instructor (B:Admn)
2-	Snageen Khan, Instructor (B:Admn)
3-	Muhammad Ibrahim, Instructor (English)
4-	Muhammad Ilyas, Instructor (Physics)
5-	Hayat Ullah, Instructor (Physics)
6-	Abdul Qadoos, instructor (Computer Science)
7-	Ahmad Shah, (D.P.E)
3)	Government College of Management Science, Ghallani (Mohmand Agency)
1-	Irfan Qadar, Instructor (Comp: Science)
2-	Shaid Alam, Instructor (Comp:Science)
3-	Iltaf Hussain, Instructor(Comp: Science)
4-	Iftikhar Ali, Instructor (Physics)
5-	Asif Khan, Instructor (Physics)
6-	Sajjad Ahmad, Instructor (Comp: Science)
7-	Zeenat Shah, Instructor (B. Admn)
8-	Muhammad Iqbal, Instructor (B.Admn)
9-	Muhammad Ilyas, Instructor (B.Admn)
10-	Khial Bahader, Instructor (B.Admn)
11-	Sartaj Aziz, Instructor (B.Admn)
12-	Inam Khan, Instructor (Librarian)
13-	Rehan-ud-Din, Instructor (D.P.E)
4)	Government College of Management Science, Parachinar (Kurram Agency)
1-	Shaukat Hussain, Instructor (B.Admn)
2-	Amjad Ali, Instructor (B.Admn)
5)	Government College of Management Science, Miranshah (N.W.Agency)
1-	Noor Hassan, Instructor (C.Science)
2-	Jaffar Ali Khan, Instructor (B.Admn)
3-	Shafi-ur-Rehman, Instructor (B.Admn)
4-	Jamshid Alam, Instructor (D.P.E)
5-	Muhammad Tahir Shah, Instt:(English)
6-	Shaid Khan Masood, Instructor (Comp:Sciences)
6)	Government Technical Institute, Bara (Khyber Agency)
1-	Sajidullah, Instructor (English)
7)	Government Technical Institute, Ekka Ghund (Mohmand Agency)
1-	Muhammad Iqbal, Instructor (Telecom)
2-	Rehmat Khan, Instructor (Telecom)
3-	Muhammad Iqbal, Instructor (English)

sd/-
DIRECTOR,
 INDS: MENRAL & TECH: EDU: (FATA)

ENDST: No.DET/&MT/P&D/FATA/1-35/2102-16 Dated 1/8/2009.

Copy is forwarded for information to: -

- 1- The Accountant General,(PR), Sub-Officer, Peshawar.
- 2- P.S. to Secretary Admn &Coord FATA, Secretariat Peshawar.
- 3- All Principals, GCMS/GTIs in FATA.
- 4- Accountant H.Q, Peshawar for information & necessary action.

[Signature]
 ASSISTANT DIRECTOR (TE)

*Attested to be
 True copy*
[Signature]

Annexure "C" (11)

Notifications

20th October 2010 | (N-W.F.P. ACT NO. XVI OF 2009)

**THE NORTH-WEST FRONTIER PROVINCE EMPLOYEES
(REGULARIZATION OF SERVICES) ACT, 2009.**

NOTIFICATION

Dated Peshawar, the 24th October, 2009.

No.PA/NWFP/Bills/2009/38472.—The North-West Frontier Province Employees (Regularization of Services) Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 15th October, 2009 and assented to by the Governor of the North-West Frontier Province on 20th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009 (N-W.F.P. ACT NO. XVI OF 2009)

(First published after having received the assent of the Governor of the

North-West Frontier Province in the Gazette of the N.W.F.P. (Extraordinary),

Dated the 24th October, 2009).

AN ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

Preamble. ---WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. --- (1) This Act may be called the North- West Frontier Province Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

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

(a) "Commission" means the North-West Frontier Province Public Service Commission;

(aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employee" means an adhoc or contract employee appointed by Government on adhoc or contract basis on second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

(c) "Government" means the Government of the North-West Frontier Province ;

(d) "Government Department" means any department constituted under rule 3 of the North-West Frontier Province Government Rules of Business, 1985;

(e) "law or rule" means the law or rule for the time being in force governing the

Attested to be

True copy

m. [Signature]

(2) The expressions "ad hoc appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

3. Regularization of services of certain employees.--- All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of seniority.--- (1) The 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 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:

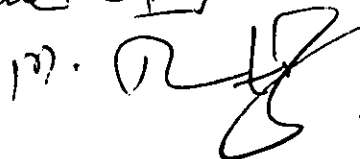
Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.--- Notwithstanding any thing 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.

