

03.09.2019

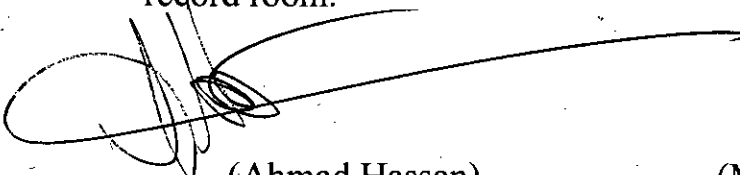
Learned counsel for the appellant present. Mr. Mian Amir Qadir learned Deputy District Attorney present.

The appellant appointed as Valveman in the year 1993 on contract basis (fixed pay) and retired w.e.f 30.06.2016 on attaining the age of superannuation, filed present service for pensionary benefits of his service.

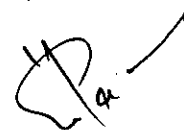
Learned counsel for the appellant furnished copy of Notification No.FD(SOSR-II)4-36/2017 Dated 22.05.2019 issued by the Finance Department Government of Khyber Pakhtunkhwa whereby sanction was accorded for regularization of fixed pay Class-IV employees by extending them the status of civil servant from the date of first appointment instead of the date of their regularization w.e.f 01.07.2008.

Learned DDA did not resist the case of the appellant for the grant of pensionary benefits as per the above mentioned Notification.

In view of the above noted development, the present service appeal has become infructuous and as such is disposed of in the light of Notification No.FD(SOSR-II)4-36/2017 Dated 22.05.2019 mentioned above. The appellant may seek remedy under the law if his case for pensionary benefits is not honored as per Notification mentioned above. No order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member

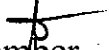


(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED.
03.09.2019

01.07.2019

Learned counsel for the appellant present. Mr. Mian Amir Qadir learned District Attorney alongwith Muhammad Shameem S.O present and submitted Notification No. FD(SOSR-II)4-36/2017 Dated 22.05.2019 . Learned counsel for the appellant seeks adjournment to furnish rejoinder. Perusal of the above mentioned Notification would reflect that grievance of the appellant and similarly placed persons have been redressed. Adjourn. To come up for rejoinder/arguments on 03.09.2019 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat.

03.04.2019

Learned counsel for the appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 06.05.2019 before S.B at Camp Court Swat.


Member
Camp Court, Swat

06.05.2019

No one present on behalf of appellant. Mr. Mian Amir Qadir learned District Attorney alongwith M/S Shamim SO (for respondent No.1), Shaukat Ali Sub Engineer (for respondents No.2 & 4) and Zoalqarnain DAO (for respondents No.3 & 5) present. Written reply on behalf of respondents No.2 to 5 submitted. Learned District Attorney stated that respondent No.1 relies on the same. Adjourn. To come up for rejoinder, if any, and arguments on 01.07.2019 before D.B at Camp Court, Swat.


Member
Camp Court, Swat.

17.01.2019

Counsel for the appellant present.

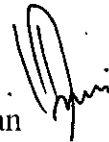
Whether the appellant remained in service against fixed pay all along till the date of his superannuation or his services were regularized in the meanwhile under policies of Provincial Government issued in different years subsequent to appointment of appellant in the year 1993? If regularized, was he entitled to pension benefits in view of judgments of Superior Courts as well as of this Tribunal?

To resolve the above questions instant appeal 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.

Learned counsel for the appellant requests for posting of instant matter before the Touring Bench at Swat as it is convenient for him as well as the appellant who hails from Chitral.

Order accordingly. To come up for written reply/comments on 04.03.2019 before S.B at camp court, Swat.


Chairman



04.03.2019

Appellant in person present. Mian Amir Qadir, District Attorney for respondent present. Security and process fee not deposited. Appellant requested for time to submit the same. He is directed to deposit security and process fee within 7 days, thereafter notices be issued to the respondents for submission of written reply/comments on 03.04.2019 before S.B at camp court Swat.


Security & Process Fee


Member
Camp Court, Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. /2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/11/2018	<p>The appeal in hand was returned to the counsel for the appellant. Today he resubmitted the same without removing the objection with the request to submit before the Tribunal the same may be submitted to the S. Bench for decision on office objection, be put up there on <u>30/11/18</u></p> <p align="right"><i>(Signature)</i> REGISTRAR <u>2-11/18</u></p>
	30.11.2018	<p>None for the applicant present. Case to come up for arguments on office objection on 17.01.2019 before S.B.</p> <p align="right"><i>(Signature)</i> (Ahmad Hassan) Member</p>

The appeal of Mr. Hyder Ghulam son of Firdewsy r/o village Sonoghore Tehsil Mastuj Chitral received today i.e. on 26.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Copy of appointment order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 2162 /S.T.


Dt. 26/10/2018.


REGISTRAR 26/10/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Rahimullah Chitral Adv. Swat.

SIR

That the appellant Mr Hyder Ghulam filed an appeal/application dated 8-10-2018 for granting Pension to the respondent no 4 which is available at Page 24 which is rejected with order to the appellant which is also available at Page no 24. That this Honorable registrar is not satisfied then this case may kindly be fixed/placed before Honorable court.


Rahimullah Adv
2.10.2018

Sir,

The objection of this office and
reply of counsel for the appellant is
submitted for order please.

2/11/18.

Respectful chairman.

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.....103...../2018

Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile Mastuj
District ChitralAppellant.

VERSUS

The Secretary Finance ,KP and oths..... Respondents

INDEX

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal		1-4
2.	Affidavit		5
3.	Addresses of parties		6
4	Copies of Service Book and retirement order	A & B	7-19
5	Copy of the Notification	C	20-23
6	Copies of application and order dated 11-10-2018.	D	24
7	Wakalatnama		25

Appellant

Through


RAHIMULLAH

Advocate High Court

Office: Rahim & Qazi Law

Associates, 2nd floor continental
Plaza Swat

Cell No. 0334-3251883

①

**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No.....103...../2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1572

Dated 26/10/18

Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile Mastuj
District ChitralAppellant

V E R S U S

1. Govt of ,KhyberPakhtunkhwa through its Secretary Finance Civil Secretariat Peshawar.
2. The Secretary Public Health ,Khyber Pakhtunkhwa Peshawar.
3. The Accountant General Khyber Pakhtunkhwa Peshawar
4. The Exective Engineer Public Health Engg: Division Chital .
5. District Account officer Chitral.....Respondents

**SERVICE APPEAL UNDER SECTION 4, OF THE
KPK SERVICE TRIBUNAL ACT, 1974, REGARDING
NON SANCTIONING AFTER RETIREMENT
BENEFIT I-E PENSION AND GRATUITY OF THE
APPELLANT, AGAINST THE ILLEGAL ACTION OF
THE RESPONDENTS THE APPELLANT FILED
DEPARTMENTAL APPEAL TO THE RESPONDENT
NO.4 ON 8-10-2018 BUT THE SAME WAS
REJECTED on 11-10-2018 AND COMMUNICATED
TO THE APPELLANT ON 16-10-2018.**

Filed to-day
Registrar
26/10/18

Prayer:

Prayer in Appeal:

(2)

On acceptance of the instant appeal the impugned order dated 11-10-2018 passed by respondent No. 4 and the order of the rejection of departmental appeal may graciously be set-aside and appellant be allowed /awarded pension and gratuity etc of the appellant of his service with all back benefit of after retirement his of service.

