

06.08.2019

Appellant in person and Mr. Ziaullah, DDA  
alongwith Mr. Sajid, Supdt for respondents present.

The appellant has produced copies of cheque No.  
1776967 dated 30.07.2019 for Rs. 174277/- as well as  
pensioner date verification sheet and states that he  
does not wish to further prosecute the appeal.

The appeal is, therefore, dismissed as  
withdrawn. File be consigned to the record room.

Announced:  
06.08.2019



Member



Chairman

24.04.2019

Son of the appellant present. Adll: AG alongwith Mr. Abdul Ghafoor, Supdt, Mr. Salim Jan, Senior Auditor and Mr. Rehmat Khan, Supdt for respondents present. Written reply on behalf of respondent no.3. not submitted. Requested for adjournment. Adjourned. Case to come up for written reply of respondent no.3 on 13.06.2019 before S.B.:

  
(Ahmad Hassan)  
Member

13.06.2019

Counsel for the appellant and Addl. AG alongwith M/S Abdul Ghaffar, Superintendent and Sajid, Superintendent for the respondents present.

Representative of respondent No. 3 relies on the written reply of respondents No. 2, 4 and 5 already submitted on 25.03.2019. To come up for arguments before the D.B on 06.08.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

  
Chairman

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 25.03.2019 before S.B.

Appellant deposited Security & Process Fee

Superintendent, Salim Jan Senior Auditor and Rehmat Khan Superintendent representatives of the respondents present. Written reply submitted on behalf of respondents

No.2,4 & 5. Learned AAG stated that respondent No.1 relies upon the same. Mr. Rehmat Khan Superintendent representative of the respondent No.3 seeks time to furnish written reply. Granted. To come up for written reply/comments on 24.04.2019 before S.B.

Member

25.03.2019


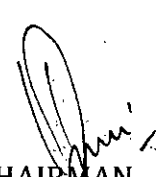
Appellant with counsel present. M/S Abdul Ghafar Superintendent, Salim Jan Senior Auditor and Rehmat Khan Superintendent representatives of the respondents present. Written reply submitted on behalf of respondents No.2,4 & 5. Learned AAG stated that respondent No.1 relies upon the same. Mr. Rehmat Khan Superintendent representative of the respondent No.3 seeks time to furnish written reply. Granted. To come up for written reply/comments on 24.04.2019 before S.B.

Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 20/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/1/2019	<p>The appeal of Mr. Nisar Muhammad presented today by Mr. Khair-ul-Wahab Yousafzai 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 7/1/19</p> <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>
2-		

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

Service Appeal No. 20 of 2019

Nisar Muhammad ... .. Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar and others

... .. Respondents

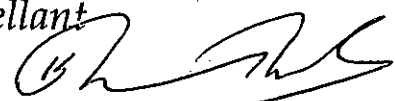
**Index**

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 order	"A"	7
5.	Copies of retirement orders dated 13/06/2017 and dated 03/07/2017	"B&C"	8-9
6.	Copy of departmental appeal	"D"	10
7.	Wakalat Nama		In original

Dated 04/01/2019

Appellant

Through

  
Khair ul Wahab Yusufzai  
Advocate,  
High Court Peshawar  
Cell # 0300-5952824

①

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

Service Appeal No. 20 of 2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 21

Dated 07-01-2019

Nisar Muhammad Son of Pir Muhammad  
Ex-Chowkidar Govt Girls Primary School Bakar Serai  
District Swabi,  
R/o Mohallah Qaziabad, Bakar Tehsil & District Swabi.  
... .. Appellant

**VERSUS**

- 1) Govt of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education. Khyber  
Pakhtunkhwa Peshawar.
- ✓ 2) Director, Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar.
- 3) Secretary, Finance Department, Govt of Khyber  
Pakhtunkhwa Peshawar.
- ✓ 4) District Education Officer (Fe-Male), Elementary &  
Secondary Education, Swabi.
- ✓ 5) District Accounts Officer, District Swabi.  
... .. Respondents

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of this appeal the  
Respondents may graciously be directed to pay

Filed to-day  
Registrar  
07/01/19

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*the pension and other benefits to the appellant for his rendered services from 30/04/1997 to 30/06/2017.*

*Any other remedy / relief deemed appropriate may also be granted to the appellant.*

*Respectfully Sheweth:*

- 1) That the appellant was appointed as Chowkidar in Govt Girls Primary School Bakar Serai Tehsil & District Swabi in the year of 30/04/1997. (Copy of the appointment order is attached as Annexure "A").*
- 2) That the appellant performed his duties upto the utmost satisfaction of his superiors and performed his duties with a keen interest.*
- 3) That so far no compliant has been filed against the present appellant.*
- 4) That the appellant was retired on 30/06/2017 but inadvertently he was ordered to be retired on dated 30/06/2016. (Copies of Retirement orders dated 13/06/2017 and 03/07/2017 are attached as Annexures "B" and (C) which are to be correctly read as 30/06/2017 instead of 30/06/2016 because the appellant age is about to complete 60 years according to 30/06/2017.*
- 5) That so far the pension and GP Fund etc had not been granted to the appellant.*

- 6) That in this connection the appellant asked the respondents to pay the pension etc but of no avail.
- 7) That the appellant is an old age person and needs his pension for his medical treatment and for the educational and other expenses of his children.
- 8) That the appellant filed a departmental representation before the Respondent No.2 on 28/03/2018 but in vain. (Copy of the representation is attached as Annexure "C").
- 9) That the appellant time and again visited to the office of respondents to avail his pension but lastly appellant was blatantly refused by the respondents, hence this appeal.
- 10) That appellant is constrained to approach this Hon'ble Tribunal for redressal of his grievances on the following ground:

**Grounds:**

- A) That the treatment of the respondents with the appellant is ultra virus of the service Rules and regulations.



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- B) That the treatment of the respondents are colourable and futile exercise of the department.
- C) That the non action of the respondents are arbitrary, unlawful and against the fundamental rights and judgments of apex Court.
- D) That acts and omission of the respondents are contrary to rules laid down by the Supreme Court of Pakistan.
- E) That appellants may also be allowed to rely on additional grounds at the time of arguments please.

It is, therefore, humbly prayed that on acceptance of this appeal the Respondents may graciously be directed to pay the pension and other benefits to the appellant for his rendered services from 30/04/1997 to 30/06/2017 according to appeal No.1055/2014 titled as Jamroz Khan VS SDAO Nowshera and others.


Any other remedy / relief deemed appropriate may also be granted to the appellant.

Dated 04/01/2019.

سیدیمان

Appellant

Through

  
Khair ul Wahab Youafzai  
Advocate,  
High Court Peshawar.

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

Service Appeal No. \_\_\_\_\_ of 2019

Nisar Muhammad ... .. Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar and other

... .. Respondents

**AFFIDAVIT**

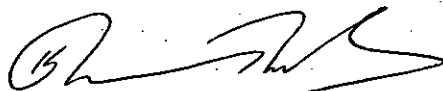
I, Sulaiman Son of Nisar Muhamamd (Attorney  
for appellant) R/o Charbagh, Bakar Tehsil & District  
Swabi do hereby solemnly affirm and declare on oath  
that the contents of the attached appeal are true and  
correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Court.

سکیمان

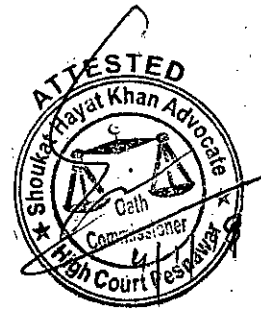
DEPONENT

CNIC # 16202-5397447-5

Identified by



Khair ul Wahab Yousafzai  
Advocate Peshawar.