5. Repeal.--- The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

By the orders of Mr. Speaker
Provincial Assembly of Khyber Pakhtunkhwa
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Attested to be
True Copy

177. 

Annexure "D" (13)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No 116 /2012

1. Faridullah S/o Essar Khan
Instructor, Government College of Management Sciences,
Miran Shah, North Waziristan Agency.
2. Ikramullah S/O Noor Nawaz
Instructor, Government College of Management Sciences,
Miran Shah, North Waziristan Agency. Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary (FATA), Peshawar.
2. Director Technical Education (FATA) through its Director, FATA Secretariat, Warsak Road, Peshawar.
3. Secretary Industries, Commerce, Mineral Development Department, Government of Khyber Pakhtunkhwa, Peshawar. Respondents

Writ Petition under Article 199 of The
Constitution of Islamic Republic of Pakistan,
1973.

Respectfully Sheweth;

Brief but relevant facts of the case are as follows:

1. That the respondents advertised certain posts of Instructors, Junior Instructors and Librarians etc and invited applications for appointment on contract basis against such posts. (Copy of Advertisement is attached as Annexure "A")
2. That the petitioners being qualified and eligible for appointment against the said posts submitted their applications which were scrutinized by the Departmental Selection Committee comprising of Deputy Secretary P & D, Deputy Secretary Admin, Director Technical Education FATA and the Petitioners were found fit and competent for appointment. It is worth mentioning here that the posts were advertised for appointment on contract basis but the department issued the appointment orders of the Petitioners on fixed pay. (Copies of the appointment orders are Annexure "B").

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EXAMINER

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True Copy m. V. J.

3. That initially the petitioners were appointed for a period of one year which was extended from time to time without any break and lastly the same was extended up to 30-06-2009 vide Notification dated 19-02-2009.
4. That when the Petitioners were holding the post of Lecturer/Instructor on contract basis, meanwhile the then Government of NWFP Act XVI of 2009 was promulgated wherein under section 3 all the employees appointed on contract of Adhoc basis and holding the posts on 31-12-2008 or till the commencement of he said Act were declared as valid appointment on Regular Basis.
5. That the petitioners amongst others approached the respondent department for their regularization but in vain. All the other colleagues of the petitioners approached this Honorable Court through Writ Petition No 1289/2010, which is pending adjudication and fixed for hearing on 17-01-2012. The petitioners being aggrieved and having no other remedy are constrained to approach this Honorable Court in its extra ordinary constitutional jurisdiction on the following amongst other grounds:

Grounds:

- a. That the acts of the respondents are illegal, unlawful, void and ineffective, thus calling interference of this Honorable Court.
- b. That the same is against the principles of natural justice.
- c. That the respondent No 4 advertised the said posts on contract basis but malafide and without any lawful authority changed the same in the fix pay. the said fix pay employees are no where provided under the law but in order to exploit the Petitioners, they are being treated as fix pay employee and that too on very meager month amount, which even otherwise is below/less that the minimum wage fixed for un skilled workers.
- d. That according to the NWFP Employees (Regularization of services) Act, 2009 the employees who were appointed on adhoc basis by the Government even in shift/night shift and have continued till 31-12-2008 are deem to have been validly appointed on regular basis, s such petitioners also fall in the same category, being qualified, eligible and competent for the said Regular post have acquired the status of permanent employees, even otherwise.
- e. That the Department is violating all the fundamental rights of the petitioners enshrined and protected by the constitution of Islamic Republic of Pakistan, 1973.
- f. That there is no complaint against the petitioner's performance since their initial appointment and in near future there is no apprehension that these posts will be abolished/abandoned because the students who have got the admissions will complete their session at every cost.

