

17<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan  
Paindakhel, Asstt. AG for the respondents present.


Learned counsel for the appellant requests for  
adjournment in order to further prepare the brief. Last opportunity  
is granted. To come up for arguments on 15.11.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

15<sup>th</sup> Nov. 2022

Assistant to learned counsel for the appellant present.

  
Mr. Kabirullah Khattak, Addl. Advocate General for the  
respondents present.

Former requested for adjournment due to engagement of  
learned senior counsel for the appellant before Honourable Peshawar  
High Court. Adjourned. Being old case of 2019, last chance is  
given. To come up for arguments on 27.12.2022 before the D.B.

SCANNED  
KPST  
Peshawar

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)

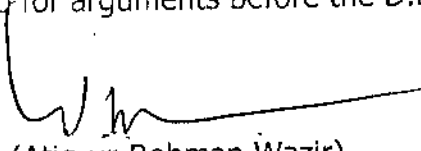
27-12-22

Due to Winter Vacation the case  
is adjourned to 3-4-23 before  
The same

  
Reader

07.01.2022

junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Muhammad Idrees ADO (Litigation) for the respondents present and submitted reply/comments which are placed on file. To come up for arguments before the D.B on 20.04.2022.

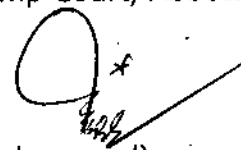
  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

20<sup>th</sup> April, 2022

None present for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Notice be issued to appellant and his counsel for the date fixed. Case to come up for arguments on 14.06.2022 before D.B at Camp Court, Abbottabad.

  
(Mian Muhammad)  
Member (E)


  
Chairman

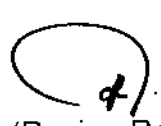
14.06.2022

Nemo for appellant. Lawyers are on general strike.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notice be issued to appellant/counsel for 15.08.2022 for arguments before D.B at Camp Court, Abbottabad.


  
(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad

  
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

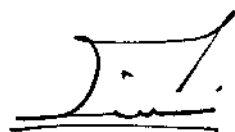
28.06.2021

Miss. Uzma Syed, Advocate, as proxy for learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Miss. Uzma Syed stated at the bar that learned counsel for the appellant has contacted her to make request for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to his illness. Adjourned. To come up for arguments before the D.B on 20.10.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

20.10.2021


Appellant in person present.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Idrees ADO (Litigation) for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 07.01.2022 before D.B.



(ATIQU UR REHMAN WAZIR)  
MEMBER (E)




(ROZINA REHMAN)  
MEMBER (J)

29.10.2020

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

The Bar is observing general strike, therefore, the matter is adjourned to 06.01.2021 for hearing before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

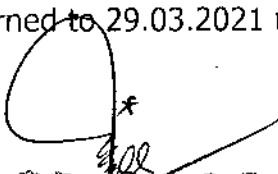
06.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Idrees Litigation Officer, Wahid Gul ADEO and Muhammad Safwan Assistant Accounts Officer for respondents present.

Former requests for adjournment as senior counsel is not available.

Adjourned to 29.03.2021 for arguments, before D.B.

  
(Member (E))  
Member (E)

  
(Rozina Rehman)  
Member (J)

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 28.06.2021 for the same.

  
Reader

11.12.2019

Appellant in person and Addl. AG for respondents No. 1 & 2 present. Nemo present for respondents No. 3 to 5.

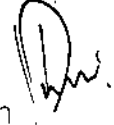
Fresh notices be issued to respondents No. 3 to 5 by way of last chance. To come up for written reply/comments on 22.01.2020 before S.B.

Chairman 

22.01.2020

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

Respondents No. 1 & 2 have already furnished comments. Respondents No. 3 to 5 have not furnished the requisite reply/comments despite last chance. The matter is posted to D.B for hearing on 01.04.2020. The appellant may furnish rejoinder to comments of respondents No. 1 & 2 within one month, if so advised.

Chairman 

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.

  
Reader

12.09.2019

Counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor for the respondents present.

Learned AAG requests for time to submit parawise comments of the respondents on the next date of hearing.

Adjourned to 07.10.2019 on which date the requisite reply shall positively be submitted.

Chairman 

07.10.2019

Counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor for respondents No. 1 & 2 present.

Representative of respondent No. 1 & 2 requests for time. Fresh notices be issued to the respondents No. 3 to 5. To come up for written reply/comments by way of last chance on 04.11.2019 before S.B.

Chairman 

04.11.2019

Counsel for the appellant and Addl. AG alongwith Asghar Mahmood, Senior Auditor for the respondents present.

Representative of respondents No. 1 & 2 has furnished comments on behalf of the said respondents. Learned AAG seeks time to contact the remaining respondents for furnishing comments. Adjourned to 11.12.2019 on which date the requisite reply/comments of respondents 3 to 5 shall positively be submitted.

Chairman 

31.05.2019

Counsel for the appellants present.

Contends that the appellant retired from Government service on 04.11.2017 and his papers/documents regarding payment of pension were prepared by respondent No. 5 for onward submission to respondents No. 1 & 2. Despite lapse of considerable period the appellant has not yet been paid any amount towards his commutation and monthly pension which is against the mandate of law and Constitution.

The appeal in hand is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 25.07.2019 before S.B.

  
Chairman

25.07.2019

Counsel for the appellants and Mr. Zakiullah, Senior Auditor for respondent No. 1 alongwith Mr. Usman Ghani District Attorney for the respondents present.

Representative of respondent No. 1 requests for further time to furnish the requisite reply. Learned District Attorney makes a similar request on behalf of other respondents.

Adjourned to 12.09.2019 before S.B.

  
Chairman



SCANNED  
KPST  
Peshawar

Appellant Deposited  
Security & Process Fee  
31/5/19

Form- A  
FORM OF ORDER SHEET

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

Case No. 530/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/04/2019	<p>The appeal of Mr. Fazal Ghufan presented today by Mr. Muhammad Arif Jan 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 25/4/19</p>
2-	26/04/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">897 83500</p>



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

S.A.No. 530 /2019

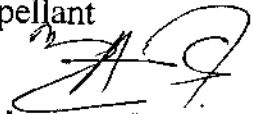
Fazal Ghufraan .....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary E&SE and others .....Respondents

**I N D E X**

S#	Description of documents.	Annexure	Pages.
1.	Service Appeal		1-4
2.	Application for condonation of delay		5
3.	Addresses of the parties.		6
4.	Copy of appointment order alongwith service book	A	7-20
5.	Copy of letter dated 04.11.2017 alongwith letter dated 29.09.2017	B	21-22
6.	Copy of retirement order		2
7.	Copy of office order dated 17.01.2018	C	23-
8.	Copies of pension papers	D	24-37
9.	Copies of departmental appeal alongwith other relevant letters	E	38-40
10.	Wakalatnama		41

Appellant  
  
Through  
**Muhammad Arif Jan**  
Advocate High Court  
0333-2212213

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

S.A.No. \_\_\_\_\_/2019

Fazal Ghufuran, Ex-Drawing Master  
S/o Ghulam Nabi R/o Dat, Sherakot, Pallas  
District Kohistan

.....Appellant

**VERSUS**

1. Accountant General Khyber Pakhtunkhwa, Peshawar Cantt.
2. District Accounts Officer, District Kohistan.
3. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
4. Director of Education, Khyber Pakhtunkhwa, Near Govt. High School No.1, G.T Road, Peshawar.
5. District Education Officer, District Kohistan

.....Respondents

*Appeal u/s 4 of the KPK Service Tribunal Act,  
against the act, omission and commission of the  
respondents concerned by way of depriving the  
appellant from his service benefit (pension and  
pensionary benefits) being entitled in all respect  
for which the appellant filed departmental appeal  
before respondent No.4, which is pending till  
date.*

**RESPECTFULLY SHEWETH:-**

1. That initially the appellant was appointed against the vacant post of Drawing Master vide order dated 05.04.1999 and was posted at GMS Sanagi, by the Selection Committee after fulfilling all the codal formalities. (Copy of appointment order alongwith service book are Annex "A")
2. That the appellant served the department with full devotion and determination and to the entire satisfaction of his superiors, but unfortunately, the appellant was suffered with disease "Sciatica" and permanently incapacitated for further duties.

3. That a Medical Board was constituted to determine the condition of the appellant, and after proper examination and treatment, the appellant was found complete and permanently incapacitated for further duties being suffered with his "Right Sciatica". (Copy of letter dated 04.11.2017 alongwith letter dated 29.09.2017 are attached as Annex "B")
4. That the appellant after declaring incapacitated by the Medical Board filed an application for LPR on 27.12.2017.
5. That vide order dated 17.01.2018, respondent No.3 sanctioned the LPR (180 days) effecting from 04.11.2017 in favour of the appellant keeping in view his fitness for further duties on the basis of report of the Medial Board. (Copy of office order dated 17.01.2018 is Annex "C")
6. That the pension papers of the appellant were processed and the appellant after filling-up the required necessary documents and also provided the relevant information regarding his service careers in Black & White to the concerned authority. (Copies of pension papers are Annex "D")
7. That, astonishingly by wrongly calculating the pension, pay, gratuity etc, the appellant was only paid Rs.1,80,000/- in lump-sum, however, further Rs.82,000/- were been refund from the appellant as debit amount against the appellant.
8. That the appellant filed departmental appeal before respondent No.4 on the subject matter on 21.12.2018, which was received vide Daily Diary No.231 of the same day, but the report was asked from the concerned in which they shows their inabilities to redress the grievance of appellant. (Copies of departmental appeal alongwith other relevant letters are attaché das Annex "E")
9. That after lapse of statutory time, the department appeal was not disposed-of, hence the appellant approaches this hon'ble Court on the following amongst other grounds:-

### GROUNDS

- A. Because the act, omission and commission of the respondents by way of driving the appellant from his legal and fundamental right of pay, pension and pensionary benefits for which the appellant is entitled in all respects is patently illegal, unlawful, without lawful authority of no legal effect, hence the respondents be directed to process the pension papers of the appellant to release all the due amounts without any further delay reason and justification.

- B. Because grievances in respect of pensionary benefits is/ was recurring cause consequently limitation could not come in the way of such relief, reliance is placed in the case of "Abdul Jabbar Vs. GM Railway" in reported judgment of **2018 SCMR 64**. But the respondents knowingly the facts intentionally ignored deprived the petitioner from his basic and fundamental right and this act of the respondents is amounts to abuse of law.
- C. Because the guidelines also mentioned and delivered to all concerned in the reported judgment of august Supreme Court of Pakistan "**PLD 2007 SC 35**", have also been ignored by the authority concerned, hence invites consideration of this hon'ble Tribunal.
- D. That the parent department has got no objection upon the service, pay, allowances and other service benefits like pension etc, which is evident from the record attached, but respondent No.1 without following the law, rules and regulations governing the subject matter not in the position to pay the appellant his due right of pension and pensionary benefits.
- E. Because appellant has served the Govt. Department on regular basis for a long period of 19 years, but due to the acts, commission and omission of the respondents, the appellant has been deprived from his legal and lawful right of pensionary benefits, which is amounts to abuse of process of law
- F. Because the appellant is entitled for double pensionary benefits, who has been declared incapacitated by the medical board, but to facilitate the appellant, the respondents refunded Rs.82,000/- from the paid amount of Rs.1,80,000/- and this act of the respondents is amounts to abuse of law.
- G. Because the respondents are bound down under the law to process and prepare the pensionary documents within time, without any delay, reason and justification and to pay the appellant his full emolument for his served period of 19 years for which he is entitled in all respect, but the respondents intentionally deprived the appellant with their dishonest attitude, hence invites the consideration of this hon'ble Court.
- H. Because appellant has been discriminated violating Article 25/27 of the Constitution.
- I. Because the appellant is a poor man and the only bread winner of his whole family moreover, being patient of "Sciatica" is still getting regular medical treatment from his doctor and have no other source of income except the pension and pensionary benefits to feed the mouths of his whole family.