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

Service Appeal No. \_\_\_\_\_ of 2019

Nisar Muhammad ... .. Appellant

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar and other

... .. Respondents

**ADDRESSES OF THE PARTIES**

***Appellant***

Nisar Muhammad Son of Pir Muhammad  
Ex-Chowkidar Govt Girls Primary School Bakar Serai  
District Swabi,  
R/o Mohallah Qaziabad, Bakar Tehsil & District Swabi.

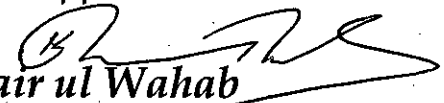
***Respondents***

- 1) Govt of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar.
- 2) Director, Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.
- 3) Secretary, Finance Department, Govt of Khyber  
Pakhtunkhwa Peshawar.
- 4) District Officer (Male), Elementary & Secondary  
Education, Swabi.
- 5) District Accounts Officer, District Swabi.

Dated /08/02013

سیدان  
Appellant

Through

  
Khair ul Wahab  
Advocate,  
Peshawar

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) SWABI.

APPOINTMENTS.

OFFICE ORDER.

The following candidates (Land donors) are hereby appointed against the vacant post of chowkidar at the rate of Rs. 1200/- PM fixed on CONTRACT BASIS in the schools noted against each in the interest of public service with effect from 02-11-1996 to the following Terms and Conditions:-

S.No.	Name of Candidates/Father's Name & Address.	Place of Post.
1.	Tajamul Shah S/O Jehan Shah, Amrai Payan(G).	GGPS: Amrai Payan(G).
2.	Mansoor Khan S/O Sardar Khan, Utlā(G).	" : Jaba (Utlā)
3.	Anwar Sher S/O Akbar Abad, Turlandi.	" : Akbar Abad (Charbagh)
4.	Umar Khitab S/O Qalander, Shalmani(G).	" : Shalmani(G).
5.	Khan Sardar S/O Namdar, Takail(G).	" : Speerko Banda,
6.	Usman Shah S/O Abdul Karim, Utlā(G).	" : Aro Banda Amrai.
7.	Gul Rahman S/O Habib-ur-Rahman, Habibabad.	" : Habib Abad Parmoli.
8.	Shulam Sarwar S/O Said Imran, Panawal(G).	" : Panawal (G).
9.	Fazal Rahim S/O Mamoor Khan, Kalu Khan.	" : Shewa Wand (Managi).
10.	Nawab Ali S/O Maqsood Shah, Fazal Abad.	" : Fazal Abad.
11.	Gul Nabi Shah S/O Habib-ur-Rahman, Kund(G).	" : Kund (Gadsen).
12.	Pir Bacha S/O Hukatt Shah, Shiekh Jana.	" : Adam Abad.
13.	Kitab Shah S/O Fazal Gul, Kabgani(G).	" : Naro Banda (Utlā)
14.	Noshad Khan S/O Atar Shah, Utlā(G).	" : Makhtar Gudar.
15.	Akbar Khan S/O Taj Muhammad, Sher Darra.	" : Shahada Banda.
16.	Shaukat Khan S/O Tarat Khan, Shingrai(G).	" : Shingrai(G).
17.	Nisar Muhammad S/O Pir Muhammad, Baker.	" : Baker (Charbagh)
18.	Shaukat Khan S/O Masal Jan, Naranji.	" : No. 2 Naranji.

TERMS & CONDITIONS.

- Their appointment has been made on contract Basis for one year.
- Agreements for the appointment prescribed by the deptt: are attached.
- They will govern with the term & conditions mentioned in the agreement as under:-
  - Their appointment is purely made on temporary basis & liable to termination at any time without assigning any reasons or notice.
  - In case of resignation they will give to submit one month prior notice to the deptt: & forfeit one month pay in lieu thereof.
  - They are required to produce Health and age certificate from the DHQ, Swabi before the taking over charge.
- They should not be allowed to take over charge if their age is less than 18 years or not more than 45 years at the time of apptt:.
- They should produce National Identity Card & Domicile Certificate for verification before taking over charge.
- Charge reports should be sent to all concerned in duplicate.

(MST: FARIDA ASIR) SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) SWABI.

Endt: No. 1029-51/E/B-28 C-IVs: Apptt: Dt: 30/6/97. Copy of the above is forwarded for information and n/a to

- Distt: Edu: Officer (F) Pxy: Swabi w/r to her memo: No. 476-77 Dt: 17.2.1997 and 614/F.No. 1-71/P&D/Dated, 5.3.1997.
- D.A.O. Swabi.
- ASDEO(A) & ASDEO(F) Halqa concerned Local Office.
- Candidate Concerned.

SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) SWABI.

Attested to be true copy. [Signature]

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Annexive - "B"

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SUB DIVISIONAL EDUCATION OFFICER (FEMALE) RAZAR SWABI  
(gulamin969@gmail.com)

No. 84 /

Dated: 13-6 /2017

To

The District Education Officer,  
(Fe-Male) Swabi

Subject:  
Memo:

RETIREMENT SANCTION

Enclosed please find herewith the original application along with Service Book, NIC photo copy and other relevant documents for retirement with effect from 30-6-2017 (AN) in respect of Mr. Nisar Muhammad Chowkidas

GGPS Bakar Serai Sukri is sent to your office for further necessary action please.

*Encl As above.*

*Shabeena*  
SUB DIVISIONAL EDU OFFICER,  
(FEMALE) RAZAR SWABI  
Sub Divisional Education

Officer

*Sh*

Attested to be  
true copy.

*Bh*

(9)

Annexure - C



**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**  
(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

Retirement/Death Sanction.

Mr. Nisar Muhammad Chowkidar GGPS Bakar Seri is hereby retired from Govt:  
Service wef 30/06/2016 (AN) with no pensionary benefits due to less qualifying service.

(Naghmana Sardar)  
DISTRICT EDUCATION OFFICER  
(FEAMEL) SWABI

Endst: No. 2860 /

Dated Swabi the 03-07-2017

Copy of the above is forwarded to the:-

1. District Accounts Officer, Swabi.
2. SDEO (Female) Swabi w/r to her letter No. 84 dated 13/6/2017 alongwith service book.
3. ADEO (Secondary) local office.
4. B&AO local office.
5. DMO Swabi.

  
DISTRICT EDUCATION OFFICER  
(FEAMEL) SWABI

o/c

Attested to be  
True copy



گورنمنٹ جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) صوابی

درخواست براد عطا سنگی پینشن

جناب عالی سنابل مودبانہ گزارش کرتا ہوں

۱) کہ سنابل آپ کے محلہ میں بطور جو کبدار گورنمنٹ گریڈ پرائمری سکول  
باکر سیرٹی صوابی میں مورخہ 30/4/1997 کو بھرتی ہوا تھا اور بعد میں  
سنابل و ریگولر کیا گیا تھا۔

۲) یہ کہ سنابل کی عمر مورخہ 2017ء کو 60 سال پورا ہو کر 30/6 کو  
ریٹائرڈ ہو چکے لیکن تا حال سنابل کو پینشن نہیں ملا۔

۳) یہ کہ سنابل ایک عمر رسیدہ شخص ہے اور سنابل کو مذکورہ پینشن کی  
استد ضرورت ہے۔

۴) یہ کہ سنابل دفتروں کے چکر لگا کر ٹھک چکا ہے اور سنابل کے  
منت سماجت کے باوجود سنابل کے پینشن کا غذاب نہیں بن رہے ہیں۔