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That the doctrine of legitimate expectancy also demands that after such long time and continuous good performance of the petitioner, they will be treated at par with the other employees of the Province, who were appointed on contract/adhoc basis and some legislation, was done for them and petitioners were discriminated.

It is, therefore, prayed that on acceptance of this Writ Petition a Writ be issued to the effect that:-

- (15)
1. That Petitioners are regular and permanent employees of the respondents No 1 & 2 Department.
 2. That till the closure of the sanctioned Government Colleges of management Sciences and Government Technical Institutes (FATA) his services are required by the Department and under the Regularization Act they have acquired the status of permanent employees.
 3. That the petitioner is entitled to the monthly salary in their Basic Pay Scales as per advertisement, with such other relief as may deem fit in the circumstances of the case may also be granted in the interest of justice and fairness.

INTERIM RELIEF

As the petitioners have got the Prima Facie case in their favor, therefore, the respondents be directed not to engage any one else in place of the Petitioners and the petitioner be allowed to perform their duties till the decision of main Writ Petition.

Petitioner,
Through

Rooh ul Amin
Rooh ul Amin

&

M Ayub Khan Shinwari
M Ayub Khan Shinwari
Advocates Peshawar

List of Books

1. Constitution of Islamic Republic Of Pakistan, 1973.
2. Any other law book as per need.

Advocate
Advocate ✓

Certificate

It is certified as per information furnished to me by my client that no such like Petition has earlier been filed by the petitioners before this Honorable Court or any other competent court.

Advocate
Advocate ✓

FILED TODAY

Deputy Registrar

14 JAN. 2012

Attested ATTESTED

To be true

EXAMINER

Peshawar High Court

copy
M. Arif

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No 116 /2012

Faridullah Khan *and* versus Govt of Khyber Pakhtunkhwa & Others
another

ADDRESSES OF THE PARTIES

PETITIONERS

- 1 Faridullah S/o Essar Khan
Instructor, Government College of Management Sciences,
Miran Shah, NWA.
- 2 Ikramullah S/O Noor Nawaz.
Instructor, Government College of Management Sciences,
Miran Shah, North Waziristan Agency.

RESPONDENTS

- 1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary (FATA), Peshawar.
- 2. Director Technical Education (FATA) through its Director, FATA Secretariat, Warsak Road, Peshawar.
- 3. Secretary Industries, Commerce, Mineral Development Department, Government of Khyber Pakhtunkhwa, Peshawar.

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M. A. [Signature]

ATTESTED

M. A. [Signature]
EXAMINER
Peshawar High Court.

RECEIVED
6 JAN 2012

Petitioners,
Through

[Signature]
Rooh ul Amin

&
[Signature]
M Ayub Khan Shinwari
Advocates Peshawar.


Writ Petition No. 116 /2012

Faridullah Khan and versus Govt of Khyber Pakhtunkhwa & Others
another

AFFIDAVIT

I, Faridullah Khan S/o Essar Khan Instructor, Government College of Management Sciences, Miran Shah, NWA do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Court.

IDENTIFIED BY



M Ayub Khan Shinwari

Advocate Peshawar

DEPONENT



Faridullah Khan

CNIC # 12101-8623469-7

No. 5895
 Certified that the above was verified on solemn affirmation before me in office, this 13th day of Jan 2012 by Faridullah Khan s/o Essar Khan r/o D-1-1444 who was identified by M. Ayub Khan Adv. Who is personally known to me:
 Oath Commissioner
 Peshawar High Court, Peshawar

Attested to be true copy
M. Ayub Khan

ATTESTED

EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No..... of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1.	2.	3.
	31.05.2012	<p><u>Writ Petition No. 116/2012 with Interim Relief.</u></p> <p>Present: Mr. Roohul Amin Khan, Advocate, for the petitioners.</p> <p>*****</p> <p>States that the other colleagues of the petitioners have been regularized in light of the judgment dated 08.03.2012 of this Court, passed in Writ Petition No. 1289/2010, therefore, the petitioners are also entitled for the same treatment. Since a short point is involved, pre-admission notice be issued to the other side for a date in office.</p>

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Sd/ Attiullah Khan
Sd/ Miztahuddin Khan
Judges

