

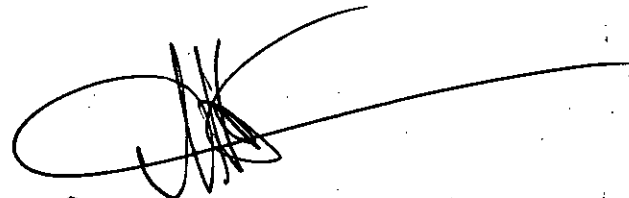
26.09.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Roheen Naz, ADO, Mr. Sajid, Supdt and Mr. Zakiullah, Senior Auditor for respondents present.

Learned counsel for the appellant submitted an application that the appeal in question may be disposed of in the light of decision of this Tribunal dated 07.08.2019 passed in service appeal no. 113/2019 and the same is placed on file. The grievance agitated through the instant appeal has already been redressed through notification dated 22.05.2019, whereby services of fixed pay employees were regularized w.e.f 01.07.2008.

As the grievances of the appellant have been redressed, therefore, the appeal in hand is disposed of. File be consigned to the record room.

Announced:
26.9.2019


(Ahmad Hassan)
Member

03.07.2019 Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith M/S Sajid Superintendent for the respondent No.1 Roheen Naz ADO on behalf of the respondents No. 3 & 4 and Zaki Ullah Senior Auditor on behalf of respondent No. 5 & 6 present and seeks time to furnish written reply/comments. Adjourned. To come up rejoinder/arguments on 29.08.2019 before S.B.


Member

~~29.08.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Roheen Naz, ADO, Mr. Zakaullah, Senior Auditor and Mr. Sajid, Supdt for respondents present. Written reply on behalf of respondents 1, 5 and 6 not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on behalf of respondents no. 1, 5 and 6 on 26.09.2019 before S.B.~~

~~(Ahmad Hassan)
Member~~

29.08.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Roheen Naz, ADO, Mr. Zakaullah, Senior Auditor and Mr. Sajid, Supdt for respondents present. Written reply on behalf of respondents not submitted. Requested for adjournment. To come up for written reply/comments on 26.09.2019 before S.B.


(Ahmad Hassan)
Member

11.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Retired Chowkidar) has filed the present service appeal for the grant of pensionary benefits.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 27.02.2019 before S.B.

27.02.2019

Appellant in person present. Security and process fee not deposited. Appellant is directed to deposit the security and process fee within 7 days, thereafter notices be issued to the respondents for submission of written reply/comments. Case to come up for further proceedings on 15.04.2019 before S.B.

Appellant Deposited
Security & Process Fee

Member
(Ahmad Hassan)

15.04.2019



Learned counsel for the appellant present. Written reply not submitted. M/S Inayat Ullah ADO, Zaki Ullah Senior Auditor and Rehmat Khan Superintendent representatives of the respondents present and seek time to furnish written reply/comments. Granted. To come up for written reply/comments on 23.05.2019 before S.B

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 40/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2019	<p>The appeal of Mr. Feroz Din presented today by Mr. Muhammad Asif Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR 11/1/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11.2-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 40 /2019

Feroz Din *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others

.....*Respondents*

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5	Copy of service book	B	8 - 14
5	Copy of appeal	C	15
6.	Copy of retirement order	D	16
7	Copy of Charge report	E	17
8.	Wakalatnama		18

Feroz Din

Appellant

Through

M. Asif
Muhammad Asif

Advocate Supreme Court

Off: 214 Syed Ahmad Ali Building
Near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.
Office No.091-5279292
Cell: 0302-8885187
0311-1934339

Dated: 08.01.2019

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. 40 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 48

Dated 11-1-2019

Feroz Din s/o Rehmat Din
R/o Mohallah Molana Abad, P.O. Khaas, Manki Sharif
Tehsil and District Nowshera..... *Appellant*

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
- 4) District Education Officer (Male), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer, District Account Officer, Nowshera.

.....*Respondents*

Filed to-day
Registrar
11/1/19

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORAL ORDER OF RESPONDENTS OF REFUSAL TO ISSUE PENSION TO THE APPELLANT FROM THE DATE OF RETIREMENT i.e. 30.06.2016 WHILE APPEAL FILED ON 27/9/2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Prayer:

On acceptance of this appeal, the respondents may kindly be directed to issue pension and pensionary benefits to the appellant from the date of retirement i.e. 30.06.2016 by setting aside the oral refusal of the respondents regarding issuing pension to the appellant.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar/ Naib Qasid on 09.04.1996 in Govt. Primary School No.4. Manki Sharif, Tehsil and District Nowshera and took charge against a vacant post of Chowkidar on fixed pay after producing medical fitness certificate. (Copy of appointment letter is Annexure "A").
- 2) That later on the services of the appellant was confirmed and the appellant was granted BPS-1 and retired on 30.06.2016 in BPS-03. (Copy of service book is Annexure "B").
- 3) That after retirement appellant was confident that as appellant has served the department for more than 20 years therefore, appellant was confident that after due process pension would be granted to the appellant after due process.
- 4) That after some time appellant inquired from the respondents regarding pension and pensionary benefits on which appellant was informed that hon'ble Peshawar High Court Peshawar has decided the writ petition regarding the pension and pensionary benefits therefore, after proper approval from competent authority the cases of pension would be decided/ processed.
- 5) That appellant was further informed that decision regarding pension would take some time because a lot of cases has to be considered individually and thus appellant should wait.

- 6) That finally when appellant did not get any response from respondents, appellant again contacted the respondents. However, from the office of respondents, appellant came to know that pension and pensionary benefits have been granted only to those whom have challenged the same.
- 7) That appellant filed appeal to the respondent No.2 but 3 months have been passed and until now the pension and pension benefits have not been granted to the appellant. Moreover appeal of the appellant has not been decided. (Copy of appeal is Annexure "C")
- 8) That aggrieved with, appellant has come before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for pension and pensionary benefits.

GROUND:

- a. That the oral refusal/ order of respondents of not granting pension and pensionary benefits to the appellants is against law and facts hence untenable in the eyes of law.
- b. That by not deciding the appeal of appellant regarding pension and pensionary benefits and not granting pension and pensionary benefits to the appellant, respondents are exercising powers not vested to them under the law.
- c. That respondents failed to appreciate the fact that appellant after joining the service was retired on superannuation i.e. on 60 years of age and thus has served the department for more than 22 years and is entitled for pension and pensionary benefits.
- d. That respondents failed to appreciate the fact that a person who servers for 10 years is entitled for the pension and pensionary benefits.
- e. That under the law for granting pension and pensionary benefits the period of service i.e. regular and temporary are counted.

- d. That respondents failed to appreciate the fact that a person who serves for 10 years is entitled for the pension and pensionary benefits.
- e. That under the law for granting pension and pensionary benefits the period of service i.e. regular and temporary are counted.
- f. That respondents under the law were bound to decide the case of each employee to whom pension and pensionary benefits were refused in the light of decision of Peshawar High Court, Peshawar.
- g. That respondents failed to appreciate the real point involved in the case of appellant and thus has acted illegally.
- h. That the oral decision of respondents of not granting pension and pensionary benefits to the appellant is perversant and against the settled principle of law and justice and as such is liable to be set aside.

It is, therefore, requested that on acceptance of this appeal, respondents may kindly be directed to release pension and pensionary benefits to the appellant from the date of retirement along with any other remedy which deems fit and necessary and not specifically asked for may also be awarded with costs.

میرزا اسفند

Appellant

Through

Mol [Signature]

Muhammad Asif

Advocate,

Supreme Court of Pakistan

Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.

