

4th Jan, 2023

Learned for the petitioner present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Iftikhar Ul Ghani, DEO(M) Buner for respondents present.

Learned counsel for the petitioner seeks time to assist the Tribunal. This case pertains to camp court Swat, let it be fixed at camp court Swat on 07.02.2023 before S.B.

9

(Kalim Arshad Khan)
Chairman

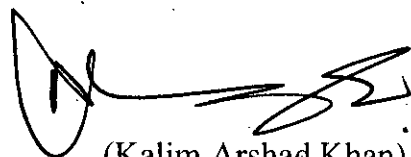
07th Feb, 2023

1. Learned counsel for the petitioner. Mr. Muhammad Riaz Khan Paindakhel, learned Asst: AG alongwith Mr. Iftikhar Ul Ghani, District Education Officer,(Male), Buner for respondents present.

02. The respondents submitted letter No. 3808 dated 17.08.2022, whereby in compliance of the judgment of the Tribunal the grievance of the petitioner has been redressed but the respondents had added the words in a letter No. 3808 dated 17.08.2022 "as per court judgment regarding recovery of overpayment amount of Rs. 412885/-" which was not mentioned in the judgment. Later on the District Education Officer,(Male), Buner submitted office order No. 624-26 dated 07.02.2023, wherein the earlier order dated 17.08.2022 was withdrawn to the extent of words "as per court judgment". Since the desired relief has been granted to the petitioner, therefore, this petition is filed. Consign.

03. *Pronounced in open court at Swat and given under my hand and seal of the Tribunal on this 7th day of February, 2023.*

SCANNED
KPST
Peshawar

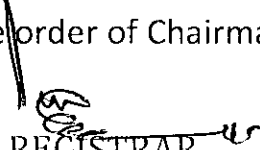



(Kalim Arshad Khan)
Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 695/2022

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1	25.11.2022	<p>The execution petition of Mr. Quraish Khan submitted today by Mr. Akhtar Ilyas Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>29-11-22</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>
	29 th Nov, 2022	<p>Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl; AG for respondents present.</p> <p>Respondents are directed through learned AAG to submit compliance report on the next date. To come up for implementation report on 04.01.2023 before S.B.</p> <p></p> <p>(Kalim Arshad Khan) Chairman</p>

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

Annexure (B)

7

3



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BUNER



Phone & Fax No.0939-555110 Email: edobuner@gmail.com

No. 3808 Dated 17/8 /2022.

To

The District Accounts Officer
Buner at Dagger.

Subject: - PENSION CASE.
Memo: -

Enclosed please find herewith Original Service Book along with Pension Papers and other relevant documents in respect of **Quraish Khan PST GPS Nagrai** for further necessary action please, with the remarks that as per court Judgment, overpayment of Rs.412885/- may be recovered though SDEO concerned.

It is therefore requested that commutation /gratuity may be paid though SDEO designated account in order to make recovery overpayment.

DISTRICT EDUCATION OFFICER
MALE DISTRICT BUNER

Endst: No. _____ /

Date _____ /2022.

Copy for information to the.

1. SDEO Male Primary Buner, concerned.

o/c

DISTRICT EDUCATION OFFICER
MALE DISTRICT BUNER

16/8/22



OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) DISTRICT BUNER

PHONE & FAX NO. 0939-555110

EMAIL: edobuner@gmail.com



OFFICE ORDER

The Competent Authority is pleased to **withdraw** this office letter No. 3808 dated 17/8/2022, issued to DAO Buner regarding submission of pension case in respect of Quraish Khan PST, GPS Nagrai district Buner to the extent of the words “**as per court judgment**” as the phrase has erroneously been added due to clerical mistake in the aforementioned letter.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst: No. 624-26 Dated: 07/02/2023

Copy of the above is forwarded to:

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. SDEO (M) Mandanr (Buner).
3. Master File.

DISTRICT EDUCATION OFFICER
(MALE) BUNER

7/2/23

7/2/23

Amirgul "J" (15)

PENSION ROLL DATA SHEET & PENSION SLIP

Date of Issue : 29.11.2022
 PPO Type : FRESH
 PPO Number : 00272112-01
 Pensioner ID : 00272112
 Pension Register No:
 Pensioner's Name : QURAISH KHAN
 Father / Husband name : SARFARAZ KHAN
 Designation: PRIMARY SCHOOL TEACHER
 NIC No : 15*0103437935
 Grade / Scale : 12
 Department/Min : GOVERNMENT PRIMARY SCHOOL
 Pensioner's Type: SELF
 Pension Type: RETIRING PENSION
 Date of Birth : 12.12.1964
 Date of appointment: 03.10.1988
 Date of retirement : 01.07.2016
 Date of Death:
 Date of commences: 02.07.2016
 Date of Resentment: 01.07.2022
 Account's office ID: B0
 Account's office Name: Bunair at Dayra
 Federal / Province: Khyber Pakhtunkhwa
 Length of Qualifying Service: 27 years, 8 months, 28 days
 Old PPO Number:
 Na. and Date of sanction of pension: Letter No.
 and the date of the other Audit and Accounts officer authorising
 the Pension Gratuity/Commutation
 Permanent Address:

Note:
 Age : 52 years
 Last Drawn pay/Emoluments(Rs.): 29540.00 -
 Gross Pension(Rs.) : 20442.80
 1/4th Surrendered Portion (Rs.) :
 Computed Portion (Rs.) : 7154.98
 Net Pension (Rs.) : 13287.82
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 1460045.00
 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 : 17.01
 Recovery on A/C of
 Debatable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Baluchistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

Her/She is also entitled to the following increases

Sr No	Period	Increase % or amount	Increase Amount	W.F.P
1	JUL 2021	6.78%	2780.53	01.10.2022
2	JUL 2022	15.00%	4669.13	01.10.2022
3		6.00%	0.00	
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PENSION SLIP

Month: November
 Year: 2022

Pension roll details

Wage Type	Wage Type Text	Amount
000	Payment	7940.00
0100	Monthly Pension - Self	13287.82
0101	Pension Increase - Self	2291.19
1000	Medical Allowance - Self	1322.00
1001	Med. All 2015 De-stimul	807.00

Bank Details

Bank Account Number: 0010097178280013
 Bank Branch: NAWAGAI BRANCH
 NAWAGAI BRANCH
 Payment Mode: ALLIED BANK LIMITED

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: _____ v/s _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Akhtar J (You) Adil
 Signature: [Signature]
 Dated: 25/11/2022

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Execution Petition no. 695/2022

Qurasih Khan

Versus

DEO (M) Buner & Others

**SCANNED
KPST
Peshawar**

INDEX

S#	Description Of The Documents	Annex	Pages
1.	Application for implementation of order dated 14-09-2021 along with affidavit	*	1-3
2.	Copy of Order dated 14-09-2021	A	4-8
3.	Copy of Corrigendum	B	9
4.	Copies of Notifications Dated 07-01-2022 and 18-02-2022	C&D	10-11
5.	Copy of Execution Petition & Orders	E	12-15
6.	Copy of pension papers	F	16-21
7.	Vakalatnama	*	22

Qurasih Khan
Petitioner

Through

Akhtar Ilyas

AKHTAR ILYAS
ADVOCATE HIGH COURT

Abdul Majeed Yousafzai
ABDUL MAJEED YOUSAFZAI
ADVOCATE

TF-287 Deans Trade
Center, Peshawar Sadar.
0333-9417974

Dated: 15-11-2022

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 695/2022
IN

Service Appeal No. 5696/2020

Khyber Pakhtunkhwa
Service Tribunal

Decided on 14-09-2021

Diary No. 2055

Dated 25/11/21

Quraish Khan,
Ex-PST, GPS, Nagrai, District Buner.

..... **Petitioner**

Versus

1. **District Education Officer (Male), Buner.**
2. **Director (E & SE) KPK,**
Education Directorate, GT Road Peshawar
3. **Head Teacher, GPS Nagrai, Buner**

..... **Respondents**

**PETITION FOR DIRECTING
RESPONDENTS TO IMPLEMENT
THE ORDER DATED 14-09-2021
PASSES IN SERVICE APPEAL
NO.5696.2020.**

Sheweth!

1. That the appellant filed a Service Appeal No. 5696/2020, the same has been accepted vide order dated 14-09-2021 (**Copy attached as annexure-A**), the operative part whereof is reproduced for ready reference:
"In view of above factual and legal position, by acceptance of this appeal, we set aside the impugned order and appellant stands voluntarily retired from 01-07-2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of appellant within 30 days of the receipt of this judgment. Parties by are left to bear their own costs. File to be consigned to the record room"
2. That the above referred judgment has been remitted to respondent No.1 through an application.

3. That the letter for compliance of the order has also been sent by worthy Registrar of this Honorable Tribunal as well.
4. That it will be not out of place to mention here that the respondents have not assailed the stated judgment before the august Supreme Court of Pakistan, so the judgment has got finality.
5. That it is astonishing rather shocking to know that the respondents No.1 has issued corrigendum dated 04-11-2021(**Copy is attached as annexure-B**), whereby he acted as appellate forum and assumed the jurisdiction of Supreme Court and thus struck down the order passed by the worthy KPK Service Tribunal which is a clear violation of the law on the subject, for which separate application is being filed against the respondent No.1.
6. That the petitioner filed execution petition no. 353/21 and this honorable tribunal was gracious enough to issue notices to the respondents; when the respondents received the notice they withdrew the referred corrigendum.
7. That the respondents No.1 submitted notification dated 07-01-2022 and 18-02-2022 (**Copies of notifications are attached as annexure-C&D**), the respondent No.1 misguided this Honorable Tribunal and stated at the bar that the order of this Honorable Tribunal has duly implemented in letter and spirit and this honorable-tribunal has consigned the execution petition along with the miscellaneous application. Needless to mention here that counsel for the petitioner was not present on the date of hearing; the order dated 09-06-2022 is witness of the fact.(**Copy of Execution petition and orders dated are attached as annexure-E**)
8. That respondents have once again deducted an amount of Rs 412585/- from the pension of petitioner (**Copy of pension paper is attached as annexure-F**) which is against the order passed by this honorable tribunal as the same has been termed as **unjustified** by this honorable tribunal in concluding part of para 5 of the judgment.
9. That the respondents are under legal obligations to implement the order passed by the worthy Service Tribunal in letter and spirit but they failed to do so, hence this petition for second time.
10. That the appellant seeks leave of the Court to urge additional ground at the time of arguments.