No. 2179

Date of Presentation of Application 31/8/12

No of Pages 64

Copying fee 12/-

Urgent Fee 12/-

Total 24/-

Date of Preparation of Copy 31/8/12

Date Given For Delivery 31/8/12

Date of Delivery of Copy 31/8/12

Received By [Signature]

CERTIFIED TO BE TRUE COPY

[Signature]

Examiner

Peshawar High Court Peshawar

Authorized Under Article 87 of the Constitution Order 1984

31/8/12



Annexure "E" (19)
Dated Peshawar the _____

NOTIFICATION

No. SOHI(IND)TE/3-9/2012. In pursuance of the Peshawar High Court, Peshawar judgment dated 08-03-2012 announced in Writ Petition No.1289/2010 the Competent Authority has been pleased to regularize the services of the following employees of Technical Education under the NWFP (Regularization of Services) Act 2009 with immediate effect:-

SR#	NAME & FATHER NAME
1	Mr. Shahid Khan Masood S/o Sarfraz
2	Mr. Shahid Alam S/o Mohammad Nisar
3	Mr. Irfanullah S/o Amanullah
4	Mr. Asif Khan S/o Noor Rahim
5	Mr. Rahmat Khan S/o Gulzar Khan
6	Mr. Mohammad Iqbal S/o Ali Rehman
7	Mr. Inam Khan S/o Fazal Manan
8	Mr. Mohammad Iqbal S/o Gul Said
9	Mr. Ahmed Shah S/o Niaz Amin
10	Mr. Iltaf Hussain S/o Maqbool Khan
11	Mr. Irfan Qadir S/o Fazal Qadir
12	Mr. Khial Bahadar S/o Bahadar Khan
13	Mr. Rehanud Din S/o Shabud Din
14	Mr. Sajjad Ahmad S/o Abdul Ghafar
15	Mr. Sartaj Aziz S/o Zarabat Khan
16	Mr. Zeenat Shah S/o Mehraban Shan
17	Mr. Iftikhar Ali S/o Mohammad Akbar
18	Mr. Ikhtiar Zada S/o Habibul Hassan
19	Mr. Hayat Ullah S/o Wahid Ullah
20	Mr. Abdul Qadoos S/o Mohammad Hazrat
21	Mr. Mohammad Ilyas S/o Khanzada
22	Mr. Mohammad Ibrahim S/o Kabal Khan
23	Muhammad Ilyas S/o Mohammad Akram
24	Mr. Sangeen Khan S/o Khair Mohammad
25	Mr. Sajjid Ullah S/o Sher Azam Khan
26	Mr. Jaffar Ali S/o Kashmir Khan
27	Mr. Jamshid Alam S/o Shah Salam
28	Mr. Shafiqur Rehman S/o Qandahar Khan
29	Mohammad Tahir Shah S/o Mohammad Subhan

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M. N. R.

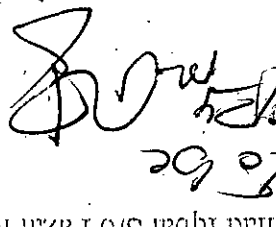
20

30	Mr.Noor Hassan Shah S/o Gul Sher Khan
31	Mr. Waqar Ahmed S/o Afsar Shah
32	Mr. Saadat Khan S/o Khanan Khan
33	Mr. Rahim Dad Khan S/o Waris Khan
34	Mr. Mohammad Fayaz Afridi S/o Shad Mohammad
35	Mr. Amjid Ali S/o Shaban Ali
36	Mr. Mohammad Iqbal S/o Mohammad Hazrat
37	Mr. Shoukat Hussain S/o Gulab Hussain
38	Mr. Tahir Ayub S/o Mohammad Usman
39	Mr. Amjid Ali S/o Hussain Ali
40	Mr. Muhammad Iqbal S/o Fazal Rahim
41	Mr. Sallah Ud Din S/o Mohammad Rehman
42	Mr. Mohammad Ayub S/o Abdul Saeed Jaj
43	Mr. Abdul Aziz S/o Rahim Badshah
44	Mr. Mumtaz Khan S/o Zahir Shah
45	Mr. Shahan Zeb S/o Sher Bahadar
46	Mr. Fareed Ullah S/o Essar Khan
47	Mr. Ikramullah S/o Noor Nawaz
48	Mr. Mohammad Hamayun S/o Ibrahim Ali
49	Mr. Said Badshah S/o Hazrat Badshah
50	Mr. Shah Zarin Khan S/o Naurang Khan
51	Mr. Noor Zada S/o Haya Khan
52	Mr. Kashif Amin S/o Amin Ul Haq
53	Syed Athar Ali Shah S/o Syed Munawar Ali Shah
54	Syed Hussain Ali Shah S/o Kamran Ali Shah
55	Mr. Asif Ali S/o Ghulam Abbas