Cell: 0302-8885187

Off: 091-5279292

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.

Mol [Signature]

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2019

Feroz Din *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

AFFIDAVIT

I, Feroz Din s/o Rehmat Din R/o Mohallah Molana Abad, P.O. Khaas, Mandki Sharif Tehsil and District Nowshera do hereby affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

فیروز الدین
Deponent

ATTESTED
KHALIDA RAHMAN
ADVOCATE
OATH COMMISSIONER
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2019

Feroz Din *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

ADDRESSES OF THE PARTIES

APPELLANT:

Feroz Din s/o Rehmat Din
R/o Mohallah Molana Abad, P.O. Khaas, Mandki Sharif
Tehsil and District Nowshera

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
- 4) District Education Officer (Male), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer; District Account Officer, Nowshera.

سید فہر دین

Appellant

Through

محمد اسف

Muhammad Asif
Advocate Supreme Court

Annex A (7)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR
APPOINTMENT ORDER OF CLASS-IV
ON CONTRACT BASIS.

Mr. Faraz Din

S/O Rehmat Bin

resident of village Manici Sharif
appointed as Class-IV (Chowkidar/Baran Kashi) on Rs. 1200/- PM fixed
under the Contract basis. The date of taking over charge at GBS
Manici Sharif against Contract is as follows:-
Bond under the following terms and conditions:-

candidate is hereby
concerned.

1. Charges reports should be submitted to all concerned.
2. NO TA/DA is allowed being 1st appointment.
3. NO joining time is allowed that is absolutely necessary for the
4. The appointment is purely temporary basis and subject to the
5. The candidate wishes to leave the job, he should have to submit termination at any time/notice one month prior notice.
6. He should be produced his health and age certificate from the concerned Civil Surgeon/M.O. within 10 days of reporting arrival duty has required under the rule 10(1) Sec 4.
7. In case the candidate shirkat fails to take over charge within 10 days from the date of issue of this order his appointment will stand automatically cancelled.
8. The candidate should not be inducted over charge if his age is not between 18-45 years.
9. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt: from time to time.
10. He will submit photocopies of the originals of the relevant documents Card Domicile etc. to this Office at the time of taking over charge.
11. He will be dealt with under the BSO rules if he violates overcharge regulation.

(MIAN QAYYUM SHAH)
DISTRICT EDUCATION OFFICER (M)
PRIMARY NOWSHERA.

Endst: NO. 175-82 / F.NO. 1 / Class-IV dated NSR the 24/1/06.

Copy for information to the:-

1. Director of Primary Education NWFP Peshawar.
2. Sub-Divisional Education Officer (Male) Nowshera with the request that documents etc of the above mentioned candidate may please be checked before taking over charge.
3. District Accounts Officer Nowshera.
4. Head teacher concerned.
5. CPA concerned.
6. 2/Files.

DISTRICT EDUCATION OFFICER (M)
PRIMARY NOWSHERA.

Mohammad

Asst

ATTESTED

C/S [Signature]

مهر از دین

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OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) NOWSHERA

Office Order

Mr. Feroz Din S/o Rehmat Din resident of Manki Sharif candidate is hereby appointed as class IV Chowkidar/ N/Qasid on Rs: 1200/-PM fixed under the rules with effect from the date of his taking over charge at Govt Girls Primary School GPS Manki Sharif against vacant post According the Agreement Bond under the following terms and conditions

1. Charge reports should be submitted to all concerned.
2. NO TA/DA is allowed.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely on temporary basis & subject to the termination at any time and without any notice.
5. The case he wishes to leave the Deptt: the should have submit on month prior notice.
6. He/ Should be produced his health & age certificate from the concerned civil Surgeon with in 7 days of reporting arrival a duty as required under the rules FR 10 Sr.4.
7. In case the candidate failed to take over charge within 10 days from the date of issue of this order his appointment will stand automatically cancelled.
8. The candidate should not be handover charge if his are is set between 18-45 years.
9. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt from time to time.
10. He will photo copies of the relevant documents in national Identity card Domicile etc to this office at the time of taking over charge.
11. He will be dealt with under the E & D if he violated Govt: Rules and regulation.

Mian Qayyum Shah
District Education Officer (M)
Primary Nowshera

Endst No. 1879-82 F.No.11 B/Class-IV dated 19.04.96

Copy of the above is forwarded to the:

1. Director of Primary Education NWFP Peshawar.
2. Sub Divisional Election officer Male Nowshera with the request that comments etc of the above mentioned candidate may please be checked before taking overcharge.
3. District Accounts Officer Nowshera.
4. Head Teacher concerned
5. MPA Concerned
6. P/File

Asul
ATTESTED

District Education Officer (M)
Primary Nowshera

Annex B

8

390
+
1

SERVICE BOOK

OF

Mr.

Handwritten name in Urdu script

Handwritten address in Urdu script

ASH

03219752870
Handwritten number

Price Rs. 45:00

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

Name: Feroz ul Din

Race: Afghan

Residence: Moh. Mullana Akbar Khani Sharif
Vill. Khani Sharif Dist. NSK.

Father's name and residence: Rahmat Din

Date of birth by Christian era as nearly as can be ascertained: 1956
June 27 1956

Exact height by measurement: 5-8


Date


Personal marks for identification: NIL


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

Auf
ATTESTED

Little Finger: 

Ring Finger: 

Middle Finger: 

Fore Finger: 

Thumb: 

Signature of Government Servant: [Signature]

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

[Signature]
DDO (M)
(E/SE) NSR

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
C.P.S. Member Sharif (F. 1000)		R	1200/- P.M.	P.M.	P.M.	9/4/96	
		B)	1580/- P.M.			1-7-97	F. 1000
id.		R -	1800/- P.M.			1-1-99	F. 1000
id.		R -	2000/- P.M.			1-7-2000	F. 1000
id.		R -	2500/- P.M.			1-7-2000	F. 1000
id.		R -	2800/- P.M.			1-7-2003	F. 1000
id.		R -	3100/- P.M.			1-12-2004	F. 1000
id.		R -	3500/- P.M.			1-7-2005	F. 1000
id.		R -	4000/- P.M.			1-12-2006	F. 1000

Asst
ATTENDED

7960
170
8130
170
8300

8 Signature of Government Servant	9 Name and Designation of head of the office or attesting officer	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
1996 فروری	DDO (M) (E/S) NSR	NSR 9/97	Revision	DDO (M) (E/S) NSR					
فروری	DDO (M) (E/S) NSR	NSR 6-99		DDO (M) (E/S) NSR			Appointed as Deputy at D.P.S. Math Sharif. DSO by DFO (M) NSR		
فروری	DDO (M) (E/S) NSR	NSR 1-00		DDO (M) (E/S) NSR			No 7079-82 dt 9-4-1997		
فروری	DDO (M) (E/S) NSR	NSR 6-2000		DDO (M) (E/S) NSR			Service verified up to 9/4/1996		
فروری	DDO (M) (E/S) NSR	NSR 2000		DDO (M) (E/S) NSR			To 30-11-996 from the Acq. Roll and other record of this office		
فروری	DDO (M) (E/S) NSR	NSR 2004		DDO (M) (E/S) NSR					
فروری	DDO (M) (E/S) NSR	NSR 05		DDO (M) (E/S) NSR			Service verified up to 1-12-1998		
فروری	DDO (M) (E/S) NSR	NSR		DDO (M) (E/S) NSR			To 30-11-1998 from the Acq. Roll and other record of this office		
16	DDO (M) (E/S) NSR	NSR		DDO (M) (E/S) NSR					
	DDO (M) (E/S) NSR	NSR		DDO (M) (E/S) NSR			Service verified up to 1-12-2000 to 30-11-2002 from the Acq. Roll and other record of this office		
	DDO (M) (E/S) NSR	NSR		DDO (M) (E/S) NSR					