Any other remedy which deems fit by his Hon'ble Tribunal in the interest of justice, may also be granted in fever of appellant.

Respectfully Sheweth;

1. That the appellant served as Class IV Employee in the Public Health Department Chitral as such got his retirement on the said post . (Copies of Service Book and retirement order date 6-6-2016 are annexed as A&B).
2. That keeping in view the agonies and financial constrain of the family of the low grade retiring employees, the provincial govt was pleaded to regularized the service post of the appellant in the year 2008 and such they were declared civil servant and further the said order was conformed according to the regularization act 2009 as such the appellant his duties as permanent employee of Public Health department in Chitral till dated of his retirement.(Copy of the Notification is Attached as marked annunexer C)
3. That the appellant keeping in view of the above circulation was hopeful to get pension benefits etc after his retirement and as such wait for the same when they were taken by surprise when respondent no 4 informed the appellant that he is not qualifying for pension benefit after retirement . (Copies of application with order dated 11-10-208 are attached as marked annexed as D)

4. That the appellant is being aggrieved from the impugned order, hence the instant appeal on the following amongst other grounds

GROUNDS

- I) That the acts, commissions and omissions of respondent No 4 (hereinafter impugned) are patently illegal, un-lawful, without lawful authority, of no legal effect hence having no value in the eyes of law thus be set aside and the appellant may be given pension with all back benefits.
- II) The appellant has a poor financial background and served the department for long considerable period with the hope of the future benefit after retirement but the respondents did not observed the prescribe rule regulation and denied the benefit in shape of pension to the appellant
- III) That the issues in hands have now already been decided by Larger Bench Peshawar High Court and through a similar nature cases hence the appellant deserve for the same treatment.

It is therefore most humbly prayed that On acceptance of the instant appeal the impugned order dated 11-10-2018 passed by respondent No. 4 and the order of the rejection of departmental appeal may graciously be set-aside and appellant be allowed /awarded pension and gratuity etc of the appellant of his service with all back benefit of after retirement his of service.

4
Any other remedy which deems fit by his Honorable Tribunal
in the interest of justice, may also be granted in favor of
appellant.



Hayder Ghulam

RAHIM ULLAH
Advocate High Court
Office: Rahim & Qazi Law
Associates, 2nd floor
continental Plaza Makan
Bagh Swat
Cell No. 0334-3251883

Certificate:-

It is certified that no such appeal is pending or decided by this Hon, able
Court

Rahim Ullah
Advocate High Court

List of Books:-

- a. Service Laws
- b. Case law according to need

Rahim Ullah
Advocate High Court

5

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No...../2018

Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile Mastuj
District ChitralAppellant.

VERSUS

The Secretary, Finance Khyber Pakhtunkhwa and
others..... Respondents

AFFIDAVIT

I Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile
Mastuj District Chital, do hereby solemnly affirm and declares on oath
that the contents of the accompanying Service Appeal are true and
correct to the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.

26 OCT 2018
ATTLES
ANGEN
PESHAWAR
Oath
Commissioner



DEPONENT

6

**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No...../2018

*Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile Mastuj
District Chitral.....Appellant.*

VERSUS

*The Secretary, Finance Khyber Pakhtunkhwa and
others..... Respondents*

ADDRESSES OF PARTIES

APPELLANTS

*Hyder Ghulam son of Firdewsy R/O Village Sonoghore Tensile
Mastuj District Chitral.*

RESPONDENTS

- 1) *Govt of ,KhyberPakhtunkhwa through its Secretary Finance Civil
Secretariat Peshawar.*
- 2) *The Secretary Public Health ,Khyber Pakhtunkhwa Peshawar.*
- 3) *The Accountant General Khyber Pakhtunkhwa Peshawar*
- 4) *The Exective Engineer Public Health Engg: Division Chital .*
- 5) *District Account officer Chital.*

Appellant

Through

RAHIM ULLAH

Advocate High Court

Office: Rahim &Qazi Law

Associates, 2nd floor continental

Plaza Swat

Cell No. 0334-3251883

7

MEDICAL CERTIFICATE.

Ann A

Name of Official, Mr. Haidar Ghulam.
 Cast or race, Zondray (Muslim Pakistani).
 Father's name, Mr. Firdawsy Lal.
 Residence, Village of Sonoghore Tehsil Mastuj District Chitral
 Date of birth, 1956.
 Exact height by measurement, 5'-6"
 Personal mark of identification, A wound Scar on the Lt: side of Fore-head.
 Signature of the Official
 Signature of head of office

Report sent to duty on 1/2/14

Head of Office
[Signature]

I do hereby certify that I have examined Mr. Haidar Ghulam, a candidate for employment in the office of the Public Health Engg: Depdt: Chitral. and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except *X*

I do not consider this as disqualification for employment in the office of the PHED Chitral. His age according to his own statement, 37, years and by appearance about *Thirty seven* years.

Attested

[Signature]
 Sub District Officer
 Public Health, District
 Chitral

[Signature]
 28/1/93

LEFT HAND THUMB AND FINGER IMPRESSIONS

Note:—The outline

1. Name

2. Race

3. Residence

4. Father's name

5. Date of birth nearly as of

6. Exact height

7. Personal mark

8. Left hand thumb impression of (non)

Little Finger

Middle Finger

Thumb

9. Signature of

10. Signature and Head of the Officer.

(8)

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

1. Name MR. Haidar Ghulam

2. Race Zomray (Muslim Pakistani)

3. Residence Village of Sonoghore Tehsil Mastuj District Chitral.

4. Father's name and residence MR. Firdowsy Lal Village of Sonoghore Tehsil Mastuj Dist. Chitral.

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

6. Exact height by measurement 5'-6"

7. Personal marks for identification A Wound Scar on the lt. side of Fore-head

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.

Attested

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

[Signature]
Sub Divisional Officer
Public Health Branch
District Chitral

et Chitra

f Fore-head.

on 1/2/14
23/14

tral.