2. Consequent upon their regularization the following posting are hereby made as under:-

SR#	NAME & FATHER NAME	POSTING
1	Mr. Shahid Khan Masood S/o Sarfraz	As Lecturer (Computer Science), BPS-17 GCMS, D.I.Khan.
2	Mr. Shahid Alam S/o Mohammad Nisar	As Lecturer (Computer Science) BPS-17, GCMS Charsadda.
3	Mr. Irfanullah S/o Amanullah	As Lecturer (Commerce) BPS-17, GCMS Bannu.
4	Mr. Asif Khan S/o Noor Rahim	As Lecturer (Physics), BPS-17, GCT Swabi.
5	Mr. Rahmat Khan S/o Gulzar Khan	As Lecturer (Telecom) BPS-17, GTI Khair B/Agency.
6	Mr. Mohammad Iqbal S/o Ali Rehman	As Lecturer (Telecom), BPS-17, GTI Khar (B/Agency)
7	Mr. Inam Khan S/o Fazal Manan	As Librarian, BPS-17, GCT Kohat.
8	Mr. Mohammad Iqbal S/o Gul Said	As Lecturer (Commerce), BPS-17, GCMS Charsadda
9	Mr. Ahmed Shah S/o Niaz Amin	As Director Physical Education BPS-17, GCMS Chitral.