Asst. District Officer

DDO (M)
(E/S) NSR

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
	Released entry in the light of letter head of O.M.N.P. Finance Deptt. No. Re-1/10/1-2007/2008 dt. 30-7-2008						
	Pay on 9-4-1996			Rs. 1265/- PM			
	Pay on 1-12-1996			B2 1280/- PM			
	Pay on 1-12-97			B2 1315/- PM			
	do 1-12-98			B2 1350/- PM			
	do 1-12-99			B2 1385/- PM			
	do 1-12-2000			B1 1420/- PM			
	do 1-12-2001			B1 1455/- PM			
R/P/Scale	do 1-12-2001			B2 2200/- PM			
	do 1-12-2002			B2 2255/- PM			
	do 1-12-2003			B1 2310/- PM			
	do 1-12-2004			B2 2365/- PM			
R/P/Scale 1-7-2005	do 1-7-2005			B2 2735/- PM			
	do 1-12-2005			B2 2800/- PM			
	do 1-12-2006			B2 2865/- PM			
R/P/Scale 1-7-2007	do 1-7-2007			B2 3200/- PM			
1-7-2008	do 1-12-2007			B2 3375/- PM			
R/P/Scale	do 1-7-2008			B2 4050/- PM			
	do 1-12-2008			B2 3450/- PM			
	do 1-12-2009			B2 3555/- PM			

ASL
ATTESTED

(USE)
 [Signature]

7960
 170
 8130
 170
 8300

8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature of Government Servant <i>P. Finance</i> 7-2008-	Nature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
<i>فروری 2008</i>								
<i>فروری 2008</i>								
<i>فروری 2008</i>							<i>Service Verified w.e.f. 1-12-2002 to 30-11-2004 from the Acq Roll & other record of this office</i>	
<i>فروری 2008</i>							<i>[Signature]</i> D. [Signature] (EISE) NSR	
<i>فروری 2008</i>								
<i>فروری 2008</i>							<i>Service Verified w.e.f. 1-12-2004 to 30-11-2005 from the Acq Roll and other record of this office.</i>	
<i>فروری 2008</i>							<i>[Signature]</i> D. [Signature] (EISE) NSR	
<i>فروری 2008</i>								
<i>فروری 2008</i>							<i>Service Verified w.e.f. 1-12-2005 to 30-11-2007 from the Acq Roll & other record of this office</i>	
<i>فروری 2008</i>				<i>AS</i>			<i>[Signature]</i> D. [Signature] (EISE) NSR	
<i>فروری 2008</i>								
<i>فروری 2008</i>							<i>Service Verified w.e.f. 1-12-2007 to 31-11-2009 from the Acq Roll & other record of this office</i>	
<i>فروری 2008</i>							<i>[Signature]</i> D. [Signature] (EISE) NSR	

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Chowdhury S. S. M. M. Khan Senior						1-12-08 4140/- P.M.	
						do 1-12-2009 B = 4230/- P.M.	
						do 1-12-2008 B = 4320/- P.M.	
M. M. M. Khan						do 1-7-2007 B = 4050/- P.M.	
						do 1-12-11 B = 4200/- P.M.	
						do 1-12-2012 A = 7350/- P.M.	
(E) S. E. (NSR) Review Entry Allowed BPS No. 2 w.e.f. 1/12/07							
pay drawn on 1/07 in BPS No. 1 Rs. 3300/- P.M.							
pay fixed on 1/07 in BPS No. 2 Rs. 3380/- P.M. 1/07							
One Spl. grade on 1/09 Rs. 3465/- P.M.							
1/12/07 (A) grade Rs. 3550/- P.M.							
pay set Revised 1/08 Rs. 4235/- P.M.							
1/12/08 Rs. 4335/- P.M.							
1/12/09 Rs. 4435/- P.M.							
1/12/10 Rs. 4535/- P.M.							
pay Revised 1/11 Rs. 7450/- P.M.							
1/12/11 Rs. 7620/- P.M.							
1/12/12 Rs. 7790/- P.M.							
1/12/13 (A) grade Rs. 7960/- P.M.							

1960
170
3130
170
3300

ATTESTED

Sub Divisional Educational Officer (Male) Non-teaching

S.D. E.O. (M) Non-teaching

8	9	10	11	12	13		14	15	
					Leave				
Signature of Government Servant	Name and Designation of head of the office attesting officer	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Period	Government to which debitale		

2008
OFFICE OF THE ACCOUNTANT GENERAL
KHYBER PAKHTUN KHAWA PESHAWAR
BASIC PAY SCALES 2011
3035-400-6035
4235/-
Accounts Officer
Pay Fixation Party N.W.A.P. Peshawar

Service verified as of
1-12-2009 to 3-11-2011
from the Accy Roll/other
Records of this office

(Signature)
(E/S) NSR
2

Allowed RPS No. 2 vide
Govt of Khyber Pakhtunkhwa
Finance Deptt (Regulation Wing)
No. FD/SO(FR) 7-2/2007
Dated Peshawar on 29-9-2010

1-7-2011
7450/02

(Signature)

Sub-Divisional Education Officer (Male) Peshawar
(Signature)

Basic Pay Scales 2011
Office of The Accountant General
Khyber Pakhtun Khwa Peshawar
Pay Fixed in R.B.P.S. 2011
of Rs 4900-170-12000
A/Rs 7450/- P.M.W.R.F
With Next Increment on 1-07-2011
1-12-2011

Shows Allowed B-2

Accounts Officer
Pay Fixation Party K. Pakhtun Khwa
Peshawar

(Signature)
Sub-Divisional Education Officer (Male) Peshawar

Ob Pra -
30-
2014

Sub-Divisional Education Officer (Male) Non-
(Signature)

(Signature)

1	2	3	4	5	6	7	8	9	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office for attesting (officiating) in attestation of columns 1 to 8	
		BPS-02	Rs 2130/- P02			7 12/2014			
			Rs 8300/- Pm			12 12/2014			
					S.D.E. (M) Nowhere				
		Cable Receiver BPS-02 (Rs 6335-220-12935)							
			Rs 10735/-			7 12/15			
			Rs 10955/-			12 12/15			
		BPS-04 (Rs 6730-300-15730)							
			Rs 11230/-			12 2/15			
			Rs 11530/-			12 2/15			

Attested

S.D.O. (M)
Nowhere

10-10

13

9 Nature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
	30/11/2014	Retire				T 1036		
	30/15/15	SPR				9/19/14		
							A year of pay and All in PR. 2 unit of 07/03/2013/12/13/14	
							Pr 30454/5	
			TR-298	Actn 9/6/14				
			Dear Sir,	Pr No = 26957		On 11/11/14		
			and I promote			P.A.O		
			1/7 To 5/2015 -			11/14		
			214					
							Allowed one pre-mature Inc. on upgradation in the light of Govt of KP Finance Dept. (No. FD (SOGR-1) 123/2014. Dt. 30-06-2014	
			ALLOWED			14/7/14		
(02) Pay scale to SPS No 4						S.D.O. (1) Nowshera		
promoted to the post of SPS No. 4						Underlining		
KC 2110/2015				20-2015				
Dated 17-09-2015								