4

J. That any other relief, which has not been specifically asked for may kindly also be granted in faovur of appellant.

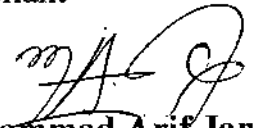
It is, therefore humbly prayed that, on acceptance of this appeal, the respondents may be directed to prepare and process the pension and pensionary documents of the appellant and to pay him his all dues in shape of monthly-pension alongwith all gratuities / emoluments in lum sum without any further delay, reason and justification.

Further the respondents may be directed to refund Rs.82,000/- which was deducted wrongly by the respondents out of paid amount of Rs.1,80,000/- in favour appellant.

Any other relief deemed fit may also be graciously granted.

فضل خزان  
Appellant

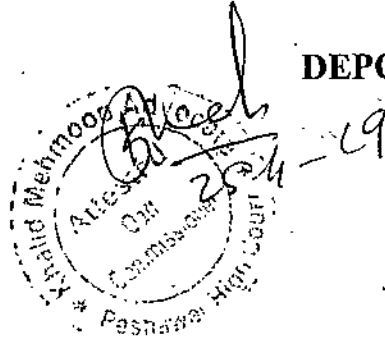
Through

  
Muhammad Arif Jan  
Advocate High Court

### AFFIDAVIT

I, do hereby, solemnly declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

فضل خزان  
DEPONENT



5

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

S.A.No. \_\_\_\_\_/2019

Fazal Ghufraan .....Petitioner

**VERSUS**

Govt. of Khyber Pakhtunkhwa through

Secretary E&SE and others .....Respondents

***APPLICATION FOR CONDONATION OF  
DELAY IF ANY***

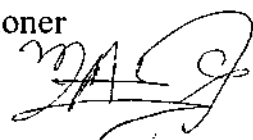
**Respectfully Sheweth:-**

1. That the above titled appeal is being filed before this hon'ble Tribunal alongwith instant application.
2. That grievances in respect of pensionary benefits is/ was recurring cause consequently limitation could not come in the way of such relief, reliance is placed in the case of "Abdul Jabbar Vs. GM Railway" in reported judgment of 2018 SCMR 64. However, the delay if any is not intentionally.
3. That valuable rights of petitioner are involved in the case in hand, which needs decision on merit

It is, therefore, prayed that on acceptance of this application the delay if any caused in filing accompanying appeal may graciously be condoned.

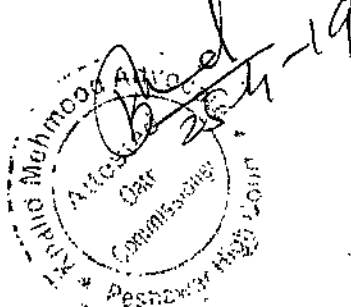
Petitioner

Through

  
**Muhammad Arif Jan**  
Advocate High Court

**AFFIDAVIT**

I, do hereby, solemnly declare on oath that the contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



  
**DEPONENT**

6

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

S.A.No. \_\_\_\_\_/2019

Fazal Ghufuran .....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa through  
Secretary E&SE and others .....Respondents

**MEMO OF ADDRESSES**

**APPELLANT**

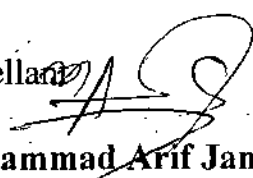
Fazal Ghufuran, Ex-Drawing Master  
S/o Ghulam Nabi R/o Dat, Sherakot, Pallas  
District Kohistan

**RESPONDENTS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director of Education, Khyber Pakhtunkhwa, Near Govt. High School No.1, G.T Road, Peshawar.
3. District Education Officer, District Kohistan
4. District Accounts officer, Kohistan
5. Accountant General Khyber Pakhtunkhwa, Peshawar Cantt.

Through

Appellant

  
**Muhammad Arif Jan**  
Advocate High Court

7

Annex-A

*[Handwritten signature]*

OFFICE OF THE DISTRICT INSPECTOR OF SCHOOLS (D.I.S.)  
MIRANSHAPUR

OP/13/2000

Consequent upon the selection by the selection committee in the light of test/interview on 17.3.99. The following Sr/Pr/MA Trained/Untrained (Male) candidates are hereby appointed at the school noted against each in J.O.No.9 (S.1005-97-3060) plus usual allowances as are admissible under the rules, with effect from the date of their taking over charge, in the interest of public service.

S.No.	Name of Candidate/Father's name and address.	Qualification	School in which appointed	Remarks
1.	Muzal Ghufraan u/o Ghulam r/o Saug Dubair.	B.A.	Govt. Secondary School, Saug Dubair.	Agree.
2.	Gul Sagar u/o Lolat Khan r/o Saug Dubair.	B.A.	Govt. Secondary School, Saug Dubair.	Agree.
3.	Mushan Gul u/o Sale-uddin r/o Dubair.	B.A.	Govt. Secondary School, Saug Dubair.	Agree.
4.	Mushan Gul u/o Sale-uddin r/o Dubair.	B.A.	Govt. Secondary School, Saug Dubair.	Agree.
5.	Muhammad Ayub u/o Jafail Khan Dubair.	B.A.	Govt. Secondary School, Saug Dubair.	Agree.

**TERMS OF APPOINTMENT**

- Their services are temporary and liable to termination at any time on 1 month notice from either side, in case of resignation w/o notice, 1 month pay will be forfeited in lieu of thereof.
- The DA/DA is allowed to any one.
- Gratuity is not payable to all concerned.
- They will be produced age and health certificate from DHO Kohistan.
- Their original certificates/Degrees should be re-verified from the concerned Board/University, before handing/taking of charge.
- Charge will not be H.Over to over age/under age candidates.
- They should not allowed to H.Over after 10, if they failed in taking of charge within one month.

Sd/- (GHULAM JILANI)  
DISTRICT INSPECTOR OF SCHOOLS  
MIRANSHAPUR

1709-12

Endt.No. 1709-12  
Copy of the above is forwarded to the District Inspector of Schools the 5/11/1999.

- Director, Secondary Education, Kohistan.
- District Account Officer, Kohistan.
- Candidate concerned.
- Inspector, Govt. Middle School, Saug Dubair.

Attested

*[Handwritten signature]*  
3/11/99

ATTESTED

*[Handwritten signature]*



Better Copy

8.

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M/F)  
DISTRICT KOHISTAN**

**OFFICE ORDER**

Consequent upon the selection by the selection committee in the light of test/ interview on 17.2.99 the following CT/PST/DA Trained/ Untrained (male) candidates are hereby appointed at the schools noted against each in BPS No. 9 1695-97-3060) plus usual allowances as due and admissible under the rules. With effect from the date of Their taking over charge. In the interest of public service.

S No.	Name of candidate / father name and address	Merit Position	School is which posted	Remarks
1	Fazal Ghufraan S/o Ghulam R/o Jaud Dubair		GMS Sanagai	Against vacant post
2	Gul Samar S?o Dolat Khan r/o Jaud Dubair		Gheshal/ Kayal	V.P.O
3	Dushan Gul S/o Fale hear r/o Dubair		Khanabad	V.O of DM
4	Akbar		Harigah	--do--
5	Muhammad Ayub S/o Jajail Khan Dubair		Khwar	--do--

**Terms & Conditions**

1. Their service are temporary liable to termination at any time on the one month notice from other side. In case of resignation w/o notice. One month will be forfeited in leave of thereof.
2. No TA/DA is allowed to anyone
3. Charge report herewith be submitted to all concerned.
4. They will be produced age and health certificate from DHO Kohistan
5. Their original certificates/ degrees should be re-verified from the concerned board/ university before handing/ taking of charge.
6. charge will not be H. Over to over age/ under age candidates.
7. They should not allowed to leve their if they failed in taking over of charge within one month.

- sd -

Ghulam Jilani

District Education Officer M/F Kohistan

Endst No. 1709-12 Forwarded too  
Copy of the above is forwarded to the

1. Director, Secretary Education Kohistan.
2. District Account officer Kohistan
3. Candidate concerned.
4. Headquarter Add/ (sic)

- sd -

**Attested**

District Education Officer M/F Kohistan

**ATTESTED**

*[Handwritten signature]*

*[Handwritten signature]*

(For use in Police Department only)

20

9

Heirs,

- 1.
- 2.
- 3.

Verification Roll No.                      dated                      received back

Left thumb-impression.

1 passed SSC (A) Exam  
in 1997 from BISE ATD

Qualification	Date	Qualifications	Date
under Roll No 38802			
obtaining Marks 455/850			
English		First Arts	
Pashu		B. L. or B. A.	
Urdu		Pledership examination	
Plan drawing		Training School Final examination	
Finger print		Other qualifications—	
Drill instructing			
Court duties			
Reserve duties			

Attested

ATTESTED

N.B.—Line to be drawn under the qualification possessed.

Handwritten signature

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9.  
10.

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	Signal of Government
D.M G.M.S Samagi	Temp.	R <sub>s</sub> BPS=09 BPS=09	1605	97	3060	8/4/1999	
G.M.S Kumudul	Temp.	R <sub>s</sub> 1605	1605	97	3060	31/8/2000	
G.M.S Khan Abad	Temp.	R <sub>s</sub> 1605	1605	97	3060	8/6/01	
					Per M		
					Per M		
					Per 2410/1	12/2001	
					Per 2410/1	12/2002	
					Per 2410/2	12/2003	
					Per 2410/1	12/04	
					BPS 09/ (2770-165-7700)		
					2770 Fixed	17/05	
					2770 Fixed	12/05	
					2770 Fixed	12/06	

2001  
OFFICE OF THE ACCOUNTANT GENERAL  
N.W.F.P. Peshawar.  
PAY FIXED IN THE REVISED BASIC  
PAY SCHEDULE FOR 2001  
OF RS. 2410 = Fixed.  
AT RS. ...  
With Next Increment on

*M. R. Shah*  
Pay Fixing Officer  
N.W.F.P. Peshawar.

(2005)  
Office of the Accountant General  
N.W.F.P. Peshawar  
Pay Fixed in the revised basic pay scale for 2005  
of Rs. 2770 = Fixed.  
at Rs. ... P.M. on 01-06-2005  
With next increment on 01-12-2005

Attested

*[Signature]*

*[Signature]*

11

32

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

1. Name

FAZAL GHUFRAN

2. Race

BAHADER-KHIL

3. Residence

Will Jaj Dubair Teh Rana Dist Kohistan

4. Father's name and residence

GHILLAM-NABI

5. Date of birth by Christian era as nearly as can be ascertained

First May N/H-8 Someny  
eight. (01-05-1978)

6. Exact height by measurement

5-6"

7. Personal marks for identification

NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer

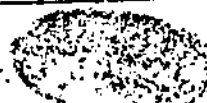
Little Finger.

Ring Finger



Middle Finger.

Fore Finger



Thumb.