PHED Chitral

1/93

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Fixed Pay Rs. 1200/-			1200/- P.M.			1/12/73	
			1200/- P.M.			1/12/73	
			1200/- P.M.			1/12/74	
			1200/- P.M.			1/12/75	
			1200/- P.M.			1/12/76	
			1200/- P.M.			1/12/77	
			1500/- P.M.			1/12/78	
			1800/- P.M.			1/12/79	
			2000/- P.M.			1/12/80	
			2000/- P.M.			1/12/81	
			2500/- P.M.			1/12/82	
			2500/- P.M.			1/7/83	
			2800/- P.M.			1/12/83	
			2800/- P.M.			1/12/84	

9

8	9	10	11	12	13	14	15				
					Leave						
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant.			
						Period			Government to which debit to		
Signature of Government servant					Signature and designation 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			
					Appointed as <u>Revenue Officer</u>	27/01/93	Promotion		M.P.C.C.	S.D.O.	
					KEN. RAED C/O No. 0315-61	Dated 27/01/93					
					Arrival on 11/02/1993						
										TR-14	
										2/2/2016	
										Paid Area pay for	
										Allances with OBP	
										upto 1-7-2016 - 1-1-2016	
										RS. 30069/-	
										D.O.	
									Attested		

Deputy District Officer
 District Supply & Transport
 Government of Madhya Pradesh

Attested

District Officer
 District Supply & Transport
 Government of Madhya Pradesh

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
			3100/- P.M.			1 ¹² / ₀₅	
			3500/- P.M.			1 ⁰⁷ / ₀₆	
			4000/- P.M.			1 ¹² / ₀₆	
			4000/- P.M.			1 ¹² / ₀₇	
	Revised Entries due to conversion of P/Way Post to contract Post as notified by FD ¹⁰ NO B01/11-22/2007-08/FD dt. 29-1-08						
920-26-1310			920/-	✓		2 ¹² / ₉₃	
Pay on 1-2-93			946/-	✓		1 ¹² / ₉₃	
Pay on 1-12-93							
Revised BNS 1994							
1245-35-1770							
Pay on 1-1-94			1280/P.M.	✓		1 ⁷ / ₉₄	
Pay on 1-12-94			1315/P.M.	✓		1-12-94	
Pay on 1-12-95			1350/P.M.	✓		1-12-95	
Pay on 1-12-96			1385/P.M.	✓		1-12-96	
Pay on 1-12-97			1420/P.M.	✓		1-12-97	
Pay on 1-12-98			1455/P.M.	✓		1-12-98	
Pay on 1-12-99			1490/P.M.	✓		1-12-99	
Pay on 1-12-2000			1525/P.M.	✓		1-12-2000	
Revised BNS 2001							
1870-55-3520			2310/P.M.	✓		1-7-2001	
Pay on 1-7-2001			2365/P.M.	✓		1-12-2001	
Pay on 1-12-2001							

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Pay on 1-12-02			2420/pm	/		¹² 1-02	
Pay on 1-12-03			2475	/		¹² 1-03	
Pay on 1-12-04			2530	/		1-12-04	
Pay on Revised BPS 2005 2150-65-4100			2930/pm	/		¹² 1-05	
Pay on 1-7-05			2995/pm	/		1-12-05	
Pay on 1-12-05			3060/pm	/		1-12-06	
Pay on 1-12-06			3525/pm	/		¹² 1-07	
Revised BPS 2007 2475-75-4725			3600/pm	/		¹² 1-02	
Pay on 1-7-07			4320/pm	/		¹² 1-08	
Pay on 1-12-07							
Revised BPS 2008 2970-90-5670							
Pay on 1-7-08							
2970-90-5670	d	d	4410/pm			¹² 1-08	

2008
OFFICE OF THE ACCOUNTANT GENERAL
N.W.F. PROVINCE
PAY FIXED IN THE REVISED BASIC
PAY SCALES

OF RS 2970-90-5670
AT RS 4320 P.M.W.E.F 1-07-2008
With Next Increment on 1-12-2008

[Signature]
ACCOUNTS OFFICER

11

		9	10	11	12	13		14	15	
		Signature and designation 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 to any recorded punishment or censure, or reward or praise of the Government Servant:	
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
							Period			Government to which debitable
2	Signature of Government servant		Annual Inc. granted				12/02			
3					-do-		12-03			
2-04					-do-		12-04			
2-05			Pay fixed in Revised BPS				02/05			
12-06			Annual Inc. granted				12/05			
					-do-		12/06			
2-07			Pay fixed in Revised BPS. 2007							
12-02			Annual Inc. granted				12/07		Sub Divisional Officer Public Health Engg. & Medical Control	
2-08			Pay fixed in Revised BPS				2008		1-2-93	
							31-7-08		Transferred from the service of pay scale of A/Asst. Engineer to the Government.	
			Deputy District Officer Water Supply & Sanitation						Deputy District Officer Water Supply & Sanitation	
12-08			30-11-08 Annual Inc. granted.							
							30/11/08		Transferred from the service of pay scale of A/Asst. Engineer to this Division.	
			TR 452 / 1571							
			Kindly advise all SRA, A and B persons all over 01-07-08 to 31-12-08 community in 149/126/13							
			Deputy District Officer Water Supply & Sanitation						Deputy District Officer Water Supply & Sanitation	
									Sub Divisional Officer Public Health Engg. & Medical Control	

of ment
2
3
7
5
2-05
12-06
2
07
12
02
7
08
12
08

Signature of Government servant

Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government

Reference to any recorded punishment or censure, or reward or praise of the Government Servant:

Deputy District Officer Water Supply & Sanitation

Deputy District Officer Water Supply & Sanitation

Deputy District Officer Water Supply & Sanitation

Deputy District Officer Water Supply & Sanitation

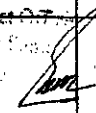
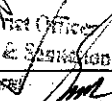
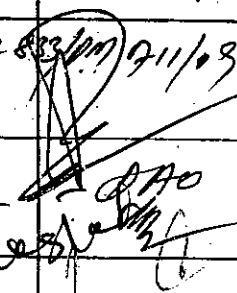
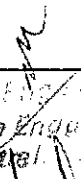
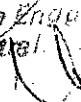

Attested

Sub Divisional Officer Public Health Engg. & Medical Control

149/126/13

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
2970-90-5670			4500/pm			12/59	
2970-90-5670			4500/pm			12/59	
BPS- I							
2970-90-5670			4590/pm			12/20	