S.D.O. (1) Nowshera

Signature

Allowed one pre-mature Inc. on upgradation in the light of Govt of KP Finance Dept. (No. FD (SOGR-1) 123/2014. Dt. 30-06-2014

Dear Sir,
and I promote
1/7 To 5/2015 -
214

(02) Pay scale to SPS No 4 promoted to the post of SPS No. 4 KC 2110/2015 Dated 17-09-2015

S.D.O. (1) Nowshera

8 Signature of Government Servant	9 Signature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any prescribed punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable

TR # 792 dt 7/1/16
 Drawn from of dt of
 B-04 in 12/15 R. 695/

Handwritten signature
 7/1/16
 7/1/16

Handwritten signature

ATTESTED

Amex C

حکومت ہند - ڈسٹرکٹ انجکشن افسر Male

15
منبع نوشتہ

2-1
ملائے جاری کرے پنشن و مندرہ

ہندوستانی کسب ذیل عرفی کرتا ہوں

کہ وہ ایک نیکیت جو کیدار پورہ 09-04-1996
کی عمر کے موافق اور پورہ 30-06-2016 کو
60 سال کے عمر میں ملازمت سے ریٹائر
ہوا۔

ہندوستانی سائٹ 20 سال تک ملازمت کی ہے
اور پنشن و مندرہ جاری نہیں کی گئی

اسد علی ہے کہ سائٹ کو پنشن و مندرہ

ملازمت جاری کرے گا حکم ہندوستانی عدالت
27-09-2018

سرورین جو کیدار
گورنمنٹ ہیرنگبری سکول نیشنل سٹریٹ
نوشتہ

Arif
ATTESTED

11/11/18



Annex D

(16)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

OFFICE ORDER.

Under the provision Government of Khyber Pakhtunkhwa Finance Department letter No.FD (SR-IV) Vol.II dated 24/08/1983.

Mr. Feroz Din Chowkidar GPS No.4 Manki Sharif NSR is hereby retired from Government service w.e.f 30/06/2016 on superannuation. He is entitled for only lump sum gratuity of one month basic pay per complete year having regular service w.e.f 01/07/2008. His regular service is less than 10 years.

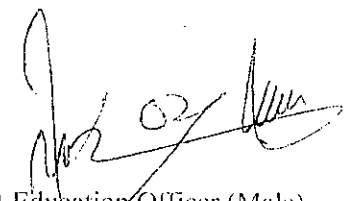
S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Apptt: on fixed	Transfer to Regular Service	Total Length of service Y-M-D	Remarks
01	Mr. Feroz Din Chowkidar GPS No.4 Manki Sharif NSR P.No.00341729	30-06-2016	1956 As per his service Book	09-04-1996	01/07/2008	07-11-29	Retire from Govt. Service on Superannuation. He was regularized w.e.f 01/07/2008

District Education Officer (Male)
Nowshera

Endstt: No 4870-73 /DEO (M) NSR/EA-S/ Retirement of PST/ Dated Nowshera the 2-18 /2016.

Copy of the above is forwarded for information and necessary action to the: -

- 1: Senior District Account Officer, Nowshera.
- 2: Sub Divisional Education Officer (Male), Nowshera
- 3: ADO Circle concerned
- 4: Official concerned.


District Education Officer (Male)
Nowshera

ATTESTED

Annex E

(17)

بیچارچ رپورٹ

من صیتی فیروز دین ولد رحمت دین چوکیدار کا آرڈر حکم ڈی۔ای۔ او صاحب
نوٹیفکیشن آرڈر نمبر 707982 گورنمنٹ پرائمری سکول نمبر 4 کوٹوا ہے
9-4-96 فیروز دین نے گورنمنٹ پرائمری سکول نمبر 4 مانکی شریف کے ہیڈ ماسٹر
سے اپنے عہدے کا بیچارچ وصول کیا۔

بیچارچ گریڈ 0

فیروز دین

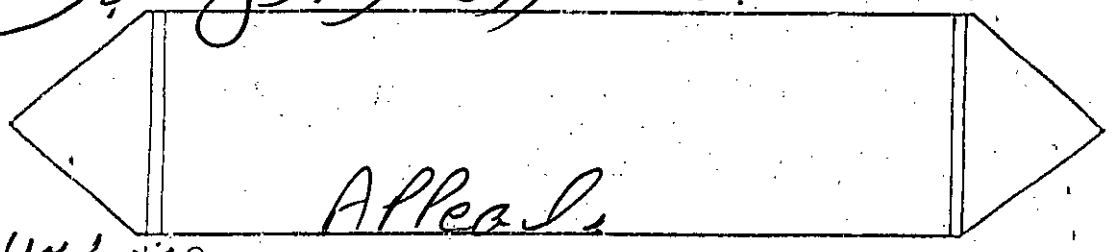
بیچارچ دھند
9-4-96

CLG [Signature]

Head Master
G.P.S. No. 1
Manki Sharif

ATTESTED

بعد الت جت سروس ٹریبونل اپنا اور



2 منجانب رسیدانت
بنام

مورخہ
مقدمہ
دعویٰ
جرم

میروزدین بنا گورنمنٹ وغیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ
آن مقام پٹنہ کیلئے محمد حیدر علی سید سید احمد اور آف پارٹ

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 ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درجہ اولیٰ ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ کو
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے جانے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واضح منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے 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 سندر ہے۔

20

المرقوم

واہ الع

کے لئے منظور ہے۔

مقام پٹنہ
میروزدین

ایڈووکیٹ

محمد منیر

سیریم کورٹ آف پاکستان

سیدالحج علی بیٹنگ ٹرڈنگ

214

گٹنگ ہیری صوبہ روڈ کراچی

صدر

09115279292

0802.8885782

0332.8885787

Mr. Feroz Din Appellant

VERSUS

Govt KPK and others Respondents

Respectfully Sheweth

Written comments on behalf of respondents are as under.

Preliminary Objections

- 1. That the appellant has no cause of action to file the instant appeal.**
- 2. That this Honorable Tribunal has got no jurisdiction to entertain the present appeal.**
- 3. The present appeal is bad for mis-joinder and non-joinder of necessary parties.**
- 4. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.**
- 5. That the instant appeal is barred by law.**
- 6. That the appeal is time barred.**
- 7. The appellant has no locus standi to file the instant appeal.**

Factual Objections:-

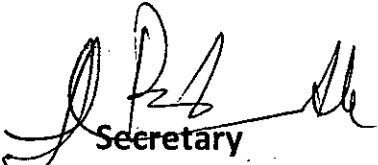
- 1. Pertains to record.**
- 2. Pertains to record.**
- 3. Pertains to record. However the appellant was appointed on fixed pay and not on regular basis.**
- 4. No Comments.**
- 5. No Comments.**
- 6. Incorrect. The secretary (E & SE) Govt of KPK Peshawar have issued notification Vide No. S.O (Lit-1)/E&SE/1-1/2012 dated 17-5-2018, which is general in nature and applicable to all class iv employees In the light of that said notification the appellant is entitled for pensionary benefits.**
- 7. Incorrect. The answering respondents are ready to extend pensionary benefits to the appellant in the light of notification dated 17-5-2018 but no appeal was submitted to answering respondents.**
- 8. No Comments.**

GROUNDS

- A. Incorrect. The appellant will act in the light of notification dated 17-5-2018.
- B. Incorrect. No appeal was submitted by the appellant.
- C. Incorrect. As explained in the above para's.
- D. Incorrect. As explained in the above para's.
- E. No comments.
- F. Incorrect. As explained in the above para's.
- G. Incorrect. As explained in the above para's.
- H. Incorrect. As explained in the above para's.