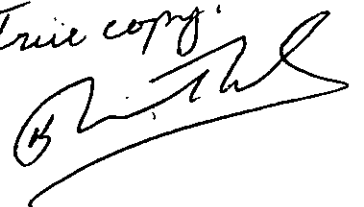
لہذا استد علیہ کہ سنابل کے تڑپتے نوٹری ریکارڈ اور سنابل کی صنعتی  
کو مد نظر رکھتے ہوئے سنابل کے درخواست پر سمردانہ غور فرماتے ہوئے  
سنابل کو پینشن بمعہ دیگر سہولیات جاری فرمائے کے احکامات صادر فرمائیں۔

آپ کا مخلص / تابعدار

نثار محمد ولد پیر محمد  
سکنہ باکر ضلع صوابی

مورخہ = 28/08/2018

Attested to be  
True copy



قیمت  
50 روپے

0657



ایڈوکیٹ: خیر الوہاب یوسفزئی

بار کونسل/ایسوسی ایشن نمبر: 10-5388

رابطہ نمبر: 03005952824

پشاور بار ایسوسی ایشن، خیر پختونخواہ

بعدالت جناب: سر جسٹس سید سید علی خیر پختونخواہ

منجانب:	دعویٰ:
	علت نمبر:
نثار محمد بنام حکومت خیر	مورخہ:
پختونخواہ وغیرہ	جرم:
	تھانہ:

**باعث تحریر آنکہ**

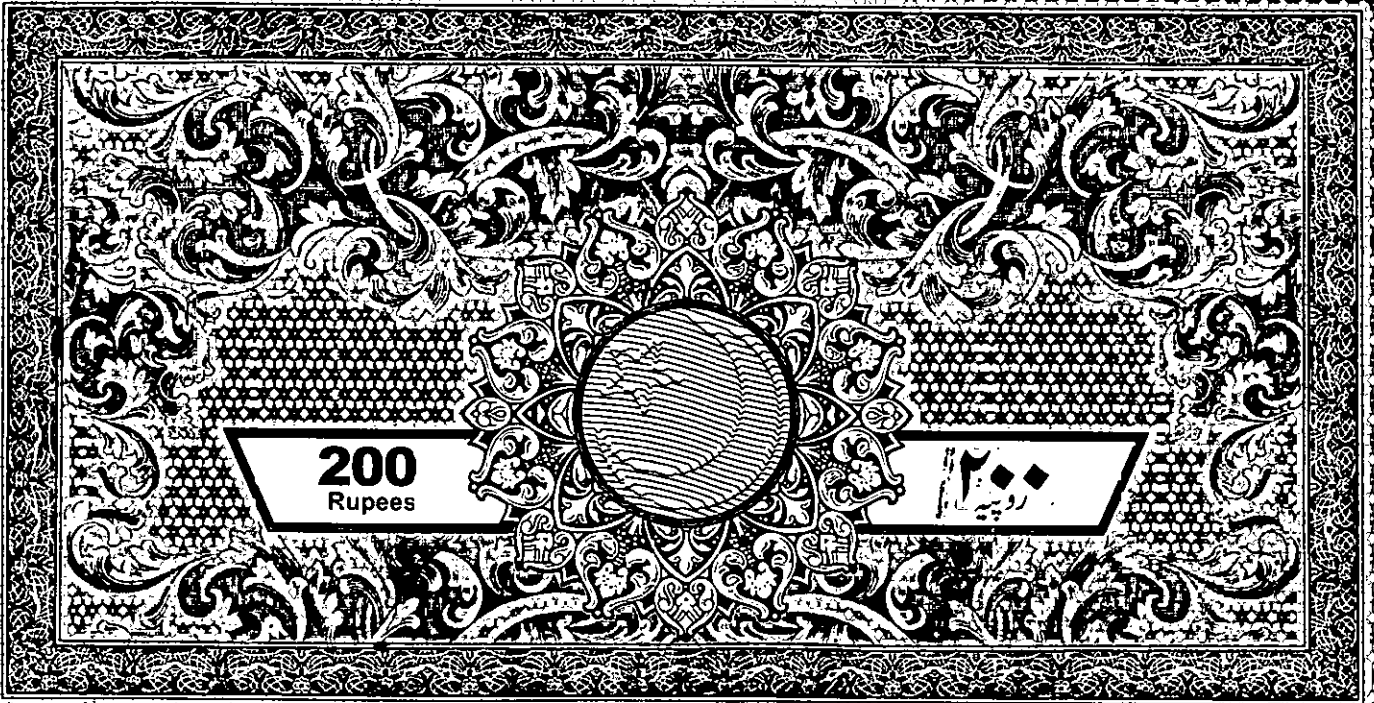
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ سرکار  
آن مقام سر جسٹس سید سید علی خیر پختونخواہ کے پاس  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال 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  
داخ کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
الرقوم: 04/01/2019

سیدنا ولد نثار محمد  
نثار خاص بی بی ایپلانٹ نثار محمد  
تسلیمات

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attested and accepted by  
Khair-ul-Wahab Yusufzai Adv.





مختیار نامہ (۱)

مختیار نامہ خاص برائے میری مہر




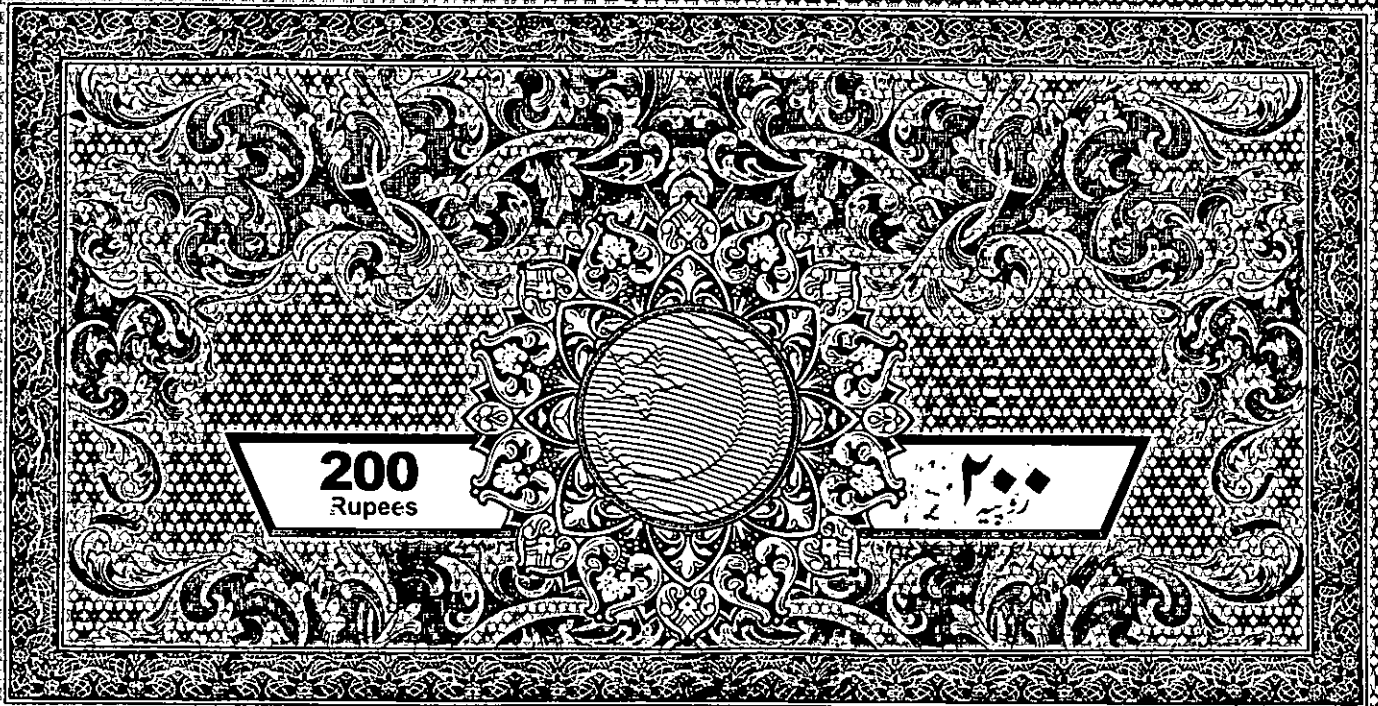
حضرت سنی نثار محمد ولد میر محمد سکتہ باکر ڈاکٹی نہ فاضلی آباد  
 محفل وضع صوابی کا ہوں اور میرا ایک ایپل سرورس برائے  
 عطا شدی لیشن بعنوان نثار محمد بنام گورنمنٹ  
 لیزنٹ سرورس ٹریبونل ضلع چٹوٹو خواہش اور میں  
 زبیر چوہدری اور میں بوجہ معروفیت از بیماری اصلتاً اس کی  
 میری سے معذور ہوں لہذا اپنی جانب سے سنی سلیمان  
 ولد نثار محمد سکتہ باکر وضع صوابی کو مختیار خاص مقرر کرنے  
 اختیار دیتا ہوں کہ دعویٰ مذکورہ بالا میں مختیار مزدور میری جانب  
 سے کسی وکیل کو مقرر کرنے بیان تحریری میر لعدین کرے اور اسکو داخل کرنے  
 کا خدشات با دیگر ثبوت تحریری طلب کرے یا واپس لیں یا پتوال  
 جواب کریں۔ صلح نامہ، راجی نامہ، دست برداری یا بازر دعویٰ میں  
 یا اقرار نامہ ثالثی داخل یا قبول کریں۔ بیان لگوا دیں یا دیگر  
 درخواست کسی معین کی پیش کریں یا کوئی مطالبہ متعلق مقدمہ داخل  
 کریں یا واپس لیں اور بعد مقدمہ مقدمہ ڈگری کو جاری کرنا میں اور  
 درخواست اجراء کی لعدین کریں۔ اور رقم متعلق اجراء وصول کرے  
 اور اسکے سلسلے میں جو کچھ کاروائی ہو عمل میں لائیں۔