12

9	10	11	12	13		14	15
Signature and designation 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 to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit		
In Resuance of FD No. FD (SR-1) 2008 MISC/2008 dated 13/7/09, The allowances SAA, SRA, ARA, DA are being recovered w.e.b 17/08 Through Source II as per following detail							
Total Recovery equal instalments 16649/-							
up to 6/2001 Rs: 833/pm. 10/09 to 6/2011 20 months.							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="470 1052 564 1153">30/11/09</div> <div data-bbox="674 1019 909 1142"> <p>Deputy District Officer Water Supply & Sewerage Chennai</p>  </div> <div data-bbox="1034 1052 1223 1153">TR 229/13/11</div> </div>							
Recovery of own Payment w.e.f 01-07-08 to 30-06-09							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="470 1299 564 1400">30/11/09</div> <div data-bbox="595 1321 972 1478">Annual Increment Granted.</div> <div data-bbox="1003 1321 1536 1500">Total Recovery of Rs. 16649/- first instalment @ 833/pm 7/11/09</div> </div>							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="470 1545 705 1668"> <p>Deputy District Officer Water Supply & Sewerage Chennai</p>  </div> <div data-bbox="831 1512 1176 1612"> <p>30/11/09. Period from 1-12-08 to 30-11-09</p> </div> <div data-bbox="1223 1388 1536 1680">  </div> </div>							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="470 1792 564 1870">30/11/2010</div> <div data-bbox="595 1814 1128 1881">Annual Increment granted</div> <div data-bbox="1019 1870 1348 1982">Service rendered from the office on account of Pay Bills & Acq. Form for the Period</div> </div>							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="423 2004 674 2105"> <p>Executive Engineer Public Health Engg Chennai</p>  </div> <div data-bbox="1019 2004 1395 2038">From 1-12-09 to 30-11-2011</div> </div>							
<div style="display: flex; justify-content: space-between;"> <div data-bbox="423 2139 674 2217"> <p>Executive Engineer Public Health Engg Chennai</p>  </div> <div data-bbox="831 2139 1097 2217"> <p>Public Health Engg Chennai</p>  </div> </div>							

Signature of Government servant

2
70

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Revised BPS (2011)							
4800-156-9300			7500/			12/2011	
BPS-I							
4800-156-9300			7650/pm			12/2011	

OFFICIALS IN CHARGE
K...
PAY...
... 2011

OF THE...
AT RS...
WITH EFFECT...

1-07-2011
1-12-2011

Pay...

Handwritten signature and date: 1-7-2007

9	10	11	12	13		14	15
Signature and designation 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 to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit to		
				BPS-I (4800-150-9300) vide Finance Department RPR Peshawar 01010-RD (PRC) 1-1-2011 Dated Peshawar 14/11/2011			
						EXECUTIVE ENGINEER Public Health Engg. Diva Peshawar	

Signature of Government servant

Pay fixed provisionally in BPS-I (4800-150-9300) vide Finance Department RPR Peshawar 01010-RD (PRC) 1-1-2011 Dated Peshawar 14/11/2011

30/11/2011 Annual increment granted

Service of Public Health Engg. Diva by Bill & Acc. From 1/11/2011 to 30/11/2011

EXECUTIVE ENGINEER
Public Health Engg. Diva
Peshawar

EXECUTIVE ENGINEER
Public Health Engg. Diva
Peshawar

2007

Attested

EXECUTIVE ENGINEER
Public Health Engg. Diva
Peshawar

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
2150-65-4100		Revised Entire 30/6/2007	3060/pm			30-6 2007	
Revised 2007							
2475-75-4725							
1-7-2007							
BPS-2			3595	Fixed		1-7 2007	
2530-85-6080	split						
1-9-2007	increment		3635			1-9 2012	
1-12-2007			3720			1-12 2007	
Revised 2008							
3035-100-6035							
1-7-2008	Fixed		4435			1-7 2008	
1-12-2008			4555			1-12 2008	
1-12-2007			4635			1-12 2007	
1-12-2010			4735			1-12 2010	
Revised 2011							
4900-170-10000	Fixed		7790			1-7 2011	
1-7-2011							
1-12-2011			7960			1-12 2011	

(14)

7	8	9	10	11	12	13		14	15
						Nature and duration of leave taken	Leave		
Date of appointment	Signature of Government servant	Signature and designation 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		Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer
						Period	Government to which debitable		
30-6-2007									
7-2007									
9-2012									
12-2007									TRSB4 08
1-7-2008									Paid arrears
1-7-2008									Paye allocs. cl
12-2007									Re-fixation in
12-2010									B-2 wuf 17-01 31-1-013
7-2011									Pay 10540- HR 978- ANOS 652- AN 517 223- AN 011 418- AN 012 442-
12-2011									

Annual Increment

Annual Increment

Annual Increment

Annual Increment

Allesha

Said Mun
EXECUTIVE ENGINEER
Public Health Engg. Divn
CHITRAL

Said Mun
Public Health Engg. Divn
CHITRAL

5262

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
BPS - 2 (4900-170-10000)		Annual Increment granted					
BPS - 2 (4900-170-10000)			8130/pm			1/12/2012	
BPS - 2 (4900-170-10000)			8300/pm			1/12/2013	
BPS - 2 (4900-170-10000)			8470/pm			7/20/14	

15

8	9	10	11	12	13 Leave		14	15	
Signature of Government servant	Signature and designation 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	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Period	Government to which debit to		
		30 th 11/2012							Annual Increment granted
									Service verified from the office copies of Pay Bills & Acq. Roll for the Period
						11/21/2011			30/11/2012
									EXECUTIVE ENGINEER Public Health Engg. Divn CHITRA
		30 th 11/2013							Annual Increment granted
									Service verified from the office copies of Pay Bills & Acq. Roll for the Period
						11/21/2012			30/11/2013
									EXECUTIVE ENGINEER Public Health Engg. Divn CHITRA
									EXECUTIVE ENGINEER Public Health Engg. Divn CHITRA
									Granted one premature increment vide Govt of M.P. Finance Deptt. Notification No. FD(SOSR-1)2-103/2014 Dated 14/7/2014
									W-ef. 1/7/2014
									Attested
									Executive Engineer Public Health Engg. Division CHITRA
									Signature of Head of Office Public Health Engg. Divn CHITRA

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
BPS-2 (4900-170-10000)			8640/PM	✓		12 2014	
BPS-2 (6335-270-12935)			11175/PM	✓		12 2015	
BPS-04 (6730-300-15730)			11235/PM	✓		12 2015	
BPS-04 (6730-300-15730)			11530/PM	✓		12 2015	

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9	10	11	12	13		14	15
				Leave			
Signature and designation 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	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Period	Government to which debitable		

30/11/2014

Annual Increment Granted

[Signature]
 Executive Engineer
 Public Health Engg. Division
 Chitral

... from the
 ... of Pay Bills &
 ... for the Period
 30/11/2014 to 30/11/2014

[Signature]
 Executive Engineer
 Public Health Engg. Division
 Chitral

(A) Pay fixed Provisionally in BPS 02 (6335-220-12935)
 vide Private Deptt. KPK Pathway of NO2 PD (PRC)
 1-1/2015 dt. 27/7/2015.

[Signature]
 Executive Engineer
 Public Health Engg. Division
 Chitral

TR 524
 10/12/14

(B) Upgraded from BPS-2 to BPS-04
 vide Govt. of KPK Pathway 90
 PD/50 (PR) 7-20/2015 dt. 13/9/2015

(C) Granted one premature increment and upgradation.