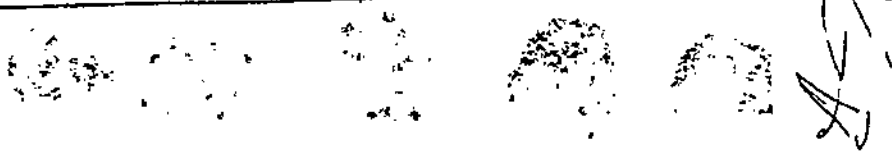
9. Signature of Government servant

*[Handwritten Signature]*

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

*[Handwritten Signature]*  
Attesting Officer  
(Main, Kohistan)

Attested



(12)

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	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature of the officer in charge of attestation columns
DM Revision of PPS	Permt.	N.C.S.R. 9	3185-	190-8885		7/07	[Signature]	[Signature]
G.M.S.		-	Rs 3185/-			12/07	[Signature]	[Signature]
-	-	-	Rs 3185/-			12/07	[Signature]	[Signature]
Revision of PPS No 9 (3820-230-1072)								
-	-	-	Rs 3820/-			7/08	[Signature]	[Signature]
2007			Rs 3820/-			12/08	[Signature]	[Signature]
Office of the...						12/08	[Signature]	[Signature]
3185/- fixed						12/08	[Signature]	[Signature]
						12/2010	[Signature]	[Signature]
						2008		
1-7-2011 - PM								
-	-					2/01	[Signature]	[Signature]
-	-	Arrested				12/04	[Signature]	[Signature]

[Handwritten signature]

(13) (74)

9	10	11	12	13		14	15
				Signature and name of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment		
Chulaminghm D.E.O. (M)	30/8/2000	Fixed	Chulaminghm D.E.O.		Appointed as A.D.M. Teacher at G.M.S. Sargol		
					Vide D.E.O. Sargol (M) No. 1709-12		
Chulaminghm D.E.O. (M)		Transfer	Chulaminghm D.E.O. Sargol				Dated 05-04-1999-
Chulaminghm D.E.O. (M)	30/11/2001	Fixed	Chulaminghm D.E.O. Sargol				Chulaminghm D.E.O. Sargol (M)
Chulaminghm D.E.O. (M)	30/11/2002	Fixed	Chulaminghm D.E.O. Sargol		① Service verified w.e.f. 8-4-99 to 31-8-2000 from Agg. Rolls & other record of this office		
Chulaminghm D.E.O. (M)	30/11/2003	Fixed	Chulaminghm D.E.O. Sargol				
Chulaminghm D.E.O. (M)	30/11/2004	Fixed	Chulaminghm D.E.O. Sargol		② Service verified w.e.f. 1-1-2000 to 30-11-2001 from Agg. Rolls & other record of this office		
Chulaminghm D.E.O. (M)	30/6/05	Fixed	Chulaminghm D.E.O. Sargol				
Chulaminghm D.E.O. (M)	30/11/05	Fixed	Chulaminghm D.E.O. Sargol		③ Service verified w.e.f. 1-12-2001 to 30-11-2002 from Agg. Rolls & other record of this office		
Chulaminghm D.E.O. (M)	30/11/06	Fixed	Chulaminghm D.E.O. Sargol		④		
Chulaminghm D.E.O. (M)	30/07/07	Fixed	Chulaminghm D.E.O. Sargol		⑤ Service verified w.e.f. 1-12-2002 to 30-11-2003 from Agg. Rolls & other record of this office		

Attested

[Signature]

District Officer (M)  
S & L District Kohistan

[Signature]  
D.O.  
District Officer (M)  
S & L District Kohistan

(14)

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	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature of the officiating attest: column
DM GMS, Kafur Banda	Partt.	Entry Revised due to All India BPS-15 (8500-700-29500) due to upgradation of 01-7-2012	8500/-	Fixed	-	01/07/2012	[Signature]	
			8500/-			12/2012	[Signature]	
			8500/-			12/2013	[Signature]	
GHS Kafur Banelar			8500	fixed		01/01/14	[Signature]	Head GHS Kafur
"			10985	(8500) fixed		31/7/2015	[Signature]	
GMS Sertoo Keyal			10985	fixed		1/9/2015	[Signature]	
6207			10985/2			1/12/015	[Signature]	
DM Dat. Shantkot			13510			1/7/016	[Signature]	
12/11			13510			1/12/016	[Signature]	
12/14			13510			1/12/016	[Signature]	
7/15			16120			07/17	[Signature]	
7/15			16120				[Signature]	

Attested

[Signature]

(15) (16)

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and position of the head of the office or other attesting officer in continuation of Nos 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to recorded points or censure, or in praise of Government Service
<del>Signature</del>	30/07	Fixed	<del>Signature</del>		(6)		
<del>Signature</del>	30/08	SIR	District Officer E&S: Edu Kohistan at Dasso		Service Verified w.e.f. 1-12-05 To 30-11-06 from Acq: Roll & Other record of this office.		
<del>Signature</del>	30/08	Fixed	District Officer E&S: Edu Kohistan at Dasso		(7)	Service Verified w.e.f. 1-12-06 To 30/11/07 from Acq: Roll & Other record of this office.	
<del>Signature</del>	30/09	Fixed	District Officer (E&S) Edu (M) Kohistan		(8)	Service Verified w.e.f. 1-12-07 To 30-11-08 from Acq: Roll & Other record of this office.	
<del>Signature</del>	30/07	Fixed	District Officer E&S: Edu (M) Kohistan		(9)	Service Verified w.e.f. 1-12-08 To 30-11-09 from Acq: Roll & Other record of this office.	
ATTESTED		<del>Signature</del>	<del>Signature</del>		(10)	Service Verified w.e.f. 1-12-05 To 30/11/06 from Acq: Roll & Other record of this office.	<del>Signature</del>
<del>Signature</del>	30/01/11	Fixed	District Officer (E&S) Edu (M) Kohistan		(11)	Service Verified w.e.f. 1-12-06 To 30/11/07 from Acq: Roll & Other record of this office.	
<del>Signature</del>	30/11	Early Retirement Je Seba Approved	District Officer E&S: Edu (M) Kohistan		(11)	Service Verified w.e.f. 1-12-06 To 30/11/07 from Acq: Roll & Other record of this office.	

BPS-15

Attested  
(See next Page)

District Officer  
D O M









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Signature and name of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference in recorded punish or censure, or in or praise of Government Service
				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		
					(13) Service verified v.c.f. 12/14 To 30/5 from Acy: Roll & other off. Records.	<i>[Signature]</i> Dy. DEO (M) Kohistan	
					(14) Service verified v.c.f. 1/25 To 30/6 from Acy: Roll & other off. Records.	<i>[Signature]</i> Dy. DEO (M) Kohistan	
		Allowed to proceed on retirement on medical ground vide DEO (M) Kohistan Encl. no 344/18 dated 17.01.2018.			(15) Service verified v.c.f. 1/06 To 30/6 from Acy: Roll & other off. Records.	<i>[Signature]</i> Dy. DEO (M) Kohistan	
					1579. 15/11/2017. Source-II verified for 11/2017 due to Lop ki: 8008/ e 20025/- PM wof: 1-11-2017 to 28-2-2018. + pay correct e 16/20/- PM wof: 1-11-2017.		

Attested

*[Signature]*



**HEAD QUARTER HOSPITAL BATTAGRAM.**

*Amold-B*  
~~*Amold-B*~~

No. 4332-37 Med: Dated Battagram the 04.11.2017.

To: District Education Officer (Male),  
Kohistan.

*(22)* *(21)*

Subject: MEDICAL BOARD.

Memorandum

Reference your letter No, 8661 dated 29.09.2017 & this office letter No, 4273-77/SMB dated 02.11.2017 on the subject cited above.

Certified that we have carefully examined Mr. Fazal Ghufan S/O Ghulam Nabi,  
Designation DM, GMS Dat Sherakot Pallas, District Kohistan of your department on 04.11.2017. We  
consider her completely and permanently incapacitated for further service in consequence of

Seclusion

*Right* \*

Her incapacity does not appear to us to have been caused by irregular or intemperate habits.

1. Comptroller  
(Medical Superintendent)  
DHQ Hospital Battagram.

2. Secretary  
(Medical Specialist)  
DHQ Hospital Battagram.

3. Member  
(District Surgeon)  
DHQ Hospital Battagram.

Surgical Specialist  
D.H.Q HOSPITAL  
Battagram

No. \_\_\_\_\_

Copy forwarded to the Director General Health Services, KPK Peshawar for information and record.

*21/11/17*  
*21/11/17*

*Case for notification*

Medical Superintendent  
D.H.Q Hospital  
Battagram

Medical Superintendent  
DHQ Hospital Battagram.

Medical Superintendent  
D.H.Q Hospital,  
Battagram

*Amold-B*  
*(Handwritten signatures)*



22

29

**OFFICE OF THE DISTRICT EDUCATION OFFICER**  
**(MALE) KOHISTAN**

No. 8661 /DEO(M) KH:

Dated Dassu the 29 /09/2017

To,

Medical Superintendent,  
DHQ, Hospital Battagram.

Subject: **MEDICAL BOARD**  
Memo:

Enclosed kindly find herewith an application along with other documents in respect of **Mr. Fazal Ghufan S/O Ghulam Nabi DM GMS Dat Sherakot Pallas District Kohistan** received from Deputy District Education Officer (M) Kohistan. Vide letter No.376 dated 20-09-2017 regarding on the subject cited above.

You are requested to examine the above case through standing Medical Board and opinion thereof may be sent to this office, for further necessary action, supporting documents are also attached for ready reference.

Your co-operation in this regard will be highly appreciated please.

*[Signature]*  
District Education Officer  
(Male) Kohistan.

Endstt; /No./Estab: \_\_\_\_\_ /DEO(M) KH

Copy of the above is forwarded to the:-

1. Director Elementary and Secondary Education Kohistan.
2. Deputy District Education Officer(M) Kohistan
3. District Accounts Officer Kohistan.
4. Teachers concerned.

*[Signature]*  
29/09/17  
District Education Officer  
(Male) Kohistan.

**Attested**  
*[Signature]*

**ATTESTED**  
*[Signature]*



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN

OFFICE ORDER:-

In exercise of power (under Para 20) delegation of power vide Finance Department Government of Khyber Pakhtunkhwa letter No. 7760-64 dated 11-02-1980, and in pursuance of delegation of power vested upon by the competent authority, vide Notification No. 1960-2037/F.No.4/Leave cases dated Peshawar the 10-06-2014, as applied and forwarded by Deputy District Education Officer (M) Kohistan vide No. 477 dated 05-01-2018.

Sanction is hereby accorded to grant of Retirement/leave of encashment in lieu of LPR (180-days) in respect of **Mr. Fazal Ghufan DM GMS Daf Sherakot w.e.f. 04-11-2017**. He has been considered completely and permanently incapacitated for further service by the Medical Board/Medical Superintendent District Head Quarter Hospital Battagram vide opinion dated 04-11-2017, received from Chairman Standing Medical Board / Medical Superintendent District Head Quarter Hospital Battagram letter No. 4332-32 dated 04-11-2017 and verified vide letter No. 5081 dated 11-12-2017.

District Education Officer  
(Male) Kohistan.

Endsitt: No. 344-48 / F.No.07/Medical Board Dated 17/01 /2018  
Copy of the above is forwarded to the:-

1. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (M) Kohistan.
3. District Accounts Officer Kohistan.
4. District Monitoring Officer (IMU) Kohistan.
5. Officials concerned.

District Education Officer  
(Male) Kohistan.

Attested

ATTESTED





Amex - D' (42) (24) 6  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHISTA**

No. 789 / DEO (M) KH

Dated Kohistan the 2/02 /2018

To,

District Account Officer,  
Kohistan.

Subject: **PENSION PAPER.**  
Memo:

Enclosed please find herewith a Pension Papers along with Service Books in respect of the following officials received from Deputy District Education Officer (M) Kohistan, Sub Divisional Education Officer (M) Pallas and Dassu Kohistan reference letter No. and dated mentioned against their names in favor for further necessary action please.