PRAYER:

It is, therefore, prayed that the order dated 14-09-2021 passed in Service appeal No.5696/2020 may kindly be implemented in letter and spirit without further amount of delay and the deduction of Rs 412585 from the pension of petitioner may kindly be struck down and the respondents be directed to release the stated amount to the petitioner.

[Signature]
Petitioner

Through

[Signature]
AKHTAR ILYAS
ADVOCATE HIGH COURT

[Signature]
ABDUL MAJEED YOUSAFZAI
ADVOCATE

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent

ATTESTED
[Signature]
Gul Diraz Khan
* Comptroller
High Court Peshawar

15/01-0343790-5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5696/2020

Date of Institution 11.06.2020
Date of Decision 14.09.2021



Quraish Khan, Ex-PST, GPS Nagrai, District Buner.

(Appellant)

VERSUS

District Education Officer (Male), Buner and two others.

(Respondents)

Akhtar Ilyas,
Advocate ... For appellant.

Muhammad Adeel Butt,
Additional Advocate General ... For respondents.

AHMAD SULTAN TAREEN ... CHAIRMAN
ROZINA REHMAN ... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that the appellant rendered services as PST in Education Department. He filed an application for his retirement which was duly forwarded. Astonishingly, on one hand his application was forwarded to the quarter concerned while on the other hand, he stood retired in the Service Book. There was conflict of his date of birth in his C.N.I.C and Service Book, therefore, his forwarded application was not accepted and it was returned that the same be forwarded after correction of date of birth but this process was kept secret from the appellant. That despite duty, his attendance was not marked, he, therefore, filed an application for attendance but in the

Sub Divisional Officer (M)
Mandara Distt. Buner

Sub Divisional Officer (M)
Mandara Distt. Buner

meanwhile, major penalty of compulsory retirement was imposed upon the appellant. He filed service appeal which was accepted and case was remanded to the competent authority for de-novo inquiry. He waited for considerable time, but in vain. He, therefore, filed petition for implementation of the order and receipt of notice by the respondents, impugned order was passed on 18.02.2020. He, therefore, filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Akhtar Ilyas Advocate for appellant and Muhammad Adeel Butt learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Akhtar Ilyas Advocate, learned counsel appearing on behalf of appellant, inter-alia, contended that the respondents failed to follow the dicta laid down by the Service Tribunal in Service Appeal No.755/2018. He contended that in the earlier round of litigation, case was remitted for de-novo inquiry and the respondents were required to reinstate the appellant and then to initiate de-novo inquiry but such practice was not undertaken in utter disregard of rules. He submitted that no regular inquiry was conducted in the case of appellant and no witness was examined in his presence. He contended that appellant was condemned unheard as he was not given the right of defense. He submitted that it is settled by law that until and unless the competent authority has accepted resignation, a civil servant cannot be retired from his duty and lastly, he submitted that appellant has not committed any misconduct by way of his absence or by way of any

SUB-DIVISIONAL OFFICE
Muzaffargarh
20/02/2020
SUB-DIVISIONAL OFFICE
Muzaffargarh
Secretary

embezzlement but even then, harsh punishment was imposed upon appellant.

4. Conversely learned A.A.G submitted that the appellant had not submitted any retirement application to the competent authority rather he purposely deceived the Head Teacher and gave him the impression of retirement from service for which appellant got marked his retirement application and got written in his column in the attendance register that the appellant stood retired w.e.f 01.07.2016. He contended that the Head Teacher marked the application and handed over to the appellant for further submission to the S.D.E.O concerned but the appellant purposely detained application with himself and did not submit the same to the concerned S.D.E.O for further submission to the competent authority (D.E.O). He contended that he remained absent from the date of getting his application marked from the Head Teacher i.e. 01.07.2016 and on the other hand, he did not submit the already marked retirement application to the S.D.E.O concerned in order to keep the S.D.E.O in ignorance and thereby not to stop his salary and get it regularly. Lastly, he submitted that the appellant remained absent w.e.f 01.07.2016 to 30.05.2017 (10 months) for which he regularly took his salaries.