Handwritten text in Urdu script, possibly a title or reference number, located at the top of the page.

19

TREASURY OFFICE  
03 JAN 2019  
PESHAWAR

  
~~Shahzad Treasury  
Licence No. 1998  
Date 11-11-1998  
Akhtar Gul Shahzad~~



صفحہ (2)

محمد سافیت و پیر حافظ مختیار موصوف کا مثل کردہ ذرات فاس  
ایسے کے قبول و منظور ہے۔ لیکن یہ مختیار نامہ خاص  
نہ دیا تاکہ سزا ہے۔ مورخہ = 04/01/2019



نشانہ  
اختیار دیندہ: نثار محمد ولد پیر محمد سکت باکر قاضی آباد ضلع ہوابی  
16202-0924713-3

سلیمان  
اختیار گرنیدہ: سلیمان ولد نثار محمد سکت باکر ضلع ہوابی  
16202-5397447-5

A. Salam  
گواہ (1): عبدالسدم ولد خان ولی سکت باکر ضلع ہوابی  
16202-7329224-3

گواہ (2): عدنان خان ولد خان ولی سکت باکر ضلع ہوابی  
16202-7329312-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No.20/2019

Nisar Muhammad S/O Pir Muhammad Ex-Chowkidar Govt:Girls Primary School Bakar  
Serai District Swabi R/O Mohallah Qazi Abad, Bakar Swabi..... **Appellant**


**VERSUS**

1. Govt:of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Peshawar
2. Director Elementary Secondary Education, Khyber Pakhtukhwa Peshawar
3. Secretary Finance Department, Govt:of Khyber Pakhtukhwa, Peshawar.
4. District Education Officer (Female) Swabi.
5. District Accounts Officer, District Swabi.

.....**Respondents**

**INDEX**

<b>S#</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
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2	Govt:of NWFP Finance Department letter About appointments of specific categories of staff on fixed salaries	"A"	06-07
3	Endst:letter of Education Deptt:	"B"	08-09
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**DISTRICT EDUCATION OFFICER**  
**(FEMALE) SWABI**  
District Edu. Officer  
**(Female) Swabi**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No.20/2019

Nisar Muhammad S/O Pir Muhammad Ex-Chowkidar Govt:Girls Primary School Bakar Serai District Swabi R/O Mohallah Qazi Abad, Bakar Swabi.....**Appellant**

**VERSUS**

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3. Secretary Finance Department, Govt:of Khyber Pakhtukhwa, Peshawar.
4. District Education Officer (Female) Swabi.
5. District Accounts Officer, District Swabi.

.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 01-10-05-02 04x05

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

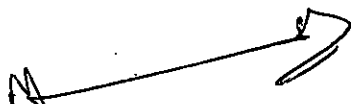
1. That the instant Appeal is badly time barred and not maintainable.
2. That the Appellant has no locus standi or cause of action to file the instant Appeal
3. That the Appellant has not come to the Tribunal with clean hands.
4. That the Appellant concealed the material facts from the Honourable Tribunal.
5. That the Appellant has filed the instant Appeal just to pressurize the respondents.
6. That the Appellant is estopped by his own conduct to file the instant appeal.
7. That the instant Appeal is against the prevailing laws and rules.
8. That as per pension rules, rule No. 1.5, the service rendered by the appellant till 30.06.2008 is not qualifying for pension. Hence not maintainable.

Facts

1. That the appellant was appointed on 30.04.1997 against Chowkidar post at GGPS Bakar Serai Swabi. His appointment was purely on contract fixed pay salary and was subsequently regularized w.e.f.01.07.2008. After that, he got retired on 30.06.2017 on attaining the age of superannuation. Finance Department letter about appointment, Endorsement letter of Education Department, Endst: letter of Director of Primary Education Govt:of NWFP & Finance Department letter are annexed as A,B,C&D.
2. That it is mandatory for a Civil Servant to perform his duty with great zeal & devotion and according to the wishes of the superiors, otherwise he would have to be proceeded under E&D Rules, 2011.
3. That the matter is not a complaint but here the matter is some thing else i.e. qualifying service for pension.

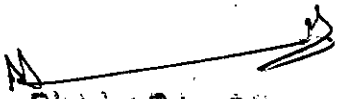
As per West Pakistan Pension Rules, 1963, rule 4.4, the minimum length of qualifying service required for grant of pension and other pensionary benefits is 10 years, while the length of qualifying service in case of the appellant is only 09 years. Hence he is not entitled for grant of pension.