S. #	Name & Designation	School Name	DDO Ref:	Date of Retirement
01	Fazal Gufraan DM	GMS Dat Sharakot	489 dt 24/01/2018	04/11/2017
02	Sadar Khan Chow	GPS Maidan Kolai	1408 dt 24/01/2017	01/01/2018
03	Muhammad Afreen PST	GPS Badakot	1387 dt 23/01/2017	01/11/2017
04	Shams ul Haq Chow	GPS Ramal	94 dt 20/01/2018	01/01/2018
05	Liaqat Wali Chow	GPS Shatyal Bazar	124 dt 23/01/2018	13/12/2017
06	Muhammad Basheer Chow	GPS Ghazi Abad	1347 dt 17/01/2018	01/12/2017
07	Amir Nawab PST	GPS Shamal	93 dt 20/01/2018	01/01/2018

Endst: No. \_\_\_\_\_

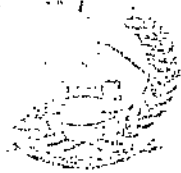
Copy of the above is forwarded to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (M) Kohistan.
3. Sub Divisional Education Officer (M) Dassu, Pallas Kohistan.
4. Teachers concerned.

**Attested**

DISTRICT EDUCATION OFFICER  
(MALE) KOHISTAN

**ATTESTED**



(28)

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GP FUND FORM 10) P.No. 00335374

**SPEEDY DISPOSAL OF THE CLAIM OF FINAL PAYMENT OF G.P. FUND ACCOUNT IN RESPECT OF MR. Fazal Ghayran**

1. The actual dated after noon of the subscriber:- 04.11.2017
2. The number GP Fund account as assigned by this office:- \_\_\_\_\_
3. A certificate from the sanctioning authority referred to in rule 1 of the G.P. Fund ( K.P.K. Service) rule stating whether any temporary advance from the fund was granted the sur- screener during the previous 12 months and if no full particulars of advance stating the No and date the Treasury Voucher in which it was drawn Rs. 2890/-
4. A Certificate from the Head of the Office whose any amount for fund.
5. Was down by the subscriber of such with drawl that in the No and state of TY in which it was drawn \_\_\_\_\_
6. The amount of the last fund deduction which the particulars of the payment bill (E.D. the No and Treasury voucher ) from which it was not \_\_\_\_\_
7. The Name of the Govt: Treasury of Sub.Treasury at which payment of the prudent Fund Money is desired BAO Kohistan.
8. In case of Leave preparatory weather the Officer desire- lotion which drawn deposited before the actual date of his retirement in terms plane so the GP Fund KPK Service Rule \_\_\_\_\_
9. To
  - a. The dated of Commencement of Leave:- \_\_\_\_\_
  - b. The date on which he will actually retire:- 04.11.2017.
  - c. The case of Pension on which he is to notice:- \_\_\_\_\_
  - d. Springing retiring compassion or involved in the case involved. Pension the date \_\_\_\_\_ of the Medical Certificate. Provided if of \_\_\_\_\_ the incapacity for further.
10. In the event of subscriber redistilling to recover the payment of the month from Treasury a last in the District other them that where he was Employed the following addition information.

Signature [Signature]  
 Dy. Dist. Edu. Officer  
 Head of Department Kohistan  
20/01/2018

Encls: No. \_\_\_\_\_ / Date Kohistan \_\_\_\_\_ /201

Copy submitted to the District Accounts Officer, Kohistan for favour of necessary action please.

**ATTESTED**  
[Signature]

[Signature]

Signature \_\_\_\_\_  
 Dy. Dist. Edu. Officer  
 Head of Department Kohistan

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LIST OF FAMILY MEMBER

List of family member of Mr. Fozal Ghayyan, ER-DN GMS Dal  
Sharakil

S. #	Name	Relationship	Age	Married- Unmarried
1	Mrs. Zahida.	wife	35	Married.
2	Mrs. Hanifa.	Daughter.	16	un-married.
3	Mrs. Salika.	"	14	"
4	Fozal Mehboob.	Son	12	"
5	Fozal Ahmad	"	09	"
6	Nadia	Daughter	05	"
7	Zabana.	"	02	"

Signature of Applicant: [Signature]

~~Drawing & Disbursing Officer.~~  
~~(Male, Kohistan)~~

20/1/2018

Composed by Jan Yarnizue S. Clerk Education Department Kohistan

Attested

[Signature]

ATTESTED

[Signature]



39

27

# NO DEMAND CERTIFICATE

Certified that nothing is outstanding against Mr./Mrs. Fozul Ghaffar who has been retired / death or is retired 04.11.2017 (AN/FN) either on account of Government money or property and that if anything is found later on the Name of will be the responsibility of the undersigned.

D.D.O. 04/10/2018

Applicant فوزل غفران

Dy. Dist. Secy. Officer (Male) Rawalpindi

## DECLARATION

I hereby that I have neither applied for non received any Pension or Gratuity in respect of my portion of the service included in the application and in respect of which Pension or Gratuity as claimed here in/ non shall I submit any application here after with our quotation a reference to his/ her application and the order which may be passed there on.

ATTESTED

04/10/2018

Signature فوزل غفران

Designation En-07.

## UNDERTAKING

Should be amount of Pension / Gratuity granted to me be after awards found to be in excess of that to which I an entitle the rules I hereby undertake to refund any such excess.

ATTESTED

04/10/2018

Signature فوزل غفران

Designation En-07.

Specimen signature in respect of Mr. Mrs Fozul Ghaffar

1. فوزل غفران 2. فوزل غفران 3. فوزل غفران

ATTESTED

04/10/2018

Thumb and finger impression of Mr./ Mrs. Fozul Ghaffar

Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb

ATTESTED Dy. Dist. Secy. Officer (Male) Rawalpindi

Person ID. No 335374 CNIC No. 13403-7604760-7

Attested

28 32

SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY.

1. The undersigned is satisfied that the Service of Rezal Gajwan has been satisfactory. The Grant of full Pension and Gratuity with the audit office may find to be Admissible under the rules is hereby Sanctioned <sup>DM</sup> Det Charakat

OR

The undersigned is satisfied that the Service of Mr. \_\_\_\_\_ has been satisfactory and it has been decided that the full Pension and /or Gratuity found by the Audit Officer to be admissible under the rules should be recovered by the specific amounts or percentage given below.

Amount or percentage of reduction in Pension . \_\_\_\_\_

Amount or percentage of reduction in Gratuity . \_\_\_\_\_

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

2. The Payment of Pension and / or gratuity may Commence from \_\_\_\_\_ before issuing the Pension Payment order the audit officer may kind as certain whether the last pay and no demand certificate have been received by him. In case the past pay certificate and /or no demand certificate has/have not been received with pension papers the audit officer should issue P.P.O. subject to the production of the last pay certificate and / or and undertaking at the time of first payment of Pension / Gratuity by the Pensioner or his Family (incase he death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

Countersignature

Signature DEO

Designation:-

District Education Officer (Male) Kohistan

~~Dy. District Officer (Male) Kohistan Drawing & Disbursing Officer.~~

20/01/2018

Attested

[Handwritten marks]

29

3

SECTION (4) CALCULATION OF PENSION / GRATUITY

Length of Total Qualifying Service \_\_\_\_\_ 19 Year

Emoluments / Average Emoluments Rs. 16120-00

Amount of Gratuity ( in case where qualifying Service is 15 year or more but less then 10 year) . Rs. -

Amount of Gratuity on discharge from temporary Service where qualifying service is 10 years or more But less then \_\_\_\_\_ year. Rs. -

Gross Pension Rs. 7147-00

Benefit of extra Service beyond 30 Year. Rs. -

Total Pension:- Rs. 7147-00

Less 1/4<sup>th</sup> (incase of Family Pension for Death While in Service) OR Rs. -

Less Commuted Portion Pension:- Rs. 1787-00

Net Pension:- Rs. 5360-00

SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION

Length of Total Qualifying Service \_\_\_\_\_ 19 Year.

Amount of Pension Surrendered Rs. 1787-00

Rate of Gratuity for every Rupees Surrendered (on age next Birth day Basis) Rs. 25.3728

Lump-Sum Gratuity Admissible. Rs. 544094/-

SECTION (6) COMMUTED VALUE OF PENSION

(i) Amount of Pension to be Commuted. Rs. 1787-00

(ii) Age Next Birth Day. \_\_\_\_\_ 40 Year.

(iii) Rate of Commuted Value for every on Rupees (on age next birth day basis) Rs. 25.3728

(iv) Commute Value of Pension. Rs. 544094/-

Fazal DM

Dy. Dist. Edu. Officer

Kohistan

Re-Composed by Jan Tarmizee S. Clerk Education Department Kohistan

20/01/2018

ATTESTED

ATTESTED

30

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Name:- Fozal Ghayran DM GMS Dat Sharakest

**SECTION (2) CALCULATION OF QUALIFYING SERVICE**

Total Length of Service as per col: 09 Section (1) Year 18 Month 06 Day 26  
None - Qualifying Service from \_\_\_\_\_ to \_\_\_\_\_

- Period
- i) Extraordinary Leave:- \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_
  - ii) Unauthorized Absence \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_
  - iii) Spell of Service no Qualifying for Pension \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_

Total (i), (ii), (iii) \_\_\_\_\_

Net Qualifying Service 18-06-26 Add \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Period

- (i) Period any Military Service or War Service Allowed to count for Pension \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_
- (ii) Benefit of Condemnation of deficiency In total Qualifying Service \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_

Total Qualifying Service Total:- (i), (ii) \_\_\_\_\_ Year 19 Years.

**SECTION (3)(A) CALCULATION OF "AVERAGE EMOLUMENTS"**

Statement of Emoluments during the last 36/12 Months in case the post has not been held on Regular Basis

Period		Duration Months & Days		Monthly Rate of Emoluments		Amount Drawn	
From	To	M	D	Rs.	Ps	Rs	Ps

The Total Emoluments for \_\_\_\_\_ Months are  
Therefore average emoluments work out to Rs. \_\_\_\_\_ Rs. \_\_\_\_\_ PM

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

- (a) Pay:- Rs. 16120/-
  - (b) Senior Post Allowance :- Rs. \_\_\_\_\_
  - (c) Pay:- Rs. \_\_\_\_\_
  - (d) Pay:- Rs. \_\_\_\_\_
- Total:- Rs. 16120/-

Composed by Jan Tarmizee S. Clerk Education Department Kohistan Distt. Edu. Officer

Attested

20/01/2018

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SS

Section (1) particulars of applicant

- 1. Name of Civil Servant:- Fazal Ghaffar DM GMS Dat Shokat
- 2. Father's Name:- Ghulam Nabi
- 3. Nationality :- Pakistan.
- 4. Postal Address:- Jag Bassir, Palian, Kohistan.
- 5. Post Held on the date of Retirement/ Death and BPS:- DM A-15.
- 6. Date of Birth:- 01.05.1978.
- 7. Commencement of Service :- 08.04.1999
- 8. Date of Retirement / Death :- 04.11.2017
- 9. Length of Service :-
 

	<u>Year</u>	<u>Month</u>	<u>Day</u>
From :- <u>08.04.99</u> to <u>04.11.2017.</u>	<u>18</u>	<u>06</u>	<u>26</u>
From :- _____ to _____	Total Service:- _____ Year		

- 10. Date under which commencement and ending of each spell of Military Service if any
 

	<u>Year</u>	<u>Month</u>	<u>Day</u>
From :- _____ to _____			
From :- _____ to _____	Total Service:- _____ Year		

11. Govt: under which service has been rendered in chronological order.

- Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ie \_\_\_\_\_
- Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ie \_\_\_\_\_
- Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ie \_\_\_\_\_

Total Qualifying Service :- 18 - 06 - 26

- 12. Class of Pension or Gratuity Applied for Retirement on medical ground.
- 13. Average Emoluments/Emoluments Last Drawn Rs. 16120-00
- 14. Proposed Gross Pension / Gratuity. Rs. 7147-00
- 15. Proposed Family Pension. Rs. -
- 16. Proposed Gratuity on Lieu of 1/4<sup>th</sup> Pension of. Rs. -
- 17. Proposed Value of Commutation. Rs. 1787-00
- 18. Proposed Net Pension. Rs. 5360-00
- 19. Place of DAO Treasury/ Sub Treasury. Kohistan.
- 20. Date from which Pension to Commence:- 05.11.2017.