[Handwritten signature]

[Handwritten signature]
S.D. Dinesh Kumar
Officer (M. & A. & T. & I.)
Bharatpur

RECEIVED

10/08/2018

5. From the record, it is evident that appellant Quraish Khan P.S.T submitted an application seeking retirement on 01.07.2016. This entry has properly been made by the Headmaster G.P.S Nagrai in the register of attendance which is not denied by the respondents. As there was conflict in the date of birth of appellant in his C.N.I.C and Service Book, therefore, he once again submitted an application to D.E.O for marking his attendance in the school on 02.08.2018. The

competent authority without taking any regular inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 compulsory retired the appellant by way of major punishment, therefore, in the earlier round of litigation, case of the appellant was remitted to the competent authority for decision afresh after de-novo inquiry in accordance with law. As per record, the competent authority constituted an Inquiry Committee vide notification dated 12.10.2019 and the said Committee intimated Head Teacher and the appellant on telephone to be present on 31.10.2019. From perusal of the inquiry report, it is evident that neither charge sheet nor statement of allegation was ever served upon appellant. No show cause was issued and in view of the recommendation of the Inquiry Committee, impugned order was passed on 18.02.2020, whereby, major penalty of compulsory retirement from service was imposed upon appellant w.e.f 01.07.2016 and amount of Rs.412885/- (salary of 10 months) w.e.f 01.09.2015 to 30.06.2016 was ordered to be recovered and deposited in the Government Exchequer. On one hand, the competent authority did not follow the dicta laid down by this Tribunal in Service Appeal No.755/2018 as no charge sheet and statement of allegations were issued in accordance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 while on the other hand, he was charged for recovery of an amount of Rs. 412885/- w.e.f 01.09.2015 to 30.06.2016. This period of 10 months was not justified as the record is totally silent in respect of any absence or any sort of misconduct by the appellant from 01.09.2015 to 30.06.2016; as admittedly he submitted application seeking premature retirement on 01.07.2016 and the allegations were

Sub Divisional Officer
Mandera District, Buner

Sub Divisional Officer
Mandera District, Buner

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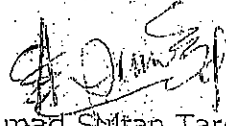
Sub Divisional Officer
Mandera District, Buner

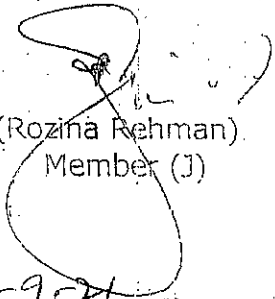
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in respect of recovery of pay for period w.e.f 01.07.2016. The appellant is aged and ailing Government servant (who served the Department for more than 28 years but was not treated in accordance with law.

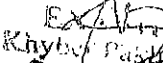
6. In view of the above factual and legal position, by acceptance of this appeal, we set aside the impugned orders and appellant stands voluntary retired from 01.07.2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of the appellant within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
14.09.2021



(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)

Certified to be true copy


Ex. JUDGE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 27-9-21
Number of Words 2000
Copying Fee 22/-
Agent 21
Total 22/-
Name of Copyist _____
Date of Completion of Copy 30/9/21
Date of Delivery of Copy 30/9/21


Sub Divisional Officer (M)
Mandana District Buner


Sub Divisional Officer (M)
District Buner



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. - 0939-510468
EMAIL: edobuner@gmail.com



Corrigendum

In partial modification of this office Notification No. 469-74 dated 18/2/2020 regarding Compulsory Retirement awarded to Mr. Qurajsh Khan PST GPS Nagrai due to absence and unlawful drawl of salaries in the light of inquiries conducted by this office, the dates of absence may be read w.e.f 30/6/2016 to 30/4/2017 (10 Months) instead of 01/9/2015 to 30/6/2016 (10 Months) as contained in the inquiry report.


(HETIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst. No. 5040-45 / Dated 4/11 /2021.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshwar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshwar.
3. District Monitoring Officer Buner.
4. Sub Divisional Education Officer (M) Mandamr with the remarks that necessary entry to this effect shall be made in his Service Book accordingly and recovery of Rs-412885/- of the period of (10 months) w.e.f 1/7/2016 to 30/4/2017 shall be made from his pension/gratuity under intimation to this office.
5. District Accounts Officer
6. Official Concerned.