TR 40
 2/9/15

[Signature]
 Executive Engineer
 Public Health Engg. Division
 Chitral

one premature
 inc. 1-7-15 to 31-8-15

Paid arrears

Paye arrears 1-7-15 to 31-8-15

[Signature]
 10/9/15

Attested

[Signature]
 1-7-15 to 31-8-15

[Signature]

[Signature]

17	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
BPS-04 (6730-300-15930)			11 834/PM 11534/PM			12 1/2015	

BPS-04

(6730-300-15930)

11 834/PM
11534/PM

12
1/2015

12136/PM

30.6
2016

18
23

Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave 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	14 Signature of the head of the office or other attesting officer	15 Reference to a recorded punishment or censure, or reward or praise of the Government Servant.
		30/11/2015		Annual Increment granted			
			<i>[Signature]</i> Executive Engineer Public Health Engg. Division Chitral		Service verified from the State copies of Pay Bills and Roll for the Period from 1/12/15 to 30/11-2015		
			<i>[Signature]</i> Sub Divisional Officer Public Health Engg. Sub Division Mastuj			<i>[Signature]</i> Executive Engineer Public Health Engg. Division Chitral	
						TR-14	
							2/2/2016
				Advance Increment			The official has been relieved from Govt Service on 30/6/2016
				Service verified			from 01-02-1993 to 30/6/2016
				<i>[Signature]</i> EXECUTIVE ENGINEER Public Health Engg. Divn. Chitral		<i>[Signature]</i> EXECUTIVE ENGINEER Public Health Engg. Divn. Chitral	
						TR 281	9-6-16
						Pandave	mat ch. 121501
				Attest			= 145560/ann
				<i>[Signature]</i> Sub Divisional Officer Public Health Engg. Sub Division Mastuj			retire 30/6/16

DA

(19) Ann B

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION CHITRAL.

Ph#0943-412663 Fax #0943-412771 E-mail: xenphechitral@gmail.com.

OFFICER ORDER.

Mr. Haider Ghulam Valveman WSS Sonoghor BPS-04 shall stand retired from Government Service on 30.06.2016 (A.N) on superannuation in completion of 60 years of his age.

He is entitled of encashment of L.P.R of 365 days leave in lump sump subject to fulfillment of all codal formalities and availability of budget under the relevant head of account.

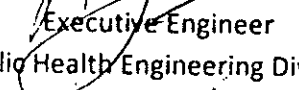
Executive Engineer
Public Health Engineering Division
Chitral.

No 04 /E-6/

Dated Chitral the 06/06/2016.

Copy to:

1. The District Accounts Officer Chitral for information & necessary action.
2. The DAO (Local) for information and necessary action.
3. Mr. Haider Ghulam Valveman.


Executive Engineer
Public Health Engineering Division
Chitral.

25

11

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10

سرکاری نوکری کے لئے درخواست
کے لئے درخواست

مراسلہ نمبر: پی۔ او۔ اے۔ اے۔ ۱۸۱۲۲-۸۷-۲۰۰۷-۳۰۰۷ ایف۔ ڈی۔
تاریخ: ۲۹ جنوری، ۲۰۰۸ء

Ann C

- ۱۔ تمام انتظامی معتمدین کی تعینات صورت صوبہ سرحد۔
- ۲۔ معتمد برائے گورنر صوبہ سرحد پشاور۔
- ۳۔ پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- ۳۴۔ تمام سربراہان مانتہت گورنر صوبہ سرحد۔
- ۵۔ تمام تعلیمی رابطہ افسران صوبہ سرحد۔
- ۶۔ رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷۔ رجسٹرار، سب سے ہائی کورٹ، صوبہ سرحد، پشاور۔
- ۸۔ سیکریٹری سوبانہ ایگرونی کوشش، صوبہ سرحد، پشاور۔
- ۹۔ سیکریٹری برائے تعلیم، صوبہ سرحد۔

CTC

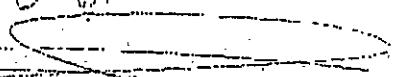
بجواز تقریر ۲۰۰۷-۰۸ سے شروع ہونے والے (Fixed pay) کے لئے
ملازمین کے لئے پی۔ پی۔ ٹی۔ کا اعلان۔

جناب عالی!

مجھے خدایت کی گئی ہے کہ عموماً یہ واقعہ دیکھتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ
چھارم (مقررہ تنخواہ Fixed pay) پانچواں ملازمین کو یکم جولائی ۲۰۰۸ء سے این۔ ڈبلیو۔ ایف۔ پی۔ ہول
ملازمین ایکس پی۔ پی۔ کے تحت سول ملازمین کو چھارم درجہ بنیادی سکیل (BPS-1) دینے کی منظوری دی
ہے۔

۲۔ مذکورہ ملازمین کی تنخواہوں کا (Fixation of pay) ان کی بھرتی کے تاریخ (Date of
Appointment) سے کیا جائے گا۔ ملازمین، تنخواہوں اور الاؤنسز وغیرہ کی مد میں کسی قسم کی بقایا
بات (arrears) کے مقدار نہیں ہوگی۔

۳۔ اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی ہدایات یکم جولائی ۲۰۰۸ء سے منسوخ تصور
کی جائیں گی۔

آرٹھوٹھس

سر ایف۔ ڈی۔

Better Copy

حکومت صوبہ سرحد

محکمہ خزانہ

مراسلہ نمبر: بی۔ او۔ ا۔ ا۔ ۱۸۱۔ ۲۲۔ ۸۶۔ ۲۰۰۷۔ ۲۰۰۷۔ ۲۰۰۷۔ ڈی

مورخہ ۲۹ جنوری ۲۰۰۸ء

بخدمت:

- ۱۔ تمام انتظامی معتمدین حکومت صوبہ سرحد
- ۲۔ معتمد برائے گورنر صوبہ سرحد، پشاور۔
- ۳۔ پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- ۴۔ تمام سربراہان ماتحت محکمہ جات صوبہ سرحد۔
- ۵۔ تمام ضلعی رابطہ افسران صوبہ سرحد۔
- ۶۔ رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷۔ رجسٹرار، سروس ٹریبونل صوبہ سرحد، پشاور
- ۸۔ سیکرٹری، صوبائی پبلک سروس کمیشن، صوبہ سرحد، پشاور۔
- ۹۔ سیکرٹری بورڈ آف ریونیو، صوبہ سرحد۔

عنا

عنوان:- بجٹ تقریر ۲۰۰۷-۲۰۰۸ میں درجہ چہارم کے مقررہ تنخواہ ہانے والے (Fixed Pay)

ملازمین کے لئے سی۔ پی۔ فنڈ کا اعلان۔

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ "Fixed Pay") ہانے والے ملازمین کو یکم جولائی ۲۰۰۸ء سے این۔ ڈبلیو۔ ایف۔ پی۔ سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیکر بنیادی سکیل - (1-BPS) دینے کی منظوری دی ہے۔

۲۔ مذکورہ ملازمین کی تنخواہوں کا تعین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of appointment) سے کیا جائے گا۔ تاہم ملازمین تنخواہوں اور الاؤنسز وغیرہ کی مد میں کسی قسم کی بقایا جات (arrears) کے حقداران نہیں ہونگے۔

۳۔ اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی / ہدایات یکم جولائی ۲۰۰۸ء سے منسوخ تصور ہونگے۔