$1787 + 25.3728 \times 12 = 544094/.$

~~Signature~~  
20/01/2018

Attested

ATTESTED



(32)

(36)

PERSONAL NO:- 00335374

## LAST PAY CERTIFICATE

1. Last Pay Certificate of :- Fazal Ghaffar  
Of the: 975 Dai Sherahoi.  
Proceeding to: Retirement on Medical Ground.
2. He/  She has been Paid upto: 31.12.2017.  
at the following rates:- CLASSIFICATION

### DEDUCTION

G.P. FUND	Rs. 2890
E.E. Foundation	Rs. 125
Benevolent Fund	Rs. 600
R. Benefit & Death Ct:	Rs. 1052
Income Tax <u>ROP</u>	Rs. 20025
Total:-	Rs. 24692/

Basic Pay	Rs. 16120
H.R.A.	Rs. 1566
Conv: Allow:	Rs. 2856
Medical Allow:	Rs. 1500
Washing Allow	Rs. -
Dress Allow:	Rs. -
Integ: Allow:	Rs. -
A.R. 2013 5%	Rs. 460
A.R. 2015 2.50 %	Rs. 320
A.R. 2016 10 %	Rs. 1687
A.R. 2017 10 %	Rs. 1612
U.A.A.	Rs. 1500
Grass Total	Rs. 27621
Deduction	Rs. 24692
Net Pay	Rs. 2929/

3. He/  She made over charge of the office DM  
975 Dai Sherahoi  
on the -----noon of 04.11.2017.
4. Recoveries are to be made from the pay of the Government Servant as detailed on the reverse.
5. He / She has been Salary as below. Deduction has been made as noted on the reverse.

From -----to -----at Rs. ----- a Month  
From -----to -----at Rs. ----- a Month  
From -----to -----at Rs. ----- a Month

6. He / She is entitled to draw the following :-  
7. He / She is also entitled to joining time for ----- days.  
8. The detail to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

Signature:- [Signature]  
By, Dy. Dir. Edu. Officer  
Designation: (Dy. Dir. Edu. Officer)

Dated at -----2017

Re-Composed by Jan Tarmizee S. Clerk Education Department Kohistan

**Attested**  
[Signature]

**ATTESTED**  
[Signature]

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✓

FORM 3 (PEN)  
PENSION FORM TO BE USED IN CASE OF SUPERANNUATION-RETIRING /INVALID /  
COMPENSATION COMPULSORY RETIREMENT

(to be issued by the Sanctioning Authority 90 days before superannuation / Retirement of the retiring Government Servant)

Subject:- SANCTION OF PENSION ON SUPERANNUATION RETIRING /INVALID /  
COMPENSATION AND COMPULSORY RETIREMENT

On attaining the age of Superannuation / having applied for Retiring /Invalid/  
Compensatory Pension vide Application dated \_\_\_\_\_ OR has been retired  
Compulsorily vide Notification No. \_\_\_\_\_ dated \_\_\_\_\_  
issued by \_\_\_\_\_

Mr./ Mrs./ Ms, \_\_\_\_\_ S/O W/O D/O \_\_\_\_\_  
Designation \_\_\_\_\_ drawing Pay/ Emolument Rs. \_\_\_\_\_  
( Reckonable towards Pension) in BPS \_\_\_\_\_ on \_\_\_\_\_ Basis (Please indicate  
nature of Appointment i.e. Regular/Officiating or Acting charge/ current charge w.e.f.  
\_\_\_\_\_ ) personal No. \_\_\_\_\_ CNIC No. \_\_\_\_\_

presently Posted as \_\_\_\_\_ has retired / has been Permitted to  
Retire is due to be retire \_\_\_\_\_ has been retire compulsory from the  
Government Service (tick whichever is applicable) on \_\_\_\_\_ date after availing  
LPR for \_\_\_\_\_ days / Leave Encashment in lieu of LPR Rs. \_\_\_\_\_

Pension Calculation:-

Grass Pension:- Rs. \_\_\_\_\_  
Commutation Rs. \_\_\_\_\_  
Net Pension Rs. \_\_\_\_\_

Other Benefit:-

i) \_\_\_\_\_ Rs. \_\_\_\_\_  
ii) \_\_\_\_\_ Rs. \_\_\_\_\_  
iii) \_\_\_\_\_ Rs. \_\_\_\_\_

Gratuity in case where qualifying service is 5 year or more but less than 10 year)

Rs. \_\_\_\_\_/-

1. His / Her date of Birth \_\_\_\_\_ Date of First entry into Government Service is \_\_\_\_\_ and EOL availed \_\_\_\_\_ days . Total length of Qualifying Service for Pension is \_\_\_\_\_ Year \_\_\_\_\_ Months \_\_\_\_\_ Days.
2. Certified that no inquiry is pending against him / her
3. Certified that no recovery is outstanding against him/ her.
4. Certified that
  - i) Advance drawn (if any) stand fully repaid along with interest
  - ii) An amount of Rs. \_\_\_\_\_ on Account of \_\_\_\_\_ (HBA/MCA/etc) Principal amount along with interest is outstanding which may be recovered from the pension.
5. Anticipatory Pension upto (-----%) of full pension is sanctioned as admissible to him/her
6. Certified that deficiency / disciplinary /criminal case pending against the aforementioned retire Govt: Servant has been finalized. Therefore final pension payment @ (\_\_\_\_ %) After adjustment of already paid amount of anticipation Pension and commutation amounting \_\_\_\_\_% ( subject to a maximum of 35% of gross pension ) as determined by concerned Accounts Office may be paid.
7. Undersigned is satisfied that the service of retire employee has been satisfactory Administrative and Financial Sanction for grant of Pension /Commutation @ \_\_\_\_\_% upto maximum of 35% of gross Pension, if opted by the retiring Govt: Servant determined by the Accounts Office, is hereby accorded in favour of Mr./ Mrs/ Ms/ \_\_\_\_\_ through Bank /Post Office/Treasury Account No. \_\_\_\_\_ (mentioned in DCS form enclosed) as admissible under thules.

Re-Composed by \_\_\_\_\_ S. Clerk Education Department Kohistan

Attended

[Signatures]

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UNDERTAKINGS

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I hereby declare that I am not, in respect of any other Pension Military or otherwise except PPO No. \_\_\_\_\_ dated \_\_\_\_\_  
Amount \_\_\_\_\_ Department Education  
Retire on 04.11.2017

2. I do hereby undertake that Government may, within one year from the issue of Pension Payment Order, recover any of its dues from the Pension Granted to me.
3. I hereby declare that I shall not take part in any Election or Engage myself in Political activities of any kind within two years from the date of retirement.
4. I do hereby declare that I have neither applied for nor received any Pension/ Commutation Gratuity in respect of any portion of the service included in this application and in respect of which Pension/ Gratuity is claimed herein, nor shall I submit any application hereafter without quoting a reference to this application and to the order which may be passed thereon.
5. I hereby undertake to refund if the amount of Pension granted to me afterwards found be in excess of that to which I am entitled under the regulation.
6. I do hereby declare that I have not received any Pension or Gratuity in respect of any portion of the service included in this application.
7. I hereby opt for Communication 25% (subject to be maximum of 35%) of my Gross Pension.

Fazal Ghaffar  
Din Dar  
LMS Sharakat

فازل غفران  
(Fazal Ghaffar)  
Name & Designation of Retiring Government Servant/ Pensioner.

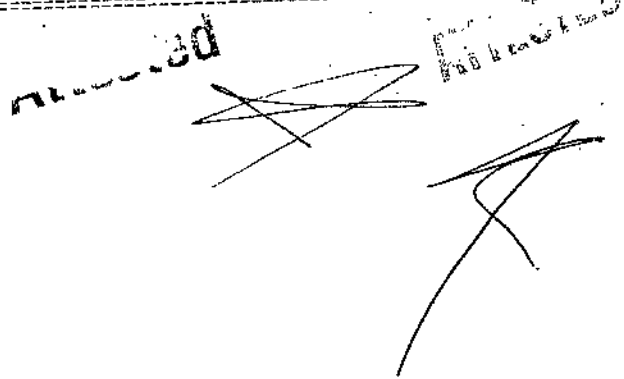
Dated:- \_\_\_\_\_

  
HEAD OF OFFICE / DEPARTMENT  
DD Distt: Edu. Officer  
(Male) Kohistan  
20/01/2018

Note:- Pension to be verified by Pension Sanction Authority/ DDO

(Important:- Every Pensioner Family Pensioner is bound to proved life certificate / Non Marriage Certificate to his / her bank on or before 10<sup>th</sup> March and 10<sup>th</sup> September of each year "(Annex-A)

Re-Composed by Jan Tarmizee S. Clerk Education Department Kohistan



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APPLICATION/ CERTIFICATE TO BE GIVEN BY THE PENSIONER FOR PENSION/ GRATUITY COMMUTATION

( to be given by retiring government servant for grant of pension in case superannuation/retiring/ invalid / compensation/ compulsory retirement )

To

The District Accounts Officer, Kohistan.

Sir /Madam,

It is submitted that I Fazal Ghaffar Father /husband Name Ghulam Nabi Designation/ Post Held DM BPS 15 on 04.11.2017

( Please indicate kind of appointment i.e. Regular / Officiating or Acting charge / current charge w.e.f. 08.04.1999 ) CNIC No(copy attached

13403-7604760-7 Nationality PAKISTANI Personal No. 335374 Cell No. (i) (ii)

Gmail Postal Address Jag Sabair, Patten, Kohistan.

that I have Retire / have been Permitted to Retire from Government Service / I am due to Retire / has been Retire Compulsorily on 04.11.2017. My Pension

Commutation / Gratuity may be transferred /credited by the Accounts Office in the Bank / Post Office / Treasury Office NBP Branch

Patten Account No. 4746-8

( DCS Form( where applicable) and List of my Family Members, is enclosed )

Attested

20/01/2018



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CERTIFICATE

Certificate that the  
Official Mr. Fazal Shayan DM GMS Dar  
retired from service w.e.f. 04.11.2017  
his pay not drawn after retirement  
as per record of this office.

*[Signature]* 20/01/2018  
D. S. Office  
Kohistan

Drawing & Disbursing Officer.

Attested

*[Signature]*

ATTESTED

*[Signature]*

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QUALIFYING PENSION PAPER

IN RESPECT OF

NAME:- Fazal Ghayran

FATHER/HUSBAND NAME:- Ghulam Nabi

CNIC NO:- 13403-7604760-7

DESIGNATION:- DM

DEPARTMENT:- Education

PERSONAL NO:- 00335374

DATE OF RETIRMENT/DEATH:- 04.11.2017

BANK A/C NO:- 3-4746-8 NBL Peshawar

~~2010/01/2018~~  
DY. DIR. Edu. Officer  
(Male) Kohistan

Re-Composed by Jan Tarmizee S. Clerk Education Department Kohistan  
Cell No: 0346-9635530  
0312-3125530  
Sana Stationery Mart Mian Bazar Beshqim.