It is, therefore, requested that appropriate order may please be passed in the instant Service Appeal.

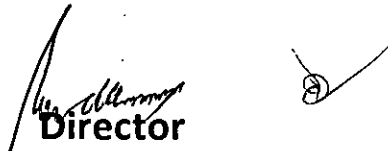
Respondent No. 2



Secretary

E & S Education Khyber Pakhtunkhwa
Peshawar

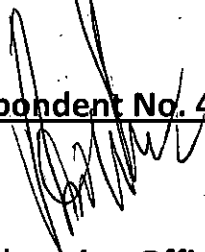
Respondent No. 3



Director

E & S Education Khyber Pakhtunkhwa
Peshawar

Respondent No. 4



District Education Officer
(Male) Nowshera

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 40/ 2019

Mr. Feroz Din Appellant

VERSUS

Govt KPK and others Respondents

AFFIDAVIT

I Attaullah Mena Khel District Education Officer (Male) Nowshera do solemnly affirm and declared on oath that the contents of the para wise comments on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.


DEPONENT

GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/

Dated Peshawar the 17-5 -2018

To

1. Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar
2. All District Education officers(M/F)
Khyber Pakhtunkhwa.

**SUBJECT: IMPLEMENTATION OF PESHAWAR HIGH COURT
JUDGEMENTS REGARDING GRANT PENSIONARY BENEFITS
TO CLASS IV EX FIXED PAY EMPLOYEES**

I am directed to refer to the subject noted above and to state that all the subject cases may be disposed off in light of para 13 of the judgement of Peshawar High Court dated 22-6-2017(copy enclosed). It is further stated that all such cases may be examined in light of prevailing pension rules and the employees who have rendered minimum length of service, which is 25 years in normal cases and ten years in special /family pension cases. Service rendered by officials under contract, adhoc etc shall be counted towards pension provide such officials were regularized at later stage and pension was denied to them on the ground of not fulfilling criteria of minimum time as regular employee.

However, this Department may be kept informed of the day to day proceedings.


Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

1. Advocate General KPK
2. Addl Registrar Peshawar High Court.
3. P.A to Spl: Secretary (Legal).


Section officer (Lit-I)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. 40 /2019

Feroz Din Appellant

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
..... Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal.		1-4
2	Affidavit.		5
3	Addresses of the parties.		6
4	Copy of appointment letter	A	7
5	Copy of service book	B	8 - 14
5	Copy of appeal	C	15
6.	Copy of retirement order	D	16
7	Copy of Charge report	E	17
8.	Wakalatnama		18

Feroz Din

Appellant

Through

Muhammad Asif

Muhammad Asif

Advocate Supreme Court
Off: 214 Syed Ahmad Ali Building
Near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.
Office No.091-5279292
Cell: 0302-8885187
0311-1934339

Dated: 08.01.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. _____/2019

Feroz Din s/o Rehmat Din
R/o Mohallah Molana Abad, P.O. Khaas, Manki Sharif
Tehsil and District Nowshera..... *Appellant*

VERSUS

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
 - 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
 - 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
 - 4) District Education Officer (Male), District Nowshera.
 - 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
 - 6) Senior District Account Officer, District Account Officer, Nowshera.
-*Respondents*

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORAL ORDER OF RESPONDENTS OF REFUSAL TO ISSUE PENSION TO THE APPELLANT FROM THE DATE OF RETIREMENT: i.e. 30.06.2016 WHILE APPEAL FILED ON 27/9/2018 HAS NOT SINCE BEEN REPLIED/ DECIDED AND THE STATUTORY PERIOD OF 3 MONTHS HAVE EXPIRED.

Prayer:

On acceptance of this appeal, the respondents may kindly be directed to issue pension and pensionary benefits to the appellant from the date of retirement i.e. 30.06.2016 by setting aside the oral refusal of the respondents regarding issuing pension to the appellant.

Respectfully Sheweth;

Appellant humbly submits as under:

- 1) That appellant was appointed as Class-IV Chowkidar/ Naib Qasid on 09.04.1996 in Govt. Primary School No.4. Manki Sharif, Tehsil and District Nowshera and took charge against a vacant post of Chowkidar on fixed pay after producing medical fitness certificate. (Copy of appointment letter is Annexure "A").
- 2) That later on the services of the appellant was confirmed and the appellant was granted BPS-1 and retired on 30.06.2016 in BPS-03. (Copy of service book is Annexure "B").
- 3) That after retirement appellant was confident that as appellant has served the department for more than 20 years therefore, appellant was confident that after due process pension would be granted to the appellant after due process.
- 4) That after some time appellant inquired from the respondents regarding pension and pensionary benefits on which appellant was informed that hon'ble Peshawar High Court Peshawar has decided the writ petition regarding the pension and pensionary benefits therefore, after proper approval from competent authority the cases of pension would be decided/ processed.
- 5) That appellant was further informed that decision regarding pension would take some time because a lot of cases has to be considered individually and thus appellant should wait.

- 6) That finally when appellant did not get any response from respondents, appellant again contacted the respondents. However, from the office of respondents, appellant came to know that pension and pensionary benefits have been granted only to those whom have challenged the same.
- 7) That appellant filed appeal to the respondent No.2 but 3 months have been passed and upto now the pension and pension benefits have not been granted to the appellant. Moreover appeal of the appellant has not been decided. (Copy of appeal is Annexure "C")
- 8) That aggrieved with, appellant has come before this Hon'ble Tribunal in this appeal on the following grounds amongst the others for pension and pensionary benefits.

GROUND:

- a. That the oral refusal/ order of respondents of not granting pension and pensionary benefits to the appellants is against law and facts hence untenable in the eyes of law.
- b. That by not deciding the appeal of appellant regarding pension and pensionary benefits and not granting pension and pensionary benefits to the appellant, respondents are exercising powers not vested to them under the law.
- c. That respondents failed to appreciate the fact that appellant after joining the service was retired on superannuation i.e. on 60 years of age and thus has served the department for more than 22 years and is entitled for pension and pensionary benefits.
- d. That respondents failed to appreciate the fact that a person who servers for 10 years is entitled for the pension and pensionary benefits.
- e. That under the law for granting pension and pensionary benefits the period of service i.e. regular and temporary are counted.

- d. That respondents failed to appreciate the fact that a person who serves for 10 years is entitled for the pension and pensionary benefits.
- e. That under the law for granting pension and pensionary benefits the period of service i.e. regular and temporary are counted.
- f. That respondents under the law were bound to decide the case of each employee to whom pension and pensionary benefits were refused in the light of decision of Peshawar High Court, Peshawar.
- g. That respondents failed to appreciate the real point involved in the case of appellant and thus has acted illegally.
- h. That the oral decision of respondents of not granting pension and pensionary benefits to the appellant is perversant and against the settled principle of law and justice and as such is liable to be set aside.

It is, therefore, requested that on acceptance of this appeal, respondents may kindly be directed to release pension and pensionary benefits to the appellant from the date of retirement along with any other remedy which deems fit and necessary and not specifically asked for may also be awarded with costs.

میرزا گلبرگین

Appellant

Through

Mol ASIF

Muhammad Asif

Advocate,

Supreme Court of Pakistan

Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri Masjid
Road, Peshawar Cantt.

Cell: 0302-8885187

Off: 091-5279292

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.