DISTRICT EDUCATION OFFICER (M)
BUNER

Attested




OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



Notification

1. WHEREAS Mr. Quraish Khan PST GPS Nagrai was proceeded against under E&D Rules 2011 for wilful absence, misconduct and corruption.
2. AND WHEREAS he was served with a showcause notice vide this office No.6425-28 dated 14-11-2017 and his reply was found unsatisfactory.
3. AND WHEREAS, the then DEO (M) Buner imposed upon him major penalty of "Compulsory Retirement" w-e-f 1-7-2016 (A.N) and ordered recovery of overpayment amounting Rs. 412885/- from Quraish Khan PST.GPS Nagrai vide this Office No.421-26 dated 20-1-2018.
4. AND WHEREAS, the same order was challenged in Khyber Pakhtunkhwa Service Tribunal at Camp Court Swat vide service appeal No.755/2018, which was remitted to the Competent Authority vide judgment dated 2/9/2019 for deciding afresh after De-novo inquiry in accordance with law.
5. AND WHEREAS, in compliance with the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019. The inquiry committee recommended that penalty of "Compulsory Retirement" already imposed upon Mr. Quraish Khan PST GPS Nagrai may be retained w.e.f 1/7/2016.
6. AND WHEREAS, in the light of recommendations of the inquiry report, the then DEO(M) Buner retained penalty of "Compulsory Retirement" upon Mr. Quraish Khan PST GPS Nagrai of Tehsil Mandanr Buner w-e-f 1-7-2016 vide this office No.469-74 dated 18/2/2020 & overpayment amounting Rs.412885/- w.e.f 1/7/2016 to 30/4/2017 (10 months.) may be recovered and deposited in the Govt; exchequer.
7. AND WHEREAS, the same order was challenged in the court of Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 5696/2020, which was decided on 14/9/2021 with the directions to convert compulsory retirement into premature voluntary retirement w.e.f 1/7/2016.
8. NOW, therefore, in compliance with the Honourable Court Judgment dated 14-09-2021, in service appeal No.5696/2020, the Competent Authority is pleased to convert Compulsory Retirement from Service to Voluntary pre-mature Retirement in respect of Mr. Quraish Khan PST GPS Nagrai w-e-f 1-07-2016.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst; No. 92-97 / Dated 7/1/2022.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
3. District Monitoring Officer Buner.
4. Sub-Divisional Education Officer (M) Mandanr with the remarks/directives that necessary entry to this effect shall be made in his Service Book accordingly and recovery of overpayment Rs-412885/- for the period of (10 months) w.e.f 1/7/2016 to 30/4/2017 shall be made from his pension/gratuity under intimation to this office.
5. District Accounts Officer.
6. Official Concerned.

Attended
DISTRICT EDUCATION OFFICER (M)
BUNER
7/1/22



Annex D (11)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-519468
EMAIL: edobuner@gmail.com



NOTIFICATION.

1. **WHEREAS** on the verbal complaint of SDEO(M) Mandanr, an inquiry was conducted against Mr. Quraish Khan PSHT GPS Nagrai through the DDEO(M) Buner and SDEO(M) Gagra and as per inquiry report of the inquiry committee, he had illegally drawn Rs:412885/- (Four lac twelve thousand Eight Hundred & Eighty Five) for ten months and inquiry committee recommended that the same amount may be recovered from him and be refunded in Govt treasury through challan and his pension case may not be processed unless the said amount is not refunded.

2. **WHEREAS** he had been served show cause notice vide this office No.6425-28 dated 14-11-2017 and his reply was found unsatisfactory.

3. **WHEREAS**, then the DEO(M) Buner imposed upon him major penalty of "Compulsory Retirement from service" w-e-f-1-7-2016(A.N) and recovery of the amount Rs. 412885/- upon Quraish Khan PST, GPS Nagrai vide this Office No.421-26 dated 20-1-2018.

4. **WHEREAS** As per judgment of the Khyber Pakhtunkhwa Service Tribunal at camp Court Swat S/appeal No.755/2018, the case of the appellant is remitted to the Competent Authority for decision, a fresh after De-novo inquiry in accordance with law.

5. **WHEREAS**, in compliance of the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019 & the inquiry committee recommends that Mr. Quraish Khan PST GPS Nagrai may be retained of penalty imposed upon Compulsory Retirement from service under rules 4(b) (ii) w.e.f 1/7/2016

NOW, therefore the Competent Authority, in exercise of the power conferred upon under the Rule 4(b) (ii) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 is pleased to retain penalty of "Compulsory Retirement from Service" upon Mr. Quraish Khan PST GPS Nagrai of Tehsil Mandanr Buner w-e-f- 1-7-2016 as already notified vide this office No.421 dated 20/1/2018 & amount of Rs.412885/- for (10 months.) w.e.f 1/9/2015 to 30/6/2016 may be recovered and deposited in the Govt; exchequer.

(MUHAMMAD AZAM KHAN)
DISTRICT EDUCATION OFFICER (M)
BUNER

Sub Divn. Edu. Officer (M)
Mandanr Dist. Buner

969-741 Dated 18/2/2020.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
3. District Monitoring Officer Buner.
4. Sub Divisional Education Officer (M) Mandanr with the remarks that necessary entry to this effect shall be made in his Service Book accordingly and recovery of 412885/- be made from his pension/gratuity under intimation to this office.
5. District Accounts Officer
6. Official Concerned.