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40	Mr. Muhammad Iqbal S/o Fazal Rahim	As Lecturer(Commerce), BPS-17, GCMS Chitral
39	Mr. Amjid Ali S/o Hussain Ali	As Lecturer(Commerce), BPS-17, GCMS Parachinar
38	Mr. Tabir Ayub S/o Mohammad Usman	As Lecturer(English), BPS-17, GTI Sadda K/Agency
37	Mr. Shoukat Hussain S/o Gulab Hussain	As Lecturer(Commerce), BPS-17, GCMS Parachinar
36	Mr. Mohammad Iqbal S/o Mohammad Hazrat	As Lecturer(English), BPS-17, GCT Timgargara (Lower Dir)
35	Mr. Amjid Ali S/o Shaban Ali	As Librarian, BPS-17, GCMS Karak
34	Mr. Mohammad Fayaz Afridi S/o Shad Mohammad	As Lecturer(Computer Science), BPS-17, GCC Hangu
33	Mr. Rahim Dad Khan S/o Wazir Khan	As Lecturer(Computer Science), BPS-17, GCMS Thana
32	Mr. Saadat Khan S/o Khawan Khan	As Lecturer(English), BPS-17, GCMS Kohat
31	Mr. Waqar Ahmed S/o Afsar Shah	As Lecturer(Computer Science), BPS-17, GCMS Charasadda
30	Mr. Noor Hassan Shah S/o Gul Sher Khan	As Lecturer(Computer Science), BPS-17, GCMS Bannu
29	Mr. Mohammad Tabir Shah S/o Mohammad Subhan	As Lecturer(English), BPS-17, GCMS Kohat
28 ✓	Mr. Shafiq Rehman S/o Qandahar Khan	As Lecturer(Economics), BPS-17, GCMS Lakki
27 ✓	Mr. Jamshid Alam S/o Shah Sajam	As Director Physical Education BPS-17, GCMS Parachinar (K/Agency)
26 ✓	Mr. Jaffar Ali S/o Kashmir Khan	As Lecturer(Commerce), BPS-17, GCMS(NWA)
25	Mr. Sajid Ullah S/o Sher Azam Khan	As Lecturer(English), BPS-17, GCT Peshawar
24	Mr. Sangeen Khan S/o Khair Mohammad	As Lecturer(Commerce), BPS-17, GCMS Charasadda
23	Mr. Mohammad Ilyas S/o Mohammad Akram	As Lecturer(Commerce), BPS-17, GCMS Charasadda
22	Mr. Mohammad Ibrahim S/o Kabal Khan	As Lecturer(English), BPS-17, GCMS Khar B/Agency
21	Mr. Mohammad Ilyas S/o Khanzada	As Lecturer(Physics), BPS-17, GTI Miranshah(NWA)
20	Mr. Abdul Qadoos S/o Mohammad Hazrat	As Lecturer(Computer Science), BPS-17, GCMS Chitral
19	Mr. Hayat Ullah S/o Wahid Ullah	As Lecturer(Physics), BPS-17, GCT Nowshera
18	Mr. Khizar Zada S/o Habibul Hassan	As Lecturer(Commerce), BPS-17, GCMS Sangola Sval
17	Mr. Iftikhar Ali S/o Mohammad Akbar	As Lecturer(Physics), BPS-17, GPT Takht Bhat
16	Mr. Zeenat Shah S/o Mehraban Shan	As Lecturer(Commerce), BPS-17, GCMS Kohat
15	Mr. Sartaj Aziz S/o Zarabat Khan	As Lecturer(Commerce), BPS-17, GCMS Thana
14	Mr. Sajjad Ahmad S/o Abdul Ghafar	As Lecturer(Computer Science), BPS-17, GCMS Sangola Sval
13	Mr. Rehman Din S/o Shabud Din	As Director Physical Education(BPE) BPS-17, GTI Bata Khyber Agency
12	Mr. Khal Bahadar S/o Bahadar Khan	As Lecturer(Commerce), BPS-17, GCC No.02 Mardan
11	Mr. Irfan Qadir S/o Fazal Qadir	As Lecturer(Computer Science), BPS-17, GCMS Mardan
10	Mr. Irfan Hussain S/o Maqbool Khan	As Lecturer(Computer Science), BPS-17, GCMS Nowshera

21

41	Mr. Sallah Ud Din S/o Mohammad Rehman	As Lecturer(Commerce), BPS-17, GCTI, Wari(Dir Upper)
42	Mr. Mohammad Ayub S/o Abdul Saeed Jan	As Lecturer(English), BPS-17, GCMS Nowshera.
43	Mr. Abdul Aziz S/o Rahim Badshah	As Lecturer(Commerce), BPS-17, GCMS Chitral
44	Mr. Mumtaz Khan S/o Zahir Shah	As Lecturer(Computer Science), BPS-17, GCMS Lakki
45	Mr. Shahan Zeb S/o Shey Bahadar	As Lecturer(Commerce), BPS-17, GCMS Khar (B/Agency)
46	Mr. Fareed Ullah S/o Essar Khan	As Lecturer(Computer Science), BPS-17, GCMS D.I.Khan
47	Mr. Ikramullah S/o Noor Nawaz	As Lecturer(Computer Science), BPS-17, GCMS Lakki
48	Mr. Mohammad Hamayun S/o Ibrahim Ali	As Lecturer(Physics), BPS-17, GCMS Parachinar.
49	Mr. Said Badshah S/o Hazrat Badshah	As Junior Instructor DAE(Telecom), BPS-14 GTI Ekkaghund
50--	Mr. Shah Zarin Khan S/o Naurang Khan	As Lecturer(Physics), GCT Tangi
51	Mr. Noor Zada S/o Haya Khan	As Lecturer(Computer Science), BPS-17, GCT Tangi
52	Mr. Kashif Amin S/o Amin Ull Haq	As Lecturer(Computer Science), GCMS Parachinar
53	Syed Athar Ali Shah S/o Syed Munawar Ali Shah	As Lecturer(Commerce), BPS-17, GCMS Parachinar
54	Syed Hussain Ali Shah S/o Kamran Ali Shah	As Lecturer(Commerce), BPS-17, GCMS Parachinar
55	Mr. Asif Ali S/o Ghulam Abbas	As Lecturer(Computer Science), BPS-17 GCMS Parachinar.