Mol ASIF

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A.No. _____/2019

Feroz Din *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
..... *Respondents*

AFFIDAVIT

I, Feroz Din s/o Rehmat Din R/o Mohallah Molana Abad, P.O. Khaas, Mandki Sharif Tehsil and District Nowshera do hereby affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

فیروز الدین

Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

S.A.No. _____/2019

Feroz Din *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary Finance Civil Secretariat, Peshawar & others
.....*Respondents*

ADDRESSES OF THE PARTIES

APPELLANT:

Feroz Din s/o Rehmat Din
R/o Mohallah Molana Abad, P.O. Khaas, Mandki Sharif
Tehsil and District Nowshera

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa, through Secretary Finance Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Director Elementary and Secondary Education, near Govt. Higher Secondary School No.1 G.T. Road, Peshawar City.
- 4) District Education Officer (Male), District Nowshera.
- 5) Accountant General, Accountant General Office, Fort Road, Peshawar Cantt, Peshawar.
- 6) Senior District Account Officer, District Account Officer, Nowshera.

فروز دین

Appellant

Through

Md Asif

Muhammad Asif
Advocate Supreme Court

Annex A (7)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY NOWSHERA.

APPOINTMENT ORDER OF CLASS-IV.

ON CONTRACT BASIS.

Mr. Farooq Din

S/O Rshmet Din

resident of village Manick Sharif appointed as SKA Class-IV (Chowkidar/Baiti) under NSR vide NSR the date of his taking over

candidate is hereby in Rs. 1200/- PM fixed over charge at CBS

Manick Sharif against NSR Bond under the following terms and conditions:

the agreement concerned.

1. Charges reports should be submitted to all
2. NO TA/DA is allowed being Ist: appointment.
3. NO joining time is allowed that is absolutely necessary for the
4. The appointment is purely temporary basis and subject to the termination at any time/notice.
5. The candidate wishes to leave the job, he should have to submit one month prior notice.
6. He should be produced his health and age certificate from the concerned Civil Surgeon/M.O. within 10 days of reporting arrival duty has required under the rule (EP-40) Sec 4.
7. In case the candidate ~~shows~~ fails to take over charge within 10 days from the date of issue of this order his appointment will stand automatically cancelled.
8. The candidate should not be taken over charge if his age is not between 18-45 years.
9. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt: from time to time.
10. He will photocopies of the NSR at the time of taking over charge. Card Domicile etc: to this Office if he violates any
11. He will be dealt with under the R.D. rules if he violates overcharge regulation.

(MIAN QAYYUM SHAH)
DISTRICT EDUCATION OFFICER (M)
PRIMARY NOWSHERA.

Endst: NO. 1275-82 / F.NO. 1 / Class-IV dated NSR the 2/11/96.

Copy for information to the:-

1. Director of Primary Education NWFP Peshawar.
2. Sub-Divisional Education Officer (Male) Nowshera with the request that documents etc of the above mentioned candidate may please be checked before taking over charge.
3. District Accounts Officer Nowshera.
4. Head teacher concerned.
5. MPA concerned.
6. P/Files.

DISTRICT EDUCATION OFFICER (M)
PRIMARY NOWSHERA.

Mohammad

C/S [Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) NOWSHERA

Office Order

Mr. Feroz Din S/o Rehmat Din resident of Manki Sharif candidate is hereby appointed as class IV Chowkidar/ N/Qasid on Rs: 1200/-PM fixed under the rules with effect from the date of his taking over charge at Govt Girls Primary School GPS Manki Sharif against vacant post According the Agreement Bond under the following terms and conditions

1. Charge reports should be submitted to all concerned.
2. NO TA/DA is allowed.
3. No joining time is allowed what is absolutely necessary for the transit.
4. The appointment is purely on temporary basis & subject to the termination at any time and without any notice.
5. The case he wishes to leave the Deptt: the should have submit on month prior notice.
6. He/ Should be produced his health & age certificate from the concerned civil Surgeon with in 7 days of reporting arrival a duty as required under the rules FR 10 Sr.4.
7. In case the candidate failed to take over charge within 10 days from the date of issue of this order his appointment will stand automatically cancelled.
8. The candidate should not be handover charge if his are is set between 18-45 years.
9. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt from time to time.
10. He will photo copies of the relevant documents in national Identity card Domicile etc to this office at the time of taking over charge.
11. He will be dealt with under the E & D if he violated Govt: Rules and regulation.

Mian Qayyum Shah
District Education Officer (M)
Primary Nowshera

Endst No. 1879-82 F.No.11 B/Class-IV dated 19.04.96

Copy of the above is forwarded to the:

1. Director of Primary Education NWFP Peshawar.
2. Sub Divisional Election officer Male Nowshera with the request that comments etc of the above mentioned candidate may please be checked before taking overcharge.
3. District Accounts Officer Nowshera.
4. Head Teacher concerned
5. MPA Concerned
6. P/File

District Education Officer (M)
Primary Nowshera

Annex B

8

390
+
1

SERVICE BOOK

OF

Mr.

میرزا محمد علی

اپس ایف او

03219752870
ایف او

Price Rs. 45:00

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

Name: Feroz Ud Din

Race: Afghan

Residence: Moh. Maulana Akbar Manki Sharif
Village Manki Sharif Distt. NSK.

Father's name and residence: Rahmat Din

Date of birth by Christian era as nearly as can be ascertained: 1956

۱۳۳۵

Exact height by measurement: 5-8

Date

Personal marks for identification: NCL

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

Little Finger:



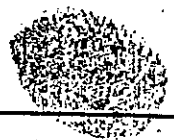
Ring Finger:



Middle Finger:



Fore Finger:



Thumb:



Signature of Government Servant:

Feroz Ud Din

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

[Signature]
DDO (VI)
(E/SE) NSR

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
CP's Member Sherif (U. 1000)		R	1200/-			9/4/96	
		B	1580/-			1-7-97	
		R	1800/-			1-2-99	
		R	2000/-			1-7-2000	
		R	2500/-			1-7-2002	
		R	2800/-			1-7-2003	
		R	3100/-			1-12-2004	
		R	3500/-			1-7-2005	
		R	4000/-			1-12-2006	

7900
170
8130
170
8300

8	9	10	11	12	13		14	15	
					Leave				
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
Signature of Government Servant	Name and Designation of head of the office or attesting officer	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to a recorded punishment censure, or reward or praise of the Government Servant	
	DDO (M) (EISE) NSR	NSR 10/97	Retiree	DDO (M) (EISE) NSR					
فوزیہ	DDO (M) (EISE) NSR	NSR 6-99	de	DDO (M) (EISE) NSR					Appointed as Deputy at G.P.S. Matha Sharif. Assured by DEO (M) NSR No 7079-8) dt 9-4-11
فوزیہ	DDO (M) (EISE) NSR	NSR 2000	de	DDO (M) (EISE) NSR					
فوزیہ	DDO (M) (EISE) NSR	NSR 6-99	de	DDO (M) (EISE) NSR					
فوزیہ	DDO (M) (EISE) NSR	NSR 2007	de	DDO (M) (EISE) NSR					Service verified upto 9/4/1996 from the Accept and other record of this office
فوزیہ	DDO (M) (EISE) NSR	NSR 2006	de	DDO (M) (EISE) NSR					
فوزیہ	DDO (M) (EISE) NSR	NSR 05	de	DDO (M) (EISE) NSR					Service verified upto 11-12-1998 from the Accept and other record of this office
فوزیہ	DDO (M) (EISE) NSR	NSR 1126	de	DDO (M) (EISE) NSR					
فوزیہ	DDO (M) (EISE) NSR	NSR		DDO (M) (EISE) NSR					Service verified upto 1-12-2000 to 30-11-2000 from the Accept and other record of this office
فوزیہ	DDO (M) (EISE) NSR	NSR		DDO (M) (EISE) NSR					