Sub Divisional Edu. Officer (M) Mandanr Buner

(Signature)
18/2/2020
DISTRICT EDUCATION OFFICER (M)
BUNER

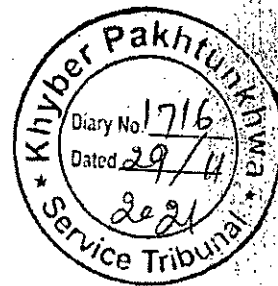
BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 353/2021

IN

Service Appeal No. 5696/2020

Decided on 14-09-2021



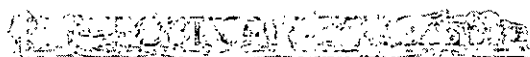
Quraish Khan,
Ex-PST, GPS, Nagrai, District Buner.

..... Petitioner

Versus

1. District Education Officer (Male), Buner.
2. Director (E & SE) KPK,
Education Directorate, GT Road Peshawar
3. Head Teacher, GPS Nagrai, Buner

..... Respondents



**PETITION FOR DIRECTING
RESPONDENTS TO IMPLEMENT
THE ORDER DATED 14-09-2021
PASSED IN SERVICE APPEAL
NO.5696/2020.**

Sheweth!

1. That the appellant filed a Service Appeal No. 5696/2020, the same has been accepted vide order dated 14-09-2021 (Copy attached as annexure-A), the operative part whereof is reproduced for ready reference:
"in view of above factual and legal position, by acceptance of this appeal, we set aside the impugned order and appellant stands voluntarily retired from 01-07-2016 when he himself submitted application seeking

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2

B

premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of appellant **within 30 days** of the receipt of this judgment. Parties by are left to bear their own costs. File to be consigned to the record room"

2. That the above referred judgment has been remitted to respondent No.1 through an application.
(Copy of application is attached as annexure-B).
3. That the letter for compliance of the order has also been sent by worthy Registrar of this Honorable Tribunal as well.
4. That it will be not out of place to mention here that the respondents have not assailed the stated judgment before the august Supreme Court of Pakistan, so the judgment has got finality.
5. That it is astonishing rather /shocking to know that the respondents No.1 has issued corrigendum dated 04-11-2021 **(Copy is attached as annexure-C)**, whereby he acted as appellate forum and assumed the jurisdiction of Supreme Court and thus struck down the order passed by the worthy KPK Service Tribunal which is a clear violation of the law on the subject, for which separate application is being filed against the respondent No.1.
6. That the respondents are under legal obligations to implement the order passed by the worthy Service Tribunal in letter and spirit but they failed to do so, hence this petition.
7. That the appellant seeks leave of the Court to urge additional ground at the time of arguments.

PRAYER:

It is, therefore, prayed that the order dated 14-09-2021 passed in Service appeal No.5696/2020 may kindly be

ATTESTED
Hyber Pakhtunkhwa
Service Tribunal
Peshawar

(3)

14

implemented in letter and spirit without further amount of delay.

Petitioner

Through

[Signature]
AKHTAR ILYAS
ADVOCATE HIGH COURT
&
[Signature]
CHAGAIZ KHAN
ADVOCATE

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent

ATTESTED
Gul Daraz Khan
Commissioner
Advocate High Court
[Signature]

Certified to be true copy
[Signature]
KADINER
Khayber Pakhtunkhwa
Service Tribunal
Peshawar

E.P. No. 353/2021

15

Quresh Khan vs Govt



22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.

[Signature]
Reader

28th April, 2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks adjournment to submit implementation report. To come up for implementation report on 09.06.2022 before S.B.

[Signature]
FARIEHA PAUL
Member (E)

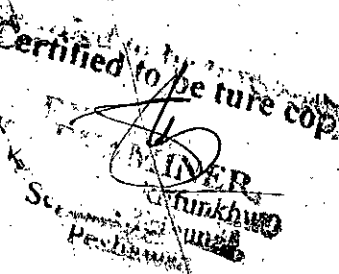
09.06.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ifrikhar Ghani, DEO (M) respondents present.

Representative of respondent department submitted implementation report vide notification Endst; No. 82-87 dated 07.01.2022 which is placed on file and stated that judgment of this Tribunal has been implemented.

In view of the above, instant petition is disposed off. File be consigned to record room.

Announced
09.06.2022



[Signature]
(Farieha Paul)
Member (E)

Copy of Presentation of Amended Petition	16-11-22
Number of Words	852
Copying Fee	12/-
Urgent	4/-
Total	14/-
Name of Copyist	16-11-22
Date of Completion	16-11-22
Place of Delivery of copy	16-11-22

PENSION PAPERS



Mr/Mrs/Miss OURAISH KHAN

..... GPS. NAGRAI

..... DISTRICT BUNER

..... CELL.# 03497337953

NOTE: Please read carefully

Signature
[Handwritten signature]

N.B. Please read carefully the relevant rules, instructions and orders,
In the case of family pension for death while in service, page 2 will not be
filled in and page 3 will be applicable.