اپکا مخلص

دستخط انگریزی

(12)

92

تفہیم نمبر و تاریخ النفاذ:

- انتقل برائے اطلاع:
- (1) ایچ ڈی سیٹ جنرل، صوبہ سرحد، بمبئی، راولپنڈی، کہ مندرجہ بالا اقدامات کی نافذ العمل کو یقینی بنایا جائے۔
 - (2) جیلز، ایگزیکٹو ڈائریکٹ، سرکٹ آفیسرز، ایف ڈی پلاننگ، صوبہ سرحد۔
 - (3) جملہ ضلعی آفیسران حساب دار کی صوبہ سرحد۔

میزانچہ افسر (1) محکمہ خزانہ

تفہیم نمبر و تاریخ النفاذ:

- انتقل برائے اطلاع:
- (1) سٹی منسٹر برائے چیف سیکرٹری، صوبہ سرحد۔
 - (2) جملہ اضافی مستمدین و نائبین مستمدین محکمہ خزانہ، صوبہ سرحد۔
 - (3) جملہ ہیڈ آفیسرز، سیکشن آفیسرز، خزانہ، صوبہ سرحد۔
 - (4) ڈائریکٹر، فنیو، فنیو، صوبہ سرحد۔
 - (5) سٹی منسٹر برائے فنانس سیکرٹری، صوبہ سرحد۔

میزانچہ افسر (1) محکمہ خزانہ

e.T.

تظہیر نمبر و تاریخ ایضاً:

نقل برائے اطلاع:

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

دستخط انگریزی

میزانیہ افسر (۱) محکمہ خزانہ

C

تظہیر نمبر و تاریخ ایضاً:

نقل برائے اطلاع:

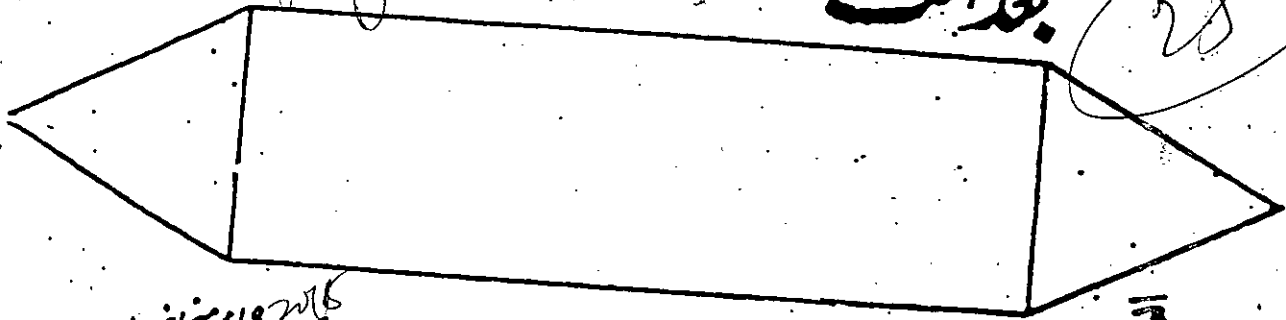
- (۱) نجی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
- (۲) جملہ اضافی معتمدین و نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
- (۳) جملہ بجٹ آفیسرز سیکشن آفیسر محکمہ خزانہ، صوبہ سرحد
- (۴) ڈائریکٹر، FMIU محکمہ خزانہ صوبہ سرحد۔
- (۵) نجی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

دستخط انگریزی

میزانیہ افسر (۱) محکمہ خزانہ

بعدالت خاص سوئٹرز ہونے کا

28



کاغذ اور منجانب

صدر علام بنام حکومت و غیرہ

موزن 10/26

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پروردی و جواب وہی و کل کارروائی متعلقہ آن مقام سوئٹرز کے لئے رجم اللہ علیہ السلام اور اس کے لئے مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز دیکھیں صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برحمت دیے جواب وہی اور اقبال دعویٰ اور بصورت دیگر ہی کرنے اجراء اور وصولی چیک پر وہی اور عرضی دعویٰ اور درخواست ہر قسم کی تسدیق نہ رہا ہے پرستند کرنے کا اختیار ہوگا۔ نیز بصورت عدم پروردی یا دیگر کیکنر یا اپیل کی برآمدگی اور سزا کی نیز دائر کرنے اپیل نگرانی و نگرانی پروردی کرنے کا اختیار ہوگا۔ اور بصورت ندرت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور دیکھیں یا اختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو ہمیں وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائزہ اتوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق دیکھیں صاحب موصوت ہوں گے۔ نیز بقایا خرچہ کی دھولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو دیکھیں صاحب پابند نہ ہوں گے۔ کہ پروردی مذکور کریں۔ لہذا ذرا کات نامہ لکھد یا کہ مستند رہے۔

20/11

مقدمہ

26

المترجم

مذکورہ

صدر علام و کل موزن لال

Noted and accepted
 Rahimullah
 0334-3287883

بقام
 office. 2nd floor Continental
 Plaza Makani Bazar
 Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 103/2019.

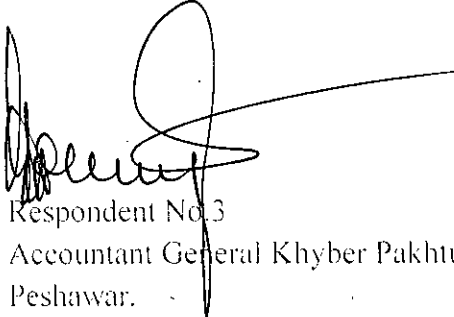
Haider Ghulam (Appellant)

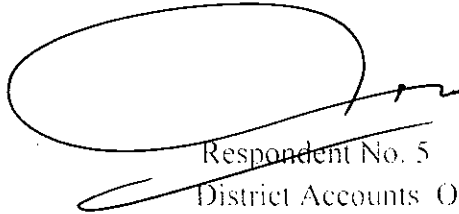
VERSUS

Secretary Finance & others (Respondents)

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Para wise comments & affidavit		1-----3
2.	Circular letter No. B.O 21 -22 /20CT -08 /FD dated 30/07/2008	"A"	4
3	Notification dated 29 /1/2008	"B"	5
4	Copy of enclosure	"C"	6


Respondent No. 3
Accountant General Khyber Pakhtunkhwa
Peshawar.