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
	Refused entry in the list of letter head of N.M.P. Finance Deptt. No. B- 7/10/1-2007/2008/30-7-2008-						
	Pay on 9-4-1996		Rs. 1245/- PM				
	Pay on 1-12-1996		B = 1280/- PM				
	Pay on 1-12-97		B = 1315/- PM				
	do 1-12-98		B = 1350/- PM				
	do 1-12-99		B = 1385/- PM				
	do 1-12-2000		B = 1420/- PM				
	do 1-12-2001		B = 1455/- PM				
R/P/Scale	do 1-12-2001		B = 2200/- PM				
	do 1-12-2002		B = 2255/- PM				
	do 1-12-2003		B = 2310/- PM				
	do 1-12-2004		B = 2365/- PM				
R/P/Scale 7-2005	do 1-12-2005		B = 2735/- PM				
	do 1-12-2005		B = 2800/- PM				
	do 1-12-2006		B = 2865/- PM				
R/P/Scale 1-1-2007	do 1-07-2007		B = 3200/- PM				
1-7-2008	do 1-12-2007		B = 3375/- PM				
R/P/Scale	do 1-7-2008		B = 4050/- PM				
	do 1-12-2008		B = 3450/- PM				
	do 1-12-2009		B = 3555/- PM				

7960
170
8130
170
8300

J.P. (P/SE) [Signature]

8 Signature of Government Servant	9 Signature and Designation of head of the office, or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
						Period		
D. Kishore 1-2-2008-								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
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<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								
<i>Handwritten signature</i>								

Service Verified w.e.f. 1-12-2002 to 30-11-2004 from the Acct Roll & other record of this office.

Signature
DD - (EISE) NSR

Service Verified w.e.f. 1-12-2004 to 30-11-2005 from the Acct Roll and other record of this office.

Signature
DD - (EISE) NSR

Service Verified w.e.f. 1-12-2005 to 30-11-2007 from the Acct Roll & other record of this office.

Signature
DD - (EISE) NSR

Service Verified w.e.f. 1-12-2007 to 30-11-2008 from the Acct Roll & other record of this office.

Signature
DD - (EISE) NSR

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Chaudhary B.S. Nayagi Shervit			1/12/07	A-12-7	Rs. 4140/-	P.M.	
			1-12-2009	B =	4230/-	P.M.	
			1-12-2010	B =	4320/-	P.M.	
1/12/07			1-7-2007	B =	4050/-	P.M.	
			1-12-11	B =	4200/-	P.M.	
			1-12-2012	B =	7350/-	P.M.	
BPO (H) (E/SE) NSR							
Revised Entry Allowed BPS No. 2 w.e.f. 1/12/07							
pay drawn on 1/07 in BPS No. 1 Rs. 3300/- P.M.							
pay fixed on 1/07 in BPS No. 2 Rs. 3380/- P.M. 1/07							
pay Sp. & G. on 1/09 Rs. 3465/- P.M.							
1/12/07 (A) G.M. Rs. 3550/- P.M.							
pay set & Revised 1/08 Rs. 4235/- P.M.							
1/12/08 Rs. 4335/- P.M.							
1/12/09 Rs. 4435/- P.M.							
1/12/10 Rs. 4535/- P.M.							
pay Revised 1/07 Rs. 7450/- P.M.							
1/12/11 Rs. 7620/- P.M.							
1/12/12 Rs. 7790/- P.M.							
Rs. 7960/- P.M.							

1960
 170
 3130
 170
 3300

D. D. G. (H)
 Nov 2012

9	10	11	12	13		14	15						
Signature of Government Servant		Name and Designation of head of the office attesting officer		Date of termination or appointment		Reason of termination (such as Promotion, transfer, dismissal, etc)		Leave		Signature of the head of the office or other attesting officer		Reference to any recorded punishment or reward or praise of the Government Servant	
								Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government				
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	
<p>Signature of Government Servant</p>		<p>Office of The Accountant General Khyber Pakhtun Khawa Peshawar</p>		<p>30/5/2009 to 31/11/2011</p>		<p>Reason of termination</p>		<p>Leave</p>		<p>Signature of the head of the office or other attesting officer</p>		<p>Reference to any recorded punishment or reward or praise of the Government Servant</p>	

2009
OFFICE OF THE ACCOUNTANT GENERAL
KHYBER PAKHTUN KHAWA PESHAWAR
PAY FIXATION PARTY
30/5/2009 to 31/11/2011
42357
Accounts Officer
Pay Fixation Party N.W.F.F. Peshawar

Leave
1-12-2009 to 31-11-2011
from the Abs Roll/other
records of this office

Allowed R.P.S No. 2 vide
Govt of Khyber Pakhtun Khawa
Finance Deptt. (Regulation No. 1)
No. FD/SO (FR) 7-2/2007
Dated Peshawar on 29-9-2010

1-7-2011
7450/02

Sub-Divisional Education Officer (Male) Nowshera

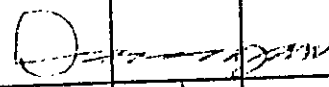
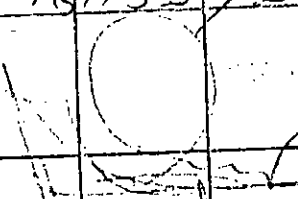
Basic Pay Scales 2011
Office of The Accountant General
Khyber Pakhtun Khawa Peshawar
Pay Fixed in R.B.P.S. 2011

of Rs 4900-170-12000
ATRs 7457
With Next increment on 1-07-2011
1-12-2011

Accounts Officer
Pay Fixation Party K. Pakhtun Khawa
Peshawar

06 P.A. -
30-11-2011
20/11

Signature of
Sub-Divisional Education Officer (Male) Nowshera

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of head of the office for attesting to the correctness of the attestation of Columns 1 to 8
		BPS-02				7 1/2014		
			Rs 2130/- P00					
			Rs 8300/- Pm			12 1/2014		
								
					S.D.E. (M) New Bera			
		Code Revised BPS-02 (R.G.335-20-12935)						
						7 1/15		
			Rs 10235/-					
						12 1/15		
			Rs 10955/-					
		BPS-04 (R.6730-300-15230)						
						12 2/15		
			Pay fixed BPS-04 Rs 11230/-					
						12 2/15		
			one promotion inc. Rs 11530/-					
								
					S.D.E. (M) New Bera			

10-10

1408

8	9	10	11	12	13		14	15
Signature of Government Servant	Signature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		

TR # 792 dt 7/1/16
 Drawn Annex of dt 7/1/16
 B-04 In 12/15 R. GAS
 [Signature] 7/1/16
 7/1/16

Male حرکت مناب - دست لکٹ انجکشن انسپشن
(15) منع نوشتہ

۱۲^{۳۱} برائے جاری کرنے پنشن وغیرہ

جناحی کسب ذیل عرض کرتا ہوں

کہ ایک بھت چوکیدار فورہ ۱۹۹۶-۰۴-۰۹
کی عمر کے موافق اور فورہ ۲۰۱۶-۰۶-۳۰ کو
۶۰ سال کی عمر میں ملازمت سے ریٹائر
ہوا۔

جناحی سائٹ ۲۵ سال تک ملازمت کی ہے
اور پنشن وغیرہ جاری نہیں کی گئی

اسد علی کے سائٹ کو پنشن وغیرہ
جلد از عمل جاری کرنے کا حکم جہاد شریف، جاوڈ
۲۷-۰۹-۲۰۱۸

سرور میں چوکیدار
گورنمنٹ ہیرا کبری سکول، شریف شریف
نوشتہ

۱۱/۱۱/۱۸



Annex D

(16)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

OFFICE ORDER.