4. That his retirement date is 30.06.2017 which is mistakenly written is 30.06.2016.

  
**District Edu. Officer  
(Female) Swabi**

5. That vide Government of KPK Finance Department No. BO-I/F.D/1-22, 2016-17 dated Peshawar the 12.07.2017, the regularization of the appellant and status as a Civil Servant is w.e.f. 01.07.2008 but not from his appointment. This policy still stands same and required to be followed in letter and spirit. That service rendered on contract basis shall not qualify for pension/gratuity.  
In the light of the above said letter, the appellant is not entitled for grant of pensionary benefits. Finance Department letters annexed as E and F.
6. That the appellant did not file any departmental appeal. Hence the appeal in hand is not maintainable and is liable to be dismissed.
7. That the appellant is not an aggrieved person at all, because as per West Pakistan pension Rules 1963 rule 4.4 the minimum length of qualifying service required for grant of pension and other pensionary benefits is 10 years, while the length of qualifying service in the case of the appellant was only 09 years. Furthermore West Pakistan pension rules 1963 rule 1.5 also excludes the period of service rendered by the appellant w.e.f. 07.01.1998 to 30.06.2008. In fact, the applicant was appointed on 07.01.1998 on contract fixed salary basis vide Government of NWFP Finance Department No. BI/2-I/92-93/FD dated Peshawar, the 04.11.1992 which states, "In future, the Non Education Cadre posts in the Education Department such as Chowkidars, Naib Qasids, Malis, Water carriers, Sweepers etc; be filled on contract basis, in order to rid the Provincial exchequer of the extra burden on account of future pensionary liabilities". These posts be filled in on fixed salary basis. The petitioner was appointed in Education Department and he had accepted all the terms and conditions without any agitation before taking over charge till retirement. The petitioner became civil servant w.e.f. 01.07.2008 vide Government of NWFP Finance Department No. B.O.I/1-22/2007-08/FD, dated 29.01.2008, in this regard all the previous policies/instructions shall be treated as cancelled w.e.f. 01.07.2008. According to West Pakistan Civil Services Pension rules, 1963 rule No. 1.5, these rules shall not apply to:
  - i. Government Servants paid from contingencies/borne on work charged Establishment.,
  - ii. Government Servants engaged on contract which contains no stipulations for pension under these rules.,
  - iii. Any person for whose appointment in conditions of service, special provision is made by or under any law for the time being enforced.,
  - iv. Any Government servant or Class of Government Servants who may be excluded by a competent authority from the application of these rules,
  - v. Any Government Servant who holds a post which has been declared by a competent authority to be non pensionable.
  - vi. Any person whose whole time is not retained for public service but is merely paid for work done, such as Government pleaders and law officers not debarred from private practice.,
  - vii. Any person who is not paid from the Provincial Consolidated fund, but is paid from a fund by Government as trustee, or a local fund or remunerated by fees for the grant of a tenure of land or of any other source of revenue or of a right to collect money.

Pension rule 2.1, the service of the Government Servant does not qualify for pension unless it conforms to the following three conditions.

  
District Edu. Officer  
(Female) Swabi

- First- The service must under Government.
- Second- The service must not be non-pensionable.
- Third- The service must be paid by Government from the Provincial consolidated fund.

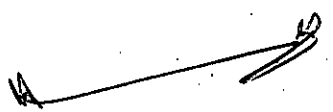
According to Finance Department Regulation Wing No:FD(SOSR-1)12-7/2014 dated Peshawar the 06th February, 2014, protection of pay of contract employee on regularization/appointment on regular basis the condition No.5 states" the service rendered on contact basis shall not qualify for pension/gratuity. That according to rule 4.4, after a qualifying service of not less than 10 years, full superannuation, full pension may be granted.

As discussed above, the service of appellant w.e.f. 07.01.1998 to 30.06.2008 is not qualifying service for pension. His qualifying service for pension is only 09 years, which is much less than 10 years, hence, the petitioner is not entitled for the grant of pensionary benefits as per pension rule 1.5,2.1 & 4.4.

- 8. That the appellant did not file any departmental appeal. Hence the appeal in hand is not maintainable and is liable to be dismissed.
- 9. That the appellant is not entitled for grant of pensionary benefits.
- 10. The appellant has no cause of action to file the instant appeal and the appeal in hand may be dismissed inter alia amongst the following ground.

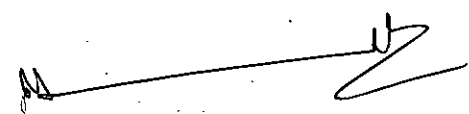
Grounds.

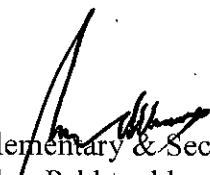
- A. Incorrect, hence denied, the treatment of respondents with the appellant is in accordance with law, rules and policy. The same nature cases are subjudice before the Apex Court of Pakistan.
- B. Incorrect, hence denied, that the treatment of the respondents is in accordance with law, rules and policy. The same nature cases are subjudice before the Apex Court of Pakistan.
- C. Incorrect, hence denied, the length of qualifying service for pension in the case of the appellant is only 09 years, which is much less than, the minimum length of qualifying service required for grant of pension. As per West Pakistan Pension Rules, 1963, rule 1.5, the period of service rendered by such cadre between the period from 01.07.1992 to 30.06.2008 is excluded for counting qualifying service for pension. It has been also discussed in length in para 6 of the facts. Hence he is not deserved to be given pensionary benefits.
- D. Incorrect, hence, denied, the acts of the respondents are in accordance with West Pakistan Civil Service Pension Rules, 1963. According to rule 1.5 and rule 2.1, his length of qualifying service for pension is only 09 years. "law does not recognized any contract employee as Civil Servant. The same is reported in 2013 PLC(CS)1463. "Pension has to be determined on the basis of qualifying service and not on the basis of total length of service" The same is reported in NLR 1991 CLJ 706. Appellant has not been discriminated, the merit has been followed in letter and spirit and the appellant has been dealt in accordance with law, facts rules and policy, fundamental rights of the appellant as provided by the constitution Islamic Republic of Pakistan 1973 have not been violated.
- E. That the respondents seek permission to raise/argue other points/grounds on the day of hearing the case.



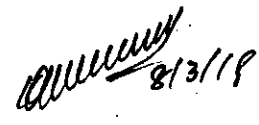
District Edu. Officer  
(Female) Swabi

In view of the above submissions, facts and grounds it is earnestly requested that the instant appeal may very graciously be dismissed with cost.

  
District Education Officer  
(Female) Swabi

  
Director Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

~~Secretary, Finance Department  
Government of Khyber Pakhtunkhwa, Peshawar~~

  
District Accounts Officer,  
Swabi

8/29/2019 Distt: A/Cs Officer  
Swabi



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No.20/2019

Nisar Muhammad S/O Pir Muhammad Ex-Chowkidar Govt:Girls Primary School Bakar  
Serai District Swabi R/O Mohallah Qazi Abad, Bakar Swabi.....**Appellant**


**VERSUS**

1. Govt:of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Peshawar
2. Director Elementary Secondary Education, Khyber Pakhtukhwa Peshawar
3. Secretary Finance Department, Govt:of Khyber Pakhtukhwa, Peshawar.
4. District Education Officer (Female) Swabi.
5. District Accounts Officer, District Swabi.

.....**Respondents**

**AFFIDAVIT**

**We do hereby solemnly affirm and declare on oath that the contents of the comments are true and correct to the best of our knowledge and belief, nothing has been concealed from this Honourable Tribunal.**

  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI  
District Edu. Officer  
(Female) Swabi

Annexure - A (7)  
Annexure - A (7)

Better Copy

GOVT OF NWFP  
FINANCE DEPARTMENT  
No. BI/2-1-92/FD  
Dated Peshawar the 4-11-1992

To:

1. The Secretary to Government of NWFP  
Education Department.
2. The Secretary to Government of NWFP  
Health & SW Department.
3. The Secretary to Government of NWFP,  
Public Health Engineering Department.
4. The Secretary to Government of NWFP,  
C&W Department.

Subject

APPOINTMENTS OF SPECIFIC CATEGORIES  
OF STAFF ON FIXED SALARIES

Sir:

I am directed to state that the Provincial Cabinet in its meeting held on 21-05-1992 had inter-alia decided that:-

1. "In Future the non-education cadre posts in the education department such as Chowkidars, Naib Qasids, Malies, Water Carriers, Sweepers etc; be filled on contract basis, in order to rid the Provincial-exchequer of the extra burden on account of future pensionary liabilities".