2
FORM 3 (PEN)
PART-I

(To be filled in and signed by the applicant himself/herself)

APPLICATION FOR PENSION AND/OR GRATUITY

To

The.....District Accounts officer,
.....District Buner.....
.....at Daggar.....

Sir,

I have the honour of say that I
*have retired
*have been permitted to retire from
*am due to retire

service on (date) ...01-07-2016 (A.N).....

1. I, therefore, request that the pension/gratuity admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any pension or gratuity for any portion of this service, nor shall I submit any application hereafter without quoting a reference to the application and to the orders which may be passed on.

3. Should the amount of the pension and/or gratuity granted to me be afterwards found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

4. I wish to draw/do not wish to draw gratuity in lieu of one fourth of my pension.

5. I wish to commute my pension to the extent of Rs.....Rs 1460045.22.....

6. I wish to draw my pension from the District Accounts Office/Treasury/Sub-Treasury/National Bank of Pakistan Branch at.....NBP Daggar (Buner)..... (Place)

7. The following documents, duly attested, are enclosed:

- a. Three specimen signature of mine/two sets of my thumb and finger impressions on the prescribed form.
- b. Three photographs of mine.

Your obedient Servant,



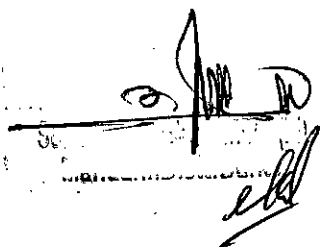
Signature... QURAISH KHAN
S/O... SARFARAZ KHAN

W/O.....
D/O.....

Date 9/02/2022

Post held on the date
of retirement ... **PST B-13:**

*Delete in-applicable alternative



PART-II

(To be completed by the Office/Department receiving the application for pension)

SECTION (1) PARTICULARS OF APPLICANTS

- *1. Name of civil servant..... QURAIKH KHAN
- *2. Father's Name..... SARFARAZ KHAN
- *3. Nationality..... PAKISTANI
- *4. Postal Address... Village & P/O Nagrai Tehsil Mandanr Distt: Buner
- 5. Post held on the date of retirement/death and BPS -13 PST
- 6. Date of birth..... 12-12-1964
- [Commencement of service..... 03-10-1988
- 7. Date of [Retirement/death..... 01-07-2016
- [Application for pension.....

Y M D

8. Length of service

From 03-10-1988 to 01-07-2016 27 08 28

From To

From To

Total 27 08 28

9. Date of commencement and ending of each spell of military service, if any:

Y M D

From To

From To

Total

10. Government under which service has been rendered in chronological order:

Government of..... KPK from to i.e.....

Government of..... KPK from to i.e.....

Government of..... KPK from to i.e.....

Total 27 08 28

11. Class of pension or gratuity applied for..... RETIRING

12. Average Emoluments/Emoluments last drawn... Rs.30410 + 880 = 31290

13. Proposed gross pension/gratuity..... Rs 20442.80

14. Proposed family pension..... xxxx

15. Proposed gratuity in lieu of 1/4th pension xxxx

16. Proposed value of commutation...35% Rs 1460045.22 (-) 412885 = 1047160 ..

(ROP Rs 412885/- w-e-f 01/07/2016 to 30/04/2017)

17. Proposed net pension..... Rs.13287.82

*18. Place of District Accounts Office

Treasury/Sub-Treasury..... DAO BUNER

19. Date from which pension is to commence..... 02-07-2016

Signature of Head of.....
Office/Department Sub Divinal: Edu/ Officer (M)
Mandanr. Distt: Buner

*Entries No.1,2,3,4 and 18 should be made in capital letters.

SECTION (2) CALCULATION OF QUALIFYING SERVICE

Total length of service as per Col. (1) of Section (1)	Y	M	D
Non-qualifying Service from.....	00	00	00
	Period		
	Y	M	D

- (i) Extraordinary leave.....
(ii) Unauthorized absence.....
(iii) Spell of service not qualifying for Pension.....

Total (i), (ii) & (iii):-

Net qualifying service.....28 years.....			
Add.....from...03-10-1988 to 01-07-2016	Period		
	27	08	28
(i) Periods, if any, Military service or War, Service allowed to count for pension.			
(ii) Benefit of condonation of deficiency in total qualifying service			
Total (i) & (ii)	27	08	28
Total qualifying service.....			

SECTION (3) (a) CALCULATION OF "AVERAGE EMOLUMENTS"

Statement of emoluments during the last 36/12 months in case the post has not been held on regular basis.

Period		Duration Months and Day	Mon4hly Rate of Emoluments		Amount Drawn	
From	To		Rs.	Ps.	Rs.	Ps.

$$31290 \times 28 \times 7 / 300 = \text{Rs } 20442.80 = 1460045.22$$

Total emoluments for 36/12 months are

Therefore "Average Emoluments" work out to Rs. 36/12 =Rs.