Under the provision Government of Khyber Pakhtunkhwa Finance Department letter No.FD (SR-IV) Vol.II dated 24/08/1983.

Mr. Feroz Din Chowkidar GPS No.4 Manki Sharif NSR is hereby retired from Government service w.e.f 30/06/2016 on superannuation. He is entitled for only lump sum gratuity of one month basic pay per complete year having regular service w.e.f 01/07/2008. His regular service is less than 10 years.

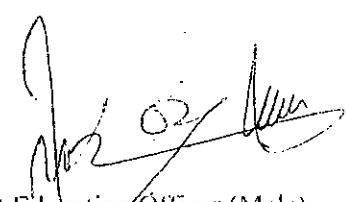
S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Appt: on fixed	Transfer to Regular Service	Total Length of service Y-M-D	Remarks
01	Mr. Feroz Din Chowkidar GPS No.4 Manki Sharif NSR P.No.00341729	30-06-2016	1956 As per his service Book	09-04-1996	01/07/2008	07-11-29	Retire from Govt. Service on Superannuation. He was regularized w.e.f 01/07/2008

District Education Officer (Male)
Nowshera

Endstt: No 4870-73 /DEO (M) NSR/EA-S/ Retirement of PST/ Dated Nowshera the 21st /2016.

Copy of the above is forwarded for information and necessary action to the: -

- 1: Senior District Account Officer, Nowshera.
- 2: Sub Divisional Education Officer (Male), Nowshera
- 3: ADO Circle concerned
- 4: Official concerned.


District Education Officer (Male)
Nowshera

Annex E

(17)

چارج رپورٹ

من مسی فیروز دین ولد رحمت دین چوکیدار کا آرڈر حکم ڈی۔ای۔او صاحب
نوشہ آرڈر نمبر 707982 گورنمنٹ پرائمری سکول نمبر 4 کوٹوا ہے
9-4-96 فیروز دین نے گورنمنٹ پرائمری سکول نمبر 4 مانگی شریف سے سید بیگم
سے اپنے عہدے کا چارج وصول کیا۔

چارج گریڈ

فیروز دین

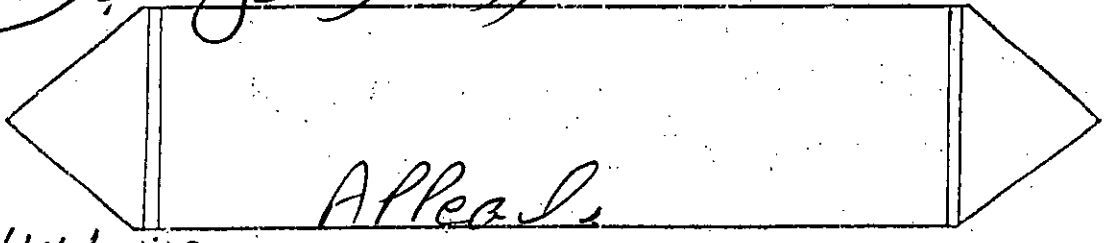
CLG

چارج دھڑ

9-4-96

Head Master
G.P.S. No. 1
Manki Sharif

بعدالت جنہ سسرور کی شریعتی پٹا اور



2، پنجاب اسپڈ پوسٹ
بنام

مورخہ
مقدمہ
دعویٰ
جرم

سسرور دین بک گورنمنٹ وغیرہ

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی متعلقہ
آن مقام کے نام محمد عبدالرحمن کیلئے انڈیو کیٹ پیپر اور آف پارٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جو اب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور دروہو اس کے ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ کو
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشگی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

19

المرقوم _____ ماہ _____ 20

واہ العبد

کے لئے منظور ہے۔

بمقام پٹا اور
سسرور دین

Service Appeal No. 40/ 2019

Mr. Feroz Din Appellant

VERSUS

Govt KPK and others Respondents

Respectfully Sheweth

Written comments on behalf of respondents are as under.

Preliminary Objections

- 1. That the appellant has no cause of action to file the instant appeal.**
- 2. That this Honorable Tribunal has got no jurisdiction to entertain the present appeal.**
- 3. The present appeal is bad for mis-joinder and non-joinder of necessary parties.**
- 4. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.**
- 5. That the instant appeal is barred by law.**
- 6. That the appeal is time barred.**
- 7. The appellant has no locus standi to file the instant appeal.**

Factual Objections:-


- 1. Pertains to record.**
- 2. Pertains to record.**
- 3. Pertains to record. However the appellant was appointed on fixed pay and not on regular basis.**
- 4. No Comments.**
- 5. No Comments.**
- 6. Incorrect. The secretary (E & SE) Govt of KPK Peshawar have issued notification Vide No. S.O (Lit-1)/E&SE/1-1/2012 dated 17-5-2018, which is general in nature and applicable to all class iv employees In the light of that said notification the appellant is entitled for pensionary benefits.**
- 7. Incorrect. The answering respondents are ready to extend pensionary benefits to the appellant in the light of notification dated 17-5-2018 but no appeal was submitted to answering respondents.**
- 8. No Comments.**

GROUND

- A. Incorrect. The appellant will act in the light of notification dated 17-5-2018.
- B. Incorrect. No appeal was submitted by the appellant.
- C. Incorrect. As explained in the above para's.
- D. Incorrect. As explained in the above para's.
- E. No comments.
- F. Incorrect. As explained in the above para's.
- G. Incorrect. As explained in the above para's.
- H. Incorrect. As explained in the above para's.

It is, therefore, requested that appropriate order may please be passed in the instant Service Appeal.

Respondent No. 2



Secretary

E & S Education Khyber Pakhtunkhwa
Peshawar

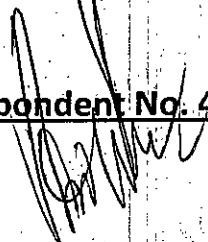
Respondent No. 3



Director

E & S Education Khyber Pakhtunkhwa
Peshawar

Respondent No. 4



District Education Officer
(Male) Nowshera

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 40/ 2019

Mr. Feroz Din Appellant

VERSUS

Govt KPK and others Respondents

AFFIDAVIT

I Attaullah Mena Khei District Education Officer (Male) Nowshera do solemnly affirm and declared on oath that the contents of the para wise comments on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.


DEPONENT

GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/

Dated Peshawar the 17-5 -2018

To

1. Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar
2. All District Education officers(M/F)
Khyber Pakhtunkhwa.

SUBJECT: IMPLEMENTATION OF PESHAWAR HIGH COURT
JUDGEMENTS REGARDING GRANT PENSIONARY BENEFITS
TO CLASS IV EX FIXED PAY EMPLOYEES

I am directed to refer to the subject noted above and to state that all the subject cases may be disposed off in light of para 13 of the judgement of Peshawar High Court dated 22-6-2017(copy enclosed). It is further stated that all such cases may be examined in light of prevailing pension rules and the employees who have rendered minimum length of service, which is 25 years in normal cases and ten years in special /family pension cases. Service rendered by officials under contract, adhoc etc shall be counted towards pension provide such officials were regularized at later stage and pension was denied to them on the ground of not fulfilling criteria of minimum time as regular employee.

However, this Department may be kept informed of the day to day proceedings.


Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

1. Advocate General KPK
2. Addl Registrar Peshawar High Court.
3. P.A to Spl: Secretary (Legal).


Section officer (Lit-I)