Respondent No. 5
District Accounts Officer Chitral

**Accountant General
Khyber Pakhtunkhwa
Peshawar.**

حکومت پنجاب XEN صاحب ویرال

241

مضمون ۱۔ درخواست عیاشی / Issue

کرنیشن

Ann D

صاحب عالی - سائل صاحب عیاشی تزاریں

1) سائل سال 1992 میں پیدائش کے وقت "والدین"

کی پوسٹ پر پھرتی ہوا تھا۔ سال 2016 کو اپنی

خدمت سے انعام دیکر ریٹائر ہو چکا ہے۔

3) یہ سائل ابھی تک کوئی نتیجہ حاصل نہیں کیا ہے

صاحب عالی کے تزارش ہے کہ سائل کی زندگی جاری رکھنے کی

اجازت کی صلح صادر فرمائی جائے۔

اندرین کارڈ آرڈر کے بارے میں

یہ سائل کے بارے میں

ادیشن کی صلح صادر فرمائی جائے

لکھنؤ

8/10/2018

سید عید غلام ولد فرید حسن وال سید منو غور حق مہج



صاحب عالی

The previous case of the accused have been submitted to D.A.O. Chitral but the same was returned with the official is not entitled to pension benefit. Pined. Pay, home.

DAO / Jamil etc

11/10/2018

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 103/2019.

Haider Ghulam son of Firdowsi R/O Village Sonoghore tehsil Mastuj District Chitral.

(Appellant)

VERSUS

1. Govt of Khyber through Secretary Finance, Civil Secretariat, Peshawar
2. The Secretary Public health Civil Secretariat Peshawar.
3. The Accountant General Khyber Pakhtunkhwa Peshawar.
4. the executive Engineer Public Health Engg: Division District Chitral.
5. District Account Officer Chitral.

(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 3&5.

Preliminary Objections:

- A. That the Petitioner has no cause of action against the respondent.
- B. That the Petitioner has no locus standie.
- C. That the instant appeal is not maintainable.
- D. That the instant Appeal is time barred.

Respectfully Sheweth:-

Para 1:-

Para No. 1 is correct.

Para 2&3:-

Correct, that the appellant was regularized with effect from 1st, July 2008 (but not from the date of his appointment) in light of Finance Department Peshawar notification No. B.O1/ FD/1-22/2008-09 dated 30.07.2008. Hence he had not completed the qualifying service for pension that is 10 years (Annex -A)

Para No.3 of the above said minutes of the meeting is reproduced as under for further guidance of the Honorable Court.

(while participating in the discussion the representation of law department stated that all Class IV (Fixed Pay Employees) have been regularized in BPS-1 giving them the status of Civil Servant w.e.f 1st, July, 2008 but not from the date of appointment as per circular letter No. BO-21-22/20CT-08/FD dated 31/7/2008 with enclosure is annexed.)

Para 4:-

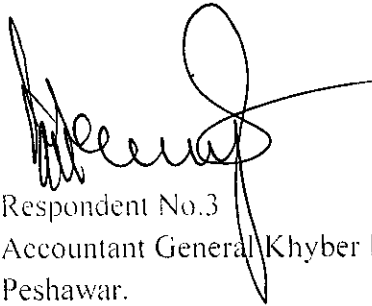
Para No.4 is not correct, the Petitioner has been treated in accordance with law and existing

Grounds:

- a. Incorrect, that respondent No. 3&5 are bound to follow the Rules and instructions are issue Provincial Government from time to time.
- b. Incorrect, because the Petitioner's service is less than 10 years and in light of Finance Department Peshawar vide letter No. BO/FD/1-22/2008-09, dated 30/7/2008 the appellatant was regularized with effect from 1/7/2008. Hence the appellatant had not completed the qualifying Service for pension and not entitled for any pension under the Rule.
- c. Para No.4 is incorrect. the official respondents have treated according to the existing Rule and Policy.

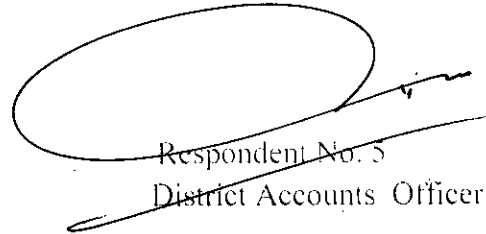
Keeping in view the above mentioned facts, it is humbly prayed that the appeal in hand, having no merits, may be dismissed with cost.

Dated : ____ / ____ /19



Respondent No.3
Accountant General Khyber Pakhtunkhwa
Peshawar.

**Accountant General
Khyber Pakhtunkhwa
Peshawar.**



Respondent No. 5
District Accounts Officer Chitral

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal NO 102 / 2019 .

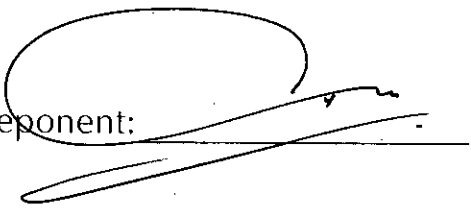
Niat Murad Khan (Petitioner)

Versus

Secretary Finance etc (Respondents) .

(Affidavit)

I, Zulqarnain Quraishi District Account Officer Chitral do hereby solemnly affirm and declare that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this august Court.

Deponent: 

6 8

9

The Accountant General,
NWFP, Peshawar.

Subject: BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV
INTO REGULAR BPS-1 CP FUND SCHEME.

Dear Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointment) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rules/Regulations.

Yours faithfully,

Fida Muhammad
Budget Officer-I

Encl. No. & Date given:

Copy is forwarded w/r to Finance Dept's circular letter No. BQ1/1-22/2007-09/FD dated 29/1/2008, for information & necessary action to:-

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Comptroller Officers, in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary, Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar

BUDGET OFFICER-I

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR
No. H.24(85)/BPS-2006-07/Prov. Corresponds File/906 Dated: 07-08-2008

Copy of the above is forwarded for information and necessary action to all concerned.

1. All DAOs/AOs in NWFP.
2. All Payrolls Section (3).
3. For DAOs.
4. Pension (3).

K-A

حکومت صوبہ پشاور
صالحہ منجانبہسراسر نمبر پی۔ او۔ ا۔ ا۔ ۱/۲۲-۰۸-۲۰۰۷-۲۰۰۷ ایف۔ ڈی
مورخہ ۲۹ جنوری، ۲۰۰۸ء

محررت

- ۱۔ تمام انتظامی معتمدین حکومت صوبہ پشاور۔
- ۲۔ معتمد برائے گورنر صوبہ پشاور۔
- ۳۔ ڈپٹی سیکرٹری سٹاف آفیسر برائے وزیر اعلیٰ صوبہ پشاور۔
- ۴۔ تمام سربراہان ماتحت محکمہ جات صوبہ پشاور۔
- ۵۔ تمام ضلعی رابطہ افسران صوبہ پشاور۔
- ۶۔ ڈپٹی سیکرٹری پشاور ہائی کورٹ، پشاور۔
- ۷۔ ڈپٹی سیکرٹری سروسز، پشاور، صوبہ پشاور۔
- ۸۔ ڈپٹی سیکرٹری، صوبائی بلک سروسز، صوبہ پشاور۔
- ۹۔ ڈپٹی سیکرٹری بورڈ آف ریونیو، صوبہ پشاور۔

بجٹ تقریر ۲۰۰۷-۰۸ میں درجہ چہارم کے مقررہ تنخواہ ہانے والے (Fixed pay) ملازمین کے لیے پی۔ پی۔ فنڈ کا اعلان۔