Terms and conditions of their Regular Appointment will be as under:-

- They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- They shall be governed by the Khyber Pakhtunkhwa, Civil Servants Act, 1973, all the laws applicable to the Civil Servants and rules made there-under.
- They shall for all intents and purposes, be Civil Servants except for purpose of pension & gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund(CPF) alongwith the contributions made by Government to their account in the said fund in the prescribed manner.
- Their employments in the department in purely temporary and their services are liable to be terminated without assigning any reason at thirty(30) days notice or on the payment of 30-days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30-days pay will be forfeited.
- They shall, initially, be on probation for a period of two years extendable upto 3-years.
- Their seniority shall be determined in accordance with relevant rules but subject to section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009.

Attested to be

True copy

17.11.09

-Sd-

Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department

Copy of the above is forwarded to the:-

1. Additional Chief Secretary(FATA), FATA Secretariat, Worsak Road Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
5. Secretary to Governor, Khyber Pakhtunkhwa
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. The Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar.
8. Director Technical Education, FATA, Khyber Pakhtunkhwa, Warsak Road Peshawar.
9. Director Information Khyber Pakhtunkhwa for wide publicity through media.
10. Agency/Districts Accounts Officers concerned.
11. Registrar Peshawar High Court, Peshawar.
12. Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission Peshawar.
13. Section Officer(FATA), Education Wing, Governor Secretariat(FATA) Worsak Road Peshawar.
14. PS to Secretary, IC&TE Department.
15. P.A to Additional Secretary-I, IC&TE Department.
16. The Officer concerned.
17. O/O file.


(ANWAR-UL-HAQ)
DEPUTY SECRETARY-I

Attested to be
True Copy
m. r. j.

To

Annexure "E" (29)

5447 (a)

13/12/14

The Director General,
Technical Education & Manpower Training,
Khyber Pakhtunkhwa,
Peshawar.

Subject: REQUEST FOR SENIORITY, INCREMENTS & ARREARS.

R/Sir,

It is submitted that in pursuance of Peshawar High Court, Peshawar judgment dated 08-03-2012 announced in Writ Petition No. 1145/2010. My services alongwith my other colleagues were regularized under Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, with immediate effect vide Government of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department Notification No. SOIII(IND)TE/3-9/2012 dated 31-12-2012.

In this connection, it is stated that:-

- 1- After allowing seniority from 01-01-2009, according to section-4 of Khyber Pakhtunkhwa (Regularization of Services) Act, 2009, we were regularized with immediate effect were deprived from pay benefits, seniority, annual increments and arrears thereof from the back date i.e. 01-01-2009.
- 2- While accepting the Writ petition No. 1145/2010, the Peshawar High Court, Peshawar in last Para of its judgment announced on 08-03-2012, directed the respondents to issue notification of regularization of petitioner within a period of one month.
- 3- Instead of issuing notification of our regularization within one month as per direction of the Court the respondent delayed the desired on one pretext or the other. The required notification was finally issued on 31-12-2012 with immediate effect which amounts to deprivation of the petitioners from their pay benefits, seniority, annual increments and arrears at least from the date of announcement of the judgment and in this respect various services appeals are penaling adjudication before service tribunal, Khyber Pakhtunkhwa.

In view of the above, it is humbly prayed that I may kindly be allowed pay benefits, seniority, annual increments and arrears from my actual date of regularization i.e. from 01-01-2009 according to Khyber Pakhtunkhwa (Regularization of Services) Act, 2009.

Yours Obediently,

Attested to be

True copy

m. R. J.

(FARID ULLAH)

LECTURER (COMPUTER Science),
GCMS, D.I. Khan.



2015ء جناب ایبیل منٹ
بنام چیف سکریٹری

حیدر اللہ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

عمر رازان وزیر
ایبیل منٹ

آن مقام پشاور کیلئے ہمراہ امتیاز ذلیل ایڈووکیٹ

مقرر کر 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 پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایبیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

Accepted

by

2015

ماہ اپریل

21

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

مقام