2. On reconsideration the Government has now decided that the cabinet decision referred to above may be applied to similar jobs in some other departments as well. Accordingly the following categories of jobs in Primary Schools, BHUs, RHCs, Water Supply Schemes and C&W Department will hence-forth be filled in on fixed salary basis:-

1. Chowkidar
2. Mali
3. Baheshti
4. Coolie in Road Gang
5. Valve Man

3. The above instructions would apply to fresh requirements for such jobs whose number would be sanctioned by the Finance Department. Budgetary provision will be made available / reflected under the commodities and services (596000-Payment to the other for services rendered) in the respective department budget on the basis of sanctioned jobs and will be spent only for the payment of salaries to these categories of employees.

District Edu. Officer  
(Female) Swabi

District Education Officer  
(Male) Swabi.

DIST. EDUCATION OFFICER  
(MALE) SWABI

(03)

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4. The monthly wages fixed for the above categories of employees will be Rs.1200/- per month.

5. The Departments / Appointing authorities are also requested to observe the following:-

- a) Maintain complete record of such appointments.
- b) Restrict the appointment of employees for seasonal, Maintenance work to the period when their services are actually required.

Yours obediently,

(Abdus Samad Khan)  
Deputy Secretary (B&C)

Endst: No. & Date even

Copy forwarded for information and necessary action to:-

- 1. Accountant General, NWFP, Peshawar.
- 2. All District Accounts Officers in the Province.
- 3.

(Abdus Samad Khan)  
Deputy Secretary (B&C)

Endst: No. & Date even

Copy forwarded to :-

- 1. All Additional Secretaries. )
- 2. All Deputy Secretaries. )
- 3. All Section Officers/  
Budget Officers )

Finance Department

(ROOHULLAH KHAN)  
BUDGET OFFICER-2

DIST. EDUCATION OFFICER  
(MALE) SWABI

District Education Officer  
(Male) Swabi

District Edu. Officer  
(Female) Swabi

Annexure - B

Annexure - B

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12  
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GOVERNMENT OF N.W.F.P.  
EDUCATION DEPARTMENT

No. SOG/EDU/6-147/K.C/92

Dated Pesh: the 22-11-1992

To

1. The Director of Education (Colleges), NWFP.
2. The Director of Education (Secondary) NWFP.
3. The Director of Education (Primary) NWFP.
4. The Director of Education (FATA) NWFP.
5. The Director of Education (Technical) NWFP.
6. The Director Bureau of Curriculum Dev: & Education, Extension Services, NWFP, Abbottabad.
7. All the Project Directors of Education in NWFP.

Subject: RECRUITMENTS OF THE POST OF NON-EDUCATION CADRE  
IN THE EDUCATION DEPARTMENT

I am directed to refer to this Department letter of even number dated 30<sup>th</sup> June 1992 on the subject cited above and to enclose herewith a copy of Government of NWFP, Finance Department letter No.B1/2-1/92-93 dated 4-11-1992 containing the revised policy of the Provincial Government to the effect that the following categories of jobs in Primary Schools, BHUs, RHCs, Water Supply Schemes and C&W Department will henceforth be filled in on fixed salary basis.

1. Chowkidar
2. Mali
3. Baheshti
4. Coolie in Road Gang
5. Valve Man

2. Budget allocation will be made available / reflected under the commodities and Services (536000-Payment to the other for the services rendered) in the respective Department's budget, on the basis of sanctioned posts and will be spent only for payment of salaries to these categories of employees.

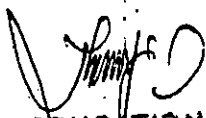
3. The monthly wages / fixes for the above categories of employees will be Rs:1200/- per month.

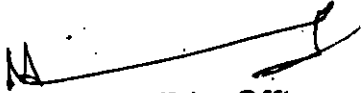
4. The Departments / Appointing authorities are required to maintain respective record of these employees.

5. In view of the above the Government of NWFP, Education Department has directed to lift the temporary ban on appointment imposed under the department letter of even number dated 30<sup>th</sup> June, 1992

(contd.....P/2)

  
District Education Officer  
(Male) Swabi.

  
DIST. EDUCATION OFFICER  
(MALE) SWABI

  
District Edu. Officer  
(Female) Swabi

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Page-2

6. The Director Primary Education may please submit demand for budget allocation under Commodities and Services (596000-Payment to the other for Services rendered), to meet the over-all expenditure for taking up with Finance Department on urgent basis.

(Nasrullah Jan)  
Addl: Secretary Education-I

Endst: No. SOG/EDU/6-147/KC/92

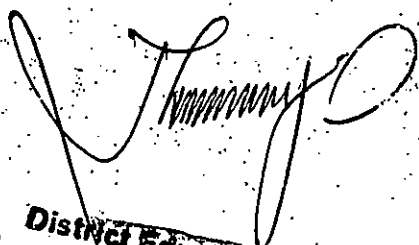
Dated 22-11-1992

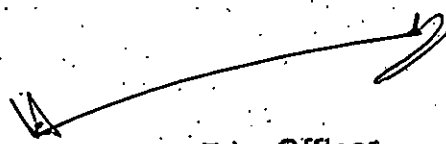
Copy of the above is forwarded for information to:-

1. PS to Secretary to Govt: of NWFP, Finance Department.
2. Addl: Secretary-II, Education Department, Govt: of NWFP.
3. PS to Secretary Education, NWFP.

(Nasrullah Jan)  
Addl: Secretary Education-I

DIST. EDUCATION OFFICER  
(MALE) SWABI

  
District Education Officer  
(Male) Swabi.

  
District Edu. Officer  
(Female) Swabi.

Annexure - c  
Annexure (B)

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Phone No: 812072

DIRECTORATE OF PRIMARY EDUCATION  
N.W.F.P (HAYATABAD) PESHWAR.  
NO.F-1/Directorate/PA/M&A/Appointment of Persons to posts  
on Contract basis  
Dated Peshawar the 7.12.1992

To.

1-35. All the District Education Officer (M&F), Primary  
36-92. All Sub-Divisional Education Officers (M&F) in N.W.F.P.

Subject:- APPOINTMENT OF PERSONS TO POSTS ON CONTRACT BASIS.

Memo:-

I am directed to enclose a photo state copy of Service and General Administration Department Government of NWFP, No:SORI (S&GAD) 4-7/86 dated 9th; April, 1988 regarding appointment of persons to posts on contact basis and a copy of Government of NWFP Education Department Memo:No:SO (G)/Edu:/6-147/KC/92 dated 22.11.1992 regarding recruitment to the post of Non-Education cadre in the Education Department and direct you to make appointments of chowkidars sanctioned for primary schools W.E.F. 1.7.1992 in the light of the instruction contained in the above referred memorandum.

Encl:- As above.

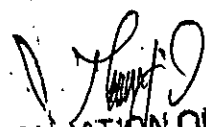
ADDITIONAL DIRECTOR - I  
PRIMARY EDUCATION NWFP

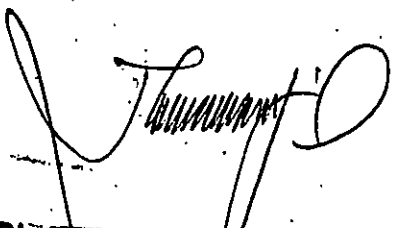
Endst.No: & date as above.