Attested

To,

Director of Education,  
Khyber Pakhtunkhwa, Near Govt.  
High School No.1, G.T Road, Peshawar.

Annex-E

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CL/12/12

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**Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ACT, COMMISSION AND OMISSION OF THE COMPETENT AUTHORITY BY WAY OF NON-ISSUANCE OF PENSION AND PENSIONARY BENEFITS FOR WHICH THE APPELLANT IS ENTITLED AS THE APPELLANT COMPLETED HIS 19 YEARS OF SERVICE AND THEN MEDICALLY BOARDED OUT.**

PA/DOE/12/12/12  
No. 231  
Date: 21-12-12

DD-12

Respected Sir;

1. That initially the appellant was appointed against the vacant post of Drawing Master vide order dated 05.04.1999 and was posted at GMS Sanagi, by the Selection Committee after fulfilling all the codal formalities.
2. That the appellant served the department with full devotion and determination and to the entire satisfaction of his superiors, but unfortunately, the appellant was suffered with disease "Sciatica" and permanently incapacitated for further duties.
3. That a Medical Board was constituted to determine the condition of the appellant, whereafter, proper examination and treatment, the appellant was found complete and permanently incapacitated for further duties being suffered with his "Right Sciatica".
4. That the appellant after declaring incapacitated by the Medical Board filed an application for LPR on 27.12.2017.
5. That vide order dated 17.01.2018, respondent No.3 sanctioned the LPR (180 days) affecting from 04.11.2017 in favour of the appellant keeping in view his fitness for further duties on the basis of report of the Medical Board.
6. That the pension papers of the appellant were processed and the appellant after filling-up the required necessary documents and also provided the relevant information regarding his service careers in Black & White to the concerned authority.

21/12

ADD

21/12

21/12

DD/12/12  
578

1335

39

- 22
7. That astonishingly by wrongly calculating the pension, pay, gratuity etc, the appellant was only paid Rs.1,80,000/- in lum sum, however, further Rs.82,000/- were been refund from the appellant as debit amount against the appellant .
  8. That the appellant approached time and again to the competent authority regarding his pension and peisonary benefits, but every time he was assured with the delaying tactics.

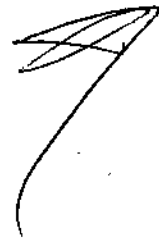
It is, therefore humbly prayed that, on acceptance of this writ petition, the competent authority may be directed to release the monthly pension & penisonary benefits of the appellant without any further delay, reason and justification.

*(Necessary documents are enclosed)*

Appellant

فصل غفران  
Fazal Ghufraan, Ex-Drawing Master  
S/o Ghulam Nabi R/o Dat, Sherakot,  
Pallas  
District Kohistan 0345-8182576

ATK/10







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## OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN

No. 2225 /DEO (M) KH

Dated Dassu the 20/03 /2019

Fax & Phone # 0998407128  
E-Mail: [emiskohistan@yahoo.com](mailto:emiskohistan@yahoo.com)

To

The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Subject:- **APPEAL**  
Memo:-

Kindly refer to your 7911/F.No.A-10/Vol-II/Appeal dated 29-01-2019 on the subject cited above.

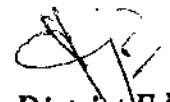
It is submitted that the appellant submitted application forwarded by Medical Officer for proper check up from MS District Headquarter Hospital Battagram, this office submit the case for proper check up to MS District Headquarter Hospital Battagram vide this office No. 8661 dated 29-09-2017 (letter attached). The concerned Medical Board check up the official and declared permanently and completely incapacitated for further service (copy attached)

Whereas in the light of Medical Board this office sanctioned LPR in respect of **Fazal Ghufan Ex-DM** vide this office No. 344-48 dated 17-01-2018 (copy attached).

Whereas the concerned Deputy District Education Officer (M) Kohistan prepared his pension papers and submit to the undersigned for counter signature of Section (7) this office complete the case and submitted to District Accounts Officer Kohistan for further process vide this office letter No. 789 dated 02-02-2018 (copy attached). Thereafter the case is pending in District Account Office Kohistan, this office is unknown about the case and the case is not returned by District Accounts Office Kohistan to this office up till now.

Report is submitted please.

RECEIVED

  
District Education Officer  
(Male) Kohistan.

(41)

WAKALAT NAMA

Before the KP Service Tribunal Peshawar  
No 120 19

Fazal Ghaffar ( Petitioner )

VERSUS

AG & others ( Respondent )

I/We, Fazal Ghaffar the above named Appellant do hereby appointed and constitute MUHAMMAD ARIF JAN Advocate, Peshawar as counsel in the above mentioned case, to do all or any of the following acts, deeds and things;

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaint/Written statement or withdraw all proceedings, petitions, suit, appeal, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To receive payment of and issue receipts for all money that may become due and payable to us during the course or on the conclusion of the proceedings. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings;

AND HEREBY AGREE:-

- a) To ratify what over the said Advocate may do in the proceedings in my interest.
- b) Not to hold the Advocate responsible if the said case is proceeded ex-parte or dismissed in default in consequence of their absence from the court/tribunal when it is called for hearing or is decided against me/us.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I /We have signed this power of attorney / Wakalat nama here under the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_ day of \_\_\_\_\_ 20 at Peshawar.

Signature of Executant.

فہمیل عرفان

Accepted subject to terms regarding payment of fee.

MUHAMMAD ARIF JAN

Advocate High Court, Peshawar  
Office No.210, 2<sup>nd</sup> Floor  
Al-Mumtaz Hotel, Hashtnagari G.T Road Peshawar Mobile: 0333-221 2213

Bc/10/6663

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

S.A No.530-2019

FAZAL GHUFRAN.....PETITIONERS

VS

Government of Khyber Pakhtunkhwa & Others.....RESPONDENTS

**Writ Petition** s.A No.530-2019

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01&02**

**INDEX**

Sr.No	Description of Documents	Annexure	Page #
1	Para-wise comments	---	01-03
2	Copy of Finance department Notification	A	04

  
District Accounts Officer,

† Kohistan

3/11/19

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

S.A No.530-2019

FAZAL GHUFRAN.....PETITIONERS

VS

Government of Khyber Pakhtunkhwa & Others.....RESPONDENTS

**COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02**

**Respectfully Sheweth:**

Para wise comments on behalf of respondent are submitted as under:

**Preliminary Objections:**

1. That the petitioners did not come to this Honorable Court with clean hands.
2. That the petitioners have got no cause of action/locus standi to file the instant writ petition.
3. That the honorable Court has got no jurisdiction to entertain the present writ petition as per bar contains in Article 212 of the Constitution of Pakistan 1973. Hence, writ petition in hand is liable to be dismissed without any further proceeding.
4. That the writ petition has been filed to pressurize the respondents.
5. That the present writ petition is not maintainable due to non-joinder and mis-joinder of necessary parties.
6. That the Petitioners have concealed the material facts from this Honorable Court.

**Factual Objections:**

1. That Para No. 1 of the writ petition relates to service record of the petitioners hence needs no comments.
2. That Para No. 2 of the writ petition does not relate to answering respondents.
3. That Para No. 2 of the writ petition does not relate to answering respondents.
4. That Para No. 4 of the writ petition relates to service record of the petitioners hence needs no comments.
5. That Para No. 5 of the writ petition relates to service record of the petitioners hence needs no comments.
6. That Para No. 6 of the writ petition is correct.
7. That Para No. 7 of the writ petition as composed is incorrect. The appellant has received a sum of Rs 180000/- of Gpfund final payment not or neither pension/gratuity and Rs 82000/- was recovered overpayment of pay and allowances allowances due to retirement on 04-11.2017 but the pay of the petition as stopped on 02/2018, copy of service book page no 19 as attached
8. That Para No. 8 of the writ petition relates to service record of the petitioners hence needs no comments.
9. That Para No. 9 of the writ petition is correct.

**GROUNDS**

- a. The appellant was appointed on 05-04-1999 on fixed pay on the post of DM (untrained) till retirement no regularization order issued till to date according to FD letter No SOSR-III (FD)4-112/80 VOL-III dated 26.07.1997 temporary Govt Servant having service of 10 years but less than 25 years are only entitled to gratuity at the rate of one month emoluments for each completed year of service subject to maximum of Rs 150000/(compendium of Khyber Pakhtunkhwa service laws and Financial Rules page no 183 attached Annexure A)
- b. No Comments.
- c. No Comments.
- d. Already position cleared at Para (a) above in factual objectives.
- e. Already position cleared at Para (a) above in factual objectives.
- f. Already position cleared at Para (a) above in factual objectives.
- g. No comments
- h. No comments.
- i. No Comments.
- j. No Comments.

It is, therefore solicited that in the light of above stated facts and circumstances the writ petition in hand may please be dismissed with cost

  
District Accounts Officer,

Kohistan

31/11/19



Annex A

competent authority if both the conditions mentioned below were satisfied

- a) If the Government Servant dies while in service or retires under circumstances beyond his control such as becoming invalid or on abolition of his permanent post and his eventual selection for discharge, and but for such contingency he would have completed another year of qualifying service, and
- b) The service rendered by the Government servant was meritorious.

3. A deficiency of one full year or more shall not be condoned.

Rule 2.12 read with para-10 of FD letter No.SO (SR) V-257/67 Dated 27.4.1967

The operation of the concession of condonation of deficiency is not restricted to any particular stage but the condonation of a deficiency at any stage upto the 30th year is permissible. To illustrate this intention a deficiency of six months or less will be deemed to have been condoned so as to make 4 years and 6 months qualifying service as 5 years qualifying service, 24 years and six months qualifying service as 25 years qualifying service and 29 years and six months qualifying service as 30 years qualifying service. Similarly, deficiencies exceeding six months but less than one year may be condoned by the competent authority (Finance Department) at all stages. Subject of course to the conditions prescribed in sub-Para(3) of paragraph 10 of Finance Department's letter No. SO(SR.V)257/67 dated

27.4.1967 (Appendix-I). Government of West Pakistan Finance Department letter No.SO(SR-V) 1805/67 dated 29.7.1967.

#### 17. ADMISSIBILITY OF PENSIONARY BENEFITS TO TEMPORARY GOVERNMENT SERVANTS.

It is clarified in consultation with the Finance Division, Government of Pakistan that a temporary Government servant discharged from service owing to the abolition of his post or on replacement by a qualified candidate after service of 10 years or more but less than 25 years is entitled to gratuity at the rate of one month's emoluments for each completed year of service subject to a maximum of Rs.150000/-.

FD letter No.SOSR-III(FD)4-1 12/80-Vol:III dated 26.7.97 read with of letter even No. dated 9-2-1999

#### PART-2

#### DIFFERENT KINDS OF ORDINARY PENSION AND CONDITIONS FOR THEIR GRANT

1. PENSION
 

Means a periodical payment made by Government in consideration of the service rendered by a Government servant in accordance with the rules, Article 41 of C.S.R.
2. CLASSIFICATION OF PENSIONS
 

Pensions are divided into four classes:



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

S.A No.530-2019

FAZAL GHUFRAN.....PETITIONERS

VS

Government of Khyber Pakhtunkhwa& Others.....RESPONDENTS

**COMMENTS ON BEHALF OF RESPONDENT NO. 01 &02**

**AFFIDAVIT**

I, Mr. AsgharMehmoodSr Auditor of District Accounts Office, Kohjstan do hereby solemnly affirm and declare that the contents of forgoing Comments and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.