سنات عالی

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ Fixed pay) ہانے والے ملازمین کو یکم جولائی ۲۰۰۸ سے این ڈبلیو ایف۔ پی سول ملازمین ایکٹ ۱۹۷۳ کے تحت سول ملازمین کا درجہ دیگر بنیادی سکیلز (BPS-1) دینے کی منظوری دی ہے۔

ذکورہ ملازمین کی تنخواہوں کا تعین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین، تنخواہوں اور الائنس وغیرہ کی مد میں کسی قسم کی بقایا حالت (arrears) کے حقدار نہیں ہونگے۔

ان سلسلے میں سے جاری شدہ تمام ایسی برہنات، یکم جولائی ۲۰۰۸ء سے منسوخ تصور

آرکائیو

S-B

- 2 -

تظہیر نمبر و تاریخ الضم:

نقل برائے اطلاع:

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

فد محمد اعظمی
میزانیہ افسر (۱) محکمہ خزانہ

تظہیر نمبر و تاریخ الضم:

نقل برائے اطلاع:

- (۱) نجی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
- (۲) جملہ اضافی مستمدیناد نائب معتمدین محکمہ خزانہ، صوبہ سرحد۔
- (۳) جملہ بجٹ آفیسرز سیکشن، سرز محکمہ خزانہ، صوبہ سرحد۔
- (۴) ڈائریکٹر، FMIU محکمہ خزانہ، صوبہ سرحد۔
- (۵) نجی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

فد محمد اعظمی
میزانیہ افسر (۱) محکمہ خزانہ

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

No BO1/FD/1-22/2008-09/
Dated Peshawar, the 30/7/2008

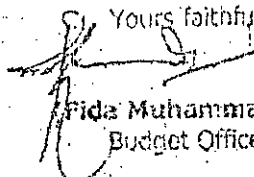
The Accountant General,
NWFP, Peshawar.

Subject: BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV
INTO REGULAR BPS-1 CP FUND SCHEME.

Dear Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants (Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rules/Regulations.

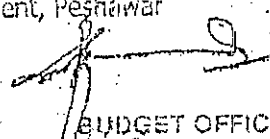
Yours faithfully,


Fida Muhammad
Budget Officer-I

Encl. No. & Date even:

Copy is forwarded w/r to Finance Dept's circular letter No.B01/1-22/2007-09/FD dated 29/1/2008, for information & necessary action to:-

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary, Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar


BUDGET OFFICER-I

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No.H-24(113)/RBPS-2006-07/Prov: Corresponds file/906 Dated: 27-08-2008

Copy of the above is forwarded for information and necessary action to all concerned.

1. All DAOs/AAOs in NWFP.
2. All Payrolls Section (L).
3. Poo to DAOs.
4. Pension (M).



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091,921,1250-53

6

No.H-24/Fixed Employee/2013-14/2011-12 Dated:26.09.2013
To,

All Distt:Accounts Officers / A.O.s
in Khyber Pakhtunkhwa

Subject: **FAMILY PENSION CASE OF LATE MUHAMMAD JAMIL**
CHOWKIDAR GGPS KASHMERI BANDA KARAK.

Please refer to the Distt:Accounts Officer Karak memo
No.DAO/KK/Pen-audit/2012-13/620-21 dated 06.06.2013 on the above
subject.

In light of Finance Deptt: letter No:B.O-I/FD/1-22/2008-09/
dated 30.7.2008, all the class-IV fixed pay employees have been
regularized giving them the status of civil servant wef.1.7.2008 (but not
from the date of appointment); therefore their pension cases may be
decided w.e.f the date of their regularization.

[Signature]
ACCOUNTS OFFICER (HAD) 20/9/13

Copy to:

1. The Distt:Accounts Officer Karak with reference his memo mentioned above.
2. The Eudget Officer-I Govt. of Khyber Pakhtunkhwa, Finance Deptt: Peshawar with reference to your letter mentioned above, for information.
3. The Accounts Officer (Pay Fixation party) for information.

ACCOUNTS OFFICER (HAD)

[Handwritten notes and signatures]
K.K.W
Ming
P.R
Secy
19/9

BEFORE THE HONORABLE CHAIRMAN SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR (CIRCUIT BENCH SWAT).

Haider Ghulam
~~Niaz Murad~~ & Two Others----- Appellant

V/S

Government of Khyber Pakhtunhwa Through its Secretary Finance Civil Secretariat Peshawar &
Others..... Respondents.

(Para wise Reply on behalf of respondents 2 & 4).

Preliminary Objection.

1. That the petitioner has no cause of action.
2. That the petitioner has no locus standi.
3. That the petitioner in hand is not maintainable.
4. That the instant petitioner is time barred.
5. That the identical cause appeal No.1224P/2015 Habib ur Rehman V/S Provincial Govt: Khyber Pakhtunhwa has already dismissed by the Peshawar High Court.

Respectfully Sheweth:

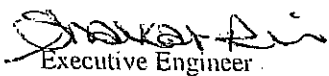
1. Correct.
2. Incorrect, the petitioner was regularized with effect from 1st July, 2008 in light of Finance Department Peshawar Notification No. BOI/FD/1-2/2008-09 dated 30-07-2008. Hence, he has not completed the qualifying service that is ten years.
3. Pension Commutation case were submitted to the District Accounts Office Chitral but it was returned by the concerned Account Office with the remarks that the petitioner is not entitled to pension benefits having less than ten years.
4. That the Respondent No. 2 & 4 are bound to follow the Rules and instructions issued by the Govt: of Khyber Pakhtunhwa from time to time.
5. Needs No Reply.
6. Needs No Reply.

Grounds.

- A In light of Finance Department Peshawar Notification No. BOI/FD/1-2/2008-09 dated 30-07-2008 the petitioner was regularized with effect from 01-07-2008, hence the petitioner has not completed the qualifying service for pension and not entitled for pension under the Rule
- B & C. The Respondents 2 & 4 is bound to follow the Rules and Instruction issued by the Provincial Government of Khyber Pakhtunkhwa from time to time, hence not violated and discriminated any Rule of Law.
- D As mentioned in para "A" above, the Respondents No.2 & 4 is bound to follow the Rules & Instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time.
- E As mentioned in para "A" above the petitioner is not entitled for pension benefits under the Rule.
- F As mentioned in para "A" above.
- G No Comments.

Keeping in view of the above mentioned facts it is further added that the petitioner has been paid G.P Fund and Leave Encashment of LPR (Detail is given below).

S.No.	Name	GP. Fund Paid (Rs.)	Leave Encashment of LPR Paid (Rs)	Total Amount. (Rs)
1	Niat Murad	59,749	187,320	247,069
2	Haider Ghulam	41,183	145,507	186,743
3	Fasli Muhammad	79,243	183,725	262,968


Executive Engineer
Public Health Engineering Division
Chitral