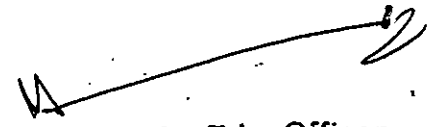
Copy forwarded to the:-

1. Secretary to Government of NWFP, Education Department
2. P. A. to Director Education (Primary) NWFP, Local Office

ADDITIONAL DIRECTOR - I  
PRIMARY EDUCATION NWFP

  
DIST. EDUCATION OFFICER  
(MALE) SWABI

  
District Education Officer  
(Male) Swabi.

  
District Ed: Officer  
(Female) Swabi.

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Annexure - D

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Annexure D

حکومت صوبہ سرحد  
محکمہ خزانہ

مراسلہ نمبر پی۔ او۔ ا۔ 081/081-2007/ایف۔ ڈی

مورخہ: 12 جنوری 2008

بجٹ

- 1- تمام انتظامی معتمدین حکومت صوبہ سرحد۔
- 2- معتمد برائے گورنر صوبہ سرحد، پشاور۔
- 3- پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- 4- تمام سربراہان ماتحت محکمہ جات صوبہ سرحد۔
- 5- تمام ضلعی رابطہ افسران صوبہ سرحد۔
- 6- رجسٹرار پشاور ہائی کورٹ، پشاور۔
- 7- رجسٹرار، سروس ٹریبونل، صوبہ سرحد، پشاور۔
- 8- سیکرٹری، صوبہ پبلک سروس کمیشن، صوبہ سرحد، پشاور۔
- 9- سیکرٹری بورڈ آف ریونیو، صوبہ سرحد۔

بجٹ تقریر

عنوان۔

جناب عالی

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام

ملازمین چھ ماہ (مقررہ تنخواہ Fixed pay) پانے والے ملازمین کو یکم جولائی 2008 سے این۔ ڈبلیو۔ ایف۔ پی سول

ملازمین ایکٹ 1973 کے تحت سول ملازمین کا درجہ دیکر بنیادی سکیل 1 (BPS) دینے کی منظوری دی ہے۔

2- مذکورہ ملازمین کی تنخواہ کا تعین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of)

(Appointment) سے کیا جائے گا۔ تمام ملازمین تنخواہ اور الاؤنٹمنٹ وغیرہ کی مد میں کسی قسم کی بقایا جات (Arrears)

کا حقدار نہیں ہوں گے۔

3- اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی اہدایا ملازمین کو یکم جولائی 2008 سے منسوخ تصور ہوں گے۔

District Education Officer  
Swabi.

DISTRICT EDUCATION OFFICER  
(MALE) SWABI

District Edu. Officer  
(Female) Swabi

نقل برائے اطلاع:

- (1) اکاؤنٹس جنرل، صوبہ سرحد بمعہ گزارش کہ مندرجہ بالا اقدامات کی نافذ العمل کو یقینی بنایا جائے۔
- (2) جملہ ایگزیکٹو ڈسٹرکٹ آفیسرز، فنانس اینڈ پلاننگ، صوبہ سرحد۔
- (3) جملہ ضلعی آفسران حساب داری، صوبہ سرحد۔

میزانیہ افسر (1) محکمہ خزانہ

تظہیر نمبر و تاریخ ایضاً:

نقل برائے اطلاع:

- (1) سنی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
- (2) جملہ اضافی معتمدین و نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
- (3) جملہ بجٹ آفیسرز / سیکشن آفیسرز محکمہ خزانہ، صوبہ سرحد۔
- (4) ڈائریکٹر FMU محکمہ خزانہ صوبہ سرحد۔
- (5) سنی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

میزانیہ افسر (1) محکمہ خزانہ

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEMENTARY & SECONDARY EDUCATION SWABI)

Endst: No. 175-82/ CLASS IV APPOINTMENT FILE/DATED, 9/7/08

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

1. Deputy District Officer (M/F Swabi/Lahor & Topi).
2. Principals/Headmasters, GHSS/GHSS/GHS/GGHS (District Swabi).
3. District Accounts Officer Swabi.
4. District Officer (M&F) Local Office.
5. ADEO (Establishment) M&F Local Office.
6. Supdt (M&F) Local Office.
7. Dealing Asstt: Concerned.

EXECUTIVE DISTRICT OFFICER  
(ELEMENTARY & SECONDARY EDUCATION SWABI)

District Education Officer  
(Male) Swabi.

DIST. EDUCATION OFFICER  
(MALE) SWABI

District Edu. Officer  
(Female) Swabi



Annexure - E (12)

Annexure - E (11)

ADEO (Lit)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
Elementary & Secondary Education Department  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar.

No: SO(Lit-I)/E&SE/1-1/2012  
Dated Peshawar the 30-08-2017

To

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Subject:- 1-EXECUTION PROCEEDINGS IN COURT OF CIVIL JUDGE No: III IN CIVIL SUIT MST:  
FARHAD BIBI VS GOVT: OF K.P.K.

2- VARIOUS PETITIONS PENDING IN PESHAWAR HIGH COURT BANNU  
REGARDING ENTITLEMENT OF PENSIONARY BENEFIT TO FIXED PAY/  
CONTRAT POLICY CLASS-IV.

I am directed to refer to the subject noted above & to enclose herewith a copy of Finance Department letter No: B-1/FD/1-22/2016-17 dated 12/7/2017 which is self explanatory for further necessary action.

Sd/-

(Abdur Rauf Khattak)  
Section Officer (Lit: I)

Endst: No: & date even as above.

DIRECTORATE E&SE DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR.

Endst: No: 363-3707 /Lit: II(G) Civil Suit Lalki Dated Peshawar the 30/09/2017.

1. Copy of the above is forwarded to All the District Education Officers (M/Female) in Khyber Pakhtunkhwa, for favour of perusal & strict compliance, please.
2. Section Officer (Lit: I) E&SE Department, Khyber Pakhtunkhwa, Peshawar
3. Section Officer (Lit: II) E&SE Department, Khyber Pakhtunkhwa, Peshawar
4. Deputy Director (Lit: ) local Directorate.
5. PA to Director, local Directorate.

*(Signature)*

Asstt: Director (Lit: II)  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

*(Signature)*

District Education Officer  
(Male) Swabi.

DISTRICT EDUCATION OFFICER  
(M/F) SWABI

*(Signature)*  
District Edu. Officer  
(Female) Swabi



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

No. BO-1/FD/1-22/2016-17  
Dated Peshawar the 12/07/2017

15  
01

To

The Accountant General,  
Khyber Pakhtunkhwa, Peshawar.

- Subject:-
- 1) EXECUTION PROCEEDINGS IN HONORABLE COURT OF CIVIL JUDGE NO.II IN CIVIL SUITE MST: FARHAD BIBI V/S GOVT. OF KPK AND OTHERS.
  - 2) VARIOUS PETITIONS PENDING IN HONORABLE PESHAWAR HIGH COURT BANNU BENCH REGARDING ENTITLEMENT OF PENSIONARY BENEFIT TO FIXED PAY/CONTRACT POLICY CLASS-IV

Dear Sir,

I am directed to refer to your letter No.H-24(110)/Lakki Marwat/2015-17/201-2 dated 19-04-2017 on the subject noted above and to state that Fixed Pay Policy was introduced in 1992 & 1999 whereunder the class-IV employees of specified Department including Education, were required to be appointed on fixed pay. Later on, the provincial Government decided to discontinue the Policy vide this Department's letter No. BO-1/1-22/2007-08/FD dated 29-01-2008, which, inter alia, provides that "All the Class-IV Fixed Pay employees have been regularized in BPS-I giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments). This policy still stands same and required to be followed in letter and spirit.