P.M

SECTION (3) (b) STATEMENT OF PAY/EMOLUMENTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS

- (a) Pay.....Rs. 30410 +880/-
(b) Senior Post Allowance.....Rs.
(c)Rs.
(d)Rs.
(e)Rs.

Total:- Rs. 31290/-

SECTION (4) CALCULATION OF PENSION/GRATUITY

Length of total qualifying service28.....years

Emoluments/Average Emoluments Rs..... 31290/-.....

Amount of gratuity (in case where qualifying

Service is 5 years or more but less than 10 years Rs.....

Amount of gratuity on discharges from temporary

Service where qualifying service is 10 years or
more but less than 25 years Rs.....

Please see relevant rules/orders refer filing in this section.


Sub Divisional Officer (M)
Mandari, Distt: Buner

Gross Pension	Rs.....20442.80.....
Benefit of extra service beyond 30 years	Rs.....
Total Pension	Rs.....20442.80.....
Less 1/4th (in case of family pension for death while in service)	Rs.....
OR	
Less commuted portion of Pension	Rs..... 7154.98.....
Net Pension	Rs.....13287.82.....

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

Length of total qualifying service28.....years
Amount of pension surrendered	Rs.....
Rate of gratuity for every rupee surrendered (on age next birth day basis)	Rs.....
Lump-sum gratuity admissible	Rs.....

SECTION (6) COMMUTED VALUE OF PENSION

(i) Amount of pension to be commuted	Rs.....7154.98.....
(ii) Age next birth day52..... years
(iii) Rate of commuted value for every one rupee (on age next birth day basis)	Rs.....204.06.....
(iv) Commuted value of pension	Rs <u>1460045.22 (-) 412885 = 1047160.</u>

* (ROP Rs 412885/- w-e-f 01/07/2016 to 30/04/2017)

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY

1. The undersigned is satisfied that the service of QURAIKH KHAN PST has been satisfactory. The grant of full 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 Mr, _____ 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 **02-07-2016**

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 and 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.


 Sub Divnal. Ebu: Officer (M)
 Mandanr. Distt: Buner

Signature.....
 Designation.....

PART - III

(For use in the Accountant-General's Office)


- I. The calculations contained in the preceding pages have been checked.
- II. Length of qualifying service accepted in Audit.....years.
- III. Reasons for difference, if any, between this and the length of qualifying service worked out by the Department.
- IV. Amount of pension/gratuity. Rs.....
- V. Reasons for discrepancy, if any, between this amount and that calculated by the department. Rs.....
- VI. Amount of family pension. Rs.....
- VII. Reasons for discrepancy, if any between this amount and that calculated by the department. Rs.....
- VIII. Amount of gratuity in lieu of 1/4th of pension surrendered. Rs.....
- IX. Amount of commutation for the pension commuted. Rs.....
- X. Reasons for discrepancy, if any, between this amount and that calculated by the department. Rs.....
- XI. Amount of net pension payable. Rs.....
- XII. The pension will commence from. Rs.....
- XIII. Allocation of the pension and gratuity. Pension Gratuity

Government of.....		
Government of.....		
Government of.....		
Defence Estimates.....		
Total:-		_____
- XIV. Anticipatory pension of Rs..... (Rupees.....) per month, granted with effect from..... vide P.P.O No..... under rule..... to be adjusted in the final P.P.O.
- XV. Amount of pension surrendered for gratuity Rs.....
- XVI. Amount of original pension commuted Rs.....
- XVII. Checked with the L.P.C and "No Demand Certificate" Rs.....
- XVIII. P.P.O issued vide No..... dated.....

Assistant Accountant General
Assistant Accounts Officer__

50	46083			
ایڈویٹ: احمد الیاس				
بار کونسل ایسوسی ایشن نمبر: BC-11-1572				
رابطہ نمبر: 0333-9417974		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		

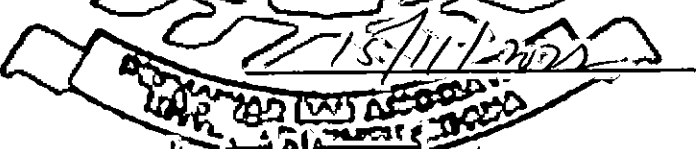
بعدالت جناب: حیدر حقون کوا سروس ٹریڈنگ کمپنی

منجانب: قدس خان	دعویٰ Execution Petition
 <p>قدس خان بنام حیدر حقون کوا سروس ٹریڈنگ کمپنی</p>	علت نمبر:
	مورثہ:
	جرم:
	تھانہ:

باعت تحریر آگے

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

آن مقام پشاور ایڈویٹ احمد الیاس، عبدالحمید ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جاتے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخیت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہیں ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 
 العبد العبد
 العبد العبد

شمارہ کے لیے منظور ہے

قدس خان وکیل سرفراز ایڈووکیٹس
 0343790-5
 15/11/2024

نوٹ: اس وکالت نامہ کی مندرجہ کارروائی ناقابل قبول ہوگی