**DEPONENT**

**Identified by,**

**Additional Advocate General,  
Khyber Pakhtunkhawa Service Tribunal Peshawar**

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER**  
**PAKHTHOONKHAWA PESHAWAR**

APPEAL NO. 530/2019

Fazal Ghufraan Ex DM Kohistan

.....Appellant

**VERSUS**

Government of KPK & Others

.....Respondent

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1.	Comments		2-4
2	Affidavit		5
3	Authority Letter		6
4	Pension Paper	"A"	7-16
5	Comments of DAO	"B"	17-21

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KHYBERPUTHOONKHAWA PESHAWAR**

APPEAL NO. 530/2019

Fazal Ghufraan Ex DM Kohistan

.....Appellant

**VERSUS**

3) Government of KPK through secretary E&SE KPK

4) Director Education E&SE KPK

5) District Education Officer Kolai Palas Kohistan

.....Respondents

Joint Para-wise comments on behalf of respondents No 1 to 5

**Respectfully Sheweth:**

**Preliminary objections**

- 1) That the appellant has no cause of action/locus standi to file the instant appeal.
- 2) That the appellant has concealed the material facts from the honorable tribunal
- 3) That the appellant has not come to this honorable tribunal with clean hands.
- 4) That the appellant has filed the instant appeal on mala fide grounds.
- 5) That the appellant appeal is against the prevailing law and rules.
- 6) That the appellant is estopped by his own conduct to file instant appeal.
- 7) That the claim of the appellant is unlawful, hence the appeal is liable to dismissed.
- 8) That the act of the respondent within law and rules. Order dated 31.07.2019 issued after fulfillment of the codal formalities hence appeal is liable to be dismissed.
- 9) That the appeal of the appellant is badly time barred.

### FACTUAL OBJECTIONS

- 1) That Para No.1 of the appeal relates to appellant's service record.
- 2) That Para No.1 of the appeal relates to appellant's service record.
- 3) That Para No.1 of the appeal relates to appellant's service record.
- 4) That Para No.1 of the appeal relates to appellant's record.
- 5) That Para No.1 of the appeal relates to appellant's record.
- 6) That Para No.1 of the appeal relates to appellant's record.
- 7) That Para No 7 of service appeal relates to respondent No. 1 as District Account Officer raised objection and quoted with relevant provision in reply of this para in his comment.


**Comments of DAO is  
Annexed as annexure-A**

- 8) That Para No. 8 of Service appeal is incorrect hence denied as the respondent No 5/Education Department had prepared pension papers and proceeded the case and forwarded to District Account Officer.
- 9) That Para No. 9 of Service appeal is incorrect hence denied.

### GROUNDS

- a) That Para of the ground 'A' is incorrect, hence denied as responded No 5 has already proceeded The pension papers whereas the respondent No 2 has raised the objection on pension papers and quoted with relevant provision in reply of the same para in his comment.

**Pension Paper is Annexed  
as annexure-A**

- 
- b) That Para of ground B is incorrect hence denied as reply is given in above Para (a).
  - c) That Para of ground C does not relates to answering respondent No 5.
  - d) That Para of ground "D" relates to record.
  - e) That Para of ground "C" relates to record.
  - f) That Para of Ground "F" is Subject to proof.
  - g) That Para of Ground "G" is Subject to proof.
-

- h) That Para of Ground "H" is incorrect hence denied as the appellant has been treated as per rule and Law by respondent No 5.
- i) That the para of ground "I" relates to personal matter of the appellant.
- j) That Para of Ground "J" is legal.

It is therefore humbly prayed that in the light of forgoing comments the appeal may graciously be dismissed with cost throughout.

Respondent No.3

  
Secretary Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Respondent No.4

  
Director Elementary & Secondary Education  
Khyber Pakhtunkhwa PK

Respondent No.5

  
District education officer  
(M) Kolai Palas Kohistan.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTHUNKHAWA PESHAWAR**

APPEAL NO. 530/2019

Fazal Ghufan Ex DM Kohistan

.....Appellant

**VERSUS**

- 3) Government of KPK through secretary E&SE KPK
- 4) Director Education E&SE KPK
- 5) District Education Officer Kolai Palas Kohistan

....Respondents

**AFFIDAVIT**

I Muhammad Idrees Assistant District Education Officer (M) do hereby affirm do and declare of oath that contents of Para wise comments are true and correct to the best of my knowledge and believe that nothing has been concealed from this honorable court.

**Countersigned**

  
District Education Officer  
(M) Kolai Pallas Kohistan


  
ADEO (Litigation)  
DEO (M) Kolai Pallas

13462-7052179-1

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOLAI PALLAS KOHISTAN**

**AUTHORITY CERTIFICATE**

It is certified that Mr. Muhammad Idrees ADEO (Litigation) is hereby authorized to submit the comments in respect of Mr. Fazal Ghufraan Ex DM Kohistan in Khyber Pakhtunkhwa Service Tribunal Peshawar on the behalf of District Education Officer (M) Kolai Pallas Kohistan.

  
District Education Officer  
(M) Kolai Pallas Kohistan

# Annex - A - (7)

A- Annex-

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHISTA

No. 789 / DEO (M) KH

Dated Kohistan the 2/02 /2018

District Account Officer,  
Kohistan.

Subject: PENSION PAPER.  
Memo:

Enclosed please find herewith a Pension Papers along with Service Books in respect of the following officials received from Deputy District Education Officer (M) Kohistan, Sub-Divisional Education Officer (M) Pallas and Dasso Kohistan reference letter No. and dated mentioned against their names in favor for further necessary action please.

Sr.	Name & Designation	School Name	DDO Ref.	Date of Retirement
01	Fozal Gufran DM	GMS Dal Sharada	469 dt 24/01/2015	04/11/2017
02	Sajida Khan Chow	GPS Maidan Kotai	1403 dt 24/01/2015	01/01/2018
03	Muhammad Aftaan PST	GPS Badakof	1387 dt 23/01/2017	01/11/2017
04	Shams ul Haq Chow	GPS Ramal	94 dt 20/01/2015	01/01/2018
05	Liaqat Wali Chow	GPS Shatyal Bazar	124 dt 23/01/2015	13/12/2017
06	Muhammad Basheer Chow	GPS Ghazi Abad	1347 dt 17/01/2015	01/12/2017
07	Amit Nawab PST	GPS Sharnai	93 dt 20/01/2015	01/01/2018

Encls: No. \_\_\_\_\_

Copy of the above is forwarded to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (M) Kohistan.
3. Sub-Divisional Education Officer (M) Dasso, Pallas Kohistan.
4. Teachers concerned.

Attached

DISTRICT EDUCATION OFFICER  
(MALE) KOHISTA





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LIST OF FAMILY MEMBER

List of family member of Mr. Fozul Ghaffar, ER-07 975 Sar  
Sharda.

S. #	Name	Relationship	Age	Married- unmarried
1	Mrs. Zahida.	wife	35	married.
2	Mrs. Hanifa.	Daughter.	16	unmarried
3	Mrs. Salika.	"	14	"
4	Fozul Mehtab.	Son	12	"
5	Fozul Ahmad	"	09	"
6	Nadia	Daughter	05	"
7	Zabana.	"	02	"

Signature of Applicant: [Signature]

Drawing & Disbursing Officer.

Composed by Jan Tammara S. Clark Education Department

Attested

[Signature]

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Page No. 09

**NO DEMAND CERTIFICATE**

Certified that nothing is outstanding in respect of Ms. Fozul Ghaffar who has been referred to or is liable to pay any amount (AR/BA) either on account of Government property and that is anything is found later on the name of will be the responsibility of the undersigned.

D.O. 20/01/2018  
Special In. Officer  
(Accounts) II

Applicant Ms. Fozul Ghaffar

**DECLARATION**

I hereby that I have neither applied for non received Pension or Gratuity in respect of my portion of the service included in the application and in respect of which Pension or Gratuity as claimed here in/ nor shall I submit any application here after with our institution a reference to my application and the order which may be passed there on.

ATTESTED  
20/01/2018  
Special In. Officer  
(Accounts) II

Signature Ms. Fozul Ghaffar  
Designation Ex-07

**UNDERTAKING**

should be amount of Pension / Gratuity granted to me as after and to be in excess of that to which I am entitled the here by undertake to refund any such excess.

ATTESTED  
20/01/2018  
Special In. Officer  
(Accounts) II

Signature Ms. Fozul Ghaffar  
Designation Ex-07

Specimen signature in respect of Ms. Fozul Ghaffar

1. Ms. Fozul Ghaffar 2. Ms. Fozul Ghaffar 3. Ms. Fozul Ghaffar

ATTESTED  
By Special In. Officer  
(Accounts) II of Ms. Fozul Ghaffar

Little Finger Ring Finger Middle Finger Fore Finger Thumb

ATTESTED  
Special In. Officer  
(Accounts) II

Personnel ID No. 335374 CNIC No. 13403-7604760-7

Composed by Jan Tomazic S. Clerk Education Department Islamabad

Attested

*[Handwritten mark]*

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Page No. 11

SECTION 17 ORDERS OF THE SANCTIONING AUTHORITY

The undersigned is satisfied that the Service of Asad Ali Khan has been satisfactory. The Grant of full Pension and Gratuity with the audit office may not be Admissible under the rules is hereby Sanctioned Dr. Chohan.

The undersigned is satisfied that the Service of Mr. \_\_\_\_\_ has been satisfactory and it has been decided that the full Pension and Gratuity found by the Audit Officer to be admissible under the rules should be recovered by the specific amounts or percentage given below.  
Amount or percentage of reduction in Pension: \_\_\_\_\_  
Amount or percentage of reduction in Gratuity: \_\_\_\_\_  
Sanction is hereby accorded to the grant of Pension and / of gratuity as so reduced.

2. The Payment of Pension and / or gratuity may Commence from \_\_\_\_\_ before issuing the Pension Payment order the audit officer may kind as certain whether the last pay and no demand certificate have been received by him. In case the post pay certificate and no demand certificate has/have not been received with pension papers the audit officer should issue P.P.O. subject to the production of the last pay certificate and / or and undertaking of the time of first Payment of Pension / Gratuity by the Pensioner or his Family (in case he acting to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him).

20/01/2018  
District  
Sanctioning & Disbursing Officer.

Countersigned by  
Signature [Signature]  
Designation - District Education Officer (Male) Kohistan

[Signature] [Signature]

Page No. 05

SECTION (A) CALCULATION OF PENSION / GRATUITY

Length of Total Qualifying Service \_\_\_\_\_ 19 year  
 Rs. 16120/-

Enrolments / Average Enrolment

Amount of Gratuity (in case where qualifying Service is 15 year or more but less than 10 year) Rs. -

Amount of Gratuity on discharge from temporary Service where qualifying service is 10 years or more but less than \_\_\_\_\_ year. Rs. -

Gross Pension Rs. 7147/-

Benefit of extra Service beyond 30 Year. Rs. -

Total Pension:- Rs. 7147/-

Less 1/4th (in case of Family Pension for Death While in Service) OR Rs. -

Less Commuted Portion Pension:- Rs. 1787/-

Net Pension:- Rs. 5360/-

SECTION (B) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION

Length of Total Qualifying Service \_\_\_\_\_ 19 year.  
 Rs. 1787/-

Amount of Pension Surrendered

Rate of Gratuity for every Rupees Surrendered (on age next Birth day Basis) Rs. 25.3728

Lump-Sum Gratuity Admissible. Rs. 544094/-

SECTION (C) COMMUTED VALUE OF PENSION

(i) Amount of Pension to be Commuted. Rs. 1787/-

(ii) Age Next Birth Day. \_\_\_\_\_ 40 Year.