As far as appointment of legal advisor for the office of Treasury/Account offices is concerned, it is clarified that in each District, the Government pleaders are available for providing legal assistance to Departments. Besides, Attorney General/Advocate General and other Law Officers who are also pleading Government cases in the Peshawar High Court, Peshawar and Supreme Court of Pakistan. Therefore, creating an additional liability on public exchequer is in no way justified.

It is, therefore, advised that all Department's/offices concerned may pursue such cases regularly in compliance with laid down Law, rules and policy/instructions.

Yours faithfully,

(SAEED AHMAD KHAN)  
BUDGET OFFICER-I

Encl: No. & date even:

Copy forwarded to the:

1. All Administrative Secretaries concerned in Khyber Pakhtunkhwa for information and necessary action.
2. P.S to Finance Secretary.

BUDGET OFFICER-I

DIST. EDUCATION OFFICER-  
(MALE) SWABI

District Edu. Officer  
(Female) Swabi

District Education Officer  
(Male) Swabi

Annexure - F

15

Annexure - F

(15)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (SOSR-1) 12-7/2014  
Dated Peshawar the 6<sup>th</sup> February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject


PROTECTION OF PAY OF CONTRACT EMPLOYEES ON  
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.7(9)R-I/2012, dated 31<sup>st</sup> May, 2012, the competent authority is pleased to allow the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

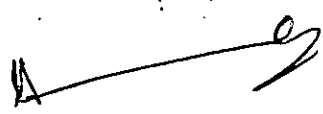
- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,

  
DIST. EDUCATION OFFICER (RAZAULLAH KHAN)  
Addl. Secretary (Regulation)  
(MALE) Swabi

Modo - manage your online data. Learn More >

  
District Education Officer  
Swabi.

  
District Edu. Officer  
(Female) Swabi

TO BE SUBSTITUTED BEARING SAME NO. & DATE.



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

Dated Peshawar the 22-05-2019

**NOTIFICATION**

**No.FD(SOSR-II)4-36/2017.** In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No.BO-I/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-I/2-1/92-93/I dated: 04.11.1992 and No.B-I/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Endst: No & date even**

Copy for information and necessary action is forwarded to the.

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director Treasuries & Accounts Khyber Pakhtunkhwa.
10. The Director, Local Fund Audit, Khyber Pakhtunkhwa,
11. Director, FMIU, Finance Department.
12. Budget Officer-XI, Finance Department.
13. Budget Officer-I, Finance Department with reference to their letters quoted above.
14. All District Controller of Accounts Khyber Pakhtunkhwa.
15. All District Account Officers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.

  
(MOAZZAM KHAN)  
Section Officer (SR-II)

TO BE SUBSTITUTED BEARING SAME NO. & DATE.



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

Dated Peshawar the 22-05-2019

**NOTIFICATION**

**No.FD(SOSR-II)4-36/2017.** In pursuance of the judgement of Peshawar High Court Abbottabad Bench in Writ Petition No. 627-A/2018 dated: 18.12.2018 and Judgements of various Lower Courts as well as supersession of Finance Department policy letter No.BO-I/1-22/2007-08/FD dated: 29.01.2008, the Competent Authority has been pleased to accord sanction of regularization of Fixed Pay Class-IV employees appointed on the basis of policies issued vide Finance Department notifications No. B-I/2-1/92-93/I dated: 04.11.1992 and No.B-I/1-22/94-95/FD Vol-II dated: 24.07.1999 by extending them the status of civil servant as per Civil Servant Act 1973 from the date of their first appointments instead of the date of their regularization w.e.f 01.07.2008 in their respective entities in the best of public interest:

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Endst: No & date even**

Copy for information and necessary action is forwarded to the.

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Accountant General Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Director Treasuries & Accounts Khyber Pakhtunkhwa.
10. The Director, Local Fund Audit, Khyber Pakhtunkhwa,
11. Director, FMIU, Finance Department.
12. Budget Officer-XI, Finance Department.
13. Budget Officer-I, Finance Department with reference to their letters quoted above.
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16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Finance, Khyber Pakhtunkhwa.
18. PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
19. PA to Additional Secretary (Regulation), Finance Department.

  
(MOAZZAM KHAN)  
Section Officer (SR-II)

**Pensioner Data Verification Sheet**

Date of issue : 16.07.2019  
 PPO Type : FRESH  
 PPO Number : 00357830-02  
 File No:  
 Pension Register No:  
 Pensioner's Name : **NISAR MUHAMMAD**  
 Father / Husband name : **PIR MUHAMMAD**  
 Designation: **CHOWKIDAR**  
 NIC No.: 1620209247133  
 Grade / Scale : 04  
 Department.Min: **GOVERNMENT PRIMARY SCHOOL**  
 Pensioner's Type: **SELF**  
 Pension Type: **SUPERANNUATION**  
 Date of Birth : 01.07.1957  
 Date of appointment: 02.11.1996  
 Date of retirement: 01.10.2017  
 Date of Death:  
 Date of commence : 01.10.2017  
 Date of Restoration :  
 Accounts office ID : SU  
 Accounts office Name : Sawabi  
 Federal / Province : Dist. Govt. KP-Provincial  
 Length of Qualifying Service : 20 years, 10 months, 29 days  
 Old PPO Number :  
 No. 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: BAKER SWABI

*1999/02  
 7228/17  
 6511/17*

Note :  
 Age : 61 years  
 Last Drawn pay/Emoluments(Rs.): 14570.00  
 Gross Pension(Rs.) : 7139.30  
 1/4th Surrendered Port on (Rs.)  
 Commuted Portion (Rs.) : 2498.76  
 Net Pension (Rs.) : 10000.00  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 370972.00 (-) 196695  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00 174277  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 35.00  
 Commutation Table value : 11.86  
 Recovery on A/C of  
 Debitable to Govt : Dist. Govt. KP-Provincial  
 Total Net Share  
 Federal : 0.00 Punjab : 0.00  
 Sindh : 0.00 NWFP : 0.00  
 Balochistan : 0.00 Military : 0.00  
 AJK : 0.00 Autonomous : 0.00  
 Payment Mode :  
 Bank Branch :  
 Bank Account Number :  
 Employee Station : Government Primary Schools (Female)S

He/She is also entitled to the following increases

Sr No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	0	Rs. 0.00	0.00	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

*Rs. 196695*

*No 2284 / 2019-20*

*16-7-2019*

A sum of Rs. 370972.00 (Rupees THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED SEVENTY-TWO on account of commuted value of pension is also payable.

The Payment value is debitible to the head.

- Major Object A04 Transfer Payments.
- Minor Object A041 Superannuation Allowance and P
- Detailed Object A04101 Pension
  - A04102 Commuted value Pension.
  - A04103 Gratuity Civil
  - A04104 Other Pension
  - A04105 Gratuity Pension ( Where Pension mature)
  - A04106 Others

(Signature).....

(Designation).....

To The

*16/7/19*

PENSION ROLL SLIP FOR THE MONTH OF July 2019

Sawabi

Pensioner 00357830 NISAR MUHAMMAD  
CNIC 1620209247133

Bank Branch: 221126  
Bank Transfer: 249,257.00

Account No: 11267100035903

Pension Payment / Recoveries Details

0100 - Monthly Pension - Self	10,000.00
1599 - Medical Allow - Pensioner	750.00
5901 - Arrears of Pension	238,320.00
1600 - Med. All. 2015 Pensioner	187.00

Total Pension Payments	249,257.00
Total Decuctions / Recoveries	0.00
<b>PENSION AMOUNT PAYABLE</b>	<b>249,257.00</b>

PENSION ROLL SLIP PRINTED ON 16.07.2019

AT 09:20:16