(iii) Rate of Commuted Value for every on Rupees (on age next birth day basis) Rs. 25.3728

(iv) Commute Value of Pension. Rs. 544094/-

Pazal DM

Dy. Distt. Edu. Officer

Re-Composed by Jan Tarmizee S. Clerk, Education Department Kohistan

Attested

20/11/2018



Section (1) particulars of applicant

1. Name of Civil Servant: Fajal Ghaffar DM GMS  
 2. Father's name: Ghulam Nabi  
 3. Nationality: Pakistan  
 4. Postal Address: Jag Bahar, Pailan, Kohistan.  
 5. Post held on the date of Retirement/ Death and BPS: DM B-15.  
 6. Date of Birth: 01.05.1978  
 7. Commencement of Service: 08.04.1999  
 8. Date of Retirement / Death: 04.11.2017

Year	Month	Day
18	06	26

9. Length of Service: 18 Year 06 Month 26 Day  
 From: 08.04.99 to 04.11.2017 Total Service: \_\_\_\_\_ Year \_\_\_\_\_ Month \_\_\_\_\_ Day

10. Date under which commencement and ending of each spell of Military Service if any

Year	Month	Day
_____	_____	_____
_____	_____	_____

11. Govt under which service has been rendered in chronological order.

Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ Total Service: \_\_\_\_\_ Year

Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ Total Service: \_\_\_\_\_ Year

Government of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ Total Service: \_\_\_\_\_ Year

12. Class of Pension or Gratuity Applied for: Retirement on medical ground

13. Average Emoluments/Emoluments Last Drawn: Rs. 16120-00

14. Proposed Gross Pension / Gratuity: Rs. 7147-00

15. Proposed Family Pension: Rs. \_\_\_\_\_

16. Proposed Gratuity on Lieu of 1/4<sup>th</sup> Pension of: Rs. \_\_\_\_\_

17. Proposed Value of Commutation: Rs. 1787-00

18. Proposed Net Pension: Rs. 5360-00

19. Place of DAO Treasury/ Sub Treasury: Kohistan

20. Date from which Pension to Commence: 05.11.2017

$1787 + 25 \cdot 3728 + 12 = 5440941$

20/11/2018  
 Composed by Jan Tarmizee S. Clerk Education Department Kohistan

Attended

*[Handwritten Signature]*

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PERSONAL NO:- 00335377

LAST PAY CERTIFICATE

Last Pay Certificate of:- Fazal Ghaffar  
Of the:- 975 Dai Sherkat  
Date of retirement:- Relieved on medical ground.  
2. Ret. has been Paid upto:- 31.12.2017.  
at the following rates:-

DEDUCTION

G.P. FUND	Rs. 2890
E.E. Foundation	Rs. 125
Benevolent Fund	Rs. 600
P. Benefit & Death Ct.	Rs. 1052
Incentive RoP	Rs. 20025
Total	Rs. 24692/

CLASSIFICATION

Basic Pay	Rs. 16120
H.R.A.	Rs. 1566
Conv. Allow:	Rs. 2856
Medical Allow:	Rs. 1500
Washing Allow:	Rs. -
Dress Allow:	Rs. -
Integ. Allow:	Rs. -
A.R. 2013 5%	Rs. 460
A.R. 2015 2.50 %	Rs. 320
A.R. 2016 10 %	Rs. 1687
A.R. 2017 10 %	Rs. 1612
U.A.A.	Rs. 1500
Gross Total	Rs. 27621
Deduction	Rs. 24692
Net Pay	Rs. 2929/

3. Ret. has been made over charge of the office AM  
on the 975 Dai Sherkat noon of 04.11.2017.

4. Recoveries are to be made from the pay of the Government Servant as detailed on the reverse.  
5. Ret. has been Salary as below. Deduction has been made as noted on the reverse.

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month  
From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month  
From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month  
6. He / She is entitled to draw the following :-  
7. He / She is also entitled to joining time for \_\_\_\_\_  
8. The detail to the Income Tax recovered from him upto the date mentioned at the beginning of the current year are noted on the reverse.

Signature:- [Signature]  
Designation: D.A.P. & Ed. Officer  
20/01/2018

Dated at \_\_\_\_\_ 2017  
Re-Composed by Jan Tammiza S Clerk Education Department Khabul

ATTESTED



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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN

No. 2225 /DEO (M) KH

Dated Dassu the 20/03 /2019

Fax & Phone # 0998407128

E-Mail: [emiskohistan@yahoo.com](mailto:emiskohistan@yahoo.com)

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar

Subject: APPEAL

Memo:-

Kindly refer to your 7911/F.No.A-10/Vol-II/Appeal dated 29-01-2019 on the subject cited above.

It is submitted that the appellant submitted application forwarded by Medical Officer for proper check up from MS District Headquarter Hospital Battagram. This office submit the case for proper check up to MS District Headquarter Hospital Battagram vide this office No. 8661 dated 29-09-2017 (letter attached). The concerned Medical Board check up the official and declared permanently and completely incapacitated for further service (copy attached).

Whereas in the light of Medical Board this office sanctioned LPR in respect of Fazal Ghufan Ex-DM vide this office No. 344-43 dated 17-01-2018 (copy attached).

Whereas the concerned Deputy District Education Officer (M) Kohistan prepared his pension papers and submit to the undersigned for counter signature of Section (7) this office complete the case and submitted to District Accounts Office Kohistan for further process vide this office letter No. 789 dated 11-02-2018 (copy attached). The remainer the case is pending in District Account Office Kohistan. This office is unknown about the case and the case is not returned by District Accounts Office Kohistan to this office up till now.

Report is submitted please.

*District Education Officer  
(Male) Kohistan.*

Annex- 3



(17)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,  
PESHAWAR.

S.A No.530-2019

FAZAL GHUFRAN.....PETITIONERS

VS

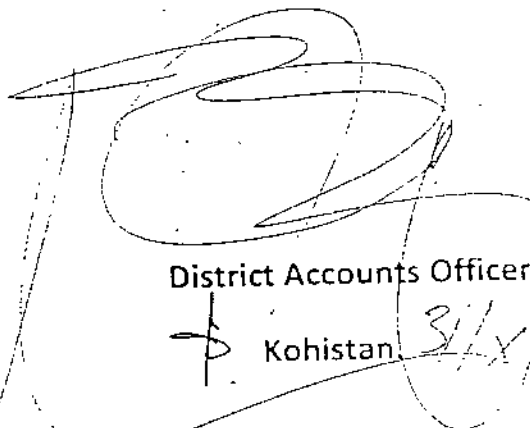
Government of Khyber Pakhtunkhwa & Others.....RESPONDENTS

Writ Petition S.A No.530-2019

PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 01&02

INDEX

Sr.No	Description of Documents	Annexure	Page #
1	Para-wise comments	---	01-03
2	Copy of Finance department Notification	A	04

  
District Accounts Officer,  
Kohistan 31/1/19

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BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,  
PESHAWAR

S.A No.530-2019

FAZAL GHUFRAN.....PETITIONERS

VS

Government of Khyber Pakhtunkhwa & Others.....RESPONDENTS

COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02

Respectfully Sheweth:

Para wise comments on behalf of respondent are submitted as under:

Preliminary Objections:

1. That the petitioners did not come to this Honorable Court with clean hands.
2. That the petitioners have got no cause of action/locus standi to file the instant writ petition.
3. That the honorable Court has got no jurisdiction to entertain the present writ petition as per bar contains in Article 212 of the Constitution of Pakistan 1973. Hence, writ petition in hand is liable to be dismissed without any further proceeding.
4. That the writ petition has been filed to pressurize the respondents.
5. That the present writ petition is not maintainable due to non-joinder and mis-joinder of necessary parties.
6. That the Petitioners have concealed the material facts from this Honorable Court.



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Factual Objections:

1. That Para No. 1 of the writ petition relates to service record of the petitioners hence needs no comments.
2. That Para No. 2 of the writ petition does not relate to answering respondents.
3. That Para No. 2 of the writ petition does not relate to answering respondents.
4. That Para No. 4 of the writ petition relates to service record of the petitioners hence needs no comments.
5. That Para No. 5 of the writ petition relates to service record of the petitioners hence needs no comments.
6. That Para No. 6 of the writ petition is correct.
7. That Para No. 7 of the writ petition as composed is incorrect. The appellant has received a sum of Rs 180000/- of Gpfund final payment not or neither pension/gratuity and Rs 82000/- was recovered overpayment of pay and allowances allowances due to retirement on 04-11.2017 but the pay of the petition as stopped on 02/2018, copy of service book page no 19 as attached
8. That Para No. 8 of the writ petition relates to service record of the petitioners hence needs no comments.
9. That Para No. 9 of the writ petition is correct.

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GROUNDS

- a. The appellatant was appointed on 05-04-1999 on fixed pay on the post of DM (untrained) till retirement no regularization order issued till to date according to FD letter No SOSR-III (FD)4-112/80.VOL-III dated 26.07.1997 temporary Govt Servant having service of 10 years but less than 25 years are only entitled to gratuity at the rate of one month emoluments for each completed year of service subject to maximum of Rs 150000/(compendium of Khyber Pakhtunkhwa service laws and Financial Rules page no 183 attached Annexure A)
- b. No Comments.
- c. No Comments.
- d. Already position cleared at Para (a) above in factual objectives.
- e. Already position cleared at Para (a) above in factual objectives.
- f. Already position cleared at Para (a) above in factual objectives.
- g. No comments
- h. No comments.
- i. No Comments.
- j. No Comments.

It is, therefore solicited that in the light of above stated facts and circumstances the writ petition in hand may please be dismissed with cost

  
District Accounts Officer,

D. Kohistan  
31/10/18

Rambus

(21)

~~Asst. Secy~~

(5)

competent authority if both the conditions mentioned below were satisfied

- a) If the Government Servant dies while in service, or retires under circumstances beyond his control such as on becoming invalid or on abolition of his permanent post and his eventual selection for discharge, and but for such contingency he would have completed another year of qualifying service, and
- b) The service rendered by the Government servant was meritorious.

3. A deficiency of one full year or more shall not be condoned.

Rule 2.12 read with para-10 of FD letter No.SO (SR) V-257/67 Dated 27.4.1967

The operation of the concession of condonation of deficiency is not restricted to any particular stage but the condonation of a deficiency at any stage upto the 30th year is permissible. To illustrate this intention a deficiency of six months or less will be deemed to have been condoned so as to make 4 years and 6 months qualifying service as 5 years qualifying service, 24 years and six months qualifying service as 25 years qualifying service and 29 years and six months qualifying service as 30 years qualifying service. Similarly, deficiencies exceeding six months but less than one year may be condoned by the competent authority (Finance Department) at all stages. Subject of course to the conditions prescribed in sub-Para(3) of paragraph 10 of Finance Department's letter No. SO(SR.V)257/67 dated 27.4.1967 (Appendix-I) Government of West Pakistan Finance Department letter No.SO(SR-V) 180/67 dated 29.7.1967.

**17. ADMISSIBILITY OF PENSIONARY BENEFITS TO TEMPORARY GOVERNMENT SERVANTS.**

It is clarified in consultation with the Finance Division, Government of Pakistan that a temporary Government servant discharged from service owing to the abolition of his post and replacement by a qualified candidate after service of 10 years or more, but less than 25 years, is entitled to gratuity at the rate of one month's emoluments for each completed year of service, subject to a maximum of Rs.150000/-  
 FD letter No SOSR-III(FD)4-112/60-Vol:III dated 26.7.97 read with of letter even No. dated 1999

**PART-2  
 DIFFERENT KINDS OF ORDINARY PENSION  
 AND CONDITIONS FOR THEIR GRANT**

- 1. PENSION  
 Means a periodical payment made by Government in consideration of the service rendered by a Government servant in accordance with the rules, Article 41 of C.S.R.
- 2. CLASSIFICATION OF PENSIONS  
 Pensions are divided into four classes: